

Windsor, Ontario August 26, 2015

A meeting of the **Windsor Licensing Commission** is held this day commencing at 9:30 o'clock a.m. in Room 409, 400 City Hall Square East, 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 and Licence Commissioner
Mike Coste, Fire Prevention Officer
Liz Culmone, By-law Enforcement Officer
Craig Robertson, Supervisor of Licensing & Deputy Licence Commissioner
Karen Kadour, Committee Coordinator

1. CALL TO ORDER

The Chair calls the meeting to order at 9:30 o'clock a.m. and the Committee 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 June 24,
2015 **BE ADOPTED** as presented.
Carried.

3. DISCLOSURES OF INTEREST

None disclosed.

4. REQUESTS FOR DEFFERALS, REFERRALS OR WITHDRAWALS

None.

5. **COMMUNICATIONS**

None.

6. **LICENCE TRANSFERS**

None.

7. **APPLICATIONS/HEARINGS**

7(a) **HJD Food Group Inc. o/a Papa Johns – Hospitality Food Service**

Mr. Henry Mielczarek, Applicant is present and available to answer questions.

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

- On April 13, 2015, Mr. Henry Mielczarek made application on behalf of HJD Food Group Inc. o/a Papa Johns for a Hospitality Food Service licence.
- On May 4, 2015, Fire Prevention Officer Coste issues an inspection order.
- Administration recommends a refusal to renew the Hospitality Food Service licence to the applicant at 3392 Dougall Avenue.
- It is not in the public interest to issue a licence since there are outstanding issues with Windsor Fire & Rescue that they have failed to correct.

Mr. Mielczarek objects to the deficiencies identified by Windsor Fire & Rescue as the deficiencies were corrected on June 8, 2015 and notes the Fire Department did not return for a re-inspection.

The Licence Commissioner suggests this matter be deferred to the next meeting of the Windsor Licensing Commission to allow the Fire Department the opportunity to conduct a re-inspection.

Moved by Councillor Borrelli, seconded by J. Fathers,

That the application by HJD Food Group Inc. o/a Papa Johns to renew the Hospital Food Service Licence #15 173615 **BE DEFERRED** to the September 23, 2015 meeting of the Windsor Licensing Commission to allow for an opportunity for Windsor Fire & Rescue Services to conduct a re-inspection of the premises at 3392 Dougall Avenue, Unit #500, Windsor, Ontario.

Carried.

7(b) **Muhammad F. Kahn – Taxicab Driver Licence**

C. Robertson provides the following complaints regarding the conduct of Veteran taxicab driver number 141:

- On June 17, 2015 a complaint was received that Mr. Khan instructed passengers in his taxicab that he would only accept cash as he had been receiving debit all day.
- On June 25, 2015, a complaint was received that on June 11, 2015 Mr. Khan refused a fare leaving a person stranded at the corner of Tecumseh and Huron Church with groceries.
- Issue with not maintaining trip sheets.
- Administration is recommending that Mr. Muhammad F. Khan be required to attend the next available Customer Service portion of the taxicab course administered by Veteran Taxicab Company to ensure he fully understands his roles and responsibilities as a taxicab driver as well as the rights of the customer.

Mr. Khan provides the following comments as it relates to this matter:

- The debit machine in his vehicle was inoperable and notes Checker Cab does not have a debit machine.
- In terms of refusing a fare, he cancelled the trip as the person was 5 minutes late and expressed concern the fare stated they knew people at the “City of Windsor”.

In response to a question asked by Councillor Borrelli regarding why Mr. Khan is not maintaining his trip sheets, Mr. Khan responds he was at fault but is currently maintaining his trip sheets.

C. Robertson indicates a section in By-law 137-2007 sets out that drivers cannot refuse a fare and, that all devices (debit machine) must be in working order. He states the next step would be a suspension of Mr. Khan’s licence.

Moved by Councillor Borrelli, seconded by J. Fathers,
WLC8/15 That Taxicab Driver Mr. Muhammad F. Khan **BE REQUIRED** to retake the Customer Service portion of the taxicab course administered by Veteran Taxicab Company to ensure that he fully understands his roles and responsibilities as a taxicab driver as well as the rights of the customer, and that the Licensing Department **BE ADVISED** in writing by Veteran Taxicab Company once the training has been completed and further, that if there are reported complaints in the future, that Mr. Muhammad F. Khan **BE DIRECTED** to appear before the Windsor Licensing Commission and a suspension (length to be determined) will **BE IMPOSED**.
Carried.

8. 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 August 10, 2015 entitled “Expired Application(s) for Business Licence” **BE RECEIVED**.
Carried.

9. **IN CAMERA AGENDA**

Verbal Motion is presented by J. Fathers, seconded by Councillor Borrelli to move In Camera at 10:10 o'clock a.m. for discussion of the following items:

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

Motion Carried.

Discussion on the item of business (Item 9 (b)). The applicant is present and available to answer questions.

Discussion on the item of business (Item 9 (a)). No one is present to speak to this matter.

Verbal Motion is presented by Councillor Elliott, seconded by J. Fathers, to move back into public session at 10:29 o'clock a.m.

Motion Carried.

Moved by Councillor Elliott, seconded by J. Fathers,
That the Licence Commissioner **BE DIRECTED** to transmit the recommendations contained in the reports discussed at the In Camera Windsor Licensing Commission meeting held August 26, 2015 directly to the Windsor Licensing Commission for consideration at the next Regular Meetings.

Carried.

Moved by Councillor Elliott, seconded by J. Fathers,
WLC9/15 That the In Camera report of the Licence Commissioner respecting a personal matter about an identifiable individual **BE RECEIVED** and further, that Administration **BE REQUESTED** to proceed with the verbal direction of the Windsor Licensing Commission.

Moved by J. Fathers, seconded by Councillor Elliott,
WLC10/15 That the In Camera report of the Licence Commissioner respecting a personal matter about an identifiable individual **BE RECEIVED** and further, that Administration **BE REQUESTED** to proceed with the verbal direction of the Windsor Licensing Commission.

Motion Carried.

10. NEW BUSINESS

None.

11. DATE OF NEXT MEETING

The next meeting will be held on September 23, 2015 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 10:31 o'clock a.m.

CHAIR

COMMITTEE COORDINATOR