



City of Hamilton

HAMILTON LICENSING TRIBUNAL

established under the Municipal Act, 2001 and the Business Licensing By-law No. 07-170

Meeting #: 18-004
Date: June 15, 2018
Time: 10:00 a.m.
Location: Room 264, 2nd Floor, City Hall
71 Main Street West

Lauri Leduc, Committee Secretary (905) 546-2424 ext. 4102

	Pages
1. APPROVAL OF AGENDA	
(Added Items, if applicable, will be noted with *)	
2. CONFLICTS OF INTEREST	
3. HEARINGS	
3.1 NOTICE OF REFUSAL (dated March 7, 2018) to: Mr. Petro Sosnovskiy operating as Queenston Wellness Spa	3
City of Hamilton Personal Wellness Service Establishment Application No. 17 293426	
3.2 REQUEST FOR A SHOW CAUSE HEARING (dated April 23, 2018) to: Harbans Kalsi	6
City of Hamilton Public Garage B2 Business Licence 16 290619 1R at 6 Dunbar Avenue	
4. TRIBUNAL BUSINESS	
4.1 February 2, 2018	8

5. ADJOURNMENT

March 23, 2018

To: Hamilton Licensing Tribunal
Office of the City Clerk, City Hall
71 Main Street West
Hamilton, ON., L8P 4Y5

From: Queenston Wellness Spa
1626040 Ontario Ltd.
Mr. Petro Sosnovskiy

[REDACTED]
[REDACTED]

**RE: 1626040 Ontario Ltd., owner/ operator of Queenston Wellness Spa
City of Hamilton Personal Wellness Service Establishment License
261 – 267 Queenston Road, Hamilton, Ontario
Application 17 293426**

Dear Sir/ Madam:

Following Notice of Refusal letter dated March 07, 2018 I would like to request a decision Appeal Hearing Date with Legislative Coordinator for the Hamilton Licensing Tribunal.

The grounds for the Appeal are as follows:

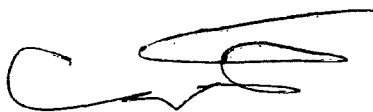
1. Temporary medical disability of Mr. Petro Sosnovskiy on the date of the interview;
2. Operational plan.

Please be advised, that all above noted documents will be provided prior to the date of Appeal Hearing.

Also, I intend to be represented by Licensed Paralegal.

If you have any further questions, please contact Mr. Leon Levin at (416) 225 – 5200.
His mailing address is 1000 Finch Ave West, Ste. #305, Toronto, ON M3J 2V5.

Sincerely,



Mr. Petro Sosnovskiy



Hamilton

City of Hamilton
 City Hall, 71 Main Street West
 Hamilton, Ontario
 Canada L8P 4Y5
 www.hamilton.ca

Planning and Economic Development Department
 Licensing and By-law Services Division
 Licensing Section
 Physical Address: 77 James Street North, Suite 250
 Phone 905.646.2782 Fax: 905.640.6280

March 7, 2018

Queenston Wellness Spa
 1626040 Ontario Ltd.
 Mr. Petro Sosnovskiy

Dear Mr. Sosnovskiy,

Subject: NOTICE OF REFUSAL
1626040 Ontario Ltd., owner / operator of Queenston Wellness Spa,
City of Hamilton Personal Wellness Service Establishment Licence
261- 267 Queenston Road, Hamilton, Ontario
Application 17 293426

Please be advised that pursuant to Section 12(1) of the General Provisions of the City of Hamilton Licensing By-law 07-170, as amended, it is my intention to refuse the issuance of the above referenced licence.

Pursuant to Section 8 of the Statutory Powers Procedure Act, R.S.O. 1990, c. S22, the grounds for refusal are as follows:

1. City of Hamilton Licensing By-law 07-170, Section 12(1)(c)(vi), as amended which states:

The Issuer of Licences shall refuse to issue a licence or may recommend the suspension or revocation of a licence when, in the opinion of the Issuer of Licences:

- a. *the operation of the applicant's or licensee's business would put the public safety at risk;*
- b. *the operation of the applicant's or licensee's business is not or will not be carried on in compliance with the law; or*
- c. *the conduct of the applicant or licensee (in the case of partnership, the conduct of its partners, employees, or agents, or in the case of a corporation, the conduct of its officers, directors, employees or agents) affords reasonable grounds for belief that the applicant or licensee will not carry on or engage in the business in accordance with the law or with honesty or integrity.*

Subject: NOTICE OF Refusal – Queenston Wellness Spa
March 7, 2018

Page 2 of 2

Namely,

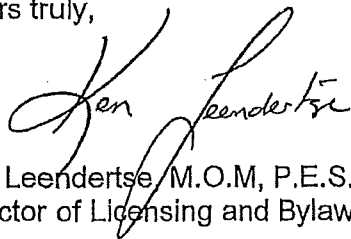
1. The Applicant was very sparse in his knowledge of the practices of Aromatherapy, and alternative massage; he did not announce a background of knowledge of these practices which the public would be relying on for treatment as per the requirements of City of Hamilton By-law 07-170, Schedule 15, Sec 4(b), as amended, and as per the requirements of City of Hamilton By-law 07-170, Schedule 15, Sec 4(c), as amended.
2. The Applicant and his spouse have a background and evidence would indicate that they were involved in a business which was previously and currently listed as a body rub business in Toronto.

Pursuant to Section 13 of the By-law, you are entitled to a hearing before the Hamilton Licensing Tribunal.

To obtain a hearing before the Hamilton Licensing Tribunal, you must file within thirty (30) days from this date, a written request for a hearing with the Legislative Coordinator for the Hamilton Licensing Tribunal, Office of the City Clerk, City Hall, 71 Main Street West, Hamilton, Ontario, L8P 4Y5, together with the grounds for appeal of the decision of the Issuer of Licenses. This request must include any change of address for receipt of notice of the hearing. Please be advised that there is a \$148.00 non-refundable fee required to be submitted at the time of filing of your appeal.

You will then be notified by the Legislative Coordinator of the Hamilton Licensing Tribunal of the scheduled hearing before the Hamilton Licensing Tribunal. A hearing shall be commenced by the Hamilton Licensing Tribunal within sixty (60) days from the date of receipt of your request for a hearing.

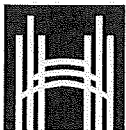
Yours truly,



Ken Leendertse, M.O.M, P.E.S.M., BA
Director of Licensing and Bylaw Services

KL/JG/kn

JK
cc: Lauri Leduc, Legislative Coordinator
Linda Clayton, Prosecutor, Municipal Prosecutions
Stacy Stanley, Prosecutor, Municipal Prosecutions
Dana Lezau, Solicitor, Legal Services
Lynne Shewfelt, Supervisor of Licensing Compliance
Jim Gordon, Licensing and Bylaw Services



City of Hamilton
 City Hall, 71 Main Street West
 Hamilton, Ontario
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 www.hamilton.ca

Planning and Economic Development Department
 Licensing and By-law Services Division
 Licensing Section
 Physical Address: 77 James Street North, Suite 250
 Phone 905.546.2782 Fax: 905.540.6280

Hamilton

April 23, 2018

Lauri Leduc, Legislative Coordinator
 Office of the City Clerk
 City of Hamilton
 71 Main Street West
 Hamilton, ON L8P 4Y5

Dear Madam,

**RE: REQUEST FOR SHOW CAUSE HEARING
 Harbans KALSI, 1695192 Ontario Inc.
 City of Hamilton Public Garage B2 Business Licence
 6 Dunbar Avenue, 16 290619 1R / Expiry Date March 7, 2019**

Please be advised that pursuant to Section 12(1) of the General Provisions of the City of Hamilton Licensing By-Law 07-170, as amended, it is my intention to request that a show cause hearing be scheduled and brought before the Hamilton Licensing Tribunal to consider whether the above referenced licence should be revoked or suspended or conditions imposed.

Pursuant to Section 8 of the *Statutory Powers Procedure Act*, R.S.O.1990, c. S22 the grounds for revocation or suspension or the imposition of conditions at this hearing are:

City of Hamilton Licensing By-law 07-170, Section 12(1)(c)(vi)(3), as amended:
 The conduct of the applicant or licensee (in the case of partnership, the conduct of its partners, employees or agents or in the case of a corporation, the conduct of its officers, directors, employees or agents) affords reasonable grounds for belief that the applicant or licensee will not carry on or engage in the business in accordance with the law or with honesty or integrity.

Namely,

On April 19, 2018, Mr. Harbans KALSI uttered a threat against a Municipal Law Enforcement Officer, specifically, Mr. Kalsi called Municipal Law Enforcement Officer Valandis Korakas a racist and told him that, ("one day, someone will come after you, but not me, but someone.")

Request for Show Cause Hearing Mr. Harbins KALSI
April 20, 2018

Page 2 of 2

The licence expires on **March 7, 2019**. If the hearing has not been completed before the licence expires and:

- the licence holder has not submitted a completed application for a renewal, then we will request that the hearing be cancelled. If this is the case and the licence holder keeps operating without a licence, they will be doing so contrary to the Licensing By-law; or,
- the licence holder has submitted a completed application for a renewal, then we will request that the hearing proceed under Section 12(1) of the Licensing By-law as a refusal of the licence rather than as a recommendation to revoke or suspend the licence.

In accordance with the *Statutory Powers Procedure Act*, R.S.O.1990, c. S.22, we will be forwarding to the licence holder under separate cover full disclosure of all documents and testimony that will be entered into evidence on behalf of the City of Hamilton at this hearing.

We trust that this request can be accommodated as soon as practical.

Yours truly,



Ken Leendertse, M.O.M, P.E.S.M., BA
Director, Licensing and By-law Services

KL/LS/kn

Cc: Lauri Leduc, Legislative Coordinator
Linda Clayton, Prosecutor, Municipal Prosecutions
Stacy Stanley, Prosecutor, Municipal Prosecutions
Lynne Shewfelt, Supervisor of Licensing Compliance



CITY OF HAMILTON

MINUTES

18-001

HAMILTON LICENSING TRIBUNAL

Friday, February 2, 2018

10:00 a.m.

Room 264, Hamilton City Hall

71 Main Street West

Hamilton, Ontario

Present:	Councillor C. Collins - Vice-Chair Councillors M. Green, B. Johnson and R. Pasuta
Absent:	Councillor T. Whitehead - Chair – Personal
Also Present:	L. Clayton, Municipal Prosecutor L. Leduc, Legislative Coordinator, City Clerk's Office J. Hidalgo, Solicitor to the Licensing Tribunal

The meeting was called to order.

1. CHANGES TO THE AGENDA (Item 1)

There were no changes to the agenda.

(B. Johnson/Pasuta)

That the agenda for the February 2, 2018 meeting of the Hamilton Licensing Tribunal be approved, as presented.

CARRIED

2. DECLARATIONS OF INTEREST (Item 2)

There were none declared.

3. HEARINGS (Item 3)**3.1 NOTICE OF REFUSAL (dated November 28, 2017) to: Ms. Qiu Ping operating as Green Leaf Health Centre**

City of Hamilton Personal Wellness Service Establishment
Application No. 17 292637

For the outcome of this matter, refer to the Notice of Decision.

3.2 REQUEST FOR A SHOW CAUSE HEARING (dated December 12, 2017) for: Mr. Habte-Ab Tecele-Mariam

City of Hamilton Taxi Drive License – 2M - Accessible
License No. 15 127259 03 2M (Expiry May 23, 2018)

For the outcome of this matter, refer to the Notice of Decision.

3.3 NOTICE OF REFUSAL (dated November 28, 2017) to: Ms. Yu Lan Yang operating as Hamilton Wellness Spa

City of Hamilton Personal Wellness Service Establishment
Application No. 17 292875

For the outcome of this matter, refer to the Notice of Decision.

4. TRIBUNAL BUSINESS**4.1 Minutes of the December 11, 2017 meeting**

(Pasuta/B. Johnson)

That the Minutes of the December 11, 2017 meeting of the Hamilton Licensing Tribunal, be approved.

CARRIED

5. ADJOURNMENT

(Pasuta/Green)

That the meeting of the Hamilton Licensing Tribunal be adjourned at 3:14 p.m.

CARRIED

Lauri Leduc
Legislative Coordinator
Hamilton Licensing Tribunal
City Clerk's Office