



Hamilton

City of Hamilton
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Planning and Economic Development
Licensing and By-law Services
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Thursday, March 13, 2025

File No. 23 304382

Sidrah Farooq
Farida Farooq
Farooq Convenience Store and Food Mart Ltd.
O/A Westdale Convenience
875 Main St W
Hamilton ON L8S 4P9

DELIVERED: ☒ personally on Farida Farooq, 2025 by [Signature]
☐ placed out for registered mail on _____, 2025

RE: REFUSAL OF LICENCE APPLICATION
City of Hamilton Cigarette and Tobacco Sales – Tobacco License
File No. 23 304382

Please be advised that in accordance with the City of Hamilton's Business Licensing By-Law (07-170), as amended (the "Licensing 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 (the "Director"), shall refuse to issue a licence when, in the opinion of the Director:

- (1) the operation of the applicant's or licensee's business would put the public 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.

The Director is of the opinion that the license should be refused on the grounds enumerated above. The reasons for the Director's opinion to this effect include the following:

1. Westdale Convenience has been the subject of numerous complaints from local school administrations, parents, and community members arising from the business' sale of vapour and tobacco products to underage individuals.

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2. The City of Hamilton's Healthy & Safe Communities Department has noted significant concerns over the business' sale of tobacco and/or vapour products to underage individuals.
3. There have been infractions under the *Smoke-Free Ontario Act, 2017*, including:
 - a. Provincial Offence Notice issued on March 28, 2023, to a store clerk of Westdale Convenience, under s. 3(1) – sell tobacco product to a person less than 19 years of age, which resulted in a conviction.
 - b. Provincial Offence Notice issued on April 28, 2023, to Farida Farooq, under s. 3(1) – sell tobacco product to a person less than 19 years of age, which resulted in a conviction.
 - c. Provincial Offence Notices issued on March 12, 2024, to a store clerk of Westdale Convenience, under s. 3(1) – sell tobacco product to a person less than 19 years of age, which resulted in a conviction.
 - d. Provincial Offence Notices issued on March 12, 2024, to Westdale Convenience, under s. 6(1)(11) – sell vapour product in prohibited place (high nicotine content >20mg/mL); s. 6(1)(11) – sell vapour product in prohibited place (prohibited flavours); and s. 8 – sell improperly packaged vapour product, with convictions entered for two of three charges.
 - e. Provincial Offence Notices issued November 13, 2024, to Farooq Convenience Store & Food Mart/Westdale Convenience, under s. 3(1) – Sell vapour product to a person less than 19 years of age; s. 6(1) – Sell vapour product in prohibited place; s. 8 – sell improperly packaged vapour product (high nicotine content >20mg/mL); and s. 9 – sell improperly packaged nicotine product (prohibited flavours), all of which resulted in convictions.
4. There have been infractions under the Licensing By-law, including:
 - a. Administrative Penalty Notice issued on October 9, 2024, to Farida Farooq under Schedule 21, s. 2 – failure to obtain a food premise license;
 - b. Administrative Penalty Notice issued on October 9, 2024, to Westdale Convenience under Schedule 21, s. 2 – failure to obtain a food premise license; and
 - c. Administrative Penalty Notice issued on October 10, 2024, to Farida Farooq under Schedule 27, s. 3 – failure to obtain a tobacco sales license.

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The Director also forms this opinion based on Farida Farooq being the director of 2814675 Ontario Inc. O/A Big Bee Vape ("Big Bee Vape"), which is likewise located at 875 Main Street West. Big Bee Vape has been subject to the following:

1. Numerous complaints from local school administrations, parents, and community members arising from the business' sale of vapour and tobacco products to underage individuals.
2. There have been infractions under the *Smoke-Free Ontario Act, 2017*, including:
 - a. Provincial Offence Notice issued on January 10, 2023, to Farida Farooq, under s. 3(1) – sell a vapour product to a person less than 19 years of age; and s. 6(1) – sell a vapour product in a prohibited place, which resulted in convictions;
 - b. Provincial Offence Notice issued on January 22, 2024, to Farida Farooq, under s. 3(1) – sell a vapour product to a person less than 19 years of age, which resulted in a conviction; and
 - c. Provincial Offence Notice issued on April 4, 2024, to 2814675 Ontario Inc., under s. 8 – offer to sell improperly packaged vapour product, which resulted in a conviction.
3. There have been infractions under the Licensing By-law, including:
 - a. Administrative Penalty Notice issued on October 9, 2024, to Farida Farooq under Schedule 27, s. 3 – failure to obtain a tobacco sales license; and
 - b. Administrative Penalty Notice issued on October 9, 2024, to Farida Farooq under Schedule 21, s. 2 – failure to obtain a food premise license.

Pursuant to Section 13(1)(b) of the Licensing By-Law, should you disagree with the Director's 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 \$178.76 plus HST for a total of \$202.00 to:

**Legislative Coordinator - Hamilton Licensing Tribunal,
Office of the City Clerk,
City Hall - 71 Main Street West,
Hamilton, Ontario L8P 4Y5**

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Your request for a hearing must specify the following:

- i) the grounds (or reasons) for the request for a hearing; 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,

A handwritten signature in black ink, appearing to read 'Dan Smith', written in a cursive style.

Dan Smith
Acting Director, Licensing and By-law Services

cc: Tiffany Gardner – Acting Manager, Licensing
Cindy Heuck – Supervisor, Licensing Enforcement
Leigh Duffy – Acting Supervisor, Licensing Administration