

City Council**Motion without Notice**

MM24.38	ACTION			Ward:19
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574 College Street - Sexual Violence and College Street Bar - by Councillor Mike Layton, seconded by Councillor Frances Nunziata

** 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 Mike Layton, seconded by Councillor Frances Nunziata, recommends that:

1. City Council direct the City Solicitor to request the registrar of the Alcohol and Gaming Commission of Ontario to issue a Notice of Proposal to suspend or revoke the liquor license of College Street Bar, 574 College Street on the grounds that:
 - a. the licence is not in the public interest having regard to the needs and wishes of the residents of the municipality in which the Premises are located;
 - b. the past or present conduct of the Licensee and employees affords reasonable grounds for belief that the Licensee does not carry on business in accordance with the law and with integrity and honesty;
 - c. the Licensee has demonstrated that it cannot exercise sufficient control, either directly or indirectly, over the business, including the premises; and
 - d. such further and other grounds as the City Solicitor may advise and the Registrar of the Alcohol and Gaming Commission of Ontario may permit.
2. City Council request the Alcohol and Gaming Commission of Ontario and the Licence Appeal Tribunal to provide the City with an opportunity to participate in any proceedings with respect to a Notice of Proposal to suspend or revoke the licence for the Premises.
3. City Council authorize the City Solicitor to attend all proceedings before the Alcohol and Gaming Commission of Ontario or the Licence Appeal Tribunal in this matter and be directed to take all necessary actions so as to give effect to this Motion.
4. City Councillor request the Executive Director of Municipal Licensing and Standards and the City Solicitor immediately take action to revoke the business license.

5. City Council request the General Manager of Economic Development and Culture, the Medical Officer of Health, and the Executive Director of Social Development, Finance, and Administration, to work with TABIA and non-profit sexual assault support services to provide tools to business improvement areas to ensure sexual harassment and violence training is available to all business improvement area members.
6. City Council request the Province provide information about the implementation of Bill 132 Sexual Violence and Harassment Action Plan including how this program is being implemented.
7. City Council express its support for Bill 26: Domestic and Sexual Violence Workplace Leave, Accommodation and Training Act.

Summary

Recent reports of a deplorable incident at a bar in one of Toronto's downtown neighbourhoods have given rise to questions about how well the City and Province are protecting patrons and service sector staff from sexual violence. While they might only make the headlines in some circumstances, incidents of sexual harassment and violence are unfortunately a common occurrence. As City Councillors, it is our job to protect the public, patrons, and employees from all types of sexual violence and harassment.

The Province of Ontario recently passed Bill 132: Sexual Violence and Harassment Action Plan Act, but little is known about what is being done to implement this plan and ensure all service industry establishments are protecting their staff and patrons. The Province of Ontario is also currently considering Bill 26: Domestic and Sexual Violence Workplace Leave, Accommodation and Training Act. Importantly, it would require employers to provide reasonable and necessary leave to workers who have experienced domestic or sexual violence and includes up to ten days of paid leave as well as reasonable unpaid leave per calendar year. Right now, those who experience sexual violence are not entitled to such leave.

The Sexual Assault Action Coalition is working to ensure that service sector workplaces are given particular attention. The Dandelion project is an emerging effort to bring sexual harassment and violence training and certification to the bar and restaurant sector.

A group of Toronto service industry workers have also started a conversation with their colleagues about sexual harassment and how to confront and prevent it. Calling themselves the Bartenders Against Sexual Harassment (BASH), they are leaders in this effort, but cannot change the culture of an industry on their own, they need our help.

In 2016, City Council through a motion put forward by Councillor Wong Tam and Councillor Cressy (MM22.11) called on the Provincial Government and the Alcohol and Gaming Commission of Ontario (AGCO), to include sexual harassment and violence intervention training as a mandatory part of training for servers of alcohol.

Reason for Urgency:

On January 27, Municipal Licensing and Standards issued a notice to College Street Edutainment Inc. o/a College Street Bar that the City intended to invoke its emergency interim suspension power and to request an expedited hearing date before the Toronto Licensing

Tribunal. Following this, the licence was suspended. The City invoked this power in light of information shared by the Toronto Police Service regarding the gravity, nature, and circumstances (including the location) of the incident that led to the criminal charges and the possibility that other victims exist. The City also expressed concerns regarding an earlier assault charge (2015) and generally regarding the operation of the Bar in accordance with the law, including at least three prior charges for operating without the required licence. The City concluded that the continuation of the business of the College Street Bar poses an immediate danger to the health and safety of the public.

Toronto needs to take immediate action to address the reported incidents at College Street Bar and request the same from the Alcohol and Gaming Commission of Ontario , but the City must also ensure that we are doing all we can to equip every bar, restaurant, nightclub, and lounge to identify and intervene in cases of incidents of sexual harassment and violence, and ensure the Province is doing the same.

Background Information (City Council)

Member Motion MM24.38