

City Council

Motion without Notice

MM32.38	ACTION			Ward:20
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499 King Street West - Application to Remove Conditions from Liquor Licence - Spice Route Restaurant - Licence No. 811139 - 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 that the City of Toronto objects to the application to remove conditions attached to the liquor licence for Spice Route Restaurant, 499 King Street West (the "Premises"), as a change of circumstances has not occurred at the Premises to warrant their removal, and that the Licence Appeal Tribunal should issue a Proposal to Refuse or Review the application.
2. City Council request the Licence Appeal Tribunal to provide the City of Toronto with an opportunity to participate or become a party to 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 adding and deleting conditions to the current liquor licence issued for the Premises, in consultation with the Ward Councillor.

Summary

1733346 Ontario Inc. has submitted an application to the Licence Appeal Tribunal to remove all of the conditions that are currently attached to the liquor licence for the establishment located 499 King Street West (the "Premises") operating under the name Spice Route Restaurant. The conditions proposed to be removed are listed in Attachment 1 to this Motion.

In June 2007, City Council adopted a motion indicating that it had no objection to the granting of a new liquor licence for the Premises, provided that certain conditions were attached to the Liquor Licence. Council's conditional support for the licence resulted in a consent agreement between the City and the applicant setting out an agreement for certain conditions to be attached to the liquor licence for the Premises. 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.

Many of the conditions proposed to be removed relate to mitigating noise and other impacts from the Premises in the adjacent residential community. There is a concern about the removal of conditions because the King West neighbourhood in which the Premises is located hosts a very high concentration of licenced establishments and, in turn, a large number of visitors under varying degrees of alcohol intoxication. The cumulative effect of so many liquor licences in the King West neighbourhood is an increase in noise, litter and waste, vandalism, and violent incidents. The City of Toronto and the Toronto Police Service invest additional resources to manage these issues in this area, but an equally important component of managing the King West area is the application and enforcement of reasonable conditions to liquor licences, such as the ones currently attached to the liquor licence of the Premises.

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.

Background Information (City Council)

Member Motion MM32.38

Attachment 1 - Proposed Conditions to be Removed from the Liquor Licence
(<http://www.toronto.ca/legdocs/mmis/2017/mm/bgrd/backgroundfile-107531.pdf>)