



City of Hamilton
HAMILTON LICENSING TRIBUNAL
AGENDA

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

Meeting #: 23-002
Date: April 21, 2023
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 April 17, 2023

4. HEARINGS

4.1 REQUEST FOR SHOW-CAUSE HEARING: Dean Pearson, City of Hamilton
Establishment Licence(s): 19-296000 1W Second Hand Shop, 2670010 Ontario Inc
O/A New 2 You;

and 17-293170 1W Second Hand Shop, 2595830 Ontario Inc O/A Hamilton's
Entertainment Overload

5. OTHER BUSINESS

5.1 Titan Recycling Inc., City of Hamilton Establishment Licence - Salvage Yard (1V) File No.20-298038 Update (no copy)

6. ADJOURNMENT



CITY OF HAMILTON MINUTES

23-001

HAMILTON LICENSING TRIBUNAL

Monday, April 17, 2023

9:30 a.m.

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

Present: Councillor B. Clark (Chair)
Councillors, M. Francis, M. Tadeson and A. Wilson

The meeting was called to order.

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

(A. Wilson/Francis)

- (a) That Councillor Clark be appointed Chair of the Hamilton Licensing Tribunal for the 2022-2026 term; and
- (b) That Councillor Tadeson be appointed Vice-Chair of the Hamilton Licensing Tribunal for the 2022-2026 term.

CARRIED

FOR INFORMATION:

(a) CHANGES TO THE AGENDA (Item 2)

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

(A. Wilson/Francis)

That the agenda for the April 17, 2023 meeting of the Hamilton Licensing Tribunal be approved, as presented.

CARRIED

(b) CONFLICTS OF INTEREST (Item 3)

There were none declared.

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

(i) November 7, 2022 (Item 4.1)

(Tadeson/A. Wilson)

That the Minutes of the November 7, 2022 meeting of the Hamilton Licensing Tribunal, be approved, as presented.

CARRIED

(d) Hamilton Licensing Tribunal Orientation (Item 6.1)

Stephen Chisholm, City Solicitor, addressed Tribunal respecting a Hamilton Licensing Tribunal Orientation document.

(Tadeson/Francis)

That the Hamilton Licensing Tribunal Orientation, be received.

CARRIED

(e) ADJOURNMENT (Item 7)

(Francis/A. Wilson)

That the meeting of the Hamilton Licensing Tribunal be adjourned at 10:19 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*

An in-person Show Cause Hearing will be held before the Hamilton Licensing Tribunal on **Friday, April 21, 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 request, made February 21, 2023, 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 Licenses 19-296000 and 17-293170 – 1W Second Hand Shop for Dean Pearson.

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 Legislative Coordinator if you require any special accommodations, including language translation services, as soon as possible.

Re-Issued on February 23, 2023 to:

Licensee:

Manager of Licensing:

Dean Pearson

Monica Ciriello

351 Main Street East, and 1565 Barton Street East, Hamilton

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

Wednesday, February 22, 2023

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

DELIVERED: personally on _____ by _____.
 placed out for registered mail on _____, 2023

RE: REQUEST FOR SHOW-CAUSE HEARING
Dean Pearson
City of Hamilton Establishment Licence(s):
19-296000 1W Second Hand Shop
2670010 Ontario Inc O/A New 2 You
351 Main Street East, Hamilton, Ontario
Expiry Date: October 16, 2023;
and
17-293170 1W Second Hand Shop
2595830 Ontario Inc O/A Hamilton's Entertainment Overload
1565 Barton Street East, Hamilton, Ontario
Expiry Date: April 23, 2023

Please be advised pursuant to Section 12(1) of the General Provisions of the City of Hamilton Licensing By-Law (By-law) 07-170, as amended, we are requesting that a show-cause hearing be scheduled and brought before the Hamilton Licensing Tribunal to consider whether the above-referenced licence(s) should be revoked, suspended or conditions imposed.

Section 12 (1)(c)(vi) of the By-law provides that the Director of Licensing and By-law Services (Director) 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,

- As a result of a Hamilton Police Services (HPS) investigation:
- o The business(es) purchased over \$200,000 (two hundred thousand dollars) in stolen merchandise over a 2 (two) year period, and were sold for profit

SUSPENSION OF LICENCE

City of Hamilton Licence(s): Second-Hand Shop

File No(s). 19-296000 1W and 17-293170 1W

- Multiple victims identified over \$30,000 (thirty thousand dollars) in stolen merchandise that was subsequently seized from the business(es) several items were not held for the required time-frames as required under the By-law
- A sworn statement has been submitted by an accused indicating direction from the business(es) requesting specific items to target to steal, which would subsequently be sold to and then by the business(es)
- HPS attended the business to retrieve identified stolen items as a result of an investigation to find those items has been moved to the other business and sold without being held for 30 (thirty) days.

Further, these actions are in violation of Schedule 22 (Second-Hand Goods, Jewellery and Precious Metals Businesses) of the By-law:

5.(g) notify the Hamilton Police Service of the name and description of any goods which are believed to have been stolen or unlawfully obtained; and

10.(1) Every second-hand goods business operator and jewellery and precious metals business operator shall retain all purchased goods on the premises of the business in an unchanged condition for a period of at least 30 days after the day on which the good was purchased.

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

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



Yours Truly,



Monica Ciriello

Director, Licensing and By-law Services

cc: Tiffany Gardner – Supervisor, Licensing Administration
Corbin Ouwendyk, Supervisor, Licensing Compliance
Dan Smith – Manager, Licensing