

## **Windsor Licensing Commission Meeting held April 24, 2019**

A meeting of the Windsor Licensing Commission is held this day commencing at 9:30 o'clock a.m. in Room 204, 350 City Hall Square West, 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, Deputy Licence Commissioner & Senior Manager of Policy, Gaming, Licensing & By-law Enforcement  
Craig Robertson, Supervisor of Licensing  
Bill Tetler, Manager of By-law Enforcement  
Janna Tetler, Senior Licensing Issuer  
Karen Kadour, Committee Coordinator

### **1. Call to Order**

The Committee Coordinator calls the meeting to order at 9:51 o'clock a.m. and the Committee considers the Agenda being Schedule A attached hereto, matters which are dealt with as follows:

#### **Election of Chair**

The Committee Coordinator calls for nominations from the floor for the position of Chair. Councillor Costante nominates Councillor Sleiman, seconded by Councillor Kaschak. The Committee Coordinator asks if there are further nominations from the floor for the position of Chair. Seeing none, the Committee Coordinator asks if Councillor Sleiman accepts. Councillor Sleiman accepts and assumes the Chair.

Moved by Councillor Costante, seconded by Councillor Kaschak,  
That Councillor Ed Sleiman **BE ELECTED** Chair of the Windsor Licensing Commission.  
Carried.

**2. Minutes**

Moved by Councillor Kaschak, seconded by Councillor Costante,  
That the minutes of the Windsor Licensing Commission of its meeting held October  
24, 2018 **BE ADOPTED** as presented  
Carried.

**3. Disclosure of Interest**

None disclosed.

**4. Requests for Deferrals, Referrals or Withdrawals**

None.

**5. Communications**

None.

**6. Licence Transfers**

None.

**7. Applications/Hearings**

None.

**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 April 15, 2019 entitled "Expired  
Application(s) for Business Licence" **BE RECEIVED**.  
Carried.

**9. In Camera**

No In Camera session is held.

**10. Business Arising from the Minutes**

Confirm & Ratify the E-mail poll held November 19, 2018

Moved by Councillor Costante, seconded by Councillor Kaschak,  
That the following motion **BE CONFIRMED AND RATIFIED**:

That the transfer of Taxicab Plate #88 from 538523 Ontario Ltd. o/a Vets Cab to Mr. Fazlullah Rezagian be approved with the following conditions:

- Mr. Rezagian 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, including a valid safety standards certificate.
- Mr. Rezagian must submit a Plate Holder application and pay the applicable fee.
- Mr. Rezagian shall provide verification that full compensation has been made to 538523 Ontario Ltd. o/a Vets Cab in consideration of the transfer of taxicab plate #88.
- Mr. Rezagian 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.

**11. Date of Next Meeting**

The next meeting is scheduled for May 22, 2019 at 9:30 a.m. in Room 204, City Hall, 350 City Hall Square West.

**12. Adjournment**

There being no further business, the meeting is adjourned at 10:25 o'clock a.m.

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CHAIR

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SECRETARY

**ITEM NO. 6(a)****WINDSOR LICENSING COMMISSION****June 26, 2019****APPLICANT/LICENSEE:**

Mr. Don Ing  
2196935 Ontario Limited  
1893 Hebert Street  
Tecumseh, ON N8N 4G6  
Transferor  
&  
Mr. Fernand Atieh  
1354 Rushwood Crescent  
Lasalle, ON N9H 0B7  
Transferee

**LICENCE CATEGORY:**

Taxicab Plate #117  
  
Plate Holder licence 18 151645  
  
Folder # ACLT/13479

**HEARING PARTICULARS:**

Transfer of Taxicab Plate #17

**APPENDED MATERIALS**

- Application from plate holder requesting transfer, being Appendix "A"
- Application for plate transfer transferee application, being Appendix "B"
- Proof of full-time employment status for Mr. Fernand Atieh, being Appendix "C"

**LICENCE COMMISSIONER'S COMMENTS**

The attached applications were received by the Licensing Division on May 3, 2019 from Mr. Don Ing, on behalf of 2196935 Ontario Limited, Plate Holder of Taxicab #117, and from Mr. Fernand Atieh for the prospective transfer of Taxicab Plate #117.

**REGULATORY AUTHORITY**

Schedule 5, Part VII, Section 20.1 through 20.4 of Licensing By-law 137-2007 states:

*"20.1 Except as approved by the Licensing Commission, a taxicab plate holder may not transfer a taxicab plate and associated taxicab plate holder licence for a period of at least five (5) years from the date of issue of the licence.*

*20.2 No taxicab plate holder licence shall be transferred without the approval of the Licensing Commission.*

*20.3 No taxicab plate holder licence shall be transferred until the person to whom the transfer is to be made has first received approval from the Licence Commissioner as a licensee.*

20.4 Subject to the restrictions herein, taxicab plates numbered 001 to 224 are transferable, provided that:

- (a) the transferee satisfies the eligibility criteria for inclusion on the Drivers' List;
- (b) the transferee signs a form of statutory declaration prescribed by the Licence Commissioner;
- (c) the transferor has completed a written application for the transfer in the prescribed form;
- (d) the transferee satisfies the requirements of a taxicab plate holder under this By-law, including submitting for inspection the taxicab to which the plate will be affixed;
- (e) the transferee pays all fees required under this By-law;

and the transferee will receive a taxicab plate holder licence at the time of transfer of the taxicab plate.”

Further, Section 21.3 states:

“A taxicab or taxicab wheelchair accessible vehicle plate holder who has held a licence for a minimum of one (1) year may lease the taxicab or taxicab wheelchair accessible vehicle licence on a daily, weekly, monthly or yearly basis provided that:

- (a) the lessee is licensed by the City of Windsor as a taxicab driver;
- (b) all weekly, monthly or yearly leases are filed with and approved by the Licence Commissioner and shall be subject to such terms and conditions the Licence Commissioner may require;
- (c) the amount charged under the lease shall be a fair fee as approved by the Licence Commissioner and no additional charges shall be made against the lessee;
- (d) the lease agreement shall include a statement that the leasing agreement is considered null and void in the event that the lessor or lessee, either by written or verbal agreement, sub-leases the taxicab or taxicab wheelchair accessible vehicle or transfers responsibility for the operation of the taxicab or taxicab wheelchair accessible vehicle to a third party;
- (e) the lease agreement shall contain a clearly-stated right of the lessor and lessee to early termination of the lease;
- (f) where the lessee is a corporation, the lessee shall, at the time at which the lease is filed with the Licence Commissioner in accordance with the provision of this section, file with the Licence Commissioner a form supplied by the Licence Commissioner and a copy of the lessee's articles of incorporation, amendment or amalgamation; and,
- (g) the lease term shall be a minimum of twelve (12) months and a maximum of twenty-four (24) months.”

## **BACKGROUND**

- May 3, 2019, transfer application and fee was received from Mr. Don Ing on behalf of 2196935 Ontario Limited, being Appendix “A”
- May 3, 2019, transferee application for Mr. Fernand Atieh was submitted, being Appendix “B”.
- May 3, 2019, proof of full-time status as a taxicab driver was received by Mr. Atieh

## **SUMMARY**

According to the AMANDA database, 2196935 Ontario Limited has been the plate holder of taxicab plate #117 annually since at least 1997 and is therefore compliant with Section 20.1 to Public Vehicle Licensing By-Law 137-2007.

It is being requested that Taxicab Plate #117 be transferred to Mr. Fernand Atieh, who is currently not a licensed plate holder. Although Mr. Atieh does not hold a current place on the Drivers' List, he has provided proof that he has been employed as a full-time taxicab driver since August 1, 2006, which satisfies the requirements of Section 20.4(a) of Schedule 5.

Mr. Fernand Atieh must provide:

- (a) Verification of an appropriate vehicle to which he will affix taxicab plate #117, including a valid safety standards certificate
- (b) A completed Plate Holder application and pay the associated fee
- (c) Verification that full compensation has been made to 2196935 Ontario Limited in consideration of the transfer of taxicab plate #117

## **RECOMMENDATION**

To the Windsor Licensing Commission for decision on the following:

**THAT** the transfer of Taxicab Plate #117 from 2196935 Ontario Limited to Mr. Fernand Atieh **BE APPROVED** with the following conditions:

- i. Mr. Atieh 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, including a valid safety standards certificate.
- ii. Mr. Atieh must submit a Plate Holder application and pay the applicable fee.
- iii. Mr. Atieh shall provide verification that full compensation has been made to 2196935 Ontario Limited in consideration of the transfer of taxicab plate #117.
- iv. Mr. Atieh shall not lease the plate for a one year period as stated in Schedule 5, Section 21.3 of Licensing By-law 137-2007.

## **DISPOSITION:**

**OFFICE OF THE CITY CLERK**

**Policy, Gaming & Licensing**

350 City Hall Square West - Suite 203  
 Windsor, ON N9A 6S1  
 Ph: (519) 255-6200, Option 1 Fax (519) 255-6868  
[www.citywindsor.ca](http://www.citywindsor.ca)




**TAXICAB PLATE TRANSFER  
 TRANSFEROR**

<b>PLATE TRANSFER FEE</b>	<b>\$400.00</b>
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Pursuant to Public Vehicle Licensing Bylaw 137-2007, Schedule 5, Section 20 "Transfer of Licences Issued Prior to the Passing of this By-law (Plate #001 to 224 inclusive)", please be advised that I am the Plateholder of the City of Windsor Taxicab Plate No. 117 and I wish to transfer my plate in accordance with Bylaw 137-2007. I am currently licenced as a Plateholder with respect to the operation of the following vehicle:

YEAR:	<u>2011</u>
MAKE & MODEL:	<u>FORD FUSION</u>
VIN:	<u>3FADP0L37BR145905</u>
COMPANY NAME:	<u>VETERAN CAB</u>

PLEASE PRINT CLEARLY


NAME: <u>DON INH</u>			
SIGNATURE: 			
ADDRESS: <u>1896 HEBERT ST</u>			
CITY: <u>TELLMSEH</u>	POSTAL CODE: <u>N8N 4G6</u>	HOME PHONE:	CELL PHONE:

- By making this application for transfer, I hereby acknowledge that the transfer is not complete until approved by the Windsor Licensing Commission.

**NOTICE WITH RESPECT TO COLLECTION OF PERSONAL INFORMATION**

I acknowledge that the information requested on this form and any appendices attached is collected under the authority of the Municipal Act, City of Windsor Act and City of Windsor Public Vehicle By-law 137-2007 and will be maintained in accordance with the Municipal Freedom of Information and Protection of Privacy Act. The information is required in order to process, issue, monitor, regulate and investigate the various licenses issued by the Windsor Licensing Commission. The name is public information. Any other personal information collected will only be used for investigative purposes. Questions about this collection can be made to the Deputy Licence Commissioner, 350 City Hall Square West, Room 203, Windsor, ON N9A 6S1 / (519) 255-6200, Option 1.

May 31/19  
 DATE (MM/DD/YYYY)

  
 SIGNATURE OF APPLICANT

<b>OFFICE USE ONLY</b>	DATE STAMP
	<b>RECEIVED</b>
	MAY - 3 2019
STAFF INITIALS: <u>JT</u>	POLICY GAMING & LICENSING



## OFFICE OF THE CITY CLERK

## Policy, Gaming &amp; Licensing

350 City Hall Square West - Suite 203

Windsor, ON N9A 6S1

Ph: (519) 255-6200, Option 1 Fax (519) 255-6868

[www.citywindsor.ca](http://www.citywindsor.ca)

## TAXICAB PLATE TRANSFER TRANSFEREE

Pursuant to Public Vehicle Licensing By-law #137-2007, Schedule 5, Section 20 "Transfer of Licences Issued Prior to the Passing of this By-law (Plate #001 to 224 inclusive)", please be advised that I am interested in receiving City of Windsor taxicab plate No. 117 and I have reached an agreement with the current plateholder.

PLEASE PRINT CLEARLY

NAME (PRINT CLEARLY): FERNAND ATIEH		RECEIVED MAY 03 2019	
SIGNATURE: 		POLICY GAMING & LICENSING	
ADDRESS: 1354 RUSHWOOD CR			
CITY: LA SALLE	POSTAL CODE: N9H 0B7	HOME PHONE: /	CELL PHONE:

By making this application for transfer:

- I hereby declare that I satisfy the eligibility criteria for inclusion on the Drivers' List.
- I hereby acknowledge that the transfer is not complete until approved by the Windsor Licensing Commission.

## NOTICE WITH RESPECT TO COLLECTION OF PERSONAL INFORMATION

I acknowledge that the information requested on this form and any appendices attached is collected under the authority of the Municipal Act, City of Windsor Act and City of Windsor Public Vehicle By-law 137-2007 and will be maintained in accordance with the Municipal Freedom of Information and Protection of Privacy Act. The information is required in order to process, issue, monitor, regulate and investigate the various licenses issued by the Windsor Licensing Commission. The name is public information. Any other personal information collected will only be used for investigative purposes. Questions about this collection can be made to the Deputy Licence Commissioner, 350 City Hall Square West, Room 203, Windsor, ON N9A 6S1 / (519) 255-6200, Option 1.

MAY 3<sup>rd</sup> - 2019  
DATE (MM/DD/YYYY)

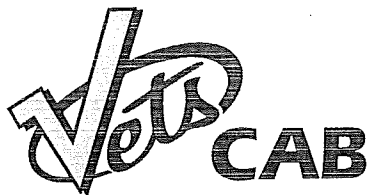
SIGNATURE OF APPLICANT

OFFICE USE ONLY

DATE STAMP

STAFF INITIALS: \_\_\_\_\_





"At your service for over 60 years 519-256-2621"

DIVISION OF WINDSOR AIRLINE LIMOUSINE SERVICES LIMITED

Date: May 3, 2019

To: The Corporation of the City of Windsor  
Office of the City Clerk  
Policy, Gaming & Licensing

**SUBJECT: Driver's List Application**

**APPLICANT:** FERDAND ATIEH

**Taxi License No.** 18-147518

This letter will serve to introduce the above captioned dependent contractor who has been signed on with WALS o/a Veteran Cab since 08-01-2004, and has worked at least 35 hours per week for 40 weeks in the 2 years prior to this application.

At this writing the company is not aware of any outstanding charges or convictions against the named driver under By-law #137-2007.

If further information is required, please contact our Human Resources Department at (519) 256-1868 Ext 227.

Kind regards,  
*Vets Cab Company*

W. J. Bezzina  
General Manager

*per Lori Bastien*

**RECEIVED**

MAY 03 2019

POLICY GAMING & LICENSING

## ITEM NO. 7 (a)

WINDSOR LICENSING COMMISSION

June 26, 2019

### APPLICANT/LICENSEE:

Mr. Matthew Komsa  
2235191 Ontario Limited o/a  
Level 3 Vodka Emporium  
375 Ouellette Avenue  
Windsor, ON N9A 4J1

### LICENCE CATEGORY:

Entertainment Lounge Licence  
19 184179

Livelihood File #ALCB/13497

### HEARING PARTICULARS:

Place Conditions – Entertainment Lounge

### APPENDED MATERIALS

- Copy of Entertainment Lounge Licence Application, being Appendix “A”
- Copy of Windsor Police Service *Initial Officers Report 2019-29359*, being Appendix “B”
- Copy of Windsor Police Service *Supervisory Report 2019-29359*, being Appendix “C”

### LICENCE COMMISSIONER’S COMMENTS

An application for an Entertainment Lounge licence was submitted to the Licensing Division on February 22, 2019 by Mr. Dan Patterson, authorized representative of 2235191 Ontario Limited o/a Level 3 Vodka Emporium. Licensing records show that 2235191 Ontario Limited has held this licence annually since 2013.

### REGULATORY AUTHORITY

Part III – General Provisions, Section 3.25 of Business Licensing By-law No, 395-2004 states:

#### 3.1 Licensing – powers

The power to license, regulate and govern a business, trade or occupation includes the power,

- (6) to impose special conditions on a business in a class that have not been imposed on all of the businesses in that class in order to obtain, continue to hold or renew a licence;
- (7) to impose conditions, including special conditions, as a requirement of continuing to hold a licence at any time during the term of the licence;

#### 3.25 Licensing powers – Licence Commissioner – issue or renew

- (1) Upon receipt of an application in the prescribed form for a licence or renewal thereof, shall make or cause to be made all investigation required by law and if the

investigation disclose any reason to believe that the applicant is not of good character or that the carrying on of the said trade, calling, business or occupation will be likely to result in a breach of the law or be in any way adverse to the public interest, the Licence Commissioner shall recommend to the Windsor Licensing Commission that it not issue or renew the licence or that it impose conditions on the issuance of a licence, otherwise, the Licence Commissioner shall recommend to the Windsor Licensing Commission that it issue or renew the licence.

- (2) Where, in the opinion of the Licence Commissioner, the carrying on of a trade, calling, business or occupation by a licensee will likely result in a breach of the law or be adverse to the public interest, the Licence commission shall recommend to the Windsor Licensing Commission that it suspend, revoke or impose conditions on the licence.

## **BACKGROUND**

- February 22, 2019, a renewal application was submitted by Mr. Dan Patterson, authorized representative of 2235191 Ontario Limited o/a Level 3 Vodka Emporium, to the Licensing Division for an Entertainment Lounge licence, being Appendix "A".
- April 6, 2019, Police Constable Phong Le was on contract duty at Windsor Regional Hospital, Ouellette Campus, and was made aware of a serious physical altercation that took place between patrons of Level 3 Vodka Emporium a short time before when the victim attended the hospital for medical attention.
- April 6, 2019, Patrol Sergeant Hladki attended Level 3 Vodka Emporium to observe and potentially secure a crime scene and noted a surveillance system, which he was later told was non-functioning. He also observed staff in the process of cleaning blood from the floor and stated that it appeared that a broom had been dragged over the area.
- April 8, 2019, an email was received from Police Constable Mark Lembke of Windsor Police Service in which a request was made to place conditions on Level 3 Vodka Emporium's business licence. The email also included two reports detailing the April 6, 2019 incident at Level 3 Vodka Emporium, being Appendices "B" and "C".

## **SUMMARY**

Windsor Police Service has identified a concern with the operation of Level 3 Vodka Emporium. Administration has a responsibility to ensure that licensees operates with honesty and integrity and in accordance with the law and that public safety is upheld. Administration does not oppose the continuance of this licence, but suggests that the Windsor Licensing Commission impose certain conditions on the licence in order to better protect the public.

## **RECOMMENDATION**

**THAT**, the Entertainment Lounge licence for 2235191 Ontario Limited o/a Level 3 Vodka Emporium, located at 375 Ouellette Avenue, Windsor, ON N9A 4J1 **BE APPROVED** with the following **CONDITIONS**:

**THAT** the premises shall be equipped with a functioning video surveillance system, that has means of recording and retrieving data during operating hours, within 60 (sixty) days of the date of this decision **AND**,

**THAT** the Licence Commissioner **BE NOTIFIED** once the installation is complete, and **FURTHER**,

**THAT** the Windsor Police Service shall, at all times, have access to such records.

## **DISPOSITION:**



THE CORPORATION OF THE CITY C  
OFFICE OF THE CITY CLERK  
POLICY, GAMING & LICENSING DEPARTMENT  
350 City Hall Square West, Suite 110  
Windsor, ON N9A 6S1  
(OFFICE HOURS - 8:30 AM - 4:30 PM, Monday to Friday)

January 15, 2019

MATT KOMSA  
2235191 ONTARIO LTD. O/A LEVEL 3 VODKA EMPORIUM  
375 OUELLETTE AVE  
WINDSOR ON N9A 4J1

PHONE : (519) 255-6200, Option 1  
FAX : (519) 255-6868  
EMAIL : licences@citywindsor.ca  
WEBSITE: www.citywindsor.ca

LICENCE RENEWAL NOTICE

**RECEIVED**

Phone: (519) 915-5948

1918479  
375 OUELLETTE AVE  
WINDSOR, ON N9A 4J1

FEB 22 2019

Date of Health Unit Inspection Approval: Jun 27, 2017 POLICY GAMING & LICENSING  
Renewal Fee \$441.00

Dear MATT KOMSA:

This is to advise you that your current Entertainment Lounge licence (# 18 113961) will expire on February 28, 2019.

**Incomplete renewal applications will not be accepted!**

**\* Do NOT use any correction fluid/tape on any of these forms \***

Please enclose the following items along with this form in order to process your business licence renewal:

- \* Page 2 (enclosed) -- with original signature, no photocopies;
- \* A valid Permit to Operate, as issued by the Windsor-Essex County Health Unit. You may contact them at 519-258-2146 to schedule an appointment if your permit is more than one year old;
- \* A copy of your valid Liquor Licence;
- \* Fee Payment: Business cheque only, made payable to "The City of Windsor"

**In Person:** Business cheque, cash, debit, VISA or MasterCard.

Please ensure all information listed at the top of this letter is correct. If everything is correct, please complete below. If there are any changes, please contact our office immediately at 519-255-6200, option 1.

The deadline to renew your licence is February 28, 2019. Thereafter, you will be subject to LATE PENALTY FEES AND CHARGES under the by-law. If you have already renewed your licence please disregard this notice. Thank you for your cooperation.

Signature: 

Date (MM/DD/YYYY): 02/22/2019

Print Name & Title: Dan Patterson / owner

Date of Birth:

Emergency Contact Name: Dan Patterson

Phone #: 519-300-5111



**OFFICE OF THE CITY CLERK**

Policy, Gaming & Licensing

350 City Hall Square West - Suite 110

Windsor, ON N9A 6S1

Ph: 519-255-6200, Option 1 Fax: 519-255-6868

www.citywindsor.ca

OFFICE USE ONLY

**ENTERTAINMENT LOUNGE**

LICENCE # \_\_\_\_\_

**APPLICATION-PAGE 2**

I hereby make application under By-law 395-2004 for an Entertainment Lounge Licence.

BUSINESS NAME: LEVEL 3 VODKA EMPORIUM

BUSINESS ADDRESS: 375 QUELLETTE AVE.

**THE FOLLOWING SECTION FOR NEW APPLICATIONS ONLY MUST COMPLETE AND RETURN TO OFFICE IN PERSON**

IF THE COMPANY IS INCORPORATED, PLEASE PROVIDE THE FOLLOWING:

- LETTERS OF INCORPORATION (NOTARIZED COPY IS ACCEPTABLE)
- LIST OF SHAREHOLDERS

IF THE COMPANY IS A PARTNERSHIP, PLEASE PROVIDE THE FOLLOWING:

- A DECLARATION SIGNED BY ALL PARTNERS DECLARING THE FULL NAME OF EVERY PARTNER AND THE ADDRESS OF THEIR NORMAL RESIDENCE

**PLEASE INDICATE BY CHECKMARK THE TYPE OF SERVICE(S) CONDUCTED AT THE ABOVE NOTED BUSINESS**

		YES	NO
1.	DOES THE PREMISES HAVE A DANCE FLOOR?	✓	
2.	DOES THE PREMISES PROVIDE LIVE OR PRE-RECORDED MUSIC?	✓	
3.	ARE TOBACCO PRODUCTS SOLD ON THE PREMISES?		✓
4.	DO YOU OPERATE A PATIO ON CITY PROPERTY?		✓
	IF YES DO YOU HAVE A PATIO AGREEMENT?		✓
5.	DO YOU USE THE PUBLIC RIGHT-OF-WAY TO QUEUE PATRONS? IF YES, PLEASE PROVIDE A COPY OF YOUR PERMIT.		✓
6.	HAVE ALL THE EMPLOYEES TAKEN THE FOOD HANDLING COURSE OFFERED BY THE WINDSOR ESSEX COUNTY HEALTH UNIT? IF YES, PLEASE PROVIDE A LIST OF EMPLOYEES' NAMES.		✓
7.	IS FOOD COOKED ON THE PREMISES?		✓
8.	DO YOU SELL ALCOHOL IF YES PLEASE PROVIDE YOUR VALID LIQUOR LICENCE # <u>803416</u> . EXPIRY DATE: <u>Aug 23 2019</u>	✓	

**RECEIVED**

FEB 22 2019

POLICY GAMING & LICENSING

**NOTICE WITH RESPECT TO COLLECTION OF PERSONAL INFORMATION**

I 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 395-2004. 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. Suite 110, Windsor, ON N9A 6S1, 519-255-6200.

DATE (MM/DD/YYYY)

SIGNATURE OF APPLICANT & TITLE



Alcohol and  
Gaming Commission  
of Ontario

Commission des  
alcools et des jeux  
de l'Ontario

Liquor  
Licence  
Act

Loi sur  
les permis  
d'alcool

LIQUOR SALES LICENCE		FOR THE SALE AND SERVICE OF SPIRITS, BEER AND WINE	
PERMIS DE VENTE D'ALCOOL		POUR LA VENTE ET LE SERVICE DE SPIRITUEUX, DE VIN ET DE BIÈRE	
Establishment/Licence Number: Numéro d'établissement/permis:	803416		
Issued to: Delivré à :	2235191 Ontario Limited		
for: pour :	CITY GRILL (THE)		
address: adresse :	375 OUELLETTE AVE WINDSOR, Ontario		
In respect of the premises listed: Relativement aux locaux inscrits comme:		Capacity Capacité	
Main Floor/Mezzanine: Southeast Section		367	
Second Floor: Southeast Section		200	
<b>** OUTDOOR AREAS **</b>			
Main Level: South & East Sections		55	
<b>Conditions:</b>	<p><i>The holder of the licence to sell liquor shall not permit the sale or service of liquor in those areas of the licensed premises described and included solely by the Application for Washrooms, Hallways, Stairwells and Other Similar Areas for the purposes of permitting patrons to monitor their drinks throughout an establishment and facilitating patron access to washrooms under the exclusive control of the licence holder.</i></p> <p><i>Le titulaire du permis de vente d'alcool n'autorisera pas la vente ou le service d'alcool dans les zones de l'établissement pourvu du permis décrites dans la Demande relative aux toilettes, couloirs, puits d'escaliers et autres endroits similaires et faisant l'objet du permis uniquement pour permettre aux clients de surveiller leur consommation partout dans l'établissement et faciliter leur accès aux toilettes dont le titulaire du permis a le contrôle exclusif.</i></p>		
<p>This licence is to be posted and displayed in a prominent place / Ce permis doit être affiché dans un endroit bien en vue. Not transferable without approval of the Registrar / Ne peut être cédé sans l'approbation du registraire.</p>			
<p>THE FACE OF THIS DOCUMENT HAS A COLOURED BACKGROUND, NOT A WHITE BACKGROUND / LE RECTO DE CE DOCUMENT POSSÈDE UN FOND COLORÉ ET NON PAS BLANC</p>			

2103 (03/07)

Serial no./N<sup>o</sup> 285920

RECEIVED

FEB 22 2019

POLICY GAMING & LICENSING



**WINDSOR POLICE SERVICE**  
**NARRATIVE TEXT HARDCOPY**

GO# WI 2019-29359

Narrative: **SUPERVISORY REPORT - 1**  
**SUPERVISORY - ASSAULT CBH**  
 Author: **8304 HLADKI, JAMES**  
 Related date: **Sunday, 2019-Apr-07 at: 03:21**  
 Related event: **GO 2019 - 29359**

(Note: Initial officers or supplementary report required if Supervisor  
 takes command of the scene or investigates the incident pursuant to  
 Directive 863-01 Response Supervision)

Writer: [Hladki ] Badge/PIN: [8304] Call Sign: [1S91 ]

Primary Unit: Name: [Le ] Call Sign: [Z500 ]

Name: [ ] Call Sign: [ ]

Secondary Unit(s): Name: [ ] Call Sign: [ ]

Name: [ ] Call Sign: [ ]

Name: [ ] Call Sign: [ ]

Name: [ ] Call Sign: [ ]

Crime Scene: Yes: [ ] No: [ ] Protection Officer: [ ]

Injuries: Suspect: Y: [ ] N: [X ]

Victim: Y: [X ] N: [ ]

Officer: Y: [ ] N: [X ]

Officer exposed to blood Y: [ ] N: [X ]

**\*\*Comments Required if yes indicated above\*\*.**

Damage by Police: Yes: [ ] N: [X ]

\*\*\* CONFIDENTIAL \*\*\*





**WINDSOR POLICE SERVICE**  
**NARRATIVE TEXT HARDCOPY**

GO# WI 2019-29359

**\*\*Comments Required if yes indicated above\*\***

Invest Unit (IB, MCU etc) contacted:

[MCU to be advised by Patrol S/Sgt

]

Support Units (FIU, PSD, EDU, V.S.):

[FIU

]

Comments (If yes indicated above, describe injuries and damages, any direction given, any recommendations, or other comments)

[NARRATIVE - On Sunday, April 7, 2019 at 0215hrs, I, Sgt. J. Hladki was workin the downtown directed patrol when I was requested to attend Hotel Dieu Hospital by PC Le (Z500), who was working the contract duty there. Upon arrival at 0217hrs, I spoke to PC Le who advised me that at approximately 0155hrs, two males came to the ER saying they had been assaulted in the bathroom at Level 3 Bar at 375 Ouellette. One male was identified with a VODL as \_\_\_\_\_ and he had severe bruising to his face. PC Le had not yet interviewed the second male but he supposedly had been struck in the head with a belt buckle. The victim ( \_\_\_\_\_ ) also advised me that he thought both suspect males left following the assault to go across the street to 29 Park, and that one was wearing a grey sweater and one was wearing a brown coat. He said the assault occurred at

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approximately 0130hrs.

PC Le advised that he had already requested ident to attend to photograph injuries and that both males would be waiting to be seen by medical staff. PC Le suspected that                    may have a fractured jaw and a broken orbital bone.

PC Le requested that I attend Level 3 to see if there was a crime scene there that needed to be secured, and to determine if there was any video coverage.

At approximately 0230hrs, I attended Level 3 Bar which was now closed, where I spoke with the manager, Dan PATTERSON. I observed a camera looking down the stairs toward the entrance off of Park Street, and another camera in the hallway near the bathroom. PATTERSON was aware of the incident and showed me a drop of blood in the hallway, however, staff were in the process of cleaning and I could see that a broom had been dragged over it. PATTERSON then brought me to the office where he explained that the cameras are not functional and that the system was in excess of 8 years old. PATTERSON went on to explain that "the guy with the wifebeater" (

                  was wearing a white tank top at the hospital) was being obnoxious prior to the assault, but still felt that he didn't deserve what he got. PATTERSON went on to say that he tried to offer first aid to                   , but that                    became aggressive and he had to ask him and his friend to leave.

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**WINDSOR POLICE SERVICE  
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At 0241hrs, I then attended 29 Park where I spoke with the manager, Melinda TRUONG and I explained the reason for my attendance. She was able to review video footage of "camera 4" which overlooks the entrance to 29 Park, beginning at 0130hrs. She was unsure if the time stamp was precise, however, at 0136hrs on the video, an arabic male wearing a grey sweater and black hat can be seen approaching and entering 29 Park. It appears he was in the company of a male wearing a brown coat, and possibly another male in a black coat. I requested that TRUONG provide a copy of the video from 0130-0145hrs, and I provided her the case number. She advised that she would copy and deliver the video on a thumb drive to WPS HQ later this date.

I advised PC Le of the above and requested that a laptop be delivered to him at the hospital. I also spoke with Sgt. Bleyandaal (who was on the desk at the time) and requested that the dayshift MCU S/Sgt. be advised.

I respectfully request that TRUONG be contacted later this date to ensure video evidence is obtained so the victim may point out his attackers.]

**\*\*\* END OF HARDCOPY \*\*\***

**\*\*\* CONFIDENTIAL \*\*\***

**WINDSOR POLICE SERVICE  
NARRATIVE TEXT HARDCOPY**

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Narrative: **INITIAL OFFICERS REPORT - 1  
ASSAULT CAUSE BODILY HARM**Author: **16010 LE, PHONG**Related date: **Sunday, 2019-Apr-07 at: 03:34**Related event: **GO 2019 - 29359**

BEFORE NARRATIVE, LIST: DAMAGE; ALL WEAPONS; ALL INJURIES, HOSPITAL  
ATTENDED, DOCTOR'S NAME AND TREATMENT, AND IF ANY CHILDREN WERE PRESENT AT  
THE TIME OF THE OCCURRENCE. LIST PROPERTY ON SEPARATE APPROPRIATE TEXT PAGE.

[LOCATION: Level 3 Bar - 375 Ouellette Ave.

VICTIM 1:

INJURIES: Possible broken left orbital  
Possible broken jaw  
Bruising and swelling to both eyes  
2"-3" laceration to left eyebrow (required stitches)

VICTIM 2:

INJURIES: Bruising to right side of face  
Lacerations to left side of head

WITNESS:

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-----

UNIDENTIFIED OFFENDER 1: male, Arabic, 22-23 years old, 5'8"- 5'9", 210 lbs, short black hair, facial hair, light brown jacket

UNIDENTIFIED OFFENDER 2: male, Arabic, 23-24 years old, 5'6" - 5'8", average build, 180 lbs, short black hair, clean cut, black leather jacket

-----

NARRATIVE:

On Saturday April 6th 2019, I (PC P. LE) was assigned to work contract duty at the Windsor Regional Hospital Ouellette Campus located at 1030 Ouellette Ave., in the City of Windsor. I was assigned to work from 2000 hrs to 0400 hrs.

At 0155 hrs, I observed three males entering the Emergency Room Triage area. The males were identified as \_\_\_\_\_, \_\_\_\_\_ and \_\_\_\_\_ I noted that \_\_\_\_\_ and \_\_\_\_\_ were injured. I noted \_\_\_\_\_ to have a 2" to 3" laceration to his left eyebrow, swelling to his left cheek, bruising and swelling to both eyes, swelling to the right side of his jaw and his jaw alignment appeared abnormal. \_\_\_\_\_ indicated that he had been assaulted. I noted \_\_\_\_\_ to have bruising to the right side of his face

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and lacerations to the left side of his head.

subsequently provided a statement which indicated that he was at Level 3 Bar located at 375 Ouellette Ave., in the City of Windsor at approximately 0130 hrs. advised that he entered into the bathroom and was immediately offered cocaine by an Arabic male who he described as 22-23 years old, 5'8"- 5'9", 210 lbs, short black hair, facial hair, wearing a light brown jacket ("OFFENDER 1"). Moments later, 's friend, entered the bathroom and was followed by a second Arabic male described as 23-24 years old, 5'6" - 5'8", average build, 180 lbs, short black hair, clean cut, wearing a black leather jacket ("OFFENDER 2"). and were unable to exit the bathroom as they were now surrounded by OFFENDER 1, OFFENDER 2 and a third unknown Arabic male. OFFENDER 2 immediately began blaming and for having been arrested in the recent past. OFFENDER 2 then removed his belt and struck in the face with a closed fist strike. OFFENDER 1 began to strike as well as multiple other males who were inside the bathroom. OFFENDER 2 proceeded to strike with his belt numerous times in the head. was forced out of the bathroom but returned in an attempt to defend . was unable to recall anything further at this point due to the numerous strikes to his head and face.

explained that approximately three to four weeks ago, he was at Level 3 bar with his friend . There was a

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physical altercation involving \_\_\_\_\_, \_\_\_\_\_ and OFFENDER 2. OFFENDER 2 shoved \_\_\_\_\_ down the stairs of Level 3 Bar. OFFENDER 2 then proceeded to have a physical altercation with \_\_\_\_\_. As a result of this, OFFENDER 2 was arrested by the Windsor Police Service.

A statement was obtained from \_\_\_\_\_ which matched the general details provided by \_\_\_\_\_. \_\_\_\_\_ was able to clarify that three weeks ago, during the initial confrontation, \_\_\_\_\_ had begun to speak with an unidentified female at Level 3 Bar. This interaction caused OFFENDER 2 to be upset and resulted in a physical confrontation between \_\_\_\_\_, \_\_\_\_\_ and OFFENDER 2.

A statement was obtained from \_\_\_\_\_ who indicated that he was at the bar when \_\_\_\_\_ and \_\_\_\_\_ attended the washroom. \_\_\_\_\_ advised that he did not observe the assault but observed the bouncers carrying \_\_\_\_\_ out of the bathroom. Upon attending the bathroom, \_\_\_\_\_ observed \_\_\_\_\_ with fresh injuries to his head.

I apprised SGT HLADKI of this situation and requested the assistance of the Forensic Identification Unit for photographic documentation of the injuries. It should be noted that I obtained initial photographs of both \_\_\_\_\_ and \_\_\_\_\_. These photographs were attached. It should also be noted that \_\_\_\_\_ departed the hospital prior to the Forensic Identification Unit arriving for the photographs.

Please see SGT HLADKI's supplementary report regarding the crime scene and

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**WINDSOR POLICE SERVICE  
NARRATIVE TEXT HARDCOPY**

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video surveillance.

I conducted a Versadex query of \_\_\_\_\_ which indicated that he was charged with a Consensual Fight By-law ticket on 2019/03/10 by PC R. GODARD at Park St. W. at Ouellette Ave. I subsequently performed an Event query on Versadex for occurrences on 2019/03/10 and located Event #19-20398. I reviewed the Initial Officer's Report by SGT BLEYENDAAL which indicated that he observed two males physically fighting each other in front of Level 3 Bar at 325 hrs. The males were identified as \_\_\_\_\_ and \_\_\_\_\_ born \_\_\_\_\_ (identified by Ontario Photo Health Card).

As of the time of this report, the extent of the injuries to \_\_\_\_\_ remained unknown.

I am respectfully requesting that this report be forwarded to the Major Crimes Branch for follow-up.]

**\*\*\* END OF HARDCOPY \*\*\***

**\*\*\* CONFIDENTIAL \*\*\***



## ITEM NO. 7(b)

**WINDSOR LICENSING COMMISSION**

**June 26, 2019**

### **APPLICANT/LICENSEE:**

Mr. Misbahul Mishu Kabir  
609 St. Joseph Street  
Windsor, ON N9C 3H3

And

Ontario Easy Ride For OPTC Inc. O/A  
Windsor Cab  
3219 Baby Street  
Windsor, ON N9C 1K6

### **LICENCE CATEGORY:**

Taxicab Driver Licence  
18-144605  
Wheelchair Accessible Taxicab Plate  
Holder Licence  
18-144676  
Wheelchair Accessible Taxicab Plate  
#300  
Taxicab Broker Licence  
18-144598  
  
Folder # ACLT/13499

### **HEARING PARTICULARS:**

Revoke - Taxicab Driver Licence  
Revoke – Wheelchair Accessible Taxicab Plate Holder Licence & Plate #300  
Revoke – Taxicab Broker Licence

### **APPENDED MATERIALS**

- Copy of Taxicab Driver licence issued to Misbahul Mishu Kabir, being Appendix “A”
- Copy of Wheelchair Accessible Plate Holder licence issued to Misbahul Mishu Kabir, being Appendix “B”
- Copy of Taxicab Broker licence issued to Ontario Easy Ride For OPTC Inc. O/A Windsor Cab (Misbahul Mishu Kabir), being Appendix “C”
- Copy of Windsor Licensing Commission Report - Item 7(a) dated March 28, 2018, being Appendix “D”
- Copy of Windsor Licensing Commission Decision **WLC5/2018**, being Appendix “E”
- Copy of registered letter sent to Mr. Kabir, being Appendix “F”
- Copy of synopsis of investigation conducted by By-law Enforcement, being Appendix “G”
- Copy of registered letter sent to Mr. Kabir, being Appendix “H”

### **LICENCE COMMISSIONER'S COMMENTS**

The Windsor Licensing Commission is advised that at its meeting held on March 28, 2018, a licence hearing was held in relation to substantiated complaints filed against the conduct of taxicab driver Misbahul Mishu Kabir, attached as Appendix “A”. Further, the Windsor Licensing Commission is advised of Decision **WLC5/2018** attached as Appendix “B”. Since the date of the licence hearing and decision made by the Windsor Licensing Commission, Administration has continued to face challenges with Mr. Kabir's conduct as a taxicab driver along with his disregard for compliance to obligations as a Wheelchair Accessible Taxicab

Plate Holder and a Taxicab Broker as outlined in Public Vehicle Licensing By-law 137-2007 (as amended by By-law 150-2018). AMANDA licensing records show that Mr. Misbahul Mishu Kabir has been a licensed taxi cab driver in the City of Windsor since at least 2007 and has been an independent taxicab broker and the holder of Taxicab Wheelchair Accessible Plate #300 since 2015.

## **REGULATORY AUTHORITY**

### **Public Vehicle Licensing By-Law 137-2007 (as amended by By-law 150-2018)**

#### **Power and Duties of the Licence Commissioner**

*The Licence Commissioner has authority to:*

- (a) inspect those parts of any house, place or premises which may be used for the carrying on the licensed activity;*
- (b) inspect goods, wares, merchandise, articles, books, records or other documents relating to the licensed activity;*
- (c) inspect every vehicle and other personal property used or kept for hire in carrying on the licensed activity;*
- (d) require that each vehicle and other personal property used or kept for hire in carrying on the licensed activity be submitted for inspection; and,*
- (e) ensure that each licensee produces the licensed vehicle for inspection at the time and place so designated.*

*38. Where, in the opinion of the Licence Commissioner, the carrying on of a licensed activity by a licensee will likely result in a breach of the law or be adverse to the public interest, the Licence Commissioner shall recommend to the Licensing Commission that it suspend, revoke or impose conditions on the licence.*

*40. Where there is a referral to the Licensing Commission pursuant to this section, the Licensing Commission shall hold a hearing for the purpose of:*

- (a) issuing or renewing the licence;*
- (b) refusing to issue or renew the licence;*
- (c) suspending the licence;*
- (d) revoking the licence; or,*
- (e) issuing or renewing the licence with the imposition of conditions.*

*41. Where the Licence Commissioner intends to recommend to the Licensing Commission that it refuse to issue, refuse to renew, place conditions on, revoke or suspend a licence, the Licence Commissioner shall give notice of the intended recommendation and the reasons for the intended recommendation to the applicant or licensee as well as to such other persons, civic departments, boards, commissions, authorities and agencies having an interest in the recommendation. Under this section, notice to the applicant or licensee shall be written notice served personally or by registered mail to the address shown on the application or licence.*

*43. At the hearing, the Licensing Commission may suspend, revoke, and refuse to issue or impose conditions on any licence under this By-law:*

- (a) for any reason that would disentitle any licensee to a licence;*
- (b) where the licensee or applicant is in breach of a condition of the licence;*
- (c) where the licensee or applicant is in breach of any of the provisions of this By-law;*

- (d) if there are reasonable grounds to believe any of the statements made on the application for issuance or renewal are false;*
- (e) if, subsequent to the issuance of the licence, a report is filed by any body which originally provided its approval that indicates that the licensee is no longer in compliance with this By-law;*
- (f) upon such grounds as are set out in this By-law;*
- (g) if the applicant has outstanding fees or fines owing to the City, or if the applicant has not paid the required application fee;*
- (h) if the conduct or character of the applicant or licensee affords reasonable cause to believe that the applicant or licensee will not carry on or engage in the business in accordance with the law or with honesty and integrity;*
- (i) if the geographic location of the business does not meet land use requirements;*
- (j) if in the case of a corporate applicant or licensee, the conduct of its officers, directors, employees or agents affords reasonable cause to believe that the business will not be carried on in accordance with the law or with honesty and integrity; or,*
- (k) if issuing the licence is not in the public interest.*

## **Schedule 5 - Taxicab Drivers, Brokers, Taxicab and Taxicab Wheelchair Accessible Vehicle Owners**

### **1. Application of this Schedule**

1.1 This Schedule governs the following licenses:

- (a) Taxicab Drivers;*
- (b) Brokers;*
- (c) Taxicab Plate Holders;*
- (d) Taxicab Wheelchair Accessible Plate Holders.*

### **6. Drivers' List**

6.12 Should any taxicab or taxicab wheelchair accessible plate holder fail to maintain the operation of any taxicab or taxicab wheelchair accessible vehicle owned by the taxicab or taxicab wheelchair accessible plate holder for a period of at least 120 successive days, the taxicab or taxicab wheelchair accessible plate holder licence shall be recommended for suspension or revocation by the Licence Commissioner.

### **10. Taxicab Driver Responsibilities**

10.3 No taxi driver shall:

- (a) operate a taxicab or taxicab wheelchair accessible vehicle without having a valid taxicab driver licence or without the taxicab or taxicab wheelchair accessible vehicle plate issued for the vehicle affixed to the taxicab or taxicab wheelchair accessible vehicle;*
- (c) solicit or permit the solicitation of any person to become a passenger in a taxicab or taxicab wheelchair accessible vehicle;*
- (h) operate a taxicab or taxicab wheelchair accessible vehicle whose owner does not have a taxicab or taxicab wheelchair accessible vehicle licence plate and associated taxicab or taxicab wheelchair accessible vehicle plate holder licence;*

## **11. Taxicab and Taxicab Wheelchair Accessible Vehicles**

*11.1 In addition to the taxicab or taxicab wheelchair accessible vehicle plate, every taxicab or taxicab wheelchair accessible vehicle plate holder for each taxicab and taxicab wheelchair accessible vehicle shall provide and maintain the following equipment and markings on the vehicle while it is operated as a taxicab or taxicab wheelchair accessible vehicle:*

- (a) a number, assigned by the Licence Commissioner, shall be painted on the exterior sides of the taxicab or taxicab wheelchair accessible vehicle in a contrasting colour and in characters at least sixteen (16) centimetres (six inches) high, to the approval of the Licence Commissioner;*
- (b) no number, other than the number referred to in 11.1(a) and other than a telephone number, shall be painted on any licensed taxicab or taxicab wheelchair accessible vehicle;*
- (c) taxicab drivers, taxicab and taxicab wheelchair accessible vehicle plate holders shall maintain a Braille information sheet in the taxicab or taxicab wheelchair accessible vehicle, to be provided to any passenger on request.*

*11.2 A taxicab must:*

- (a) be equipped with a taxi meter, toplight or roof sign; and,*
- (b) have a minimum of three passenger doors excluding hatches and/or cargo doors.*

## **14. Vehicular Standards**

*14.1 Every taxicab and taxicab wheelchair accessible plate holder shall submit the taxicab or taxicab wheelchair accessible vehicle for examination by a certified mechanic duly licensed by the Province of Ontario and submit a Safety Standards Certificate and a completed Taxicab Vehicle Standards Inspection Checklist to the Licence Commissioner in accordance with the following timeline:*

- i) Vehicles one (1) to ten (10) model years in age shall be between August 1 and August 31;*
- ii) Vehicles six (6) to ten (10) model years in age shall be subject to a second submission between February 1 and February 28/29;*
- iii) At any other time as the Licence Commissioner may require.*

*14.5 Every taxicab and taxicab wheelchair accessible vehicle shall be inspected by the Licence Commissioner before any licence is granted in respect of that vehicle, and thereafter from time to time as required by the Licence Commissioner, and no taxicab or taxicab wheelchair accessible vehicle plate holder or taxicab driver shall refuse or neglect to submit such taxicab or taxicab wheelchair accessible vehicle for inspection when required, or prevent or hinder the Licence Commissioner from inspecting and/or testing the said taxicab or taxicab wheelchair accessible vehicle, or entering any garage or other building for such purpose.*

*14.7 Whenever any taxicab or taxicab wheelchair accessible vehicle is involved in any accident which affects the safe operation of a taxicab or taxicab wheelchair accessible vehicle, whether within or outside the limits of the City, the taxicab or taxicab wheelchair accessible vehicle plate holder or taxicab driver of such vehicle shall*

*immediately submit a written report of such accident to the Licence Commissioner.*

**16. Vehicle Replacement, Out of Service, and Substitution Requirements**

16.1 *A taxicab or taxicab wheelchair accessible plate holder may apply for a vehicle replacement upon filing the following with the Licence Commissioner:*

- (a) application for a vehicle replacement in the prescribed form;*
- (b) evidence of insurance coverage as required herein;*
- (c) safety standards certificate;*
- (d) copy of ownership of the proposed replacement vehicle; and,*
- (e) fees as prescribed in this By-law.*

16.4 *A taxicab or taxicab wheelchair accessible vehicle shall not be taken out of service for more than sixty (60) consecutive days, nor an aggregate total time exceeding ninety (90) days in a calendar year without the prior written consent of the Licensing Commission, failing which, the taxicab or taxicab wheelchair accessible vehicle plate relating to that specific vehicle may be revoked, in the sole discretion of the Licensing Commission.*

16.5 *Every taxicab or taxicab wheelchair accessible vehicle plate holder shall be required to notify the Licence Commissioner, in writing, of the particulars of any taxicab or taxicab wheelchair accessible vehicle which has been taken out of service and the date thereof, within ten (10) days of such event.*

16.6 *Every taxicab or taxicab wheelchair accessible vehicle plate holder may apply for permission to maintain a substitute taxicab or taxicab wheelchair accessible vehicle to temporarily replace vehicles, which are seriously damaged or damaged beyond repair, during the period of repair or replacement and subject to the following conditions:*

- (a) The substitute vehicle must meet all the requirements of this Schedule, and shall be required to be inspected in accordance with section 14.1 and 15.2;*
- (b) there shall be no fee for the temporary transfer of licences to substitute vehicles;*
- (c) the taxicab or taxicab wheelchair accessible vehicle plate holder shall be required to advise the Licence Commissioner in writing by letter or facsimile transmission that the substitute vehicle has been brought into service and the taxicab or taxicab wheelchair accessible vehicle plate has been affixed to the substitute vehicle, and shall advise when the originally-licenced vehicle has returned to service; and,*
- (d) no temporary transfer of a licence to a vehicle shall be permitted for a period exceeding six (6) months.*

**18. Tariffs**

18.1 *Subject to Section 18.2, every taxicab driver, broker, taxicab plate holder or taxicab wheelchair accessible vehicle plate holder shall charge exactly the rates or fares as shown in Appendix "A" to this Schedule, and no higher or lower amount than that contained in the said Appendix "A" shall be charged or payable for rates or fares either wholly within the City, or to any other point not more than five (5) kilometres beyond its limits.*

18.2 *In lieu of Section 18.1, a taxicab driver, broker, taxicab plate holder or taxicab wheelchair accessible vehicle plate holder may be permitted to surcharge or offer a discount at the end of any trip the fares and rates shown in Appendix "A" of this Schedule provided that:*

*i) The associated taxicab brokerage has previously filed their tariffs and rates with the Licence Commissioner;*

*ii) The intention to surcharge or discount the fare be explicitly brought to the attention of the passenger(s) prior to the commencement of the trip.*

*iii) The rates are published and prominently displayed in view of the passengers inside the taxicab or taxicab wheelchair accessible vehicle.*

18.4 *No taxicab driver, broker, taxicab plate holder or taxicab wheelchair accessible vehicle plate holder shall publish or use a tariff unless authorized by this Schedule and appendices.*

18.11 *Failure to abide by the tariff provisions of this Schedule may result in an automatic suspension of the municipal licence issued under this By-law for one (1) week for a first offence, and repeat offences shall be addressed on a case-by-case basis by the Licensing Commission.*

22. *Licensing*

22.4 *The Licence Commissioner shall recommend to the Windsor Licensing Commission, a suspension or revocation of the taxicab brokerage licence if it is determined that a broker has issued a taxicab driver licence to a person that does not meet the requirements under this By-law and Schedule or when a licence was issued by a broker deliberately to a person that would likely breach any law or to a person that would be adverse to the public interest.*

23. **Broker Obligations and Responsibilities**

23.3 *No Broker shall:  
dispatch or permit to be dispatched any taxicab or taxicab wheelchair accessible vehicle to pick up a fare in the City unless that taxicab or taxicab wheelchair accessible vehicle is licensed under this By-law;*

**BACKGROUND**

The following is a synopsis of the events that have transpired since March 28, 2018 when the Windsor Licensing Commission last reviewed and made a decision with respect to Mr. Misbahul Mishu Kabir's licence status:

- On April 10, 2018 the Licensing Division received written confirmation that Mr. Kabir had completed the customer service portion of the Taxicab Driver Education Program.
- On May 1, 2018 a meeting was held with the Supervisor of Licensing (Craig Robertson), the Manager of By-law Enforcement (Bill Tetler) and Mr. Kabir to discuss his obligations and requirements as a licensee within the taxi industry. Although Mr. Kabir was disruptive and argumentative at times, by the end of the meeting, he confirmed that he understood his obligation to comply with all by-law requirements as a licensee.
- On July 5, 2018 Mr. Kabir notified the Licensing Division that Wheelchair Accessible Plate #300 was being taken out of service due to a collision and the inoperative state of his taxicab being a 2011 Dodge Caravan VIN No. 2D4RN4DG7BR685410. At this time, the Supervisor of Licensing informed Mr. Kabir of the deadlines outlined under the Public Vehicle Licensing By-law as it pertains to the length of time the plate and taxicab are permitted to be "out of service" (not more than 120 consecutive days for the plate and not more than 60 consecutive days or aggregate total exceeding 90 days for the taxicab). Mr. Kabir

indicated that he has every intention on putting the plate and taxicab back on the road.

- On July 6, 2018 Taxicab Driver licence #18-144605 was issued to Misbahul Mishu Kabir and Taxicab Broker licence #18-144598 was issued to Mr. Kabir's corporation being Ontario Easy Ride For OPTC Inc. O/A Windsor Cab.
- On July 9, 2018 Taxicab Plate Holder licence #18-144676 was issued to Misbahul Mishu Kabir.
- On November 6, 2018 the Supervisor of Licensing (Craig Robertson) received an anonymous telephone call questioning the licence status of Mr. Kabir. The complainant indicated that they had some information to share with respect to Mr. Kabir operating a taxi service from his personal vehicle. The female complainant believed that the vehicle being utilized was a black Jeep sport utility vehicle. The Supervisor of Licensing called Mr. Kabir at the telephone number on file and left a voice message requesting that he return the call to discuss a consumer complaint and concerns related to the operation of an unlicensed taxicab vehicle.
- On November 8, 2018 Mr. Kabir attended the Licensing Division at City Hall and requested to speak with Craig Robertson, Supervisor of Licensing. Mr. Kabir wanted to discuss the complaint that was filed against him. Mr. Robertson advised Mr. Kabir the nature of the complaint and informed him that if he was operating his personal vehicle while providing taxicab services that it was prohibited. Further, Mr. Kabir was informed that by doing so, he is putting everyone at risk including his licence status with the City of Windsor. Mr. Kabir indicated that he was absolutely not providing taxicab services at this time and that he is aware of his obligations under the by-law. Mr. Robertson questioned Mr. Kabir if his Wheelchair Accessible Taxicab and associated plate was still off the road. Mr. Kabir confirmed that the taxicab was still out of service and indicated that he needed more time to comply with the by-law requirements to put it back into service. Mr. Kabir stated that he was in a dispute with his insurance company regarding the collision that left his taxicab inoperable. He indicated that he is waiting for his insurance company to pay out the money owed to him in order to replace his vehicle. Mr. Robertson advised Mr. Kabir to keep the Licensing Division informed of his intentions and was reminded that taxicab services must be offered in a licensed and approved taxicab. Mr. Kabir reiterated that he is not offering any type of taxicab services to the general public.
- On April 23, 2019 the By-law Enforcement Division received a complaint with respect to Mr. Kabir conducting illegal taxicab services in his personal vehicle at the Windsor VIA Rail Station located at 298 Walker Road. The complainant provided further information indicating that it usually occurs in the late evening hours and that the vehicle being utilized is a black Jeep Commander bearing Ontario licence plate AFSR 240. Administration met and developed a strategy to address the most recent complaint filed against Mr. Kabir. Licensing would send Mr. Kabir a letter providing for a licensing ultimatum and By-law Enforcement would conduct an undercover investigation.
- On April 23, 2019 a registered letter, attached as Appendix "F" was sent to Misbahul Mishu Kabir. The letter notified Mr. Kabir that it has been 292 days since there has been any action towards placing Wheelchair Accessible Plate #300 back into service. Mr. Kabir was provided with a forty eight (48) hour deadline to either surrender the plate to the City's Licence Commissioner or make application for a replacement vehicle. The letter noted that failure to comply would result with



a report before the Windsor Licensing Commission recommending to revoke his taxicab associated licences.

- On April 30, 2019 at approximately 9:00 pm (2100hrs) By-law Enforcement personnel conducted their undercover investigation at the Windsor VIA Rail Station located at 298 Walker Road. By-law Officers Kevin Kuprowski and Daryl Flacks were accompanied by Manager of By-law Enforcement Bill Tetler. It was discovered that Misbahul Mishu Kabir was in the process of providing transportation services to a female and male party. It was noted that the vehicle being utilized matched the description of the previous complaints being a black Jeep Commander bearing Ontario licence plate AFSR 240. During the course of their investigation, both by-law officers were eventually provided with transportation services for a fee by Mr. Kabir in the black Jeep sport utility vehicle. Once the team reached their destination at the Holiday Inn & Suites located at 1855 Huron Church Road, they identified themselves and issued Mr. Kabir a by-law infraction for operating an illegal taxicab. A synopsis of the undercover investigation drafted by By-law Enforcement Officer Kevin Kuprowski is attached as Appendix "G".
- On May 7, 2019 a registered letter, attached as Appendix "H" was sent to Misbahul Mishu Kabir. The letter notified Mr. Kabir that under the authority of Windsor Licensing Commission Decision **WLC5/2018**, his taxicab driver licence has been automatically **SUSPENDED**. The letter outlined why the suspension has occurred and was advised that he will receive formal notification of the next scheduled Windsor Licensing Commission. The letter also served as a second notice with respect to his failure to maintain the operation of his Wheelchair Accessible Taxicab and associated plate # 300. Mr. Kabir was advised that 306 days have now passed without any action to place his Wheelchair Accessible Taxicab and associated plate back into service. It was requested that City of Windsor Wheelchair Accessible Plate #300 be immediately returned/surrendered to the Licence Commissioner.

## SUMMARY

Misbahul Mishu Kabir has refused to cooperate with City Administration specifically with respect to maintaining lawful operation of his Wheelchair Accessible Taxicab and the plate associated with it. Mr. Kabir's Wheelchair Accessible Taxicab and associated plate has been "out of service" for significantly more time than permitted under Public Vehicle Licensing By-law 137-2007 (as amended by By-law 150-2018). As of the date of authoring this report, Mr. Kabir has still refused to return City of Windsor Accessible Taxicab Plate #300 as requested to the Licence Commissioner. It should be noted that all municipal licensing plates remain the property of The Corporation of the City of Windsor.

Mr. Kabir has recently been caught unlawfully operating his own personal vehicle for the purposes of transporting passengers and providing taxicab services. He continues to provide these illegal services with no regard for public safety or compliance to the City's Public Vehicle Licensing By-law. This is extremely concerning to Administration since the vehicle has not been approved or authorized by City staff to provide public transportation services.

Administration is concerned with the likelihood that Mr. Kabir will continue to breach the law in a manner adverse and unfavorable to the public interest. Mr. Kabir is placing the safety of the riding public at risk. Administration has a duty to react in a manner which would limit the liability to The Corporation of the City of Windsor. It is for these reasons why Administration does not feel that it is in the best interest to continue licensing Misbahul Mishu Kabir and his associated corporation, Ontario Easy Ride For OPTC Inc. O/A Windsor Cab.

**RECOMMENDATION:**

**THAT** City of Windsor Taxicab Driver licence # 18-144605 issued to Misbahul Mishu Kabir of 609 St. Joseph Street, Windsor, ON N9C 3H3 **BE REVOKED** AND,

**THAT** City of Windsor Wheelchair Accessible Taxicab Plate Holder licence # 18-144676 and Wheelchair Accessible Taxicab Plate #300 issued to Misbahul Mishu Kabir of 609 St. Joseph Street, Windsor, ON N9C 3H3 **BE REVOKED** AND,

**THAT** Wheelchair Accessible Taxicab Plate #300 **BE RETURNED** immediately to the Licence Commissioner upon notice of this decision AND,

**THAT** City of Windsor Taxicab Broker licence #18-144598 issued to Ontario Easy Ride For OPTC Inc. O/A Windsor Cab (Misbahul Mishu Kabir) of 3219 Baby Street, Windsor, ON N9C 1K6 **BE REVOKED** AND FURTHER,

**THAT** any future licence applications under the authority of the City of Windsor's Public Vehicle Licensing By-law made by Misbahul Mishu Kabir or any corporation, partnership, entity, etc. associated with him **BE REFERRED** to the Windsor Licensing Commission **FOR REVIEW** at the next regularly scheduled meeting.

**DISPOSITION:**

LICENCE MUST BE POSTED IN A PROMINENT POSITION ON THE LICENSED PREMISES.



# WINDSOR LICENSING COMMISSION BUSINESS LICENCE

OFFICE OF THE CITY CLERK - LICENSING DIVISION  
350 City Hall Square West, Room 203  
Windsor, ON N9A 6S1

**18 144605**

PHONE: (519) 255-6200, OPTION 1

FAX: (519): 255-6868

THE ENTITY NAMED HEREIN IS HEREBY GRANTED A LICENCE TO OPERATE THE BUSINESS INDICATED

HEREUNDER

MISBAHUL MISHU KABIR

609 ST JOSEPH ST  
WINDSOR ON N9C 3H3

CONDITIONS, IF ANY:

**FILE COPY**

TYPE OF LICENCE

LICENCE FEE

TAXICAB/Driver

Business Licence Fee

110.00

New

Renewal

TOTAL FEE

110.00

Date of Issue July 6, 2018

Date of Expiry August 31, 2019

Issuer Sandra Hansen

*Sandra Hansen*  
LICENCE COMMISSIONER

LICENCE MUST BE POSTED IN A PROMINENT POSITION ON THE LICENSED PREMISES.



# WINDSOR LICENSING COMMISSION BUSINESS LICENCE

OFFICE OF THE CITY CLERK - LICENSING DIVISION  
350 City Hall Square West, Room 203  
Windsor, ON N9A 6S1

18 144676

PHONE: (519) 255-6200, OPTION 1

FAX: (519): 255-6868

THE ENTITY NAMED HEREIN IS HEREBY GRANTED A LICENCE TO OPERATE THE BUSINESS INDICATED

HEREUNDER

MISBAHUL MISHU KABIR

609 ST JOSEPH ST  
WINDSOR ON N9C 3H3

CONDITIONS, IF ANY:

TAXI PLATE #300  
2011 DODGE CAR.  
PROV. PLATE: BXPS069  
VIN: 2D4RN4DG7BR685410  
BROKERED BY: WINDSOR CAB

TYPE OF LICENCE

LICENCE FEE

Taxicab/Wheelchair Accessible Plate Holder	Business Licence Fee	400.00	<input type="checkbox"/>
			New
			<input checked="" type="checkbox"/>
			Renewal
TOTAL FEE		400.00	

Date of Issue July 9, 2018

Date of Expiry August 31, 2019

Issuer Sandra Hansen

LICENCE COMMISSIONER

**COPY FILE**

LICENCE MUST BE POSTED IN A PROMINENT POSITION ON THE LICENSED PREMISES.



# WINDSOR LICENSING COMMISSION BUSINESS LICENCE

OFFICE OF THE CITY CLERK - LICENSING DIVISION  
350 City Hall Square West, Room 203  
Windsor, ON N9A 6S1

18 144598

PHONE: (519) 255-6200, OPTION 1

FAX: (519): 255-6868

THE ENTITY NAMED HEREIN IS HEREBY GRANTED A LICENCE TO OPERATE THE BUSINESS INDICATED  
HEREUNDER

ONTARIO EASY RIDE FOR OPTC INC. O/A  
WINDSOR CAB  
3219 BABY ST  
WINDSOR ON N9C 1K6

CONDITIONS, IF ANY:

**COPIES**  
TAXI PLATE # 300

**RECEIVED**

JUL 06 2018

POLICY GAMING & LICENSING

TYPE OF LICENCE

LICENCE FEE

Taxicab/Broker

Business Licence Fee

60.00

New

Renewal

TOTAL FEE

60.00

Date of Issue July 6, 2018

Date of Expiry August 31, 2019

Issuer Brett Bulmer

*Valerie Costello*  
LICENCE COMMISSIONER

**WINDSOR LICENSING COMMISSION****March 28, 2018****APPLICANT/LICENSEE:**

Mr. Misbahul Mishu Kabir  
609 St. Joseph Street  
Windsor, ON N9C 3H3

**LICENCE CATEGORY:**

Taxicab Driver Licence  
17-145110

Folder #ACLT/13069

**HEARING PARTICULARS:**

Taxicab Driver Licence Review

**APPENDED MATERIALS**

- Copy of Taxicab Driver licence, being Appendix "A"
- Copy of Complaint received on Jul 20, 2017, being Appendix "B"
- Copy of Complaint received on Nov 9, 2017, being Appendix "C"
- Copy of Complaint received on Dec 27, 2017, being Appendix "D"
- Written statement from Complainant 'B', being Appendix "E"
- Written statement from Complainant 'C', being Appendix "F"
- Written statement from Complainant 'D', being Appendix "G"
- Copy of registered letter sent to Mr. Kabir, being Appendix "H"

**LICENCE COMMISSIONER'S COMMENTS**

On July 20, 2017, November 9, 2017 and December 27, 2017 complaints were called into 311 and transferred to By-law Enforcement, regarding the conduct of Mr. Misbahul Mishu Kabir, broker, plate holder and driver of Taxicab Plate 300. AMANDA licensing records show that Mr. Misbahul Mishu Kabir has been a licensed taxi cab driver in the City of Windsor since 2007 (17-145110).

**REGULATORY AUTHORITY****Public Vehicle Licensing By-Law 137-2007****Power and Duties of the Licence Commissioner**

*The Licence Commissioner has authority to:*

- (a) inspect those parts of any house, place or premises which may be used for the carrying on the licensed activity;*
- (b) inspect goods, wares, merchandise, articles, books, records or other documents relating to the licensed activity;*

- (c) inspect every vehicle and other personal property used or kept for hire in carrying on the licensed activity;*
- (d) require that each vehicle and other personal property used or kept for hire in carrying on the licensed activity be submitted for inspection; and,*
- (e) ensure that each licensee produces the licensed vehicle for inspection at the time and place so designated.*

*38. Where, in the opinion of the Licence Commissioner, the carrying on of a licensed activity by a licensee will likely result in a breach of the law or be adverse to the public interest, the Licence Commissioner shall recommend to the Licensing Commission that it suspend, revoke or impose conditions on the licence.*

*40. Where there is a referral to the Licensing Commission pursuant to this section, the Licensing Commission shall hold a hearing for the purpose of:*

- (a) issuing or renewing the licence;*
- (b) refusing to issue or renew the licence;*
- (c) suspending the licence;*
- (d) revoking the licence; or,*
- (e) issuing or renewing the licence with the imposition of conditions.*

*41. Where the Licence Commissioner intends to recommend to the Licensing Commission that it refuse to issue, refuse to renew, place conditions on, revoke or suspend a licence, the Licence Commissioner shall give notice of the intended recommendation and the reasons for the intended recommendation to the applicant or licensee as well as to such other persons, civic departments, boards, commissions, authorities and agencies having an interest in the recommendation. Under this section, notice to the applicant or licensee shall be written notice served personally or by registered mail to the address shown on the application or licence.*

*43. At the hearing, the Licensing Commission may suspend, revoke, and refuse to issue or impose conditions on any licence under this By-law:*

- (a) for any reason that would disentitle any licensee to a licence;*
- (b) where the licensee or applicant is in breach of a condition of the licence;*
- (c) where the licensee or applicant is in breach of any of the provisions of this By-law;*
- (d) if there are reasonable grounds to believe any of the statements made on the application for issuance or renewal are false;*
- (e) if, subsequent to the issuance of the licence, a report is filed by any body which originally provided its approval that indicates that the licensee is no longer in compliance with this By-law;*
- (f) upon such grounds as are set out in this By-law;*
- (g) if the applicant has outstanding fees or fines owing to the City, or if the applicant has not paid the required application fee;*
- (h) if the conduct or character of the applicant or licensee affords reasonable cause to believe that the applicant or licensee will not carry on or engage in the business in accordance with the law or with honesty and integrity;*
- (i) if the geographic location of the business does not meet land use requirements;*
- (j) if in the case of a corporate applicant or licensee, the conduct of its officers, directors, employees or agents affords reasonable cause to believe that the business will not be carried on in accordance with the law or with honesty and integrity; or,*
- (k) if issuing the licence is not in the public interest.*

Schedule 5, Taxicab Drivers, Brokers, Taxicab and Taxicab Wheelchair Accessible Vehicle Owners, Part IV – Obligations And Responsibilities

*10.1 When operating a taxicab or taxicab wheelchair accessible vehicle, every taxicab*

*driver licensed under this By-law shall:*

*(e) be civil and courteous, refrain from using profanity, and offer to assist any passenger when it is evident that the passenger is a person with a disability, elderly or otherwise in need of assistance;*

*(p) maintain a trip sheet during every shift, which is to be deposited at the end of each shift with the plate holder of the vehicle, or the broker, who shall maintain same for a period of one (1) year. The trip sheet shall be in a form approved by the Licence Commissioner and shall contain the following information:*

- (i) the name of the owner of taxicab or taxicab wheelchair accessible vehicle plate, and the name of the broker, if any;*
- (ii) taxicab number;*
- (iii) date;*
- (iv) start and end times of each driver's shift;*
- (v) the odometer reading showing on the meter at:*
  - (1.) the commencement of each shift; and,*
  - (2.) the conclusion of each shift;*
- (vi) the number of trips taken during the shift;*
- (vii) the time of each trip;*
- (viii) pick-up address of each trip;*
- (ix) the destination of each trip; and,*  
*the charge for each trip.*

## **BACKGROUND**

The following is a synopsis of the investigations completed by By-law Enforcement Officer Elizabeth Culmone:

- July 20, 2017, a complaint is received via 311. Complaint indicates that on July 20, 2017 City of Windsor Taxicab Plate #300 was waiting at the train station located at 298 Walker Road. Complaint alleges that the taxicab driver did not turn the meter on and stated there is an extra \$5.00 charge for pulling out the wheelchair ramp as the complainant's husband is in a wheelchair. Taxi driver provided a flat rate fee for the complainant to their destination of Casino Windsor.
- November 9, 2017, a complaint is received via 311. Complaint indicates that on November 8, 2017 City of Windsor Taxicab Plate #300 was waiting at the train station located at 298 Walker Road. Complaint alleges that the driver was verbally abusive and aggressive with the caller. Driver did not take the route requested by the complainant. Complainant also alleges that the driver was speeding and taking sharp turns which in turn spilled her groceries (ice cream) inside the taxi. Driver allegedly became aggressive telling the complainant she would have to clean the cab. Both driver and complainant contacted the Windsor Police as they were disputing the fare amount. Driver allegedly locked complainant inside the taxi when she refused to pay the fare in full due to the meter running while they were arguing.
- December 27, 2017, a complaint is received via 311. Complaint indicates that on December 24, 2017 City of Windsor Taxicab Plate #300 was waiting at the train station located at 298 Walker Road. Complaint alleges that the driver put their luggage in the rear of the taxi and informed the complainant that the ride will cost \$20.00, prior to the driver knowing the destination. Driver allegedly said, "I don't like all the snow you brought in the taxi, so I'm charging you \$20.00". When complainant refused, as the normal taxi fare is usually around \$12.00, the driver allegedly kicked them out of the cab and refused service.



- Mr. Kabir did not respond to Officer Culmone's phone calls nor does Mr. Kabir have a voicemail system set up on his contact number. Mr. Kabir was therefore sent a letter via Canada Post registered mail and was given 48 hours from receipt of such letter to contact Officer Liz Culmone.
- January 11, 2018 at approximately 1530hrs, Mr. Kabir phoned Officer Culmone. Mr. Kabir's conduct while speaking with Officer Culmone was unprofessional as he was constantly yelling and screaming, which required the intervention of Bill Tetler, Manager of By-Law Enforcement to calm Mr. Kabir enough to listen to Officer Culmone.
- January 16, 2018 at approximately 1550hrs, Mr. Kabir attended 350 City Hall Square West, 4<sup>th</sup> floor and met with Officer Culmone and By-Law Enforcement Officer Daryl Flacks with regards to his complaints. During the meeting Mr. Kabir refuted the claims against him. Mr. Kabir was also given 48 hours to submit trip sheets to Officer Culmone for the incidents in questions. Mr. Kabir originally agreed to submit his trip sheets as required under By-Law 137-2007, however once the meeting adjourned, called Officer Culmone and stated he would not be providing trip sheets.

## SUMMARY

Due to the nature of confirmed complaints received against Mr. Misbahul Mishu Kabir over the last 6 months, Administration is recommending that Mr. Misbahul Mishu Kabir be required to attend the next available Customer Service portion of the taxicab course administered by Checker Cab Company to ensure he fully understands his roles and responsibilities as a taxicab driver as well as the rights of the customer. Administration has reached out to Checker Cab and they have agreed to provide the customer service portion of the Taxicab Driver Education Program at a cost of \$90 plus HST. This course is available Monday to Friday during regular business hours.

## RECOMMENDATION:

**THAT** Mr. Misbahul Mishu Kabir of 609 St. Joseph Street, Windsor, ON N9C 3H3, to whom City of Windsor Taxicab Driver licence 17 145110 has been issued, **BE REQUIRED** to retake the customer service portion of the Taxicab Driver Education Program by April 16, 2018. And further, **THAT** the Licensing Department **BE ADVISED** in writing by Checker Cab once the training has been completed. And further, **THAT** Mr. Misbahul Misu Kabir make an appointment and meet with the Supervisor of Licensing and the Manager of By-Law Enforcement by April 30, 2018.

AND FURTHER THAT:

**SHOULD** another complaint be submitted to and substantiated by the City of Windsor By-Law Enforcement Office **THAT** the Taxicab Driver licence 17 145110, issued to Misbahul Mishu Kabir **BE** immediately suspended until the next regularly scheduled meeting of the Windsor Licensing Commission.



**The Windsor Licensing Commission  
Notice of Decision**

This following resolution was adopted by The Windsor Licensing Commission at its meeting held on March 28, 2018:

Moved by Councillor Borrelli, seconded by G. Conte,  
**WLC5/2018** That Mr. Misbahul Mishu Kabir of 609 St. Joseph Street, Windsor N9C 3H3, to whom City of Windsor Taxicab Driver licence 17 145110 has been issued, **BE REQUIRED** to retake the customer service portion of the Taxicab Driver Education Program by April 16, 2018; and, that the Licensing Department **BE ADVISED** in writing by Checker Cab once the training has been completed; and, that Mr. Misbahul Mishu Kabir make an appointment and meet with the Supervisor of Licensing and the Manager of By-law Enforcement by April 30, 2018;

AND FURTHER, that **SHOULD** another complaint be submitted to and substantiated by the City of Windsor By-law Enforcement Office, **THAT** the Taxicab Driver licence 17 145110, issued to Misbahul Mishu Kabir **BE** immediately suspended until the next regularly scheduled meeting of the Windsor Licensing Commission.

Carried.

ACLT/13069 7(a)

A handwritten signature in blue ink, appearing to read 'C. Robertson', written over a horizontal line.

Craig Robertson  
Supervisor of Licensing/Deputy Licence Commissioner  
April 9, 2018  
/sp


**Notification by REGISTERED MAIL**

Mr. Misbahul Mishu Kabir  
609 St. Joseph Street  
Windsor, Ontario N9C 3H3



Office of the City Clerk  
Policy, Gaming, Licensing & By-law Enforcement  
Valerie Critchley, City Clerk & Licence Commissioner

April 23, 2019

 RN 092 328 656 CA

REGISTERED MAIL

Misbahul Mishu Kabir  
609 St. Joseph Street  
Windsor, ON N9C 3H3

Re: Wheelchair Accessible Taxicab Plate #300

Dear Mr. Kabir,

On July 5, 2018, the Licensing Division was made aware that Wheelchair Accessible Taxicab Plate #300 was taken out of service due to the inoperative state of the vehicle that it was affixed to.

I wish to remind you that that Public Vehicle Licensing By-law 137-2007 (amended by By-law 150-2018), Schedule 5, Section 6.12 states:

*"Should any taxicab or taxicab wheelchair accessible plate holder fail to maintain the operation of any taxicab or taxicab wheelchair accessible vehicle owned by the taxicab or taxicab wheelchair accessible plate holder for a period of at least 120 successive days, the taxicab or taxicab wheelchair accessible plate holder licence shall be recommended for suspension or revocation by the Licence Commissioner".*

At the writing of this letter, **292 days** have passed with no further action on the plate. I am therefore requesting, within 48 hours of the receipt of this letter, that either an application for a vehicle replacement be submitted to the Licensing office or the plate be surrendered to the Licence Commissioner. Failure to comply will result in a recommendation to the Windsor Licensing Commission to revoke your Wheelchair Accessible Taxicab licence for plate #300 as well as your Taxicab Driver licence.

I submit the above for your immediate attention.

Yours truly,

Craig Robertson  
Deputy Licence Commissioner & Supervisor of Licensing

Date: 30 April 2019

Investigation: operation of an unlicensed cab – driver

Subject: KABIR, Misbahul Mishu

DOB: 1971-03-01

Address: 609 Joseph St, Windsor, ON N9C 3H3

Ontario Driver's Licence#: K00145590710301

2030 hrs – Discuss operational plan at 400 City Hall Square with Manager Bill Tetler and By-Law Officers Daryl Flacks and Kevin Kuprowski. Obtained photo of the subject and vehicle and licence plate descriptions.

2100 hrs – Arrived at Windsor Rail Station, 298 Walker Rd, Windsor, ON  
Heavy rain at this time. The station is empty.

2141 hrs – VIA Rail train arrives at the platform from Toronto

2142 hrs – First passengers are off the train.

2143 hrs – Observed the subject's black Jeep Commander with matching Ontario licence plate: AFSR 240 where it was parked and running the north exit doors. A male & female passenger were already inside the vehicle. We asked the passenger and KABIR, Misbahul if we could possibly share a ride and split the fare. The male passenger refused several times.

2145 hrs – KABIR, Misbahul had left train station with passengers in the black Jeep Commander.

2205 hrs – Attempted to contact KABIR, Misbahul at 519-790-8465. Phone rang several times but the phone was disconnected.

2212 hrs – Observed KABIR, Misbahul and the black Jeep Commander return to the VIA Train station and KABIR, Misbahul stated, "I can't believe you're still here!" and asked, "Do you need a ride?" By-Law Officers FLACKS and KUPROWSKI in plain clothes replied "yes". KABIR, Misbahul asked where we are going and we told him that our destination was the Holiday Inn. KABIR, Misbahul wanted to confirm which Holiday Inn we were going to either the downtown or the Huron Church Rd. He stated that it would be \$10.00 fare to the Holiday Inn downtown Windsor location and \$25.00 fare for the Holiday Inn & Suites on Huron Church Rd located at 1855 Huron Church Rd. We confirmed with KABIR, Misbahul that we would like to go to the Huron Church location. KABIR, Misbahul stated that he accepts cash or debit and that he would be willing to stop at a bank along the way to withdraw cash. When questioned how he accepts debit payments, he said that he uses Square, a mobile phone app. If debit payment, then KABIR, Misbahul stated there is a service fee and the price would have to be higher to cover the fee. KABIR, Misbahul stated he was having issues with the Square payment system and that he would stop at bank machine to withdraw money.

By-Law Enforcement | Suite 402, 400 City Hall Square East | Windsor, Ontario N9A 7K6

Tel: 519-255-6100 x 6600 | Fax: 519-255-6588

[www.citywindsor.ca](http://www.citywindsor.ca) | [bylaw.enforcement@citywindsor.ca](mailto:bylaw.enforcement@citywindsor.ca)



2215 hrs – Westbound on Riverside Drive at Walker Rd.

2226 hrs – During the ride to the Holiday Inn & Suites, KABIR, Misbahul was asked if he would be interested in taking us for other trips over the next few days. KABIR, Misbahul replied with yes and that the rides would have to be pre-arranged. Also, the fares would be flat rate, and there is not a meter. KABIR, Misbahul said the advantage for his service over a taxi cab is that there is no meter. If you are stuck in traffic, there is no extra charges. In the black Jeep Commander, no meter was observed. KABIR, Misbahul said that we can just call him, however, he shuts his phone off from 2 am to 11 am, but you can leave a message or that we can text him with the time. KABIR, Misbahul stated that we wouldn't be able to call him and expect a ride right away. If rides are needed in the morning when the phone was off, KABIR, Misbahul offered to provide rides even when his phone is off as long as the trips were pre-arranged. KABIR, Misbahul stated that we were not to ask for a taxi but rather provide a time for pick-up. All stops prearranged i.e. liquor store or bank, would be built into his flat rate. He is smart and thinks a head and since the meter is not running there are no additional costs.

2231 hrs – Arrived at Holiday Inn & Suites, 1855 Huron Church Rd, Windsor, ON  
KABIR, Misbahul provided upon request a business card / receipt with the amount of \$25.00, the date, cab# 300 and signature. KABIR, Misbahul was given \$40.00 cash and provided us with \$15.00 cash in change for the ride.

2232 hrs – Officer FLACKS identified himself as a by-law enforcement officer with the City of Windsor as KABIR, Misbahul was at the lift gate of the Jeep Commander removing our luggage. KABIR, Misbahul said "What do you want me to do?"

2234 hrs – KABIR, Misbahul admitted that he does not drive for UBER or is on the UBER platform. However, he is working on his own mobile app and he has about 20% more testing to do.


2242 hrs – Issued Provincial Offences Notice Ticket# 6959205B to KABIR, Misbahul with the charge "operate unlicensed cab – driver" By-Law 137-2007 sched 5 Sec. 10.3 (h)

Report Written By: Kevin Kuprowski, By-Law Enforcement Officer

Signature: Ke. Kuprowski #2995



May 7, 2019

 RN 092 328 378 CA**REGISTERED MAIL & HAND DELIVERED**Misbahul Mishu Kabir  
609 St. Joseph Street  
Windsor, ON N9C 3H3**RE: Suspension of Taxicab Driver Licence & Operation of Wheelchair Accessible Taxicab #300**

Dear Mr. Kabir,

This letter is being sent on behalf of the Licence Commissioner and will serve as formal notice under the authority of Windsor Licensing Commission Decision **WLC5/2018** that your City of Windsor Taxicab Driver licence has been **SUSPENDED**.

At its meeting held on March 28, 2018, the Windsor Licensing Commission rendered the following Decision:

*"WLC5/2018 That Mr. Misbahul Mishu Kabir of 609 St. Joseph Street, Windsor N9C 3H3, to whom City of Windsor Taxicab Driver licence 17 145110 has been issued, **BE REQUIRED** to retake the customer service portion of the Taxicab Driver Education Program by April 16, 2018; and, that the Licensing Department **BE ADVISED** in writing by Checker Cab once the training has been completed; and, that Mr. Misbahul Mishu Kabir make an appointment and meet with the Supervisor of Licensing and the Manager of By-law Enforcement by April 30, 2018;*

*AND FURTHER, that **SHOULD** another complaint be submitted to and substantiated by the City of Windsor By-law Enforcement Office, **THAT** the Taxicab Driver licence 17 145110, issued to Misbahul Mishu Kabir **BE** immediately suspended until the next regularly scheduled meeting of the Windsor Licensing Commission."*

It has recently been brought to the Licence Commissioner's attention that the By-law Enforcement Division received a complaint against you for providing illegal operations of taxi and livery services within the boundaries of the City of Windsor. On the evening of April 30, 2019, members of the By-law Enforcement Division conducted an undercover investigation at the VIA Rail Train Station and confirmed that you were providing illegal taxi/livery services in your personal vehicle. Subsequently you were charged and issued a Provincial Offence Notice for non-compliance to the City's Public Vehicle Licensing By-law. For this reason, your Taxicab Driver licence has been and will remain under suspension until the next Windsor Licensing Commission meeting.

In addition, this will serve as your second notice issued by the Licence Commissioner of non-compliance to Section 6, 6.12 of Schedule 5 to Public Vehicle Licensing By-law # 137-2007 as amended by By-law 150-2018 as it relates to maintaining the operation of your Wheelchair Accessible Taxicab. On July 5, 2018, the Licensing Division was made aware that Wheelchair Accessible Taxicab #300 was taken out of service due to the inoperative state of the vehicle that it was affixed to.

Section 6, 6.12 of Schedule 5 to Public Vehicle Licensing By-law as amended by By-law 150-2018 states:

*"6.12 Should any taxicab or taxicab wheelchair accessible plate holder fail to maintain the operation of any taxicab or taxicab wheelchair accessible vehicle owned by the taxicab or taxicab wheelchair*

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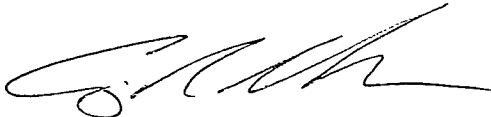
*accessible plate holder for a period of at least 120 successive days, the taxicab or taxicab wheelchair accessible plate holder licence shall be recommended for suspension or revocation by the Licence Commissioner."*

At the writing of this letter, **306 days** have passed since you have maintained operation of your Wheelchair Accessible Taxicab vehicle in which plate #300 is affixed to. I am therefore requesting that plate #300 be immediately returned and surrendered to the Licence Commissioner. Failure to comply or address your obligations as a Wheelchair Accessible Taxicab Plate Holder will result with a recommendation to the Windsor Licensing Commission to revoke your Wheelchair Accessible Taxicab Plate Holder licence and the plate (#300) associated with it.

It is anticipated that the status of your City of Windsor Taxicab Driver licence and if necessary, your Wheelchair Accessible Plate Holder licence will be heard at the Windsor Licensing Commission meeting to be held on June 26, 2019. You will receive formal notification of the hearing particulars by registered mail. Feel free to contact me with respect to any questions or concerns pertaining to the content of this letter and/or pertaining to the notification of the automatic suspension of your current Taxicab Driver licence.

I submit the above for your immediate attention.

Yours truly,



Craig Robertson  
Supervisor of Licensing & Deputy Licence Commissioner

**THE CORPORATION OF THE CITY OF WINDSOR  
OFFICE OF THE CITY CLERK  
LICENSING DIVISION**



**MISSION STATEMENT:**

*"Our City is built on relationships – between citizens and their government, businesses and public institutions, city and region – all interconnected, mutually supportive, and focused on the brightest future we can create together."*

<b>Livelihood: Report #</b>	<b>Report Date: June 7, 2019</b>
<b>Author's Name: Craig Robertson, Supervisor of Licensing</b>	<b>Date to Commission: June 26, 2019</b>
<b>Author's Phone: 519 255-6100, Ext. 6869</b>	<b>Classification #:</b>
<b>Author's E-mail: crobertson@citywindsor.ca</b>	

**To: Windsor Licensing Commission**

**Subject: Expired Application(s) for Business Licence**

**1. RECOMMENDATION: City Wide:  Ward(s): \_\_\_\_\_**

To the Commission for information.

**EXECUTIVE SUMMARY:**

N/A

**2. BACKGROUND:**

Various business licence application(s) are submitted to the Licensing Division annually for either the renewal of a licence or for a new business.

Section 3.20 of Business Licensing By-law 395-2004 states:

**“3.20 Licence – application deemed expired**

Any business licence application that has not received approvals from all municipal or provincial departments or agencies as the Licence Commissioner deems necessary within 60 days from the date of the filing of the application, because of the applicant’s inability to comply with the requirements to become licensed, shall be deemed to have expired unless the application is referred to the Windsor Licensing Commission under section 3.28 of this by-law.”

And Section 11 of Part III – General Provisions of the Public Vehicle Licensing By-Law 137-2007 states:

“Any application which has not received approvals from all municipal or provincial departments or agencies as the Licence Commissioner deems necessary within sixty (60) days from the date of filing the application, shall be deemed to have expired because of the applicant’s inability to comply with the requirements to become licenced, unless the application is referred to the



Licensing Commission for determination.

**3. DISCUSSION:**

An application(s) for a business licence was submitted by the following:

<u>APPLICANT</u>	<u>LOCATION</u>	<u>LICENCE CATEGORY</u>	<u>DATE OF APPLICATION</u>
1882026 Ontario Inc. o/a The Sandwich Shop	2694 Howard Avenue	Hospitality Liquor Service	February 25, 2019

The above mentioned applications have been pending for more than 60 days, and the applicant has not complied with the requirements of Business Licensing By-law 395-2004 and/or Public Vehicle Licensing By-Law 137-2007.

A letter has been sent to the above applicant(s) advising that their application has expired and is no longer valid.

**4. RISK ANALYSIS:**

N/A

**5. FINANCIAL MATTERS:**

N/A

**6. CONSULTATIONS:**

N/A

**7. CONCLUSION:**

The application(s) listed above shall be deemed to have expired.



**Craig Robertson**  
**Supervisor of Licensing & Deputy Licence**  
**Commissioner**

**APPENDICES:**

**DEPARTMENTS/OTHERS CONSULTED:**  
**Name:**  
**Phone #: 519                      Ext.**

<b>NOTIFICATION :</b>				
Name	Address	Email Address	Telephone	FAX