



## City of Hamilton

### HAMILTON LICENSING TRIBUNAL

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

**Meeting #:** 20-002  
**Date:** January 31, 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

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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 January 8, 2020

**4. HEARINGS**

4.1 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

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

**5. ADJOURNMENT**



**CITY OF HAMILTON  
MINUTES  
20-001  
HAMILTON LICENSING TRIBUNAL  
Wednesday, January 8, 2020  
10:00 a.m.  
Council Chambers, Hamilton City Hall  
71 Main Street West  
Hamilton, Ontario**

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**Present:** Councillor C. Collins (Chair)  
Councillors B. Clark, N. Nann and B. Johnson

**Absent with  
Regrets:** Councillor T. Whitehead– Personal

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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/Clark)**

That the agenda for the January 8, 2020 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) November 22, 2019 (Item 3.1)**

**(Collins/Johnson)**

That the Minutes of the November 22, 2019 meeting of the Hamilton Licensing Tribunal, be approved, as presented.

**CARRIED**

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

**(Clark/Johnson)**

That the Hamilton Licensing Tribunal recess to allow for Counsel for the Licensee, Min Yu, Foot Park Spa, City of Hamilton Personal Wellness Services Licence, Licence #18-293656, to arrive from outside of the city.

**CARRIED**

**(i) 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 4.1)**

**(Clark/Johnson)**

(a) That the Hamilton Licensing Tribunal accepts the submission that License #18-293656, Min Yu, Foot Park Spa, City of Hamilton Personal Wellness Services Licence will be voluntarily surrendered as of January 8, 2020, and

(b) That Min Yu, Foot Park Spa, located at 141 Highway 8, Unit 2, Stoney Creek, will cease operation as of the end of the business day, January 8, 2020.

**CARRIED**

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

**(Nann/Johnson)**

That the meeting of the Hamilton Licensing Tribunal be adjourned at 10:32 a.m.

**CARRIED**



## 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 **Friday, January 31 at 10:00 a.m. in Council Chambers, 2<sup>nd</sup> Floor, 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.

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

**As this is a preemptory hearing, 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 October 9, 2019 to:

Licensee:

Director of Licensing:

Xiu Mei Guo, Osteopathic Wellness and Health  
 314 Queenston Road, Unit B

Ken Leendertse

**Please direct any questions to: Loren Kolar, Legislative Coordinator**  
**Office of the City Clerk**  
**905-546-2424 x2604**  
**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)

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

Licence #19-295785

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

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