



9:30 AM

COMMUNITY STANDARDS & LICENCE APPEAL COMMITTEE

AGENDA

May 3, 2018 – Churchill Building

Call to Order

MEMBERS

M. Banga, S. McKeen, T. Caterina

ITEM		ACTION
1.	CALL TO ORDER AND RELATED BUSINESS	
1.1	Call to Order	
1.2	Adoption of Agenda	
	May 3, 2018 Community Standards and Licence Appeal Committee agenda	
1.3	Adoption of Minutes	
	March 1, 2018, Community Standards and Licence Appeal Committee meeting minutes	
2.	EXPLANATION OF APPEAL HEARING PROCESS	
3.	COMMUNITY STANDARDS AND LICENCE APPEAL COMMITTEE MATTERS	
3.1	Appeal of Decision to Refuse to Issue a City of Edmonton Driver's Licence under the <i>Vehicle for Hire</i> Bylaw 17400 to K. M.	
3.2	Appeal of Decision to Refuse to Issue a City of Edmonton Driver's Licence under the <i>Vehicle for Hire</i> Bylaw 17400 to R. S.	
3.3	Appeal of Decision to Refuse to Issue a City of Edmonton Driver's Licence under the <i>Vehicle for Hire</i> Bylaw 17400 to K. S. C.	
4.	ADJOURNMENT	

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COMMUNITY STANDARDS AND LICENCE APPEAL COMMITTEE

MINUTES

March 1, 2018 – Hearing Room 3

PRESENT

M. Banga, S. McKeen, J. Dziadyk

ALSO IN ATTENDANCE

C. Hammett, Office of the City Clerk
 C. Ashmore, Law Branch
 M. Malayko, Office of the City Clerk

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DECISION SUMMARY

ITEM		DECISION
1.	CALL TO ORDER AND RELATED BUSINESS	
1.1	Call to Order	

Councillor M. Banga called the meeting to order at 1:34 p.m.

1.2 Adoption of Agenda

Moved J. Dziadyk:

That the March 1, 2018, Community Standards and Licence Appeal Committee meeting agenda be adopted.

In Favour:

Carried

M. Banga, S. McKeen, J. Dziadyk

1.3 Adoption of Minutes

Moved S. McKeen:

That the February 1, 2018, Community Standards and Licence Appeal Committee meeting minutes be adopted with a correction to Section 3.1 to reflect that Councillor M. Banga did not support the motion.

In Favour:

Carried

M. Banga, S. McKeen, J. Dziadyk

2. EXPLANATION OF APPEAL HEARING PROCESS

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

3. COMMUNITY STANDARDS AND LICENCE APPEAL COMMITTEE MATTERS

3.1 Appeal of Order - W. B., 11004 - 95 Street NW, Order Pursuant to Section 545(1) of the *Municipal Government Act*.

The individual named on the property title, Mr. W. B., was represented by Mr. M. B.

Mr. J. Lallemand, Citizen Services Department, and Ms. S. Watts, Development Officer, made a presentation and answered the Committee's questions that were raised at the initial hearing on February 1, 2018, as to whether the structure under appeal could be classified as a valid carport.

Mr. C. Ashmore, Law Branch, provided information and

answered the Committee’s questions.

Photographs taken on May 2, 2017, and February 28, 2018, were provided to the Appellant, Members of the Committee and the Office of the City Clerk.

Mr. M. B. made a presentation and answered the Committee’s questions in response to the information provided by the Mr. J. Lallemand and Ms. S. Watts.

The Committee met in private at 2:40 p.m., pursuant to Section 20 of the Freedom of Information and Protection of Privacy Act.

The Committee met in public at 3:05 p.m.

Moved : S. McKeen

The Committee upholds the Order. You are therefore ordered to: Repair all damage to the building and replace all rotten, deteriorated or missing doors, windows components. Prevent any inappropriate infiltration of air, moisture or water by covering any holes or openings in the building and repairing and refinishing exterior surfaces that are unpainted, untreated or peeling. The Appellant has 30 days to apply for a Development Permit for the Garage and the wire fence surrounding the building shall be removed immediately.	Citizen Services Dept. Due Date: April 1, 2018
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In Favour:

M. Banga, S. McKeen, J. Dziadyk

Carried

3.2 Appeal of Order - G. G., 13520 - 111 Street NW, Order Pursuant to Section 545(1) of the *Municipal Government Act*.

Mr. G. G. made a presentation and answered the Committee's questions.

Mr. J. Lallemand, Citizen Services Department, made a presentation and answered the Committee's questions.

Mr. C. Ashmore, Law Branch, provided information and answered the Committee's questions.

Two sets of photographs taken on January 5, 2018 and February 28, 2018, were provided to the Appellant, Members of the Committee and the Office of the City Clerk.

The Committee met in private at 4:04 p.m., pursuant to Section 20 of The Freedom of Information and Protection of Privacy Act.

The Committee met in public at 4:21 p.m.

Moved : J. Dziadyk

The Committee upholds the order.	Citizen Services
You are therefore ordered to:	
Remove all damaged, dismantled or derelict vehicles, whether registered or insured or not, household items, bicycles/bicycle parts, concrete, construction materials, fencing materials, eavestrough, wood, toilets, autoparts, loose litter and debris and other assorted materials from the entire property and take any actions or remove any other items that are contributing to the unsightly condition of the property.	Due Date: January 30, 2018

In Favour:

M. Banga, S. McKeen, J. Dziadyk

Carried

4. ADJOURNMENT

The meeting adjourned at 4:30 p.m.

Chair

City Clerk



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Decision of the Committee

Appeal of Decision to Refuse to Issue a City of Edmonton Driver's Licence Pursuant to Section 42 of the *Vehicle for Hire Bylaw*

Hearing Date: May 3, 2018

Appellant:

I. ISSUE

Should a Driver's Licence be issued to _____ pursuant to the Vehicle for Hire Bylaw?

II. APPEARANCES AND EVIDENCE

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

Respondent: Ms. Wai Tse Ramirez, Program Manager
Business Licensing and Vehicle for Hire

Ms. N. Jacobson, City of Edmonton Law Branch

Written Submissions:

- Record and Written Submission from the Respondent, Ms. Wai Tse Ramirez, Program Manager, Business Licensing and Vehicle For Hire

III. SUMMARY OF APPELLANT’S POSITION

The appellant was not present and no written submission was made.

IV. SUMMARY OF RESPONDENT’S POSITION

The Vehicle for Hire Bylaw provides regulations and requirements and ensures safe transportation is available for members of the public. It prohibits a person driving a vehicle for hire if they commit an offence under the *Criminal Code* (Canada) or the *Controlled Drugs and Substances Act* (Canada) that is related to the functions, duties, or business of a vehicle for hire or driver. This includes an offence of a violent nature. The refusal to issue his licence was due to an assault with a weapon in February 2017.

In Ms. Ramirez’ opinion, the information provided in the appellant’s application raised a reasonable public safety concern, and the application was refused on that basis.

V. DECISION

The Committee dismisses the appeal.

VI. REASONS

The Appellant in this case did not appear at the hearing and did not file any disclosure.

It is unclear what arguments the Appellant intended to make. The only information that the Committee has is a statement on the appeal form “family problem”. Making a statement like this with no context and no evidence is not sufficient to be successful in an appeal of this nature.

The Program Manager for Business Licensing and Vehicle for Hire refused to issue the license based on a conviction for assault with a weapon that took place in 2017. This committee sees no reason to overturn that decision.



Councillor M. Banga

May 22, 2018

Date



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Decision of the Committee

Appeal of Decision to Refuse to Issue a City of Edmonton Driver's Licence Pursuant to Section 42 of the *Vehicle for Hire Bylaw*

Hearing Date: May 3, 2018

Appellant:

I. ISSUE

Should a Driver's Licence be issued to _____ pursuant to the Vehicle for Hire Bylaw?

II. DECISION

The Committee postpones the hearing of the Appeal, to be heard in six months.

III. REASONS

In the Matter of the Postponement:

Initially there was a request for a postponement based on the unavailability of counsel for the Appellant. It turned out that Counsel was available, so the hearing proceeded. As a result of what took place in the hearing, a decision was made to postpone the hearing for 6 months and conduct a rehearing. These are the reasons for that decision.

Since Councillor Caterina has stepped aside, there are now only two members hearing this appeal. There is therefore no quorum to decide on the merits of the appeal. This forces the matter to be postponed until such time as another member is available.

Ordinarily when a matter such as this is postponed, it would be heard as soon as possible since we are dealing with the livelihood of an individual. In this case, the Committee decided to postpone for six months for two reasons.

First, the Appellant has indicated that he has applied for a 16 week program in Changing Pathways. Having some form of documentation from this program once it is complete may be useful or helpful to the Committee.

Second, the Appellant had indicated that he was willing to accept a suspension until this program was complete. As a result, it does not appear that the postponement is overly harsh.

As an added benefit, as a result of the postponement, the Appellant will now have an opportunity to disclose additional materials or bring additional witnesses to the hearing. While it is up to the Appellant to decide upon the type of evidence to present, the Committee would remind all parties that reliable documentary evidence, or third party witnesses, can be a valuable and important type of evidence. These types of evidence can corroborate oral submissions that are presented to the Committee.

To be clear this postponement means that the hearing scheduled in 6 months will be a rehearing of the same matter. Evidence and arguments should be presented as if this Committee has not heard them, since a new panel member will be here. Unless there is an objection, both Councillor McKeen and Councillor Banga may be scheduled to take part in the new hearing since a decision had not yet been made on the merits of the appeal. Given the nature of the arguments and evidence so far, there does not appear to be any reason that requires all three members to be different.


Also, the parties should be aware that the rules of disclosure in the Community Standards and License Appeal Committee Bylaw should be followed. To the extent that material has already been disclosed, it does not need to be disclosed again.

The clerk of this Committee should send out a new hearing notice when appropriate to do so.

In the Decision of Councillor Caterina to Step Down:

After reviewing the material, I find myself in an impossible situation. The only relevant information that can be considered in this hearing are the criminal convictions within the last 10 years. Here, the criminal record check shows convictions past 10 years which relate to another assault and drug trafficking. I am aware that I should not be taking these into account, but as a result of the nature of these offenses, I am finding it impossible to say that they are not having an influence on my decision making process. As such, out of an abundance of caution, I am stepping down and will not take part in a decision relating to this appeal.

In the future, to avoid this happening again, I would prefer that the Record coming from the Program Manager of Business Licensing and Vehicle for Hire blackline any convictions that took place prior to 10 years since this information is not relevant to their decision making.


Councillor M. Banga

May 22, 2018
Date



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Decision of the Committee

Appeal of Decision to Refuse to Issue a City of Edmonton Driver's Licence Pursuant to Section 42 of the *Vehicle for Hire Bylaw*

Hearing Date: May 3, 2018

Appellant:

I. ISSUE

Should a Driver's Licence be issued to _____ pursuant to the Vehicle for Hire Bylaw?

II. APPEARANCES AND EVIDENCE

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

Respondent: Ms. Wai Tse Ramirez, Program Manager
Business Licensing and Vehicle for Hire

Ms. N. Jacobson, City of Edmonton Law Branch

Written Submissions:

- Record and Written Submission from the Respondent, Ms. Wai Tse Ramirez, Program Manager, Business Licensing and Vehicle For Hire

III. SUMMARY OF APPELLANT'S POSITION

The appellant was not present and no written submission was made.

IV. SUMMARY OF RESPONDENT'S POSITION

The Vehicle for Hire Bylaw provides regulations and requirements and ensures safe transportation is available for members of the public. It prohibits a person driving a vehicle for hire if they commit an offence under the *Criminal Code* (Canada) or the *Controlled Drugs and Substances Act* (Canada) that is related to the functions, duties, or business of a vehicle for hire or driver. This includes an offence of a violent nature. The refusal to issue his licence was due to two assault charges in October 2016.

In Ms. Ramirez' opinion, the information provided in the appellant's application raised a reasonable public safety concern, and the application was refused on that basis.

V. DECISION

The Committee dismisses the appeal.

VI. REASONS

The Appellant in this case did not appear at the hearing and did not file any disclosure.

The only information that the Committee has is a brief email indicating that the Appellant spent a month in jail and arguing that the conviction was not related to driving a vehicle for hire. There is no explanation as to what took place or why.

The Program Manager for Business Licensing and Vehicle for Hire refused to issue the license based on a conviction for assault that took place in 2016. Without additional information or context from the Appellant, there is really no evidence upon which to overturn the decision. Since the Appellant failed to provide that evidence, the appeal is denied.


Councillor M. Banga

May 22, 2018
Date



COMMUNITY STANDARDS AND LICENCE APPEAL COMMITTEE

MINUTES

May 3, 2018 – Hearing Room 2, Churchill Building

PRESENT

M. Banga, S. McKeen, T. Caterina

ALSO IN ATTENDANCE

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

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4.	ADJOURNMENT	3	

DECISION SUMMARY

ITEM	DECISION
1.	CALL TO ORDER AND RELATED BUSINESS

1.1 [Call to Order](#)

1.2 [Adoption of Agenda](#)

Councillor Banga called the meeting to order at 9:42 am

Moved :

That the May 3, 2018 Community Standards and Licence Appeal Committee meeting minutes be adopted.

1.3 [Adoption of Minutes](#)

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

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

3.1 [Appeal of Decision to Refuse to Issue a City of Edmonton Driver's Licence under the Vehicle for Hire Bylaw 17400 to K. M.](#)

Moved S. McKeen:

The Committee denies the appeal.

In Favour:

Carried

M. Banga, T. Caterina, S. McKeen

3.2 [Appeal of Decision to Refuse to Issue a City of Edmonton Driver's Licence under the Vehicle for Hire Bylaw 17400 to R. S.](#)

Mr. R. Nanda made a presentation on behalf of the Appellant, Mr. R. S.. Mr. R. S. was also present.

Ms. W. T. Ramirez, Business Licensing and Vehicle for Hire, made a presentation. She was accompanied by Ms. N. Jacobson of Law Branch and Ms. Ramirez and Ms. Jacobson answered the Committee's questions.

Mr. C. Ashmore, Law Branch, provided information and answered the Committee's questions.

The Committee met in private at 10:15 a.m., pursuant to Section 20 of The Freedom of Information and Protection of Privacy Act.

The Committee met in public at 10:58 a.m.

Councillor Caterina stepped down from this hearing declaring bias.

Moved S. McKeen:

The Committee postpones the hearing for six months.	Business Licensing and Vehicle for Hire
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In Favour:

Carried

M. Banga, S. McKeen

3.3 [Appeal of Decision to Refuse to Issue a City of Edmonton Driver's Licence under the Vehicle for Hire Bylaw 17400 to K. S. C.](#)

Moved S. McKeen:

The Committee denies the appeal.

In Favour:

Carried

M. Banga, T. Caterina, S. McKeen

4. ADJOURNMENT

The meeting was adjourned at 11:01 a.m.

Chair

City Clerk