

Windsor Licensing Commission – Meeting held June 27, 2018

A meeting of the Windsor Licensing Commission is held this day commencing at 9:30 o'clock a.m. in Room 204, 350 City Hall Square West, there being present the following members:

Councillor Ed Sleiman, Chair
Councillor Paul Borrelli
Councillor John Elliott
Gino Conte
Jack Fathers

Guest in attendance:

Maulik Patel

Also present are the following resource personnel:

Gary Cian, Deputy Licence Commissioner and Senior Manager of Policy, Gaming, Licensing & By-law Enforcement
Craig Robertson, Supervisor of Licensing
Bill Tetler, Manager of By-law Enforcement
Janna Tetler, Senior Licensing Issuer
Beth Toldo, Committee Coordinator (A)
Sonya Pacheco, Committee Coordinator (A)

1. Call to Order

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

2. Minutes

Moved by G. Conte, seconded by Councillor Elliott,
That the minutes of the Windsor Licensing Commission of its meeting held May 23, 2018 **BE ADOPTED** as presented.
Carried.

3. Disclosure of Interest

None disclosed.

4. Requests for Deferrals, Referrals or Withdrawals

None.

5. Communications

None.

6. Licence Transfers

None.

7. Applications/Hearings

None.

8. Reports & Administrative Matters

(a) Expired Application(s) for Business Licence

Moved by Councillor Borrelli, seconded by Councillor Elliott,
That the report of the Supervisor of Licensing dated June 8, 2018 entitled "Expired Application(s) for Business Licence" **BE RECEIVED.**
Carried.

9. In Camera

The applicants designate is present and available to answer questions.

Verbal Motion is presented by G. Conte, seconded by Councillor Borrelli, to move In Camera at 9:35 o'clock a.m. for discussion of the following item:

Item No.	Subject	Section Pursuant to Municipal Act 2001, as amended
9(a)	Personal matter about an identifiable individual	s. 239(b)

Motion Carried.

Discussion on the item of business.

Verbal Motion is presented by Councillor Elliott, seconded by G. Conte, to move back into public session at 9:38 o'clock a.m.

**Moved by Councillor Borrelli, seconded by J. Fathers,
That the Clerk BE DIRECTED to transmit the recommendation(s) contained in the report(s) discussed at the In Camera Windsor Licensing Commission meeting held June 27, 2018 directly to the Windsor Licensing Commission for consideration at the next Regular Meeting.**

Carried.

Moved by Councillor Borrelli, seconded by J. Fathers,
WLC9/2018 That the In Camera report relating to a personal matter about an identifiable individual **BE RECEIVED** and further, that Administration **BE REQUESTED** to proceed in accordance with the verbal direction of the Windsor Licensing Commission.

Carried.

10. Date of Next Meeting

The next meeting will be held on Wednesday, July 25, 2018 at 9:30 o'clock a.m. in Room 204, 350 City Hall Square West.

11. Adjournment

There being no further business, the meeting is adjourned at 9:40 o'clock a.m.

CHAIR

SECRETARY

ITEM NO. 6(a)

WINDSOR LICENSING COMMISSION

July 25, 2018

APPLICANT/LICENSEE:

Ms. Sonnia Edwards-Forder, Executor for
for the Estate of the Late John Robert Forder
3534 Queen Street
Windsor, ON N9C 1N7
Transferor
&
Mr. Enayatollah Sabeti
2207 Duneshill Avenue
Windsor, ON N8P 0A1
Transferee

LICENCE CATEGORY:

Taxicab Plate #194

Plate Holder licence 17 151194

Folder # ACLT/13237

HEARING PARTICULARS:

Transfer of Taxicab Plate #194

APPENDED MATERIALS

- Application from plate holder requesting transfer, being Appendix "A"
- Application for plate transfer transferee application, being Appendix "B"

LICENCE COMMISSIONER'S COMMENTS

Ms. Sonnia Edwards-Forder, Executor for the Estate of the late John Robert Forder, submitted the attached application (Appendix "A") for the prospective transfer of Taxicab Plate #194 to Mr. Enayatollah Sabeti.

REGULATORY AUTHORITY

Schedule 5, Part VII, Section 20.1 through 20.4 of Licensing By-law 137-2007 states:

"20.1 Except as approved by the Licensing Commission, a taxicab plate holder may not transfer a taxicab plate and associated taxicab plate holder licence for a period of at least five (5) years from the date of issue of the licence.

20.2 No taxicab plate holder licence shall be transferred without the approval of the Licensing Commission.

20.3 No taxicab plate holder licence shall be transferred until the person to whom the transfer is to be made has first received approval from the Licence Commissioner as a licensee.

20.4 Subject to the restrictions herein, taxicab plates numbered 001 to 224 are transferable,

provided that:

- (a) the transferee satisfies the eligibility criteria for inclusion on the Drivers' List;*
- (b) the transferee signs a form of statutory declaration prescribed by the Licence Commissioner;*
- (c) the transferor has completed a written application for the transfer in the prescribed form;*
- (d) the transferee satisfies the requirements of a taxicab plate holder under this By-law, including submitting for inspection the taxicab to which the plate will be affixed;*
- (e) the transferee pays all fees required under this By-law;*

and the transferee will receive a taxicab plate holder licence at the time of transfer of the taxicab plate."

Further, Section 21.3 states:

"A taxicab or taxicab wheelchair accessible vehicle plate holder who has held a licence for a minimum of one (1) year may lease the taxicab or taxicab wheelchair accessible vehicle licence on a daily, weekly, monthly or yearly basis provided that:

- (a) the lessee is licensed by the City of Windsor as a taxicab driver;*
- (b) all weekly, monthly or yearly leases are filed with and approved by the Licence Commissioner and shall be subject to such terms and conditions the Licence Commissioner may require;*
- (c) the amount charged under the lease shall be a fair fee as approved by the Licence Commissioner and no additional charges shall be made against the lessee;*
- (d) the lease agreement shall include a statement that the leasing agreement is considered null and void in the event that the lessor or lessee, either by written or verbal agreement, sub-leases the taxicab or taxicab wheelchair accessible vehicle or transfers responsibility for the operation of the taxicab or taxicab wheelchair accessible vehicle to a third party;*
- (e) the lease agreement shall contain a clearly-stated right of the lessor and lessee to early termination of the lease;*
- (f) where the lessee is a corporation, the lessee shall, at the time at which the lease is filed with the Licence Commissioner in accordance with the provision of this section, file with the Licence Commissioner a form supplied by the Licence Commissioner and a copy of the lessee's articles of incorporation, amendment or amalgamation; and,*
- (g) the lease term shall be a minimum of twelve (12) months and a maximum of twenty-four (24) months."*

BACKGROUND

- June 11, 2018, transfer application and fee was received from Ms. Sonnia Edwards-Forder, Executor for the Estate of the late John Robert Forder, being Appendix "A"
- June 20, 2018, transferee application for Mr. Enayatollah Sabeti was submitted, being Appendix "B".

SUMMARY

According to the AMANDA database, Mr. John Robert Forder had been a taxi plate holder annually since at least 1997 until his death on February 27, 2017 at which time the plate was transferred to and has been maintained by Mr. Forder's Estate.

It is being requested that Taxicab Plate #194 be transferred to Mr. Enayatollah Sabeti, who is currently not a licensed plate holder. Further, Licensing records indicate that Mr. Sabeti has been licensed as a taxicab driver since 2010. Mr. Sabeti also holds a current place on the Taxicab Driver's Waiting List which qualifies him to be a Taxicab Plate Holder.

Administration is prepared to recommend that the transfer be completed pending the following outstanding items:

Mr. Enayatollah Sabeti must provide:

- (a) Verification of an appropriate vehicle to which he will affix taxicab plate #194
- (b) A completed Plate Holder application and pay the associated fee
- (c) Verification that full compensation has been made to the Estate of John Robert Forder in consideration of the transfer of taxicab plate #194

RECOMMENDATION

THAT the transfer of Taxicab Plate #194 from the Estate of the late John Robert Forder to Mr. Enayatollah Sabeti **BE APPROVED** with the following conditions:

- Mr. Enayatollah Sabeti be given thirty (30) days from the date of this decision to submit a vehicle for inspection that complies with Schedule 5 to By-law 137-2007.
- Mr. Enayatollah Sabeti must submit a Plate Holder application and pay the applicable fee.
- Mr. Enayatollah Sabeti shall provide verification that full compensation has been made to the Estate of the late John Robert Forder in consideration of the transfer of taxicab plate #194.
- Mr. Enayatollah Sabeti shall not lease the plate for a one year period as stated in Schedule 5, Section 21.3 of Licensing By-law 137-2007.

DISPOSITION:



OFFICE OF THE CITY CLERK

Policy, Gaming & Licensing

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

TAXICAB PLATE TRANSFER
TRANSFEROR

PLATE TRANSFER FEE \$400.00

Pursuant to Public Vehicle Licensing Bylaw 137-2007, Schedule 5, Section 20 "Transfer of Licences Issued Prior to the Passing of this By-law (Plate #001 to 224 inclusive)", please be advised that I am the Plateholder of the City of Windsor Taxicab Plate No. 194 and I wish to transfer my plate in accordance with Bylaw 137-2007. I am currently licenced as a Plateholder with respect to the operation of the following vehicle:

Form with fields: YEAR, MAKE & MODEL (TO BE DECIDED), VIN, COMPANY NAME

RECEIVED JUN 8 2018 POLICY GAMING & LICENSING

PLEASE PRINT CLEARLY

Form with fields: NAME (TO THE ESTATE OF ROBERT FORDER), SIGNATURE, ADDRESS, CITY, POSTAL CODE, HOME PHONE, CELL PHONE

- By making this application for transfer, I hereby acknowledge that the transfer is not complete until approved by the Windsor Licensing Commission.

NOTICE WITH RESPECT TO COLLECTION OF PERSONAL INFORMATION

I acknowledge that the information requested on this form and any appendices attached is collected under the authority of the Municipal Act, City of Windsor Act and City of Windsor Public Vehicle By-law 137-2007 and will be maintained in accordance with the Municipal Freedom of Information and Protection of Privacy Act.

06.07.2018
DATE (MM/DD/YYYY)

SIGNATURE OF APPLICANT

OFFICE USE ONLY

DATE STAMP

RECEIVED

JUN 11 2018

POLICY GAMING & LICENSING

STAFF INITIALS:



OFFICE OF THE CITY CLERK

Policy, Gaming & Licensing

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

TAXICAB PLATE TRANSFER
TRANSFEREE

Pursuant to Public Vehicle Licensing By law #137-2007, Schedule 5, Section 20 "Transfer of Licences Issued Prior to the Passing of this By-law (Plate #001 to 224 inclusive)", please be advised that I am interested in receiving City of Windsor taxicab plate No. 194 and I have reached an agreement with the current plateholder.

PLEASE PRINT CLEARLY

RECEIVED

JUN 20 2018

POLICY GAMING & LICENSING

Form with fields: NAME (PRINT CLEARLY): ENAYATOLLA SABETI, SIGNATURE: [Handwritten Signature], ADDRESS: [Blank], CITY: [Blank], POSTAL CODE: [Blank], HOME PHONE: [Blank], CELL PHONE: [Blank]

By making this application for transfer:

- I hereby declare that I satisfy the eligibility criteria for inclusion on the Drivers' List.
I hereby acknowledge that the transfer is not complete until approved by the Windsor Licensing Commission.

NOTICE WITH RESPECT TO COLLECTION OF PERSONAL INFORMATION

I acknowledge that the information requested on this form and any appendices attached is collected under the authority of the Municipal Act, City of Windsor Act and City of Windsor Public Vehicle By-law 137-2007 and will be maintained in accordance with the Municipal Freedom of Information and Protection of Privacy Act.

06/20/2018
DATE (MM/DD/YYYY)

[Handwritten Signature]

SIGNATURE OF APPLICANT

OFFICE USE ONLY
DATE STAMP
STAFF INITIALS: _____

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

**MISSION STATEMENT:**

"Our City is built on relationships – between citizens and their government, businesses and public institutions, city and region – all interconnected, mutually supportive, and focused on the brightest future we can create together."

Livelihood: Report #	Report Date: July 9, 2018
Author's Name: Craig Robertson, Supervisor of Licensing	Date to Commission: July 25, 2018
Author's Phone: 519 255-6100, Ext. 6869	Classification #:
Author's E-mail: croberson@citywindsor.ca	

To: Windsor Licensing Commission

Subject: Expired Application(s) for Business Licence

1. RECOMMENDATION: City Wide: Ward(s): _____

To the Commission for information.

EXECUTIVE SUMMARY:

N/A

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.”

And Section 11 of Part III – General Provisions of the Public Vehicle Licensing By-Law 137-2007 states:

“Any application which has not received approvals from all municipal or provincial departments or agencies as the Licence Commissioner deems necessary within sixty (60) days from the date of filing the application, shall be deemed to have expired because of the applicant's inability to comply with the requirements to become licenced, unless the application is referred to the

Licensing Commission for determination.

3. DISCUSSION:

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

<u>APPLICANT</u>	<u>LOCATION</u>	<u>LICENCE CATEGORY</u>	<u>DATE OF APPLICATION</u>
St. Cyril Slovak Centre	1520 Chandler Road, Windsor, ON N8Y 2P4	Public Hall	March 26, 2018
IW Properties Inc. o/a Jagerhouse	477 Pelissier Street, Windsor, ON N9A 4L2	Entertainment Lounge	April 13, 2018
1974564 Ontario Inc. o/a The Hangover Bar	552 Ouellette Avenue, Windsor, ON N9A 1B7	Hospitality Liquor/Food Service	April 3, 2018
1989538 Ontario Inc. o/a Dragon's Taste Grill	2440 University Avenue West, Windsor, ON N9B 1E9	Hospitality Food/Liquor Service	March 28, 2018
Sharon Lynn Mickle o/a Creekside Market	1030 Walker Road, Windsor, ON N8Y 2N5	Hospitality Food Service	April 25, 2018
2557664 Ontario Inc. o/a Big Jim's Tap & Eatery	3560 Walker Road Windsor, ON N8W 3S4	Hospitality Food/Liquor Service	February 20, 2018
Armand Malette o/a Hobo Piez	1030 Walker Road Windsor, ON N8W 4G2	Hospitality Food Service	February 27, 2018
1988845 Ontario Inc. o/a Wildwood Perkovic	3335 Banwell Road Windsor, ON N8R 2K9	Hospitality Food/Liquor Service	March 28, 2018

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 and/or Public Vehicle Licensing By-Law 137-2007.

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

4. RISK ANALYSIS:

N/A

5. FINANCIAL MATTERS:

N/A

6. CONSULTATIONS:

N/A

7. CONCLUSION:

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



Craig Robertson
Supervisor of Licensing & Deputy Licence
Commissioner

APPENDICES:

DEPARTMENTS/OTHERS CONSULTED: Name: Phone #: 519 Ext.

NOTIFICATION :				
Name	Address	Email Address	Telephone	FAX