



City of Hamilton
HAMILTON LICENSING TRIBUNAL
AGENDA

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

Meeting #: 22-001
Date: February 11, 2022
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. December 3, 2021
5. **HEARINGS**
 - 5.1. REQUEST FOR SHOW CAUSE HEARING (dated December 1, 2021) to: Titan Recycling Inc., City of Hamilton Establishment Licence - Salvage Yard (1V) File No. 20-298038
6. **OTHER BUSINESS**
7. **ADJOURNMENT**



CITY OF HAMILTON MINUTES

21-001

HAMILTON LICENSING TRIBUNAL

Friday, December 3, 2021

10:00 a.m.

**Council Chambers, Stoney Creek Municipal Centre
777 Hamilton Regional Rd 8,
Stoney Creek**

Present: Councillor B. Clark (Chair)
Councillors N. Nann, R. Powers and B. Johnson

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

The meeting was called to order.

FOR INFORMATION:

(a) APPOINTMENT OF CHAIR AND VICE CHAIR (Item 1)

(Johnson/Powers)

- (a) That Councillor B. Clark be appointed Chair to the Hamilton Licensing Tribunal for the remainder of the 2018-2022 term; and

(Johnson/Clark)

- (b) That Councillor R. Powers be appointed Vice-Chair to the Hamilton Licensing Tribunal for the remainder of the 2018-2022 term.

CARRIED

(b) CHANGES TO THE AGENDA (Item 2)

The Secretary advised the Tribunal of the following change to the agenda:

(Johnson/Powers)

That the order of items under Hearings be switched so that Item 5.2, APPEAL HEARING FOR NOTICE OF REFUSAL (dated September 27, 2021) to: Fadi El-Assaad can be heard first.

CARRIED

(Johnson/Powers)

That the agenda for the December 3, 2021 meeting of the Hamilton Licensing Tribunal be approved, as amended.

CARRIED

(c) DECLARATIONS OF INTEREST (Item 3)

There were none declared.

(d) APPROVAL OF MINUTES OF PREVIOUS MEETING (Item 4)

(i) February 28, 2020 (Item 3.1)

(Johnson/Clark)

That the Minutes of the February 28, 2020 meeting of the Hamilton Licensing Tribunal, be approved, as presented.

CARRIED

(e) HEARINGS (Item 5)

(i) 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 (Item 5.1)

City Prosecutor J. Rutherford addressed the Tribunal respecting an 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 and presented the Minutes of Settlement.

The Minutes of Settlement will allow for Mr Gill to reapply for a Taxicab Driver Licence, under set conditions.

(Johnson/Nann)

That the Minutes of Settlement respecting the Notice of Refusal (dated October 1, 2021) to: Jaspal Gill, City of Hamilton Taxicab Driver Licence File No. 21 299590 000 00 2M, be approved.

CARRIED

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

City Prosecutor J. Rutherford addressed the Tribunal respecting an APPEAL HEARING FOR NOTICE OF REFUSAL (dated September 27, 2021) to: Fadi El-Assaad, City of Hamilton Taxicab Driver File No. 21 299590 000 00 2M.

Ed Alexander, Representation for Mr. El-Assaad, addressed the Tribunal with a request for an adjournment to allow for more time to prepare.

(Nann/Powers)

- (a) That the Hamilton Licensing Tribunal approve the Adjournment of the Notice of Refusal (dated September 27, 2021) to: Fadi El-Assaad, City of Hamilton Taxicab Driver File No. 21 299590 000 00 2M to a date sine die;
- (b) That the matter of the Notice of Refusal (dated September 27, 2021) to: Fadi El-Assaad, City of Hamilton Taxicab Driver File No. 21 299590 000 00 2M, remain under the jurisdiction of the Hamilton Licensing Tribunal; and
- (c) That the matter of the Notice of Refusal (dated September 27, 2021) to: Fadi El-Assaad, City of Hamilton Taxicab Driver File No. 21 299590 000 00 2M sit in abeyance until the Hamilton Licensing Tribunal is contacted by the appellants requesting a new hearing date.

CARRIED

(f) **ADJOURNMENT (Item 6)**

(Nann/Johnson)

That the meeting of the Hamilton Licensing Tribunal be adjourned at 10:13 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*

A hearing will be held before the Hamilton Licensing Tribunal **on Monday, January 17, 2022 at 1:00 p.m., in 777 Hamilton Regional Rd 8, Stoney Creek, ON L8E 5J4**, to consider the following:

The Director of Licensing's request, made December 1, 2021, under Section 12(1) of the General Provisions of the City of Hamilton Licensing By-law, for a Show Cause Hearing respecting a City of Hamilton Establishment Licence – Salvage Yard (1v) for Rob Morris, Titan Recycling

At the hearing the Tribunal will decide whether or not to uphold the refusal, 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 hearing 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 **1:00 p.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.

Issued on December 16, 2021 to:

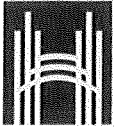
Licensee:

Director of Licensing

Rob Morris, Titan Recycling
140 Freelton Road, Flamborough

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
Phone: 905.546.2782 Fax: 905.540.6280
Email: licensing@hamilton.ca

Wednesday, December 1, 2021

File No. 20-298038

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

*- Personally Delivered
By. Ray Blumenauer #331
Dec 1, 2021.*

**RE: REQUEST FOR SHOW-CAUSE HEARING
Rob Morris, Titan Recycling Inc.
City of Hamilton Establishment Licence - Salvage Yard (1V)
140 Freelton Road, Flamborough, ON
Expiry Date: January 21, 2022**

On September 17, 2021 a Requirement for Zoning Compliance Review notice was served to satisfy details of the property use as identified by the City of Hamilton Building Division. The result of the review identified that the legal non-confirming status as a Salvage Yard was lost through discontinuance.

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"), it is requested that a show-cause hearing be scheduled and brought before the Hamilton Licensing Tribunal to consider the recommendation of revocation of the above-noted licence.

City of Hamilton Licensing By-Law 07-170, Section 12 (1)(c)(vi), as amended, states:

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:

- 2. The operation of the applicant's or licensee's business is not or will not be carried on in compliance with the law;*

Namely,

- That as a result of a Zoning Compliance Review completed by the Building Division dated November 09, 2021, the legally established non-conforming use as a Salvage Yard of the municipal address of 140 Freelton Road, Flamborough, ON, was lost through discontinuance.

You will 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

REQUEST FOR SHOW-CAUSE HEARING
Titan Recycling Inc.
City of Hamilton Establishment Licence - Salvage Yard (1V)
File No. 20-298038

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 Dan Smith, Manager of Licensing, at 905-546-2424 ext. 6435.

Yours Truly,



Monica Ciriello
Director, Licensing and By-law Services

cc: Rob Morris
Janet Rutherford - Hearing/Tribunal Prosecutor & Policy Analyst
Dan Smith – Manager, Licensing
Tiffany Gardner – Supervisor, Licensing
Adam Palmieri – Supervisor, Licensing