



## REPORT FOR ACTION WITH CONFIDENTIAL ATTACHMENT

### 11 Polson Street – Appeal of Licence Appeal Tribunal Decision

**Date:** July 9, 2025

**To:** City Council

**From:** City Solicitor

**Wards:** Ward 14 – Toronto-Danforth

#### REASON FOR CONFIDENTIAL INFORMATION

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This report is about litigation or potential litigation that affects the City or one of its agencies or corporations.

This report contains advice or communications that are subject to solicitor-client privilege.

#### SUMMARY

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On June 13, 2025, the Licence Appeal Tribunal (the "LAT") issued a decision on the appeals of a Notice of Proposal (NOP) to add conditions and a NOP to remove conditions (heard together) for the liquor licence of Maya Corp for the establishment operating as Rebel Nightclub and Cabana Pool Bar at 11 Polson Street (the "Premises"). The *Licence Appeal Tribunal Act* allows the parties to a hearing to appeal a LAT decision to the Divisional Court. The City Solicitor requires further directions.

#### RECOMMENDATIONS

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The City Solicitor recommends that:

1. City Council adopt the confidential instructions to staff in Confidential Attachment 1 to this Report from the City Solicitor.
2. If adopted, City Council authorize the public release of Confidential Recommendation Number 1 in the Confidential Attachment 1 to the Report from the City Solicitor and direct that all other information in Confidential Attachment 1 remain confidential as it contains advice that is subject to solicitor-client privilege.

## FINANCIAL IMPACT

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The financial implications are set out in Confidential Attachment 1.

## DECISION HISTORY

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City Council's decision directing the City Solicitor to attend the LAT to support the NOP to add conditions to the liquor licence is found here:

<https://secure.toronto.ca/council/agenda-item.do?item=2022.MM47.4>

City Council's decision directing the City Solicitor to attend the LAT to support the NOP to refuse to remove conditions from the liquor licence is found here:

<https://secure.toronto.ca/council/agenda-item.do?item=2023.MM3.9>

The LAT's June 13, 2025 decision is found here:

<https://www.canlii.org/en/on/onlat/doc/2025/2025canlii58820/2025canlii58820.html>

## COMMENTS

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In May 2015, Powerhouse Corporation (Powerhouse) applied to the Alcohol and Gaming Commission of Ontario (AGCO) for a new liquor licence for the Premises, while continuing to operate under an existing liquor licence issued to a company called Maya Corp. (Maya). The City, the Toronto Island Noise Committee and the York Quay Residents' Association objected to the Powerhouse application, and following a 17-day hearing at the LAT throughout 2017, the Tribunal approved a new liquor licence with nine conditions attached to it. One condition prohibited any amplified sound on or directed to the outdoor licenced area, at any time.

Powerhouse appealed the decision to the Divisional Court to have the outdoor noise condition removed from the licence. The appeal was denied, which was affirmed by the Court of Appeal. The Powerhouse liquor licence was never issued by the AGCO as Powerhouse has continued to operate the Premises under Maya's liquor licence, which permits amplified outdoor sound between 11:00 am and 11:00 pm. To date, residents of the Toronto Islands and Ward 14 continue to be disturbed by noise from outdoor events at the Cabana Pool Bar.

On May 10, 2022, the Alcohol and Gaming Commission of Ontario (AGCO) issued a NOP to Add Conditions to the liquor licence of Maya Corp., for the Premises, which Maya appealed to the LAT. The City and the Toronto Island Noise Committee (TINC) brought Motions to the LAT to obtain party status to this appeal in order to support the NOP, and party status was granted.

On October 11, 2022, Maya Corp applied to the LAT to remove the existing conditions from their liquor licence. On December 15, 2022, the AGCO issued a NOP to Refuse to Remove Conditions, which Maya appealed to the LAT. Both the City and the TINC

brought Motions to the LAT to obtain party status to this appeal in order to support this NOP, and party status was granted.

The two appeals were consolidated, and a hearing was held at the LAT over 16 days in the fall and winter of 2023, finishing on December 12, 2023. On December 6, 2024, the LAT informed the parties that the Member who adjudicated the hearing was unable to provide a decision due to circumstances beyond the LAT's control. A new Member watched the recorded hearing and reviewed the existing record, and rendered a decision on June 13, 2025 (the "Decision"). Some conditions were added, and others were removed. Notably, the Decision did not add a condition to prohibit amplified sound on or directed to the outdoor licensed area at any time but included a condition prohibiting amplified outdoor music, disc jockey, amplified voices or loudspeaker at the outdoor facilities at the Premises between the hours of 11:00 pm and 11:00 am.

The attached Confidential Attachment 1 from the City Solicitor provides legal advice and seeks direction from City Council with respect to the Decision.

## **CONTACT**

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## **SIGNATURE**

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Wendy Walberg  
City Solicitor

## **ATTACHMENTS**

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1. Confidential Attachment 1 – Confidential Information