

Windsor, Ontario February 15, 2012

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 Ron Jones, Chair
Councillor Drew Dilkens (arrives at 9:35 a.m.)
Councillor Al Maghnieh (arrives at 9:37 a.m.)
Councillor Ed Sleiman
Jack Fathers

Also present are the following resource personnel:

Michael Chantler, Deputy Licence Commissioner & Supervisor of Licensing
Gary Cian, Manager of Policy, Gaming & Licensing/Deputy Licence Commissioner
Ann Kalinowski, Manager of Compliance & Enforcement
Ken Passa, Supervisor Environmental Quality
Denise Cassan, Senior Licence Issuer
Karen Kadour, (A) Committee Coordinator

1. CALL TO ORDER

The Chair calls the meeting to order at 9:34 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 Sleiman,
That the minutes of the meeting of the Windsor Licensing Commission held December 21, 2012 **BE ADOPTED** as presented.
Carried.

3. DISCLOSURE OF INTEREST

None disclosed.

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

Moved by J. Fathers, seconded by Councillor Sleiman,
That Item 7 (a) Kristin Lees (Guardian of “Misha”), dangerous dog
BE DEFERRED to the March 28, 2012 Windsor Licensing Commission meeting as the
Registered notification letter sent to the applicant was not picked up.
Carried.

Moved by J. Fathers, seconded by Councillor Sleiman,
That Item 7 (c) Shelley Beattie (Guardian of “Gemma”) potentially dangerous
dog **BE DEFERRED** to the March 28, 2012 Windsor Licensing Commission to allow
the applicant to be in attendance.
Carried.

Moved by J. Fathers, seconded by Councillor Sleiman,
That Item 7 (f) Windsor Auto Connection Ltd. (Mr. Fulvio Faroni) – Automobile
Service Station – Repairs **BE WITHDRAWN** as the applicant has complied with the
requirements of Licensing By-law 395-2004.
Carried.

Moved by J. Fathers, seconded by Councillor Sleiman,
That Item 7 (g) Rally Auto Service (Mr. Ziaollah Nasheri) – Automobile Service
Station – Repairs **BE WITHDRAWN** as the applicant has complied with the
requirements of Licensing By-law 395-2004.
Carried.

5. **COMMUNICATIONS**

None.

6. **LICENCE TRANSFERS**

6(a) **Transfer of Plate No. #84**

Mr. Walter Bezzina and Mr. Imad Alhasan are present and available to answer
questions.

Moved by Councillor Sleiman, seconded by Councillor Dilkens,
WLC1/12 That the transfer of Taxicab Plate # 84 from 538523 Ontario Ltd. o/a
Windsor Airline Limousine Service Ltd. to Mr. Imad Alhasan **BE APPROVED** with the
following conditions:

- the transferee, Mr. Imad Alhasan be given thirty (30) days from the date of this decision in which to submit a vehicle for inspection that complies with Schedule 5 to By-law 137-2007.
- submit a Plate Holder Application and pay the applicable fee.

and further, that the transferee, cannot lease the plate for a one year period as stated in Schedule 5, Section 21.3 of Licensing By-law 137-2007.

Carried.

6(b) Transfer of Plate No. #123

Mrs. Faranak Kasmikha and Mr. Youseef Farhat are present and available to answer questions.

Moved by Councillor Dilkens, seconded by Councillor Fathers,
WLC2/12 That the transfer of Taxicab Plate # 123 from Mrs. Faranak Kasmikha to Mr. Youseef Farhat **BE APPROVED** with the following conditions:

- the transferee, Mr. Youseef Farhat be given thirty (30) days from the date of this decision in which to submit a vehicle for inspection that complies with Schedule 5 to By-law 137-2007.
- submit a Plate Holder Application and pay the applicable fee.

and further, that the transferee, cannot 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) Kristin Lees – Dangerous Dog “Misha”

Item is deferred to the March 28, 2012 meeting.

7(b) Barbara Brown – Dangerous Dog “Samson”

Ms. Barbara Brown, guardian of “Samson” is present and available to answer questions. She states that the Mail Carrier who was bit by “Samson” alleges that she witnessed the dog “dragging” Ms. Brown. Ms. Brown states she has a medical condition called “Cervical Spinal Stenosis” and would not allow the dog to drag her.

Moved by Councillor Dilkens, seconded by Councillor Sleiman,
WLC3/12 That the **DANGEROUS DOG** designation **REMAIN IN PLACE** for two year old German Shepherd known as “Samson” which currently resides with guardian, Barbara Brown at 1682 Taylor Ave. in Windsor, Ontario, and further, that the following actions **BE REQUIRED** as a result of this designation:

1. To keep such dog, when in or on the property of another person with the person’s consent, on a leash and under the control of that person who is sixteen years of age or more.
 2. Conspicuously display on his or her property a sign provided by the city warning that there is a dangerous dog on the property.
 3. To securely attach a muzzle to such dog at all times when it is not confined in accordance with section 17 (a).
 4. Obtain and maintain a policy liability insurance coverage in an amount of not less than \$1,000,000 for any damage or injury caused by such dangerous dog and to provide to the animal Control Officer a Certificate of such policy and each subsequent renewal of it.
 5. Insert a microchip implantation in such dog, at the Guardian’s expense, for the purpose of identifying such dog as a dangerous dog.
 6. To restrain the dangerous dog in accordance with any written directives which may be given by an Animal Control Officer.
- Carried.

7(h) The Governing Council of the Salvation Army o/a Salvation Army Windsor Community & Rehabilitation Centre– Lodging House

Major Don Felthan, Salvation Army is present and available to answer questions.

M. Chantler succinctly provides the following relating to the Governing Council of the Salvation Army Lodging House licence:

- During a recent inspection of the business, it was determined that the organization operates a lodging home on the second and third floors of the building.
- The third floor falls under the definition of a Class 2 Lodging House under Schedule L1 to By-law 395-2004 and the second floor falls under a Class 1 Lodging House.
- Rather than issuing 2 licences, administration recommends issuing a Class 2 Lodging House Licence to the organization with a condition that the residents requiring assistance are housed on the third floor where they will receive the care as required for a Class 2 category under Schedule L1.
- Those residents on the second floor would comply with the regulatory framework under Class 1 of the same schedule.

Moved by Councillor Dilkens, seconded by Councillor Sleiman,
WLC4/12 That a Class 2 Lodging House Licence #11 143144 **BE ISSUED** to The Governing Council of the Salvation Army o/a Salvation Army Windsor Community & Rehabilitation Centre at 355 Church Street, Windsor, ON N9A 7G9 **WITH CONDITIONS** as follows:

- 2nd floor to comply with regulatory framework for Class 1 Lodging House.

Carried.

7(d) 538523 Ont. Ltd. & 1287609 Ont. Ltd. – Suspension of Licence Plateholder

Mr. Walter Bezzina, General Manager of 538523 Ontario Ltd. and 1287609 Ontario Ltd. is present and available to answer questions.

The salient points of discussion outlined in the Report of the Deputy Licence Commissioner and Supervisor of Licensing relating to the suspension of licences are as follows:

- Subject Plates (Nos. 189, 153, 205 and 53) without associated vehicles have been out of service beyond 120 days.
- Public Vehicle Licensing By-law 137-2007, Schedule 5, Part III, Section 6.12 “requires the Licence Commissioner to recommend suspension or revocation of such plates”.
- It is within the power of the Licence Commissioner to suspend or revoke these plates; however, a “shell game” would ensue whereby the company could shuffle vehicles to ensure that plates are not out of service for more than 120 days.
- E-mail from Mr. Bezzina indicates that Veteran Cab (to their own detriment) allows leases to be suspended when new plates are purchased and the drivers are not penalized.

Moved by Councillor Dilkens, seconded by J. Fathers,
WLC5/12 That the following plate holder licences issued to 538523 Ontario LTD. and 1287609 Ontario LTD. o/a Windsor Airline Limousine Service (aka Veteran Cab Company) **BE SUSPENDED** until May 16, 2012:

- #11 147456 associated with plate #189
- #11 147454 associated with plate #153
- #11 147457 associated with plate #205
- #11 147453 associated with plate # 53

and further that, should the plate holder have an opportunity to transfer the plate or place a vehicle into service with regard to one of the above plates, prior to May 16, 2012, the licensee **BE ALLOWED** to proceed and the suspension on the plate holder licence **BE LIFTED** immediately.

and further, should the plate holder fail to take action regarding the above plates by May 16, 2012, the Licence Commissioner **SHALL RECOMMEND REVOCATION** of the plate holder licences at the next regularly scheduled meeting of the Windsor Licensing Commission.

Carried.

7(e) Lynn Lesperance – Taxi Placeholder #195

Mrs. Lynn Lesperance and Mr. Henry Lesperance are present and available to answer questions.

Moved by Councillor Maghnieh, seconded by Councillor Dilkens
WLC6/12 That the following plate holder licence issued to Mrs. Lynn Lesperance **BE SUSPENDED** until May 16, 2012:

- #11 147451 associated with Plate #195

and further, should the plate holder have an opportunity to transfer the plate or place a vehicle into service with regard to one of the above plates, prior to May 16, 2012, the licensee **BE ALLOWED** to proceed and the suspension on the plate holder licence **BE LIFTED** immediately;

and further, should the plate holder fail to take action regarding the above plates by May 16, 2012 the Licence Commissioner **SHALL RECOMMEND REVOCATION** of the plate holder licence at the next regularly scheduled meeting of the Windsor Licensing Commission.

Carried.

7(i) 2300991 Ontario Inc. o/a Fast Auto Service – Automobile Service Station

Mrs. Zeinab Ghazi, applicant is not present. A letter signed by Mrs. Ghazi allowing Mr. Zaitoun Zaitoun (husband) to speak on her behalf is distributed and **attached** as Appendix “A”.

M. Chantler states it is the opinion of Administration that there is a Salvage Yard operating out of 1425 Rankin Avenue and as such, is not licensed for such an activity. He displays photos of inoperable vehicles, old motors, car parts, transmissions, oil stains, and furniture.

Mr. Zaitoun indicates that the site has been cleaned.

The Chair requests that a site inspection be conducted on this day.

Moved by Councillor Dilkens, seconded by Councillor Maghnieh,
WLC7/12 That licence application #11 141840 for Automobile Service Station – REPAIRS submitted by 2300991 Ontario Inc. o/a Fast Auto Service, 1425 Rankin, **BE ISSUED** when the property is in a “clean and neat condition” to the satisfaction of the Licence Commissioner, and THAT a condition **BE PLACED** on the licence specifying that violation of any City of Windsor Bylaw results in immediate revocation.

and further, that licence #11 141842 for Automobile Service Station – STORAGE/SALES issued to 2300991 Ontario Inc. o/a Fast Auto Service, 1425 Rankin **BE SUSPENDED** until the property is in a “clean and neat condition” to the satisfaction of the Licence Commissioner.

Carried.

8. REPORTS AND ADMINISTRATIVE MATTERS

(a) Expired Business Licence

Moved by Councillor Sleiman, seconded by Councillor Dilkens,
That the report of the Deputy Licence Commissioner and Supervisor of Licensing dated January 19, 2012 entitled “Expired Applications for Business Licenses” **BE RECEIVED** for information.

Carried.

(b) Safety Lane

A. Kalinowski states that the 2011 Fall Taxicab/Livery Safety Lane was a great success.

Moved by Councillor Sleiman, seconded by J. Fathers,
That the memo submitted by the Manager of By-Law Enforcement dated October 31, 2011 entitled “Results of 2011 Fall Taxicab/Livery Safety Lane” **BE RECEIVED**.
Carried.

9. IN CAMERA AGENDA

N/A

10. NEW BUSINESS

N/A

11. DATE OF NEXT MEETING

The next meeting will be held on March 28, 2012 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 9:57 o'clock a.m.

CHAIR

SECRETARY