

City Council**Notice of Motion**

MM8.9	ACTION			Ward:14
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Application to Remove Conditions from Liquor Licence - 1346 Queen Street West - Duggan's Brewery Licence No. 814752 - by Councillor Gord Perks, seconded by Councillor Frances Nunziata

** Notice of this Motion has been given.*

** This Motion is subject to referral to the Toronto and East York Community Council. A two-thirds vote is required to waive referral.*

** This Motion relates to an Alcohol and Gaming Commission of Ontario Hearing and has been deemed urgent.*

Recommendations

Councillor Gord Perks, seconded by Councillor Frances Nunziata, recommends that:

1. City Council direct the City Solicitor to object to the application to remove the condition from the liquor licence for Duggan's Brewery, 1346 Queen Street West (the "Premises") that the maximum indoor capacity shall not exceed 140 patrons, and to object to any other conditions within the application that are proposed to be removed or amended that the City Solicitor, in consultation with the Ward Councillor, deem appropriate. A change of circumstances has not occurred at the Premises to warrant their removal, and the Licence Appeal Tribunal (LAT) should direct the Alcohol and Gaming Commission of Ontario to issue a Proposal to Refuse the application.
2. City Council request the LAT to provide the City of Toronto 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 the current liquor licence issued for the Premises, in consultation with the Ward Councillor.

Summary

Ontario Beer Company Ltd. has submitted an application to remove or amend conditions from their liquor licence to the Licence Appeal Tribunal ("LAT") for a premises at 1346 Queen Street West operating under the name Duggan's Brewery (the "Premises"). The applicant is concurrently seeking an increase in capacity for both the indoor and outdoor licenced areas from the Alcohol and Gaming Commission of Ontario ("AGCO).

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 several conditions to attach to the licence. One of the conditions was to have a maximum capacity of 140 patrons for the indoor area. As of the date of this Motion, the application to remove or amend conditions has not been advertised or been made public by the LAT, and the time period to object has not commenced. Therefore, it is uncertain as to what conditions other than the maximum capacity of 140 patrons condition will be subject to the application.

Once the application is fully processed and advertised, any objector must submit their objection letter to the LAT within 30 days. A failure to do so risks not having any status with regard to the application. Because of the large gap between the July 7 and 8, 2015 and the September 30 and October 1, 2015 Council meetings, if the objection period commences prior to August 31, 2015, Council will not have any opportunity to instruct the City Clerk or the City Solicitor to object to the application prior to the objector deadline. The recommendations within this Motion instruct the City Solicitor to object to the removal of the maximum capacity condition once the application is advertised and to object to any other conditions that the City Solicitor, in consultation with the Ward Councillor, deem appropriate. There has been no change in circumstance to warrant the removal of the maximum capacity condition or other conditions that may be subject to the application and it is not in the public interest to have them removed.

This matter is deemed urgent as the deadline to object will likely be prior to the September 30 and October 1, 2015 Council meeting.

Background Information (City Council)

Member Motion MM8.9