

Windsor Licensing Commission

Meeting held February 26, 2020

A meeting of the Windsor Licensing Commission is held this day commencing at 9:30 o'clock a.m. in Room 204, 350 City Hall Square West, there being present the following members:

Councillor Ed Sleiman, Chair
Councillor Fabio Costante
Councillor Gary Kaschak
Harpreet Virk (arrives at 9:43 a.m.)

Regrets received from:

Jayne Lesperance

Also present are the following resource personnel:

Gary Cian, Deputy Licence Commissioner & Senior Manager of Policy, Gaming, Licensing & By-law Enforcement
Craig Robertson, Supervisor of Licensing
Bill Tetler, Manager of By-law Enforcement
Kevin Kuprowski, By-law Enforcement Officer
Janna Tetler, Senior Licensing Issuer
Sheri Miesmer, Municipal Gaming Analyst
Karen Kadour, Committee Coordinator

1. Call to Order

The Chair calls the meeting to order 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. Minutes

Moved by Councillor Costante, seconded by Councillor Kaschak,
That the minutes of the Windsor Licensing Commission of its meeting held January 22, 2020 **BE ADOPTED** as presented.
Carried.

3. Disclosure of Interest

None disclosed.

4. Request for Deferrals, Referrals of Withdrawals

None.

5. Communications

None.

6. Licence Transfers

(a) Transfer of Taxicab Plate #003

Kamel Kakish, Transferor and Ilir Baci, Transferee are present to speak to this matter.

Moved by Councillor Costante, seconded by Councillor Kaschak,
WLC2/2020 That the transfer of Taxicab Plate #003 from 1352063 Ontario Inc. to Mr. Ilir Baci **BE APPROVED** with the following conditions:

- I. Mr. Baci 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 (amended by By-law 150-2018), including a valid safety standards certificate.
- II. Mr. Baci must submit a Plate Holder application and pay the applicable fee.
- III. Mr. Baci shall provide verification that full compensation has been made to 1352063 Ontario Inc. in consideration of the transfer of taxicab plate #003.
- IV. Mr. Baci shall not lease the plate 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

(a) Dangerous Dog “Prince”

James Belcik,” and Eva Belcik guardians of “Prince” are present to speak to this matter.

C. Robertson advises the applicants are present to request an appeal of the dangerous dog designation. He notes that dog bites are governed under the *Dog Owners’ Liability Act* which establishes that an owner is liable for damages if his or her dog bites or attacks another person or domestic animal. As the dog bit the owner, this hearing is being reviewed by the Windsor Licensing Commission.

James Belcik, guardian provides the following comments relating to this matter:

- He disputes the fact that the weight of the dog is not 120 pounds as noted in the report but is 72 pounds.
- The bite to Eva Belcik was not severe and the dog has never bitten anyone. This incident was essentially an accident and occurred when E. Belcik moved the rawhide toy on the couch.
- The dog resides 6 months of the year in Leamington with another guardian.

G. Cian advises that the dog bite incident was brought to the attention of Administration and subsequently this matter is before the Windsor Licensing Commission for a decision in the event the dog bites again which could potentially cause liability to the City of Windsor.

C. Robertson states if the Licensing Commission agrees that the bite was not provoked, the dangerous dog designation could be modified to “potentially dangerous” and could provide their own recommendations. He further adds that the by-law requires that if a dog is deemed dangerous or potentially dangerous that the change of address and change of guardianship must be disclosed to that municipality.

Moved by Councillor Costante, seconded by Councillor Kaschak,
WLC3/2020 That the dangerous dog designation **BE CHANGED** to **POTENTIALLY DANGEROUS DOG** for the Siberian Husky known as “Prince” which currently resides with James Belcik and Eva Belcik at 1277 Parent Avenue, Windsor, Ontario, and further, that the following actions **BE REQUIRED** as a result of this designation:

1. To keep such dog, when in or on the property of another person with the person’s consent, on a leash and under the control of that person who is sixteen years of age or more.

2. Conspicuously display on his or her property a sign provided by the city warning that there is a potentially dangerous dog on the property.
3. And further, that if James Belcik or Eva Belcik transfers guardianship of the potentially dangerous dog to another person or changes the address at which the potentially dangerous dog is kept, the parties shall notify the City of Windsor's Licensing Division and furnish the particulars including the name and address of the new guardian in accordance with the City of Windsor's Dog Control By-law.

Carried.

(b) 5021118 Ontario Inc. o/a Elegance Limo – Livery Vehicle Class D-Van

Khalid Bulbul is present to speak to this matter.

Moved by Councillor Kaschak, seconded by H. Virk,

WLC4/2020 That the livery vehicle plate holder application, submitted by Mr. Khalid Bulbul on behalf of 5021118 Ontario Inc. o/a Elegance Limo Services, 4352 Pioneer Avenue, Windsor, Ontario N9G 2W9 to operate one (1) Class "D" – Livery Vehicle, namely a 2017 Chrysler Pacifica (V.I.N. 2C4RC1BG9HR551091), **BE APPROVED** with the following conditions:

- Mr. Bulbul be given sixty (60) days from the date of this decision to submit proof of a valid certificate of insurance, satisfactory to Sections 4.3 and 9.1 of Schedule 3 5o By-law 137-2007 (amended by By-law 138-2018),
- The vehicle must submit to and pass an inspection by the By-law Enforcement Unit.

Carried.

8. Reports & Administrative Matters

Expired Application(s) for Business Licence

Moved by Councillor Kaschak, seconded by H. Virk,

That the report of the Supervisor of Licensing dated February 3, 2020 entitled "Expired Application(s) for Business Licence" **BE RECEIVED.**

Carried.

9. In Camera

Verbal Motion is presented by Councillor Kaschak, seconded by Councillor Costante, to move In Camera at 10:20 o'clock a.m. for discussion of the following:

Item Nos.	Subject	Section – Pursuant to Municipal Act 2001, as amended
9(a), 9(b) 9(c)	Personal matter about an identifiable individual	s. 239(2)(b)

Motion Carried.

The applicants for 9(a), 9(b) and 9(c) are present and available to answer questions.

Discussion on the items of business.

Verbal Motion is presented by Councillor Kaschak, seconded by Councillor Costante, to move back into public session at 10:40 o'clock a.m.

Moved by Councillor Costante, seconded by Councillor Kaschak,
That the Clerk **BE DIRECTED** to transmit the recommendation(s)(contained in the report(s) discussed at the In Camera Windsor Licensing Commission meeting held February 26, 2020 directly to the Windsor Licensing Commission for consideration at the next Regular Meeting.

Moved by Councillor Kaschak, seconded by Councillor Costante,
WLC5/2020 That the In Camera report **9(a)** relating to a personal matter about an identifiable individual **BE RECEIVED** and further, that Administration **BE REQUESTED** to proceed in accordance with the verbal direction of the Windsor Licensing Commission.
Carried.

Moved by Councillor Kaschak, seconded by Councillor Costante,
WLC6/2020 That the In Camera report **9(b)** relating to a personal matter about an identifiable individual **BE RECEIVED** and further, that Administration **BE REQUESTED** to proceed in accordance with the verbal direction of the Windsor Licensing Commission.
Carried.

Moved by Councillor Kaschak, seconded by Councillor Costante,
WLC7/2020 That the In Camera report **9(c)** relating to a personal matter about an identifiable individual **BE RECEIVED** and further, that Administration **BE REQUESTED** to proceed in accordance with the verbal direction of the Windsor Licensing Commission.
Carried.

10. Date of Next Meeting

The next meeting will be held on March 25, 2020 at 9:30 a.m. in Room 204, 350 City Hall Square West.

11. Adjournment

There being no further business, the meeting is adjourned at 10:41 o'clock a.m.

CHAIR

SECRETARY