

MOTION TO RESCIND

Council Date: March 28, 2012

MOVED BY COUNCILLOR PEARSON.....

SECONDED BY COUNCILLOR

7.3 Liquor Licence Application – Allusion’s Hair Studio and Spa for Men, 180 Highway No. 8, Unit 102, Stoney Creek

That the City’s objection, approved by Council at its meeting of September 14, 2011 to a Liquor License Application by the Allusion’s Hair Studio and Spa for Men, 180 Highway No. 8, Unit 102, Stoney Creek, noted as Motion 7.2, be rescinded as an agreement has been reached with respect to the conditions of the Liquor Licence, as outlined in the attached Memorandum of Agreement.

.....

Whereas, Allusion’s Hair Study and Spa for Men has applied for an indoor liquor license;

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 license 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 the construction of this building does not meet sound barrier and security requirements.

And Whereas, due to existing concerns from surrounding businesses that this property and the commercial users are creating parking problems on adjoining property, this facility 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 application on the grounds that it will have a negative impact on the surrounding community.

LICENCE APPEAL TRIBUNAL (ONTARIO)

**APPEAL OF A PROPOSAL ISSUED BY THE REGISTRAR
OF ALCOHOL AND GAMING, DATED NOVEMBER 23, 2011,
UNDER THE *LIQUOR LICENCE ACT*, R.S.O. 1990, c. L.19**

ALLUSIONS HAIR STUDIO & SPA FOR MEN ("Applicant")

CITY OF HAMILTON ("Objector")

**MEMORANDUM OF AGREEMENT
BETWEEN LJILJANA (LILY) FUDURIC / ALLUSIONS HAIR STUDIO
& SPA FOR MEN AND COUNCILLOR MARIA PEARSON**

WHEREAS:

The Applicant has submitted an application for a liquor licence under the *Liquor Licence Act*, R.S.O. 1990, c. L.19;

The Registrar of Alcohol and Gaming issued a Proposal, dated November 23, 2011, pursuant to the provisions of the *Liquor Licence Act*, R.S.O. 1990, c. L.19 relating to the Applicant's liquor licence application;

The Applicant filed an appeal from the Proposal issued by Registrar of Alcohol and Gaming; and

The Objector objected to the granting of the licence application;

THEREFORE THE PARTIES TO THIS AGREEMENT, LJILJANA (LILY) FUDURIC / ALLUSIONS HAIR STUDIO & SPA FOR MEN AND COUNCILLOR MARIA PEARSON, AGREE AS FOLLOWS:

1. That the following conditions be attached to any liquor licence granted to the Applicant:
 - (a) No alcohol is to be served to any clientele when a person under 19 years of age is in the licensed premises.
 - (b) The sale and service of alcohol shall cease at least one (1) hour before the closing of the licensed premises on each day of operation and, in any event, no later than 7:00 p.m. on each day of operation.

- (c) The Applicant shall only serve alcohol to clientele who are receiving full spa services taking more than one (1) hour. No liquor shall be served to clientele coming in for a service that is performed in less than 1 hour (e.g., a quick hair cut).
- (d) The Applicant shall only serve one (1) alcoholic drink per client on each occasion of that client patronizing the licensed premises.
- (e) The Applicant shall provide a secure area for the storage of liquor.
- (f) The Applicant shall restrict the stock of liquor on the licensed premises at any given time to no more than:
 - a. 24 bottles of beer; and
 - b. two 750 ml bottles of wine (1 white, 1 red) or four (4) 200 ml bottles of red wine and four (4) 200 ml bottles of white wine.
- (g) The Applicant shall ensure that all staff of, and any person involved in the sale or service of liquor at, the licensed premises are Smart-Served trained before the sale or service of any alcohol commences at the licensed premises. Any new staff of the licensed premises shall be Smart-Served trained before hiring.
- (h) The Applicant must meet the municipal requirements for parking under any Establishment Licence Issued to the Applicant under the City of Hamilton's Licensing By-law No. 07-170.
- (i) The Applicant must advise its clientele of the only two parking spots reserved and available for the Applicant's use, and that clients are to refrain from parking at neighbouring businesses including in spots reserved for The Pines or Phil's Barber Shop.
- (j) The Applicant shall not permit smoking by any of its owner, staff or clientele:
 - a. within 30 feet of any entrance to the licensed premises; and/or
 - b. within 8 feet of any residential balcony or window in the building,

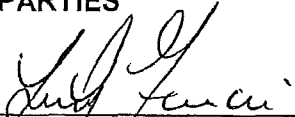
and shall put up reasonably-sized signage (15" x 15" minimum) that is readily visible both inside and outside the licensed premises outlining that no smoking is allowed within 30 feet of any entrance to the licensed premises and/or within 8 feet of any residential balcony or window.

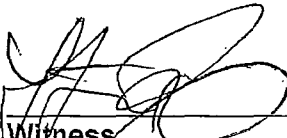
- (k) The Applicant shall not permit noise that arises directly or indirectly from the licensed premises to disturb persons who reside near the licensed premises and shall put up readily visible signage advising its clientele to refrain from making noise that may bother or disturb the residents of the building within which the licensed premises is located.
- (l) The Applicant will promptly address any disorderly conduct by its clientele both inside and outside the licensed premises on the Applicant's property.
- (m) The Applicant shall comply with all City of Hamilton By-laws, including the Licensing By-law No. 07-170, and with all regulatory departments and agencies having jurisdiction over the licensed premises.
- (n) The Applicant shall comply with the *Liquor Licence Act* of Ontario, its regulations, and all other applicable laws.

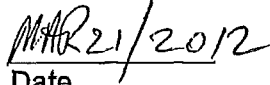
2. That the above-noted conditions be attached to the liquor licence granted to the Applicant for the period of time that it is located at 180 Highway 8, Hamilton, Ontario. Should the Applicant move to a new location, the parties will review the above-noted conditions and re-negotiate or remove those conditions that are specific to the residential character of 180 Highway 8, Hamilton, Ontario.

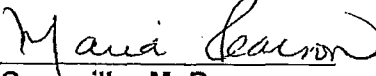
3. Provided that the conditions set out above in paragraph 1 attach to the liquor licence (excepting those conditions that may not be approved by the Licence Appeal Tribunal), Councillor M. Pearson (Ward 10) will appear before Council for the City of Hamilton and request that Council formally withdraw its objection to the application for liquor licence made by the Applicant, being the resolution approved by Council as Item 7.2 at its meeting held on September 14, 2011.

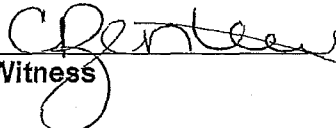
IN WITNESS WHEREOF THIS MEMORANDUM HAS BEEN EXECUTED BY THE PARTIES

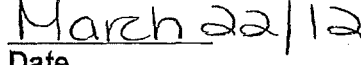

Ljiljana (Lily) Fuduric
for Allusions Hair Studio
& Spa for Men
(I have authority to bind
the corporation)


Witness


Date


Councillor M. Pearson


Witness

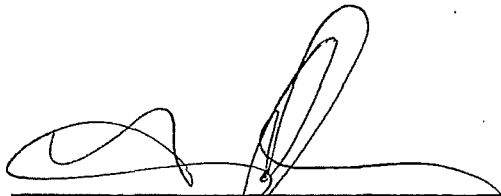

Date

I, TERRI OSBORNE, Objector,


**Re: Application for Liquor Licence
Allusions Hair Studio & Spa for Men**

**hereby confirm that I am in full agreement with the terms of
the Agreement and that the conditions to be agreed to by the
applicant satisfy my objections.**

Dated at Stoney Creek, this 23rd day of February, 2012



Terri Osborne



witness