



City of Hamilton
HAMILTON LICENSING TRIBUNAL
AGENDA

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

Meeting #: 24-001
Date: February 26, 2024
Time: 11:30 a.m.
Location: Room 192, 1st Floor (hybrid) (RM)
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 June 22, 2023

4. HEARINGS

4.1 APPEAL HEARING FOR NOTICE OF REFUSAL (dated November 23, 2023) to:
Ross Williams, City of Hamilton Mobile Licence – Refreshment Vehicle Class A,
Pursuant to Section 12.(1)(c)(vi) of the City of Hamilton Licensing By-law 07-170

5. OTHER BUSINESS

6. ADJOURNMENT



CITY OF HAMILTON MINUTES

23-004

HAMILTON LICENSING TRIBUNAL

Thursday, June 22, 2023

10:00 a.m.

Room 192, 1st Floor

City Hall

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

The meeting was called to order.

FOR INFORMATION:

(a) CHANGES TO THE AGENDA (Item 2)

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

(A. Wilson/Tadeson)

That the agenda for the June 22, 2023 meeting of the Hamilton Licensing Tribunal be approved, as amended.

CARRIED

(b) CONFLICTS OF INTEREST (Item 3)

There were none declared.

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

(i) April 28, 2023 (Item 4.1)

(Tadeson/Francis)

That the Minutes of the April 28, 2023 meeting of the Hamilton Licensing Tribunal, be approved, as presented.

CARRIED

(d) **HEARINGS (Item 4)**

- (i) **REQUEST FOR SHOW-CAUSE HEARING: Dean Pearson, City of Hamilton Establishment Licence(s): 19-296000 1W Second Hand Shop, 2670010 Ontario Inc O/ANew 2 You; and 17-293170 1W Second Hand Shop, 2595830 Ontario Inc O/AHamilton's Entertainment Overload (Item 4.1)**

(Francis/Tadeson)

That the Hamilton Licensing Tribunal recess for 30 minutes, until 1:15 p.m.

(Tadeson/A. Wilson)

That the Hamilton Licensing Tribunal recess for 10 minutes, until 2:30 p.m.

(Francis/Tadeson)

The tribunal determines that the business licenses of Dean Pearson, City of Hamilton Establishment Licence(s): 19-296000 1W Second Hand Shop, 2670010 Ontario Inc O/ANew 2 You; and 17-293170 1W Second Hand Shop, 2595830 Ontario Inc O/AHamilton's Entertainment Overload, be revoked.

CARRIED

(e) **ADJOURNMENT (Item 7)**

(Tadeson/Francis)

That the meeting of the Hamilton Licensing Tribunal be adjourned at 3:36 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, February 26, 2024, at 11:30 a.m. in Room 192, at Hamilton City Hall, 71 Main Street West, Hamilton, Ontario**, to consider the following:

Ross Williams' appeal of the Director of Licensing's request made November 23, 2023, to refuse an application for a City of Hamilton Mobile Licence – Refreshment Vehicle Class A, Pursuant to Section 12.(1)(c)(vi) of the City of Hamilton Licensing By-law 07-170

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://bm-public-hamilton.escribemeetings.com/BoardDetails/BoardInformation/91> 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 **11:30 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 December 20, 2023 to:

Licensee:

Director of Licensing and By-law Services:

Ross Williams
1129 Highway 5, Dundas, ON L9H 5E2

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

Tuesday, November 21, 2023

File No. 21-299133

Ross Williams
1129 Highway 5
Dundas, ON L9H 5E2

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

RE: REFUSAL OF LICENCE APPLICATION
City of Hamilton Mobile Licence – Refreshment Vehicle Class A
File No. 21-299133 2F

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

Pursuant to Section 12.(1)(c)(vi), the Director of Licensing & By-law Services (Director), shall refuse to issue 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; or

Namely,

1. *The Certificate of Zoning Verification and Property Report, Certificate No. 22-143700 ZR2, dated September 27, 2022, from the Zoning Section, indicated that the proposed food truck/refreshment vehicle is considered a structure, and is not permitted in the “E2” Zone of Hamilton Zoning By-law 05-200 as the “E2” Zone does not permit a restaurant.*
2. *A Notice of Zoning Compliance Review was served on September 29, 2023, providing the applicant the opportunity to comply by establishing legal non-conforming status either as a Refreshment Vehicle or Restaurant through a Zoning Compliance Review with the Zoning Section. Deadline to apply was set as November 1, 2023.*
3. *No further communication was received back from the applicant, nor was an application/documentation submitted to the Zoning Section for the Zoning Compliance Review by the deadline as set out.*

REFUSAL OF LICENCE APPLICATION
City of Hamilton Mobile Licence – Refreshment Vehicle Class A
File No. 21-299133 2F

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 \$165.49 plus HST for a total of \$187 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 By-law available on the City's website by scanning the QR code below:



Yours Truly,



Monica Ciriello
Director, Licensing and By-law Services

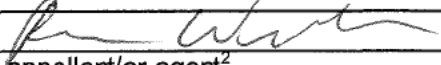
cc: Loren Kolar – Legislative Coordinator
Dan Smith – Manager, Licensing
Tiffany Gardner – Supervisor, Licensing Administration
Corbin Ouwendyk – Supervisor, Licensing Enforcement

CITY OF HAMILTON LICENSING CODE NOTICE OF APPEAL

APPELLANT INFORMATION		
NAME OF APPELLANT: <u>Ross Williams</u>		
STREET ADDRESS: <u>Ross W 1129 Hwy 5 West</u>		
CITY OR TOWN: <u>Dundas</u>	PROVINCE: <u>Ontario</u>	POSTAL CODE: <u>L9H-5E2</u>
PHONE NUMBER: [REDACTED]	E-MAIL ADDRESS: [REDACTED]	
PREFERRED METHOD OF NOTIFICATION: <input checked="" type="checkbox"/> MAIL <input type="checkbox"/> EMAIL		

APPEAL INFORMATION:	
Decision of the Issuer of Licenses dated: [REDACTED]	
APPLICATION FOR A (INSERT TYPE OF LICENCE(S)): <u>FOOD TRUCK</u>	COPY OF THE DECISION ATTACHED <input type="checkbox"/>

BRIEFLY EXPLAIN THE REASON(S) FOR YOUR APPEAL
- ATTACH ANY DOCUMENTS THAT SUPPORT YOUR GROUNDS OF APPEAL.

SIGNATURE: <u></u> appellant/or agent ²	DATE: <u>2023</u> <u>12</u> <u>06</u> YEAR MONTH DAY
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¹ An agent who appears on behalf of an owner/occupant at a hearing must be able to do so in accordance with the *Law Society Act* and its regulations.

² An agent who is not licensed under the *Law Society Act* and its regulations and who signs this Notice of Appeal must submit a completed Authorization to Act as Agent for Appeal (attached), signed by the owner/occupant, with this Notice of Appeal.