



November 24, 2021

VIA EMAIL

Mr. Ryan Morhart  
CC: Mayor Lisa Helps  
And Members of Victoria City Council  
City Hall  
1 Centennial Square  
Victoria, B.C. V8W 1P6

Dear Ryan:

**Re: Application for an Extension of Liquor Licence Hours to 1 am – seven days a week and Patron Participation Entertainment Endorsement for Proposed Toptable Restaurant**  
**At: 1515 Douglas Street, Victoria, B.C.**  
**Applicant: 0995300 B.C. Ltd**

---

Thank you for the opportunity to provide additional comments regarding the above application. I will be available either in person or via Zoom (or other methods) on the day of the Committee of the Whole gives consideration to this application in case Council or staff have a question.

We have done the licensing work for the Toptable Group for over the past 20 years and as a former resident of Victoria, I am very excited they are bringing their fine dining experience to the City. If you are not familiar with this group of restaurants, I would encourage you to visit their website at [www.toptable.ca](http://www.toptable.ca).

The proposed Victoria Restaurant (across from City Hall) will be comparable to their two Vancouver Restaurants called Blue Water Café & Raw Bar and Elisa. It will be a fine dining experience.

In recognition of the concerns of some resident in the area we have agreed to modify the closing hours from 2 am to 1 am and we have discussed this with staff. We also have agreed to close the patio at 11 pm with no music on the patio.

I have attached to this letter a copy of the email I have sent to Wendy Bowkett of the Downtown Victoria Residents Association in response to her concerns and addressed any

issues.

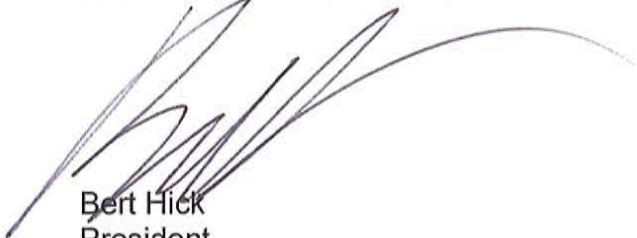
It is the Toptable Group's intention to bring to Victoria to this location a fine dining experience which will be of benefit to this area of Victoria and the residents, business community and tourists.

The Toptable Group have an impeccable record with authorities in all jurisdictions where they have restaurants. Because their focus is fine dining, they cater to an older clientele seeking a quality food and beverage experience.

In closing, this Restaurant will be a wonderful new additions to the dining options in Victoria.

Please do not hesitate to contact me if you have any questions.

Yours truly,  
**RISING TIDE CONSULTANTS**

A handwritten signature in black ink, appearing to read 'Bert Hick', with a long, sweeping horizontal flourish extending to the right.

Bert Hick  
President

## Susan Mander

---

**From:** Susan Mander on behalf of Bert Hick  
**Sent:** November-24-21 3:10 PM  
**To:** 'landuse@victoriadra.ca'  
**Subject:** ATTN: Wendy Bowkett - Application for Extended Hours and Patron Participation Entertainment Endorsement - Toptable Victoria  
**Attachments:** Letter from DVRA - Toptable Victoria.pdf

Good Afternoon Wendy:

Our client (0995300 B.C. Ltd) has forwarded to us a copy of your email dated November 10, 2021 addressed to Mayor Helps and Council regarding the current application we have with the City of Victoria. We would like to clarify some of the points you have raised and provide additional information for your consideration.

This is an application by the Toptable Group of Restaurants which is owned by the Aquilini Family. If you have not done so, I would encourage you to visit their website at [www.toptable.ca](http://www.toptable.ca) to learn more about their amazing group of restaurants that they own in Vancouver, Whistler and New York. The proposed Victoria restaurant would be comparable in operation, quality food experience, atmosphere and design to all other Toptable restaurants. The establishment will be food focused at all times and will have an open kitchen and will not operate as a bar or pub. This is the case with all their licensed restaurants. Indeed, the proposed Victoria Toptable restaurant will be a "cross" between their Blue Water Café and Raw Bar and Eliza in Yaletown, Vancouver.

The applicant believes there is a market in Victoria for a quality upscale dining experience particularly as we all come out of the Covid pandemic. You are correct that the Landlord (Jawl Family) would not permit a restaurant in their building if it was going to represent a nuisance or a problem to the community. The applicant and the Jawl family worked closely on the development of this initiative and they believe that a quality dining establishment at this location will be of benefit to the immediate area and the City. We believe the citizens of Victoria and area are ready for a fine dining experience. We also believe a quality restaurant in this area of Victoria will be beneficial to the Businesses and Residents in that it will attract people to the area seeking a quality dining experience.

The Toptable Group have impeccable records with the Liquor and Cannabis Regulation Branch, the Vancouver Police Department, the Whistler Detachment of the RCMP, the City of Vancouver staff and the staff at the Resort Municipality of Whistler where their restaurants are located.

With respect to the details of this application, I would offer the following comments and clarification:

### **HOURS OF SALE**

Originally when we filed this application we applied for the maximum number of hours permitted by the City of Victoria which is 2 am. However, it was decided, we would advise the City that we will reduce the hours from 9 am to 2am to 9 am to 1am seven days a week. Attached is a copy of correspondence with Ryan Morhart at the City regarding this.

The request for new 1am closing is to ensure the hours are comparable with other licensed restaurants in the City.

## PATRON PARTICIPATION ENTERTAINMENT ENDORSEMENT

This requested endorsement would permit the ownership to occasionally host, primarily family and corporate events that may involve dancing such as an anniversary, birthday or wedding event. I would stress occasionally as given the upscale nature of this establishment and the costs involved we do not anticipate many of these events. However, the ownership would like to keep the option open for these odd occasions.

I have attached to this email a copy of the floor plan from the establishment for your review. You will note it is set up as a restaurant and not a pub. It does not have a dance floor, stage, or DJ Booth. Also on the plan you will see that the establishment will have a large commercial grade open kitchen, a sushi bar and tables and chairs suitable for dining.

## OTHER CONSIDERATIONS

- The applicant will be able to abide by the City of Victoria Noise Bylaw.
- The clientele to this proposed restaurant will be similar to that of other Toptable restaurants which is generally 40 years of age and older.
- The price point for the menu items will be catering to an older clientele who are seeking a quality upscale dining experience.
- The patio is weather dependent. Whilst the City of Victoria have no policy for patio hours, we have been advised by a City of Victoria official that 11pm is an acceptable and supportable hour for closure of liquor service on patios. There will be no music on the patio.
- The ownership will not permit this establishment which is fine dining, to operate as a pub at any time as that is not their business model. Again, this is a fine dining establishment.

In closing, based on the operating model of Toptable restaurants, the floor plan, the décor and fine dining experience orientation, the last thing the ownership want is for this establishment to become a “pub” at night. This would be completely contrary to the mature clientele they are catering to in the Greater Victoria area.

I would be pleased to have further discussions or have a meeting with you to further discuss this application.

Yours truly,

Bert Hick

**Bert Hick** | President, Founder & CEO



p: 604.669.2928 | c: 604.812.2322 | f: 604.669.2920

bert@risingtideconsultants.ca | www.risingtideconsultants.ca

1620-1130 West Pender Street, Vancouver, BC V6E 4A4



# CALUC letter re Application to Extend Liquor Service Hours & Patron Participation- Toptable Victoria

10 November 2021

Dear Mayor Helps and Council,

With regards to the Application to extend the hours of Liquor Service for the Food Primary Licence and obtain a Patron Participation Endorsement at 1515 Douglas Street for Toptable Victoria, from the Letter Of Intent and the Application, the DRA Land Use Committee understands the following:

- The applicant seeks to extend their operating hours from 9AM to 12AM daily to 9AM to 2AM.
- The total occupant load of 177 includes a 38-person outdoor patio.
- The application includes a request for a Patron Participation Entertainment Endorsement to "enable patrons to dance in the food primary area of the establishment".
- If approved, the patron participation entertainment will end at 12AM.

In a subsequent conversation with Bert Hick from Rising Tide, it was outlined that this application is for a high-end restaurant modelled after the Aquilini Group's Blue Water in Vancouver. He offered that the patron participation and extended hours are to accommodate buyouts for weddings and events.

Feedback in response to the submitted documents is as follows:

- This venue has yet to open its doors to the public so the impacts on the neighbouring community within its current business model are unknown and unproven, so an extension of hours and a change of business model to include patron participation entertainment seems premature.
- As with all the food primary late night liquor applications, are these operations pubs or restaurants? Is there a difference any more? Or are they restaurants by day that turn into pubs at night?
- In a similar trend evolution, we are seeing restaurants requesting extended liquor service hours so often that it is obviously a new need or at least a common customer request. I think that the LCRB needs to review their policies and categories in this post-Covid new F&B market rather than making this a neighbourhood association policy decision.
- If they will not make an updated policy and we (all LUCs and Planning Departments) are to be in charge of these applications, then I recommend double licensed facilities, as stated previously: with a restaurant license from time A to time B and a pub license from time B to time C. Then they can follow the established rules for those categories during those times.
- Without these changes, then we are being asked to sanction either rule breaking or possibly law breaking, which is not something I can support.

- The "letter of intent" for this application is submitted by Susan Mander, a liquor-licensing specialist with Rising Tide Liquor and Cannabis Licensing Consultants, on behalf of the applicant, Roberto Aquilini. Unfortunately, the letter is virtually absent any specific information, treating the details as unproblematic. It asserts that food primary licensees "tend not to create problems in the community" and so "there should be no noise impact on the community" but rather "will add to the Restaurant and Hospitality offerings in Downtown Victoria" and offer "greater flexibility for the dining public".
- I understand that this application is essentially an addendum to a current application for food primary licensing. I hope that the latter application provides more useful information for making a decision. The applicant, Mr. Roberto Aquilini, of the well known Vancouver-based Aquilini Group, owns many properties and businesses, including hotels and restaurants. It is striking to me that Mr. Aquilini apparently does not feel the need to be more responsive.
- I agree that this application follows a trend in wanting to treat a food primary restaurant as a late-night drinking establishment. It is not enough, as this application does, to merely assert that; "this establishment is not operated as a pub."
- I'm not sure this particular location or the Victoria market would support the high-end business model that's being proposed but I'm confident that the Jawls would not allow a public nuisance to emanate from one of their signature buildings.
- While the patio represents a small portion of the total occupancy, it's unclear from the information provided what the hours of operation are for this area, whether amplified music will be included, etc. Historically, during hours of operation, patios have often been a source of public nuisance noise to existing residential neighbours.
- While the applicant's consultant offered that the patron participation and extended hours are intended for occasional buyouts for events, there are no restrictions provided in the licensing that these events won't become a regular occurrence along with the corresponding late night impacts on neighbours, the community and calls for police.

In addition to the comments provided by committee members, we have assessed the application in relation to our DRA LUC Liquor Policy.

In sum, we do not feel the applicant has made a convincing case in support of this application. The DRA LUC offers concerns based on the unproven claims that this operation as would not negatively impact the community in its original conception so an expansion of the business model will not contribute to greater negative impacts. Likewise, we need to consider a possible change in ownership after the extended hours and patron participation have been granted, if the current owner sells the operation.

Sincerely,

Wendy Bowkett

Secretary, Land Use Committee Downtown Residents Association

