

Date: 2021-02-17

Subject: **Liquor Sales Licence Application – 7-Eleven Canada, Inc. –
140 Father Tobin Road (Ward 10) and 150 Main Street North (Ward 1)**

Contact: Peter Fay, City Clerk

Report Number: Legislative Services-2021-250

Recommendations:

1. That the report titled: Liquor Sales Licence Application – 7-Eleven Canada, Inc. – 140 Father Tobin Road (Ward 10) and 150 Main Street North (Ward 1), to the City Council meeting of March 3, 2021, be received.

Overview:

- On February 8, 2021, the City Clerk's Office received notification from 7-Eleven Canada of their intent to apply for Liquor Sales Licences for in-store consumption at its two locations in Brampton (140 Father Tobin Road in Ward 10, and 150 Main Street North in Ward 1).
- 7-Eleven Canada has applied to the Alcohol & Gaming Commission of Ontario (AGCO) for 61 Liquor Sales Licences across Ontario in numerous municipalities.
- Under the *Liquor Licence Act*, businesses may be eligible to apply for a Liquor Sales Licence if they intend to sell or serve alcohol to the public for on-site consumption. The business does not have to be primarily involved with the sale and service of food or liquor, but must be located in a premise open to the public or for private members.
- Since 7-Eleven's primary purpose is not the sale and service of food or liquor for consumption on the premises, they may not sell liquor for takeout and delivery with food.

- **These are the first applications received in the City for liquor sales/consumption from a convenience store. The deadline for public commenting on these applications is March 11, 2021.**
- **While the role of the municipality is limited regarding liquor sales licence applications, restricted to applicable zoning, building, fire and public health compliance, Council may wish to consider if it wishes to submit comments to the AGCO regarding these applications.**

Background:

7-Eleven Canada, Inc. has applied to the Alcohol and Gaming Commission of Ontario (AGCO) for 61 Liquor Sales Licences across Ontario, including two locations in the City of Brampton – 140 Father Tobin Road (Ward 10), and 150 Main Street North (Ward 1). The intent of the licence is for in-store liquor consumption only, and not for retail sales or takeout and delivery with food. Appendix 1 includes notification letters and proposed floorplans for each location. The public commenting period for the applications ends on March 11, 2021.

The AGCO licenses and regulates premises that sell or serve alcohol to the public for on-site consumption. This includes premises such as bars, restaurants, lounges and night clubs, although there are no restrictions in the *Liquor Licence Act* on the type of business that can apply for a liquor sales licence.

Only owners of a business can apply for a liquor sales licence. The business does not have to be primarily involved with the sale and service of food or liquor, but must be located in a premises open to the public or private members (such as a social club).

If there are potential risks to the public safety or the public interest identified as part of an application for a liquor sales licence, then there may be a further investigation conducted by the AGCO prior to consideration to issue a liquor sales licence or not.

The AGCO recognizes that due to circumstances including the type of business, location, past history, experience, etc., some establishments pose a greater risk to public safety, to the public interest and/or to non-compliance with the law. Risk-based licensing is one of several initiatives implemented by the AGCO since 2007 to refocus decision-making based on risk assessments, and to move toward regulation based on compliance rather than solely on enforcement. Reference information regarding the [AGCO risk-based licensing considerations](#) is available from the AGCO.

The Municipal Role:

Municipalities have a defined, yet limited, role in the liquor sales licence process, as set out in the Act, associated Regulations and [AGCO processes](#).

An applicant liquor licence is processed and issued only after the AGCO has received the following information from the municipality:

- A [Municipal Information Form](#) is required to be completed and submitted to the AGCO, including:
 - Applicant information, including the location of liquor sales (indoors and/or outdoors), and
 - Municipal information by the City Clerk or their designate, confirming the municipality's 'Wet/Damp/Dry' status, and the name of the municipality where the taxes are paid for the address of the proposed establishment (City fee for completed Municipal Information Form is \$75).

Specific concerns regarding zoning or non-compliance with by-laws must be clearly outlined in a separate submission or letter within 30 days of notification.

- [Compliance letters](#) are requested from municipal building, fire and public health departments, confirming that there are no deficiencies to the establishment, and assigning occupancy loads to the area of liquor sales/consumption.

Applicants are required to post a placard/poster (provided by the AGCO) at the business advising the community of their application for a Liquor Sales Licence. The placard/poster must be posted for a number of days as specified by the AGCO at the place of business and in a location where the public can easily read it. If the AGCO receives any public objections to the application, these objections must be resolved before the application can proceed further.

Generally, if liquor licence sales is a permitted land use, and building code, fire regulations and public health requirements are satisfied, the Municipal Information Form is returned signed and the AGCO determines whether to issue a liquor sales licence.

Current Situation:

The Municipal Information Form will be submitted to the applicant for each location advising that both locations are considered "Wet" within the municipality. The Municipal Information Form is not the basis for a municipality to express its objection to a liquor licence application.

Appendix 2 includes maps of the 7-Eleven store locations in the City with surrounding sensitive land uses identified similar to cannabis retail store authorization application assessments.

Council may wish to consider possible risks associated with the licensing of this type of establishment for in-store liquor sales and consumptions, including, but not limited to:

- Consumption of alcohol within a convenience store with a retail model of 'in and out' quickly
- Surrounding land uses and potential conflicting land uses (e.g., location and proximity to sensitive land uses);
- Presence of underage persons within an environment serving liquor
- Potential for public loitering inside and outside the premises
- Potential activities and incidents in and around the establishment that may compromise public safety
- Ability of store staff to mitigate noise, patron management, litter, disorderly conduct in and around the establishment, exterior line-ups
- activities, actions and behaviour of patrons as they may relate to vicinity in and around the establishment, as well as to the surrounding areas

Should Council decide to consider to submit a comment or objection to one or both of these liquor license applications, written notification (mail, email, fax) should include an explanation as to why the proposal(s) is of concern.

The AGCO's website does include [guidance information for objecting to a liquor sales license application](#), including guidance for resident objections. Any person can register an objection to a liquor licence application.

The AGCO may issue a liquor licence unless, pursuant to the *Liquor Licence Act*, the application is found not to be in the public interest having regard to the needs and wishes of the residents.

If Council wishes to object to the applications, in consideration of the public interest, it could pass a resolution to that effect. An objection resolution would need to be submitted to the AGCO by the commenting deadline of March 11, 2021.

The AGCO shares any received objections with the applicant and may convene a meeting between the applicant and objector(s) to discuss the objections and determine if there are mitigation measures to resolve objections, resulting in either approval of the application or, if the issues cannot be resolved, issue a Notice of Proposal to Review the Licence Application which can be appealed to the Licence Appeal Tribunal (LAT). The LAT operates in a similar manner as the Local Planning Appeal Tribunal (e.g., pre-hearing conference, convene hearing, issue decision) and its decision may be subject to appeal to the Divisional Court, if there has been an error of law.

Corporate Implications:

Financial Implications:

There are no financial implications resulting from this report.

Other Implications:

Term of Council Priorities:

This report furthers the Term of Council Priorities of a Healthy and Safe City, as well as a Well-run City, by ensuring the public interest is considered in decision-making to protect the shared interests of all residents of the City.

Conclusion:

The City has received notification from 7-Eleven Canada of their intent to apply for Liquor Sales Licences for in-store consumption at its two locations in Brampton (140 Father Tobin Road in Ward 10, and 150 Main Street North in Ward 1). While the role of the municipality is limited regarding liquor sales licence applications, restricted to applicable zoning, building, fire and public health compliance, Council may wish to consider if it wishes to submit comments to the AGCO regarding these applications.

Authored by:

Reviewed by:

Laurie Robinson,
Business Coordinator, City Clerk's Office

Peter Fay,
City Clerk, Legislative Services

Approved by:

Submitted by:

Paul Morrison,
Acting Commissioner, Legislative
Services

David Barrick,
Chief Administrative Officer

Attachments:

Appendix 1 – Notification Letters for Liquor Sales Licence Application – 7-Eleven Canada, Inc. – 140 Father Tobin Road (Ward 10) and 150 Main Street North (Ward 1)

Appendix 2 – Map of each location showing separation distance from sensitive land uses, i.e. schools, group homes, places of worship