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Windsor, Ontario September 26, 2013

A meeting of the **Windsor Licensing Commission** is held this day commencing at 4:00 o'clock p.m. in the Council Chambers, 3rd floor, City Hall, there being present the following members:

Councillor Ron Jones, Chair
Councillor Drew Dilkens
Councillor Ed Sleiman

Regrets received from:

Jack Fathers

Also present are the following resource personnel:

Gary Cian, Manager of Policy Gaming & Licensing/Deputy Licence Commissioner
Michael Chantler, Supervisor of Licensing & Deputy Licence Commissioner
Werner Plackmen, Zoning Coordinator
Karen Kadour, Committee Coordinator

1. CALL TO ORDER

The Chair calls the meeting to order at 4:00 o'clock p.m. and the Commission considers the Agenda being Schedule "A" **attached** hereto, matters which are dealt with as follows:

2. MINUTES

Moved by Councillor Dilkens, seconded by Councillor Sleiman,
That the minutes of the Windsor Licensing Commission at its meeting held September 26, 2013 **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 Plate #132**

Mr. Don Ing, Transferor and Mr. Abdi Barre Abdullaahi, Transferee are present and available to answer questions.

Moved by Councillor Dilkens, seconded by Councillor Sleiman,
WLC16/13 That the transfer of Taxicab Plate #132 from 2196935 Ontario Limited to Mr. Abdi Abdullaahi **BE APPROVED** with the following conditions:

1. Mr. Abdullaahi 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.
2. Mr. Abdullaahi must submit a Plate Holder application and pay the applicable fee.
3. Mr. Abdullaahi 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.

7. **APPLICATIONS/HEARINGS**

7(a) **Mary Ferrar, Fantasy Playhouse – Body Rub Parlour – Owner**

No one is present to speak to the matter.

M. Chantler advises on May 30, 2013 Ms. Mary Ferrar attended the Licensing Office to make application for a Body Rub Parlour – Owner licence. He notes on June 7, 2013 the Zoning Coordinator indicated the current zoning does not allow for a body rub parlour at the desired location. A letter from the Licensing Department was sent to the applicant on June 1, 2013 requesting that she contact the Zoning Department to bring their application into compliance with Zoning By-law 8600. The applicant was provided a compliance deadline of June 27, 2013. As of July 29, 2013, the Zoning Coordinator had not received the necessary application for a change of use permit.

M. Chantler states the applicant failed to produce sufficient documentation demonstrating the applicant's right to occupy the premises. The applicant's current lease

states that she agrees to ensure that the use of the rented premises is for “residential purposes only and for no other purposes whatsoever”.

Moved by Councillor Dilkens, seconded by Councillor Sleiman,
WLC17/13 That the application for a Body Rub Parlour – Owner licence at 2478 Tecumseh Road East submitted by Mary Ferrar o/a Fantasy Playhouse **BE REFUSED**.
Carried.

8. REPORTS AND ADMINISTRATIVE MATTERS

8(a) Expired Application(s) for Business Licence

Moved by Councillor Dilkens, seconded by Councillor Sleiman,
That the report of the Supervisor of Licensing and Deputy Licence Commissioner dated September 9, 2013 entitled “Expired Application(s) for Business Licence” **BE RECEIVED** for information.
Carried.

7(b) Alex Ubavin, Bosch Auto Service – Automobile Service Station – Repairs

Alex Ubavin, Owner, Bob Brkovich, (translator) and Brian Rizok are present and available to answer questions. Mr. Ubavin distributes a document entitled “Zoning Issues – History of Subject Business Property, 3527 Sandwich Street”, ***attached*** as Appendix “A”.

M. Chantler states an Automobile Services Station licence was issued to Mr. Alex Ubavin for Bosch Auto Service on September 27, 2012. A By-law Enforcement Officer attended 3527 Sandwich Street on July 19, 2013. He noted there was an Automobile Service Station licence issued for the address, however, there was no business being carried on at the premises.

Mr. Ubavin requests that the Windsor Licensing Commission allow him to keep his licence, as he plans to operate his business.

B. Brkovich requests the licence be extended for an additional year.

In response to a question asked by Councillor Sleiman regarding if the property is sold or leased, how the zoning (residential) will be affected, W. Plackman responds the current zoning stays with the property.

M. Chantler states if the property is leased, the business licence is not transferable and the new owner would have to make a new application which would be forwarded to the Building Department to ensure zoning compliance.

Councillor Dilkens states the land is zoned residential and has site specific zoning which allows for a business, however, it is not operating. He suggests the \$188 payment be put to better use by the applicant if he is trying to fix up the property.

Moved by Councillor Dilkens, seconded by Councillor Sleiman,
WLC18/13 That Automobile Service Station – Repairs Licence #12-142051, issued to Mr. Alex Ubavin (Bosch Auto Service) at 3527 Sandwich Street, Windsor Ontario **BE REVOKED.**

Carried.

9. IN CAMERA AGENDA

Verbal Motion is presented by Councillor Dilkens, seconded by Councillor Sleiman, to move In Camera at 4:25 o'clock p.m. for discussion of the following item:

| Item No. | Subject | Section Pursuant to Municipal Act 2001, as amended |
|----------|---|--|
| 9(a) | Personal matters about an identifiable individual | s. 239(2)(b) |

Motion Carried.

The applicant is present and available to answer questions.

Discussion on the item of business.

Verbal Motion is presented by Councillor Sleiman, seconded by Councillor Dilkens to move back into public session at 4:40 o'clock p.m.

Moved by Councillor Dilkens, seconded by Councillor Sleiman,

That the Licence Commissioner **BE DIRECTED** to transmit the recommendations contained in the report(s) discussed at the In Camera Windsor Licensing Commission meeting held September 26, 2013 directly to the Windsor Licensing Commission for consideration at the next Regular meeting.

Moved by Councillor Dilkens, seconded by Councillor Sleiman,
WLC19/13 That the In Camera report of the Licence Commissioner respecting 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.

Motion Carried.

10. **NEW BUSINESS**

None.

11. **DATE OF NEXT MEETING**

The next meeting of the Windsor Licensing Commission will be held on October 24, 2013 at 4:00 o'clock p.m. in the Council Chambers, 3rd floor, City Hall.

12. **ADJOURNMENT**

There being no further business, the meeting is adjourned at 4:42 o'clock p.m.

CHAIR

SECRETARY

A G E N D A

WINDSOR LICENSING COMMISSION

For a meeting on Thursday, September 26, 2013 at 4:00 o'clock p.m.
Windsor City Hall, 350 City Hall Square West
3rd floor – Council Chambers

1. CALL TO ORDER

2. MINUTES

Adoption of the minutes of the meeting of the Windsor Licensing Commission held August 22, 2013 (copy attached).

3. DISCLOSURE OF INTEREST

4. REQUESTS FOR DEFERRALS, REFERRALS OR WITHDRAWALS

5. COMMUNICATIONS

6. LICENCE TRANSFERS

- | | | |
|-----|---------------------------|------------------------|
| (a) | 2196935 Ontario Limited | Transfer of Plate #132 |
| | Mr. Don Ing | |
| | Transferor | |
| | Mr. Abdi Barre Abdullaahi | |
| | Transferee | |

7. APPLICATIONS/HEARINGS

- | | | |
|-----|--------------------------------|--------------------------|
| (a) | Mary Ferrar, Fantasy Playhouse | Body Rub Parlour - Owner |
|-----|--------------------------------|--------------------------|

- (b) Alex Ubavin, Bosch Auto Service Automobile Service Station –
Repairs

8. REPORTS AND ADMINISTRATIVE MATTERS

- (a) Expired Application(s) for Business Licence

9. IN-CAMERA AGENDA

| Item No. | Subject | Section – Pursuant to Municipal Act 2001, as amended |
|----------|---|--|
| 9(a) | Personal matter about an identifiable individual | s. 239(2)(b) |

10. NEW BUSINESS

11. DATE OF NEXT MEETING

The following 2013 meetings are scheduled for the Licensing Commission:

| | | |
|-------------------|-----------|------------------|
| October 24, 2013 | 4:00 p.m. | Council Chambers |
| November 28, 2013 | 4:00 p.m. | Council Chambers |

12. ADJOURNMENT

Date : September 26, 2013

BOSCH AUTO SERVICE

3527 Sandwich Street
Windsor, ON N9C 1B6

Phone: (519) 252-6601

Fax: (519) 252-6498

Alex Ubavin, Owner

ZONING ISSUES

"HISTORY OF SUBJECT BUSINESS PROPERTY"

3527 SANDWICH STREET

PART LOT 17 AND PART LOT 18

1. I bought 3527 Sandwich Street in 1968 with a C2 General Commercial zoning.
2. June 18, 1979 – Under by-law 1743 updated, Map 2A, shows Bosch Auto Service and land was changed to Residential without given notice to me and in this matter I lost the opportunity to Appeal. Furthermore, I discovered that my business and land do not affect any official plan. Also, there is no evidence that Alex Ubavin applied only for convenience store and gas bar; the fact is, the original application stated to return my Commercial property.
3. On October 20, 1988 Olco Petroleum was interested in leasing a portion of my property for a first-class Gas Bar.
4. At the time this letter was issued, Olco Petroleum was prepared to guarantee me .04 (4¢) per litre, based on an estimated volume of 2 million litres.
5. Alex Ubavin lost the opportunity because the property was rezoned Residential.
6. I would need one year extension on my garage licence.

Respectfully,

Alex Ubavin

File #13-0920-History (presentation)

APPENDIX "A"

Date _____

BOSCH AUTO SERVICE

**3527 Sandwich Street
Windsor, ON N9C 1B6**

Phone: (519) 252-6601

Fax: (519) 252-6498

Alex Ubavin, Owner

ZONING ISSUES

“HISTORY OF SUBJECT BUSINESS PROPERTY”

3527 SANDWICH STREET

PART LOT 17 AND PART LOT 18

1. I Alex Ubavin, Canadian citizen, purchased the property in 1968 under by-law 1743, and zoning by-law 728 and Area Map 2A, property was zoned C2 General Commercial.
2. June 18, 1979 – Under by-law 1743 updated, Map 2A, shows Bosch Auto Service and land was changed to Residential without given notice to me and in this matter I lost the opportunity to Appeal. Furthermore, I discovered that my business and land do not affect any official plan. Also, there is no evidence that Alex Ubavin applied only for convenience store and gas bar; the fact is, the original application stated to return my Commercial property.
3. On October 20, 1988 Olco Petroleum was interested in leasing a portion of my property for a first-class Gas Bar.
4. At the time this letter was issued, Olco Petroleum was prepared to guarantee me (Alex Ubavin) .40 (4¢) per litre, based on an estimated volume of 2 million litres.
5. Alex Ubavin lost the opportunity because the property was rezoned Residential.

Respectfully,

Alex Ubavin