

AGENDA

WINDSOR LICENSING COMMISSION

For a meeting on Wednesday, March 23, 2016
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 January 27, 2016 (copy attached).

3. DISCLOSURE OF INTEREST

4. REQUESTS FOR DEFERRALS, REFERRALS OR WITHDRAWALS

5. COMMUNICATIONS

6. LICENCE TRANSFERS

None.

7. APPLICATIONS/HEARINGS

- (a) 1287702 Ontario Ltd. o/a Wash and Roll – Automobile Service Station – Car Wash
- (b) John Middleton o/a JKM Enterprises – Mobile Sign Lessor

8. REPORTS AND ADMINISTRATIVE MATTERS

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

9. IN-CAMERA AGENDA

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

10. DATE OF NEXT MEETING

The following 2016 meetings are scheduled for the Licensing Commission. The meetings will be held at 9:30 a.m. in the Council Chambers. You will be notified if there is a change in the venue.

April 27, 2016
May 25, 2016
June 22, 2016
July 27, 2016
August 24, 2016
September 28, 2016
October 26, 2016
November 23, 2016
December 28, 2016

11. ADJOURNMENT

KK/
Windsor, Ontario January 27, 2016

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:

Monique Anger, Fire Prevention Officer
Gary Cian, Deputy Licence Commissioner and Senior Manager of Policy,
Gaming, Licensing & By-law Enforcement
John Lee, Chief Fire Prevention Officer
Ken Passa, Supervisor Environmental Quality
Craig Robertson, Supervisor of Licensing & Deputy Licence Commissioner
Janna Tetler, Senior Licensing Issuer
Karen Kadour, Committee Coordinator

1. CALL TO ORDER

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. MINUTES

Moved by J. Fathers, seconded by Councillor Elliott,
That the minutes of the Windsor Licensing Commission of its meeting held November 25, 2015 **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

6(a) Transfer of Plate #120

Mr. Ravi Sharma, Transferor and Mr. Lakhwinder Chauhan, Transferee are present and available to answer questions.

C. Robertson advises although Mr. Chauhan does not hold a current place on the Drivers' List, he has provided proof that he has been employed as a full-time taxicab driver since January 1, 2005, which satisfies the requirements of Section 20.4(a) of Schedule 5.

C. Robertson indicates Administration is prepared to recommend that the transfer be completed pending the following outstanding items:

- a. Verification of an appropriate vehicle to which he will affix taxicab plate #120
- b. A completed Plate Holder application and pay the associated fee
- c. Verification that full compensation has been made to Mr. Sharma in consideration of the transfer to taxicab plate #120.

Moved by G. Conte, seconded by Councillor Elliott,

WLC1/16 That the transfer of Taxicab Plate #120 from Mr. Ravi Sharma to Mr. Lakhwinder **BE APPROVED** with the following conditions:

- Mr. Lakhwinder Chauhan 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. Lakhwinder Chauhan must submit a Plate Holder application and pay the applicable fee.
 - Mr. Lakhwinder Chauhan shall provide verification that full compensation has been made to Mr. Sharma in consideration of the transfer of taxicab plate #120.
 - Mr. Lakhwinder Chauhan 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. APPLICATIONS/HEARINGS

7(a) Mucci's Ristorante Inc. – Hospitality Food/Liquor Service

No one is present to speak to the matter.

C. Robertson recommends the Commission refuse to issue a Hospitality Food/Liquor Service licence. He notes it is not in the public interest to issue a licence when there are outstanding issues with the Pollution Control Department relating to cleanliness of the grease trap that they have failed to correct.

Moved by G. Conte, seconded by Councillor Elliott,
WLC2/16 That the Windsor Licensing Commission **REFUSE TO ISSUE** a Hospitality Food/Liquor Service licence to Mucci's Ristorante Inc. located at 881 Erie Street East.
Carried.

7(b) 2180337 Ontario Inc. o/a The Pita Grill – Hospitality Food Service

No one is present to speak to the matter.

C. Robertson recommends the Commission refuse to renew a Hospitality Food Service licence as the applicant has not complied with the requirement to obtain an approval from Fire and Rescue Services (there are issues with cleaning of the hood exhaust, the suppression system and the K extinguisher is outdated).

J. Fathers expresses concern there are residents living above this establishment and asks if the business can be shut down immediately.

J. Lee responds there is a six week timeline before the matter can proceed to the Provincial Court. He states an establishment can only be shut down if the situation is dire and this matter is not life threatening.

Moved by J. Fathers, seconded by G. Conte,
WLC3/16 That the Windsor Licensing Commission **REFUSE TO RENEW** a Hospitality Food Service to 2180337 Ontario Inc. o/a The Pita Grill located at 2195 Wyandotte Street West.
Carried.

7(c) VIP Chauffeured Services Ltd. – Livery Vehicle – Class B Limousine Class C – Executive

Ms. Victoria Rawle-Thompson is present and available to answer questions.

C. Robertson provides the following comments relating to this matter:

- A new application for a Livery Vehicle Licence was submitted on November 10, 2015 by Ms. Victoria Rawle of VIP Chauffeured Services Ltd.
- The vehicles were previously licensed as Livery Vehicles #222 and #222 in 2014 under 1530313 Ontario Ltd. o/a VIP Windsor Shuttle Services.
- Minor correction to the Licence Commissioner's Comments – States "subsequently, the business was sold to VIP Windsor Shuttle Services" *should read* "'subsequently, the business was sold to VIP Chauffeured Services Ltd."
- Currently, there are 2 Class "B" and 6 Class "C" Livery Vehicles licensed in the City of Windsor. Therefore, we are not close to exceeding the vehicle limits contained in By-Law 137-2007.
- The applicant has complied with Schedule 3 of Public Vehicle Licensing By-law 137-2007 to the satisfaction of the Licence Commissioner.

Moved by G. Conte, seconded by Councillor Elliott,

WLC4/16 That the plate holder application, submitted by Victoria Rawle of VIP Chauffeured Services Ltd., located at 442 Caritas Court, Tecumseh, to operate one (1) Class "B" and one (1) Class "C" – Livery Vehicle **BE APPROVED** for the following vehicles:

- 2007 Lincoln Exc VIN 1L1FM88W17Y611606
- 2013 Chrysler S30 VIN 2C3CCABG7DH715973

Carried.

7(d) 538523 Ontario Ltd.- Taxicab #157 Vehicle Replacement

No one is present to speak to the matter.

C. Robertson indicates the applicant has complied with the application process and upon reviewing the report and photos submitted by By-law Enforcement, Administration supports the recommendation to approve the application for a Taxicab Vehicle Replacement for Taxicab Plate #157.

Moved by Councillor Elliott, seconded by G. Conte,

WLC5/16 That the application for a Taxicab Vehicle Replacement for Taxicab Plate #157 for a 2011 Ford Crown Victoria, VIN 2FABP7BV2BX163328, submitted by 538523 Ontario Ltd. **BE APPROVED**.

Carried.

8. REPORTS AND ADMINISTRATIVE MATTERS

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

Moved by G. Conte, seconded by J. Fathers,
That the report of the Supervisor of Licensing dated January 8, 2016 entitled
"Expired Application(s) for Business Licence" **BE RECEIVED.**
Carried.

9. IN CAMERA AGENDA

No In Camera session is held.

10. BUSINESS ARISING FROM THE MINUTES

Moved by Councillor Elliott, seconded by G. Conte,
That the following motion **BE CONFIRMED AND RATIFIED:**
That the report of the Executive Initiatives Coordinator dated October 29, 2015
entitled "2016 Proposed Business Licence Fees" **BE RECEIVED AS AMENDED** to
reflect the correction to the Appendices.
Carried.

11. DATE OF NEXT MEETING

The next meeting will be held on February 24, 2016 at 9:30 o'clock a.m. in the
Council Chambers, 3rd floor, City Hall.

12. ADJOURNMENT

There being no further business, the meeting is adjourned at 9:55 o'clock a.m.

CHAIR

SECRETARY

8. REPORTS AND ADMINISTRATIVE MATTERS

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

9. IN-CAMERA AGENDA

No In Camera Session.

10. BUSINESS ARISING FROM THE MINUTES

Confirm and ratify the following motion approved by e-mail poll on November 26, 2015:

*"That the report of the Executive Initiatives Coordinator dated October 29, 2015 entitled "2016 Proposed Business Licence Fees" **BE RECEIVED AS AMENDED** to reflect the correction to the Appendices".*

11. DATE OF NEXT MEETING

The following 2016 meetings are scheduled for the Licensing Commission. The meetings will be held at 9:30 a.m. in the Council Chambers. You will be notified if there is a change in the venue.

February 24 2016
March 23, 2016
April 27, 2016
May 25, 2016
June 22, 2016
July 27, 2016
August 24, 2016
September 28, 2016
October 26, 2016
November 23, 2016
December 28, 2016

12. ADJOURNMENT

ITEM NO. 7(a)

WINDSOR LICENSING COMMISSION

March 23, 2016

APPLICANT/LICENSEE:

Charles Dupuis
1287702 Ontario Ltd. o/a Wash and Roll
1571 University Avenue West
Windsor, ON N9B 1C1

LICENCE CATEGORY:

Automobile Service Station –
Car Wash
Licence #15 212905

LiveLink File # ACLB/12446

HEARING PARTICULARS:

Refuse To Renew – Automobile Service Station - Car Wash

APPENDED MATERIALS

- Copy of Automobile Service Station - Car Wash Application, being Appendix "A"
- Copy of Business Ownership Declaration, being Appendix "B"
- Copy of AMANDA notes from the Supervisor of Environmental Quality, being Appendix "C"
- Copy of letter sent to applicant dated December 9, 2015 explaining that an approval from Public Works was not granted, being Appendix "D"
- Copy of emails from the Supervisor of Environmental Quality, being Appendix "E"

LICENCE COMMISSIONER'S COMMENTS

A renewal application for an Automobile Service Station - Car Wash licence at this location was submitted on November 20, 2015 by Mr. Charles Dupuis on behalf of 1287702 Ontario Ltd. o/a Wash and Roll. Licensing records indicate that this business has been in operation at this location continuously since 2007.

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

- November 20, 2015, Mr. Charles Dupuis makes a renewal application for an Automobile Service Station - Car Wash licence on behalf of 1287702 Ontario Ltd.
- November 27, 2015, Ken Passa, the Supervisor of Environmental Quality indicates that the premises at 1571 University Avenue West had been inspected numerous times by Public Works and that the applicant's interceptor and drains require cleaning prior to an approval being issued and that the applicant had been negligent in the maintenance of these items since March 2015. He states that the owner had been spoken to many times with respect to the importance of this maintenance as it would eventually cause blockages in the sewer. The applicant had not returned phone calls or co-operated with the requests of the Public Works Department.
- December 9, 2015, a letter is sent by the Licensing Division to Mr. Dupuis' attention advising him that we have been notified by the Public Works Department that an approval was not granted following their inspection. A request was made that he contacts the Public Works Department by December 25, 2015 to address the issues found in previous inspections.

- January 7, 2016, an email is sent by the Licensing Division to the Supervisor of Environmental Quality requesting an update as to the status of this business. The Supervisor's response indicated that he had left a message for the applicant on the previous day requesting that Mr. Dupuis contact him with respect to having the drains cleaned.
- January 21, 2016, the Supervisor of Environmental Quality sends another email indicating that the business owner had still not been in contact with him.

SUMMARY

Administration recommends to the Windsor Licensing Commission that it refuse to issue an Automobile Service Station - Car Wash licence to 1287702 Ontario Ltd. o/a Wash and Roll at 1571 University Avenue West. It is not in the public interest to issue a licence since they have outstanding issues with the Public Works Department that they have failed to correct after being afforded multiple opportunities. Should the Windsor Licensing Commission decide to refuse to issue the licence, the applicant would be required to correct outstanding deficiencies identified by the Public Works Department, re-apply for their licence and pay the applicable fees.

RECOMMENDATION:

That the Windsor Licensing Commission **REFUSE TO ISSUE** an Automobile Service Station - Car Wash licence to 1287702 Ontario Ltd. o/a Wash and Roll at 1571 University Avenue West.

DISPOSITION:



THE CORPORATION OF THE CITY OF WINDSOR
 OFFICE OF THE CITY CLERK
 POLICY, GAMING & LICENSING DEPARTMENT
 350 CITY HALL SQUARE WEST, SUITE 203
 WINDSOR, ONTARIO N9A 6S1
 (OFFICE HOURS - 8:30 AM - 4:30 PM, Monday to Friday)

Appendix "A"

15-212905

November 20, 2015

CHARLES DUPUIS
 1287702 ONTARIO LTD. O/A WASH AND ROLL
 5925 BAXTER CRES
 LASALLE ON N9H 2W9

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

Phone: (519) 253-3643

LICENCE RENEWAL NOTICE

1571 UNIVERSITY W
 WINDSOR, ON N9B 1C1
 Renewal Fee \$262.00

RECEIVED

NOV 20 2015

POLICY GAMING & LICENSING

Dear CHARLES DUPUIS:

This is to advise you that the following AUTOMOBILE SERVICE STATION licence(s) will expire as of October 31, 2015 :

14 214758 CAR WASH;

Incomplete renewal applications will not be accepted!

*** Do NOT use any correction fluid/tape on any of these forms ***

Please enclose the following items along with this form in order to process your business licence renewal:

- Page 2 (enclosed) -- with original signature, no photocopies;
- "Business Ownership Declaration" form (enclosed) -- with original signature, no photocopies;
- Valid TSSA licence(s), where liquid fuels are being sold;
- Fee Payment: **By Mail:** Business cheque only, made payable to "The City of Windsor"
In Person: Business cheque, cash, debit, VISA or MasterCard.

Please ensure all information listed on the top of this letter is correct. If everything is correct, please complete below. If there are any changes, please contact our office immediately at 519-255-6200, option 1.

The deadline to renew your licence is November 2, 2015. 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: Chuck Dupuis Date (MM/DD/YYYY): Nov. 20 2015
 Print Name & Title: Chuck Dupuis President Date of Birth: _____
 Emergency Contact Name : _____ 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

AUTOMOBILE SERVICE STATION

OFFICE USE ONLY

LICENCE # _____

APPLICATION-PAGE 2

I hereby make application under By-law 395-2004 for an Automobile Service Station Licence:

BUSINESS NAME:	Wash "n" Roll 1287702 LTD
BUSINESS ADDRESS:	1571 University ave west.

THE FOLLOWING SECTION FOR NEW APPLICATIONS ONLY

RECEIVED
NOV 20 2015
POLICY GAMING & LICENSING

IF THE COMPANY IS INCORPORATED, PLEASE PROVIDE THE FOLLOWING:

- LETTERS OF INCORPORATION (NOTARIZED COPY IS ACCEPTABLE)
- LIST OF SHAREHOLDERS

IF THE COMPANY IS A PARTNERSHIP, PLEASE PROVIDE THE FOLLOWING:

- A DECLARATION SIGNED BY ALL PARTNERS DECLARING THE FULL NAME OF EVERY PARTNER AND THE ADDRESS OF THEIR NORMAL RESIDENCE

PLEASE INDICATE BY CHECKMARK THE TYPE OF SERVICE(S) CONDUCTED AT THE ABOVE NOTED BUSINESS:

	YES	NO
1. ARE MOTOR VEHICLES RENTED OR USED FOR HIRE AT THE ABOVE LOCATION?		✓
2. DO YOU STORE AND/OR SELL MOTOR VEHICLES AT THE ABOVE LOCATION? PLEASE STATE THE MAXIMUM CAPACITY OF YOUR SALES LOT _____		✓
3. DO YOU SELL GAS AND/OR OIL AT THE ABOVE LOCATION? (THIS DOES NOT INCLUDE OIL USED IN CONJUNCTION WITH OIL CHANGES PERFORMED ON THE PREMISES)		✓
4. DOES THE LOCATION SELL ANY FOOD/DRINK ITEMS?		✓
5. DO YOU SELL PROPANE GAS AT THE ABOVE LOCATION? (SEPARATE TSSA CERTIFICATES ARE REQUIRED FOR PROPANE)		✓
6. DO YOU WASH AND/OR CLEAN MOTOR VEHICLES AT THE ABOVE LOCATION? PLEASE INDICATE TYPE OF CAR WASH: MANUAL <u>or</u> AUTOMATIC <u>or</u> <u>COIN OPERATED</u>	✓	
7. DO YOU REPAIR <u>OR</u> PAINT <u>OR</u> UPHOLSTER MOTOR VEHICLES AT THE ABOVE LOCATION?		✓

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.

Nov. 20 2015
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, Chuck Dupuis of the Municipality of _____, Province of Ontario,
 (Your Name) (Where You Reside)
 being the President of Wash 'n' Roll herein after referred to as the
 (Title) (Corporation Name and/or Number)

"Corporation", in the matter of Licensing Application for Auto mobile service station hereby declare:
 (Licence Type)

That the Corporation shall carry on business as WASH "N" ROLL at
 (Trade Name)
1571 University ave w during the currency of the licence, if granted.
 (Business Address)

RECEIVED
 NOV 20 2015

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.

POLICY GAMING & LICENSING

Chuck Dupuis Chuck Dupuis Nov. 20 2015
 Signature Print Name Date (MM/DD/YYYY)

> **If your business is a SOLE PROPRIETORSHIP:**

I, _____ of the Municipality of _____, Province of Ontario,
 (Your Name) (Where You Reside)
 being the Owner of _____ herein after referred to as the "Business", in the matter
 (Business Name)

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

That the Business shall carry on/operate as _____ at
 (Trade Name)
 _____ 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 Print Name Date (MM/DD/YYYY)

> **If your business is a PARTNERSHIP:**

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)

1571 UNIVERSITY AVE W [AS]

Folder | Property (1) | People (6) | Info (5) | Fee/Charge (3) | **Process (3)** | Document (4) | File | Inspection Req. | Comment (1) | Attachment

Folder #	Ref.	Folder	15 212905 000 00 AS	Process	97 Pollution Control Inspection
2016 212905 000 00 AS	SS	Property	1571 UNIVERSITY AVE W	Inspection#	
Status	Denied	Start Date	Nov 27, 2015	End Date	
User	Ken Passa	Schedule	Nov 27, 2015		
Sign Off	Ken Passa	Actual	Nov 27, 2015	Nov 27, 2015	
Discipline	Inspection	Baseline	Nov 20, 2015		

Print Flag Mandatory Assign To-Do Scheduled

Text Field Editor (Maximum 4000 characters)

This business has been negligent in cleaning his interceptor since March 2015. We have inspected this business a number of times and spoken to the owner about having the sludge cleared out of the interceptor before it causes blockages in the sewers. He has returned phone calls or co-operated with our requests.

Priority

Spell Check Rulers

Date	User	Comment	Result	Hours	Mileage	Expense
Nov 27 2015	Ken Passa	Needs to clean intercepter before approval	Denied	0.25		

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The Corporation of the City of Windsor

Office of the City Clerk

Policy, Gaming, Licensing & By-law Enforcement

Valerie Critchley
City Clerk & Licence Commissioner

December 9, 2015

Charles Dupuis
1287702 Ontario Ltd. o/a Wash & Roll
5925 Baxter Cres.
Windsor, ON N9H 2W9

Dear Charles Dupuis:

RE: Automobile Service Station-Car Wash Licence – 15-212905 (1571 University West)

Further to your application for an Automobile Service Station-Car Wash Licence for the above property, we have received a report from the Operations Department indicating that there are outstanding deficiencies that need to be corrected. For further information with respect to bringing your application into compliance with the Operations Department, please contact Ken Passa at 519-253-7111 ext. 231

I therefore ask that the deficiencies be brought into compliance to the satisfaction of the Operations Department by no later than **December 25, 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 'Shelly Wiseman', written over a horizontal line.

Shelly Wiseman
Licence Issuer (A)
Corporation of the City of Windsor
Office of the City Clerk
(519) 255-6100 ext. 1899

Wiseman, Shelly

From: Wiseman, Shelly
Sent: Friday, January 08, 2016 9:03 AM
To: Passa, Ken
Subject: RE: 1571 University Ave. West

If you haven't heard back from this guy by the end of the day Monday January 11th. We will take him to the commission to expire his application.

Thanks Ken.

From: Passa, Ken
Sent: Friday, January 08, 2016 8:18 AM
To: Wiseman, Shelly
Subject: RE: 1571 University Ave. West

I left a message with this guy yesterday to call me about having the drains cleaned out. He does not seem to co-operate with us and its has been over a year.

From: Wiseman, Shelly
Sent: Thursday, January 07, 2016 3:53 PM
To: Passa, Ken
Subject: 1571 University Ave. West
Importance: High

Ken,

Could you please provide me with an update in regards to the above property? I sent them a letter on Dec. 9/15' with a deadline of Dec. 25/15'. How would you like to proceed?

Thank you,

Shelly Wiseman | Licence Issuer (A)
Corporation of the City of Windsor | Council Services
350 City Hall Square West-Suite 203 | Windsor, ON | N9A 6S1
P. 519-255-6100 ext. 1899 | F. 519-255-6868
swiseman@citywindsor.ca



Notice: My Email Address has Changed

The domain name for all City of Windsor email addresses is now @citywindsor.ca
Please update me in your contact list by switching the suffix in my email address to @citywindsor.ca
Thank you.

Wiseman, Shelly

From: Passa, Ken
Sent: Thursday, January 21, 2016 1:04 PM
To: Wiseman, Shelly
Subject: RE: 1571 University West

This business owner has not got back to me.
Ken

From: Wiseman, Shelly
Sent: Thursday, January 21, 2016 11:24 AM
To: Passa, Ken
Subject: 1571 University West
Importance: High

Hi Ken,

I just wanted to follow up with you and find out if the applicant has been in touch with you in regards to the outstanding inspection. If nothing has progressed since January 8th, we will definitely be forwarding this file to the WLC.

Thanks,

Shelly Wiseman | Licence Issuer (A)
Corporation of the City of Windsor | Council Services
350 City Hall Square West-Suite 203 | Windsor, ON | N9A 6S1
P. 519-255-6100 ext. 1899 | F. 519-255-6868
swiseman@citywindsor.ca



Notice: My Email Address has Changed

The domain name for all City of Windsor email addresses is now @citywindsor.ca
Please update me in your contact list by switching the suffix in my email address to @citywindsor.ca
Thank you.

ITEM NO. 7(b)

WINDSOR LICENSING COMMISSION

March 23, 2016

APPLICANT/LICENSEE:

John Middleton
JKM Enterprises
1691 St. Luke Road
Windsor, ON N8Y 3N4

LICENCE CATEGORY:

Mobile Sign Lessor
Licence #15 209391

LiveLink File # ACLB/12440

HEARING PARTICULARS:

Revoke – Mobile Sign Lessor Licence

APPENDED MATERIALS

- Copy of Mobile Sign Lessor renewal application form, being appendix “A”
- Copy of Business Ownership Declaration, being Appendix “B”
- Copy of Mobile Sign Lessor licence, being Appendix “C”
- Copy of Registered letter sent to licensee, being Appendix “D”
- Copy of email exchange between Administration and Licensee, being Appendix “E”

LICENCE COMMISSIONER’S COMMENTS

This matter is with respect to Mobile Sign Lessor licence #15 209391 issued to John Middleton representing JKM Enterprises located at 1691 St. Luke Rd. Windsor, Ontario. AMANDA records indicate that the applicant, Mr. Middleton o/a JKM Enterprises, has been licensed as a Mobile Sign Lessor since 2008. It should be noted that this is not the first time that Mr. Middleton has been brought forward before the Windsor Licensing Commission for revocation of his Mobile Sign Lessor licence. Administration would like to remind the Commission that Mr. Middleton’s Mobile Sign Lessor licence was previously revoked at its meeting held on January 19, 2011 due to non-compliance of the City of Windsor’s Business Licensing By-law and Sign By-law.

REGULATORY AUTHORITY

Business Licensing By-Law 395-2004

3.7 Licence - application - full information – required

(1) Every applicant shall provide in full, at the time the application is submitted, all of the information requested on the application form as well as:

- (a) payment of the prescribed licence fee set out in Schedule “1” of this by-law; and
- (b) any other document or information as may be required in any other Part of this by-law.

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.

3.9 Contravention - other laws - prohibited

The issuance or renewal of a licence is not intended and shall not be construed as permission or consent by the City for the holder of the licence to contravene or to fail to observe or comply with any law of Canada or Ontario or any by-law of the City.

3.24 Issuance, Renewal – Conditions

(1) Every licence that is issued for the first time, and every renewal thereof, is subject to the following conditions of obtaining, continuing to hold, and renewing a licence, all of which shall be performed and observed by the applicant, holder of the licence or by the operator of the business:

- (e) the applicant or licence holder, or an individual who is a member of a partnership that is the holder of the licence, shall be a Canadian citizen or a person lawfully admitted to Canada for permanent residence and ordinarily resident in Canada or a person permitted to work in Canada as determined by Citizen and Immigration Canada;

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

- October 28, 2015, Mr. John Middleton makes application on behalf of JKM Enterprises for a Mobile Sign Lessor licence. Attached as Appendix "A".
- Mr. Middleton refuses to complete the renewal application form in full by not providing his date of birth and providing an emergency contact person. Mr. Middleton advises Shelly Wiseman, Licence Issuer that he has never provided this information in the past to the Licensing Division.
- Mr. Middleton's actions and refusal to complete the renewal application in full required intervention by Craig Robertson, Supervisor of Licensing & Deputy Licence Commissioner.
- Craig Robertson explains the by-law requirements to Mr. Middleton and informs him that the application must be completed in full in order to satisfy the licensing process.
- Mr. Middleton was not receptive to the direction and requested that his file be "pulled" to determine by-law compliance pertaining to Administration's request.
- Mr. Middleton's file is retrieved and past licence applications indicate that he had provided the omitted information on past applications and this is shown to him.
- Upon further review of the file, Craig Robertson discovered that there was no record of Mr. Middleton supplying evidence of status in Canada or proof that he has registered with the Province of Ontario as the owner of JKM Enterprises.
- Mr. Middleton eventually completed the renewal application in full however, he did not have in his possession, proof of his status in Canada or his Master Business Licence for JKM Enterprises.
- A photocopy of Mr. Middleton's Ontario Driver's Licence was obtained and a Mobile Sign Lessor licence was issued based on the fact that the renewal requirements had been met. Attached as Appendix "C".
- Mr. Middleton was advised by Craig Robertson that he will be required to submit evidence of status in Canada along with a copy of his Ontario Master Business Licence for JKM Enterprises. Mr. Middleton was provided with a sixty (60) day timeframe to comply with Administration's request.
- January 7, 2016, Licensing Administration had still not heard from or received any of the requested documentation by Mr. Middleton.
- Shelly Wiseman, Licence Issuer, sends a registered letter to Mr. Middleton by Canada Post. Attached as Appendix "D". Mr. Middleton is provided with a further deadline of January 15, 2016 to comply by providing the requested documents.
- January 15, 2016, Shelly Wiseman receives an email from Mr. Middleton advising that he had received the registered letter on January 12, 2016 but was not able to meet and discuss this matter with his lawyer until the following week. Attached as Appendix "E".
- January 18, 2016, Craig Robertson replies to Mr. Middleton's email offering a further extension until January 29, 2016 to allow him to comply with the documents