

A G E N D A

WINDSOR LICENSING COMMISSION

Meeting to be held on Wednesday, August 28, 2024
at 9:30 o'clock a.m.

Meeting Room 204, 350 City Hall Square West

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 April 23, 2024 – *attached*.

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

5. **Communications**

No Communications at this time.

6. **Licence Transfers**

(a) Andom Gebrzgie
Transferor

Taxicab Plate #001

Assad Hurmuzlu
Transferee

6. Request to extend Estate Trustee as Plate Holder for Taxicab Plate #088

(b) Golmar Karimi, Trustee for the Estate of the Late Fazlullah Rezagian

7. Applications/Hearings

None.

8. Reports & Administrative Matters

(a) Response to Request to Eliminate Age Limits for Wheelchair Accessible Taxicabs and Reduced Licence Fees – City Wide

The report of the Deputy Licence Commissioner dated August 28, 2024 entitled “Response to Request to Eliminate Age Limits for Wheelchair Accessible Taxicabs and Reduced Licence Fees – City Wide ” is ***attached***.

(b) Expired Application(s) for Business Licence

The report of the Deputy Licence Commissioner dated July 22, 2024 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 April 23, 2024

A meeting of the Windsor Licensing Commission is held this day commencing at 9:30 o'clock a.m. in Room 522b, 350 City Hall Square West, there being present the following members:

Councillor Ed Sleiman, Chair
Councillor Renaldo Agostino
Councillor Angelo Marignani
Harbinder Gill

Regrets received from:

Jayne Lesperance

Delegations in attendance:

Trivousa Shalaby and Reham Shah regarding ***Item 6 (a)***
Nikeshkumar Vinubhai Narola regarding ***Item 7 (a)***

Also present are the following resource personnel:

Steve Vlachodimos, City Clerk and Licence Commissioner
Craig Robertson, Manager, Licensing & Enforcement, Deputy Licence Commissioner
Rory Sturdy, Supervisor of By-law Enforcement
Jeff Goldthorpe, Fire Prevention Officer
John Smith, 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. Disclosure of Interest

None disclosed.

3. 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 December 7, 2023 **BE ADOPTED** as presented.
Carried.

4. Requests for Deferrals, Referrals or Withdrawals

None.

5. Communications

No communications at this time.

6. Licence Transfers

Trivousa Shalaby, Transferor and Rehan Shah, Transferee appear before the Windsor Licensing Commission regarding the transfer of Taxicab Plate #034.

Craig Robertson provides the following remarks regarding the licence request:

- On January 10, 2024, transfer application and fee for taxicab plate #034 was submitted by Trivousa Shalaby
- On January 12, 2024, transferee application and proof of full-time status as a taxicab driver for Rehan Shah was submitted.
- On January 18, 2024, Trivousa Shalaby submitted a letter requesting that Plate #034 be transferred prior to the allowable terms that are provided in the Public Vehicle Licensing By-law.
- As a plate holder one is not permitted to transfer the plate within the first five years unless one has permission from the Licensing Commission.
- Administration has reviewed the applications and is prepared to recommend the transfer takes place.

Moved by Councillor Angelo Marignani, seconded by Councillor Angelo Agostino, **WLC 1/2024** That the transfer of Taxicab Plate #034 from Trivousa Shalaby to Rehan Shah **BE APPROVED** with the following conditions:

- i. Rehan Shah 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 150-2018, including a valid safety standards certification.
- ii. Rehan Shah be given thirty (30) days from the date of the approval to submit a Taxicab Plate Holder application and pay the associated fee.

- iii. Rehan Shan be given thirty (30) days from the date of the approval to provide verification that full compensation has been made to Trivoousa Shalaby in consideration of the transfer of Taxicab plate #034.
- iv. Rehan Shah shall not lease Taxicab plate #034 for a one year period as stated I Schedule 5, Section 21.3 of Licensing By-law 150-2018.
Carried.

7. Applications/Hearings

Nikeshkumar Vinubhai Narola, Manager, 2494119 Ontario Inc. operating as Subway Sandwiches, 1115 Ouellete Avenue appears before the Windsor Licensing Commission on behalf of the licensee Harjinder Singh Grewal regarding the Hospitality Food Service Licence #23 018660.

Craig Robertson advises that the hearing being held today is to refuse a hospitality food service based on fire deficiencies that have not been corrected. Fire Prevention Officer Jeff Goldthorpe received verification from the responsible body that monitors fire extinguishers that would indicate that the owner has complied at this time with the fire deficiencies. So, at this point the Fire Department and Licensing Administration is prepared to allow renewal of the license, however, they will be subject to a penalty for noncompliance as they did not acquire their licence on time. Administration will allow the renewal of the licence subject to licence penalties under the By-law.

Fire Prevention Officer Jeff Goldthorpe advises that the reinspection fee is \$169.50 to reinspect and ensure that the work has been done. He notes he will also reinspect the emergency lights and the fire extinguisher and a concern regarding an exit sign that had been removed.

Sandy Hansen adds that the administrative cost to process the application is \$95.00.

Nikeshkumar Vinubhai Narcia indicates that the applicant is currently in India (returning on May 3, 2024) and adds that the deficiencies have been corrected.

Moved by Councillor Angelo Marignani, seconded by Councillor Renaldo Agostini, **WLC 2/2024** That the renewal of Hospitality Food Service Licence #23 018660 submitted by Harjinder Singh Grewal on behalf of 2494119 Ontario Inc. o/a Subway Sandwiches located at 115 Ouellette, Windsor, ON, N9A 4K1 **BE APPROVED** subject to fire inspection approval and associated fees and payment of late renewal fees to process the late application for this year within two weeks from the date of this decision.

Carried.

8. Reports and Administrative Matters

(a) Expired Application(s) for Business Licence

Moved by Councillor Angelo Marignani, seconded by Councillor Renaldo Agostino,
That the report of the Deputy Licence Commissioner dated March 21, 2024 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 9:50 o'clock a.m.



Windsor Licensing Commission Report: ACLT/14810

Reference:

Date to Commission: August 28, 2024

Author: Craig Robertson, Deputy Licence Commissioner

Report Date: July 19, 2024

To: Windsor Licensing Commission

Applicant/Licensee:

Andom Gebrzgie

[REDACTED]

Windsor, ON N9A 5R4

Transferor

And

Assad Hurmuzlu

[REDACTED]

Windsor, ON N9E 4J6

Transferee

Licence Category:

Taxicab Plate Holder

Licence # 001

Hearing Particulars:

Approve with Conditions – Transfer of Taxicab Plate #001

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 Assad Hurmuzlu, being Appendix "C"

Licence Commissioner's Comments:

The attached applications were received by the Licensing Division from Andom Gebrzgie, Plate Holder of Taxicab Plate #001, and from Assad Hurmuzlu for the prospective transfer of Taxicab Plate #001.

Regulatory Authority:

Schedule 5, Part VII, Section 20.1 through 20.4 of Licensing 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;

Item No. 6(a)

- (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:

- May 13, 2024, transfer application and fee for taxicab plate #001 was submitted by Andom Gebrzgie, being Appendix "A"
- May 13, 2024, transferee application and proof of full-time status as a taxicab driver for Assad Hurmuzlu was submitted, being Appendices "B" and "C".

Summary:

According to the AMANDA database, Andom Gebrzgie has been the plate holder of taxicab plate #001 annually since 2018. Section 20.1 of Schedule 5 to Public Vehicle Licensing By-Law 150-2018 states that a plate may not be transferred for a period of at least five (5) years from the date of issue of the licence unless otherwise approved by the Windsor Licensing Commission.

It is being requested that Taxicab Plate #001 be transferred to Assad Hurmuzlu, who is currently not a licensed plate holder. Although Assad Hurmuzlu 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 April 2015, which satisfies the requirements of Section 20.4(a) of Schedule 5.

Item No. 6(a)

Administration is prepared to recommend that the transfer be approved, based on the circumstances noted, provided that the transferee meets all requirements as indicated in the Public Vehicle By-law 150-2018.

Assad Hurmuzlu, the prospective transferee must provide:

- (a) Verification of an appropriate vehicle to which he will affix taxicab plate #001, 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 Andom Gebrzgie in consideration of the transfer of taxicab plate #001.

Recommendation:

To the Windsor Licensing Commission for decision on the following:

THAT the transfer of Taxicab Plate #001 from Andom Gebrzgie to Assad Hurmuzlu **BE APPROVED** with the following conditions:

- i. Assad Hurmuzlu 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 150-2018, including a valid safety standards certificate.
- ii. Assad Hurmuzlu be given thirty (30) days from the date of the approval to submit a Taxicab Plate Holder application and pay the associated fee.
- iii. Assad Hurmuzlu be given thirty (30) days from the date of the approval to provide verification that full compensation has been made to Andom Gebrzgie in consideration of the transfer of Taxicab plate #001.
- iv. Assad Hurmuzlu shall not lease Taxicab plate #001 for a one year period as stated in Schedule 5, Section 21.3 of Licensing By-law 150-2018.

Selling



OFFICE OF THE CITY CLERK

Policy, Gaming & Licensing

350 City Hall Square West - Suite 110
Windsor, ON N9A 6S1
Ph: (519) 255-6200, Opt.-1 Fax (519) 255-6868
www.citywindsor.ca

TAXICAB PLATE TRANSFER
TRANSFEROR

Appendix "A"

PLATE TRANSFER FEE \$400.00

Pursuant to Public Vehicle Licensing By-Law 150-2018, Schedule 5, Section 20 "Transfer of Licences Issued Prior to the passing of this By-Law (Plate #001 - #224 inclusive)", please be advised that I am the Plateholder of the City of Windsor Taxicab Plate No. 001 and I wish to transfer my plate in accordance with By-Law 150-2018. I am currently licenced as a Plateholder with respect to the operation of the following vehicle.

Form with fields: YEAR: 2018, MAKE & MODEL: Dodge Journey, VIN: 3C4PBCAB4JT229693, COMPANY NAME: Uet.ca.

PLEASE PRINT CLEARLY

Form with fields: NAME: (PRINT CLEARLY) ANDOM Gebrzgie, SIGNATURE: [Signature], ADDRESS: [Redacted], CITY: Windsor ONT., POSTAL CODE: [Redacted], HOME PHONE: [Redacted], CELL PHONE: [Redacted]. Includes RECEIVED stamp dated MAY 13 2024 and POLICY GAMING & LICENSING.

- By making this application for transfer, I hereby acknowledge that the transfer is not complete until approved by the Windsor Licensing Commission.

NOTICE WITH RESPECT TO COLLECTION OF PERSONAL INFORMATION

I acknowledge that the information requested on this form and any appendices attached is collected under the authority of the Municipal Act, City of Windsor Act and City of Windsor Public Vehicle By-law 150-2018 and will be maintained in accordance with the Municipal Freedom of Information and Protection of Privacy Act. The information is required in order to process, issue, monitor, regulate and investigate the various licenses issued by the Windsor Licensing Commission. The name is public information. Any other personal information collected will only be used for investigative purposes. Questions about this collection can be made to the Deputy Licence Commissioner, 350 City Hall Square West - Suite 110, Windsor, ON N9A 6S1 (519) 255-6200, Option 1.

I acknowledge that I shall not commence operation of a taxicab vehicle until the formal licence is issued to me.

May 13/2024

DATE (MM/DD/YYYY)

[Signature]

SIGNATURE OF APPLICANT & TITLE

OFFICE USE ONLY DATE STAMP
STAFF INITIALS



"At your service for over 60 years 519-256-2621"

DIVISION OF WINDSOR AIRLINE LIMOUSINE SERVICES LIMITED

Appendix "C"

May 14, 2024

TO: The Corporation of the City of Windsor
Office of the City Clerk
Policy, Gaming & Licensing

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MAY 13 2024

POLICY GAMING & LICENSING

SUBJECT: Driver's List Application

APPLICANT: ASSAD HURMUZLU

TAXICAB LICENSE NUMBER: 23-031391

This letter will serve to introduce the above captioned individual who has been a driver continuously and is presently earning a living in the City of Windsor as a taxicab driver on a full-time basis since September 12, 2015 and has worked at least 35 hours per week for 40 weeks in the year prior to this application.

At this writing, the company is not aware of any outstanding charges or convictions against the named driver under by-law 150-2018.

If further information is required, please do not hesitate to contact the writer.

Kind regards,

Vets Cab Company

Bill Oag



Reference:

Date to Commission: August 28, 2024
Author: Craig Robertson, Deputy Licence Commissioner

Report Date: July 25, 2024

To: Windsor Licensing Commission

Applicant/Licensee:

Golmar Karimi, Trustee for the Estate of the
Late Fazlullah Rezagian

████████████████████
Windsor, ON N9G 2T9

Licence Category:

Taxicab Plate Holder
Licence # 088

Hearing Particulars:

Request to extend Estate Trustee as Plate Holder for Taxicab Plate #088

Appended Materials:

- Copy of a *Last Will and Testament* naming Golmar Karimi as estate trustee, being Appendix "A"
- File copy of Taxicab Plate Holder licence #088, being Appendix "B"
- Copy of letter dated May 27, 2024, requesting extension to transfer Taxicab Plate #088 from estate trustee Golmar Karimi, being Appendix "C"

Licence Commissioner's Comments:

Golmar Karimi, Estate Trustee for the late Fazlullah Rezagian, submitted the attached letter (Appendix "C") requesting an extension to the time frame that she is permitted to hold Taxicab Plate #088 and its associated Taxicab Plate Holder licence as governed under the City of Windsor's Public Vehicle Licensing By-law 150-2018.

Regulatory Authority:

Schedule 5, Part VII, Section 20.5 and 20.6 of Public Vehicle Licensing By-law No. 150-2018 states:

20.5 *Subject to the restrictions herein, taxicab plates numbered 001 to 224 inclusive may be transferred by an estate, provided that:*

(a) *within 30 days following the death of an individual holding one or more taxicab plates and associated taxicab plate holder licences, the estate trustee shall file with the Licence Commissioner:*

(i) *proof of death of the individual in the form of an original Funeral Director's Statement of Death; and*

(ii) *a copy of the Certificate of Appointment of Estate Trustee.*

20.6 *On the death of an individual holding one or more taxicab plates and associated taxicab plate holder licenses:*

(a) *the estate trustee may continue to hold any taxicab plates and associated taxicab plate holder licenses for up to two (2) years following the date of death, subject to the requirements of this By-law;*

(b) *during the two (2) year period following the date of death, the estate trustee may transfer the taxicab plate(s) and associated taxicab plate holder licence(s) to anyone meeting the eligibility requirements for inclusion on the Drivers' List, including the estate trustee in his or her personal capacity;*

(c) *after the expiry of two (2) years following the date of death, all taxicab plates and associated taxicab plate holder licenses that have not been transferred in accordance with subsections (a) or (b) shall be revoked and must be immediately returned to the Licence Commissioner by the estate trustee.*

(d) *Notwithstanding subsection (c), if the estate trustee has not transferred all taxicab plates and associated taxicab plate holder licenses in accordance with subsections (a) or (b), the estate trustee may request a hearing of the Licensing Commission to consider an extension of up to one (1) year before revocation.*

Background:

- September 13, 2022, the Licensing Division is notified from *Vets Cab* Administration of the death of Fazlullah Rezagian, plate holder of Taxicab Plate #088.
- January 10, 2023, a registered letter is sent by the Deputy Licence Commissioner to trustee, Golnar Karimi requesting direction from the estate pertaining to Taxicab Plate #088 in accordance to the regulations under the City of Windsor's Public Vehicle Licensing By-law 150-2018.

Item No. 6(b)

- March 2, 2023, The Licensing Division is in receipt of a proof of death certificate for Fazlullah Rezagian. This document is not included as an appendix to this report as it is deemed personal information under the *Municipal Freedom of Information and Protection of Privacy Act (MFIPPA)*. The Deputy Licence Commissioner reviewed the document and was satisfied with content.
- March 2, 2023, the Licensing Division is in receipt of a *Last Will and Testament* of Fazlullah Rezagian naming Golnar Karimi trustee, being Appendix "A".
- May 27, 2024, the Licensing Division is in receipt of a letter from trustee, Golnar Karimi requesting an extension to transfer City of Windsor Taxicab Plate #088, being Appendix "C".

Summary:

According to the City's licensing database (AMANDA), Fazlullah Rezagian had been the plate holder of Taxicab #088 annually since 2018; Mr. Rezagian died on September 10, 2022.

On February 22, 2023, the Licensing Division was notified of Golnar Karimi's intentions to transfer Taxicab Plate #088. Upon obtaining the Last Will and Testament of Fazlullah Rezagian,, naming Golnar Karimi as Estate Trustee, in accordance to the City's regulations Golnar Karimi is permitted to hold Taxicab Plate #088 and the associated plate holder licence for no more than two (2) years from the date of Fazlullah Rezagian's passing.

As noted under *Regulatory Authority*, the Estate Trustee may request a hearing of the Windsor Licensing Commission to consider an extension of up to one (1) year if the Estate Trustee has not transferred all taxicab plates and associated taxicab plate holder licenses within the two (2) year timeframe permitted under By-law 150-2018.

On May 27, 2024, the Licensing Division was in receipt of a letter from Golnar Karimi requesting an extension to transfer City of Windsor Taxicab Plate #088 as she had encountered financial difficulty since the passing of Fazlullah Rezagian. Golnar Karimi is requesting that the Windsor Licensing Commission approve an extension of an additional 12 months to transfer Taxicab Plate #088 as outlined under by-law 150-2018.

Given the circumstances mentioned above Administration does not find Golnar Karimi's request for an extension to be unreasonable.

It should be noted that in accordance with the City's Public Vehicle Licensing By-law 150-2018 that failure for Golnar Karimi to transfer Taxicab Plate #088 by any extended deadlines will result with the plate being automatically revoked and returned to the Licence Commissioner to offer to the next eligible taxicab driver on the *Driver's List*.

Recommendation:

To the Windsor Licensing Commission for decision on the following:

- i. **THAT** the Windsor Licensing Commission **RECOMMEND** to City Council **THAT** the request to permit Golnar Karimi, Estate Trustee, to hold City of Windsor Taxicab Plate #088 and any associated licenses **BE APPROVED** until September 10, 2025, and further **THAT** Taxicab Plate #088 **BE REVOKED** and **RETURNED** to the Licence Commissioner should the taxicab plate not be transferred on or before September 10, 2025.

THIS IS THE LAST WILL AND TESTAMENT of me, **FAZLULLAH REZAGIAN**, of the City of Windsor, in the County of Essex and the Province of Ontario.

1. **I HEREBY REVOKE** all wills and codicils that I have made before the time of signing this Will, and declare this only to be my last Will.
2. **I NOMINATE, CONSTITUTE AND APPOINT** my wife, **GOLNAR KARIMI**, to be the Estate Trustee of this my Will, provided that should my said wife predecease me or should she die before the administration of my estate has been completed, or should she be unwilling or unable to act, **I NOMINATE, CONSTITUTE AND APPOINT** my daughter, **KIEMIA REZAGIAN**, and my daughter, **AVA REZAGIAN**, *jointly and severally*, to be the Estate Trustees of this my Will, in the place and stead of my said wife, **GOLNAR KARIMI**. The expression my "Trustee" hereinafter used shall mean the Estate Trustee(s) for the time being of this my Will.
3. **I GIVE, DEVISE AND BEQUEATH** all my property of every nature and kind and wheresoever situate, including any property over which I may have a general power of appointment, to my said Trustee upon the following trusts, namely:
 - (a) To deliver all articles of personal, domestic and household use or ornament, belonging to me at my death, including consumable stores and any automobiles and accessories thereto owned by me, to my wife, **GOLNAR KARIMI**, if she shall have survived me;
 - (b) To use my Trustee's discretion in the realization of my estate, with power to my Trustee to sell, call in and convert into money any part of my estate not consisting of money, at such times and upon such terms as my Trustee deems advisable, or to postpone the sale, calling in or conversion of any part of my estate, or to retain any part of my estate in the form in which it may be at my death for such length of time as my Trustee considers advisable, notwithstanding that it may not be in the form of an investment in which trustees are authorized to invest trust funds;
 - (c) To pay out of the capital of my estate my just debts, funeral and testamentary expenses, and all income taxes, estate, legacy, inheritance and succession duties or taxes, imposed by the law of any domestic or foreign jurisdiction whatsoever that may be payable in connection with any property passing, or

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deemed to pass by any governing law, on my death;

- (d) To pay, transfer, and deliver all the rest and residue of my estate to my wife, **GOLNAR KARIMI**, if she shall have survived me;
- (e) In the event that my said wife fails to survive me, then to pay, transfer, and deliver all the rest and residue of my estate to my issue who survive me in equal shares *per stirpes*, but in the event that no issue shall have survived me, then to pay, transfer and deliver all the rest and residue of my estate to my niece, **SHAHNAZ SHIRAZI**, if she shall have survived me;
- (f) If any person should become entitled to a share or other interest in my Estate before attaining the age of twenty-one (21) years, my Trustee is authorized to hold the share or other interest of such person and to keep the same invested and the income and capital, or so much thereof as my Trustee in my Trustee's absolute discretion may consider necessary or advisable, may be used for the general welfare, education, advancement and benefit of such person until such person attains the age of twenty-one (21) years and the receipt of the parent or guardian of such person shall be a sufficient discharge to my Trustee for any such payments made during the minority of such person.

4. I DIRECT that:

- (a) Any gift or inheritance to which any person is or shall become entitled in accordance with the provisions of this my will, or any property substituted therefor ("Substituted Property");
- (b) Any income at any time subsequently derived from such gift, inheritance, or Substituted Property;
- (c) Any accretion in value to such gift, inheritance, or Substituted Property; and,
- (d) Any property into which property referred to in Subparagraphs (a) through (c) above can be traced,

shall be excluded from such person's Net Family Property, as such term is defined in the *Family Law Act*, R.S.O. 1990, c.F.3 and any amendments thereto or any successor

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POLICY GAMING & LICENSING

legislation thereto.

5. **IN ADDITION TO** all other powers by this my Will or by any codicil hereto or by any statute of law conferred on my Trustee, without the interposition of any person entitled hereunder, and without application to or approval by any Court, my Trustee shall have the power in my Trustee's absolute and uncontrolled discretion, at any time and from time to time:

- (a) Upon any division or distribution of my estate or of any part thereof to divide or distribute the same in the form in which my estate or such part thereof may exist at the time of my death or at the time of such division or distribution or for any other purpose hereunder and notwithstanding my Trustee may be beneficially interested therein to place such value on all assets from time to time forming part of my estate or of any share therein as in my Trustee's absolute and uncontrolled discretion my Trustee shall deem just and proper and any such amounts as shall be necessary to adjust the shares of the various beneficiaries.
- (b) To administer my estate in whatever manner my Trustee may determine, and the power and right to take any action in connection with my estate and to exercise any rights, powers and privileges which may exist or arise in connection therewith to the same extent and as fully as an individual could if my Trustee were the sole owner of the assets forming my estate. Without in any way limiting the generality of the foregoing:

When making investments under my Will, my Trustee must exercise the care, skill, diligence and judgment that a prudent investor would exercise in making investments. My Trustee **may** consider the following criteria in planning the investment of my estate, in addition to any others that are relevant to the circumstances:

1. General economic conditions.
2. The possible effect of inflation or deflation.
3. The expected tax consequences of investment decisions or strategies.
4. The role that each investment or course of action plays within the overall portfolio of estate investments.

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POLICY GAMING & LICENSING

5. The expected total return from income and the appreciation of capital.
6. Needs for liquidity, regularity of income and preservation or appreciation of capital.
7. An asset's special relationship or special value, if any, having regard to my general intent as expressed in this Will or to one or more of the beneficiaries of my estate.

- (c) To subscribe for and take up any rights of subscription for or purchase of further shares or securities arising out of or in respect of any investment held by me at the time of my death and my Trustee shall not be responsible for any loss that may happen to my estate by reason of so doing;
- (d) To join in or take any action in connection with any shares, securities or other interest of or in any corporation or other organization held by my estate or to which my estate may be entitled and to exercise any rights, powers and privileges which at any time may exist or arise in connection with such investment or assets to the same extent and as fully as I could if I were alive and the sole owner of such investment or asset.
- (e) To sell, partition, exchange or otherwise dispose of the whole or any part of my real property, in such manner, at such time, and upon such terms, as to credit or otherwise as my Trustee in my Trustee's discretion considers advisable, with power to accept purchase money, mortgage, or mortgages for any part of the purchase or exchange price; also to mortgage, lease for any term of years, alter, repair, improve or rebuild the same as my Trustee may deem expedient. I also give to my Trustee power to execute and deliver such deeds, mortgages, leases, or other instruments as may be necessary to effect such sale, mortgage, lease or other disposition. The power of sale therein is discretionary and not mandatory.
- (f) Subject to any relevant terms herein and the relevant law, my Trustees shall have full power and authority to manage, administer, sell, transact, delete, gift, and otherwise give directions for, any and all digital or electronic property, assets, or information contained in electronic form that belong to me at the time of my death, or over which I had access privileges or which contain information about me, including but not limited to such digital assets as

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MAR - 2 2023

POLY GAMING & LICENSING

passcodes, account information, social media webpages or websites which contain my personal information, internet domain name registrations, electronic accounts, emails and any other digital property or information that may be stored on servers that do not belong to me but that relate to me whether directly or indirectly.

- (g) Without the consent of any person interested under this my Will to compromise, settle or waive any claim or claims at any time due to or by my estate and to make any agreements with any other person or corporation which shall be binding upon my estate.
- (h) Notwithstanding anything else in my Will, if a share of my estate is held for any person on the date which is the 21st anniversary of the date of death of the last survivor of my beneficiaries who were alive at the date of my death, without having become absolutely vested in such beneficiary, the share shall become absolutely vested in such beneficiary.
- (i) Notwithstanding anything else in my Will, the income from any share of my estate held for any beneficiary shall not be accumulated beyond the date which is the 21st anniversary of my death, but shall be paid to such beneficiary. Nothing in the foregoing shall in any way limit any discretion I have given to my Trustee by my Will to apportion income among beneficiaries entitled thereto.
- (j) To take and transfer at reasonable intervals from the income or capital of my estate amounts on account of compensation which my Trustee reasonably anticipates will be requested at the end of the accounting period in progress, either upon the audit of the estate accounts or on approval by the beneficiaries of my estate, provided further that if the amounts subsequently awarded on a court audit of my Trustee's accounts, or agreed to by the beneficiaries, is less than the amount taken, such excess shall be repaid to my estate without interest.
- (k) At any time and from time to time, to make or not to make, any election, determination or designation, or to do, or not to do, any other act, deed, or thing, or exercise any discretion or authority referred to the *Income Tax Act*, R.S.C. 1985, c.1 (5th Supp.), as revised, which my Trustee considers in the best interest of my estate and my beneficiaries or any of them.

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POLY GAMING & LICENSING

- (l) I authorize my Trustee to retain and take the advice of counsel and such professional or other experts or consultants, including without limitation, lawyers, appraisers, accountants, corporate agents and nominees, as far as may be considered advisable, in my Trustee's judgment, for the proper discharge of my Trustee's duties hereunder. The Trustee shall be at liberty to act or refrain from action in accordance with any advice so obtained and shall not be responsible for any loss resulting from any action or inaction in accordance with such advice. All costs of retaining such advisors shall be a proper disbursement from the residue of my Estate, and shall not constitute a credit against compensation otherwise payable to my Trustee.

- (m) I further authorize my Trustee to obtain estate trustee indemnity insurance if my Trustee so desires and the cost for any such insurance is to be paid out of my estate.

IN TESTIMONY WHEREOF I have to this my last Will and Testament, written upon this and the preceding five (5) pages of paper, subscribed my name this 30th day of May, 2022.

SIGNED, PUBLISHED AND DECLARED by)
 the Testator, FAZLULLAH REZAGIAN, as and)
 for his last Will and Testament, in the)
 presence of us, both present at the same)
 time, who at his request, in his presence and)
 in the presence of each other, have hereunto)
 subscribed our names as witnesses.)

"Fazlullah Rezagian"
 FAZLULLAH REZAGIAN

"Oula Al-Khoury"
 OULA AL-KHOURI

"Breena Healey"
 BREENA HEALEY

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MAR - 2 2023

POLICY GAMING & LICENSING

LICENCE MUST BE POSTED IN A PROMINENT POSITION ON THE LICENSED PREMISES.

Appendix "B"



WINDSOR LICENSING COMMISSION BUSINESS LICENCE

OFFICE OF THE CITY CLERK - LICENSING DIVISION
350 City Hall Square West, Suite 110
Windsor, ON N9A 6S1

23 037180

PHONE: 519-255-6200, OPTION 1

FAX: 519-255-6868

EMAIL: licences@citywindsor.ca

THE ENTITY NAMED HEREIN IS HEREBY GRANTED A LICENCE TO OPERATE THE BUSINESS INDICATED
HEREUNDER

CONDITIONS, IF ANY:

FAZLULLAH REZAGIAN



WINDSOR ON N9G 2T9

TAXICAB PLATE #088
2016 HYUNDAI
V.I.N. KMHD25LH9GU281465
PROVINCIAL PLATE CMKL 962
BROKERED BY VETS CAB

TYPE OF LICENCE

LICENCE FEE

Taxicab
Plate Holder

Business Licence Fee

\$400.00

New

Renewal

TOTAL FEE

400.00

Date of Issue August 15, 2023

Date of Expiry August 31, 2024

Issuer Marianne Sladic

LICENCE COMMISSIONER

27 May, 2024

To whom it may concern,

My husband Fazlullah Rezagian, owner of cab #88, passed away in September 2022. I am writing to you to request extending the time that I can keep this plate by as long as is possible. I am still recovering the expenses from his illness and death and this has been compounded by my father passing away in April 2024.

Cost of living and mortgage payments have increased significantly and I am able to use the income from the plate to pay my bills and support my two children. This is something my husband wanted to have to support his family and so I hope to find a way to be able to maintain this source of income. Plate #88 is also the plate he drove since he immigrated to Canada in 1988. It is a connection with him that we can still have.

Thank you very much for your consideration,

Golnar Karimi



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MAY 28 2024

POLICY GAMING & LICENSING

GOLNAR



Subject: Response to Request to Eliminate Age Limits for Wheelchair Accessible Taxicabs and Reduced Licence Fees - City Wide

Reference:

Date to Commission: August 28, 2024

Author: Craig Robertson

Manager of Licensing and Enforcement & Deputy Licence Commissioner

519-255-6100 ext. 6869

crobertson@citywindsor.ca

Policy, Gaming, Licensing & By-Law Enforcement

Report Date July 22, 2023

Clerk's File #:

To: Windsor Licensing Commission

Recommendation:

THAT the Windsor Licensing Commission **RECEIVE** the report of the Deputy Licence Commissioner entitled "*Response to Request to Eliminate Age Limits for Wheelchair Accessible Taxicabs and Reduced Licence Fees*" and,

THAT the Windsor Licensing Commission **RECOMMEND** to City Council, an increase of the current ten-year vehicle age limit to a twelve-year vehicle age limit for licensed Wheelchair Accessible Taxicabs and further,

THAT the Windsor Licensing Commission **RECOMMEND** to City Council, that Public Vehicle Licensing By-law No. 150-2018 **BE AMENDED** to reflect the changes made to the maximum age limit for licensed Wheelchair Accessible Taxicabs.

Executive Summary:

N/A

Background:

On May 23, 2024, Licensing Administration received correspondence addressed to the Windsor Licensing Commission from Mr. Jay Abdolrahmanpour, owner of Canadian Checker Cab (attached as Appendix A). The content of the correspondence requested the elimination of age requirements and a reduction in licence fees specifically for

Wheelchair Accessible Taxicabs due to financial constraints his taxicab brokerage is currently faced with and the associated cost to replacing a wheelchair accessible taxicab.

The City of Windsor licences and regulates the municipality's taxicab brokers, drivers and vehicles through Schedule 5 of Public Vehicle Licensing By-law No. 150-2018. The Schedule itself prescribes the age limits for all licensed taxicabs including wheelchair accessible vehicles. In 2018, Windsor's maximum age limit for taxicabs was increased from eight (8) years old to the current age limit being a maximum of ten (10) model years in age. This became the industry standard across the province and country. The intent of the increase was to "level the playing field" when Transportation Network Companies like UBER and Lyft were introduced to the municipality as an alternative means of public transportation. Once a taxicab reaches the end of its lifecycle, the taxicab is required to be replaced at the expense of the taxicab plate holder. Failure to replace the taxicab requires the plate holder to surrender the taxicab plate back to the City and be made available to those in the industry that qualify.

Public vehicle licence fees, including those charged for Wheelchair Accessible Taxicabs, are governed under the City's Public Vehicle Licensing By-law and are established by the municipality to recover the cost to administer and enforce the licensing program.

Discussion:

The City of Windsor's cap limit on Wheelchair Accessible Plates is twenty-one (21). Canadian Checker Cab, which is owned and operated by Mr. Jay Abdolrahmanpour is the sole taxicab company that provides wheelchair accessible services to our community. Mr. Abdolrahmanpour is the holder of nine (9) Wheelchair Accessible Plates, the other twelve (12) remaining plates are in possession of the Licence Commissioner and available to licensees within the industry that qualify. Interest from current industry stakeholders to hold these types of plates is low due to the substantial cost difference to purchase, operate, maintain and replace a wheelchair accessible taxicab. In addition, Wheelchair Accessible Plates are non-transferable and hold no monetary value compared to "traditional" taxicab plates.

As previously mentioned, the maximum age limit for a taxicab to operate in Windsor is ten (10) model years old. Based on the age of Mr. Abdolrahmanpour's taxicab fleet, he is required to replace five (5) Wheelchair Accessible taxicabs by August 31st of this year and four (4) additional Wheelchair Accessible taxicabs in 2025. Mr Abdolrahmanpour has indicated that his brokerage is facing financial constraints and that the significant cost to replace his wheelchair accessible taxicabs (based on current age limits) could impact the continuity of providing essential accessible transportation services to the community.

Administration is empathetic to the situation that Mr. Abdolrahmanpour is challenged with and certainly recognizes the importance for accessible transportation services to continue in our community. Administration conducted a municipal scan with various

municipalities across the province of Ontario to identify best practices related to taxicab and wheelchair accessible taxicab age limits for the purpose of vehicle replacement. These results are discussed below.

No Regulated Age Limits

Although they are far and few between, there are some municipalities such as Niagara Region, Region of Waterloo and Guelph that do not regulate the age of taxicabs. The rationale behind this, is that their City staff inspect the taxicabs annually or when a complaint is received. They utilize in-house by-law enforcement personnel (who are also certified mechanics) to determine the safe operation of the taxicab and make recommendations for replacement. This is not an option being considered or suggested by Administration due to current staff resources and qualifications.

Regulated Age Limits

A majority of the municipalities surveyed, had identical age limit requirements for taxicab and wheelchair accessible taxicab vehicle replacement as Windsor being ten-model years of age. As previously mentioned, this is the industry standard. It was discovered that traditional age limits were anywhere from six (6) to eight (8) years of age but shifted to an increase to ten (10), over the last few years, largely due to the implementation of Transportation Network Company licensing programs. Similar to Windsor, age limits were increased by these municipalities to coincide with vehicle replacement requirements mandated by companies like UBER and Lyft. Although a "level playing field" was created between taxicab and transportation network companies, this model provided little incentive for an industry stakeholder to invest in a Wheelchair Accessible Taxicab due to the significant difference in cost to replace the vehicle.

Tiered Age Limits

It was discovered that a few municipalities like Ottawa, Toronto and London had recently reviewed their taxicab vehicle replacement requirements based on contributing factors caused by the COVID-19 pandemic that impacted the cost of vehicle parts and supplies, along with the lack of availability to retrofit a wheelchair accessible vehicle. Within their licensing regulations, traditional taxicabs remain at a maximum ten (10) model year lifecycle while wheelchair accessible taxicabs were increased to a twelve (12) model year lifecycle. The increase in vehicle age requirements for this type of taxicab provides an incentive and relief for those plate holders that must pay significantly higher costs to replace their accessible vehicle.

As previously mentioned, the maximum vehicle age limit in Windsor, was increased in 2018. The vehicle age requirements established a reasonable standard for a service vehicle and reflected the full-time usage of taxicabs, often with more than one driver working the vehicle, as part of the public transportation network. However, the industry has changed significantly in recent years, and there are often vehicles with only one driver, with a lower mileage accumulation on the vehicles. The availability of newer vehicles and the retrofitting of them for accessible purposes, has become a challenge. In addition, there are significant additional costs associated with obtaining and operating a fully Wheelchair Accessible Taxicab. Administration is proposing an increase in the vehicle age limit for Wheelchair Accessible Taxicabs from ten (10) to twelve (12) model years to encourage continuity of this crucial service and as an incentive for eligible industry stakeholders to operate a Wheelchair Accessible Taxicab. Safety Standards

Certificates and annual inspections outlined under the City's Public Vehicle Licensing By-law would continue to be required.

Risk Analysis:

There is little risk to the Corporation by increasing the maximum age limit of Wheelchair Accessible Taxicabs from ten (10) to twelve (12) model years. Licensed fleet vehicles will still be required to submit annual mechanic checklists and provincial Safety Standard Certificates. The provincial certificate will continue to be mandated under the City's Public Vehicle Licensing By-law every six (6) months for older fleet vehicles and can also be requested at any time deemed necessary by the Licence Commissioner. In addition, all taxicab vehicles are subject to complaint-based and random inspections from City By-law Enforcement personnel and the Ministry of Transportation (MTO).

There is likely a substantial risk to the City and the community, should the availability of accessible transportation fall short within the taxicab industry. As noted previously, Canadian Checker Cab is the sole operator of accessible taxicab services within the municipality. Based on current age limits in the by-law, there is a risk of losing over 50% of the accessible fleet this year and then the remaining vehicles the following year. The loss of these vehicles would negatively impact the community that relies on wheelchair accessible services as approximately 9,000 passenger trips in 2023 were in relation to accessible transportation services provided by Canadian Checker Cab. Therefore, increasing the maximum age limit for wheelchair accessible vehicles by two (2) years provides extra time to save on the expenses associated with replacing the existing and aging fleet. It also provides an incentive for those eligible within the industry to obtain a plate from the City to operate a Wheelchair Accessible Taxicab.

Financial Matters:

As previously discussed, the fees charged under the City's Public Vehicle Licensing By-law are established based on the recovery of costs to administer and enforce the licensing program. Staff resources are required to review and process licence applications, respond to citizen complaints and conduct vehicle inspections. Windsor's taxicab licence fees are on par and in some cases lower in comparison to municipalities with similar fleet sizes.

Mr. Abdolrahmanpour has requested a reduction to the Wheelchair Accessible Taxicab Plate Holder fees from \$400 to \$25. Administration does not support or recommend any reduction to licence fees. Should the Windsor Licensing Commission recommend reduction to the fees as requested, Council would be required to find an alternative funding source to ensure administrative and enforcement costs are recovered. In addition, any reduction to licence fees would likely need to be vetted through the annual Budget process.

There are no financial implications to the Corporation resulting from the recommendations being made by Administration at this time.

Consultations:

Canadian Checker Cab Administration

Municipal scan across Ontario

Conclusion:

Administration's recommendation to increase the maximum age limit for Wheelchair Accessible Taxicabs from ten (10) to twelve (12) model years is designed to create equitable service for persons with disabilities by incentivizing Wheelchair Accessible Taxicab Plate Holders to invest in accessible vehicles.

If the Windsor Licensing Commission approves the recommendation to increase the age limit for Wheelchair Accessible Taxicabs, this report would then go to Standing Committee and ultimately to City Council for consideration. If approved by Council, amendments to the City's Public Vehicle Licensing By-law would then be prepared. Once the by-law is formally amended, the maximum age limit for Wheelchair Accessible Taxicabs would take effect immediately. It ought to be known that due to the timing of this report and the taxicab licensing deadline, being August 31st annually, Administration will not request the replacement of any licensed Wheelchair Accessible Taxicabs until Council makes a final decision on this matter.



Craig Robertson
Manager of Licensing & Enforcement and
Deputy Licence Commissioner

Notifications:

Name	Address	Email
Canadian Checker Cab	1235 Huron Church Rd. Windsor, ON N9C 2K6	P5192547777@hotmail.com
Vets Cab Company	350 Tuscarora St. Windsor, ON N9A 3L7	mkashash@vetscab.com wbezzina@vetscab.com
Unifor Local 195	3400 Somme Ave. Windsor, ON N8W 1V4	pres@uniforlocal195.com

Appendices:

Appendix "A"

CANADIAN CHECKER CAB



1235 Huron Church Rd. Windsor, Ontario. N9C 2K6. Phone: (519) 254-7777. Email: ph5192547777@hotmail.com

Date: Feb 20th 2024

To: Windsor Licensing Commission

Subject: Request to remove the age limit of wheelchair-accessible cabs

Dear Members of the Windsor Licensing Commission,

I am writing to bring a matter of great importance to your attention. It concerns the current regulations governing the age limit for wheelchair-accessible cabs in our city.

Specifically, I wish to address the challenges faced by Canadian Checker Cab—the sole cab company providing wheelchair-accessible services in Windsor.

Under the existing bylaws, all taxi cabs, including wheelchair-accessible ones, are subject to a maximum age limit of 10 years. I believe that this restriction presents a significant obstacle for our wheelchair-accessible services, primarily due to the substantial cost difference between purchasing a standard cab and an accessible van.

As you may be aware, the price of acquiring a wheelchair-accessible vehicle is approximately four times higher than that of a standard cab. Given the company's current financial constraints, procuring a new accessible van and using it to replace an older model is, unfortunately, a difficult proposition for Canadian Checker Cab.

To address this issue and ensure Canadian Checker Cab can continue to provide essential wheelchair-accessible transportation services within our community, I kindly request the Commission to consider the following amendments to the existing regulations:

1. **Remove Age Limit and Emphasize M.T.O. Certification:** I propose the removal of the age limit for wheelchair-accessible cabs, or alternatively, an extension from 10 years to 15 years. This modification is contingent upon maintaining rigorous M.T.O.

certification standards, requiring all wheelchair-accessible cabs to undergo standard certification twice a year. This approach ensures ongoing compliance with safety and regulatory standards while providing the necessary flexibility for maintaining our current fleet.

2. **License Fee Reduction:** Considering the unique financial challenges faced by Canadian Checker Cab, I request a reduction in the annual license fee from \$400 to \$25. This adjustment would align with the fees paid in 2005 and support the sustainability of our wheelchair-accessible cab services.

I believe that these proposed changes will not only ease the financial burden on the company, but also contribute to the continued availability of accessible transportation options for individuals with mobility challenges in Windsor.

I thank you for your attention to this matter, and I appreciate your dedication to enhancing the accessibility and inclusivity of our city's transportation services.



Sincerely,

Jay Abdolrahmanpour

Managing director of Checker Cab



Windsor Licensing Commission Report: n/a

Reference:

Date to Commission: August 28, 2024

Author: Craig Robertson, Deputy Licence Commissioner

Report Date: July 22, 2024

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:

- **Arabic Village Market**
4800 Tecumseh Road East, Windsor, ON N8T 1B8
Food Store application submitted on February 1, 2024
Reason for expiration: Permit to Operate from the Windsor / Essex Board of Health – Failed to submit
- **Capital Services Automotive Ltd.**
2739 Seminole, Windsor, ON N8Y 1X9
Automobile Service Station / Repairs on September 8, 2023
Reason for expiration: Police record check not provided

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 & Manager
of Policy, Gaming, Licensing & By-law Enforcement