

City Council**Motion without Notice**

MM9.48	ACTION			Ward: 10
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1032 Queen Street West and 1034 Queen Street West - Review of Liquor Licence - Apt. 200 - 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 Solicitor to request that Registrar of the Alcohol and Gaming Commission of Ontario to issue a Notice of Proposal to suspend or revoke the liquor licence for 1032 Queen Street West and/or 1034 Queen Street West, operating under the name of Apt. 200 (the “Premises”) on the grounds that the past and present conduct of the Licensee affords reasonable grounds that the business will not be operating in accordance with the law, the Licensee is carrying on activities that are in contravention of the Liquor Licence Act or its regulations, and the operation of the business is not in the public interest with regards to the needs and wishes of the residents in which the Premises is located.
2. City Council request the Alcohol and Gaming Commission of Ontario and the Licence Appeal Tribunal provide the City of Toronto with an opportunity to be made 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 action so as to give effect to this Motion.

Summary

93118602 Quebec Inc., (the “Licensee”) is the holder of a liquor licence from the Alcohol and Gaming Commission for Apt. 200 at the property municipally known as 1032 Queen Street West (the “1032 Queen Premises”) and is known to operate out of 1034 Queen Street West, as outlined in this Motion (collectively, 1032 Queen Street West and 1034 Queen Street West are the “Premises”). The Alcohol and Gaming Commission has confirmed there are currently no conditions on the liquor licence. However, Apt. 200 operates out of 1034 Queen Street West, on the 2nd floor, instead of 1032 Queen Street West. The Director, Bylaw Enforcement has confirmed that the Licensee is operating as Apt. 200 at 1034 Queen Street West, including the

sale of liquor on the premises. The Premises has been a continued source of concern for local residents with regard to loud noise, incidents in the community, traffic and public intoxication amongst other issues with the Licensee's operations.

The Licensee was issued their licence from the Alcohol and Gaming Commission effective January 23, 2015 and began operations in 2016, however the Premises did not receive a City of Toronto business licence until January 5, 2017. The application process commenced in July 2016, however was delayed due to a Municipal Licensing and Standards licence refusal related to noise violations. A client appeal to the Toronto Licensing Tribunal resulted in the granting of a business licence for an eating/drinking establishment with an 18-month probationary period, concluding July 2018.

During the two-year period ending December 2016, Municipal Licensing and Standards charged the business with a series of offences under the noise by-law as well as entertainment establishment/nightclub no licence. On January 25, 2017, a guilty plea was entered for one count of Noise Likely to Disturb.

More recent investigations related to noise include two 2017 case files, one of which resulted in a by-law charge that was later withdrawn in November 2018. There was one noise complaint in 2018 with no action and another April 2019 file which was referred to the Alcohol and Gaming Commission as it related to people noise in the vicinity of the business. There is one 2017 conviction related to the commercial waste by-law for failing to keep garbage on premises.

Toronto Police Services has had ongoing dealings with the Premises, in particular 1034 Queen Street West. On Monday, July 8, 2019, at approximately 2:30 a.m., Toronto Police Services responded to reports of gun shots in the area of Queen Street West just west of Ossington Avenue and proximate to the Premises. At the scene, police found three people suffering from gunshot wounds and are continuing their investigation. Toronto Police Services have not yet concluded a review of security camera footage, but Toronto Police Services will confirm whether the gunshot activity is linked to the victims as patrons of Apt. 200.

On July 10, 2019, a By-law enforcement officer undertook a daytime inspection of the Premises, in particular 1034 Queen Street West, and confirmed, in reviewing the physical layout, licences and licensing requirements related to majority seating and the nightclub/eating establishment ratio. By-law enforcement also spoke to Toronto Police Services regarding the above noted shooting event as part of their investigation. Municipal Licensing and Standards also has conferred with the Alcohol and Gaming Commission and other City divisions as part of their investigation.

The Liquor Licence has no conditions attached to it.

It is evident from current events and the ongoing impacts felt by nearby residents that the steps taken by the community, Municipal Licensing and Standards and Toronto Police Services have not been a deterrent in changing the behaviour of the Licensee and management staff at the Premises. The City is therefore seeking a review of the liquor licence by the Alcohol and Gaming Commission for a suspension or revocation under section 15(1) of the Liquor Licence Act (the "Act") based on the following three grounds:

1. Section 6(2)(d) of the Act, the past and present conduct of the Licensee and managers of the Premises affords reasonable grounds that the business will continue to disturb residents living

nearby the establishment and community at large.

2. Section 6(2)(f) of the Act, the Licensee is carrying on activities that are in contravention of the Act or the regulations.
3. Section 6(2)(h) of the Act, the licence is not in the public interest having regard to the needs and wishes of the residents in which the premises is located.

This matter is considered urgent as the operation of the Premises continues to impact residents in the community.

Background Information (City Council)

Member Motion MM9.48