
City Council**Motion without Notice**

MM7.24	ACTION			Ward:14
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Liquor Licence - 1346 Queen Street West - Duggan's Brewery - Licence No. 814752 - by Councillor Gord Perks, seconded by Councillor Mike Layton

** This Motion has been deemed urgent by the Chair.*

** This Motion is not subject to a vote to waive referral. This Motion has been added to the agenda and is before Council for debate.*

Recommendations

Councillor Gord Perks, seconded by Councillor Mike Layton, recommends that:

1. City Council direct the City Clerk to advise the Registrar of the Alcohol and Gaming Commission of Ontario (“AGCO”) that the application to expand the liquor licence for the indoor and outdoor areas for Duggan's Brewery, 1346 Queen Street West (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 application.
2. City Council request that the AGCO and the Licence Appeal Tribunal (LAT) provide the City with an opportunity to participate in any proceedings with respect to the Premises.
3. City Council authorize the City Solicitor to attend all proceedings before the LAT in this matter and direct the City Solicitor to take all necessary actions so as to give effect to this Motion, including adding and deleting conditions to any liquor licence issued for the Premises, in consultation with the Ward Councillor.

Summary

Ontario Beer Company Ltd. has submitted an application for an expansion of a liquor licence to the Alcohol and Gaming Commission of Ontario (“AGCO”) for a premises at 1346 Queen Street West operating under the name Duggan's Brewery (the “Premises”). The applicant is seeking an increase in capacity for the indoor area from 135 to 164 and has applied for a licenced outdoor patio on a City boulevard for a capacity of 54 patrons. Concurrently, the applicant has applied to the City for a Boulevard Café Permit to use the flankage portion of Brock Avenue as part of the restaurant.

In April 2011, a new liquor licence application was approved for the Premises by the AGCO for an establishment called Kanji Sushi. The City was an objector to the liquor licence application and as part of a settlement prior to an AGCO hearing the licensee and the City agreed upon conditions to attach to the licence. One of the conditions was to have a maximum capacity of 140 patrons for the indoor area. An application has been made to the Licence Appeal Tribunal to remove or amend conditions attached to the current liquor licence. The application has not yet been advertised so at this time the City is not aware of what conditions on the licence are subject to this application. The removal or amendment of the condition to have a maximum capacity of 140 patrons is required in order have the current indoor capacity increase application approved by the AGCO.

The City objects to the application for an increased indoor capacity. The maximum of 140 patrons agreed upon by the previous licensee, the residents and the City was appropriate for the neighbourhood and the operation of the Premises. This establishment is located in close proximity to residential units. The liquor licence application to expand the indoor area is not in the public interest having regard to the needs and wishes of the residents.

The proposed boulevard patio is located in close proximity to residential properties. Therefore, the application to expand the liquor licence to the outdoor area is not in the public interest unless certain conditions, addressing the concerns of the community, are added to the licence. Under no circumstances should a liquor sales licence for the patio be granted at the Premises without appropriate conditions attached.

This matter is deemed urgent as the deadline to object to the application is June 28, 2015.

Background Information (City Council)

Member MM7.24