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Windsor, Ontario October 24, 2013

A meeting of the **Windsor Licensing Commission** is held this day commencing at 4:00 o'clock p.m. in the Council Chambers, 3rd floor, City Hall, there being present the following members:

Councillor Ron Jones, Chair
Councillor Drew Dilkens,
Councillor Ed Sleiman
Jack Fathers

Also present are the following resource personnel:

Gary Cian, Manager of Policy Gaming & Licensing/Deputy Licence Commissioner
Michael Chantler, Supervisor of Licensing & Deputy Licence Commissioner
Ann Kalinowski, Manager of By-law Enforcement
Dan Jenner, By-law Enforcement Officer
Karen Kadour, Committee Coordinator

1. CALL TO ORDER

The Chair calls the meeting to order at 4:00 o'clock p.m. and the Commission considers the Agenda being Schedule "A" **attached** hereto, matters which are dealt with as follows:

2. MINUTES

Moved by Councillor Dilkens, seconded by Councillor Sleiman,
That the minutes of the Windsor Licensing Commission at its meeting held September 26, 2013 **BE ADOPTED** as presented.
Carried.

3. DISCLOSURE OF INTEREST

None disclosed.

4. REQUESTS FOR DEFERRALS, REFERRALS AND WITHDRAWALS

Moved by Councillor Dilkens, seconded by J. Fathers,
That Item 7(b) 1890928 Ontario Inc. o/a Good Time Charly, 4715 Tecumseh Road East, Windsor, Ontario for an Entertainment Lounge Licence and a Tobacconist Licence **BE WITHDRAWN** as the applicant has complied with the requirements of the Licensing Department.

Carried.

5. **COMMUNICATIONS**

None.

6. **LICENCE TRANSFERS**

6(a) Transfer of Plate #175

Mr. Kamel Kakish and Mr Samer Hammoud are present and available to answer questions.

Moved by Councillor Dilkens, seconded by Councillor Sleiman,
WLC19/13 That the transfer of Taxicab Plate #175 from Kamel Kakish & Rajaei Kakish to Mr. Hammoud **BE APPROVED** with the following conditions:

- I. Mr. Hammoud 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.
- II. Mr. Hammoud must submit a Plate Holder application and pay the applicable fee.
- III. Mr. Hammoud 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**

No one is present to speak to the matter.

7(a) 2339700 Ontario Ltd. o/a Windsor Airport Metro Cars - Livery Vehicle (Class C - Executive)

Moved by Councillor Dilkens, seconded by Councillor Sleiman,

WLC20/13 That the Livery Placeholder Application by 2339700 Ontario Ltd. o/a Windsor Airport Metro Cars to operate two, Class C - Executive Vehicles **BE APPROVED** for the following vehicles:

1. 2008 Lincoln Navigator - VIN#5LMFL28508LJ13950
2. 2008 Lincoln Towncar - VIN#2LNM84W38X652009

Carried.

(b) 1890928 Ontario Inc. o/a Good Time Charly - Entertainment Lounge & Tobacconist

This item is withdrawn as the applicant has complied with the requirements of the Licensing Department.

(c) Hoby Dwayne Maracle (Guardian of "Sasha")- Dangerous Dog

Hoby Maracle, guardian of "Sasha" and Brenda Langan, alleged victim are present and available to answer questions.

A. Kalinowski advises following the investigation by Dan Jenner, By-law Enforcement Officer, it was determined "Sasha" is a dangerous dog as there were no mitigating factors.

Brenda Langan indicates she was concerned "Sasha" had been vaccinated with the required injections as she sustained a bite on her hand.

Hoby Maracle states the dog had not been vaccinated since 2011 as she was pregnant with a litter of puppies. He notes Sasha's vaccinations are currently up to date. He advises he has contacted his landlord over the past two years regarding the areas in the chain link fence which allows his dog to readily escape. He states this was the first time his dog ever "nipped" at another dog.

Moved by Councillor Sleiman, seconded by Councillor Dilkens,

WLC21/13 That the **DANGEROUS DOG** designation **REMAIN IN PLACE** for two year old American Bulldog known as "Sasha" which currently resides with guardian, Hobo Dwayne Maracle at 415 Pierre Avenue 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.

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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.

(d) Michael Nahnybida (Guardian of "Axxel") - Dangerous Dog

Michael Nahnybida, guardian of "Axxel" and the alleged victim are present and available to answer questions.

A. Kalinowski advises following the investigation by the By-law Enforcement Officer, it was determined "Axxel" is a dangerous dog as there were no mitigating factors.

The alleged victim provides the following chronology of events leading to her alleged dog bite:

- The alleged victim was walking her dog "Harley" and an unleashed dog came running across the street and attacked her dog.
- The alleged victim tried to use the blue harness on the larger dog to pull it off her dog.
- To loosen the grip on her dog's neck, the alleged victim hit "Axxel" on the head with her dog bag holder, at which point she was bitten on her hand.
- The alleged victim saw blood on her dog but soon realized it was her blood.
- The owner of "Axxel" arrives and states his dog broke from the leash.
- The alleged victim asked Mr. Nahnybida if his dog had received his shots, to which Mr. Nahnybida responds affirmatively that it was his dog. He gave her his address and left.
- The alleged victim received a Tetanus shot and indicates "Harley" has "some marks" on his belly.
- The alleged victim reported most of her dog's teeth have been removed.

Mr. Nahnybida indicates he was at the park with "Axxel" at which time he broke from his leash and was running loose. He provides the following comments with respect to the alleged dog bite:

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- Mr. Nahnybida asked a jogger to follow and catch his dog for him and the jogger agreed.
- When Mr. Nahnybida arrived, the alleged victim was holding her dog.
- He asked if she was alright. She didn't answer but showed her hand with a couple trickles of blood.
- There were two young men on a bike laughing.
- Mr. Nahnybida spoke to the one male on the bike who said the alleged victim tried to hit the larger dog but missed and hit her own dog which turned and bit her.
- Mr. Nahnybida gave the alleged victim his name and address and promised to return and continued to search for his dog.
- He retrieved his dog, tied him up and went back approximately 10 minutes later to check with the alleged victim, who was gone.
- He states his dog is a large husky and would have done more damage if it had bit the alleged victim hand.

Moved by Councillor Dilkens, seconded by Councillor Sleiman,

WLC22/13 That the **DANGEROUS DOG** designation **REMAIN IN PLACE** for eight year old Husky known as "Axxel" which currently resides with guardian, Michael Nahnybida at 1558 Lincoln Road, 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.

8. REPORTS AND ADMINISTRATIVE MATTERS

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

Moved by Councillor Dilkens, seconded by J. Fathers,

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That the report of the Supervisor of Licensing and Deputy Licence Commissioner dated October 3, 2013 entitled "Expired Application(s) for Business Licence" **BE RECEIVED** for information.

Carried.

9. IN CAMERA AGENDA

No closed session meeting is held this day.

10. NEW BUSINESS

None.

11. DATE OF NEXT MEETING

The next meeting of the Windsor Licensing Commission will be held on December 12, 2013 at 4:00 o'clock p.m. in the Council Chambers.

12. ADJOURNMENT

There being no further business, the meeting is adjourned at 4:25 o'clock p.m.

CHAIR

SECRETARY

A G E N D A

WINDSOR LICENSING COMMISSION

For a meeting on Thursday, October 24, 2013 at 4:00 o'clock p.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 September 26, 2013 (**copy attached**).

3. **DISCLOSURE OF INTEREST**

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

5. **COMMUNICAJIONS**

6. **LICENCE TRANSFERS**

(a) Mr. Kamel Kakish & Mr. Rajaei Kakish Transfer of Plate #175
Transferor

Mr. Samer Hammoud
Transferee

7. **APPLICATIONS/HEARINGS**

(a) 2339700 Ontario Ltd. Livery Vehicle (Class C -Executive)
o/a Windsor Airport Metro Cars

- (b) 1890928 Ontario Inc. Entertainment Lounge & Tobacconist
o/a Good Time Charly
- (c) Hoby Dwayne Maracle (Guardian of "Sasha") - Dangerous Dog
- (d) Michael Nahnybida (Guardian of "Axxel") - Dangerous Dog

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**

As there are meeting conflicts for the scheduled date of November 26, 2013, the following dates are proposed -
November 21, 2013 or December 12, 2013

12. **ADJOURNMENT**