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To: Toronto East York Community Council

Re: Objection to Liquor Licence Application for Increased Capacity, 53-55 Colborne Street

SUMMARY:

2356662 Ontario Inc. has applied to the Alcohol and Gaming Commission of Ontario (AGCO) to increase the indoor area capacity of their liquor licence at Switch Bar, 53-55 Colborne Street (the "Premises"). The applicant is seeking an increase from 155 patrons to 270 for their indoor area.

The City objects to the application for increased capacity. The Premises has generated numerous complaints to the City relating to noise disturbing nearby residents. The City's Municipal Licensing and Standards division have initiated charges for violation of the City's noise by-law and for operating as an entertainment establishment without a licence. These matters are due for scheduling in court.

Until such time that appropriate noise mitigation measures have been implemented at the Premises to prevent impacts on neighbouring residents it is premature to have the capacity for the Premises increased. An increase to almost double the current capacity will exacerbate the impacts felt by area residents in terms of noise and other nuisances. Even if appropriate noise mitigation measures are in place, this application for an expansion of capacity is not in the public interest given the size of the proposed increase from 155 to 270, unless certain conditions, addressing the concerns of the community, are attached to the licence. Under no circumstance should the expansion application be granted without additional conditions being attached to the licence.

RECOMMENDATIONS:

1. That City Council direct the City Clerk to advise the Registrar of the Alcohol and Gaming Commission of Ontario ("AGCO") that the liquor licence expansion application for Switch Bar, 53-55 Colborne Street (the "Premises"), is not in the public interest having regard to the needs and wishes of the residents, and that the Registrar should issue a Proposal to Review the liquor licence expansion application.

2. City Council request the AGCO and the Licence Appeal Tribunal ("LAT") to provide the City of Toronto with an opportunity to participate in any additional proceedings with respect to the Premises.
3. That the City Solicitor be authorized to attend all proceedings before the AGCO and the LAT in this matter and be directed to take all necessary actions so as to give effect to this Motion, including adding and deleting conditions to the current liquor licence issued for the Premises in consultation with the Ward Councillor, which address issues including, but not limited to, noise, safety, security personnel, security cameras, crowd control, signage, lighting and litter.

Sam McCall