

CITY OF HAMILTON

NOTICE OF MOTION TO RESCIND

Council Date: January 25, 2012

MOVED BY COUNCILLOR MORELLI.....

7.3 Liquor Licence Application – Mendonca Café, 457 Barton Street East, Hamilton

That the City’s objection, approved by Council at its meeting of August 11, 2011, to a Liquor License Application by Mendonca Cafe at 457 Barton Street East, Hamilton, noted as Motion 7.3, be rescinded as an agreement has been reached with respect to the conditions attached to the Liquor Licence, as outlined in the attached Memorandum of Agreement.



7.3 Liquor Licence Application – Oceano Restaurant and Bar, 359 Barton Street East, Hamilton, and Mendonca Café, 457 Barton Street East, Hamilton

(Morelli/Merulla)

WHEREAS, Oceano Restaurant and Bar (359 Barton Street East, Hamilton) and Mendonca Café (457 Barton Street East, Hamilton) have applied for indoor liquor licences;

AND WHEREAS, under Section 7.1 (1) of the Alcohol and Gaming Commission of Ontario’s legislation, they shall consider a resolution of Council of the municipality, in which are located the premises for which a person makes an application to sell liquor or holds a licence to sell liquor, as proof of the needs and wishes of the residents of the municipality for the purposes of clause 6 (2) (h) of the Act;

AND WHEREAS, due to existing community concerns about noise, after- hours activities, etc., these facilities would only increase these problems;

THEREFORE, BE IT RESOLVED:

That the Alcohol and Gaming Commission of Ontario (AGCO) be advised that the City of Hamilton objects to the said applications on the grounds that it will be negative to an already fragile neighbourhood.



CITY OF HAMILTON

MOTION TO RESCIND

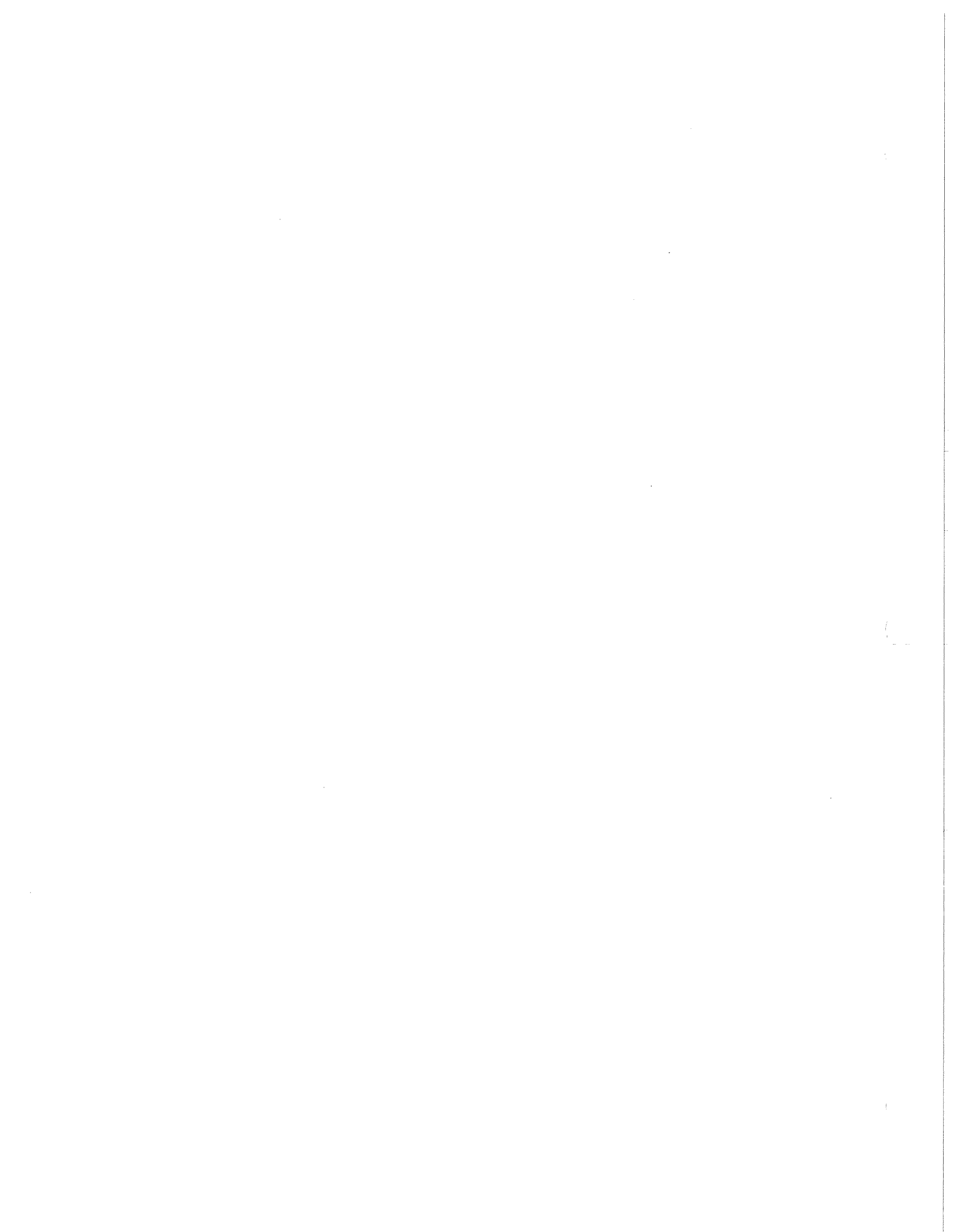
Council Date: January 25, 2012

MOVED BY COUNCILLOR MORELLI.....

MOVED BY COUNCILLOR

Liquor Licence Application – Mendonca Café, 457 Barton Street East, Hamilton

That the City's objection, approved by Council at its meeting of August 11, 2011, to a Liquor License Application by **Mendonca Cafe at 457 Barton Street East, Hamilton** noted as Motion 7.3 be **rescinded**, as an agreement has been reached with respect to the conditions attached to the Liquor Licence, as outlined in the attached Memorandum of Agreement.



LICENCE APPEAL TRIBUNAL (ONTARIO)

**APPEAL FROM THE NOTICE OF PROPOSAL NUMBER 18882
TO REVIEW AN APPLICATION FOR LICENCE, MADE BY
THE REGISTRAR OF ALCOHOL AND GAMING
UNDER THE *LIQUOR LICENCE ACT*, R.S.O. 1990, c. L.19**

**1837705 ONTARIO INC., OPERATING OR INTENDING TO OPERATE
AS MENDONCA CAFÉ ("Applicant")**

CITY OF HAMILTON ("Respondent")

**MEMORANDUM OF AGREEMENT
BETWEEN HELDER MENDONCA / 1837705 ONTARIO INC.
AND COUNCILLOR BERNIE MORELLI**

WHEREAS:

The Applicant filed an appeal from the Notice of Proposal Number 18882 to review an application for licence, made by the Registrar of Alcohol and Gaming under the *Liquor Licence Act*, R.S.O. 1990, c. L.19; and

The Respondent objected to the granting of the licence application;

**THEREFORE THE PARTIES TO THIS AGREEMENT, HELDER MENDONCA /
1837705 ONTARIO INC. AND COUNCILLOR BERNIE MORELLI, AGREE AS
FOLLOWS:**

1. The following conditions be attached to any liquor licence granted to the Applicant:
 - (a) The sale and service of alcohol shall cease at 11:00 p.m. on each day of operation at the licensed premises, and the licensed premises shall be closed for business at 11:59 p.m. each day.
 - (b) All staff of the licensed premises shall be Smart-Served trained before being hired.
 - (c) There shall be no amplified live music and no karaoke in the licensed premises.
 - (d) All doors to the licensed premises shall be kept closed (i.e., not propped open) at all times, except allowing for staff / patron entrance and exit.

- (e) The Applicant shall ensure that adequate soundproofing is installed or volume controlled so as to ensure that no resident is disturbed by noise emanating from the licensed premises.
- (f) The Applicant shall put readily visible and reasonably-sized signage (15" x 15" minimum) both inside and outside the licensed premises outlining that no smoking is allowed within 30 feet of any entrance to the licensed premises.
- (g) The Applicant will promptly address all inappropriate behaviour by its patrons both inside and outside the licensed premises. *on the Applicant's property.*
- (h) The Applicant shall use best efforts to ensure that all areas immediately adjacent to the licensed premises are clean and free of litter, refuse and other debris.
- (i) The Applicant shall comply with all City of Hamilton By-laws, including the Noise Control By-law No. 11-285, and with all regulatory agencies having jurisdiction over the licensed premises.
- (j) The Applicant shall comply with the *Liquor Licence Act* of Ontario and all other applicable laws.

2. Provided that the conditions set out above in paragraph 1 attach to the liquor licence (excepting those conditions that may not be approved by the Licence Appeal Tribunal), Councillor B. Morelli (Ward 3) will appear before Council for the City of Hamilton and request that Council formally withdraw its objection to the application for liquor licence made by the Applicant, being the resolution approved by Council as Item 7.3 at its meeting held on August 11, 2011.

IN WITNESS WHEREOF THIS MEMORANDUM HAS BEEN EXECUTED BY THE PARTIES

Helder Mendonca
 Helder Mendonca
 for 1837705 Ontario Inc.
 o/a Mendonca Café
 (I have authority to bind
 the corporation)

Byrdena MacNeil
 Witness

Jan. 23/12
 Date

[Signature]
 Councillor B. Morelli

Byrdena MacNeil
 Witness

Jan. 23/12
 Date