

City Council**Notice of Motion**

MM36.2	ACTION			Ward: 14
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11 Polson Street - Alcohol and Gaming Commission of Ontario Liquor Licence Application - Skydweller - Licence Application 1255565 - by Councillor Paula Fletcher, seconded by Councillor Joe Cressy

** 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 a Alcohol and Gaming Commission of Ontario Hearing and has been deemed urgent.*

Recommendations

Councillor Paula Fletcher, seconded by Councillor Joe Cressy, recommends that:

1. City Council direct the City Clerk to advise the Registrar of the Alcohol and Gaming Commission of Ontario that the issuance of a new liquor licence for the boat to be moored at 11 Polson Street (the "Premises"), is not in the public interest having regard to the needs and wishes of the residents, and that the Registrar should issue either a Proposal to Review or a Proposal to Refuse the liquor licence application.
2. City Council request the Alcohol and Gaming Commission of Ontario and the Licence Appeal Tribunal to provide the City of Toronto with an opportunity to participate 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 action so as to give effect to this Motion, including determining whether the application ought to be refused outright or whether the application can be supported with conditions to the liquor licence, all in consultation with the Ward Councillor.

Summary

Presidential Leasing Inc. (Toronto Yachts) has applied for a new liquor licence for a boat with an indoor capacity of 9 patrons and an outdoor capacity of 9 patrons to be moored at 11 Polson Street (the "Premises"). Currently, the Rebel Nightclub (Rebel) and Cabana Pool Bar (Cabana) operate on the property at 11 Polson Street, as a nightclub and indoor concert venue, and as a large outdoor entertainment area. Rebel and Cabana currently operates with a liquor licence for a capacity of 3163 patrons indoors and 2510 patrons outdoors.

From 1996 to 2006, 11 Polson Street was occupied by 1132165 Ontario Limited, operating under the name Docks by Cherry (the "Docks"). The Docks contained an indoor licenced area for approximately 3000 patrons, and an outdoor licenced area for approximately 7000 patrons. On July 24, 2006, following a twenty six day hearing held at the Alcohol and Gaming Commission of Ontario the liquor licence for the Docks was revoked. The Alcohol and Gaming Commission of Ontario determined that it was not in the public interest having regards to the needs and wishes of the residents for the Docks to retain its liquor licence. The Alcohol and Gaming Commission of Ontario based their decision primarily on the evidence of several residents of Algonquin and Ward's Islands (the "Toronto Islands") regarding repeated noise impacts from the Docks on their daily lives. The noise originated from both indoor and outdoor music events that included concerts and festival events.

In October 2007, Polson Pier Entertainment Inc. (Polson Pier) applied for a new liquor licence at 11 Polson Street. The City and the Toronto Island Noise Committee objected to the application. In advance of a hearing at the Alcohol and Gaming Commission of Ontario Polson Pier, Toronto Island Noise Committee, and the City reached a settlement on conditions that were placed on the licence.

In May 2014, Polson Pier submitted an application to the Licence Appeal Tribunal to remove or amend several conditions from the licence, primarily relating to noise and the restriction on outdoor live events. The City and Toronto Island Noise Committee objected to this application. On March 3, 2015, two days prior to a scheduled 7-day hearing at the Licence Appeal Tribunal, the Licensee withdrew their application.

In May 2015, Powerhouse Corporation (Powerhouse) submitted an application to the Alcohol and Gaming Commission of Ontario for a new liquor licence at 11 Polson Street, while continuing to operate under an existing licence. The City, Toronto Island Noise Committee and the York Quay Residents' Association objected to this application, and following a 17 day hearing at the Licence Appeal Tribunal throughout 2017, a new liquor licence was approved that contained several conditions attached to it. One condition prohibits any amplified sound on, or directed to the outdoor licenced area, at any time. Powerhouse appealed the decision to the Divisional Court in order to have the outdoor noise condition removed from the licence. The appeal was denied and Powerhouse has sought leave to the Court of the Appeal. Powerhouse continues to operate Rebel and Cabana at 11 Polson Street under the existing liquor licence.

The City objects to the application for a new liquor licence at the Premises. The evidence presented at the Licence Appeal Tribunal showed that for many years noise from Rebel and Cabana has been disturbing the residents of the Toronto Islands. The Licence Appeal Tribunal determined that it was not in the public interest to permit amplified sound on the licenced outdoor area. Adding an additional licenced area at 11 Polson Street, on a boat moored at this property, can only increase disturbances for the residents of the Toronto Islands. The current application at 11 Polson Street is not in the public interest having regard to the needs and wishes of the residents. At a minimum, this application for a liquor licence is not in the public interest unless certain conditions, addressing the concerns of the community, are attached to the licence.

Urgent consideration is being requested as the Alcohol and Gaming Commission of Ontario deadline for objections to this application was on September 3, 2021.

Background Information (City Council)

Member Motion MM36.2

<http://www.toronto.ca/legdocs/mmis/2021/mm/bgrd/backgroundfile-171060.pdf>