



**City of Hamilton**  
**HAMILTON LICENSING TRIBUNAL**  
**AGENDA**

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

**Meeting #:** 20-003  
**Date:** February 28, 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 31, 2020

**4. HEARINGS**

4.1 APPEAL HEARING FOR NOTICE OF REFUSAL (dated November 28, 2019) to:  
1932111 Ontario Inc., Sophia Anglin Operating As Sheila's Place

City of Hamilton Multiple Establishment Licence, Eating Establishment- Restaurant  
with Liquor and Bar/Night Club File No. 18-295348-11

4.2 APPEAL HEARING FOR NOTICE OF REFUSAL (dated January 7, 2020) to: Darrell  
Lyons

City of Hamilton Personal Wellness Services Licence File. No. 19 297129-PW

5. OTHER BUSINESS

6. ADJOURNMENT



# **CITY OF HAMILTON MINUTES**

**20-002**

**HAMILTON LICENSING TRIBUNAL**

**Friday, January 31, 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/Johnson)**

That the agenda for the January 31, 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) January 8, 2020 (Item 3.1)**

**(Clark/Johnson)**

That the Minutes of the January 8, 2020 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:  
Xiu Mei Guo, Osteopathic Wellness and Health, City of Hamilton  
Personal Wellness Services, License #19-295785 (Item 4.1)**

**(Clark/Johnson)**

That the Licensing Tribunal accept the recommendation of the Director of Licensing to revoke City of Hamilton Personal Wellness Services, of Xiu Mei Guo, Osteopathic Wellness and Health, License #19-295785, effective as of the date of this Hamilton Licensing Tribunal Hearing.

**CARRIED**

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

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

**(Nann/Johnson)**

That the meeting of the Hamilton Licensing Tribunal be adjourned at 2:35 p.m.

**CARRIED**

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



## CITY OF HAMILTON

### HEARING NOTICE (Revised)

#### 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 **Friday, February 28 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:

1932111 Ontario Inc. O/A Sheila's Place appeal of the Director of Licensing's decision, made November 28, 2019, to refuse an application for a City of Hamilton Multiple Establishment Licence, Eating Establishment – Restaurant with Liquor and Bar/Nightclub under Section 12 (1)(c)(vi).

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 Secretary of the Hamilton Licensing Tribunal if you require any special accommodations, including language translation services, as soon as possible.

Issued on January 7, 2020 to:

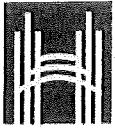
Appellant:

Director of Licensing:

1932111 Ontario Inc. O/A Sheila's Place  
457 King Street East, Hamilton

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)



Hamilton

City of Hamilton  
Mailing Address:  
71 Main St. W.  
Hamilton ON L8P 4Y5  
www.hamilton.ca

Planning and Economic Development  
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

November 28<sup>th</sup>, 2019

1932111 ONTARIO INC O/A SHEILA'S PLACE  
SOPHIA ANGLIN  
457 King Street East  
Hamilton ON, L8N 1C7

**SERVICE: PERSONAL**

*served by Jim Heron*

*November 29/19  
3:08 PM.*

Dear Sir/Madam,

**RE: REFUSAL OF LICENCE  
City of Hamilton Multiple Establishment Licence  
Eating Establishment – Restaurant with Liquor and Bar/NightClub  
File No. 18-295348-11**

Please be advised that in accordance with City of Hamilton Licensing By-Law 07-170, as amended, the application for the above-noted licence is refused and a licence will not be issued based on the following grounds:

1. That in accordance with Section 12.(1)(c)(vi) 1, of the City of Hamilton Licensing By-law 07-170, as amended, (i) a policy under Section 15 requires refusal.
2. That in accordance Appendix "B" of General Provisions, of the City of Hamilton Licensing By-law 07-170, the Director of Licensing may refuse an application for a licence above due to concerns of public safety being at risk.

Namely;

- a) The City of Hamilton Licensing By-Law 07-170, Section 12 (1)(c)(vi)(1), as amended, states that 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, the operation of the applicant's or licensee's business would put the public safety at risk;

Pursuant to Section 13(1)(b) of the City of Hamilton Licensing By-Law, you are entitled to a hearing before the Hamilton Licensing Tribunal. To obtain a hearing before the Hamilton Licensing Tribunal a request shall be made in writing within thirty (30) days

from this date, accompanied by the applicable fee and delivered to the **Legislative Coordinator of 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 Licences. This request must include any change of address for receipt of notice of the hearing. Please be advised that there is a \$150.44 plus applicable taxes, 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, Licensing and By-law Services

cc: Loren Kolar, Legislative Coordinator  
Janet Rutherford, Prosecutor, Municipal Prosecutions  
Monica Ciriello, Manager Licensing  
Robert Ustrzycki, Senior Project Manager  
Adam Palmieri, Supervisor Licensing  
Jim Gordon, Acting Supervisor Licensing  
Tiffany Gardner, Supervisor Licensing Administration



## CITY OF HAMILTON

### HEARING NOTICE (Revised) 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 Friday, February 28 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 appeal by Darrell Lyons of the Director of Licensing's decision, made January 7, 2020, to refuse an application for a City of Hamilton Personal Wellness Services Licence under Section 12 (1)(a)(i) on a property located at 259 Hwy 8, Stoney Creek ON L5G 3H5.

At the hearing the Tribunal will decide whether or not to uphold the refusal. 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 Secretary of the Hamilton Licensing Tribunal if you require any special accommodations, including language translation services, as soon as possible.

Issued on January 29, 2020 to:

Appellant:

Director of Licensing:

Darrell Lyons  
Business Address:  
259 Hwy 8, Stoney Creek ON L5G 3H5

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:  
71 Main St. W.  
Hamilton ON L8P 4Y5  
www.hamilton.ca

Planning and Economic Development  
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

Tuesday, January 7, 2020

Darrell Lyons  
1345 Hurontario St.  
Mississauga,  
Ontario  
L5G 3H5

DELIVERED:  personally on Tuesday, January 7th, 2020 by Steven Woods

placed out for registered mail on \_\_\_\_\_, 2020

Dear Darrell Lyons:

**RE: REFUSAL OF LICENCE  
City of Hamilton Personal Wellness Services Licence  
File No. 19 297129-PW**

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Please be advised that in accordance with City of Hamilton Licensing By-Law 07-170 (as amended), your application for the above-noted licence is refused and a licence will not be issued based on the following grounds:

1. that in accordance with Section 12.(1)(a) of the City of Hamilton Licensing By-Law 07-170 (as amended), (i) a policy under Section 15 requires refusal.

Namely;

- a) The City of Hamilton Licensing By-Law 07-170 (as amended), Section 12 (1)(c)(vi)(1) states that 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, the operation of the applicant's or licensee's business would put the public safety at risk.
- b) The City of Hamilton Licensing By-Law 07-170 (as amended), Section 12(1)(c)(vi)(2) states that 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, the operation of the applicant's or licensee's business is not or will not be carried on in compliance with the law.

Pursuant to Section 13.(1)(b) of the By-Law, should you disagree with the decision, you are entitled to a hearing before the Hamilton Licensing Tribunal.

To obtain a hearing before the Hamilton Licensing Tribunal, a request shall be made in writing within thirty (30) days from January 7, 2020, accompanied by the non-refundable application fee of \$154.87 plus HST for a total of \$175.00 to the:

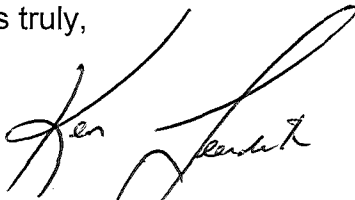
Legislative Coordinator - Hamilton Licensing Tribunal,  
Office of the City Clerk,  
City Hall - 71 Main Street West,  
Hamilton, Ontario L8P 4Y5

Your request must specify;

- (i) your grounds for appeal
- (ii) any change of address, as the Legislative Coordinator will notify you by mail of the hearing date

For further details, please review the City of Hamilton *Licensing – Business By-law No. 07-170* available on the city's website: [www.hamilton.ca](http://www.hamilton.ca).

Yours truly,

A handwritten signature in black ink, appearing to read 'Ken Leendertse', written in a cursive style.

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

cc: Loren Kolar, Legislative Coordinator  
Janet Rutherford - Hearing/Tribunal Prosecutor & Policy Analyst  
Adam Palmieri - Supervisor Licensing  
Tiffany Gardner - Supervisor Licensing  
Monica Ciriello - Manager Licensing