



June 13, 2017

Toronto and East York Community Council
100 Queen St. West
Toronto, ON M5H 2N2

Dear Chair and Members,

NEW BUSINESS REQUEST: Liquor Licence Application – 36 Lisgar Street (formerly 2 - 6 Lisgar Street) Toronto Media Arts Cluster, Licence No. 816647

SUMMARY:

The Toronto Media Arts Cluster (TMAC) has submitted an application for a new liquor licence to the Alcohol and Gaming Commission of Ontario (“AGCO”) for a premises at 36 Lisgar Street (formerly 2 – 6 Lisgar Street) operating under the name Toronto Media Arts Cluster (the “Premises”). The applicant is seeking a liquor licence for a capacity of 888 patrons indoors and 112 outdoors. The Premises is located on the second and third floor of a residential condominium building.

This application for a liquor licence is not in the public interest for the following reasons:

- The application is premature as TMAC has no legal interest in the space within the building that is proposed as the Premises. The Premises is currently owned by a corporation undergoing insolvency proceedings, and it is currently administered by a Court-appointed Monitor. There is ongoing court action that will decide the corporation's insolvency. Furthermore, the City of Toronto possesses secured rights over the Premises under s. 37 of the *Planning Act* to require the conveyance of the Premises to either other non-profit organizations acceptable to the City, or to the City itself. A decision on the conveyance of the Premises has not yet been made;
- There are restrictions on the amount of space within the Premises that can be used for the commercial uses proposed as part of the liquor licence application pursuant to both the s. 37 *Planning Act* agreement registered on title to the Premises, and also pursuant to a site-specific zoning by-law 804-2012; and
- Due to the Premises' location inside a residential building and the large capacity proposed both indoors and outdoors, impacts associated with the operation of the Premises may disturb residents. The application is not in the public interest unless certain conditions addressing the concerns of the community are attached to the licence. Under no circumstance should a liquor sales licence be granted at the Premises without appropriate conditions attached.

This matter is deemed urgent as the deadline to object to the application was June 11, 2017.



RECOMMENDATIONS:

1. That City Council direct the City Clerk to advise the Registrar of the Alcohol and Gaming Commission of Ontario ("AGCO") that the liquor licence application for the proposed establishment located at 36 Lisgar Street (formerly 2 - 6 Lisgar Street ("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 Refuse the liquor licence.
2. That City Council request the AGCO or the Licence Appeal Tribunal (LAT) to provide the City with an opportunity to participate in any proceedings with respect to the Premises.
3. That the City Solicitor be authorized to attend all proceedings before the AGCO or the LAT in this matter and be directed to take all necessary actions so as to give effect to this Motion, including adding and deleting conditions to any liquor licence issued for the Premises, in consultation with the Ward Councillor.

Thank you for your consideration.

Sincerely,

Ana Bailão
City Councillor
Ward 18, Davenport