

City Council

Motion without Notice

MM9.57	ACTION			Ward:20
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Application to Remove Conditions from a Liquor Licence - The Burroughes - 639 Queen Street West - Licence No. 815052 - by Councillor Joe Cressy, 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 Joe Cressy, seconded by Councillor Mike Layton, recommends that:

1. City Council direct the City Clerk to advise the Licence Appeal Tribunal (“LAT”) that the City of Toronto objects to the application to remove conditions attached to the liquor licence for The Burroughes, 639 Queen Street West (the “Premises”), as a change of circumstances has not occurred at the Premises to warrant their removal, and that the LAT should 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

Perry Lane Inc. (“Perry Lane”) is the occupant of an establishment located at 639 Queen Street West (the "Premises") operating under the name The Burroughes. Perry Lane submitted an application to the Licence Appeal Tribunal to remove all of the conditions that currently are attached to the liquor licence for the Premises. The conditions proposed to be removed are listed in Attachment 1 to this Motion.

In August of 2012, Perry Lane applied for a new liquor licence at the Premises. The City objected to the application. In advance of a hearing at the Licence Appeal Tribunal (LAT), Perry Lane and the City reached a settlement on conditions that were placed on the licence. These are the conditions that are subject to the current removal application.

The City objects to the current application to remove conditions from the liquor licence as a change in circumstances that would warrant their removal has not occurred at the Premises. The conditions proposed to be removed primarily relate to the prevention of noise impacts late in the evening on local residents, and ensuring that the Premises does not operate as a nightclub.

A change in circumstance has not occurred to permit the removal of the conditions currently attached to the liquor licence for the Premises. Therefore, it is not in the public interest having regard to the needs and wishes of the residents to have the conditions removed. The Licence Appeal Tribunal should issue a Proposal to Refuse the application.

This Motion is considered urgent as the deadline for objections to the removal of conditions application is October 4, 2015.

Background Information (City Council)

Member Motion MM9.57

Attachment 1 - Proposed Conditions to be Removed from the Liquor Licence
(<http://www.toronto.ca/legdocs/mmis/2015/mm/bqrd/backgroundfile-84424.pdf>)