



## City of Hamilton

### HAMILTON LICENSING TRIBUNAL

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

**Meeting #:** 19-003  
**Date:** September 24, 2019  
**Time:** 10:00 a.m.  
**Location:** Room 264, 2nd Floor, City Hall  
71 Main Street West

Loren Kolar, Committee Secretary (905) 546-2424 ext. 2604

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#### 1. APPROVAL OF AGENDA

(Added Items, if applicable, will be noted with \*)

#### 2. CONFLICTS OF INTEREST

#### 3. APPROVAL OF MINUTES OF PREVIOUS MEETING

3.1 April 12, 2019

#### 4. HEARINGS

4.1 REQUEST FOR SHOW CAUSE HEARING (dated August 30, 2019) to: Cuong Do, Bamboo Spa, City of Hamilton Multiple Establishment Licence (Personal Wellness Services and Personal Service Facility), License #18-295345

4.2 REQUEST FOR SHOW CAUSE HEARING (dated August 30, 2019) to: Xiu Mei Guo, Osteopathic Wellness and Health, City of Hamilton Personal Wellness Services, License #19-295785

#### 5. ADJOURNMENT



**CITY OF HAMILTON  
MINUTES**

**19-002**

**HAMILTON LICENSING TRIBUNAL**

**Friday, April 12, 2019**

**10:00 a.m.**

**Room 264, Hamilton City Hall**

**71 Main Street West**

**Hamilton, Ontario**

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**Present:** Councillors B. Clark (Chair), N. Nann, B. Johnson

**Absent with  
Regrets:** Councillors T. Whitehead and C. Collins – City Business

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The meeting was called to order.

**FOR INFORMATION:**

**(a) CHANGES TO THE AGENDA (Item 1)**

There were no changes to the agenda.

**(Nann/Johnson)**

That the agenda for the April 12, 2019 meeting of the Hamilton Licensing Tribunal be approved, as presented.

**CARRIED**

**(b) DECLARATIONS OF INTEREST (Item 2)**

There were none declared.

**(c) APPROVAL OF MINUTES OF PREVIOUS MEETING (Item 3)**

**(i) March 26, 2019 (Item 3.1)**

**(Nann/Johnson)**

That the Minutes of the March 26, 2019 meeting of the Hamilton Licensing Tribunal, be approved, as presented.

**CARRIED**

**(d) HEARING (Item 4)**

**(i) Appeal of Refusal of Licence: D. Demirovic, City of Hamilton Building Repair Master Licence File No. 19-295629-MA (Item 4.1)**

**(Johnson/Clark)**

The Hamilton Licensing Tribunal has decided to uphold the decision of the Director of Licensing to refuse the application of Deni Demirovic for a City of Hamilton Building Repair Master Licence.

**CARRIED**

**(e) ADJOURNMENT (Item 5)**

**(Nann/Johnson)**

That the meeting of the Hamilton Licensing Tribunal be adjourned at 10:53 a.m.

**CARRIED**

Loren Kolar  
Legislative Coordinator  
Hamilton Licensing Tribunal  
City Clerk's Office



## CITY OF HAMILTON

### HEARING NOTICE

#### HAMILTON LICENSING TRIBUNAL

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

A hearing will be held before the Hamilton Licensing Tribunal **on Tuesday, September 24, 2019 at 10:00 a.m. in Room 264 at Hamilton City Hall, 71 Main Street West, Hamilton, Ontario**, to consider the following:

The Director of Licensing's request, made August 30, 2019, under Section 12 (1)(c)(vi) of the City of Hamilton's Licensing By-law, for a Show Cause Hearing respecting a City of Hamilton Multiple Establishment Licence (Personal Wellness Services and Personal Service Facility), Cuong Do, Bamboo Spa, City of Hamilton Multiple Establishment Licence (Personal Wellness Services and Personal Service Facility) License #18-295345

At the hearing the Tribunal will decide whether or not to uphold the refusal, and/or to revoke, suspend or have conditions imposed on your business licence. The hearing will be conducted in accordance with the *Municipal Act, 2001*, the Business Licensing By-law No. 07-170 and the *Statutory Powers Procedure Act*. Additional information respecting the appeal process can be obtained online at <https://www.hamilton.ca/council-committee/council-committee-meetings/hamilton-licensing-tribunal> or in person at the Office of the City Clerk, 71 Main Street West, First Floor.

**If either you and/or your legal representative do not attend the hearing at the date, place and time indicated, the Hamilton Licensing Tribunal may proceed in your absence to render any decision or recommendation within its jurisdiction, and you will not be entitled to further notice of the proceeding.**

The Tribunal may commence to hear a matter at any time from **10:00 a.m.** onward. Once a matter has commenced it may continue to be heard after regular business hours, until such later time as determined by the Tribunal.

Please advise the Legislative Coordinator if you require any special accommodations, including language translation services, as soon as possible.

Issued on August 30, 2019 to:

Licensee:

Cuong Do, Bamboo Spa

Director of Licensing:

Ken Leendertse

Please direct any questions to: **Loren Kolar, Legislative Coordinator**  
Office of the City Clerk  
905-546-2424 x2604  
[loren.kolar@hamilton.ca](mailto:loren.kolar@hamilton.ca)



City of Hamilton  
 Mailing Address:  
 Hamilton City Hall  
 71 Main St. West  
 Hamilton, ON L8P 4Y5  
[www.hamilton.ca](http://www.hamilton.ca)

Planning and Economic Development Department  
 Licensing and By-law Services  
 Physical Address: 77 James Street North, Suite #250  
 Phone: 905.546.2782 Fax: 905.540.6280  
 Email: [licensing@hamilton.ca](mailto:licensing@hamilton.ca)

# 4.1(a)

License #18-295345

August 30<sup>th</sup>, 2019

Loren Kolar, Legislative Co-ordinator  
 Office of the City Clerk  
 City of Hamilton  
 71 Main Street West  
 Hamilton, ON L8P 4Y5

Dear: Cuong, DO

**RE: REQUEST FOR SHOW CAUSE HEARING  
 Cuong Do, Bamboo Spa  
 City of Hamilton Multiple Establishment Licence (Personal Wellness Services  
 and Personal Service Facility)  
 Unit 302-640 Upper James St, Hamilton, ON  
 License #18-295345  
 Expiry Date: December 10, 2019**

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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 ("City of Hamilton Licensing By-Law"), I am requesting 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.

City of Hamilton Licensing By-Law 07-170, Section 12 (1)(c)(vi), as amended: The Director of Licensing and By-Law shall refuse to issue a licence or may recommend the suspension or revocation of a licence when, in the opinion of the Director:

1. The operation of the applicant's or licensee's business would put the public's safety at risk.
2. The operation of the applicant's or licensee's business is not or will not be carried on in compliance with the law; or
3. The conduct of the applicant or licensee 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,

That “Bamboo Spa” has been determined to be in non-compliance with Schedule 15 (Personal Wellness Services), of the City of Hamilton Licensing By-Law 07-170, as amended. These violations include but are not limited to;

- **Section 9 (a)** – Every operator shall not equip the personal wellness services establishment so as to impede the enforcement of this By-Law;
- **Section 9 (c)** – Every operator shall post their licence in a conspicuous place in the personal wellness services establishment at all times;
- **Section 9 (f)** – Every operator shall not permit any service to be provided to a customer or any person that appeals to or is designed to appeal to erotic or sexual appetites or inclinations
- **Section 9 (h)(i)** – Every operator shall keep a record of each alternative massage provided, which record shall include the name of the person who provided the alternative massage and the time and date of the alternative massage

You will be notified by the Legislative Co-ordinator 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 generation of this letter.

If you have any questions regarding this matter, please contact Tiffany Gardner, Supervisor of Licensing Administration, at 905 546 2424 ext. 1789.

Yours truly,

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

CC: Cuong Do  
Sheena DeBoer - Project and Policy Assistant  
Janet Rutherford – Hearing/Tribunal Prosecutor  
Adam Palmieri - Supervisor Operations and Enforcement  
Tiffany Gardner - Supervisor Licensing  
Kim Coombs - Manager Licensing  
Robert Ustrzycki - Manager Municipal Law Enforcement



## CITY OF HAMILTON

### HEARING NOTICE

#### HAMILTON LICENSING TRIBUNAL

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

A hearing will be held before the Hamilton Licensing Tribunal **on Tuesday, September 24, 2019 at 10:00 a.m. in Room 264 at Hamilton City Hall, 71 Main Street West, Hamilton, Ontario**, to consider the following:

The Director of Licensing's request, made August 30, 2019, under Section 12 (1)(c)(vi) of the City of Hamilton's Licensing By-law, for a Show Cause Hearing respecting a City of Hamilton Multiple Establishment Licence (Personal Wellness Services and Personal Service Facility), Xiu Mei Guo, Osteopathic Wellness and Health, City of Hamilton Personal Wellness Services, License #19-295785

At the hearing the Tribunal will decide whether or not to uphold the refusal, and/or to revoke, suspend or have conditions imposed on your business licence. The hearing will be conducted in accordance with the *Municipal Act, 2001*, the Business Licensing By-law No. 07-170 and the *Statutory Powers Procedure Act*. Additional information respecting the appeal process can be obtained online at <https://www.hamilton.ca/council-committee/council-committee-meetings/hamilton-licensing-tribunal> or in person at the Office of the City Clerk, 71 Main Street West, First Floor.

**If either you and/or your legal representative do not attend the hearing at the date, place and time indicated, the Hamilton Licensing Tribunal may proceed in your absence to render any decision or recommendation within its jurisdiction, and you will not be entitled to further notice of the proceeding.**

The Tribunal may commence to hear a matter at any time from **10:00 a.m.** onward. Once a matter has commenced it may continue to be heard after regular business hours, until such later time as determined by the Tribunal.

Please advise the Legislative Coordinator if you require any special accommodations, including language translation services, as soon as possible.

Issued on August 30, 2019 to:

Licensee:

Director of Licensing:

Xiu Mei Guo, Osteopathic Wellness and Health

Ken Leendertse

**Please direct any questions to: Loren Kolar, Legislative Coordinator  
Office of the City Clerk  
905-546-2424 x2604  
loren.kolar@hamilton.ca**



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# 4.2(a)

Licence #19-295785

August 30<sup>th</sup>, 2019

Loren Kolar, Legislative Co-ordinator  
 Office of the City Clerk  
 City of Hamilton  
 71 Main Street West  
 Hamilton, ON L8P 4Y5

Dear: Xiu Mei Guo

**RE: REQUEST FOR SHOW CAUSE HEARING  
 Xiu Mei Guo, Osteopathic Wellness and Health  
 City of Hamilton Personal Wellness Services  
 Unit B-314 Queenston Rd, Hamilton, ON  
 License #19-295785  
 Expiry Date: May 22, 2020**

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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 ("City of Hamilton Licensing By-Law"), I am requesting 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.

City of Hamilton Licensing By-Law 07-170, Section 12 (1)(c)(vi), as amended: The Director of Licensing and By-Law shall refuse to issue a licence or may recommend the suspension or revocation of a licence when, in the opinion of the Director:

1. The operation of the applicant's or licensee's business would put the public's safety at risk.
2. The operation of the applicant's or licensee's business is not or will not be carried on in compliance with the law; or
3. The conduct of the applicant or licensee 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,

That “Osteopathic Wellness and Health” has been determined to be in non-compliance with Schedule 15 (Personal Wellness Services), of the City of Hamilton Licensing By-Law 07-170, as amended. These violations include but are not limited to;

- **Section 9 (c)** – Every operator shall post their licence in a conspicuous place in the personal wellness services establishment at all times;
- **Section 9 (d)** – Every operator shall keep the premises in a clean and sanitary condition;
- **Section 9 (f)** – Every operator shall not permit any service to be provided to a customer or any person that appeals to or is designed to appeal to erotic or sexual appetites or inclinations
- **Section 9 (h)** – Every operator shall keep a record of each alternative massage provided

You will be notified by the Legislative Co-ordinator 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 generation of this letter.

If you have any questions regarding this matter, please contact Tiffany Gardner, Supervisor of Licensing Administration, at 905 546 2424 ext. 1789.

Yours truly,

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

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