

A G E N D A

WINDSOR LICENSING COMMISSION

For a meeting on Wednesday, May 25, 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 April 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) Facca Restaurants Incorporated o/a DT Rickshaws – Livery Licence Class "E" Pedicab
- (b) 1037047 Ontario Ltd. – Lodging House – Class 1

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	s. 239(2)(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.

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 April 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 Paul Borrelli
Councillor John Elliott
Gino Conte
Jack Fathers

Also present are the following resource personnel:

Valerie Critchley, City Clerk/Licence Commissioner
Ann Kalinowski, Manager of By-law Enforcement
Craig Robertson, Supervisor of Licensing & Deputy Licence Commissioner
(arrives at 9:42 a.m.)
Bill Tetler, By-law Enforcement Officer
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 Councillor Elliott, seconded by Councillor Borrelli,
That the minutes of the Windsor Licensing Commission of its meeting held March 23, 2016 **BE ADOPTED** as presented.
Carried.

3. DISCLOSURE OF INTEREST

None disclosed.

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

Moved by Councillor Borrelli, seconded by J. Fathers,
That the matter Item 7(b) – John Middleton o/a JKM Enterprises, Mobile Sign Lessor **BE WITHDRAWN** as the applicant has complied with the regulations under By-law 395-2004.

Carried.

5. **COMMUNICATIONS**

None.

6. **LICENCE TRANSFERS**

None.

7. **APPLICATIONS/HEARINGS**

(a) **Horvat & Ward Inc. o/a Advantage Transportation – Livery Vehicle**

Lidija Horvat, applicant is present and available to answer questions.

Moved by J. Fathers, seconded by G. Conte,
WLC8/2016 That the plate holder application, submitted by Ms. Lidija Horvat of Horvat & Ward Inc. o/a Advantage Transportation, 3591 Innerkip Crescent, Windsor to operate one (1) Class D – Livery Vehicle **BE APPROVED** with the following conditions:

- Ms. Lidija Horvat be given sixty (60) days from the date of this decision to submit a vehicle for inspection that complies with Schedule 3 to By-law 137-2007
- The vehicle must not be more than seven (7) models years in age
- The applicant must submit insurance satisfactory to Section 9.1 of Schedule 3 to By-law 137-2007
- The vehicle must submit to and pass an inspection by the By-law Enforcement Unit.

Carried.

(b) **John Middleton o/a JKM Enterprises – Mobile Sign Lessor**

This matter has been withdrawn.

(c) **2307027 Ontario Inc. o/a All Star 1 Auto – Automobile Service Station**

Khalil Abdul Sater, 2307027 Ontario Inc. is present and available to answer questions. He states the violations will be corrected within one week's time.

V. Critchley provides background information on this matter as follows:

- On January 26, 2016 a pro-active inspection was completed By-law Enforcement Officer Bill Tetler and the following violations are noted:
 - Fencing surrounding the property not screened.
 - Several inoperative motor vehicles scattered on the property.
 - Car parts/engines scattered all over the property including the front of the building.
 - Several vehicles that had been stripped for parts (wrecking/salvage).
- A follow-up inspection occurred on February 4, 2016 and the foregoing violations had not been corrected.
- An inspection occurred on February 23, 2016 and the premises were in the same condition as the previous two inspections.
- By-law Enforcement Officer Bill Tetler conducted an inspection prior to this meeting and indicates the premises are fifty per cent improved.

Moved by Councillor Borrelli, seconded by Councillor Elliott,

WLC9/2016 That **APPROVAL BE GIVEN** to an extension of seven (7) days from the date of this decision for 2307027 Ontario Inc., o/a All Star 1 Auto - Automobile Service Station to comply with Business Licensing By-law 395-2004 and failing that, the following **BE APPROVED**:

That Automobile Service Station – Repairs licence #15 210211 and Automobile Service Station – Storage Sales licence # 15 210212 issued to 2307027 Ontario Inc. o/a All Star 1 Auto, **BE SUSPENDED** until the licensee operates in compliance with Business Licensing By-law 395-2004 to the satisfaction of the By-law Enforcement office

And further that, Automobile Service Station – Repairs licence #15 210211 and Automobile Service Station – Storage/Sales licence #15 210212, issued to 2307027 Ontario Inc. o/a All Star 1 Auto **BE REVOKED** should the licensee fail to comply within thirty (30) days from the date of this decision.

Carried.

8. **REPORTS AND ADMINISTRATIVE MATTERS**

Moved by J. Fathers, seconded by Councillor Elliott,

That the report of the Supervisor of Licensing dated April 8, 2016 entitled "Expired Application(s) for Business Licence" **BE RECEIVED**.

Carried.

9. **IN CAMERA AGENDA**

No In Camera session is held.

10. **DATE OF NEXT MEETING**

The next meeting will be held on May 25, 2016 at 9:30 o'clock a.m. in the Council Chambers, 3rd floor, City Hall.

11. **ADJOURNMENT**

There being no further business, the meeting is adjourned at 9:45 o'clock a.m.

CHAIR

SECRETARY

A G E N D A

WINDSOR LICENSING COMMISSION

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at 9:30 o'clock a.m.
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None.

7. APPLICATIONS/HEARINGS

- (a) Horvat & Ward Inc. o/a Advantage Transportation – Livery Vehicle
- (b) John Middleton o/a JKM Enterprises – Mobile Sign Lessor
- (c) 2307027 Ontario Inc. o/a All Star 1 Auto – Automobile Service Station

8. REPORTS AND ADMINISTRATIVE MATTERS

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

9. IN-CAMERA AGENDA

No In Camera.

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October 26, 2016
November 23, 2016
December 28, 2016

11. ADJOURNMENT

ITEM NO. 7(a)

WINDSOR LICENSING COMMISSION

May 25, 2016

APPLICANT/LICENSEE:

Mr. David Haas
Facca Restaurants Incorporated o/a DT
Rickshaws
351 Ouellette Avenue
Windsor, ON N9A 4J1

LICENCE CATEGORY:

Livery Licence-Class "E" Pedicab

- 16 119881
- 16 119882
- 16 119883

Livelink file #ACLT/12543

HEARING PARTICULARS:

Approve Application for Livery Vehicle Plate Holder – Class "E" Pedicab

APPENDED MATERIALS

- Copy of Livery Plate Holder Application, being Appendix "A"
- Copy of Business Ownership Declaration, being Appendix "B"
- Copy of market study, being Appendix "C"
- Copy of rate schedule, being Appendix "D"
- Copy of photos of the proposed livery vehicle, being Appendix "E"
- Copy of Rickshaw Safety Check, being Appendix "F"
- AMANDA "screen shot" showing the number of licensed Class 'E' Livery Vehicles, being Appendix "G"

LICENCE COMMISSIONER'S COMMENTS

A new application for a Livery Vehicle Licence was submitted on March 31, 2016 by Mr. David Haas, authorized representative, on behalf of Facca Restaurants Incorporated o/a DT Rickshaw, 351 Ouellette Avenue, Windsor. The licensee, Facca Restaurants currently carries on business as a licensed Entertainment Lounge known as "The Treehouse" at the same location. Facca Restaurants has purchased DT Rickshaw from the previous licensed owner, Luke Andary. Mr. Andary was initially approved as a Class E Livery Plate Holder by the Commission in 2014 and has since continuously maintained his licenses. The three rickshaws licensed by Mr. Andary are currently the only Class "E" Livery Vehicle licenced in the City of Windsor.

REGULATORY AUTHORITY

The pertinent sections of Schedule 3 to By-law 137-2007 relating to this application state:

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

(a)	Class B - Limousine	25 units
(b)	Class C - Executive	15 units
(c)	Class D - Van	30 units
(d)	Class E - Pedicab	10 units
(e)	Class F – Horse Drawn Carriage	12 units”

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

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

4.2.1 In addition to the requirements in 4.1 and 4.2, as may be applicable, applicants for a Class E – Pedicab vehicle plate and associated livery plate holder licence shall submit a document, completed by a mechanic duly licensed to practice in the Province of Ontario, showing mechanical fitness of the vehicle which is satisfactory to the Licence Commissioner. (Added by By-law 164-2013, dated October 21, 2013)

“9.1 Every applicant for a livery vehicle plate holder licence shall file with the Licence Commissioner either a copy of the insurance policy or a certificate of insurance in respect of the livery vehicle which insurance shall meet the following requirements:

- (a) issuance by an insurer duly authorized to issue insurance within the Province of Ontario;
- (b) for each livery vehicle, liability coverage is in the amount of not less than THREE MILLION DOLLARS (\$3,000,000.00) for personal injury or property damage arising out of any one accident or occurrence;
- (c) it shall not be cancelled by the insurer until after fifteen (15) days written notice of such cancellation is given to the Licence Commissioner; and,
- (d) the owner of the livery vehicle shall be named as the insured and all insured livery vehicles shall be listed and described.”

11.1 Every livery vehicle excluding pedicabs shall charge at least \$50 per hour or parts thereof.

BACKGROUND

The following is an itemized list of documents submitted on March 31, 2016 on behalf of Facca Restaurants Incorporated:

- An application for Livery vehicle – Class E licence was received, copy attached as Appendix “A”.
- Copy of market study, copy attached as Appendix “C”
- Copy of rate schedule, copy attached as Appendix “D”
- Copy of photos of the proposed livery vehicles, copy attached as Appendix “E”
- Copy of Rickshaw Safety Check, copy attached as Appendix “F”

SUMMARY

Currently there are no Class E Livery Vehicles licensed in the City of Windsor. Therefore, we are well within the 10 vehicle limit permitted in Public Vehicle Licensing By-Law 137-2007.

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

As noted in the regulation section, the Licensing Commission must review all new applications. The applicant has agreed to comply with all the requirements listed in Schedule 3 of Public Vehicle Licensing By-Law 137-2007 to the satisfaction of the Licence Commissioner. Therefore, it is being recommended for approval.

RECOMMENDATION:

THAT the plate holder application, submitted by Mr. David Haas on behalf of Facca Restaurants Incorporated, 351 Ouellette Avenue, Windsor, to operate three (3) Class E – Livery Vehicles **BE APPROVED**.

DISPOSITION:



OFFICE OF THE CITY CLERK

Appendix "A"

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

-16 119881

LIVERY PLATEHOLDER APPLICATION

LICENCE # 16 119881 OFFICE USE ONLY

APPLICANT NAME AND ADDRESS

APPLICANT NAME: David Haas
DATE OF BIRTH: (MM/DD/YYYY)
STREET ADDRESS:
CITY, PROVINCE:
BUSINESS NAME AND ADDRESS

Handwritten notes: LV286, LV287, LV288

NAME UNDER WHICH BUSINESS OPERATES: Foca Restaurants Inc.
PLEASE INDICATE WITH A CHECK MARK: Corporation [checked] Sole Proprietorship Partnership
STREET ADDRESS: 351 Ouellette Ave
CITY, PROVINCE: Windsor ON
BUS. PHONE: 519 564 3405
POSTAL CODE: N9A 4J1

MAILING ADDRESS FOR BUSINESS, IF DIFFERENT THAN ABOVE
STREET ADDRESS:
CITY, PROVINCE:
POSTAL CODE:

RECEIVED stamp

CLASS OF VEHICLE (PLEASE CHECK ALL THAT APPLY)
LIMOUSINE (CLASS A)
EXECUTIVE (CLASS C)
PEDICAB (CLASS E)
VAN (CLASS D)
HORSE DRAWN CARRIAGE (CLASS F)

MAR 31 2016 stamp

LICENCE FEES
LIVERY VEHICLE
MOTORIZED - \$180.00
NUMBER OF PLATES 3
MUSCULAR (CLASS G)
NUMBER OF PLATES

HAVE YOU EVER HAD ANY PREVIOUS MUNICIPAL LICENCE(S)? YES [checked] NO
IF YES: What type? Business
What year? 2015
HAVE YOU EVER BEEN CONVICTED OF ANY CRIMINAL OR INDICTABLE OFFENCE IN CANADA OR ANY OTHER COUNTRY? YES NO [checked] IF YES: Year? Location?

PLEASE ENCLOSE THE FOLLOWING DOCUMENTS WITH THIS APPLICATION

SAFETY CERTIFICATE
INSURANCE POLICY
PHOTO OF VEHICLE
RATE SCHEDULE
VEHICLE OWNERSHIP
MARKET STUDY
ARTICLES OF INCORPORATION/MASTER BUSINESS LICENCE
2 PIECES IDENTIFICATION

LIVERY VEHICLE INFORMATION
CITY PLATE
YEAR OF MANUFACTURE
MAKE/MODEL CLASS OF VEHICLE
PROVINCIAL PLATE NO.
SERIAL NO.

PARTICULARS OF INSURANCE
INSURANCE LIABILITY
INSURANCE COMPANY
EXPIRY DATE
INSURANCE AGENT

PLEASE ALSO COMPLETE PAGE 2

NOTICE WITH RESPECT TO COLLECTION OF PERSONAL INFORMATION

I also acknowledge that the information requested on this form and any appendices attached are collected under the authority of the Municipal Act, City of Windsor Act, and City of Windsor Licensing By-law 137-2007. 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.

03/31/2016
DATE (MM/DD/YYYY)

Signature of David Haas (owner)
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

LIVERY PLATEHOLDER APPLICATION

PAGE 2

PLEASE RETURN THIS APPLICATION WITH YOUR PAYMENT TO THE OFFICE OF THE CITY CLERK, POLICY GAMING & LICENSING DIVISION AT 350 CITY HALL SQUARE WEST, ROOM 203, WINDSOR, ON N9A 6S1. THE LICENCE RENEWAL DEADLINE IS AUGUST 31ST ANNUALLY. A 50% LATE PENALTY IS ADDED TO THE BUSINESS LICENCE FEE ON SEPTEMBER 1ST. THE APPLICANT COULD FACE FURTHER PENALTIES FOR OPERATING WITHOUT A VALID BUSINESS LICENCE.

RECEIVED

MAR 31 2016
POLICY GAMING & LICENSING

I,  ACKNOWLEDGE THAT I SHALL NOT COMMENCE OPERATION OF THE LIVERY VEHICLE UNTIL THE FORMAL LICENCE IS ISSUED TO ME.

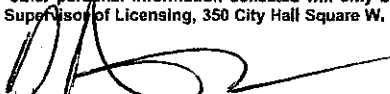
I HEREBY UNDERTAKE TO NOTIFY THE LICENCE COMMISSIONER TEN DAYS PRIOR TO CANCELLATION OF SAID INSURANCE OR ANY PART THEREOF, OR TRANSFER TO ANY OTHER COMPANY OF SUCH INSURANCE.

****IT IS THE APPLICANT'S RESPONSIBILITY TO ENSURE THAT ANY AND ALL ADDITIONAL PROVINCIAL OPERATING LICENSES, AS REQUIRED BY THE MINISTRY OF TRANSPORTATION, ARE OBTAINED AND MAINTAINED.****

NOTICE WITH RESPECT TO COLLECTION OF PERSONAL INFORMATION

I also acknowledge that the information requested on this form and any appendices attached are collected under the authority of the Municipal Act, City of Windsor Act, and City of Windsor Licensing By-law 137-2007. 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.

03/31/2016
 DATE (MM/DD/YYYY)


 SIGNATURE OF APPLICANT & TITLE

BUSINESS OWNERSHIP DECLARATION

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

I, David Hees, of the Municipality of _____, Province of Ontario,
(Your Name) (Where You Reside)

being the owner of Force Restaurant Inc. herein after referred to as the
(Title) (Corporation Name and/or Number)

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

That the Corporation shall carry on business as DT Rickshaw's at
(Trade Name)
351 Ouellette Ave. Windsor, ON 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] David Hees 05/09/2016
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)

DT Rickshaws Market Study

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

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

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

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

RECEIVED

MAR 31 2016

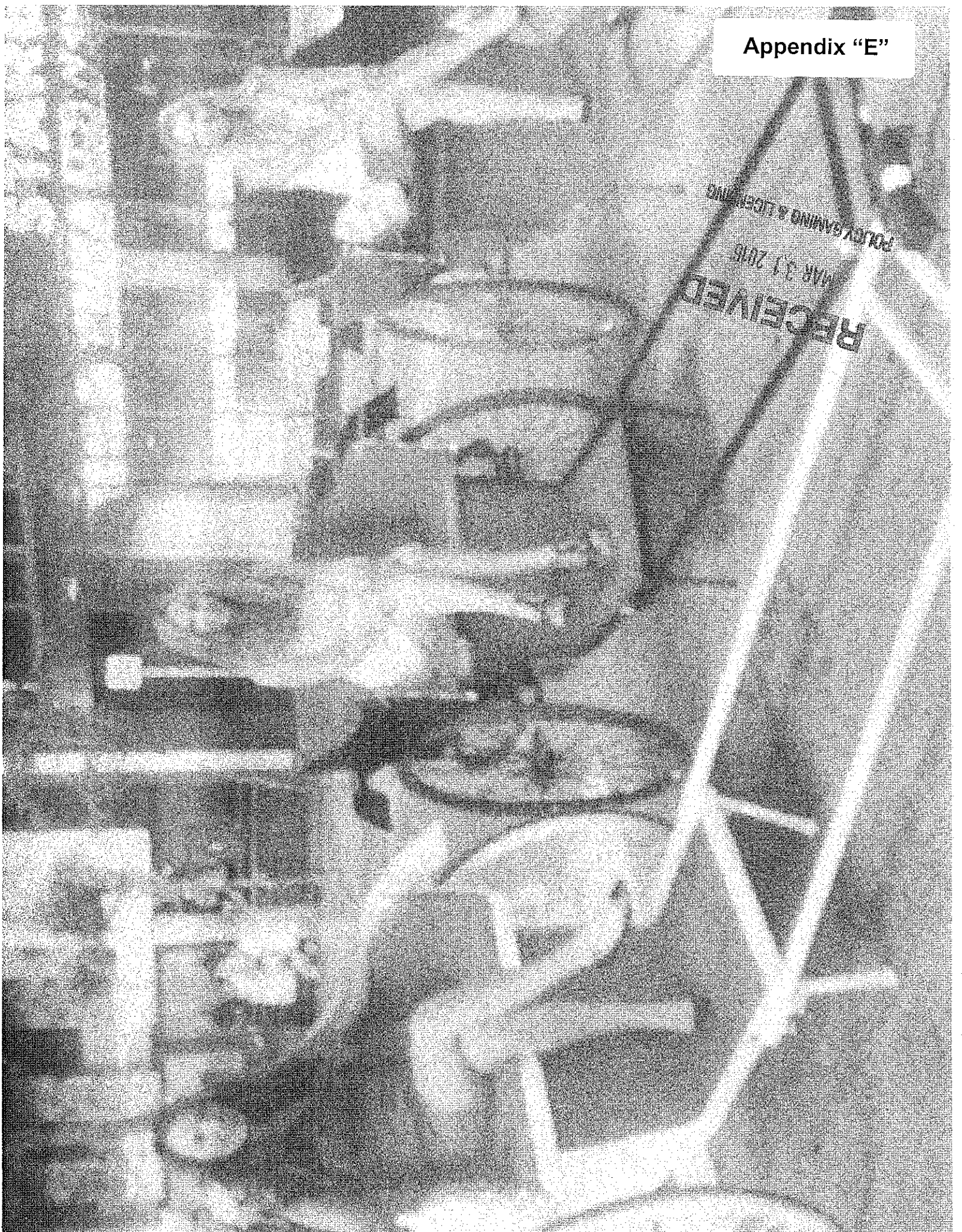
POLICY GAMING & LICENSING

Rate Structure

\$1.00 per minute per person for each ride.

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MAR 31 2016
POLICY GAMING & LICENSING

POLICE GAMING & LICENSING
MAR 31 2018
RECEIVED



Rickshaw Safety Check

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

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

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

DAL KOONOR

Name

NOV 4 / 2015

Date


Signature

RECEIVED
MAR 31 2016
POLICY GAMING & LICENSING