

A G E N D A

WINDSOR LICENSING COMMISSION

Meeting to be held on Wednesday, April 27, 2022
at 9:30 o'clock a.m.
via Zoom video conference

1. **Call to Order**

2. **Minutes**

Adoption of the minutes of the meeting of the Windsor Licensing Commission held September 22, 2021 – *attached*.

3. **Disclosure of Interest**

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

5. **Communications**

No Communications at this time.

6. **Licence Transfers**

- (a) Estate of the Late Toni Zaatar Transfer of Taxicab Plate #16
Transferor

Mr. Eid Eid
Transferee

7. **Applications/Hearings**

None.

8. Reports & Administrative Matters**(a) Expired Application(s) for Business Licence**

The report of the Supervisor of Licensing dated April 27, 2022 entitled "Expired Application(s) for Business Licence" is **attached**.

9. In Camera Agenda – Items 9(a) and 9(b)

Section Pursuant to *Municipal Act 2001 as amended* – s. 239(2)(b):

"Personal matters about an identifiable individual, including municipal or local board employees".

The In Camera Agenda is provided for Members only.

10. Date of Next Meeting

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

11. Adjournment

Windsor Licensing Commission

Meeting held September 22, 2021

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

Councillor Ed Sleiman, Chair
Councillor Fabio Costante
Councillor Gary Kaschak

Regrets received from:

Jayme Lesperance
Harpreet Virk

Also present are the following resource personnel:

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

1. Call to Order

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

2. Adoption of the Minutes

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

Carried.

3. Disclosure of Interest

None disclosed.

4. Request for Deferrals, Referrals or Withdrawals

None.

5. Communications

None.

6. Licence Transfers

6(a) Transfer of Taxicab Plate #34

No one is present to speak to this matter.

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

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

Carried.

7. Applications/Hearings

7(a) Mohsen Farahat – Salvage Yard

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

It is generally agreed to proceed with the hearing.

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

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

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

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

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

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

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

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

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

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

Moved by Councillor Costante, seconded by Councillor Kaschak,

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

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

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

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

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

Carried.

8. Reports & Administrative Matters

(a) Expired Application(s) for Business Licence

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

Carried.

9. Date of Next Meeting

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

10. Adjournment

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

CHAIR

SECRETARY

Windsor Licensing Commission Report: ACLT/14336

Reference:

Date to Commission: April 27, 2022

Author: Craig Robertson, Licence Commissioner (A)

Report Date: March 28, 2022

To: Windsor Licensing Commission

Applicant/Licensee:

The Estate of the Late Toni Zaatar
1552 Imperial Crescent
Windsor, ON N9G 2T8
Transferor

and

Mr. Eid Eid
420 Olcott Avenue
LaSalle, ON N9J 3L1
Transferee

Licence Category:

Taxicab Plate Holder
Licence # 21 323261

Hearing Particulars:

Approve application with Conditions – Transfer of Taxicab Plate #16

Appended Materials:

- Copy of application from plate holder requesting transfer, being Appendix “A”
- Copy of application for plate transfer, transferee application, being Appendix “B”
- Proof of full-time employment status for Mr. Eid Eid, being Appendix “C”

Licence Commissioner's Comments:

The attached applications were received by the Licensing Division from Mrs. Zeina Zaatar on behalf of the Estate of the Late Toni Zaatar, Plate Holder of Taxicab #16, and from Mr. Eid Eid for the prospective transfer of Taxicab Plate #16.

Regulatory Authority:

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

Schedule 5 - Taxicab Drivers, Brokers, Taxicab and Taxicab Wheelchair Accessible Vehicle Owners, Part VII, Section 20.1 through 20.4:

"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."

Schedule 5 - Taxicab Drivers, Brokers, Taxicab and Taxicab Wheelchair Accessible Vehicle Owners, Part VII, Section 21.3:

"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:

- (h) the lessee is licensed by the City of Windsor as a taxicab driver;*

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- (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:

The following is the chronology of events as it relates to the licence transfer request for Taxicab Plate #16:

- March 15, 1022, transfer application and fee for taxicab plate #16 was submitted to the Licencing Division by Mrs. Zeina Zaatar on behalf of the Estate of the Late Toni Zaatar, being Appendix "A"
- March 24, 2022, transferee application and proof of full-time status as a taxicab driver for Mr. Eid Eid was submitted to the Licensing Division, being Appendices "B" and "C".

Summary:

According to the AMANDA database, Mr. Toni Zaatar had been the plate holder of taxicab plate #16 annually since 2011 until the time of his passing on January 10, 2019, at which time it was transferred to his estate, and is therefore compliant with Section 20.1 to Public Vehicle Licensing By-Law 137-2007 (amended by By-law 150-2018).

It is being requested that Taxicab Plate #16 be transferred to Mr. Eid Eid, who is currently not a licensed plate holder. Although Mr. Eid 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 January 15, 2019, which satisfies the requirements of Section 20.4(a) of

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Schedule 5 to Public Vehicle Licensing By-law 137-2007 (amended by By-law 150-2018).

Mr. Eid Eid must provide:

- (a) Verification of an appropriate vehicle to which he will affix taxicab plate #16, 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 the Estate of the Late Toni Zaatar in consideration of the transfer of taxicab plate #16

Recommendation:

To the Windsor Licensing Commission for decision on the following:

THAT the transfer of Taxicab Plate #16 from the Estate of the Late Toni Zaatar to Mr. Eid Eid **BE APPROVED** with the following conditions:

- i. Mr. Eid be given thirty (30) days from the date of the approval to submit a vehicle for inspection that complies with Schedule 5 to By-law 137-2007 (amended by By-law 150-2018), including a valid safety standards certificate.
- ii. Mr. Eid be given thirty (30) days from the date of the approval to submit a Taxicab Plate Holder application and pay the associated fee.
- iii. Mr. Eid be given thirty (30) days from the date of the approval to provide verification that full compensation has been made to the Estate of the Late Toni Zaatar in consideration of the transfer of Taxicab plate #16.
- iv. Mr. Eid shall not lease Taxicab plate #16 for a one year period as stated in Schedule 5, Section 21.3 of Licensing By-law 137-2007 (amended by By-law 150-2018).