

ITEM NO. 7(a)

WINDSOR LICENSING COMMISSION

November 22, 2017

APPLICANT/LICENSEE:

Ms. Rabbia Pandit
1965466 Ontario Inc. o/a Wings Convenience
Store
572 Mill Street
Windsor, ON N9C 2R8

LICENCE CATEGORY:

Hospitality Food Service – Lunch
Counter Licence #17 108319

LiveLink File # ACLB/12973

HEARING PARTICULARS:

- Refuse to Issue – Hospitality Food Service – Lunch Counter Licence

APPENDED MATERIALS

- Copy of Hospitality Food Service Application, being Appendix “A”
- Copy of Business Ownership Declaration, being Appendix “B”
- Copy of AMANDA notes from the Supervisor of Environmental Quality, being Appendix “C”
- Copy of letter sent to applicant dated September 20, 2017 advising that an approval from Public Works was not granted, being Appendix “D”
- Copy of email from the Supervisor of Environmental Quality, being Appendix “E”

LICENCE COMMISSIONER’S COMMENTS

A new application for a Hospitality Food Service – Lunch Counter licence at 572 Mill Street, Windsor, ON N9C 2R8 was submitted on September 28, 2017 by Ms. Rabbia Pandit on behalf of 1965466 Ontario Inc. o/a Wings Convenience Store. Licensing records indicate that this applicant has never been licensed by the City of Windsor however, records do indicate that Wings Convenience has operated as a Food Store at this location under several owners since at least 1997. The first appearance of a Hospitality Food Service – Lunch Counter licence was in 2003.

REGULATORY AUTHORITY

Business Licensing By-Law 395-2004

3.8 Licence - application - subject to approval

Every application will be subject to investigations approvals from such municipal or provincial departments or agencies as the Licence Commissioner deems necessary, or as directed by the Windsor Licensing Commission, including but not limited to: Police Services, Windsor/Essex County Health Unit, Fire and Rescue Services Department, Building and Development Department, Environmental Services Department and Licensing and Enforcement Department.

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.

3.31 Refusal - suspension - revocation - by Windsor Licensing Commission – hearing

- (1) At the hearing, the Windsor Licensing Commission may suspend, revoke or refuse to issue any licence under this by-law:
- (a) for any reason that would disentitle the holder to a licence if he/she were an applicant;
 - (b) where the holder of the licence or applicant is in breach of a condition of the licence or of this by-law;
 - (c) if there are reasonable grounds to believe that the statements on the licence application are false;
 - (d) if a report is filed subsequent to the date of the issuance of the licence by any department or agency which provided its approval originally to the issuance of the licence which indicates that a licensed premises no longer complies with any of the provisions of this by-law;
 - (e) upon such grounds as are set out in this by-law;
 - (f) if the applicant has outstanding fines or penalties owing to the municipality or has not paid the required licence application fee;
 - (g) 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;
 - (h) if the geographic location of the business does not meet land use requirements;
 - (i) 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 engaged in or carried on in accordance with the law or with honesty and integrity; or
 - (j) if issuing a licence is not in the public interest.

BACKGROUND

- January 27, 2017, Ms. Rabbia Pandit makes application on behalf of 1965466 Ontario Inc. o/a Wings Convenience Store for a Hospitality Food Service – Lunch Counter licence.
- April 13, 2017, Ken Passa, Supervisor of Environmental Quality enters the following note into the AMANDA system: *“Grease trap cleaned out 3 weeks ago due to a blockage in the sink. Unable to open the trap (piping required to be removed) next cleaning in two months. Advised owner to call us when trap is removed for inspection.”*
- September 20, 2017, the Supervisor of Environmental Quality adds: *“The grease trap is still under the sink and cannot be properly inspected. They state that a plumber has been in to pressure wash the pipes due to blockages. This is obviously due to the grease trap not being maintained/cleaned.”* A denial is issued.

- September 20, 2017, a letter is sent by Licensing to Ms. Pandit's attention advising that the department has been notified by the Public Works Department that an approval was not granted following their inspections. A request was made that he contacts the Supervisor of Environmental Quality by October 9, 2017 to address the issues found in previous inspections.
- October 11, 2017, an email is sent by the Licensing Department to the Supervisor requesting an update as to the status of this business. The Supervisor's response indicated "*I have heard nothing from them.*"

SUMMARY

Administration recommends to the Windsor Licensing Commission that it refuse to issue a Hospitality Food Service – Lunch Counter licence to the applicant at 572 Mill Street, Windsor, ON N9C 2R8. It is not in the public interest to issue a licence since they have outstanding issues with the Public Works Department that they have failed to correct. Should the Windsor Licensing Commission decide to refuse to issue the licence, the applicant would be required to correct outstanding deficiencies identified by the Public Works Department, re-apply for their licence and pay the applicable fees.

RECOMMENDATION:

THAT the Windsor Licensing Commission **REFUSE TO ISSUE** Hospitality Food Service – Lunch Counter application #17 108319, submitted by Ms. Rabbia Pandit on behalf of 1965466 Ontario Inc. o/a Wings Convenience Store at 572 Mill Street, Windsor, ON N9C 2R8.

DISPOSITION:

HOSPITALITY FOOD SERVICE

OFFICE USE ONLY
LICENCE # 17 168 319

APPLICATION (2 PAGES)

APPLICANT NAME AND ADDRESS

| | | | |
|-----------------|----------------------|----------------|--------------|
| APPLICANT NAME: | <u>Rabbia Pandit</u> | DATE OF BIRTH: | (MM/DD/YYYY) |
| STREET ADDRESS: | | HOME PHONE: | |
| CITY, PROVINCE: | | CELL PHONE: | |
| | | POSTAL CODE: | |

BUSINESS NAME AND ADDRESS

| | | |
|-------------------------------------|--------------------------------|---|
| NAME UNDER WHICH BUSINESS OPERATES: | <u>Wings Convenience Store</u> | PLEASE INDICATE WITH A CHECK MARK: (✓) |
| | | Corporation <input type="checkbox"/> Sole Proprietorship <input checked="" type="checkbox"/> Partnership <input type="checkbox"/> |
| STREET ADDRESS: | <u>572 Mill Street</u> | BUS. PHONE: <u>519-253-0407</u> |
| CITY, PROVINCE: | <u>Windsor, Ontario</u> | FAX NUMBER: |
| | | POSTAL CODE: <u>N9C 2R8</u> |

MAILING ADDRESS FOR BUSINESS, IF DIFFERENT THAN ABOVE

| | | |
|-----------------|-----------------------|-----------------|
| STREET ADDRESS: | <u>Same as above.</u> | CITY, PROVINCE: |
| | | POSTAL CODE: |

| LICENCE CATEGORY | | LICENCE FEES | |
|---|-------------------------------------|--------------|--------------------|
| HOSPITALITY FOOD SERVICE | <input type="checkbox"/> | NEW \$415.00 | RENEWAL - \$316.00 |
| HOSPITALITY FOOD SERVICE - LUNCH COUNTER | <input checked="" type="checkbox"/> | NEW \$415.00 | RENEWAL - \$316.00 |
| HOSPITALITY FOOD SERVICE/ANCILLARY LIQUOR | <input type="checkbox"/> | NEW \$540.00 | RENEWAL - \$441.00 |
| HOSPITALITY LIQUOR SERVICE/ANCILLARY FOOD | <input type="checkbox"/> | NEW \$540.00 | RENEWAL - \$441.00 |

HAVE YOU EVER HAD ANY PREVIOUS MUNICIPAL LICENCE(S)?
YES ☐ NO ☒ IF YES: What type? _____
What year? _____

HAVE YOU EVER BEEN CONVICTED OF ANY CRIMINAL OR INDICTABLE OFFENCE IN CANADA OR ANY OTHER COUNTRY?
YES ☐ NO ☒ IF YES: Year? _____
Location? _____

PLEASE ENCLOSE THE FOLLOWING DOCUMENTS WITH THIS APPLICATION

| | |
|---|-----------------------------|
| BUSINESS OWNERSHIP DECLARATION (ORIGINAL) | BOARD OF HEALTH CERTIFICATE |
| COPY OF LIQUOR LICENCE | |

DEPARTMENT DISTRIBUTION ONLY

| | |
|---------------------------|----------------------------------|
| BUILDING - ZONING | PUBLIC WORKS - POLLUTION CONTROL |
| FIRE DEPARTMENT CLEARANCE | |

PLEASE RETURN THIS APPLICATION WITH YOUR PAYMENT TO THE OFFICE OF THE CITY CLERK/POLICY, GAMING & LICENSING DIVISION AT 350 CITY HALL SQUARE WEST, ROOM 203, WINDSOR, ON N9A 6S1. THE LICENCE RENEWAL DEADLINE IS FEBRUARY 28TH ANNUALLY. A 50% LATE PENALTY IS ADDED TO THE BUSINESS LICENCE FEE ON MARCH 1ST. THE APPLICANT COULD FACE FURTHER PENALTIES/FINES FOR OPERATING WITHOUT A VALID BUSINESS LICENCE.

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. Room 203, Windsor, ON N9A 6S1, 519-255-6200.

01-26-2017

DATE (MM/DD/YYYY)

R. Pandit
SIGNATURE OF APPLICANT & TITLE



OFFICE OF THE CITY CLERK

Policy, Gaming & Licensing

350 City Hall Square West - Room 203

Windsor, ON N9A 6S1

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

www.citywindsor.ca

HOSPITALITY FOOD SERVICE

OFFICE USE ONLY

LICENCE # _____

APPLICATION-PAGE 2

PLEASE ANSWER THE FOLLOWING QUESTIONS

YES NO

| | | | |
|---|---|---|---|
| 1 | IS THE FOOD COOKED ON THE PREMISES? | ✓ | |
| 2 | IS THE FOOD COOKED WITH GREASE AND/OR OIL? | ✓ | |
| 3 | ARE TOBACCO PRODUCTS SOLD ON THE PREMISES? | ✓ | |
| 4 | DOES THE PREMISES PROVIDE LIVE OR PRE-RECORDED MUSIC? | | X |
| 5 | DOES THE PREMISES HAVE A DANCE FLOOR? | | X |
| 6 | DO YOU OPERATE A PATIO ON CITY PROPERTY? | | X |
| | IF SO, DO YOU HAVE A PATIO AGREEMENT? | | |

RECEIVED

JAN 27 2017

POLICY GAMING & LICENSING

TYPE OF LICENCE REQUIRED (✓)

| | | |
|---|---|--|
| | HOSPITALITY FOOD SERVICE: | A RESTAURANT WHICH HAS AS ITS PRIMARY PURPOSE FOOD SERVICE, INCLUDING BUT NOT LIMITED TO CAFETERIAS, COFFEE SHOPS, DOUGHNUT SHOPS, SNACK BARS, FAST FOOD CHAINS AND OTHER RESTAURANTS WHICH DO NOT SERVE ALCOHOL. |
| ✓ | LUNCH COUNTER: | A BUILDING OR STRUCTURE OR PART THEREOF WHERE MEALS OR MEAL PORTIONS INCLUDING ICE CREAM CONES OR OTHER FROZEN CONFECTIONARIES, ARE PREPARED AND SOLD OVER A COUNTER FOR CONSUMPTION WITHIN THE BUILDING OR STRUCTURE OR OFF THE PREMISES. |
| | HOSPITALITY FOOD SERVICE/ ANCILLARY LIQUOR | A RESTAURANT WHICH SERVES BOTH FOOD AND ALCOHOL, WHICH HAS AS ITS PRIMARY PURPOSE FOOD SERVICE, WHERE FOOD SALES EXCEED 50% OF SALES AND ALCOHOL SERVICE IS ANCILLARY TO FOOD SERVICE. |
| | HOSPITALITY LIQUOR SERVICE/ ANCILLARY FOOD | PREMISES WHERE LIQUOR SALES EXCEED 50% OF TOTAL FOOD AND BEVERAGE SALES, WHERE FOOD SERVICE IS ANCILLARY TO LIQUOR SERVICE. |

| | | | |
|---|---|-----------------|--|
| IF YOU SELL ALCOHOL, PLEASE PROVIDE YOU LIQUOR LICENCE: | # | EXPIRY DATE: | |
|---|---|-----------------|--|

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. Room 203, Windsor, ON N9A 6S1, 519-255-6200.

01-26-2017

DATE (MM/DD/YYYY)

R. [Signature]

SIGNATURE OF APPLICANT & TITLE



OFFICE OF THE CITY CLERK

Policy, Gaming & Licensing

350 City Hall Square West - Room 203

Windsor, ON N9A 6S1

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

www.citywindsor.ca

Appendix "B"

BUSINESS OWNERSHIP DECLARATION

➤ If your business is a CORPORATION:

I, Rabbia Pandit, of the Municipality of _____, Province of Ontario,
(Your Name) (Where You Reside)

being the Owner of 1965466 Ontario Inc. herein after referred to as the
(Title) (Corporation Name and/or Number)

"Corporation", in the matter of Licensing Application for Food store/hospitality Tobacco hereby declare:
(Licence Type)

That the Corporation shall carry on business as Wings Convenience Store at
(Trade Name)
572 Wings Street during the currency of the licence, if granted.
(Business Address)

I hereby declare I am an authorized signing officer with, and therefore have authority to bind, the

Corporation and that all information included in this form is complete and accurate.

[Signature] Rabbia Pandit 01-27-2017
Signature Print Name Date (MM/DD/YYYY)

➤ If your business is a SOLE PROPRIETORSHIP:

I, _____, of the Municipality of _____, Province of Ontario,
(Your Name) (Where You Reside)

being the Owner of _____ herein after referred to as the "Business", in the matter
(Business Name)

of Licensing Application for _____ hereby declare:
(Licence Type)

That the Business shall carry on/operate as _____ at
(Trade Name)
_____ during the currency of the licence, if granted.
(Business Address)

I hereby declare that all information included in this form is complete and accurate.

Signature Print Name Date (MM/DD/YYYY)

➤ If your business is a PARTNERSHIP:

I, _____, of the City of _____, Province of Ontario,
(Your Name) (Where You Reside)

being the Owner of _____ herein after referred to as the "Partnership"
(Business Name)

of Licensing Application for _____ hereby declare:
(Licence Type)

That the Partnership shall carry on business as _____ at
(Trade Name)
_____ during the currency of the licence, if granted.
(Business Address)

I hereby declare that I am authorized to sign on behalf of the Partnership and that all information included in this form is complete and accurate.

Signature Print Name Date (MM/DD/YYYY)

RECEIVED

JAN 2, 2017

POLICY GAMING & LICENSING

AMANDA 5.4.4.31.2020814 - User Janna Tetler Signed on to amanda

File Data Search Edit Actions Reports Window Help

Close Update Mark All Delete Pick Accept Retrieve Detail Query Reports Permit Property People Business Professional Gaming FFS Cashier To-Do List Exit

572 MILL ST (lee) [HF]

Folder | Property (1) | People (6) | Info (10) | Fee/Charge (6) | **Process (7)** | Document (8) | File | Inspection Req. | Comment (3) | Attachment

| | | | | |
|---|--------------------------|----------------------------|--------------------------|---------------------------------------|
| Folder # | Ref. | Folder 17 108319 000 00 HF | Process | 97 Pollution Control Inspection |
| 108319 000 00 HF | | Property 572 MILL ST | Inspection# | |
| Status | Denied | Start Date | End Date | |
| User | Ken Passa | Schedule | Feb 10, 2017 | |
| Sign Off | | Actual | Feb 10, 2017 | |
| Discipline | Inspection | BaseLine | Feb 10, 2017 | |
| Print Flag | <input type="checkbox"/> | Mandatory | <input type="checkbox"/> | Assign To-Do <input type="checkbox"/> |
| Display Order | | File Location | | Scheduled <input type="checkbox"/> |
| | | ProcessRSN | 3290670 | Priority 115 |
| COMMENTS April 13, 2017 - Grease trap cleaned out 3 weeks ago due to a blockage in the sink. Unable to open the trap (piping required to be removed) next cleaning in two months. Advised owner to call us when trap is removed for inspection. | | | | |

Attempt (2) | Checklist | Memo | Deficiency | Attachment | Dependency | Info | Consent | Insp. Detail

| Date | User | Comment | Result | Hours | Mileage | Expense |
|--------------|-----------|-------------------------------|---------|-------|---------|---------|
| Apr 13, 2017 | Ken Passa | Unable to inspect | On Hold | 0.5 | | |
| Sep 20, 2017 | Ken Passa | Unable to inspect grease trap | Denied | 0.5 | | |

A Text Field Editor (Maximum 4000 characters)

April 13, 2017 - Grease trap cleaned out 3 weeks ago due to a blockage in the sink. Unable to open the trap (piping required to be removed) next cleaning in two months. Advised owner to call us when trap is removed for inspection.

Sept 20, 2017 - The grease trap is still under the sink and cannot be properly inspected. They state that a plumber has been in to pressure wash the pipes due to blockages. This is obviously due to the grease trap not being maintained/cleaned.

2 Rows Returned

List

Spell Check

Bullets

< Back Forward >

7 Rows Returned

☒ Show no. of rows on tabs

End Today

End on Due

Assign

Sign Off

Clock Activity

Review Email

1 Row Returned

Ready



11:03 AM
10/23/2017



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

September 20, 2017

Rabbia Pandit, 1965466 Ontario Inc.
Wings Convenience Store
572 Mill St
Windsor, ON N9C 2R8

Dear Ms. Pandit

RE: Hospitality Food Service licence – 572 Mill St.

Further to the issuance of a Hospitality Food Service licence at the above property, we have received a notification from the Supervisor of Environmental Quality in the Pollution Control Department indicating that the that you are not in compliance with the environmental requirements at 572 Mill St. For further information regarding these deficiencies or to schedule a re-inspection, please contact Ken Passa at (519) 253-7111 ext. 3231.

I therefore ask that the premises be brought into compliance to the satisfaction of the Pollution Control Department by no later than **October 9, 2017.**

Failure to do so will result in your application being deemed expired which will require you to reapply and pay all associated fees again.

I submit the above for your immediate attention.

Yours Truly,

Amanda Santia
Licence Issuer
519-255-6100 ext. 1896

cc: Ken Passa, Pollution Control

From: Passa, Ken
Sent: Wednesday, October 11, 2017 1:26 PM
To: Santia, Amanda
Subject: RE: 572 Mill

Hi Amanda,
I have heard nothing from them

From: Santia, Amanda
Sent: Wednesday, October 11, 2017 9:33 AM
To: Passa, Ken
Subject: 572 Mill

Good morning Ken,

Have the owners of 572 Mill- Wings Convenience contacted you for updates on passing pollution control?

I send them a letter last week notifying them that they have failed.

Amanda Santia

Licence Issuer

Policy, Gaming & Licensing Department
350 City Hall Sq. West, Suite 203
Windsor, Ontario N9A 6S1
Phone (519) 255-6200 (ext 1896)
Email: asantia@citywindsor.ca
Website: www.citywindsor.ca

ITEM NO. 7(b)

WINDSOR LICENSING COMMISSION

November 22, 2017

APPLICANT/LICENSEE:

Mr. Mohsen Farahat
2207113 Ontario Inc. o/a Downtown Auto
Center
939 Giles Boulevard West
Windsor ON N9A 6J2

LICENCE CATEGORY:

Automobile Service Station
#17 178777 - Repairs
#17 178781 – Storage/Sales

HEARING PARTICULARS:

Suspend Licence - Automobile Service Station – Repairs & Storage/Sales

APPENDED MATERIALS

- Copy of business licences attached - Appendix "A"
- Copy of pictures taken by Officer Flacks dated August 18, 2017 - Appendix "B"
- Copy of letter issued by Officer Flacks dated August 21, 2017 - Appendix "C"
- Copy of pictures taken by Officer Flacks on September 12, 2017 - Appendix "D"
- Copy of letter issued by Officer Flacks dated September 13, 2017 - Appendix "E"
- Copy of pictures taken by Officer Flacks on October 11, 2017 – Appendix "F"

LICENCE COMMISSIONER'S COMMENTS

Applications for an Automobile Service Station – Repairs licence #17 178777 and Automobile Service Station – Storage & Sales licence # 17 178781 was submitted by Mohsen Farahat on behalf of 2207113 Ontario Inc. O/A Downtown Auto Center on October 5, 2017. AMANDA records indicate that Mr. Farahat has held similar licences since 2010 at 663 Glengarry before moving to 939 Giles Blvd W in June of 2016. Since the licensee moved to 939 Giles Blvd E in June of 2016 several complaints have been received with regards to condition of the property/alley which have been addressed by the By-Law Enforcement Unit.

REGULATORY AUTHORITY

Business Licensing By-Law 395-2004

3.8 Licence - application - subject to approval

Every application will be subject to investigations approvals from such municipal or provincial departments or agencies as the Licence Commissioner deems necessary, or as directed by the Windsor Licensing Commission, including but not limited to: Police Services, Windsor/Essex County Health Unit, Fire and Rescue Services Department, Building and Development Department, Environmental Services Department and Licensing and Enforcement Department.

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.

3.31 Refusal - suspension - revocation - by Windsor Licensing Commission – hearing

- (1) At the hearing, the Windsor Licensing Commission may suspend, revoke or refuse to issue any licence under this by-law:
- (a) for any reason that would disentitle the holder to a licence if he/she were an applicant;
 - (b) where the holder of the licence or applicant is in breach of a condition of the licence or of this by-law;
 - (c) if there are reasonable grounds to believe that the statements on the licence application are false;
 - (d) if a report is filed subsequent to the date of the issuance of the licence by any department or agency which provided its approval originally to the issuance of the licence which indicates that a licensed premises no longer complies with any of the provisions of this by-law;
 - (e) upon such grounds as are set out in this by-law;
 - (f) if the applicant has outstanding fines or penalties owing to the municipality or has not paid the required licence application fee;
 - (g) 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;
 - (h) if the geographic location of the business does not meet land use requirements;
 - (i) 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 engaged in or carried on in accordance with the law or with honesty and integrity; or
 - (j) if issuing a licence is not in the public interest.

“SCHEDULE A3 TO BY-LAW NO. 395-2004

AUTOMOBILE SERVICE STATIONS

1. *No licensee shall store or park or allow to be stored or parked thereat, any trailer used for human habitation while so stored or parked.*
2. *No licensee shall use or permit their premises to be used, for the purpose of wrecking or storing motor vehicles that are no longer operable, except in an enclosed building for vulcanizing tires or tubes.*
3. *No licensee shall permit the engine of a motor vehicle to run while in any building, whether on a frame or in a motor vehicle, unless adequate ventilation is provided to ensure dilution of any carbon monoxide fumes.*

4. *No licence shall be issued to an applicant for a automobile service station unless and until the Licence Commissioner has been furnished with satisfactory proof that:

(1) where applicable, Technical Standards and Safety Authority has reported in writing that the premises comply with the provisions of the Technical Standards and Safety Act, 2000 for the handling of liquid fuels and propane.

(2) The Fire Chief has reported in writing that the premise complies with the Ontario Fire Code.*
5. *Every owner or operator shall erect, maintain and repair at their own expense, screening fences to visually separate areas and to block off views of storage areas, and to provide that the screening fence be continuous except at driveway entrances or where lines of sight are required for traffic safety purposes.*
6. *No licensee shall use or permit to be used as a waiting lane any area or any public right-of-way which would hinder the flow of traffic on the public highway.*
7. *Every owner or operator must keep the service station and any sidewalk or street upon which the premises abut, in a clean and neat condition, free from debris, snow, ice, dirt, rubbish or other foreign substances derived from the licensed premises or resulting from the use of the licensed premises.*
8. *Every owner or operator must keep and maintain all washroom facilities in a clean and sanitary condition.*
9. *Every owner or operator must park all motor vehicles on the licensed premises and in a neat and orderly manner.*
10. *Every owner or operator must ensure that lighting fixtures used are of a type and are arranged so that they do not cause nuisance or distraction to passing traffic or adjoining properties."*

BACKGROUND

On August 18, 2017 a proactive inspection was completed by By-Law Enforcement Officer Daryl Flacks. The following violations were observed under Schedule A3 of Business Licensing By-Law 395-2004:

1. *No licensee shall use or permit their premises to be used, for the purpose of wrecking or storing motor vehicles that are no longer operable, except in an enclosed building for vulcanizing tires or tubes.*
2. *Every owner or operator shall erect, maintain and repair at their own expense, screening fences to visually separate areas and to block off views of storage areas, and to provide that the screening fence be continuous except at driveway entrances or where lines of sight are required for traffic safety purposes.*
3. *No licensee shall use or permit to be used as a waiting lane any area or any public right-of-way which would hinder the flow of traffic on the public highway.*
4. *Every owner or operator must keep the service station and any sidewalk or street upon which the premises abut, in a clean and neat condition, free from debris, snow, ice, dirt, rubbish or other foreign substances derived from the licensed premises or resulting from the use of the licensed premises.*

5. *Every owner or operator must park all motor vehicles on the licensed premises and in a neat and orderly manner.*

Officer Flacks took several pictures with his City issued cell phone of the site conditions (attached as Appendix "B"). A letter was prepared by Officer Flacks and hand delivered to the licensee Moshen Farahat. Mr. Farahat was educated on Schedule A3 of By-Law 395-2004 including an explanation of the letter's contents (attached as Appendix "C").

On September 12, 2017 Officer Flacks returned for a follow up inspection. The violations as reported during the initial inspection on August 18, 2017 still remained. Photos were taken by Officer Flacks representing the conditions seen at time of inspection (attached as Appendix "D").

On September 13, 2017 Officer Flacks hand delivered a follow up letter to licensee Moshen Farahat giving him till October 9, 2017 to bring his licensed premises into compliance with Schedule A3 of By-Law 395-2004 (attached as Appendix "E").

On October 11, 2017 Officer Flacks returned to the property to find the premise in the same condition as the previous two inspections. Photos were taken by Officer Flacks representing the conditions seen at the time of inspection (attached as Appendix "F").

SUMMARY

The By-law Enforcement office has identified that the licensee is not operating within the guidelines under Schedule A3 of Business Licensing By-Law 395-2004. The By-law Enforcement office has issued two (2) separate deficiency letters and has provided detailed instructions to bring the business operation into compliance. The licensee has done very little to improve the conditions. It is in the interest of public safety to suspend the licences associated with Mr. Farahat's business until the premise is brought into compliance as requested by the By-law Enforcement office.

RECOMMENDATION:

That Automobile Service Station – Repairs licence #17 178777 & Automobile Service Station – Storage/Sales licence # 17 178781, issued to 2207113 Ontario Inc. O/A Downtown Auto Center, **BE SUSPENDED** until the licensee operates in compliance with Business Licensing By-law 395-2004 to the satisfaction of the By-law Enforcement office.

And further that,

Automobile Service Station – Repairs licence #17 178777 & Automobile Service Station – Storage/Sales licence # 17 178781, issued to 2207113 Ontario Inc. O/A Downtown Auto Center, **BE REVOKED** should the licensee fail to comply within thirty (30) days from the date of this decision.

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

17 178777

PHONE: (519) 255-6200, OPTION 1

FAX: (519): 255-6868

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

2207113 ONTARIO INC. O/A DOWNTOWN AUTO
CENTER

939 GILES BLVD W
WINDSOR ON N9A 6J2

HEREUNDER
CONDITIONS, IF ANY:

TYPE OF LICENCE

AUTOMOBILE SERVICE STATION/Repairs

LICENCE FEE

| | |
|-----------------------|--------|
| Business Licence Fee | 191.00 |
| Pollution Control Fee | 58.00 |

New

☐

Renewal

☒

249.00

TOTAL FEE

Date of Issue

October 12, 2017

Date of Expiry

October 31, 2018

Issuer

Amanda Santia

Valerie Cutchley
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

17 178781

PHONE: (519) 255-6200, OPTION 1

FAX: (519): 255-6868

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

2207113 ONTARIO INC. O/A DOWNTOWN AUTO
CENTER

939 GILES BLVD W
WINDSOR ON N9A 6J2

HEREUNDER
CONDITIONS, IF ANY:

TYPE OF LICENCE

AUTOMOBILE SERVICE STATION/Storage/Sales

LICENCE FEE

Business Licence Fee 191.00

New ☐

Renewal ☐

X

191.00

TOTAL FEE

Date of Issue

October 6, 2017

Date of Expiry

October 31, 2018

Issuer

Amanda Santia

Valerie Cutchley
LICENCE COMMISSIONER

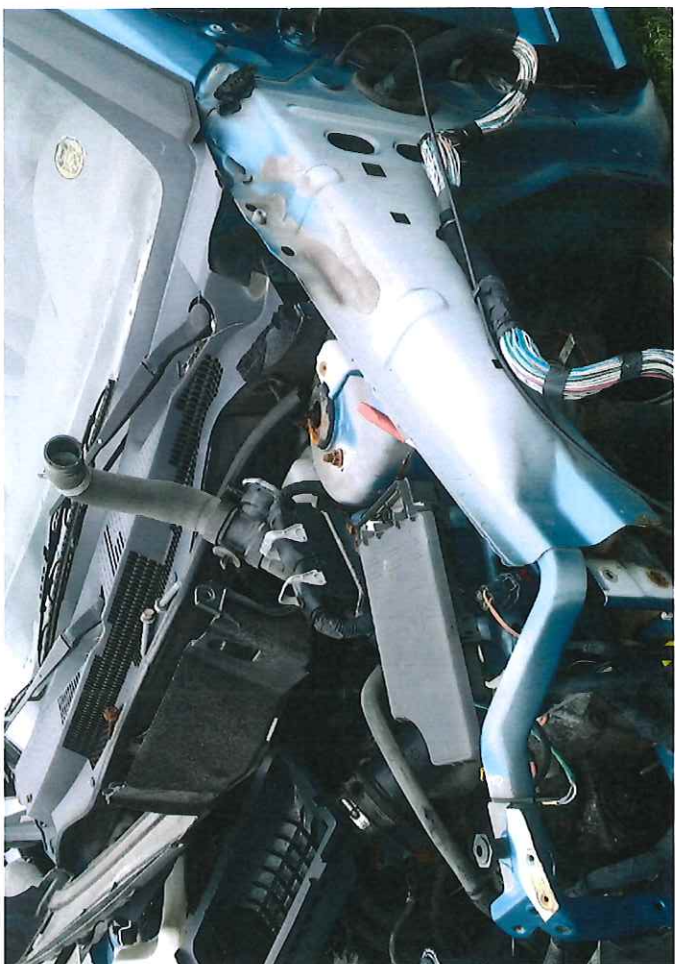
August 18th, 2017 *D. Fleck*







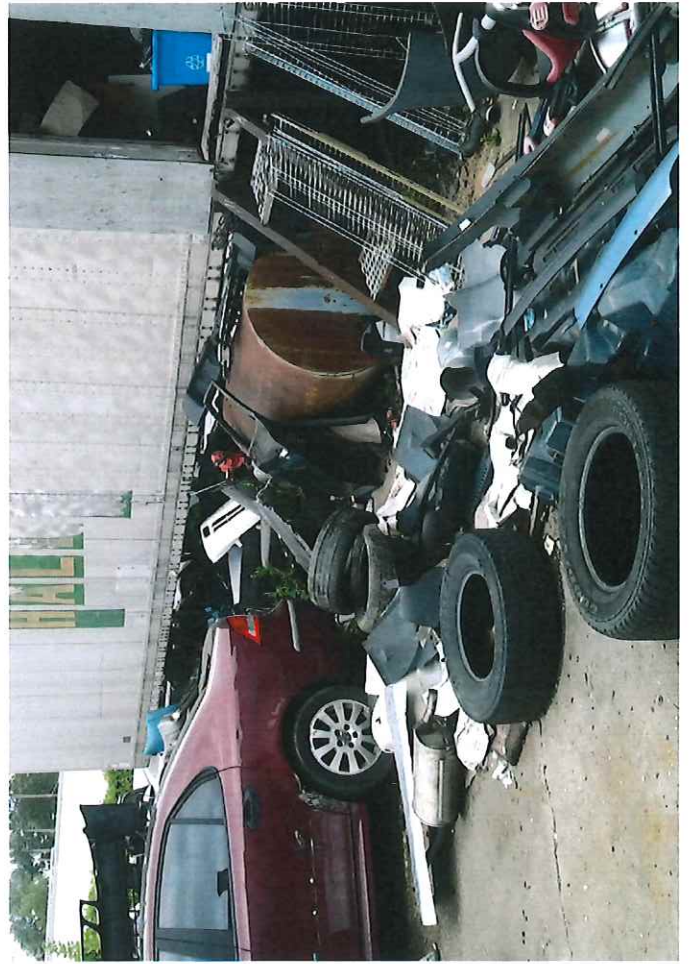
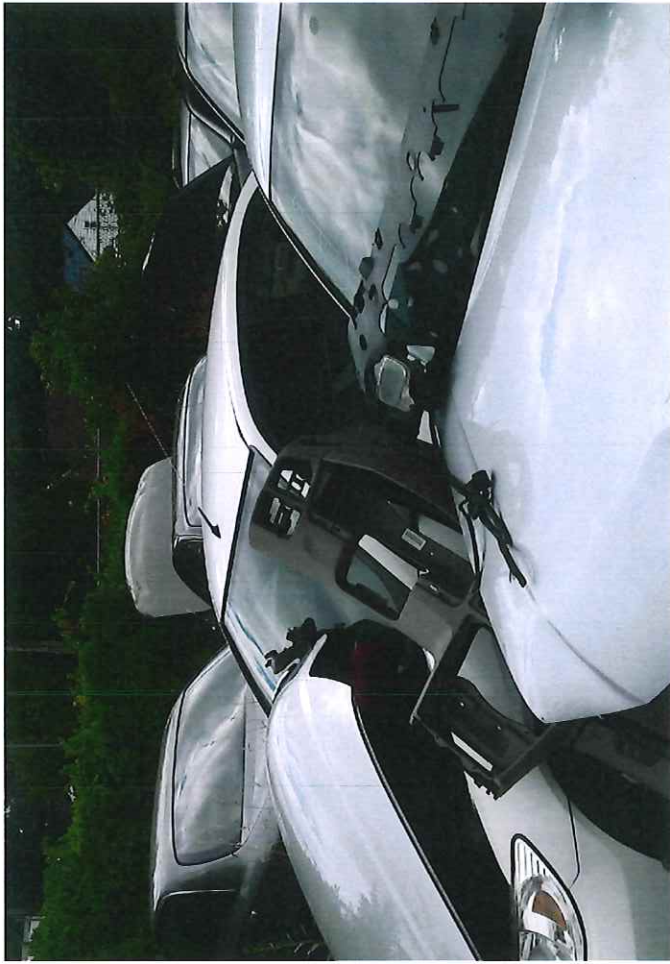


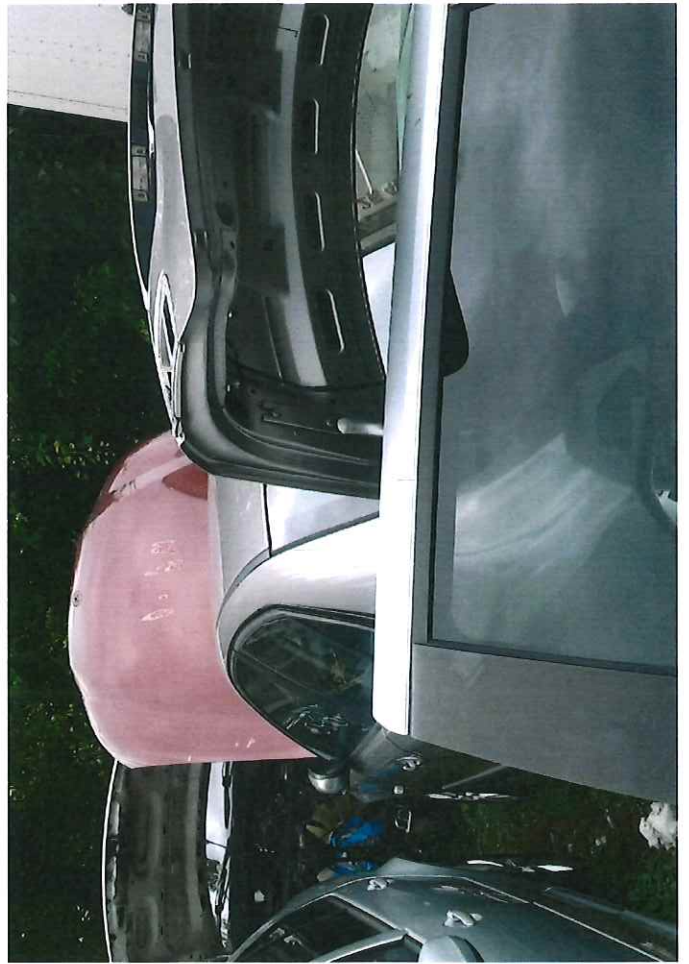








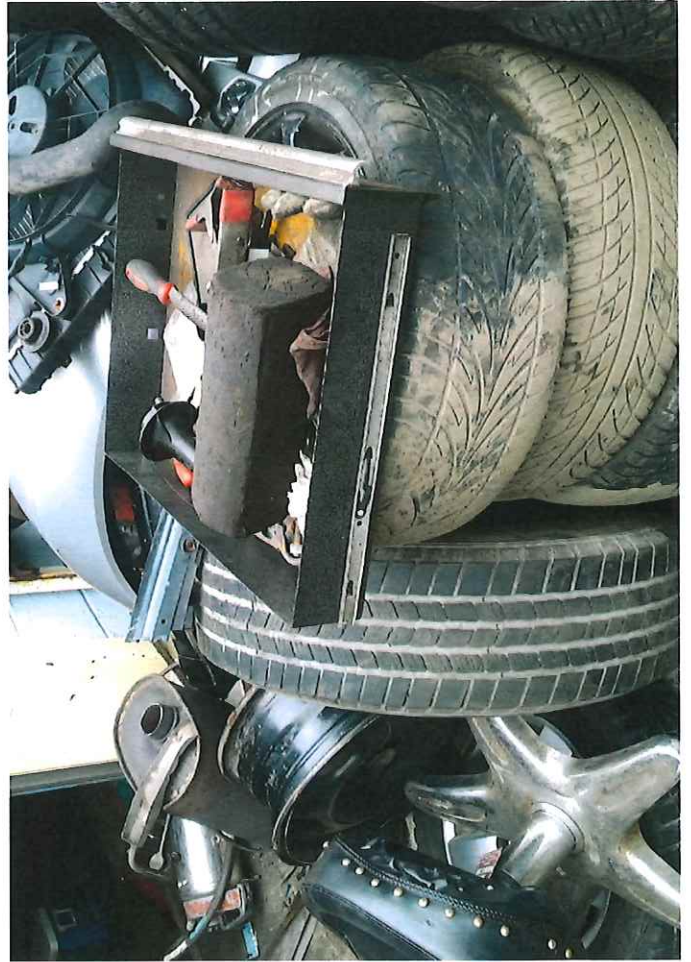














Office of the City Clerk
Policy, Gaming, Licensing & By-law Enforcement
Valerie Critchley, City Clerk & Licence Commissioner

Monday 21, August 2017

HAND DELIVERED

MOHSEN FARAHAT
2207113 ONTARIO INC. O/A DOWNTOWN AUTO CENTER
939 Giles Boulevard W.,
Windsor ON N9A 6J2

Re: *Licensing By-law 395-2004- A3 – Automobile Service Station*

This letter is further to my visit to your location on 18, August 2017 following a complaint received by the Enforcement Unit regarding the condition of the licensed property. Upon inspection it was noted that there are dilapidated cars, tires, car doors, engines, refuse, and garbage/debris all over the premises.

By-Law Number 395-2004 is the licensing by-law for the City of Windsor. Schedule A3 speaks to automobile service stations. The following are violations under that law for which you are in violation;

1. No licensee shall use or permit their premises to be used, for the purpose of wrecking or storing motor vehicles that are no longer operable, except in an enclosed building for vulcanizing tires or tubes.
2. Every owner or operator shall erect, maintain and repair at their own expense, screening fences to visually separate areas and to block off views of storage areas, and to provide that the screening fence be continuous except at driveway entrances or where lines of sight are required for traffic safety purposes.
3. No licensee shall use or permit to be used as a waiting lane any area or any public right-of-way which would hinder the flow of traffic on the public highway.
4. Every owner or operator must keep the service station and any sidewalk or street upon which the premises abut, in a clean and neat condition, free from debris, snow, ice, dirt, rubbish or other foreign substances derived from the licensed premises or resulting from the use of the licensed premises.
5. Every owner or operator must park all motor vehicles on the licensed premises and in a neat and orderly manner.



Office of the City Clerk

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

Be advised of the following penalty for non-compliance of By-Law Number 395-2004:

“Every person who contravenes any of the provisions of this by-law, is guilty of an offence, and on conviction, unless otherwise herein provided, is liable to a fine of not more than Five Thousand Dollars (\$5,000.00), exclusive of costs, and every such penalty shall be recoverable under the *Provincial Offences Act*.”

Failure to comply with this By-Law may result in charges being filed against you and/or a report going forward to the Windsor Licensing Commission. I submit the foregoing for your immediate attention. Please be advised that you have 21 days from receipt of this letter to bring your property into compliance with your business license.

Sincerely,

Daryl Flacks | By-Law Enforcement Officer



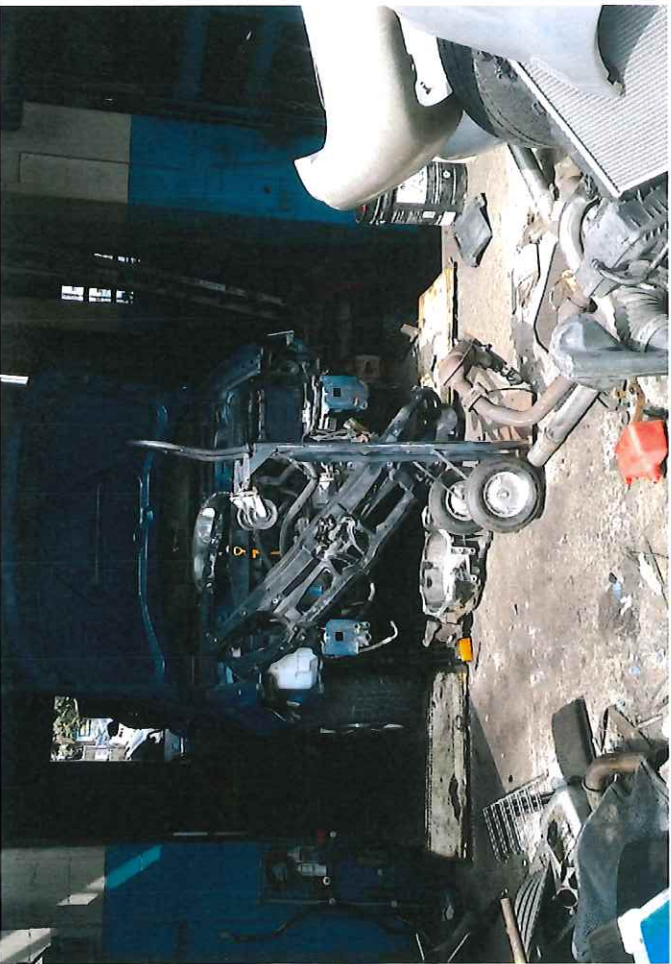
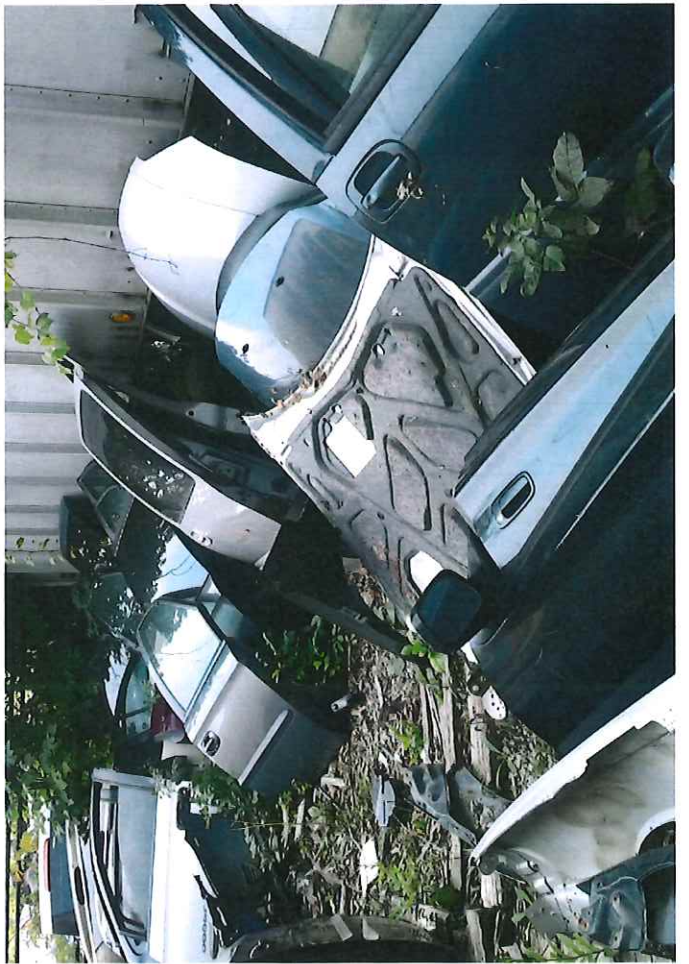
Policy, Gaming, Licensing & By-Law Enforcement
350 City Hall Square West | 4th Floor | Windsor, ON | N9A 6S1
(519)-255-6100 ext. 6912
dflacks@citywindsor.ca
www.citywindsor.ca



September 12th, 2017
Chloride









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

Wednesday 13, September 2017

HAND DELIVERED

MOHSEN FARAHAT
2207113 ONTARIO INC. O/A DOWNTOWN AUTO CENTER
939 Giles Boulevard W.,
Windsor ON N9A 6J2

FINAL NOTICE

Re: Licensing By-law 395-2004- A3 – Automobile Service Station

This letter is further to my visit to your location on 12, September 2017 following a complaint received by the Enforcement Unit regarding the condition of the licensed property. Upon re-inspection it was noted that there remain dilapidated cars, tires, car doors, engines, refuse, and garbage/debris all over the premises.

By-Law Number 395-2004 is the licensing by-law for the City of Windsor. Schedule A3 speaks to automobile service stations. The following are violations under that law for which you are in violation;

1. No licensee shall use or permit their premises to be used, for the purpose of wrecking or storing motor vehicles that are no longer operable, except in an enclosed building for vulcanizing tires or tubes.
2. Every owner or operator shall erect, maintain and repair at their own expense, screening fences to visually separate areas and to block off views of storage areas, and to provide that the screening fence be continuous except at driveway entrances or where lines of sight are required for traffic safety purposes.
3. No licensee shall use or permit to be used as a waiting lane any area or any public right-of-way which would hinder the flow of traffic on the public highway.
4. Every owner or operator must keep the service station and any sidewalk or street upon which the premises abut, in a clean and neat condition, free from debris, snow, ice, dirt, rubbish or other foreign substances derived from the licensed premises or resulting from the use of the licensed premises.
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Office of the City Clerk

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

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Failure to comply with this By-Law may result in charges being filed against you and/or a report going forward to the Windsor Licensing Commission. I submit the foregoing for your immediate attention. Please be advised that this is your **FINAL NOTICE** and you have 21 days from receipt of this letter to bring your property into compliance with your business license.

Sincerely,

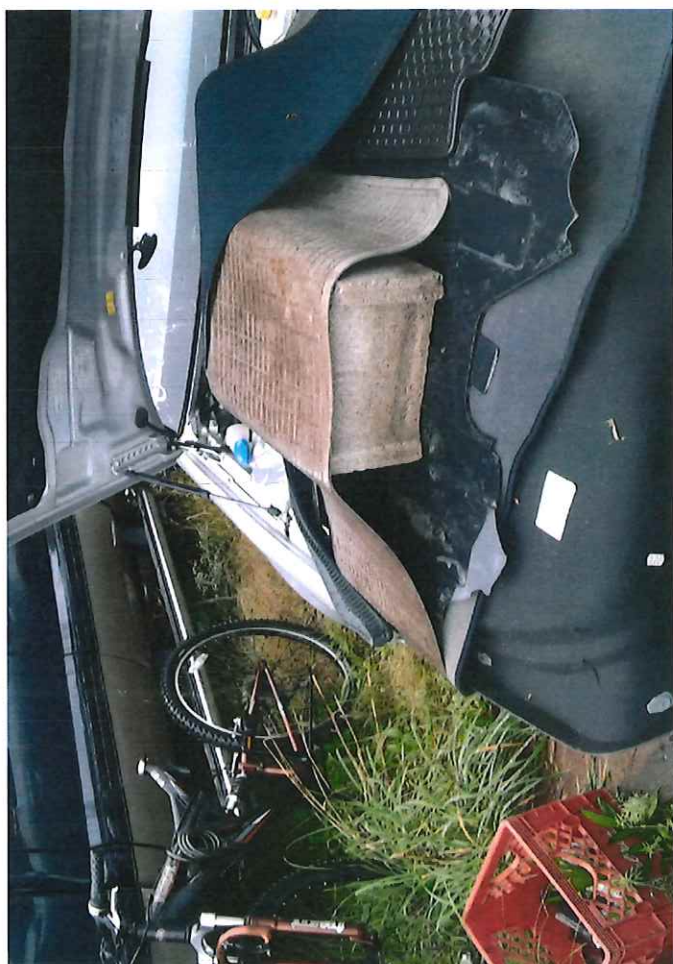
Daryl Flacks | By-Law Enforcement Officer



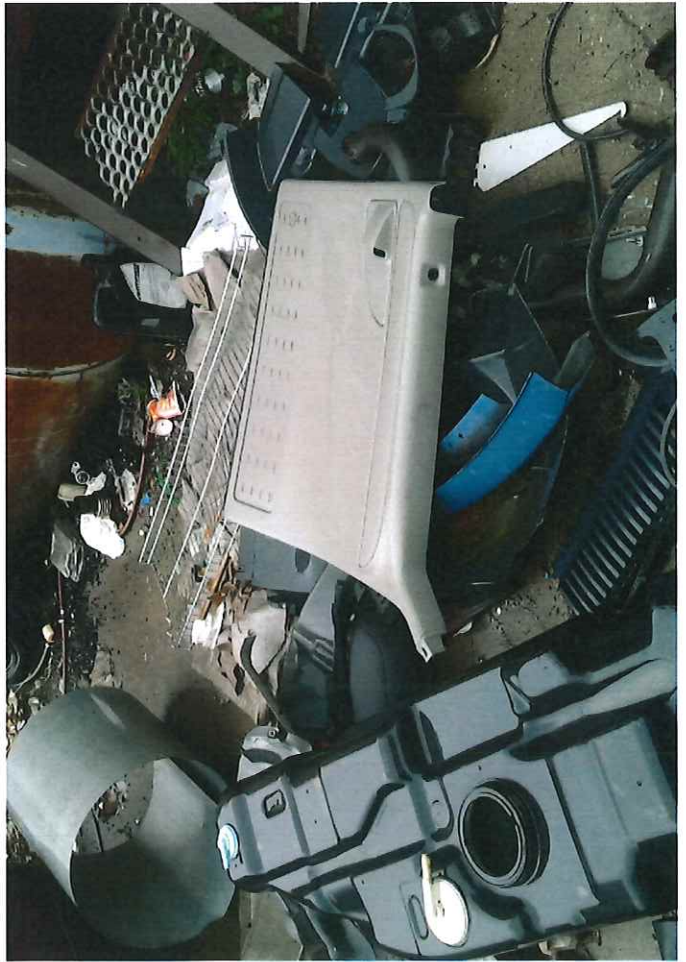
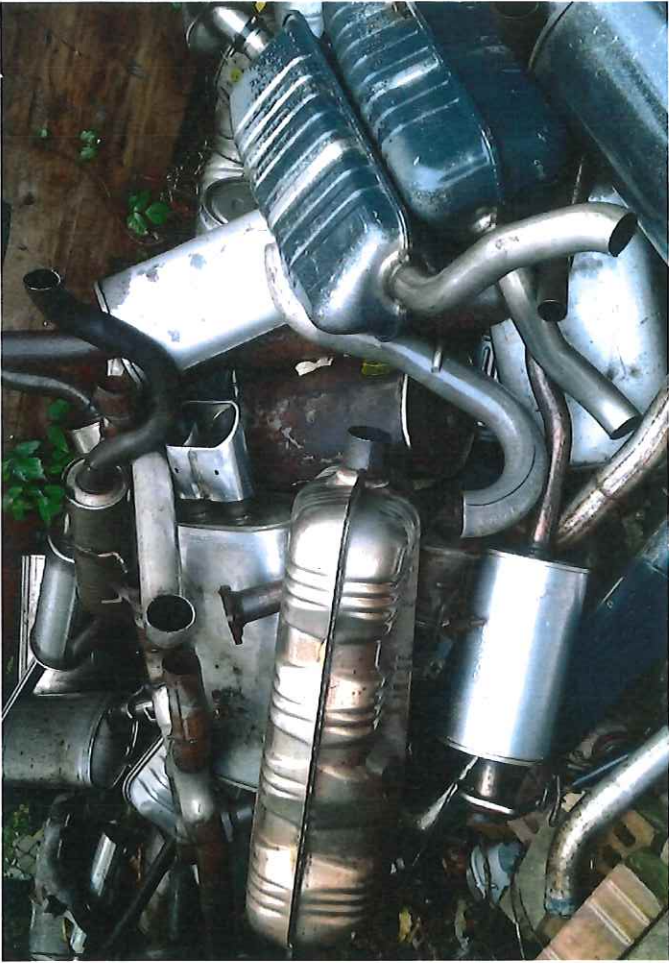
Policy, Gaming, Licensing & By-Law Enforcement
350 City Hall Square West | 4th Floor | Windsor, ON | N9A 6S1
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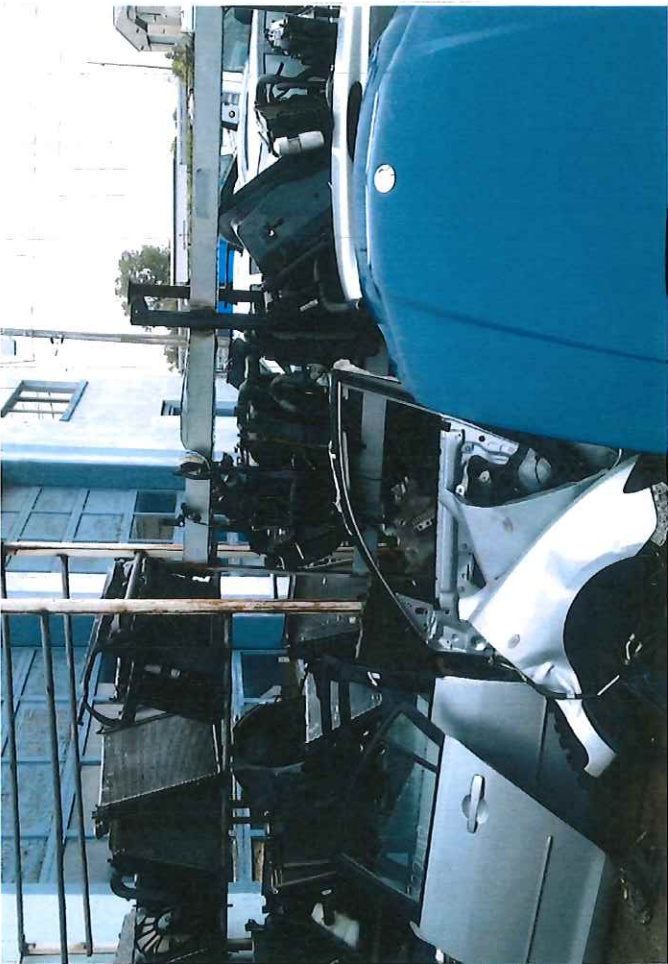
October 11th, 2017 *D. Black*



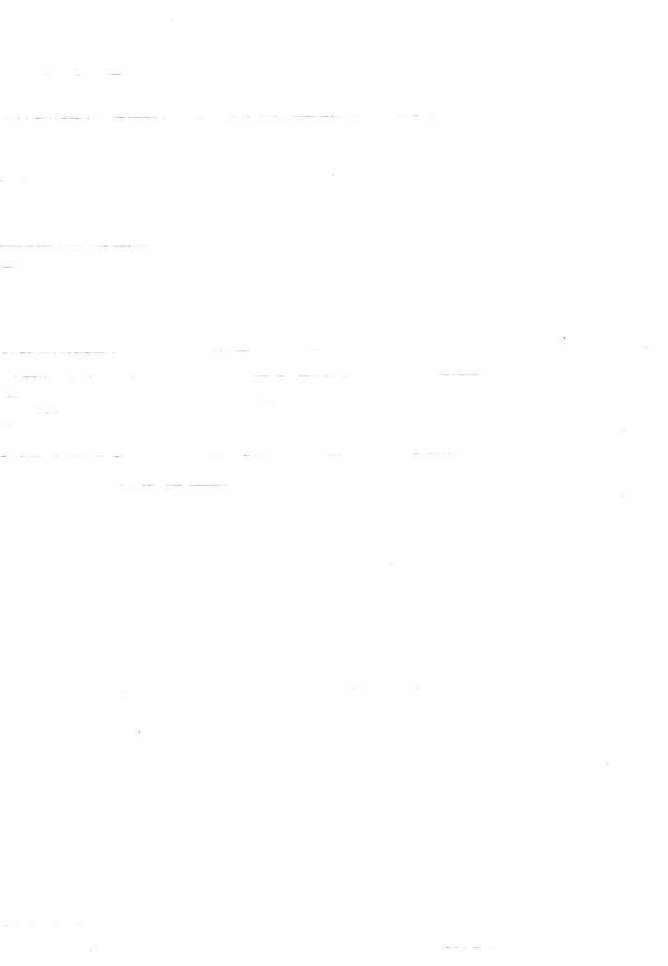












**THE CORPORATION OF THE CITY OF WINDSOR
OFFICE OF THE CITY CLERK
LICENSING DIVISION**

**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."

| | |
|--|--|
| Livelihood: Report # | Report Date: November 9, 2017 |
| Author's Name: Craig Robertson, Supervisor of Licensing | Date to Commission: November 22, 2017 |
| Author's Phone: 519 255-6100, Ext. 6869 | Classification #: |
| Author's E-mail: crobertson@citywindsor.ca | |

To: Windsor Licensing Commission

Subject: Expired Application(s) for Business Licence

1. RECOMMENDATION: City Wide: X 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> |
|---|-------------------------------|--|---------------------------------------|
| Subway HW Inc. o/a Subway | 1291 Wyandotte Street East | Hospitality Food Service | February 23, 2017 |
| Denis Vidmar o/a The Mushroom Hub | 840 Erie Street East | Hospitality Food Service – Lunch Counter | March 22, 2017 |
| Akkad Restaurant Inc. | 960 Wyandotte Street East | Hospitality Food Service | February 1, 2017 |
| 2539227 Ontario Inc. o/a Mamalicious | 1806 Wyandotte Street West | Hospitality Food Service | February 16, 2017 |
| Mahmood Azrak Dalhoohi o/a Al-Sultan Cafe | 665 Glengarry Avenue | Hospitality Food/Liquor Service | July 24, 2017 |
| 1954873 Ontario Inc. o/a The Rondo | 63 Pitt Street East | Entertainment Lounge | June 7, 2017 |
| Walker's Fresh Market Inc. | 1030 Walker Road | Hospitality Food Service | September 28, 2017 |
| Affinity Food Group Inc. o/a Wendy's Restaurant | 2850 Howard Avenue | Hospitality Food Service | March 21, 2017 |
| Robert Qose o/a Rob's Coffee | 1015 Erie Street East | Hospitality Food Service | June 9, 2017 |
| 2554460 Ontario Ltd. o/a Howard Johnson Windsor | 2530 Ouellette Avenue | Hospitality Food Service | March 7, 2017 |

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.

NOTIFICATION :

| Name | Address | Email Address | Telephone | FAX |
|------|---------|---------------|-----------|-----|
| | | | | |