



City of Hamilton
HAMILTON LICENSING TRIBUNAL
AGENDA

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

Meeting #: 21-001
Date: December 3, 2021
Time: 10:00 a.m.
Location: Stoney Creek Municipal Service Centre
777 Hamilton Regional Rd 8, Stoney Creek

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

1. **APPOINTMENT OF CHAIR AND VICE CHAIR**
2. **APPROVAL OF AGENDA**
(Added Items, if applicable, will be noted with *)
3. **CONFLICTS OF INTEREST**
4. **APPROVAL OF MINUTES OF PREVIOUS MEETING**
 - 4.1. February 20, 2020
5. **HEARINGS**
 - 5.1. **APPEAL HEARING FOR NOTICE OF REFUSAL** (dated October 1, 2021) to: Jaspal Gill

City of Hamilton Taxicab Driver Licence File No. 21 299590 000 00 2M
 - 5.2. **APPEAL HEARING FOR NOTICE OF REFUSAL** (dated September 27, 2021) to: Fadi El-Assaad

City of Hamilton Taxi Cab Driver File No. 21 299590 000 00 2M

6. OTHER BUSINESS

7. ADJOURNMENT



**CITY OF HAMILTON
MINUTES
20-003
HAMILTON LICENSING TRIBUNAL
Friday, February 28, 2020
10:00 a.m.
Council Chambers, Hamilton City Hall
71 Main Street West
Hamilton, Ontario**

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

**Absent with
Regrets:** Councillor B. Clark – Personal

The meeting was called to order.

FOR INFORMATION:

(a) CHANGES TO THE AGENDA (Item 1)

The Secretary advised the Tribunal of the following changes:

5. OTHER BUSINESS

- 5.1 Consideration of Correspondence from Petersen Legal Services (XPolice Hamilton) respecting the Appeal Hearing for Notice of Refusal (dated February 3, 2020) to: Mohammed Mamun, City of Hamilton Taxicab Driver Licence, Licence No. 2015-279592-2M

(Nann/Johnson)

That the agenda for the January 31, 2020 meeting of the Hamilton Licensing Tribunal be approved, as amended.

CARRIED

(b) DECLARATIONS OF INTEREST (Item 2)

There were none declared.

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

(i) January 31, 2020 (Item 3.1)

(Nann/Johnson)

That the Minutes of the January 31, 2020 meeting of the Hamilton Licensing Tribunal, be approved, as presented.

CARRIED

(d) HEARINGS (Item 4)

(i) 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 (Item 4.1)

(Johnson/Nann)

That the following conditions be imposed upon 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:

- (a) That Sheila's Place be operated as a bar only and not a night club. For greater certainty, no music other than low level ambient or background music will be played, and the establishment will not accommodate dancing;
- (b) That all recommendations contained with the Crime Prevention Through Environmental Design Audit, provided by Hamilton Police Services, be in place no later than April 13, 2020, and maintained operational at all times thereafter;
- (c) That beginning no later than March 1, 2020, surveillance footage be kept for 30 days and available for viewing immediately upon request by police; and,
- (d) That Sheila's Place close at 12:00 a.m. for a one-year period.

CARRIED

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

- (ii) **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 (Item 4.2)**

That 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, is withdrawn.

(e) OTHER BUSINESS (Item 5)

- (i) **Consideration of Correspondence from Petersen Legal Services (XPolice Hamilton) respecting the Appeal Hearing for Notice of Refusal (dated February 3, 2020) to: Mohammed Mamun, City of Hamilton Taxicab Driver Licence, Licence No. 2015-279592-2M (Added Item 5.1)**

(Johnson/Nann)

- (a) That the Adjournment Request from Petersen Legal Services (XPolice Hamilton) respecting the Appeal Hearing for Notice of Refusal (dated February 3, 2020) to: Mohammed Mamun, City of Hamilton Taxicab Driver Licence, Licence No. 2015-279592-2M, be approved; and,
- (b) That the Appeal Hearing for Notice of Refusal (dated February 3, 2020) to: Mohammed Mamun, City of Hamilton Taxicab Driver Licence, Licence No. 2015-279592-2M be rescheduled to June 26, 2020.

CARRIED

(f) ADJOURNMENT (Item 6)

(Nann/Johnson)

That the meeting of the Hamilton Licensing Tribunal be adjourned at 10:34 a.m.

CARRIED

Loren Kolar
Secretary
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 will be held before the Hamilton Licensing Tribunal **on Friday, December 3, 2021 at 10:00 a.m. in 777 Hamilton Regional Rd 8, Stoney Creek, ON L8E 5J4**, to consider the following:

The Director of Licensing's request, made October 1, 2021, under Section 12(1)(a)(iii) of the City of Hamilton's Licensing By-law, for a Show Cause Hearing respecting a City of Hamilton Taxicab Driver Licence #15-127511 2M.

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 17, 2021 to:

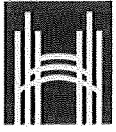
Licensee:

Director of Licensing:

Jaspal Gill
8024 Blue Ash Lane
Niagara Falls, ON, L2H 0N9

Monica Ciriello

Please direct any questions to: Loren Kolar, Legislative Coordinator
Office of the City Clerk
905-546-2424 x2604
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: 330 Wentworth Street North, 2nd Floor
Phone: 905.546.2782 Fax: 905.540.6280
Email: licensing@hamilton.ca

Friday, October 1, 2021

Jaspal Gill
8024 Blue Ash Lane
Niagara Falls, ON
L2H 0N9

DELIVERED: personally on Oct 1, 2021, 2021 by Roy Blomenau #331
 placed out for registered mail on _____, 2021

Dear Jaspal Gill:

**RE: REFUSAL OF LICENCE
Taxi Cab Driver
File No. 21 299590 000 00 2M**

Please be advised your application for the above-noted licence is refused and a licence will not be issued based on the following grounds:

At its meeting of Thursday, October 29, 2015, the Hamilton Licensing Tribunal issued the following decision with respect to the Show Cause Hearing for Jaspal Gill, Taxi Cab Driver Licence No. 15 127511 2M:

- (a) *City of Hamilton Taxicab Driver Licence #15-127511 2M, issued to Jaspal Gill, be revoked effective immediately from the date of this Decision;*
- (b) *Should Jaspal Gill wish to re-apply for a City of Hamilton Taxicab Driver Licence, he cannot do so for a period of three (3) years from the date of this Decision;*
- (c) *Should Jaspal Gill re-apply for a City of Hamilton Taxicab Driver Licence after the three (3) year period, the application shall be considered and decided upon at a hearing before the Hamilton Licensing Tribunal;*
- (d) *Should the Hamilton Licensing Tribunal issue a Decision to accept his application and provide a licence after the three (3) year period, the following conditions be imposed upon that licence for a period of time as determined at the hearing:*
 - (i) *Jaspal Gill is prohibited from being a "lessee" under Schedule 25 of the Licensing By-Law, as defined within that By-Law; and*
 - (ii) *Jaspal Gill is prohibited from entering into any lease with a licensed taxicab owner through which he acquires any rights from that owner with respect to the use of the taxicab owner's licence, licence plate(s) or vehicle(s); and*
 - (iii) *Any breach of these conditions will result in an immediate revocation of Jaspal Gill's Taxicab Driver's Licence.*

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 Oct 1 2021, 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 the following:

- i) your grounds for appeal; and,
- 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.

Yours Truly,



Monica Ciriello
Director, Licensing and By-law Services

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



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The Director of Licensing's request made September 27, 2021, 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 Taxicab Driver Licence No. 12 276866 2M

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 license. 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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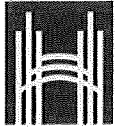
Licensee:

Director of Licensing:

Fadi El-Assaad
57 Forest Avenue,
Hamilton, ON
L9C 2Y8

Monica Ciriello

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