



# COMMUNITY STANDARDS & LICENCE APPEAL COMMITTEE

## AGENDA

February 11, 2015 – Churchill Building

9:30 a.m.  
12:00 noon

Call to Order  
Adjournment

### MEMBERS

T. Caterina, B. Anderson, M. Oshry

ITEM		ACTION
1.	<b><u><a href="#">CALL TO ORDER AND RELATED BUSINESS</a></u></b>	
1.1	<u><a href="#">Call to Order</a></u>	
1.2	Adoption of Minutes	
	<ul style="list-style-type: none"> <li>February 5, 2015, Community Standards and Licence Appeal Committee meeting minutes.</li> </ul>	
2.	<b><u><a href="#">EXPLANATION OF APPEAL HEARING PROCESS</a></u></b>	
3.	<b>COMMUNITY STANDARDS AND LICENCE APPEAL COMMITTEE MATTERS</b>	
3.1	<u><a href="#">Appeal of Proposed Conditions on Business License 69722219-001 - 1208558 Alberta Ltd o/a Encore Night Club and Concert Hall</a></u>	
4.	<b><u><a href="#">ADJOURNMENT</a></u></b>	

View the interactive agenda at [www.edmonton.ca/meetings](http://www.edmonton.ca/meetings)



# COMMUNITY STANDARDS AND LICENCE APPEAL COMMITTEE

## MINUTES

February 5, 2015 – Churchill Building

### PRESENT

T. Caterina, B. Anderson, S. McKeen

### ALSO IN ATTENDANCE

S. McDonald, Office of the City Clerk  
 A. Cheuk, Law Branch  
 T. Rowley, B. Webster, Office of the City Clerk

### TABLE OF CONTENTS

ITEM		PAGE	DECISION
1.	<b>CALL TO ORDER AND RELATED BUSINESS</b>	1	
1.1	Call to Order	1	
1.2	Adoption of Minutes	1	Carried
2.	<b>EXPLANATION OF APPEAL HEARING PROCESS</b>	2	See Minutes
3.	<b>COMMUNITY STANDARDS AND LICENCE APPEAL COMMITTEE MATTERS</b>		
3.1	Appeal of Order – Aberdeen Trading Ltd., 10649 – 95 Street NW, Edmonton, Alberta, Order Pursuant to section 546(1)(c) of the <i>Municipal Government Act</i> .	2	Withdrawn
3.2	Appeal of Order – J. D., 10323 – 146 Street NW, Edmonton, Alberta, Order Pursuant to section 546(1)(c) of the <i>Municipal Government Act</i> .	2	Withdrawn
3.3	Appeal of Order – C. H. and C. H. 5504 – 40 Avenue NW, Edmonton, Alberta, Order Pursuant to section 545(1) of the <i>Municipal Government Act</i> .	2	Action
4.	<b>ADJOURNMENT</b>	3	

### DECISION SUMMARY

ITEM	DECISION
------	----------

1. **CALL TO ORDER AND RELATED BUSINESS**

1.1 **Call to Order**

Councillor Caterina called the meeting to order at 9:34 am

1.2 **Adoption of Minutes**

**Moved : T. Caterina**

That the November 20, 2014 Community Standards and Licence Appeal Committee meeting minutes be adopted.

**In Favour:**

**CARRIED**

T. Caterina, B. Anderson, S. McKeen

**2. EXPLANATION OF APPEAL HEARING PROCESS**

T. Caterina explained the appeal hearing process and asked if anyone objected to any Member of the Community Standards and Licence Appeal Committee hearing the appeals. No one objected.

**3. COMMUNITY STANDARDS AND LICENCE APPEAL COMMITTEE MATTERS**

3.1 **Appeal of Order - Aberdeen Trading Ltd., 10649 - 95 Street NW, Edmonton, Alberta, Order Pursuant to Section 546(1)(c) of the *Municipal Government Act***

S. McDonald, Office of the City Clerk, advised the Committee that pursuant to an inspection conducted on the property, Administration has withdrawn the Order.

3.2 **Appeal of Order - J.D., 10323 - 146 Street NW, Edmonton, Alberta, Order Pursuant to Section 546(1)(c) of the *Municipal Government Act*.**

S. McDonald, Office of the City Clerk, advised the Committee that pursuant to an inspection conducted on the property, Administration has withdrawn the Order.

3.3 **Appeal of Order - C. H. and C. H., 5504 - 40 Avenue NW, Edmonton, Alberta, Order Pursuant to Section 545(1) of the *Municipal Government Act*.**

C. H., Appellant, made a presentation and answered the Committee's questions. One set of photographs were submitted to the Respondent, the Members of the Committee and the Office of the City Clerk.

T. Courtoreille, Community Services Department, made a presentation and answered the Committee's questions.

Three sets of photographs dated 2010, November 5, 2014, and February 4, 2015 were provided to the Appellant, Members of the Committee and the Office of the City Clerk.

**Moved B. Anderson:**

<p>The Committee varies the order. You are therefore ordered to: Remove all metal, auto parts, steel, wood, plastic, fiberglass and cardboard from the entire property.  Also remove all debris and loose litter from the entire property, and take any action or measures necessary to remedy the unsightly condition.</p>	<p>Community Services Dept.  <b>Due Date:</b> April 10, 2015</p>
---	--

**In Favour:**

T. Caterina, S. McKeen, B. Anderson

**Carried**

**4. ADJOURNMENT**

The meeting adjourned at 9:59 am

\_\_\_\_\_  
Chair

\_\_\_\_\_  
City Clerk

**Business License 069722219-001  
Appeal of Proposed Conditions**

**1208558 Alberta Ltd o/a Encore  
Nightclub and Concert Hall West  
Edmonton Mall, 8882 170 Street  
Northwest, Edmonton, AB T5T 5X1**

**Hearing Date: February 11, 2015**

In dealing with this appeal, the Community Standards and Licence Appeal Committee (“the Committee”) heard from:

Appellant: Hasaam Johma, Jomha Karout Law, Counsel for Appellant  
Respondent: Mr. Simon Renouf, Q.C., Counsel for the Public Safety Compliance  
Team  
J. M. , Public Safety Compliance Team

### **Written Submissions**

---

- Record from the Chief Licensing Officer – September 18, 2014
- Submission from Simon Renouf, Q.C., on behalf of the Public Safety Compliance Team
- Postponement Request from Jomha Karout Law, on Behalf of Encore Nightclub and Concert Hall
- Response to Postponement Request from Simon Renouf, Q.C., on behalf of the Public Safety Compliance Team

### **Background**

---

This is a matter that deals with conditions that have been imposed by the Chief Licensing Officer of the City of Edmonton on 1208558 Alberta Ltd, operating as Encore Nightclub and Concert Hall (the “Appellant”). The Chief Licensing Officer issued a decision, dated September 18, 2014, placing conditions on the business license of the Appellant after the consideration of various pieces of evidence. The Appellant filed an appeal of this decision claiming that while they were willing to accept some of the conditions, certain other conditions were problematic.

On February 19, 2014, the Public Safety Compliance Team (PSCT) sent a

## **Background**

---

recommendation to the Chief Licensing Officer, requesting that the Business Licence for 1208558 Alberta Ltd o/a Encore Nightclub and Concert Hall be cancelled. The Public Safety Compliance Team also requested that if the Chief Licensing Officer would not agree to a full cancellation then to have conditions placed on their business licence. The basis of this request is Encore Nightclub and Concert Hall posed a considerable risk to public safety.

On June 30, 2014, the Chief Licensing Officer (CLO) sent notice to Encore Nightclub advising that he was considering placing conditions on their business licence. A follow up letter dated September 18, 2014, to Encore Nightclub advised that these conditions were now enforced.

On October 3, 2014, Encore Nightclub submitted an appeal of these conditions to the Community Standards and Licence Appeal Committee. A hearing notice was sent out on October 29, 2014, setting February 11, 2015 as the date for the appeal to be heard. On December 23, 2014, the Respondent, which is a conglomeration of parties collectively called the Public Safety Compliance Team, sent a letter to the Appellant indicating that they would be asking this Committee to cancel the business license. This was similar to the request that the Respondent had initially made to the Chief Licensing Officer.

On January 19, 2015, the Respondent submitted written submissions to this Committee asking for the license to be cancelled. On January 21, 2015, the Committee received an email from the Appellant indicating they would be seeking a postponement of the hearing and they would be hiring a lawyer to defend them. Renouf Law responded to this request on January 27, 2015 declaring that they are opposed to a postponement and will recommend proceeding with the appeal on the scheduled date of February 11, 2015.

On February 3, 2015 the Committee received notification that the Appellant had now obtained a lawyer and the request for the postponement was restated.

Renouf Law responded on February 3, acknowledging receipt of their letter and that their position is still to proceed with the hearing.

## **Appeal Hearing**

---

Hassan Jomha, Jomha Karout Law, representative for the appellant requested an adjournment. He had been retained to deal with this matter on February 2, 2015. He is not prepared to continue the hearing today and says it is against natural justice to proceed today as his clients do not fully understand the law and he is not properly prepared. He has two current matters in Provincial Court of Alberta for this same day and has had insufficient time to review the files. He mentioned a previous illness, though the Committee deemed it irrelevant to this particular appeal. He is prepared to give the Committee his schedule to prove his lack of availability. If he must proceed, he requests time to attend court, review the file and then return later in the day.

Simon Renouf, Renouf Law, Representative for the Respondent advised the Committee that his client is opposed to the adjournment of this application. He reviewed the chronology of events with the Committee. The CLO decision was issued on September 18, 2014. The appellant filed his appeal of October 2, 2014. A letter was sent to the appellant on December 23, 2014 advising that the Public Safety Compliance Team would be seeking a cancellation of the business licence. He indicated that Mr Jomha's email requesting the adjournment did confirm his receipt of the letter. He stated that the appellant initiated this appeal on October 2, 2014 and has not submitted any materials in support of their appeal. He believes that the client has the duty to be diligent in his appeal. While it is unusual in this case as the respondent is asking for a cancellation after it was initially an appeal on conditions, the Respondent takes the position that the matter should proceed.

The Respondent suggested that if Mr. Jomha's clients were to agree to suspend operation of the business until after the rescheduled hearing, then his client would not be opposed to that agreement. He questions why they were not willing to comply with the conditions as they state they were quite mild. They appealed and used their appeal period as a stay of their business licence. He would like Encore to voluntarily close their doors until after the scheduled hearing. The Public Safety Compliance Team is not in agreement with an adjournment with a removal of the stay as there have been recent events that still show a lack of public safety.

Sheila McDonald, Director of Tribunals advised the committee that the hearing notice went out on October 29, 2014 to both parties.

Mr. Jomha disagrees with the argument that there was sufficient time to secure legal counsel. He said that it is very hard to find a representative around the last two weeks of December. His client also tried to assess the situation to decide if

## Appeal Hearing

they could handle the appeal on their own. It also took approximately 5 days of waiting between booking a meeting with him and having their first meeting. He advised that a suspension of operation would kill their business. The Encore Nightclub is only open during show bookings. There are a minimum of 1 and a maximum of 2 events per week currently scheduled between now and March 13. They are likely to be sued, resulting in bankruptcy before the next hearing, if they are forced to cancel those shows. He stated that they are prepared to ensure full compliance until the new hearing date. His inclination is to fully comply and abandon this hearing. He does not think that the conditions are unreasonable. He will advise his clients to abandon the file.

### Decision

The decision of the Committee is to grant a postponement to March 13, 2015 at 1:30 p.m., and no further postponements will be considered. The stay of the decision of the Chief Licensing Officer will also be removed meaning that all of the conditions imposed by the Chief Licensing Officer are now imposed on the business until the hearing takes place.

The Original Decision from the Chief Licencing Officer is as follows:

It is my decision to impose the following conditions on Business Licence 69722219-001 issued to 1208558 Alberta Ltd o/a Encore Nightclub and Concert Hall at 2687, 8882- 170 Street NW, Edmonton as, based on reasonable grounds, it is in the public interest to do so.

- 1. Use of an approved Patron Scan System and mandatory scanning of all patrons upon initial entry into the venue for that event or evening.**
  - a. Patron Scan System procedures must comply with Alberta Gaming and Liquor Commission (AGLC) and Office of the Information and Privacy Commissioner (OIPC) policies and guidelines.
  - b. Encore is required to capture a still image of the patron with the web camera system.
  - c. Handheld scanners are not permitted in place of this system.
  - d. A list of patrons identified by the Edmonton Police Service (EPS) to be banned will be maintained and made available to all staff. Entry of banned patrons is prohibited.
  - e. A patron who refuses to comply with this procedure is not to be permitted to enter the venue.
  - f. Should the Patron Scan System malfunction, Encore shall immediately contact the company responsible for servicing the equipment for assistance.



The date and time of the malfunction and the date and time of the request shall be documented in the occurrence log.

- 2. Search of all patrons prior to entry and re-entry into the venue. This search is to include pat-downs, wandings, and searches of jackets, purses and bags.**
  - a. A patron who refuses to comply with this procedure is not to be permitted to enter or re-enter the venue.
  
- 3. The four control plans, namely a noise control plan, a patron management plan, a security plan, and a medical/ safety plan that are part of the licensing process are to be reviewed and made current.**
  - a. The four plans will be submitted to the Chief Licensing Officer before October 31, 2014, for approval. The Chief Licensing Officer will follow the normal course of action by providing the plans to PSCT for review and comment.
  - b. Any future amendments to the plans must be submitted to the Chief Licensing Officer for approval.
  
- 4. A current Policy and Procedures Manual (Manual) is to be prepared and maintained on the premises. The Manual will be provided to all staff members who shall follow the Manual.**

**The Manual shall contain:**

- a. Agreement/ Acknowledgment signed by the employee upon hiring and annually thereafter indicating that the employee has received a copy of the Manual, has read the Manual, and has the duty to follow the Manual, including any amendments.
- b. Copies of the most recent approved noise control plan, patron management plan, security plan, and medical/ safety plan.
- c. Security Protocol
  - i. After 9:00 p.m., there must be sufficient Pro-Tect trained security staff on duty to supervise the premises and patrons. In addition to this staff, there must be one Pro-Tect trained security staff for each entrance and exit. A minimum of one such staff member must be female.
  - ii. A dress code for all security staff that readily identifies security staff to improve visibility for patrons, EPS, and PSCT.
- d. Facility Management
  - i. Functioning video surveillance and recording system inside and outside that covers all entrances and exits.

- ii. Unless otherwise prohibited, video to be retained for a minimum of 30 days and made available within a reasonable time to a member of EPS upon request.
  - iii. Minimum of one staff member who can operate and access video during operational hours.
  - iv. Procedures for noise mitigation during operational hours, including line up management and closing procedures.
- e. Door Management
- i. Staff will not accept money or any other benefit from patrons to avoid lineups, proper identification, or proper searches.
  - ii. All patrons will enter the venue through the east facing main entrance. No patrons will enter the venue through an Emergency Exit.
  - iii. Search procedures for all patrons prior to entry and re-entry into the venue including pat-downs, wandings, and searches of jackets, purses and bags
  - iv. Procedures for seizing and securing weapons, and for contacting EPS.
  - v. Mandatory use of manual counters for security and door staff, and implement a schedule for conducting occupant counts throughout the night.
- f. Patron Management
- i. Provisions for responsible liquor service.
  - ii. Signage that is conspicuously posted that clearly identifies behavioural expectations for patrons and consequences of not following.
  - iii. Refusing entry to or removing persons who appear to be intoxicated or under the influence of drugs, or are involved in illegal activities, such as drug possession or trafficking, within the venue.
  - iv. Refusing entry to persons who have been removed from the premises repeatedly.
  - v. Refusing entry to persons identified by EPS who, within the past three years, have been convicted of an indictable criminal offence.
  - vi. Removing persons whose behaviour is riotous or disorderly.
  - vii. Procedures for reporting illegal activities to the EPS.
- g. Smoking area- Procedure for security staff to continuously monitor the smoke pit.
- h. Safety and Premise Evacuation/ Containment Plan, outlining who is responsible for and procedures for:

- i. Calling Emergency Services
- ii. Turning lights on and music off
- iii. Staff reallocation to cover all exits and entrances
- iv. Controlled exit or containment of patrons procedures

**5. A Daily Incident Log (Log) is to be prepared and maintained on the premises.**

- a. Incidents that must be reported in the Log include:
  - i. number of patrons refused entry and why
  - ii. number of patrons removed from premises and why
  - iii. fights or disturbances
  - iv. weapons seized
  - v. malfunction of the Patron Scan System
  - vi. evacuations or containments of patrons
  - vii. incidents requiring attendance by EPS or other emergency services
- b. Entries in the Log must include a detailed description of the incident and how the incident was handled.
- c. The Log must be:
  - i. Updated, dated, and signed off by management each day of operation.
  - ii. Made available to EPS, PSCT, or other enforcement agency upon request.
  - iii. Retained on the premises for 24 months.

**6. All security staff are to submit a police information check/ criminal record check to Encore prior to employment by Encore.**

- a. These documents are to be kept on the premises and presented to EPS upon request.
- b. No person may be hired as security staff that has a conviction in the past five years for assaults, sexual assaults, weapon offences, or drug possession or trafficking offences.

**7. Provide a minimum 30 day notification to PSCT of any scheduled event at Encore. The notification is to include:**

- a. Type of event
- b. Name, contact information, and valid City business licence number of the promoter/ promotion company.
- c. Anticipated ticket sales or crowd size

## Reasons

---

The Committee dealt with the request for the postponement as a preliminary matter on February 11, 2015, the date of the hearing.

The Appellant requests a postponement of the hearing. The basis of the request appears to be twofold. First, that the nature of the hearing has now changed since the cancellation of his business license became a possibility.

The initial matter before the Chief Licensing Officer never contemplated the cancellation of the license and the hearing is now much more serious. This caused the Appellant to want a lawyer involved to ensure he had someone that knew the law. Second, the amount of the documentation to be reviewed prior to the hearing makes it impossible for him or his lawyer to properly prepare for this hearing. Mr. Jomha, the lawyer for the Appellant, also indicated that he was actually already scheduled to be in Court on February 11, and also had various other court appearances in the days leading up to the hearing date, which rendered him unable to adequately prepare for the hearing.

The Respondent indicates that there are public safety concerns relating to the continued operation of the business and that any delay in dealing with this matter increases the possibility of additional incidents at the business. Further the Respondent indicates that they provided notice on December 23, 2014 that they were planning on asking for a revocation of the license and that instead of obtaining legal representation right away the Appellant delayed hiring a lawyer. This delay needs to be taken into account in determining whether an appeal is warranted. The Respondent also indicates that they are prepared to proceed today.

In response to the allegations about the delay, the Appellant indicates that businesses are closed over the Christmas break, There was therefore only a short delay after New Year's. Further it is not possible to contact and hire a lawyer overnight so even that short delay can be explained. The Appellant also indicates that if public safety is a concern that they are willing to operate with all of the conditions imposed by the Chief Licensing Officer until the hearing takes place.

The Committee agrees with the Respondent that this Committee does have the ability to cancel a business license in a situation where the Chief Licensing Officer imposed conditions on a license. Section 14(9) of the *Community Standards and License Appeal Committee Bylaw (Bylaw 15166)* (the "CSLAC Bylaw") states:

In deciding an appeal of a Licensing Decision, the Committee has the same powers granted to the City manager under the applicable bylaw, including but not limited to the power to vary any condition on a license.

## **Reasons**

---

The Chief Licensing Officer under the *Business License Bylaw (Bylaw 13138)* has the power to both issue conditions on a license or to cancel a license in the appropriate circumstances. This Committee therefore has the same powers. Further, this hearing is a hearing de novo and information and evidence may be submitted to this Committee which would not have been available to the Chief Licensing Officer. This new information may lead to a different outcome than what took place before the Chief Licensing Officer.

However, since the Committee does have the ability to cancel the business license, the Committee is forced to agree with the Appellant that this matter is a serious one which could affect the livelihood of those individuals that own and work for the business. The Appellant originally filed an appeal of conditions and is now faced with the potential cancellation of the license. While authorized by bylaw, any decision that could lead to the cancellation of a business license must be taken seriously and it is therefore necessary for the process to be fair.

There does not appear to be any dispute about the significance of this hearing. Instead the dispute surrounds whether the Appellant has already had enough time to obtain a lawyer and prepare for the hearing. Since the Appellant was warned by the Respondent that they would still seek the cancellation of the license in December, the Respondent urges us to make a finding that the Appellant had lots of time to find a lawyer and that they delayed in doing so. While the Committee does have some concerns about this delay in hiring a lawyer, the delay is not so significant to be considered outrageous. The notice was given just before Christmas when many offices are closed. Further it may not be possible to find a lawyer quickly, and even once one is found it may take time for an appointment to be made. In addition, it will take time for the lawyer to become familiar with the case. Where, as here, the lawyer was retained just a couple of weeks before the hearing and had other commitments in Court, this can be a factor in whether to grant an adjournment.

This situation is different than if the Appellant had been appealing the cancellation of their license. If the original decision was to cancel the license and the Appellant waited until a few weeks before the hearing to find a lawyer, that delay would likely be their own fault. Here, since the original appeal related to the conditions imposed on the business, more leeway is warranted.

Further, the original decision by the Chief Licensing Officer did not even consider cancelling the license. In a letter dated June 30, 2014 to the Appellant the Chief Licensing Officer never suggests that cancellation of the business license was an option. Instead he only indicates that he is considering

## **Reasons**

---

imposing conditions on the license. So the nature of the hearing has changed based on the renewed request by the Respondent to cancel the license.

As such, considering the seriousness of the issues and the change in nature of the hearing, the delay in obtaining a lawyer is not so significant that it should result in the postponement being denied. The Procedural Manual for this Committee, enacted along with the *Community Standards and Licence Appeal Committee Bylaw*, mentions that one of the compelling reasons for granting a postponement is when a lawyer is retained after the hearing date is set and the lawyer is not available. The situation here is similar when the lawyer did not have time to prepare, and was actually scheduled to be in Court. There is no evidence or reason to believe that waiting until late in the game was a delaying tactic on the part of the Appellant.

Further, any potential concerns about delaying the hearing for tactical reasons can be alleviated by making the hearing take place peremptory on the Appellant. In other words, no additional postponements or delays will be granted. The Appellant suggested this and the Committee agrees that there should be no further delays to this process, which started months ago.

The final issue to be dealt with relates to the concerns about public safety and the public interest. The Respondent has argued that one of the reasons to deny the postponement is that there are continuing public safety concerns as a result of the operation of the business. The Respondent is concerned that additional concerns or problems may take place if the hearing is adjourned and the Applicant continues to operate. This is a legitimate concern. However the Chief Licensing Officer, after reviewing all the evidence, decided that all the public interest concerns could be alleviated by placing conditions on the business. This is the starting point for this Committee in dealing with the public safety concerns.

The Respondent indicated that they would be willing to compromise and adjourn the hearing if the Appellant agreed not to operate until the hearing took place. The Appellant indicated that they had a number of events already booked and that shutting down operations until the hearing would have severe financial implications. There is no question that this is true. If the compromise solution of the Respondent was really a veiled request to this Committee to shut the business down until the hearing, there is no provision of the legislation that would authorize this Committee to cancel the license on a temporary basis. Since the Appellant did not agree to this compromise, this is simply not a solution at this time.

Section 10(2) of the *CSLAC Bylaw* allows this Committee to lift a stay of the conditions imposed by Section 10(1), so that the business would continue to

## **Reasons**

---

operate, but all of the conditions initially imposed by the Chief Licensing Officer would be in place until the hearing takes place. The Appellant agreed to operate under all of the conditions if the hearing was postponed. In other words, the Appellant has agreed to lift the stay.

Considering that the original decision of the Chief Licensing Officer, after reviewing all the evidence, was to place conditions on the license to solve the public safety concerns, it appears that the concerns relating to public safety and the public interest at this time can best be alleviated by simply lifting the stay of the conditions, which has been agreed to by the Appellant. This would achieve an adequate balance between the public interest and the rights of the business owner.

Section 10(2) indicates that an application to lift the stay must be made and that there are three situations where the stay can be lifted. Here, where the Appellant has agreed to lift the stay, the Committee need not provide reasons about how Section 10(2) would apply to this situation.

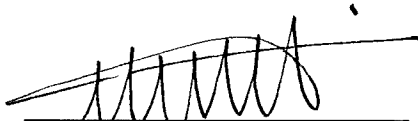
Prior to deliberating on whether to grant the postponement the Committee canvassed the parties to determine their availability. This was necessary to ensure that any delays caused by this postponement would be minimized. All parties were available to hold the hearing on March 13. Since this is only a month in the future, this also alleviates some of those same public safety concerns as it relates to the operation of this business.

The Committee realizes that lifting the stay and allowing the business to operate may lead to some evidence or accusations that the business breached the conditions that were imposed by the Chief Licensing Officer between now and the hearing date on March 13. There is nothing stopping the Respondent from presenting that evidence to this Committee. Certainly any evidence that is presented to this Committee that the Appellant is breaching the conditions imposed by the Chief Licensing Officer after agreeing to abide by them will be weighed by the Committee, and if found to be true and reliable could have a significant impact on the deliberations of this Committee and in deciding whether to cancel the business license.

The stay is therefore lifted and the hearing will take place on March 13, at 1:30 p.m. All of the applicable procedures outlined in the *Community Standards and Licence Appeal Committee Bylaw* for the disclosure of evidence will remain in effect. There is obviously no need to resubmit the same material to this Committee that has already been submitted, or that forms part of the submissions to the Chief Licensing Officer in his Record.

**EDMONTON COMMUNITY STANDARDS  
AND LICENCE APPEAL COMMITTEE**

Office of the City Clerk  
Churchill Building  
10019 – 103 Ave., Edmonton, AB T5J 0G9  
Ph: 780-496-5026 Fax: 780-496-8199  
Email: CSLAC@edmonton.ca

  
Councillor T. Caterina, Chair

Mar 16 / 15  
Date





# COMMUNITY STANDARDS AND LICENCE APPEAL COMMITTEE

## MINUTES

February 11, 2015 – Churchill Building

### PRESENT

T. Caterina, B. Anderson, M. Oshry

### ALSO IN ATTENDANCE

S. McDonald, Office of the City Clerk  
 C. Ashmore, Law Branch  
 T. Rowley, B. Webster, Office of the City Clerk

### TABLE OF CONTENTS

ITEM		PAGE	DECISION
1.	<b>CALL TO ORDER AND RELATED BUSINESS</b>	1	
1.1	Call to Order	1	
1.2	Adoption of Minutes	1	
2.	<b>EXPLANATION OF APPEAL HEARING PROCESS</b>	2	
3.	<b>COMMUNITY STANDARDS AND LICENCE APPEAL COMMITTEE MATTERS</b>	2	
3.1	Appeal of Proposed Conditions on Business License 69722219-001 - 1208558 Alberta Ltd o/a Encore Night Club and Concert Hall	2	
4.	<b>ADJOURNMENT</b>	2	

### DECISION SUMMARY

ITEM		DECISION
1.	<a href="#"><u>CALL TO ORDER AND RELATED BUSINESS</u></a>	
1.1	<a href="#"><u>Call to Order</u></a>	

Councillor Caterina called the meeting to order at 9:38 am

1.2 **Adoption of Minutes**

**Moved : T. Caterina**

[That the February 5, 2015 Community Standards and Licence Appeal Committee meeting minutes be adopted.](#)

**In Favour:**

**CARRIED**

T. Caterina, B. Anderson, M. Oshry

**2. [EXPLANATION OF APPEAL HEARING PROCESS](#)**

Councillor Caterina explained the appeal hearing process and asked if anyone objected to any Member of the Community Standards and Licence Appeal Committee hearing the appeals. No one objected.

**3. COMMUNITY STANDARDS AND LICENCE APPEAL COMMITTEE MATTERS**

**3.1 [Appeal of Proposed Conditions on Business License 69722219-001 - 1208558 Alberta Ltd o/a Encore Night Club and Concert Hall](#)**

H. Johma, Counsel for the Appellant, made a presentation requesting a postponement and answered the committee's questions.

S. Renouf , QC, Counsel for the Respondent, made a presentation in opposition to the postponement request and answered the Committee's questions.

The Committee met in private at 10:23 am, pursuant to Section 20 of The Freedom of Information and Protection of Privacy Act.

The Committee met in public at 10:49 am.

**Moved T. Caterina:**

The decision of the Committee is to grant a postponement to March 13, 2015 at 1:30 p.m., and no further postponements will be considered. The stay of the decision of the Chief Licensing Officer will also be removed meaning that all of the conditions imposed by the Chief Licensing Officer are now imposed on the business until the hearing takes place.	<b>Due Date:</b> March 13, 2015
---	------------------------------------

**In Favour:**

**Carried**

T. Caterina, B. Anderson, M. Oshry

**4. ADJOURNMENT**

The meeting adjourned at 10:50 am

\_\_\_\_\_  
Chair

\_\_\_\_\_  
City Clerk