



## City of Hamilton

### HAMILTON LICENSING TRIBUNAL

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

**Meeting #:** 20-001  
**Date:** January 8, 2020  
**Time:** 10:00 a.m.  
**Location:** Council Chambers, Hamilton 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 November 22, 2019

**4. HEARINGS**

4.1 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

Note: This is a peremptory hearing, deferred from the November 22, 2019 Hamilton Licensing Tribunal.

**5. ADJOURNMENT**



# CITY OF HAMILTON MINUTES

19-006

HAMILTON LICENSING TRIBUNAL

Friday, November 22, 2019

10:00 a.m.

Room 264, Hamilton City Hall

71 Main Street West

Hamilton, Ontario

---

**Present:** Councillor T. Whitehead  
Councillors B. Clark, C. Collins and B. Johnson

**Absent with  
Regrets:** Councillor N. Nann – City Business

---

The meeting was called to order.

## FOR INFORMATION:

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

There were no changes to the agenda.

**(Johnson/Collins)**

That the agenda for the November 22, 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) October 25, 2019 (Item 3.1)**

**(Collins/Johnson)**

That the Minutes of the October 25, 2019 meeting of the Hamilton Licensing Tribunal, be approved, as presented.

**CARRIED**

**(d) HEARINGS (Item 4)**

**(i) 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 (Item 4.1)**

**(Collins/Johnson)**

(a) That the Hamilton Licensing Tribunal accepts the submission that License #18-295345, Cuong Do, Bamboo Spa, City of Hamilton Multiple Establishment Licence (Personal Wellness Services and Personal Service Facility) will be surrendered, and

(b) That Bamboo Spa, located at 302-640 Upper James Street, Hamilton, will cease operation as of the end of the business day, November 22, 2019.

**CARRIED**

**(ii) 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 (Item 4.2)**

That the REQUEST FOR SHOW CAUSE HEARING (dated August 30, 2019) to: Xiu Mei Guo, Osteopathic Wellness and Health, City of Hamilton Personal Wellness Services, be adjourned to a future Hamilton Licensing Tribunal Hearing, to allow for a court certified, simultaneous translator to be present.

**CARRIED**

**(iii) 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 (Item 4.3)**

That the REQUEST FOR SHOW CAUSE HEARING (dated September 17, 2019) to: Min Yu, Foot Park Spa, City of Hamilton Personal Wellness Services Licence, be adjourned to a future Hamilton Licensing Tribunal Hearing, to allow for a court certified, simultaneous translator to be present.

**CARRIED**

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

**(Clark/Johnson)**

That the meeting of the Hamilton Licensing Tribunal be adjourned at 11:33 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*

The Show Cause Hearing of November 22, 2019 was adjourned and will now be held before the Hamilton Licensing Tribunal **on Wednesday, January 8, 2020 at 10:00 a.m. in Council Chambers, 2<sup>nd</sup> Floor, 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.

**The matter was ordered to be peremptory on you.**

**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 November 25, 2019 to:

Licensee:

Director of Licensing:

Min Yu, Foot Park Spa  
141 Highway 8, Unit 2

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)

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:

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 “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;
- **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: Min Yu  
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