

A G E N D A

WINDSOR LICENSING COMMISSION

Meeting to be held on Thursday, June 1, 2023
at 9:30 o'clock a.m.
via Zoom video conference

1. Call to Order

READING OF LAND ACKNOWLEDGEMENT

We [I] would like to begin by acknowledging that the land on which we gather is the traditional territory of the Three Fires Confederacy of First Nations, which includes the Ojibwa, the Odawa, and the Potawatomie. The City of Windsor honours all First Nations, Inuit and Métis peoples and their valuable past and present contributions to this land.

2. Disclosure of Interest

3. Adoption of the Minutes

Adoption of the minutes of the meeting of the Windsor Licensing Commission held March 29, 2023 – ***attached.***

4. Requests for Deferrals, Referrals or Withdrawals

5. Communications

No Communications at this time.

6. Licence Transfers

(a) Mr. Fernand Atieh
Transferor

Taxicab Plate #117

Mr. Adel El Chemi
Transferee

7. Applications/Hearings

None.

8. Reports & Administrative Matters

None.

(a) Expired Application(s) for Business Licence

The report of the Deputy Licence Commissioner dated May 15, 2023 entitled "Expired Application(s) for Business Licence" is ***attached***.

9. In Camera

No In Camera session.

10. Date of Next Meeting

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

11. Adjournment

Windsor Licensing Commission

Meeting held March 29, 2023

A meeting of the Windsor Licensing Commission is held this day commencing at 9:30 o'clock a.m. in the Council Chambers, City Hall, 350 City Hall Square West, there being present the following members:

Councillor Ed Sleiman, Chair
Councillor Renaldo Agostino
Councillor Angelo Marignani
Sharon Strosberg

Absent:

Harbinder Gill

Delegations in attendance:

Walter Bezzina, Project Manager Vets Cab, Javanshir Abdoulrahmanpour, Owner, Checker Cab, Marwan Abouzeeni, President of Unifor Local 195 regarding *Item 8 (a)*.

Also present are the following resource personnel:

Steve Vlachodimos, City Clerk & Licence Commissioner
Craig Robertson, Deputy Licence Commissioner
Janna Tetler, Senior Licence Issuer
Sandy Hansen, Licence Issuer
Karen Kadour, Committee Coordinator

1. Call to Order

Steve Vlachodimos, City Clerk & Licence Commissioner calls the meeting to order at 9:30 o'clock a.m. and the Windsor Licensing Commission considers the Agenda being Schedule A attached hereto, matters which are dealt with as follows:

The newly appointed Windsor Licensing Commission members for the 2022-2026 term and administration provide introductions.

Election of Chair

The Committee Coordinator calls for nominations from the floor for the position of Chair. Councillor Renaldo Agostino nominates Councillor Ed Sleiman seconded by

Councillor Angelo Marignani. The Committee Coordinator asks if there are further nominations from the floor for the position of Chair. Seeing none, the Committee Coordinator asks Councillor Sleiman if he accepts. Councillor Sleiman accepts and assumes the Chair.

2. Adoption of the Minutes

Moved by Councillor Angelo Marignani, seconded by Councillor Renaldo Agostino, That the minutes of the Windsor Licensing Commission of its meeting held November 23, 2022 **BE ADOPTED** as presented.

Carried.

3. Disclosures of Interest

None disclosed.

4. Request for Deferrals, Referrals or Withdrawals

None.

5. Communications

None.

6. Licence Transfers

6.(a) Transfer of Taxicab Plate #219

Mr. Mohammed Akhtar, Transferor and Mr. Nasr Al-Shaibie, Transferee appear before the Windsor Licensing Commission.

Moved by Councillor Renaldo Agostino, seconded by Councillor Angelo Marignani, **WLC 8/2023** That the transfer of Taxicab Plate #219 from Mr. Mohammed Akhtar to Mr. Nasr Al-Shaibie **BE APPROVED** with the following conditions:

- i. Mr. Al-Shaibie 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. Al-Shaibie 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. Al-Shaibie be given thirty (30) days from the date of the approval to provide verification that full compensation has been made to Mr. Mohammed Akhtar in consideration of the transfer of Taxicab plate #219.
- iv. Mr. Al-Shaibie shall not lease Taxicab plate #219 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

None.

8. Reports & Administrative Matters

(a) Taxicab Industry's Proposal for Meter Increase – City Wide

Walter Bezzina, General Manager, Vets Cab, Javanshir Abdoulrahmanpour, Owner, Checker Cab, and Marwan Abouzeeni, President of Unifor appear before the Windsor Licensing Commission.

Craig Robertson provides the following background information regarding the taxicab meter tariffs:

- On July 18, 2022, Licensing Administration received a proposal from Vets Cab and Unifor Local 195 requesting an increase to the City's taxicab meter rate and tariffs charged to the consumer.
- Section 151 subsection 156(1) of the *Municipal Act* 2001 provides that a local municipality under section 151 (Licensing Powers) of the Act with respect to the owners and drivers of taxicabs, may:
 - Establish the rates or fares to be charged for the conveyance of property or passengers either wholly within the municipality or from any point in the municipality to any point outside the municipality outside the municipality;
 - Provide for the collection of the rates or fares charged for the conveyance, and
 - Limit the number of taxicabs or any class of them.
- Requests to review or increase municipal taxicab meter rates is traditionally initiated by taxicab industries as a result of increased operating costs to provide public transportation services.
- It should be noted that the last increase to the City of Windsor's taxicab meter rates was in 2015.
- The Management of Vets Cab and Unifor Local 195 submitted a proposal to review the current taxicab meter rate and to consider amending Windsor's current

licensing by-law due to rising operating costs to provide public transportation to the community.

- Based on the stakeholder submission, the taxicab industry experienced an operational impact of 24% to date since the last meter rate increase in 2015. The taxicab industry has recognized that a 24% increase to the meter rate and tariffs would be detrimental to taxicab operations and the consumer, therefore a proposal for a 12% increase to the meter rate has been submitted for consideration.
- Administration reviewed the proposal and conducted a review of comparable municipalities and determined that the City of Windsor's current taxicab rates are on the lower end of the spectrum and that the proposed increase is reasonable compared to the municipalities researched.
- The City's taxicab meter rates and tariffs have not been reviewed or increased since 2015. Based on the taxicab industry's submission, Administration supports an increase to the taxi meter rate and tariffs being proposed and amending By-law No. 137-2007 (as amended by By-law No. 150-2018).

Walter Bezzina, Project Manager Vet's Cab appears before the Windsor Licensing Commission and refers to the "Taxicab Industry's Proposal for Meter Increase" document **attached** as Additional Information. He advises that as of January 1, 2023 the Cross Boarder Toll Rates increased from \$16.00 to \$18.50 for the Ambassador Bridge and as of January 15, 2023 increased from \$11.00 to \$13.50 for the Detroit Windsor Tunnel.

Javanshir Abdoulrahmanpour "Jay", Owner Checker Cab appears before the Windsor Licensing Commission and indicates that the large amount of traffic in the bridge/tunnel causes long wait times to traverse through to Canada. He adds that many drivers refuse to go to Detroit for these reasons.

Sharon Strosberg asks if the taxicab and the passenger pays the cost for the toll when they travel to Detroit. Jay Abdoulrahmanpour responds that the passenger pays the toll.

Moved by Councillor Angelo Marignani, seconded by Councillor Renaldo Agostino,

WLC 9/2023 THAT the existing taxicab meter rate and tariffs **BE INCREASED** based on the proposal submitted by Vets Cab and Unifor Local 195 to the following:

Drop Rate - \$4.25; and

Distance Increment - \$0.25 cents 142 meters; and

Waiting Time (passenger conveyance) \$30.00/hour; and

Waiting Time (services for board of education) - \$2.50; and

Cross Border Fees – meter rate plus \$12.00 CAD or \$9.00 USD plus tolls between Windsor and Detroit; and further,

THAT Appendix “A” of Schedule 5 to Public Vehicle Licensing by-law No. 137-2007 (as amended by By-law No. 150-2018) **BE AMENDED** accordingly if there are changes to the City’s current taxicab meter rate and tariffs.

Carried.

(b) Expired Applications(s) for Business Licence

In response to a question asked by Councillor Angelo Marignani, regarding the status of the businesses outlined in Item 8 (b), Craig Robertson responds that they issue licences under the by-law and there are certain requirements that the applicant has to satisfy including city inspections. He advises that some of the businesses noted in the report have closed, however some may be operating but have not satisfied their application requirement. This report is provided to the Commission for information purposes.

Moved by Councillor Angelo Marignani, seconded by Councillor Renaldo Agostino, That the report of the Deputy Licence Commissioner dated March 3, 2023 entitled “Expired Application(s) for Business Licence **BE RECEIVED**.”
Carried.

9. In Camera

No In Camera session is held.

10. Date of Next Meeting

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

11. Adjournment

There being no further business, the meeting is adjourned at 10:07 o’clock a.m.

CHAIR

COMMITTEE COORDINATOR



Windsor Licensing Commission Report: ACLT/14578

Reference:

Date to Commission: June 1, 2023

Author: Craig Robertson

Report Date: April 6, 2023

To: Windsor Licensing Commission

Applicant/Licensee:

Mr. Fernand Atieh
2144 Pelissier Street
Windsor, ON N8X 1N4
Transferor

And

Mr. Adel El Chemi
3676 Dougall Avenue
Windsor, ON N9E 1T4
Transferee

Licence Category:

Taxicab Plate Holder
Licence # 22 134763

Hearing Particulars:

Approve with Conditions – Transfer of Taxicab Plate #117

Appended Materials:

- Copy of letter from plate holder requesting exemption, being Appendix “A”
- Copy of Windsor Licensing Commission decision 2/2019, being Appendix “B”

Licence Commissioner’s Comments:

The attached letter (Appendix ‘A’) was received by the Licensing Division from Plate Holder, Mr. Fernand Atieh, requesting an exemption of the criteria under Public Vehicle

Licensing By-law 137-2007 (amended by By-law 150-2018) for the transfer of taxicab plate #117.

Regulatory Authority:

Schedule 5, Part VII, Section 20.1 through 20.4 of Public Vehicle Licensing By-law 137-2007 (amended by By-law 150-2018) 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:

- (h) 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;

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- (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:

- March 6, 2023, a letter requesting an exemption for the transfer of taxicab plate #117 was submitted by Mr. Fernand Atieh, being Appendix "A"

Summary:

According to the AMANDA database, the transfer of plate #117 to Mr. Fernand Atieh was approved by the Windsor Licensing Commission on June 26, 2019 (Decision 2/2019) and this licence has been renewed annually by the deadline prescribed under Public Vehicle By-law 137-2007 (amended by By-law 150-2018).

Even though Mr. Atieh does not meet the requirements of Section 20.1, it is being requested that he be permitted to transfer Taxicab Plate #117 due to personal circumstances, attached as Appendix "A". Administration has been made aware that Mr. Atieh has arranged Mr. Adel El Chemi as a prospective buyer of plate #117 we are prepared to recommend that a transfer be approved provided that the transferee meet all requirements as indicated in Public Vehicle By-law 137-2007 (amended by By-law 150-2018).

The prospective transferee must:

- (a) Submit a completed "Taxicab Plate Transfer" application;
- (b) Provide proof that they satisfy the eligibility criteria for inclusion on the Drivers' List per Section 20.4(a) of Schedule 5

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- (c) Submit a completed Plate Holder application and pay the associated fee;
- (d) Provide verification that full compensation has been made to Mr. Fernand Atieh in consideration of the transfer of taxicab plate #117

- (e) Provide verification of an appropriate vehicle to which they will affix taxicab plate #117, including a valid safety standards certificate;

Recommendation:

To the Windsor Licensing Commission for decision on the following:

THAT the transfer of Taxicab Plate #117 from Mr. Fernand Atieh to Mr. Adel El Chemi **BE APPROVED** with the following conditions:

- i. Mr. Atieh submit a completed "Taxicab Plate Transfer" application
- ii. Mr. El Chemi submit a completed "Taxicab Plate Transfer" application and provide proof that he satisfies the eligibility criteria for inclusion on the Drivers' List per Section 20.4(a) of Schedule 5
- iii. Mr. El Chemi 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.
- iv. Mr. El Chemi given thirty (30) days from the date of the approval to submit a Taxicab Plate Holder application and pay the associated fee.
- v. Mr. El Chemi given thirty (30) days from the date of the approval to provide verification that full compensation has been made to Mr. Fernand Atieh in consideration of the transfer of Taxicab plate #117.
- vi. Mr. El Chemi shall not lease Taxicab plate #117 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).

RECEIVED

MAR 6 2023

POLICY GAMING & LICENSING

3/6/2023

Craig Robertson (he/him)
**Deputy Licence Commissioner & Acting Senior Manager
of Policy, Gaming, Licensing & By-law Enforcement**

Office of the Commissioner - Legal & Legislative Services
Policy, Gaming, Licensing & By-law Enforcement
350 City Hall Square | Suite 110 | Windsor, ON | N9A 6S1

Dear Craig,

This is Fernand Atieh taxi driver and plate 117 holder.
Since I had my plate for less than 5 years and for unseen circumstances (close family member's sickness back home) and going thru financial hardship here in Canada I found myself obligated and with no other alternative than to sell the plate.

Therefore I am requesting from your office to kindly consider my situation by granting me the exemption to the five year deadline.

I am ready for any more information or explanation you may need from me.

Thank you for your time.

Sincerely yours



Fernand Atieh.



Council Services/City Clerk
WINDSOR LICENSING COMMISSION
Valerie Critchley, Licence Commissioner

**The Windsor Licensing Commission
Notice of Decision**

This following resolution was adopted by The Windsor Licensing Commission at its meeting held on June 26, 2019:

Moved by Councillor Costante, seconded by Councillor Kaschak,
WLC2/2019 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.
- Carried.

ACLT/13479 6(a)

Craig Robertson
Supervisor of Licensing/Deputy Licence Commissioner
April 11, 2023
/sp

Notification by REGISTERED MAIL

Mr. Don Ing
2196935 Ontario Limited

Mr. Fernand Atieh



Windsor Licensing Commission Report: n/a

Reference:

Date to Commission: June 1, 2023

Author: Craig Robertson, Deputy Licence Commissioner

Report Date: May 15, 2023

To: Windsor Licensing Commission

Subject:

Expired Application(s) for Business Licence

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 (amended by By-law 150-2018) 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.

Discussion:

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

- **2838696 Ontario Inc. o/a Church's Chicken**
2700 Tecumseh Road West, Windsor, ON N9B 3P9
Hospitality Food Service submitted on September 1, 2022
- **1000258548 Ontario Ltd. o/a Barkrs Brew Microbrewery**
635 University Avenue East, Windsor, ON N9A 2Z6
Hospitality Food Service submitted on November 9, 2022
- **2476926 Ontario Inc. o/a Ariius**
377 Riverside Drive East, Windsor, ON N9A 7H7
Entertainment Lounge submitted on August 3, 2022
- **2779590 Ontario Inc. o/a Harbour House**
9550 Riverside Drive East, Windsor, ON N8P 1A1
Hospitality Food / Liquor licence submitted on August 3, 2022
- **Dutt Abhishek o/a Dutt Convenience Store**
286 Ouellette Avenue, Windsor, ON N9A 1A5
Food Store and Tobacco licence submitted on March 10, 2023

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 (amended by By-law 150-2018).

Conclusion:

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



Craig Robertson
Deputy Licence Commissioner & Acting Senior Manager
of Policy, Gaming, Licensing & By-law Enforcement