

Windsor Licensing Commission

Meeting held September 22, 2021

A meeting of the Windsor Licensing Commission is held this day commencing at 9:30 o'clock a.m. via Zoom video conference, there being present the following members:

Councillor Ed Sleiman, Chair
Councillor Fabio Costante
Councillor Gary Kaschak

Regrets received from:

Jayme Lesperance
Harpreet Virk

Also present are the following resource personnel:

Gary Cian, Licence Commissioner & Senior Manager of Policy, Gaming, Licensing and By-law Enforcement
Craig Robertson, Supervisor of Licensing
Michael Coste, Chief Fire Prevention Officer
Bill Tetler, Manager of By-law Enforcement
Dante Lapico, By-law Enforcement Officer
Kevin Webb, Manager Environmental Quality
Daniel Mitchell, Supervisor Environmental Quality
Rob Vani, Manager Inspections, Deputy Chief Building Official
Angela Marazita, Manager Fleet
Kevin Webb, Manager Environmental Quality
Karen Kadour, Committee Coordinator

1. Call to Order

The Chair calls the meeting to order at 9:34 o'clock a.m. and the Windsor Licensing Commission considers the Agenda being Schedule A attached hereto, matters which are dealt with as follows:

2. Adoption of the Minutes

Moved by Councillor Costante, seconded by Councillor Kaschak,
That the minutes of the Windsor Licensing Commission of its meeting held July 21, 2021 **BE ADOPTED** as presented.
Carried.

3. Disclosure of Interest

None disclosed.

4. Request for Deferrals, Referrals or Withdrawals

None.

5. Communications

None.

6. Licence Transfers

6(a) Transfer of Taxicab Plate #34

No one is present to speak to this matter.

Moved by Councillor Kaschak, seconded by Councillor Costante,
WLC 7/2021 That the transfer of Taxicab Plate #34 from Ms. Theresa Lamotte to Mrs. Trivousa Shalaby **BE APPROVED** with the following conditions:

- i. Mrs. Shalaby be given thirty (30) days from the date of the approval to submit a vehicle for inspection that complies with Schedule 5 to By-law 137-2007 (amended by By-law 150-2018), including a valid safety standards certificate.
- ii. Mrs. Shalaby be given thirty (30) days from the date of the approval to submit a Taxicab Plate Holder application and pay the associated fee.
- iii. Mrs. Shalaby be given thirty (30) days from the date of the approval to provide verification that full compensation has been made to Ms. Theresa Lamotte in consideration of the transfer of Taxicab plate #34.
- iv. Mrs. Shalaby shall not lease Taxicab plate #34 for a one year period as stated in Schedule 5, Section 21.3 of Licensing By-law 137-2007 (amended by By-law 150-2018).

Carried.

7. Applications/Hearings

7(a) Mohsen Farahat – Salvage Yard

C. Robertson asks the Licensing Commission if they wish to address this matter, as the applicant is not present.

It is generally agreed to proceed with the hearing.

C. Robertson provides background information relating to the application for a Salvage Yard as follows:

- A new application for a Salvage Yard licence was submitted on March 23, 2021 by Mr. Mohsen Farahat.
- The Licensing Division records show that this corporation is also currently licensed to operate as an Automobile Service Station for both repairs and storage sales at 939 Giles Boulevard West.
- Administration advises that in November 2017, the Automobile Service Station licences associated with the same licensee were suspended for thirteen days due to several complaints pertaining to the condition of the property.
- Section 1 of Schedule S1 to Licensing By-law 395-2004 states:
- *“In the case of an application for a licence for a salvage yard, the Licence Commissioner or designate shall: cause notice to be mailed by regular mail to the owners of all lands lying within three hundred feet (300’) of the salvage yard, inviting their comments at least 15 days prior to the date the Licence Commissioner considers the application.”*
- On February 3, 2021, a building use complaint is filed with 311 with respect to an “acrid/burning smell coming from one of the rear buildings”
- On March 3, 2021, Building By-law Enforcement Officer Dante Lapico attends the property and observes a large stack of wood pallets, and old tires.
- On March 23, 2021, an application for a Salvage Yard licence was submitted to the Licensing Division by Mr. Farahat on behalf of 2207113 Ontario Inc. o/a Downtown Auto Center. Application was subject to various approvals.
- On May 27, 2021, By-law Enforcement Officer Andrew Wong attends the property and notes that the surrounding chain-link fence enclosure did not have proper screening, allowing an unobstructed view of the salvage yard, contrary to the City’s Business Licensing By-law.
- On July 19, 2021, Building By-law Officer Lapico re-attended the property and noted the operation of a salvage/heavy auto repair garage in the south portion of the property as well as several dozen inoperable vehicles located on the property. This activity was not permitted through a building permit, or a site plan control agreement. An order was issued to remove all vehicles, parts, and cease the noted operations until all proper approvals were obtained.

- On July 22, 2021, in accordance with Schedule S1 of Business Licensing By-law 395-2004, 23 letters of notification are sent to all property owners of lands lying within three hundred feet of the proposed Salvage Yard.
- A total of six objections to a Salvage Yard of any kind and one objection to an outdoor Salvage Yard are received.
- The licensee currently is not in compliance with numerous requirements from various departments.

In response to a question asked by Councillor Kaschak regarding what materials were being burned, D. Lapico responds that the applicant indicated that he was burning wooden pallets. The Building By-law Enforcement Officer also noticed that there were piles of tires and rubber also being burned.

M. Coste remarks that nothing within the city can be burned.

A. Marazita indicates that this location is an abutting property owner to the yard owned by the city. She notes that the tires located on the property hold water, which attracts mosquitoes and rodents. She advises that the city stores tires in an enclosed container. As the issues on the property represent a health and safety concern, the city is objecting to this application.

In response to a question asked by Councillor Costante regarding what recourse the applicant would for an appeal if this matter is not approved, C. Robertson responds that the Windsor Licensing Commission has full authority, which is final and binding with no appeal process. The Commission could deny the application and proceed with the recommendations or could refuse the application, which will become an enforcement matter.

Councillor Costante asks Administration to comment on ways to mitigate some of the issues.

A. Marazita requests that the fence be brought into compliance. M. Coste remarks that all debris must be located three metres from the lot line and vegetation must be cut down.

B. Tetler states that if the Commission refuses the application, that this will be dealt with as an unlicensed business and if the applicant continues to operate without a licence, they will be charged accordingly.

Moved by Councillor Costante, seconded by Councillor Kaschak,

WLC 8/2021 That the application for a Salvage Yard licence submitted by, Mr. Mohsen Farahat of 2207113 Ontario Inc. o/a Downtown Auto Center, 100-1153 Tecumseh Road West, Windsor **BE APPROVED** with the following conditions:

The applicant be given sixty (60) days from the date of this Decision to:

- comply with the non compliant matters to the satisfaction of the Chief Building Official and Licence Commissioner inclusive of obtaining the required building permits and/or site plan control agreement;
- bring the fence and property conditions into compliance with by-law standards;
- submit to and pass an inspection by the Pollution Control Department; and

That the application for a Salvage Yard licence submitted by, Mr. Mohsen Farahat of 2207113 Ontario Inc. o/a Downtown Auto Center, 100-1153 Tecumseh Road West, Windsor **BE REFUSED** should the applicant fail to comply within the sixty (60) day deadline, and further,

That upon the issuance of a Salvage Yard licence to 2207113 Ontario Inc. o/a Downtown Auto Center, located at 100-1153 Tecumseh Road West, any substantiated complaints or violations as it relates to the non compliant matters and citizen concerns identified at this hearing will result that the licence **BE SUSPENDED** until the next scheduled hearing of the Windsor Licensing Commission.

Carried.

8. Reports & Administrative Matters

(a) Expired Application(s) for Business Licence

Moved by Councillor Kaschak, seconded by Councillor Costante,
That the report of the Supervisor of Licensing dated September 22, 2021 entitled "Expired Application(s) for Business Licence" **BE RECEIVED.**
Carried.

9. Date of Next Meeting

The next meeting will be held at the call of the Chair.

10. Adjournment

There being no further business, the meeting is adjourned at 10:20 o'clock a.m.

CHAIR

SECRETARY