

A G E N D A

WINDSOR LICENSING COMMISSION

For a meeting on Wednesday, April 29, 2015
at 9:30 o'clock a.m.

Windsor City Hall, 350 City Hall Square West
3rd floor – Council Chambers

1. CALL TO ORDER

2. MINUTES

Adoption of the minutes of the meeting of the Windsor Licensing Commission held March 25, 2015 (copy attached).

3. DISCLOSURE OF INTEREST

4. REQUESTS FOR DEFERRALS, REFERRALS OR WITHDRAWALS

5. COMMUNICATIONS

6. LICENCE TRANSFERS

(a) Mr. Walter Bezzina, Power of Attorney Transfer of Plate #009
For Feisal Ibrahim
Transferor

Mr. Mohammad Kashash
Transferee

7. APPLICATIONS/HEARINGS

(a) 1656901 Ontario Inc. o/a The Boom Boom Room – Entertainment Lounge

8. REPORTS AND ADMINISTRATIVE MATTERS

(a) Expired Application(s) for Business Licence

9. IN-CAMERA AGENDA

No In Camera Session.

10. NEW BUSINESS**11. DATE OF NEXT MEETING**

The following 2015 meetings are scheduled for the Licensing Commission:

May 27, 2015	9:30 a.m.	Council Chambers
June 24, 2015	9:30 a.m.	Council Chambers
July 22, 2015	9:30 a.m.	Council Chambers
August 26, 2015	9:30 a.m.	Room 409, 400 City Hall Sq. E.
September 23, 2015	9:30 a.m.	Council Chambers
October 28, 2015	9:30 a.m.	Council Chambers
November 25, 2015	9:30 a.m.	Council Chambers
December 23, 2015	9:30 a.m.	Council Chambers

12. ADJOURNMENT

KK/
Windsor, Ontario March 25, 2015

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

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

Regrets received from:

Councillor Paul Borrelli

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 & Deputy Licence Commissioner
Janna Tetler, Senior Licence Issuer
Karen Kadour, Committee Coordinator

1. CALL TO ORDER

The Committee Coordinator 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. ELECTION OF CHAIR

The Committee Coordinator calls for nominations from the floor for the position of Chair. J. Fathers nominates Councillor Sleiman. The Committee Coordinator asks if there are further nominations from the floor for the position of Chair. Seeing none, the Committee Coordinator asks Councillor Sleiman if he accepts. Councillor Sleiman accepts.

Moved by J. Fathers, seconded by Councillor Elliott,
That Councillor Ed Sleiman **BE ELECTED** Chair of the Windsor Licensing Commission.
Carried.

Councillor Sleiman assumes the Chair.

3. **MINUTES**

Moved by Councillor Elliott, seconded by G. Conte,
That the minutes of the Windsor Licensing Commission of its meeting held February 25,
2015 **BE ADOPTED** as presented.
Carried.

4. **DISCLOSURE OF INTEREST**

None disclosed.

5. **REQUESTS FOR DEFERRALS, REFERRALS OR WITHDRAWALS**

None.

6. **COMMUNICATIONS**

None.

7. **LICENCE TRANSFERS**

None.

8. **APPLICATIONS/HEARINGS**

(a) **Jalal Korraali – Taxicab Drivers’ Waiting List**

Mr. Jalal Korraali is present and available to answer questions. He indicates he did not renew his application due to an illness.

C. Robertson provides the following comments:

- Applicants that are on the Drivers’ List are required to renew their application annually and pay the required fee.
- Mr. Korraali failed to renew his application and pay the fee by his anniversary date of February 20, 2015.
- Administration was required to strike his name from the Drivers’ List in accordance with the regulations set out in Schedule 5 to By-law No. 137-2007.

- This is the second time Mr. Korraali has been brought before the Commission for failing to renew his annual application prior to the assigned deadline.

-

Moved by J. Fathers, seconded by G. Conte,

WLC3/15 That Jalal Korraali **BE PERMITTED** to re-apply and **BE PLACED** in the position at the bottom of the Taxicab Drivers' Wait List, and, that no further appeals by Mr. Korraali in this matter will be heard by the Windsor Licensing Commission.

Carried.

9. REPORTS AND ADMINISTRATIVE MATTERS

(a) Expired Application(s) for Business Licence

Moved by J. Fathers, seconded by Councillor Elliott,

That the report of the Supervisor of Licensing dated March 13, 2015 entitled "Expired Application(s) for Business Licence" **BE RECEIVED.**

Carried.

10. IN CAMERA SESSION

No In Camera session is held.

11. NEW BUSINESS

None.

12. DATE OF NEXT MEETING

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June 24, 2015	9:30 a.m.	Council Chambers
July 22, 2015	9:30 a.m.	Council Chambers
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October 28, 2015	9:30 a.m.	Council Chambers
November 25, 2015	9:30 a.m.	Council Chambers
December 23, 2015	9:30 a.m.	Council Chambers

13. ADJOURNMENT

There being no further business, the meeting is adjourned at 9:44 o'clock a.m.

CHAIR

COMMITTEE COORDINATOR

A G E N D A

WINDSOR LICENSING COMMISSION

For a meeting on Wednesday, March 25, 2015
at 9:30 o'clock a.m.
Windsor City Hall, 350 City Hall Square West
3rd floor – Council Chambers

1. CALL TO ORDER

2. ELECTION OF CHAIRPERSON

3. MINUTES

Adoption of the minutes of the meeting of the Windsor Licensing Commission held February 25, 2015 (***copy attached***).

4. DISCLOSURE OF INTEREST

5. REQUESTS FOR DEFERRALS, REFERRALS OR WITHDRAWALS

6. COMMUNICATIONS

7. LICENCE TRANSFERS

None.

8. APPLICATIONS/HEARINGS

(a) Jalal Korraali – Taxicab Drivers' Waiting List

9. REPORTS AND ADMINISTRATIVE MATTERS

(a) Expired Application(s) for Business Licence

10. IN-CAMERA AGENDA

No In Camera Session.

11. NEW BUSINESS**12. DATE OF NEXT MEETING**

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November 25, 2015	9:30 a.m.	Council Chambers
December 23, 2015	9:30 a.m.	Council Chambers

13. ADJOURNMENT

ITEM NO. 6(a)**WINDSOR LICENSING COMMISSION**

April 29, 2015

APPLICANT/LICENSEE:

Mr. Walter Bezzina, Power of Attorney
for Feisal Ibrahim
350 Tuscarora Street
Windsor, ON N9A 3L7
Transferor
&
Mr. Mohammad Kashash
2470 Everts Avenue
Windsor, ON N9E 2T7
Transferee

LICENCE CATEGORY:

Taxicab Plate #009

Plate Transfer

Folder # ACLT/12156

HEARING PARTICULARS:

Transfer of Taxicab Plate #009

APPENDED MATERIALS

- Application from plate holder requesting transfer, being Appendix "A"
- Copy of *Limited Continuing Power of Attorney for Property* for Mr. Feisal Ibrahim, being Appendix "B"
- Application for plate transfer transferee application, being Appendix "C"
- Proof of full-time employment status for Mr. Mohammad Kashash, being Appendix "D"

LICENCE COMMISSIONER'S COMMENTS

Mr. Walter Bezzina, Power of Attorney for Mr. Feisal Ibrahim, Plate Holder of Taxicab #009, submitted the attached application to the Licensing Division on March 19, 2015 for the prospective transfer to Mr. Mohammad Kashash.

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

- March 19, 2015, transfer application, copy of Power of Attorney and fee was received from Mr. Walter Bezzina, Power of Attorney for Mr. Feisal Ibrahim, being Appendices "A" and "B"
- March 30, 2015, transferee application and proof of full-time employment status for Mr. Mohammad Kashash was submitted, being Appendices "C" and "D".

SUMMARY

Mr. Feisal Ibrahim has been a taxi plate holder since June 22, 2012. Section 20.1 of Schedule 5 to Public Vehicle Licensing By-Law 137-2007 states that a plate may not be transferred for a period of at least five (5) years from the date of issue of the licence unless otherwise approved by the Windsor Licensing Commission. Mr. Walter Bezzina, Power of Attorney for Mr. Ibrahim, has stated that Mr. Ibrahim is requesting to transfer his plate prior to the fixed five years due to the fact that a family emergency has occurred. As a result, Mr. Ibrahim has been required to travel to Ethiopia for an undetermined amount of time.

It is being requested that Taxicab Plate #009 be transferred to Mr. Mohammad Kashash. Mr. Kashash is currently not a licensed plate holder. Although Mr. Kashash is not on the Drivers' List, Licensing records indicate he has been licensed as a taxicab driver since 2012 and he has provided proof that he has been employed as a full-time taxicab driver since October 12, 2012, satisfying the requirements of Section 20.4(a) of Schedule 5 to Public Vehicle Licensing By-Law 137-2007.

The Windsor Licensing Commission has been granted the authority to act on the application in any manner that it deems fit.

RECOMMENDATION

To the Windsor Licensing Commission for decision on the following:

- i. **THAT** the transfer of Taxicab Plate #009 from Mr. Feisal Ibrahim to Mr. Mohammad Kashash **BE APPROVED** with the following conditions:
 - Mr. Mohammad Kashash 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. Mohammad Kashash must submit a Plate Holder application and pay the applicable fee.
 - Mr. Mohammad Kashash shall not lease the plate for a one year period as stated in Schedule 5, Section 21.3 of Licensing By-law 137-2007.

- ii. **THAT** the transfer of Taxicab Plate #009 from Mr. Feisal Ibrahim to Mr. Mohammad Kashash **BE DENIED** and **THAT** Mr. Feisal Ibrahim may not transfer taxicab plate #009 and the associated taxicab plate holder licence for a period of at least five (5) years from the date of issue of the licence being June 22, 2012.

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. 09 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:

YEAR: 2010	RECEIVED MAR 19 2015
MAKE & MODEL: DODGE CARAVAN	
VIN: 2D4RN4DE3AR225139	
COMPANY NAME: VETERAN CAB COMPANY	

PLEASE PRINT CLEARLY

POLICY GAMING & LICENSING

NAME: FEISAL IBRAHIM			
SIGNATURE: P.O.A.			
ADDRESS: 4585 HUNT CLUB CRESCENT			
CITY: WINDSOR	POSTAL CODE: N9G 2P2	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. The information is required in order to process, issue, monitor, regulate and investigate the various licenses issued by the Windsor Licensing Commission. The name is public information. Any other personal information collected will only be used for investigative purposes. Questions about this collection can be made to the Deputy Licence Commissioner, 350 City Hall Square West, Room 203, Windsor, ON N9A 6S1 / (519) 255-6200, Option 1.

March 19/15
 DATE (MM/DD/YYYY)

SIGNATURE OF APPLICANT

OFFICE USE ONLY	DATE STAMP
	RECEIVED MAR 19 2015
STAFF INITIALS: <u>JT</u>	POLICY GAMING & LICENSING

RECEIVED

LIMITED CONTINUING POWER OF ATTORNEY
FOR PROPERTY

MAR 19 2015

POLICY GAMING & LICENSING

1. **THIS IS A CONTINUING POWER OF ATTORNEY MADE IN ACCORDANCE WITH THE SUBSTITUTE DECISIONS ACT, S.O. 1992 c.30, as amended.**
2. I, **FEISAL IBRAHIM**, of 4585 Hunt Club Crescent, Windsor, Ontario N9G 2P7, hereby **APPOINT WALTER BEZZINA** to be my attorney(s) for property. It is my intention that this document will be a continuing power of attorney for property under the *Substitute Decisions Act, 1992, as amended* and may be used during my incapacity to manage property. This Continuing Power of Attorney for Property is given **for the limited purpose of dealing with any and all matters regarding my City of Windsor taxi plate licenses.**
3. In making this power of attorney, I am aware of the nature and extent of my property; of the obligations I owe to my dependents; that my Attorney will be able to do on my behalf anything in respect of property that I could do if capable, except make a Will, except to the extent that this power of attorney sets out conditions and restrictions on the powers of my Attorney; that my Attorney must account for my Attorney's dealings with my property; that I may, while capable, revoke this power of attorney; that the value of my property administered by my Attorney may decline unless my Attorney manages it prudently; and that there is a possibility that my Attorney could misuse the authority given to my Attorney by this power of attorney.

4. **SIGNATURE:**  Date: March 12, 20155. **Witness statement and signature**


We are the witnesses to this power of attorney. We have signed this power of attorney in the presence of the person whose name appears above, and in the presence of each other, on the date shown above. Neither one of us is the Attorney, a spouse or partner of the Attorney, a child of the grantor or person whom the grantor has demonstrated a settled intention to treat as a child of the grantor, a person whose property is under guardianship or who has a guardian of the person, or less than eighteen years old.

Witness 1: Signature: 

Print name: JANICE DURAND

Address:

Date: March 12, 2015

Witness 2: Signature: 

Print name: KIMBERLY WILKINS

Address:

Date: March 12, 2015

AFFIDAVIT OF SUBSCRIBING WITNESS

I, **JANICE DURAND**, of the City of Windsor, in the County of Essex make oath and say:

I am a subscribing witness to the attached Instrument and I was present and saw it executed at Windsor, Ontario by **FEISAL IBRAHIM**.


The said paperwriting was executed by such person in the presence of myself and **KIMBERLY WILKINS**.

I verily believe that each person whose signature I witnessed is the party of the same name referred to in the instrument.

SWORN before me at the City)
)
of Windsor, in the County)
)
of Essex this 12th day of)
)
March, 2015.)



JANICE DURAND


A Commissioner for taking Affidavits, etc.

RECEIVED

MAR 19 2015

POLICY GAMING & LICENSING

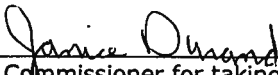
AFFIDAVIT AS TO LEGAL AGE

I, **FEISAL IBRAHIM**, of the City of Windsor and Province of Ontario make oath and say: When I executed the attached instrument, I was at least eighteen years old.

SWORN BEFORE ME at the City)
)
of Windsor, in the County of)
)
Essex, this 12th day of)
)
March, 2015.)
)
)



FEISAL IBRAHIM



A Commissioner for taking Affidavits, etc.

Janice Lynn Durand, a Commissioner, etc.,
Province of Ontario, for Clarks LLP,
Barristers and Solicitors.
Expires September 13, 2016.

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. 09 and I have reached an agreement with the current platcholder.

PLEASE PRINT CLEARLY

NAME (PRINT CLEARLY): <i>MOHAMMAD KASHASH</i>			
SIGNATURE: <i>[Signature]</i>			
ADDRESS: <i>2470 EVERTS AVE</i>			
CITY: <i>WINDSOR</i>	POSTAL CODE: <i>N9E2T7</i>	HOME PHONE:	CELL PHONE:

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. The information is required in order to process, issue, monitor, regulate and investigate the various licenses issued by the Windsor Licensing Commission. The name is public information. Any other personal information collected will only be used for investigative purposes. Questions about this collection can be made to the Deputy Licence Commissioner, 350 City Hall Square West, Room 203, Windsor, ON N9A 6S1 / (519) 255-6200, Option 1.

MARCH 30/15
 DATE (MM/DD/YYYY)

[Signature]
 SIGNATURE OF APPLICANT

OFFICE USE ONLY	DATE STAMP
STAFF INITIALS: <u>JT</u>	RECEIVED MAR 30 2015
	POLICY GAMING & LICENSING



"At your service for over 60 years 519•256•2621"

DIVISION OF WINDSOR AIRLINE LIMOUSINE SERVICES LIMITED

Date: March 30/15

To: The Corporation of the City of Windsor
Office of the City Clerk
Policy, Gaming & Licensing

SUBJECT: Driver's List Application

APPLICANT: Mohammad Kashash

Taxi License No. 14-191029

This letter will serve to introduce the above captioned dependent contractor who has been signed on with WALs o/a Veteran Cab since October 12, 2012, and has worked at least 35 hours per week for 40 weeks in the 2 years prior to this application.

At this writing the company is not aware of any outstanding charges or convictions against the named driver under By-law #137-2007.

If further information is required, please contact our Human Resources Department at (519) 256-1868 Ext 227.

Kind regards,

Vets Cab Company


W. J. Bezzina
General Manager

RECEIVED
MAR 30 2015
POLICY GAMING & LICENSING

ITEM NO. 7(a)

WINDSOR LICENSING COMMISSION

April 29, 2015

APPLICANT/LICENSEE:

Remo Agostino
1656901 Ontario Inc. o/a
The Boom Boom Room
315 Ouellette Avenue
Windsor, ON N9A 4J1

LICENCE CATEGORY:

Entertainment Lounge
Licence #14 176283

LiveLink File #ACLB/12158

HEARING PARTICULARS:

Refuse Application – Entertainment Lounge

APPENDED MATERIALS

- Copy of Entertainment Lounge Application, being Appendix “A”
- Copy of Business Ownership Declaration, being Appendix “B”
- Copy of AMANDA notes from Fire Prevention Officer, being Appendix “C”
- Copy of letter sent to applicant dated March 9, 2015 explaining that an approval from Fire was not granted, being Appendix “D”
- Copy of AMANDA notes from Fire Prevention Officer, being Appendix “E”

LICENCE COMMISSIONER’S COMMENTS

AMANDA records indicate that a renewal application for an Entertainment Lounge licence was submitted by 1656901 Ontario Inc. o/a The Boom Boom Room located at 315 Ouellette Avenue.

REGULATORY AUTHORITY

Business Licensing By-Law 395-2004

3.8 Licence - application - subject to approval

Every application will be subject to investigations approvals from such municipal or provincial departments or agencies as the Licence Commissioner deems necessary, or as directed by the Windsor Licensing Commission, including but not limited to: Police Services, Windsor/Essex County Health Unit, Fire and Rescue Services Department, Building and Development Department, Environmental Services Department and Licensing and Enforcement Department.

3.25 Licensing powers – Licence Commissioner – issue or renew

- (1) Upon receipt of an application in the prescribed form for a licence or renewal thereof, shall make or cause to be made all investigation required by law and if the investigation disclose any reason to believe that the applicant is not of good character

or that the carrying on of the said trade, calling, business or occupation will be likely to result in a breach of the law or be in any way adverse to the public interest, the Licence Commissioner shall recommend to the Windsor Licensing Commission that it not issue or renew the licence or that it impose conditions on the issuance of a licence, otherwise, the Licence Commissioner shall recommend to the Windsor Licensing Commission that it issue or renew the licence.

3.31 Refusal - suspension - revocation - by Windsor Licensing Commission – hearing

- (1) At the hearing, the Windsor Licensing Commission may suspend, revoke or refuse to issue any licence under this by-law:
- (a) for any reason that would disentitle the holder to a licence if he/she were an applicant;
 - (b) where the holder of the licence or applicant is in breach of a condition of the licence or of this by-law;
 - (c) if there are reasonable grounds to believe that the statements on the licence application are false;
 - (d) if a report is filed subsequent to the date of the issuance of the licence by any department or agency which provided its approval originally to the issuance of the licence which indicates that a licensed premises no longer complies with any of the provisions of this by-law;
 - (e) upon such grounds as are set out in this by-law;
 - (f) if the applicant has outstanding fines or penalties owing to the municipality or has not paid the required licence application fee;
 - (g) if the conduct or character of the applicant or licensee affords reasonable cause to believe that the applicant or licensee will not carry on or engage in the business in accordance with the law or with honesty and integrity;
 - (h) if the geographic location of the business does not meet land use requirements;
 - (i) if, in the case of a corporate applicant or licensee, the conduct of its officers, directors, employees or agents affords reasonable cause to believe that the business will not be engaged in or carried on in accordance with the law or with honesty and integrity; or
 - (j) if issuing a licence is not in the public interest.

BACKGROUND

- March 20, 2014, Mr. Remo Agostino made application for an Entertainment Lounge licence on behalf of 1656901 Ontario Inc.
- January 20, 2015, an inspection was scheduled with Fire Prevention Officer Lynne Pretli however, was rescheduled for January 26, 2015 at the request of the applicant.
- January 26, 2015, Fire Prevention Officer Pretli attended the premises at 315 Ouellette Avenue to conduct an inspection and found the applicant was not present and therefore, an inspection was unable to be conducted.
- February 13, 2015, Fire Prevention Officer Pretli re-attended the premises at 315 Ouellette Avenue and found the business to be in violation of the Fire Code.
- February 13, 2015, Fire Prevention Officer Pretli issued an order on the property.
- March 3, 2015, Fire Prevention Officer Pretli noted that the applicant had not supplied her with the documents requested of him in the February 13, 2015 inspection and recommended that a report be sent to the Windsor Licensing Commission.

- March 9, 2015, a letter was sent to the applicant by the Licensing office advising him that the department had been notified by Windsor Fire & Rescue that an approval was not granted following their inspections. A request was made that he contact Fire Prevention Officer Pretli by March 24, 2015 to address the issues found in previous inspections.
- March 9, 2015, Fire Prevention Officer Pretli re-attended the premises and found that not all deficiencies had been corrected and provided the applicant with an additional two weeks to comply.
- March 19, 2015, Fire Prevention Officer Pretli received a phone call from Windsor Fire Equipment stating that they had been retained to complete repairs on the emergency lighting and they would forward the subsequent reports to her by the end of the day on March 27, 2015.
- March 27, 2015, Fire Prevention Officer Pretli received a phone call from the Manager of The Boom Boom Room stating that he would not be able to meet her for a re-inspection until Wednesday of the following week. Officer Pretli advised that the inspection could not wait that long and requested that the documentation be available for inspection on Monday.
- April 10, 2015, Fire Prevention Officer Pretli left a voicemail message for the Manager at 8:45am stating that she would like to conduct an inspection at 3:00pm that same day. She received no return call and then recommended that a report be sent to the Windsor Licensing Commission.

SUMMARY

Administration recommends to the Windsor Licensing Commission, that it refuse to renew an Entertainment Lounge licence to the applicant at 315 Ouellette Avenue. It is not in the public interest to issue a licence since they have outstanding issues with Windsor Fire & Rescue that they have failed to correct. Should the Windsor Licensing Commission decide to refuse the application for this licence, the applicant would be required to correct outstanding deficiencies identified by Windsor Fire & Rescue, re-apply for their licence and pay the applicable fees.

RECOMMENDATION:

That the application for an Entertainment Lounge licence submitted by 1656901 Ontario Inc. o/a The Boom Boom Room at 315 Ouellette Avenue **BE REFUSED**.

DISPOSITION:



THE CORPORATION OF THE CITY OF WINDSOR
OFFICE OF THE CITY CLERK
POLICY, GAMING & LICENSING DEPARTMENT
350 City Hall Square West, Room 203
Windsor, ON N9A 6S1
(OFFICE HOURS - 8:30 AM - 4:30 PM, Monday to Friday)

March 20, 2014

REMO AGOSTINO
1656901 ONTARIO INC. O/A THE BOOM BOOM ROOM
315 OUELLETTE AVE
WINDSOR ON N9A 4J1

PHONE : (519) 255-6200, Option 1
FAX : (519) 255-6868
EMAIL : licences@city.windsor.on.ca
WEBSITE: www.citywindsor.ca

LICENCE RENEWAL NOTICE

Phone: (519) 971-0000

315 OUELLETTE AVE
WINDSOR, ON N9A 4J1

Date of Health Unit Inspection Approval: Nov 30, 2012

Renewal Fee \$352.00

1476283 FIRE

Dear REMO AGOSTINO:

This is to advise you that your current Entertainment Lounge licence (# 13 167604) will expire as of February 28, 2014.

The Windsor Essex County Health Unit inspected and approved your premises on the date indicated above. The approval is valid for one year from the date of issue. If the Health Unit approval is still valid, you do not have to obtain a new approval. If a Health Unit approval is required, please contact their office at 519-258-2146 to obtain this approval which is required for your licence renewal.

It is your responsibility to ensure your application and payment are submitted prior to February 28, 2014.

Incomplete renewal applications will not be accepted!

Do not use ANY correction fluid or tape on any of the forms

Please have the following items enclosed with this letter in order to process your business licence renewal:

- * An original, signed declaration form (attached) to indicate whether the business is a Sole Proprietorship, Partnership or Corporation. This declaration MUST be submitted with this renewal application.
- * Fee Payment (VISA, Master Card, Corporate Cheque or Cash are acceptable).
- * Copy of Liquor Licence.
- * Attached page 2 - Completed.

RECEIVED
MAR 20 2014
POLICY GAMING & LICENSING

Please ensure all information listed on the top of this letter is correct. If all is correct, please sign below. If there are changes, please make the necessary corrections and complete the information below.

The deadline to renew your licence is February 28, 2014. Thereafter, you will be subject to a 50% LATE PENALTY FEE AND CHARGES under the by-law. If you have already renewed your licence please disregard this notice. Thank you for your cooperation.

Signature : [Signature] Date (MM/DD/YYYY) : 03/20/2014
 Print Name & Title : Remo Agostino Date of Birth : _____
 Emergency Contact Name : Remo Agostino Phone # : _____



OFFICE OF THE CITY CLERK

Policy, Gaming & Licensing

350 City Hall Square West - Room 203

Windsor, ON N9A 6S1

Ph: 519-255-6200, Option 1 Fax: 519-255-6868

www.citywindsor.ca

HOSPITALITY FOOD SERVICE

OFFICE USE ONLY

LICENCE # _____

APPLICATION-PAGE 2

PLEASE ANSWER THE FOLLOWING QUESTIONS

YES NO

1	IS THE FOOD COOKED ON THE PREMISES?		✓
2	IS THE FOOD COOKED WITH GREASE AND/OR OIL?		✓
3	ARE TOBACCO PRODUCTS SOLD ON THE PREMISES?		✓
4	DOES THE PREMISES PROVIDE LIVE OR PRE-RECORDED MUSIC?	✓	
5	DOES THE PREMISES HAVE A DANCE FLOOR?	✓	
6	DO YOU OPERATE A PATIO ON CITY PROPERTY?		✓
	IF SO, DO YOU HAVE A PATIO AGREEMENT?		

TYPE OF LICENCE REQUIRED (✓)

HOSPITALITY FOOD SERVICE:	A RESTAURANT WHICH HAS AS ITS PRIMARY PURPOSE FOOD SERVICE, INCLUDING BUT NOT LIMITED TO CAFETERIAS, COFFEE SHOPS, DOUGHNUT SHOPS, SNACK BARS, FAST FOOD CHAINS AND OTHER RESTAURANTS WHICH DO NOT SERVE ALCOHOL.
LUNCH COUNTER	A BUILDING OR STRUCTURE OR PART THEREOF WHERE MEALS OR MEAL PORTIONS INCLUDING ICE CREAM CONES OR OTHER FROZEN CONFECTIONARIES, ARE PREPARED AND SOLD OVER A COUNTER FOR CONSUMPTION WITHIN THE BUILDING OR STRUCTURE OR OFF THE PREMISES.
HOSPITALITY FOOD SERVICE/ ANCILLARY LIQUOR	A RESTAURANT WHICH SERVES BOTH FOOD AND ALCOHOL, WHICH HAS AS ITS PRIMARY PURPOSE FOOD SERVICE, WHERE FOOD SALES EXCEED 50% OF SALES AND ALCOHOL SERVICE IS ANCILLARY TO FOOD SERVICE.
HOSPITALITY LIQUOR SERVICE/ ANCILLARY FOOD	PREMISES WHERE LIQUOR SALES EXCEED 50% OF TOTAL FOOD AND BEVERAGE SALES, WHERE FOOD SERVICE IS ANCILLARY TO LIQUOR SERVICE.
IF YOU SELL ALCOHOL, PLEASE PROVIDE YOU LIQUOR LICENCE:	# 809561
	EXPIRY DATE: Oct 2016

NOTICE WITH RESPECT TO COLLECTION OF PERSONAL INFORMATION

I 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 licenses issued by the Office of the City Clerk, Policy, Gaming & Licensing Division. The name and business address of the licensee 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.

03/20/2014
DATE (MM/DD/YYYY)


SIGNATURE OF APPLICANT & TITLE

OFFICE OF THE CITY CLERK

Policy, Gaming & Licensing

350 City Hall Square West - Room 203

Windsor, ON N9A 6S1

Ph: 519-255-6200, Option 1 Fax: 519-255-6868

www.citywindsor.ca



BUSINESS OWNERSHIP DECLARATION

➤ If your business is a CORPORATION:

I, Rene Agostino, of the Municipality of Windsor, Province of Ontario,
(Your Name) (Where You Reside)

being the Owner of 1656901 Ont Inc herein after referred to as the
(Title) (Corporation Name and/or Number)

"Corporation", in the matter of Licensing Application for Entertainment hereby declare:
(Licence Type)

That the Corporation shall carry on business as The Boom Boom Room at
(Trade Name)
315 Ouellette Ave during the currency of the licence, if granted.
(Business Address)

I hereby declare I am an authorized signing officer with, and therefore have authority to bind, the

Corporation and that all information included in this form is complete and accurate.

[Signature] Rene Agostino 03/20/2017
Signature Print Name Date (MM/DD/YYYY)

➤ If your business is a SOLE PROPRIETORSHIP:

I, Rene Agostino, of the Municipality of Windsor, Province of Ontario,
(Your Name) (Where You Reside)

being the Owner of 1656901 herein after referred to as the "Business", in the matter
(Business Name)

of Licensing Application for Entertainment hereby declare:
(Licence Type)

That the Business shall carry on/operate as The Boom Boom Room at
(Trade Name)
315 Ouellette Ave during the currency of the licence, if granted.
(Business Address)

I hereby declare that all information included in this form is complete and accurate.

[Signature] Rene Agostino 03/20/2017
Signature Print Name Date (MM/DD/YYYY)

RECEIVED

➤ If your business is a PARTNERSHIP: **MAR 20 2014**

I, _____ of the City of _____, Province of Ontario,
(Your Name) (Where You Reside)

being the Owner of _____ herein after referred to as the "Partnership"
(Business Name)

of Licensing Application for _____ hereby declare:
(Licence Type)

That the Partnership shall carry on business as _____ at
(Trade Name)
_____ during the currency of the licence, if granted.
(Business Address)

I hereby declare that I am authorized to sign on behalf of the Partnership and that all information included in this form is complete and accurate.

Signature Print Name Date (MM/DD/YYYY)

AMANDA 5.4.4.31.2020814 - User Janna Tetler Signed on to amanda

File Data Search Edit Actions Reports Window Help

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- Gaming
- RFS
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315 OUELLETTE AVE (leej) [EL]

Folder | Property (1) | People (5) | Info (13) | Fee/Charge (5) | Process (11) | Document (8) | File | Inspection Req. | Comment (6) | Attachment

Folder#	Ref	Folder 14 176283 000 00 EL	Process	2022 Fire - EL Inspection
2014176283 000 00 EL		Property 315 OUELLETTE AVE		Inspection#
Status		WLC Report	Start Date	End Date
User		Lynne Pretli	Schedule	Apr 10, 2015
Sign Off			Actual	Mar 20, 2014

A Text Field Editor (Maximum 4000 characters)

The annual reports on the fire alarm system, sprinkler system and emergency lighting have not been provided. The fire safety plan updates have also not been received. This business is being sent to the Commission. Sandy Hansen from Licensing advised via email that it should be sent to the Commission as their renewal is up for 2015 and she does not want to issue them the new licence if they still have deficiencies. No site visit was completed.

Spell Check | Rulers

Sign To-Do Scheduled

ProcessRSN | 2520700 | Priority

alarm, sprinklers and emergency lighting was

Attempt (15) | Checklist (0) | Memo | Deficiency (2) | Attachment | Dependency | Info (2) | Consent | Insp. Detail

Date	User	Comment	Result	Hours	Mileage	Expense
Feb 13, 2015	Lynne Pretli	Attended this location to complete the business	Site Visit	0.5		
Feb 13, 2015	Lynne Pretli	Order generated	Inspection Order (1)	0.5		
Feb 27, 2015	Lynne Pretli	Spoke with the owner, Reynaldo, at 519-999-64	Communication	0.1		
Mar 03, 2015	Lynne Pretli	The annual reports on the fire alarm system, sp	W.L.C. Report Rec	0.25		
Mar 09, 2015	Lynne Pretli	I returned to this location for a reinspection for th	Site Visit	1		
Mar 11, 2015	Lynne Pretli	Re-inspection - not in compliance	Re-Inspection/Not	1		
Mar 11, 2015	Lynne Pretli	Inspection report for the fire alarm system was r	Communication	0.16		

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List View
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Show no. of rows on tabs
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 11 Rows Returned



THE CORPORATION OF THE CITY OF WINDSOR

VALERIE CRITCHLEY
LICENCE COMMISSIONER

OFFICE OF THE CITY CLERK
POLICY, GAMING & LICENSING

March 9, 2015

Remo Agostino
1656901 Ontario Inc. O/A The Boom Boom Room
315 Ouellette Avenue
Windsor, ON N9A 4J1

Dear Mr. Agostino:

RE: The Boom Boom Room – 315 Ouellette Avenue

Further to your renewal for an Entertainment Lounge Licence for the above property, we have received a report from the Fire Department indicating fire deficiencies at the above location. For further information with respect to bringing your application into compliance with the Fire Department, please contact Lynne Pretli at (519) 253-3016 ext. 239.

I therefore ask that the denial be brought into compliance to the satisfaction of the Fire Department by no later than **March 24, 2015**.

Failure to do so will result in your application being deemed expired and forwarded to the Windsor Licensing Commission.

I submit the above for your immediate attention.

Yours Truly,

A handwritten signature in black ink, appearing to read 'Sandy Hansen', with a long horizontal line extending to the right.

Sandy Hansen
Licence Issuer (Acting)
(519) 255-6100 ext. 1898

AMANDA 5.4.4.31.2020814 - User Janna Tetler Signed on to amanda

File Data Search Edit Actions Reports Window Help

Close Update Mark All Delete Pick Accept Retrieve Detail Query Reports Permit Property People Business Professional Gaming RFS Cashier To-Do List Exit

315 QUELLETTE AVE (lee) [EL]

Folder Property (1) People (5) Info (13) Fee/Charge (5) Process (11) Document (8) File Inspection Req. Comment (6) Attachment

Folder# Ref Folder 14 176283 000 00 EL Process 2022 Fire - EL Inspection

A Text Field Editor (Maximum 4000 characters)

contacted Anthony, the manager again at 8:45 hours to schedule a site visit for 3 pm today. He did not return my call and has not provided the required annual inspection reports. I am sending this to Commission. I will keep attempting to schedule a site visit with the manager.

Start Date: Apr 10, 2015
 End Date: Mar 20, 2014

Spell Check Rulers

Print Flag Mandatory Assign To-Do Scheduled
 Display Order File Location ProcessRSN | 2520700 Priority

COMMENTS Comments from AR "Site Visit"
 Documentation showing the annuals were completed on the fire alarm, sprinklers and emergency lighting was

Attempt (13) Checklist (6) Memo Deficiency (2) Attachment Dependency Info (2) Consent Insp Detail

Date	User	Comment	Result	Hours	Mileage	Expense
Mar 09, 2015	Lynne Pretli	I returned to this location for a reinspection for th	Site Visit	1		
Mar 11, 2015	Lynne Pretli	Re-inspection - not in compliance	Re-Inspection/Not	1		
Mar 11, 2015	Lynne Pretli	Inspection report for the fire alarm system was r	Communication	0.16		
Mar 18, 2015	Lynne Pretli	I received the annual inspection report for the fir	Communication	0.16		
Mar 19, 2015	Lynne Pretli	Windsor Fire Equipment contacted me by phon	Communication	0.25		
Mar 27, 2015	Lynne Pretli	Received a message from Anthony, the manag	Communication	0.16		
Apr 10, 2015	Lynne Pretli	I contacted Anthony, the manager again at 8:45	W.L.C. Report Rec	0.1		

< Back Forward > 13 Rows Returned

List View Related View Start Today End on Start Repeat File Location Reschedule Re-Default < Back Forward >

Show no. of rows on tabs End Today End on Due Assign Sign Off Clock Activity Preview Email 11 Rows Returned

**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: April 17, 2015
Author's Name: Craig Robertson, Supervisor of Licensing	Date to Commission: April 29, 2015
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: 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>
Justin Merkley	1954 Bernard Road	Hawker, Class 4 (Door-to-Door Sales Person)	February 4, 2015
Alex Jabbour o/a Happy Days Diner	2421 Walker Road	Hospitality Food Service	November 17, 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 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

APPENDICES:

DEPARTMENTS/OTHERS CONSULTED:

Name:

Phone #: 519 Ext.

NOTIFICATION :

Name	Address	Email Address	Telephone	FAX