

## City Council

### Notice of Motion

MM5.21	ACTION			Ward: 10
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**City Licence to 2249487 Ontario Limited and Fifth Social Club Inc. for the use of the property at 229 Richmond Street West - by Councillor Ausma Malik, seconded by Councillor Alejandra Bravo**

*\* Notice of this Motion has been given.*

*\* This Motion is subject to referral to the Executive Committee. A two-thirds vote is required to waive referral.*

### Recommendations

Councillor Ausma Malik, seconded by Councillor Alejandra Bravo, recommends that:

1. City Council authorize the Director, Transaction Services, or their designate from time to time, to enter into separate licence extension and amending agreements (the "Agreements") with 2249487 Ontario Limited (operating as "The Ballroom") and Fifth Social Club Inc. (collectively, the "Licensees") for the property located at 229 Richmond Street West shown in Appendix B of this Motion, at a rate equivalent to the rate under the CaféTO program and substantially on the terms and conditions set out in Appendix A of this Motion, and including such other terms as deemed appropriate by the Director, Transaction Services, or their designate from time to time, and in a form satisfactory to the City Solicitor.
2. City Council authorize the Director, Transaction Services, or their designate, to execute and deliver the Agreements and any amendments on behalf of the City.
3. City Council authorize the Director, Transaction Services, or their designate, to administer and manage the Agreements and any other amendments, including the provision of any consents, approvals, waivers, notices and notices of termination, provided that the Director, Transaction Services, may, at any time, refer consideration of such matters to City Council for its determination and direction.

### Summary

In early July 2020, while the plans for its redevelopment were being finalized, City staff proposed the vacant parking lot at 229 Richmond Street West (the "Licenced Area") be intermittently used in a similar fashion under the CaféTO program to help surrounding restaurant owners amid the COVID-19 pandemic. The Licensees were not qualified for patios in front of their properties under the CaféTO program, therefore, City staff proceeded to negotiate and grant a licence to the Licensees for the Licenced Area. Due to the urgency for immediate relief before the end of summer, staff used their delegated authority to enter into 14 day-temporary agreements at fair market value with the Licensees. In late July 2020, Council approved waiving the licence fees and permitted an extension to November 16, 2020 for the Licensees to operate at the Licenced Area on a nominal basis.

Due to the continuing challenges faced by restaurant businesses as a result of the COVID-19 pandemic, the City entered into new license agreements and consequently extended the licences, on the same terms and conditions, from May 6, 2021 to January 2, 2022 and subsequently, from January 3, 2022 to January 2, 2023.

The Licensees have requested use of the Licensed Area from January 3, 2023 until January 2, 2025. Staff are proposing an initial term from January 3, 2023 to December 31, 2023 with one option to extend from January 1, 2024 to January 2, 2025, conditional on the site-specific temporary use by-law being extended by City Council. Per report PH31.8, the site-specific temporary use by-law authorized by City Council is in effect till December 31, 2023 to permit this use during the proposed term. City Planning will be seeking, through a separate report, a further extension of the site-specific temporary use by-law to permit the Licensees to operate during the option to extend period.

Furthermore, Municipal Licensing and Standards has confirmed that the liquor licence by the Alcohol and Gaming Commission of Ontario ("AGCO") permits the Licensees to operate the Licenced Area as an outdoor patio during the term of the licence agreements.

Therefore, the purpose of this Motion is to obtain authority for the City to enter into separate licence extension and amending agreements with each of the Licensees for the Licensed Area for the purpose of a patio in connection with the Licensees' restaurants located immediately to the west and east of the Licenced Area. The Agreements are on the same terms and condition as provided for in the previous licence agreements with the exception of licensing fees in accordance with the Council approved [EX2.4 CaféTO 2023 and Beyond](#) program fee structure.

This request is in line with the spirit of the CaféTO program and Council's previous decisions to support local eating establishments as they re-open following closures resulting from the COVID-19 pandemic.

### **Background Information (City Council)**

Member Motion MM5.21

Appendices A and B

(<https://www.toronto.ca/legdocs/mmis/2023/mm/bgrd/backgroundfile-235657.pdf>)