# AGENDA

# WINDSOR LICENSING COMMISSION

For a meeting on Wednesday, June 25, 2014 at 9:30 o'clock a.m.

Windsor City Hall, 350 City Hall Square West 3<sup>rd</sup> floor – Council Chambers

#### 1. CALL TO ORDER

#### 2. MINUTES

Adoption of the minutes of the meeting of the Windsor Licensing Commission held May 28, 2014 (*copy attached*).

- 3. DISCLOSURE OF INTEREST
- 4. REQUESTS FOR DEFERRALS, REFERRALS OR WITHDRAWALS
- 5. **COMMUNICATIONS**
- 6. LICENCE TRANSFERS
- 7. APPLICATIONS/HEARINGS
  - (a) DT Rickshaws Livery Licence-Class "E" Pedicab
- 8. REPORTS AND ADMINISTRATIVE MATTERS
  - (a) Expired Application(s) for Business Licence

#### **IN-CAMERA AGENDA**

No In Camera Session.

#### 9. NEW BUSINESS

#### 10. DATE OF NEXT MEETING

The following meeting dates (4<sup>th</sup> Wednesday of the month to be held at 9:30 a.m. in the Council Chambers) are proposed for 2014:

July 23, 2014 August 27, 2014 September 24, 2014 October 22, 2014 November 26, 2014

#### 11. ADJOURNMENT

A meeting of the **Windsor Licensing Commission** is held this day commencing at 9:30 o'clock a.m. in the Council Chambers, 3<sup>rd</sup> floor, City Hall, there being present the following members:

Councillor Ron Jones, Chair Councillor Drew Dilkens Councillor Jo-Anne Gignac Councillor Ed Sleiman Jack Fathers

#### Also present are the following resource personnel:

Gary Cian, Manager of Policy Gaming & Licensing/Deputy Licence Commissioner
Ann Kalinowski, Manager of By-law Enforcement
Craig Robertson, Supervisor of Licensing (A)
Rory Sturdy, By-law Enforcement Officer
Janna Tetler, Senior Licence Issuer
Karen Kadour, Committee Coordinator

#### 1. <u>CALL TO ORDER</u>

The Chair calls the meeting to order at 9:30 o'clock a.m. and the Commission considers the Agenda being Schedule "A" *attached* hereto, matters which are dealt with as follows:

#### 2. <u>MINUTES</u>

Moved by Councillor Dilkens, seconded by Councillor Sleiman,
That the minutes of the Windsor Licensing Commission of its meeting held
February 26, 2014 **BE ADOPTED** as presented.

Carried.

# 3. <u>DISCLOSURE OF INTEREST</u>

None.

## 4. REQUESTS FOR DEFERRALS, REFERRALS OR WITHDRAWALS

None.

#### 5. <u>COMMUNICATIONS</u>

None.

#### 6. <u>LICENCE TRANSFERS</u>

#### (a) Transfer of Plate #159

Mr. Kamel Kakish, Transferor and Mr. Mohammad Idrees Aslam, Transferee are present and available to answer questions.

Moved by Councillor Dilkens, seconded by Councillor Gignac, WLC7/14 That the transfer of Taxicab Plate #159 from Mr. Kamel Kakish and Mr. Rajael Kakish to Mr. Mohammad Idrees Aslam BE APPROVED with the following conditions:

- Mr. Mohammad Idrees Aslam be given thirty (30) days from the date of this
  decision to submit a vehicle for inspection that complies with Schedule 5 to Bylaw 137-2007.
- Mr. Mohammad Idrees Aslam must submit a Plate Holder application and pay the applicable fee.
- Mr. Mohammad Idrees Aslam shall not lease the plate for a one year period as stated in Schedule 5, Section 21.3 of Licensing by-law 137-2007. Carried.

# 7. <u>APPLICATIONS/HEARINGS</u>

# Matthew Stevenson - Guardian of "Wes" - Dangerous Dog

Mr. Matthew Stevenson, guardian of "Wes" is present and available to answer questions. He provides the following comments as it relates to the attack by "Wes" and the subsequent demise of the neighbour's cat:

- The cat was deaf (owner of the cat provided this information) and was unable to hear the approach of his dog.
- All three of his dogs are friendly.
- "Wes" has a "bad" leg.
- Dogs chase cats and the incident was unfortunate.

In response to a question asked by Councillor Gignac regarding why the dogs were running loose, Mr. Stevenson responds a drywall contractor inadvertently did not latch the gate and the dogs were able to exit the backyard.

Moved by Councillor Sleiman, seconded by Councillor Fathers, WLC8/14 That DANGEROUS DOG designation BE PLACED on the Husky/Akita mix dog known as "Wes" which currently resides with guardian Matthew Stevenson at 2824 Academy Drive, Windsor, Ontario, and further, that the following actions BE REQUIRED as a result of this designation:

- To keep such dog, when in or on the property of another person with the person's consent, on a leash and under the control of that person who is sixteen years of age or more.
- Conspicuously display on his or her property a sign provided by the city warning that there is a dangerous dog on the property.
- To securely attach a muzzle to such a dog at all times when it is not confined in accordance with section 17(a).
- To obtain and maintain in force a policy of public liability insurance issued by an insurer licensed by the Province of Ontario providing third party liability coverage in an amount of not less than \$1,000,000. for any damage or injury caused by such potentially dangerous dog and to provide to the Animal Control Officer a Certificate of such policy and each subsequent renewal of it.
- To insert a microchip implantation in such dog, at the guardian's expense, for the purpose of identifying such dog as a dangerous dog.
- To restrain the dangerous dog in accordance with any written directives which may be given by an Animal Control Officer.
   Carried.

Councillor Gignac advises she supports the foregoing motion as "Wes" killed the cat, whether the cat was deaf or not.

# 8. REPORTS AND ADMINSTRATIVE MATTERS

# (a) Expired Application(s) for Business Licence

Moved by Councillor Dilkens, seconded by Councillor Gignac,
That the report of the Acting Supervisor of Licensing dated May 5, 2014 entitled
"Expired Application(s) for Business Licence BE RECEIVED for information.
Carried.

#### (b) <u>Taxicab Meter Seals</u>

Moved by Councillor Dilkens, seconded by Councillor Sleiman,

That the report of the Manager of By-law Enforcement dated April 1, 2014 entitled "Taxicab Meter Seals" provided to City Council on April 22, 2014 as Additional Information to Report No. 183 of the Environment, Transportation & Public Safety Standing Committee BE CONFIRMED AND RATIFIED.

Carried.

#### 9. <u>IN-CAMERA AGENDA</u>

No In-Camera Session is held on this day.

#### 10. <u>NEW BUSINESS</u>

None.

#### 11. DATE OF NEXT MEETING

The next meeting will be held on June 25, 2014 at 9:30 o'clock a.m. in the Council Chambers, 3<sup>rd</sup> floor, City Hall.

#### 12. ADJOURNMENT

There being no further business, the meeting is adjourned at 9:37 o'clock a.m.

CHAIR
SECRETARY

# AGENDA

# WINDSOR LICENSING COMMISSION

For a meeting on Wednesday, May 28, 2014 at 9:30 o'clock a.m. Windsor City Hall, 350 City Hall Square West 3<sup>rd</sup> floor – Council Chambers

#### 1. CALL TO ORDER

#### 2. MINUTES

Adoption of the minutes of the meeting of the Windsor Licensing Commission held February 26, 2014 (*copy attached*).

- 3. **DISCLOSURE OF INTEREST**
- 4. REQUESTS FOR DEFERRALS, REFERRALS OR WITHDRAWALS
- 5. **COMMUNICATIONS**
- 6. LICENCE TRANSFERS
  - (a) Mr. Kamel Kakish & Mr. Rajaei Kakish Transferors

Transfer of Plate #159

Mr. Mohammad Idrees Aslam Transferee

#### 7. APPLICATIONS/HEARINGS

(a) Matthew Stevenson, Guardian of "Wes" - Dangerous Dog

#### 8. REPORTS AND ADMINISTRATIVE MATTERS

- (a) Expired Application(s) for Business Licence
- (b) <u>Taxicab Meter Seals</u> (Motion to Confirm and Ratify the Report)

That the report of the Manager of By-law Enforcement dated April 1, 2014 entitled "Taxicab Meter Seals" provided to City Council on April 22, 2014 as Additional Information to Report No. 183 of the Environment, Transportation & Public Safety Standing Committee BE CONFIRMED AND RATIFIED.

Note: The report of the Manager of By-law Enforcement dated April 1, 2014 entitled "Taxicab Meter Seals" was previously e-mailed to the WLC members on April 14, 2014 and is <u>attached</u> as background information.

#### 9. IN-CAMERA AGENDA

No In Camera Session.

#### 10. <u>NEW BUSINESS</u>

#### 11. DATE OF NEXT MEETING

The following meeting dates (4<sup>th</sup> Wednesday of the month to be held at 9:30 a.m. in the Council Chambers) are proposed for 2014:

June 25, 2014 July 23, 2014 August 27, 2014 September 24, 2014 October 22, 2014 November 26, 2014

#### 12. ADJOURNMENT

### WINDSOR LICENSING COMMISSION

June 25, 2014

#### APPLICANT/LICENSEE:

DT Rickshaws Mr. Luke Andary 489 Partington Ave. Windsor, ON N9B 2N4

#### LICENCE CATEGORY:

Livery Licence-Class "E" Pedicab

- 14-186076
- 13-186080
- 13-186081

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#### **HEARING PARTICULARS:**

Approve Application - Livery - Class "E" Pedicab

#### APPENDED MATERIALS

- Copy of Application, being Appendix "A"
- Copy of Market Study, being Appendix "B'
- Copy of Rate Schedule, being Appendix "C"
- Pictures of Vehicles (rickshaws), being Appendix "D"
- Ontario Mechanic Fitness Report, being Appendix "E"

#### LICENCE COMMISSIONER'S COMMENTS

The Licensing Division received three (3) new applications for a Class "E" Livery Vehicle Licence on June 5, 2014. The applications were submitted by Luke Andary on behalf of DT Rickshaws of 489 Partington Ave., Windsor, ON.

#### **Regulatory Authority**

#### Section 2.1 (a) to Public Vehicle Licensing By-law 137-2007 states:

"The following limit on the number of licences shall be established and reviewed by the Licensing Commission from time to time:

(a) Class E – Pedicab

10 units"

The Licensing Division has reviewed this category and there are only three (3) other Class "E" Livery Vehicles currently licenced in the City of Windsor.

#### Section 4.1 to By-law 137-2007 states:

"Applicants for livery plate holder licenses in the first instance shall provide to the Licence Commissioner for consideration by the Licensing Commission:

- (a) type and number of vehicles to be operated;
- (b) details of the nature of the operation;
- (c) market studies or other information to justify the need for the service within the current marketplace, including details of any specific contracts for the service;
- (d) an assessment of the impact of the proposed service on existing "for hire" transportation services in the municipality; and,
- (e) rate structure proposed for the service for comparison with existing, competing services."

#### Section 4.2 of Schedule 3 to Public Vehicle Licensing By-law 137-2007 states:

"4.2 In addition to the requirements in 4.1, as may be applicable, no livery vehicle plate and associated livery plate holder licence shall be issued under this By-law until the following requirements have been met:

#### (a) If the Applicant;

- (i) is an individual, the applicant shall attend at the office of the Licence Commissioner in person and complete a written application for such licence as prescribed by the Licence Commissioner and provide proof that the applicant is not less than eighteen (18) years of age;
- (ii) if a corporation, the applicant shall file copies of the articles of incorporation as well as any articles of amendment or articles of amalgamation, together with an annual return which contains a list of all shareholders of the corporation; or,
- (iii) if a partnership, the applicant shall provide the names and addresses of each member of the partnership as well as the name under which the partnership intends to carry on the business provided that if one or more of the partners is a corporation, the requirements of ii, above, shall also be fulfilled in respect of the corporate partner or partners;
- (b) The applicant shall file with the Licence Commissioner evidence of ownership of such livery vehicle and proof that the livery vehicle to be licensed under this By-law has a valid vehicle permit issued under the *Highway Traffic Act* and is either registered in the name of the applicant or leased to the applicant;
- (c) the applicant shall file with the Licence Commissioner evidence of insurance coverage for the livery vehicle to be licensed under this By-law in the form and amount provided in this Schedule;
- (d) the applicant shall file with the Licence Commissioner the vehicle identification number of the vehicle for which the livery vehicle plate holder licence is applied and to which the applicant shall affix the livery plate;

- (e) the applicant shall file with the Licence Commissioner a safety standards certificate issued within 30 days of the date of the applicant's application; and,
- (f) the applicant shall pay the fees prescribed by this By-law.
- 4.2.1 In addition to the requirements in 4.1 and 4.2, as may be applicable, applicants for a Class E Pedicab vehicle plate and associated livery plate holder licence shall submit a document, completed by a mechanic duly licensed to practice in the Province of Ontario, showing mechanical fitness of the vehicle which is satisfactory to the Licence Commissioner. (Added by By-law 164-2013, dated October 21, 2013)"

#### Section 9 of Schedule 3 to Public Vehicle Licensing By-law 137-2007 states:

#### "9. Insurance

- 9.1 Every applicant for a livery vehicle plate holder licence shall file with the Licence Commissioner either a copy of the insurance policy or a certificate of insurance in respect of the livery vehicle which insurance shall meet the following requirements:
  - (a) issuance by an insurer duly authorized to issue insurance within the Province of Ontario;
  - (b) for each livery vehicle, liability coverage is in the amount of not less than THREE MILLION DOLLARS (\$3,000,000.00) for personal injury or property damage arising out of any one accident or occurrence;
  - (c) it shall not be cancelled by the insurer until after fifteen (15) days written notice of such cancellation is given to the Licence Commissioner; and,
  - (d) the owner of the livery vehicle shall be named as the insured and all insured livery vehicles shall be listed and described.
- 9.2 Where notice of cancellation of the insurance policy or the certificate of liability insurance is given to the Licence Commissioner by the insurer, the livery plate holder licence shall be deemed to be revoked upon the same date the insurance policy or certificate of liability insurance is cancelled, unless the livery vehicle plate holder licensee presents the Licence Commissioner with new proof of insurance as required under this schedule.

# Section 12.1 of Schedule 3 to Public Vehicle By-law 137-2007 states:

- "12.1 Pedicabs are prohibited from operating on the following streets in the Downtown Business Improvement Area:
  - (a) Wyandotte Street;
  - (b) University Avenue;
  - (c) Riverside Drive; and,

#### BACKGROUND

- June 5, 2014, the Licensing Division received an application for three (3) Class "E" Pedicab Livery Vehicles by Luke Andary (DT Rickshaws), attached as:
  - -Appendix "A" application
  - -Appendix "B" market study
  - -Appendix "C" rate schedule
  - -Appendix "D" pictures of vehicles (rickshaws)
  - -Appendix "E" Ontario mechanic fitness report

#### **SUMMARY**

Public Vehicle Licensing By-law 137-2007 requires that the Windsor Licensing Commission must review all new Livery Vehicle Plate Holder licence applications.

On June 5, 2014, a licence application submitted by Mr. Luke Andary for three (3) new Class "E" – Pedicab Livery Vehicle licences was received by the Licensing Division. The applicant has proposed to operate three (3) rickshaw vehicles under his business name, DT Rickshaws.

The Licensing Division has reviewed Mr. Andary's application and has confirmed that the initial submission satisfies the licensing requirements. Further, the issuance of these licences is in compliance with the City of Windsor's total maximum allowance permitted under Section 2.1 (a) of the Public Vehicle Licensing By-law, being ten (10) licences for Class "E" Pedicabs.

Prior to the issuance of the three (3) vehicle licences, the applicant will be responsible upon approval by the Windsor Licensing Commission, to provide the Licensing Division with a certificate of insurance in accordance to Section 9 of Schedule 3 of the Public Vehicle Licensing By-law 137-2007 as outlined above.

In addition to the licensing requirements, there is also a regulation that prohibits the operation of a Pedicab on certain streets within the Downtown Business Improvement Area. At the time of application, the Licensing Division informed Mr. Andary of the prohibited areas of operation of a Pedicab within the Downtown Business Improvement Area as outlined in Section 12.1 of Schedule 3 to Public Vehicle Licensing By-law 137-2007.

The applicant has completed all of the initial licensing requirements and is compliant with Schedule 3 to Public Vehicle Licensing By-law 137-2007. Administration is recommending the issuance of these three (3) licences once a certificate of insurance as outlined above is produced by the applicant.

## **RECOMMENDATION:**

That Luke Andary (DT Rickshaws), new application to operate three (3) Livery Vehicles, Class "E" - Pedicab **BE APPROVED** provided that the applicant provides the Licensing Division within sixty (60) days from the date of application, a certificate of insurance as described under Section 9 of Schedule 3 to Public Vehicle Licensing By-law for all three (3) Class "E" Livery Vehicles.

DISP	<b>OSITION:</b>
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#### OFFICE OF THE CITY CLERK

Policy, Gaming & Licensing 350 City Hall Square West-Room 203 Windsor, ON N9A 6S1 Ph: (519) 255-6200, Opt.-1 Fax (519) 255-6868 www.citywindsor.ca

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#### NOTICE WITH RESPECT TO COLLECTION OF PERSONAL INFORMATION

I also acknowledge that the information requested on this form and any appendices attached are collected under the authority of the Municipal Act, City of Windsor Act, and City of Windsor Licensing By-law 395-2004. This information is required in order to process, issue, monitor, regulate and investigate the various licensess issued by the Office of the City Clerk, Policy, Gaming & Licensing Division. The name and business address of the Ilcensee is public information. Any other personal Information collected will only be used for investigative purposes. Questions regarding this collection can be made to the Supervisor of Licensing, 350 City Hall Square W. Room 203, Windsor, ON N9A 6S1, (519) 255-6200.

DATE (MM/DD/YYYY)

SIGNATURE OF APPLICANT & TITLE



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Policy, Gaming & Licensing 350 City Hall Square West-Room 203 Windsor, ON N9A 6S1 Ph: (519) 255-6200, Opt.-1 Fax (519) 255-6868 www.citywindsor.ca

LIVERY PLATEHOLDER APPLICA	ATÍON		PAGE 2
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JUN - 5 2014

POLICY GAMING & LICENSING

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05/06/2014 DATE (MM/DD/YYYY)

SIGNATURE OF APPLICANT & TITLE



# OFFICE OF THE CITY CLERK

Policy, Gaming & Licensing 350 City Hall Square West-Suite 203 Windsor, ON N9A 6S1 Ph: (519) 255-6200, Opt.-1 Fax (519) 255-6868 www.citywindsor.ca

# **BUSINESS OWNERSHIP DECLARATION**

I	, of the Municipality of	, Province of Ontario,
(Name)	o <b>f</b>	herein after referred to as the
being the(Title)	of	and/or Number)
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, ,		(Licence Type)
		<b>a</b> t
That the Corporation shall ca	arry on business as	rade Name) at
	(11	during the currency of the licence, if granted.
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That the Business shall carry	on/operate as <u>livery Service</u>	es & advertising service at Name)
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	(Trade Name)	ring the currency of the licence, if granted.
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I hereby declare that I am aut complete and accurate.	horized to sign on behalf of the Partnership	and that all information included in this form is
Signature	Print Name	Date (MM/DD/YYYY)

#### DT Rickshaws Market Study

DT Rickshaws will provide advertising and transportation services in the downtown and riverside areas of Windsor via hand-pulled rickshaws. Businesses will be able to purchase advertising space on the rickshaws either covering the entire rickshaw, or specific spots of their choice. Pedestrians will be able to purchase rides on the rickshaws anywhere in the downtown area or riverside area except for Wyandotte St., University Ave., Goyeau St., and Riverside Drive.

DT Rickshaws is the only rickshaw company in Windsor. The advertising method is unique and unlike any other in the city. Businesses are always looking for innovative ways to advertise, and in my opinion, a rickshaw advertisement is the most unique in Windsor. It is an eco-friendly, cultural, mobile advertisement that is sure to catch peoples' eyes.

Citizens of Windsor are sure to enjoy a relaxing rickshaw ride in the busy downtown area and the scenic riverside. It is exciting and rare to see in this area of Ontario. Many other big cities such as London, Toronto, and Ottawa already have rickshaw businesses that do well; and Windsor is large enough to also host a rickshaw business.

DT Rickshaws will attract tourism to the city of Windsor. This will bring money into Windsor and strengthen Windsor's economy.

RECEIVED

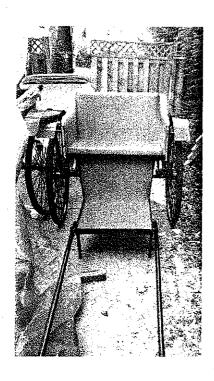
JUN - 6 2014

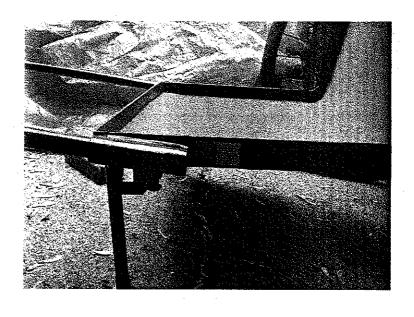
# Rate Structure

\$1.00 per minute for each ride.

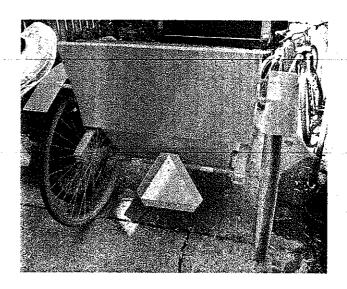
If there is a group of 2 people who ride the rickshaw, the same rate applies (\$1.00/minute) and riders are not charged separately.

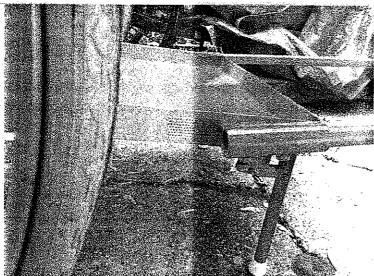










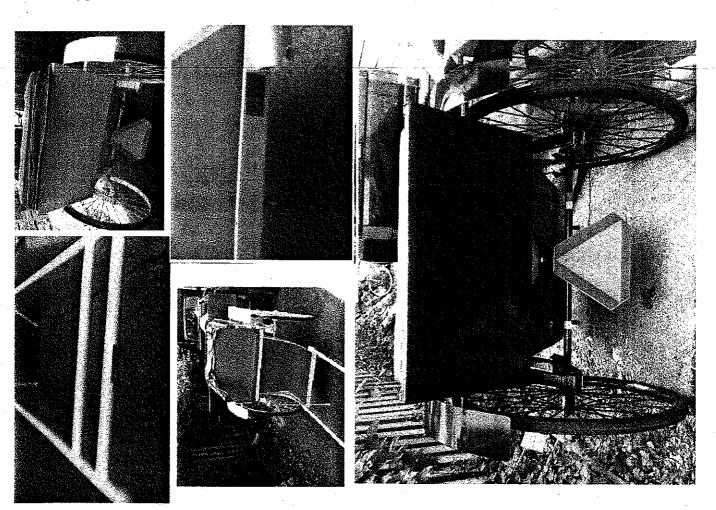


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JUN - 5 2014

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JUN - 5 2014



#### Rickshaw Safety Check

I have reviewed and inspected a black rickshaw, red rickshaw, and white rickshaw property of DT Rickshaws and deem them safe for operation. Areas of inspection include the body, wheels, and axle.

- $\sqrt{}$  Fenders are secure and protecting passengers from contact with the wheel.
- √ No sharp or protruding edges
- ✓ Seat is secure
- The frame or any structural unitized member is stable, and is not cracked, broken, loose, or missing connection fasteners and is not perforated with rust.
- M The under-body is not perforated by rust or damaged.
- M Reflectors (red in colour) are located at the rear and as close as practical to the outside of the vehicle body.
- All wheels are without cracks, excessive bends, or loose connections
- All wheels are sturdy and have strong spokes.
- Wheels do not make contact with any vehicle component.
- Wheels are brand new and not worn beyond minimum depth allowable.

The three rickshaws are brand new and are constructed well. I acknowledge that this document is not a certified Ontario safety, but throughout my experience in the automotive field I approve these three rickshaws for safe operation in Ontario.

Peter Connockis

Louisech

Name

JAMA AUTO REFAIR SERVICE JENTS. 1290 Wyandotte St. West

MAY/30/2014

Mindsor, Ontario NSB 3FI Tot. 255-7415 or 255-7998

COT BOX. # PROSESSOR

Signature

RECEIVED

\_\_ JUN - 5 2014

# THE CORPORATION OF THE CITY OF WINDSOR OFFICE OF THE CITY CLERK LICENSING DIVISION



#### MISSION STATEMENT:

"The City of Windsor, with the involvement of its citizens, will deliver effective and responsive municipal services, and will mobilize innovative community partnerships"

Livelink: Report#	Report Date: June 9, 2014
Author's Name: Craig Robertson Acting Supervisor of Licensing	Date to Commission: June 25, 2014
Author's Phone: 519 255-6100, Ext. 6869	Classification #:
Author's E-mail: crobertson@city.windsor.on.ca	

To:	Windsor Licensing Commission	
Subject:	Expired Application(s) for Business Licence	

# 1. **RECOMMENDATION:**

City Wide: X Ward(s): \_\_\_\_

To the Commission for information.

# **EXECUTIVE SUMMARY:**

# 2. BACKGROUND:

Various business licence application(s) are submitted to the Licensing Division annually for either the renewal of a licence or for a new business.

Section 3.20 of Business Licensing By-law 395-2004 states:

#### "3.20 Licence - application deemed expired

Any business licence application that has not received approvals from all municipal or provincial departments or agencies as the Licence Commissioner deems necessary within 60 days from the date of the filing of the application, because of the applicant's inability to comply with the requirements to become licensed, shall be deemed to have expired unless the application is referred to the Windsor Licensing Commission under section 3.28 of this by-law."

# 3. **DISCUSSION**:

An application(s) for a business licence was submitted by the following:

i	<u>APPLICANT</u>	LOCATION	LICENCE CATEGORY	DATE OF APPLICATION
	1890930 Ontario Ltd. o/a Chef's Fare & Marketplace	5550 Wyandotte Street East	Hospitality Food Service – Lunch Counter	February 19, 2014

The above mentioned applications have been pending for more than 60 days, and the applicant has not complied with the requirements of Business Licensing By-law 395-2004.

A letter has been sent to the above applicant(s) advising that their application has expired and is no longer valid.

- 4. FINANCIAL MATTERS:
- 5. **COMMUNITY STRATEGIC PLAN:**
- 6. **CONSULTATIONS**:
- 7. **CONCLUSION**:

The application(s) listed above shall be deemed to have expired.

Craig Robertson

**Acting Supervisor of Licensing** 

APPENDICES:		******			
	<u> </u>				
DEPARTMENTS/OTHERS C	CONSULTED:		<u> </u>		
Nama					

NOTIFICATION:			-4-0-	
Name	Address	Email Address	Telephone	FAX

Phone #: 519

Ext.