

City Council**Notice of Motion**

MM32.19	ACTION			Ward:18
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Licence Appeal Tribunal - Application to Remove Conditions from Liquor Licence: 1588 Dundas Street West - Toro Wine Bar and Tapas - by Councillor Ana Bailão, seconded by Councillor Gord Perks

** 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 Ana Bailão, seconded by Councillor Gord Perks, recommends that:

1. City Council direct the City Clerk to advise the Licence Appeal Tribunal that the City of Toronto objects to the application by Toro Wine Bar and Tapas to remove certain conditions from its liquor licence.
2. City Council request the Licence Appeal Tribunal to provide the City with an opportunity to be made a party in any proceedings with respect to the Premises at 1588 Dundas Street West.
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 action so as to give effect to this Motion including whether any conditions may be removed, all in consultation with the Ward Councillor.

Summary

Toro Wine Bar and Tapas (“Licensee”) has submitted an application to the Licence Appeal Tribunal to remove eight of the ten conditions attached to the liquor licence for the premises known as 1588 Dundas Street West (“Premises”).

The eight conditions on the licence in which the Licensee wants removed were conditions brought forward by the City and consented to by the previous licensee, and were for the purpose of mitigating impacts from the Premises on the second floor apartments and the adjacent residential community. Of primary concern of the City was that the Premises were operating more as a nightclub than a restaurant.

All of the conditions should remain on the licence but of particular concern to the City is the

application to remove the following conditions:

5. After 11:00 p.m., Monday to Sunday, doors and windows of the establishment shall not be opened or propped open while there is music or amplified sound in the interior.
6. The Licensee shall ensure that any sound resulting from the operation of the business is not audible beyond a reasonable distance from the lot line of the property in which the premises is located. This clause includes, but is not limited to, sound generated by any internal or external loudspeakers, conversation by patrons within the premises, busing, garbage disposal and bottle disposal. A reasonable distance for such sound to be considered in non-compliance is any point opposite the Licensee's premises that is separated by a public street, public or private laneway, or a parting wall between the Licensee's premises and any adjacent space.

Local residents are concerned about the current request for the removal of the conditions. According to a nearby resident, the Licensee has been negligent over the last couple of months with regards to adhering to the conditions related to mitigating noise. As a result, noise impacts have been felt from the Premises.

The above-listed conditions are important measures used to mitigate potential impacts on local residents and their removing them would only exacerbate the situation.

The City needs to file its objection to this 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 MM32.19