



City of Hamilton
HAMILTON LICENSING TRIBUNAL
AGENDA

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

Meeting #: 22-004
Date: November 7, 2022
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. August 30, 2022

4. HEARINGS

4.1. APPEAL HEARING FOR NOTICE OF REFUSAL: to Rob Morris, Titan Recycling Inc.
City of Hamilton Establishment Licence - Salvage Yard (1V)

5. OTHER BUSINESS

6. ADJOURNMENT



CITY OF HAMILTON MINUTES

22-003

HAMILTON LICENSING TRIBUNAL

Tuesday, August 30, 2022

1:30 p.m.

**Council Chambers, 2nd Floor
City Hall**

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

**Absent with
Regrets:** Councillor T. Whitehead – Personal; Councillor N. Nann – Personal

THE HAMILTON LICENSING TRIBUNAL APPROVED THE FOLLOWING:

1. Livestreaming of Tribunal Meetings (LS22030) (City Wide) (Item 5.1)

(Powers/Johnson)

- (a) That Report LS22030, respecting Livestreaming of Tribunal Meetings, be received; and
- (b) That Appendix “A”, being the Policy respecting the Recording and Livestream Broadcasting of Hearings, be approved.

CARRIED

FOR INFORMATION:

The meeting was called to order.

(a) CHANGES TO THE AGENDA (Item 1)

The Secretary advised the Tribunal that there were no changes to the agenda.

(Johnson/Powers)

That the agenda for the August 30, 2022 meeting of the Hamilton Licensing Tribunal be approved, as presented.

CARRIED

(b) CONFLICTS OF INTEREST (Item 2)

There were none declared.

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

(i) June 24, 2022 (Item 3.1)

(Johnson/Powers)

That the Minutes of the June 24, 2022 meeting of the Hamilton Licensing Tribunal, be approved, as presented.

CARRIED

(d) ADJOURNMENT (Item 6)

(Johnson/Clark)

That the meeting of the Hamilton Licensing Tribunal be adjourned at 1:38 p.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*

An in-person hearing will be held before the Hamilton Licensing Tribunal **on Monday, November 7, 2022 at 10:00 a.m. in Council Chambers, 2nd Floor, at Hamilton City Hall, 71 Main Street West, Hamilton, Ontario**, to consider the following:

The Director of Licensing's Refusal of License Application, made September 15, 2022, under Section 12(1) of the General Provisions of the City of Hamilton Licensing By-law, for a City of Hamilton Establishment Licence – Salvage Yard (1v) for Rob Morris, Titan Recycling

At the hearing the Tribunal will decide whether to uphold the refusal, or have conditions imposed on your application for a 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 Legislative Coordinator if you require any special accommodations, including language translation services, as soon as possible.

Issued on October 18, 2022 to:

Licensee:

Manager 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



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

Thursday, September 15, 2022

File No. 22-301182

Rob Morris
 Titan Recycling Inc.
 140 Freelon Road
 Flamborough, ON L0R 1K0

DELIVERED: personally on SEP. 15 / 22, 2022 by DAN CAMPBELL
 placed out for registered mail on _____, 2022

RE: **REFUSAL OF LICENCE APPLICATION**
Rob Morris, Titan Recycling Inc.
140 Freelon Road, Flamborough, ON
City of Hamilton Establishment Licence - Salvage Yard (1V)

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

Section 12 (1)(c), 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, the applicant or the licensee:

- (i) *has not met any of the requirements under this By-law including the applicable Schedule or any conditions on the licence*

Namely,

- As per the By-law, Section 12a(1)²⁰⁻¹⁸⁰, it shall be a condition of every licence that the licensee shall comply with all provisions of this By-law, other by-laws and all provincial and federal legislation, as applicable.
- The subject lands are currently zoned Settlement Commercial (S2) zone in Hamilton Zoning By-law 05-200, in which a Salvage Yard is not a permitted use
- The results of a Zoning Compliance Review completed by the Planning Division dated September 15, 2022, to review the determination of legally established non-conforming (LNC) use as a Salvage Yard for the municipal address 140 Freelon Road, Flamborough, ON, has determined there is not sufficient evidence to demonstrate that a Salvage Yard has existed continuously from prior to November 23, 1964, therefor LNC status has been lost through discontinuance in 2008, when the last Salvage Yard licence expired.

SERVED TO:

TAMARR
 SOMERVILLE
 OFFICE MANAGER
 2:51 PM
 SEP 15 / 22.

REFUSAL OF LICENCE APPLICATION
Titan Recycling Inc.
City of Hamilton Establishment Licence - Salvage Yard (1V)
File No. 22-301182

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 the date of service of this letter, 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.

If you have any questions regarding this matter, please contact Dan Smith, Manager of Licensing, at 905-546-2424 ext. 6435.

Should you wish to pursue establishing the use of a Salvage Yard at this address, a successful rezoning application through the Development Planning Division shall be required. Please contact 905-546-2424 x 1355 or email pd.generalinquiry@hamilton.ca for further information.

For further details, please review the By-law available on the City's website by scanning the QR code below:



Yours Truly,



Monica Ciriello
Director, Licensing and By-law Services

cc: Janet Rutherford - Hearing/Tribunal Prosecutor & Policy Analyst
Loren Kolar - Legislative Coordinator
Dan Smith - Manager, Licensing
Tiffany Gardner - Supervisor, Licensing Administration
Corbin Ouwendyk - Supervisor, Licensing Enforcement