



City of Hamilton

HAMILTON LICENSING TRIBUNAL

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

Meeting #: 19-004
Date: October 8, 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

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

Referred to the October 8, 2019 Hamilton Licensing Tribunal Hearing as quorum was not achieved.

3.2 September 24, 2019 Clerk's Report

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

Referred to the October 8, 2019 Hamilton Licensing Tribunal Hearing as quorum was not achieved.

- 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

Referred to the October 8, 2019 Hamilton Licensing Tribunal Hearing as quorum was not achieved.

- 4.3 REQUEST FOR SHOW CAUSE HEARING (dated September 17, 2019) to: Melissa Tong, Sun Massage Health Centre, City of Hamilton Personal Wellness Services Licence, Licence #15-287360

- 4.4 REQUEST FOR SHOW CAUSE HEARING (dated September 17, 2019) to: Min Yu, Foot Park Spa, City of Hamilton Personal Wellness Services Licence, Licence #18-293656

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

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

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

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
CLERK'S REPORT**

19-002

HAMILTON LICENSING TRIBUNAL

Tuesday, September 24, 2019

10:00 a.m.

Room 264, Hamilton City Hall

71 Main Street West

Hamilton, Ontario

The Chair advised those in attendance that quorum would not been achieved for the hearing, and as consent to continue the hearing without quorum was not reached by all parties, the Clerk noted the names of the members in attendance and the meeting stood adjourned.

Present:

Councillor B. Clark
Councillor B. Johnson

Respectfully submitted,

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

The Show Cause Hearing of September 24, 2019 was adjourned and will now be held before the Hamilton Licensing Tribunal **on Tuesday, October 8, 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.

Re-Issued on September 25, 2019 to:

Licensee:

Director of Licensing:

Cuong Do, Bamboo Spa

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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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

4.1(a)

License #18-295345

August 30th, 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**

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

The Show Cause Hearing of September 24, 2019 was adjourned and will now be held before the Hamilton Licensing Tribunal **on Tuesday, October 8, 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.

Re-Issued on September 25, 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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 Phone: 905.546.2782 Fax: 905.540.6280
 Email: licensing@hamilton.ca

4.2(a)

Licence #19-295785

August 30th, 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**

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

CC: Xiu Mei Guo
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



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September 11, 2019

Licence #15-287360

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

Dear Melissa Tong:

**RE: REQUEST FOR SHOW CAUSE HEARING
 Melissa Tong, Sun Massage Health Centre
 City of Hamilton Personal Wellness Services Licence
 152 Gray Rd, Stoney Creek
 Licence #15-287360
 Expiry Date: September 8, 2020**

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 “Sun Massage Health Centre” 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 (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

CC: Melissa Tong
Sheena DeBoer - Project and Policy Assistant
Janet Rutherford – Hearing/Tribunal Prosecutor
Adam Palmieri - Supervisor Operations and Enforcement
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Robert Ustrzycki - Manager Municipal Law Enforcement



CITY OF HAMILTON

HEARING NOTICE

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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, October 8, 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 September 11, 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 Personal Wellness Services Licence, Min Yu, Foot Park Spa, City of Hamilton Personal Wellness Services, License #18-293656

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.

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

Issued on September 17, 2019 to:

Licensee:

Director of Licensing:

Min Yu, Foot Park Spa

Ken Leendertse

Please direct any questions to: Loren Kolar, Legislative Coordinator
Office of the City Clerk
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September 11, 2019

Licence #18-293656

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

Dear Min Yu:

RE: REQUEST FOR SHOW CAUSE HEARING
Min Yu, Foot Park Spa
City of Hamilton Personal Wellness Services Licence
Unit 2-141 Highway 8, Stoney Creek
Licence #18-293656
Expiry Date: March 26, 2020

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:

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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 “Foot Park 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 (d)** – Every operator shall keep the premises in a clean and sanitary condition;
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Yours truly,

Ken Leendertse, M.O.M., P.E.S.M., BA
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