TORONTO Member Motion

City Council

Motion without Notice

MM27.62	ACTION			Ward:17

346 Westmoreland Avenue - Indoor and Outdoor Liquor Licence Application - Yongehurst Distillery - by Councillor Cesar Palacio, 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 Cesar Palacio, seconded by Councillor Frances Nunziata, recommends that:

1. City Council direct the City Clerk to advise the Registrar of the Alcohol and Gaming Commission of Ontario that the liquor licence application for Yongehurst Distillery, 346 Westmoreland Avenue (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 or a Proposal to Refuse the liquor licence application.

2. City Council requests the Licence Appeal Tribunal to provide the City with an opportunity to be made a party in any proceedings with respect to the Premises.

3. City Council authorize the City Solicitor to attend all proceedings before the Licence Appeal Tribunal in this matter and direct the City Solicitor to take all necessary actions so as to give effect to this Motion, including determining whether the application ought to be refused outright or whether the application should be subject to conditions to address noise, litter, safety, public drunkenness and other potential disturbances to residents in the area.

Summary

Yongehurst Distillery has submitted an application for a liquor licence to the Alcohol and Gaming Commission of Ontario for the premise municipally known as 346 Westmoreland Avenue. The application is for an indoor capacity of 125 persons and an outdoor patio for 55 persons.

Initially, the proponents contacted my office in need of assistance, as they were trying to modernize their small operation by manufacturing spirits within their premise and selling it in bottles via retail store. Moreover, the proponents subsequently asked my office to support a small-delineated area for "Sampling" use only – to accommodate at most 6 to 8 people. As a result, I brought forward a Motion to Etobicoke York Community Council on November 14,

2016, which was subsequently referred to Toronto City Council for approval of the “Tied House License” and to notify the Alcohol and Gaming Commission of Ontario accordingly of this decision.

Our discussion did not include these excessive seating capacities for inside/outside and an outdoor patio. My office along with the local community were left flabbergasted to see such an application being submitted for the Alcohol and Gaming Commission of Ontario’s consideration.

The proponent must take into account the needs and wishes of the local community by modifying their application. Please be further advised that even though the area is zoned for employment uses, a distillery use in currently not permitted under the current zoning bylaw according to Toronto Buildings. To proceed any further, the operator would require a land use designation through a minor variance the Committee of Adjustment

The Premise is located in close proximity to residential properties. There are concerns with respect to noise, litter, safety, public drunkenness and other potential disturbances to residents in the area.

This application for a liquor licence is not in the public interest unless the concerns of the residents are addressed. The Registrar of the Alcohol and Gaming Commission of Ontario should be requested to issue a Proposal to Review or a Proposal to Refuse the liquor licence application.

The City needs to file its objection to the liquor licence application as soon as possible because there is a deadline and also to be able to participate in any hearing in this matter. It is urgent that Council consider this matter at this Council meeting.

Background Information (City Council)

Member Motion MM27.62