

A G E N D A

WINDSOR LICENSING COMMISSION

For a meeting on Wednesday, July 21, 2021
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 April 21, 2021 – **attached**.
3. **Disclosure of Interest**
4. **Requests for Deferrals, Referrals or Withdrawals**
5. **Communications**
None.
6. **Licence Transfers**
None.
7. **Applications/Hearings**
 - (a) Wajid Farooq Livery Vehicle, Class D - Van
8. **Reports & Administrative Matters**
 - (a) **Expired Application(s) for Business Licence**
The report of the Supervisor of Licensing dated July 21, 2021 entitled "Expired Application(s) for Business Licence" is **attached**.
9. **Date of Next Meeting**
10. **Adjournment**

Windsor Licensing Commission

Meeting held April 21, 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
Jayme Lesperance

Regrets received from:

Harpreet Virk

Also present are the following resource personnel:

Gary Cian, Deputy Licence Commissioner & Senior Manager of Policy, Gaming, Licensing & By-law Enforcement
Bill Tetler, Manager of By-law Enforcement
Michael Coste, Fire Prevention Officer
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 Kaschak, seconded by J. Lesperance,
That the minutes of the Windsor Licensing Commission of its meeting held March 17, 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

None.

7. Applications/Hearings

(a) Removal of Name from Taxicab Drivers' Waiting List – Appeal

Mr. Ali Gharib, Applicant is not present to speak to this matter.

G. Cian provides an overview of the Hearing particulars as follows:

- Applicants that are on the Drivers' List are required to renew their application annually and pay the required fee.
- Mr. Gharib failed to renew his application and pay the fee by his anniversary date of February 22, 2021.
- Administration was required to strike his name from the Drivers' List in accordance with the regulations as set out in Schedule 5 to Bylaw No. 137-2007 (amended by Bylaw 150-2018). There are currently 21 people on the Driver's List.
- Mr. Gharib has exercised his right to file an appeal, petitioning the Windsor Licensing Commission to reinstate his name back on the list.

In response to a question asked by Councillor Kaschak regarding if a late fee penalty could be applied to the applicant, B. Tetler responds that the fees are set in the Bylaw. He adds that the applicant has been number seven on the Drivers' Waiting List since 2001.

Councillor Costante asks if matters such as these can be mediated before coming before the Windsor Licensing Commission.

G. Cian responds that once the deadline is missed, Administration is obligated to remove them from the Drivers' Waiting List, and it is up to the applicant to determine if they wish to appeal.

Councillor Costante asks in the past, what has been the decision of this Committee on similar issues.

G. Cian responds that he recollects only one instance where this occurred and the person was placed at the bottom of the list.

Councillor Kaschak suggests higher renewal fees, i.e. \$60. - \$70 which would act as a deterrent to missing the deadline to renew their application.

G. Cian indicates that the Bylaw would have to be amended to add for a penalty for late fees and this matter would have to come before City Council for approval.

B. Tetler adds that the man hours required to amend the Bylaw would outweigh any potential fees that they would receive.

J. Lesperance asks that if approved, will the applicant resume seventh place on the waiting list, and will this represent years of waiting.

B. Tetler responds that it would potentially be years of waiting and he adds the person with the most seniority has been on the list since 1996.

Moved by J. Lesperance, seconded by Councillor Costante,
WLC 5/2021 That Ali Gharib be permitted to re-apply and **BE RE-INSTATED** to his current position on the Taxicab Drivers' List.

Carried.

8. Reports & Administrative Matters

(a) Expired Application(s) for Business Licence

Moved by Councillor Costante, seconded by J. Lesperance,
That the report of the Supervisor of Licensing dated April 1, 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 9:56 o'clock a.m.

CHAIR

SECRETARY



Windsor Licensing Commission Report: ACL/14150

Reference:

Date to Commission: July 21, 2021
Author: Craig Robertson, Supervisor of Licensing
Report Date: June 25, 2021

To: Windsor Licensing Commission

Applicant/Licensee:

Mr. Wajid Farooq
St. Joachim Transport Services Inc.
843 County Road 2
Belle River, ON NOR 1A0

Licence Category:

Livery Vehicle, Class D - Van
Licence# 21 310075

Hearing Particulars:

Approve application with Conditions - Livery Vehicle, Class D

Appended Materials:

- Copy of licence application, being Appendix "A"
- Copy of Business Ownership Declaration, being Appendix "B"
- Copy of market study, being Appendix "C"
- Copy of schedule of rates, being Appendix "D"
- AMANDA screen capture showing the number of licensed Class 'D' Livery Vehicles, being Appendix "E"

Licence Commissioner's Comments:

A new application for a Class "D" Livery Vehicle licence was submitted on May 19, 2021 by Mr. Wajid Farooq of St. Joachim Transport Services Inc., 843 County Road 2, Belle River. The Licensing Division has no past records for this business.

Currently there are currently 2 Class "D" Livery Vehicle licensed in the City of Windsor.

Regulatory Authority:

The pertinent sections of Schedule 3 to By-law 137-2007 (amended by By-law 150-2018) relating to this application state:

2.1 The following limit on the number of licences shall be established and reviewed by the Licensing Commission from time to time:

(a)	Class B - Limousine	25 units
(b)	Class C - Executive	15 units
(c)	Class D - Van	30 units
(d)	Class E - Pedicab	10 units
(e)	Class F - Horse Drawn Carriage	12 units

4.1 Applicants for livery plate holder licenses in the first instance shall provide to the Licence Commissioner for consideration by the Licensing Commission:

- (a) type and number of vehicles to be operated; details of the nature of the operation;
- (b) details of the nature of the operation;
- (c) market studies or other information to justify the need for the service within the current marketplace, including details of any specific contracts for the service;
- (d) an assessment of the impact of the proposed service on existing "for hire" transportation services in the municipality; and,
- (e) rate structure proposed for the service for comparison with existing, competing services.

4.2 In addition to the requirements in 4.1, as may be applicable, no livery vehicle plate and associated livery plate holder licence shall be issued under this By-law until the following requirements have been met:

- (b) The applicant shall file with the Licence Commissioner evidence of ownership of such livery vehicle and proof that the livery vehicle to be licensed under this By-law has a valid vehicle permit issued under the Highway Traffic Act and is either registered in the name of the applicant or leased to the applicant;
- (e) the applicant shall file with the Licence Commissioner a safety standards certificate issued within 30 days of the date of the applicant's application;"

9.1 Every applicant for a livery vehicle plate holder licence shall file with the Licence Commissioner either a copy of the insurance policy or a certificate of insurance in respect of the livery vehicle which insurance shall meet the following requirements:

- (a) issuance by an insurer duly authorized to issue insurance within the Province of Ontario;
- (b) for each livery vehicle, liability coverage is in the amount of not less than THREE MILLION DOLLARS (\$3,000,000.00) for personal injury or property damage arising out of any one accident or occurrence;
- (c) it shall not be cancelled by the insurer until after fifteen (15) days written notice of such cancellation is given to the Licence Commissioner; and,
- (d) the owner of the livery vehicle shall be named as the insured and all insured livery vehicles shall be listed and described.

10.9 No Class D livery vehicle shall be more than ten (10) model years in age.

Background:

The following is an itemized list of documents submitted on May 19, 2021 on behalf of St. Joachim Transport Services Inc.:

- An application for a Class 'D' Livery Vehicle
- Business Ownership Declaration
- Articles of Incorporation
- Identification
- Market study
- Rate sheet
- Vehicle ownership
- Safety Standards Certificate
- Schedule of rates

Summary:

Currently there are 2 Class "D" Livery Vehicles licensed in the City of Windsor. Therefore, we are within the 30 vehicle limit contained in By-law 137-2007 (amended by By-law 138-2018).

Mr. Farooq has purchased the vehicle that the licence is being requested for, being a 2016 Toyota Sienna (V.I.N. 5TDZK3DC4GS747289) which is within the ten (10) year limit contained in By-law 137-2007 (amended by By-law 138-2018). The applicant has been made aware that should his application be approved, he must satisfy all requirements detailed in Schedule 3 to By-law 137-2007 (amended by By-law 138-2018) for the vehicle.

As noted in the regulation section, the Licensing Commission must review all new applications. The applicant has agreed to comply with all the requirements listed in Schedule 3 of Public Vehicle Licensing By-law 137-2007 (amended by By-law 138-2018) to the satisfaction of the Licence Commissioner. Therefore, it is being recommended for approval.

Recommendation:

THAT the livery vehicle plate holder application, submitted by Mr. Wajid Farooq on behalf of St. Joachim Transport Services Inc., 843 County Road 2, Belle River, ON NOR 1A0, to operate one (1) Class "D" -Livery Vehicle, namely a 2016 Toyota Sienna (V.I.N. 5TDZK3DC4GS747289), **BE APPROVED** with the following conditions:

- Mr. Farooq be given sixty (60) days from the date of this decision to submit proof of a valid certificate of insurance, satisfactory to Sections 4.2 and 9.1 of Schedule 3 to By-law 137-2007 (amended by By-law 138-2018),
- The vehicle must submit to and pass an inspection