

COMMUNITY STANDARDS & LICENCE APPEAL COMMITTEE

AGENDA

February 8, 2019 – River Valley Room

9:30 a.m.

Call to Order 4:30 p.m.

Adjournment

12:00 noon to 1:30 p.m.

Lunch

MEMBERS

M. Banga, J. Dziadyk, T. Caterina

ITEM		ACTION
1.	CALL TO ORDER AND RELATED BUSINESS	
1.1	Call to Order	
1.2	Adoption of Agenda	
1.3	Adoption of Minutes	
	December 13, 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 Diver's Licence under the Vehicle for Hire Bylaw 17400 to M.S. (299382695-001)	
3.2	Appeal of decision to cancel Business Licence 107425872-001 issued to 1370498 Alberta Ltd. o/a Nyala Lounge at 10875 - 98 Street.	
4.	ADJOURNMENT	

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COMMUNITY STANDARDS AND LICENCE APPEAL COMMITTEE

MINUTES

December 13, 2018 – Hearing Room 2, Churchill Building

PRESENT

M. Banga, T. Cartmell, A. Paquette

ALSO IN ATTENDANCE

C. Ashmore, Law Branch
 A. Chow, Office of the City Clerk
 G. Dziwenka, Office of the City Clerk
 B. Webster, 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 Banga called the meeting to order at 9:45 a.m.

1.2 Adoption of Agenda	
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Moved M. Banga:

That the October December 13, 2018, Community Standards and Licence Appeal Committee meeting agenda be adopted.	
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In Favour: **Carried**

M. Banga, T. Cartmell, A. Paquette

1.3 Adoption of Minutes

Moved :

That the October 18, 2018 Community Standards and Licence Appeal Committee meeting minutes be adopted.

In Favour: **Carried**

M. Banga, T. Cartmell, A. Paquette

2. EXPLANATION OF APPEAL HEARING PROCESS

Councillor 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 Decision to refuse to issue a City of Edmonton Driver's Licence under the Vehicle for Hire Bylaw 17400 to R. S. (007465909-00)

R. Nanda, legal counsel, made a presentation on behalf of R. S, and answered the Committee's questions and provided a letter to the Committee dated December 12, 2018.

Wai Tse Ramirez, Business Licensing, made a presentation and answered the Committee's questions.

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

The Committee met in public at 10:42 am.

Moved M. Banga:

The Committee grants the appeal and a City of Edmonton Driver's Licence will be issued. Written reasons to follow.	Business Licensing and Vehicle for
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In Favour:**Carried**

M. Banga, A. Paquette

Opposed:

T. Cartmell

3.2 **Appeal of Order - 487867 Alberta Ltd., 15815 Stony Plain Road NW, Order Pursuant to Section 546(1) of the *Municipal Government Act*.**

The appellant requested the hearing be postponed until March 2019 due to ongoing litigation.

The respondent did not object.

Moved M. Banga:

The hearing of this matter will be postponed to March 2019.

In Favour:**Carried**

M. Banga, T. Cartmell, A. Paquette

3.3 **Appeal of Order – E. B. Rizzo, 11223 - 86 Street NW, Order Pursuant to Section 545(1) of the *Municipal Government Act*.**

E. R., Appellant, made a presentation and answered the Committee's questions. An undated set of photos were provided.

Chantel Perizzolo and Justin Lallemand, Citizen Service Department, made a presentation and answered the Committee's questions.

Two sets of photographs taken on October 16, 2018 and December 12, 2018 were provided to the appellant, Members of the Committee, and the Office of the City Clerk.

The Committee met in private at 11:07 am. pursuant to Section 20 of the Freedom of Information and Protection of Privacy Act.

The Committee met in public at 11:18 am.

Moved M. Banga:

<p>The Committee varies the order. You are therefore ordered to:</p> <p>Remove the ornamental trees, umbrellas, metal pieces, wood pieces, clothes hangers, plastic bins, tarps, drink containers, shower curtains, plastic sheets, household cleaning tools, pop can tabs, books, binders, flower pots, stools, plastic jugs, wooden signs, towels, plastic crates, and all other loose debris and loose litter from the entire property, whether tarped or untarped.</p> <p>Ensure the removal of any other assorted nuisance materials from the entire property and take any actions or remove any other items that are contributing to the unsightly condition of the property.</p> <p>And thereafter maintain the property to prevent the reoccurrence of any unsightly condition detrimental to the surrounding area.</p>	<p>Due Date: June 7, 2019</p>
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In Favour:

Carried

M. Banga, T. Cartmell, A. Paquette

4. ADJOURNMENT

The meeting adjourned at 11:20 a.m.

Chair

City Clerk



**EDMONTON
TRIBUNALS**

Community
Standards &
Licence Appeal
Committee

10019 – 103 Avenue NW
Edmonton, AB T5J 0G9
P: 780-496-5026 F: 780-496-8199
cslac@edmonton.ca
edmontoncslac.ca

Postponement 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* 17400 City File No. 299382695-001

Hearing Date: February 8, 2019

Appellant:

I. ISSUE

Should a Driver's Licence be issued to _____ pursuant to the *Vehicle for Hire Bylaw* 17400?

II. APPEARANCES AND EVIDENCE

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

Appellant: Not Present (Written Postponement Request)

Respondent: Kaylyn Johnson, City of Edmonton Law Branch

III. SUMMARY OF APPELLANT'S POSITION

_____ recently retained new legal counsel who requires time to obtain relevant documents and prepare a written submission.

IV. SUMMARY OF RESPONDENT'S POSITION

K. Johnson is not opposed to a postponement but is not available to attend the next Community Standards and Licence Appeal Committee Meeting scheduled for March 21, 2019. She requests that this matter be moved to the May 16, 2019, Community Standards and Licence Appeal Committee meeting.

V. DECISION

The hearing has been adjourned to May 16, 2019. Details regarding the exact time and location of the hearing will be sent in separate correspondence.

VI REASONS

This is an interim decision of the Committee relating to a postponement of the hearing. These reasons relate to why a postponement is required.

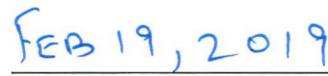
The Appellant has obtained new legal counsel that will take his case over. Individuals are entitled to be represented by legal counsel before this Committee. The Respondent does not object to the postponement and does not give any reason why the postponement should not be granted.

The Appellant is not currently operating a vehicle for hire. If he was operating a vehicle for hire, the effect of a postponement would be to allow him to continue working since there would be a stay of the decision to refuse the license. However, since he is not currently working there is no reason to think that a postponement gives some advantage to the Appellant, or has the effect of allowing him to continue to work.

The postponement is therefore granted.



Councillor M. Banga



Date



**EDMONTON
TRIBUNALS**

*Community
Standards &
Licence Appeal
Committee*

*10019 – 103 Avenue NW
Edmonton, AB T5J 0G9
P: 780-496-5026 F: 780-496-8199
cslac@edmonton.ca
edmontoncslac.ca*

Interim Decision of the Committee

Appeal of Decision to Cancel Business Licence 107425872-001 1370498 Alberta Ltd. o/a Nyala Lounge

Hearing Date: February 8, 2019

Appellant: 107425872-001

I. ISSUES

- a. Should a Postponement of the hearing of an appeal to cancel Business Licence 107425872-001 be granted?
- b. Should the interim stay be lifted?

II. APPEARANCES AND EVIDENCE

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

Appellant: Mr. T. Engel, legal counsel for the Appellant

Respondent: Mr. S. Renouf, legal counsel for the Public Safety Compliance Team (PSCT)

Prior Decision Maker: Ms. M. Matwie, General Supervisor, Business Licensing, Inspections and Compliance

Written Submissions:

- Record from the Prior Decision Maker
- Written Submission from the Respondent
- Written Submission and Rebuttal from the Appellant

- Response to Appellant’s Submission from the Respondent
- Exhibit A: *Bourgeois v. Bolen*, 2004 ABQB 35
- Exhibit B: Excerpts from Jones, David Phillip and de Villars, Anne S. *Principles of Administrative Law*, ed 6 (Carswell, 2014)

III. SUMMARY OF APPELLANT’S POSITION

- a) The Appellant is requesting a postponement of the hearing as he requires additional disclosure in order to get a fair hearing. Even if he were to receive the requested additional disclosure today there would not be sufficient time to review it all in order to proceed with the merits.
- b) The Record of the decision maker is incomplete. A document under Tab 3 of the Record entitled “Appellant Submissions”, prepared by Hladun & Company (former legal counsel for the Appellant), refers to Tabs 1, 2, 3 and 4; however, these supporting documents were missing. Mr. Engel received a copy of these documents by courier this morning but has not had a chance to review them.
- c) The Respondent’s written submission makes many references to police events with an accompanying police file number. Mr. Engel has submitted a FOIP request in order to obtain these reports; however, he has been advised that the documents will not be available until February 14. It is unfair of the Respondents to provide submissions based on what these police files reveal but to not provide the Appellant with these reports. Mr. Tesfay was not aware of many of these events when they occurred as no charges were laid against him.
- d) The textbook entitled *Principles of Administrative Law* directs that disclosure is somewhat informed by the seriousness of the action that is being taken. Where the seriousness of the action threatens the livelihood of the participant then the duty to disclose is quite high. This applies to today’s appeal.
- e) As per Paragraph 21 of the Respondent’s submission the incident that occurred on January 21, 2018, (“the gun incident”) was the principal incident that led to the drastic action of cancelling the Appellant’s licence. It is extremely important that all police evidence be available to the Appellant in dealing with these allegations. It is alleged that Mr. Tesfay did not report this incident to police, and permitted a staff member to conceal evidence, and provided false information to police during their subsequent investigations.
- f) Some of the police files have been disclosed under Tab 5 of the PSCT’s submission. However, there is a great deal of evidence, including video evidence, that has not been provided. The Appellant requests that the PSCT be directed to provide this additional evidence. The information provided in Cst. Loch’s report at Tab 5 is false; the reports of the other officers who were in the vicinity at the time are relevant.

- g) Mr. Engel requests that this committee direct Cst. Loch to attend and provide evidence in order that the Committee can assess the credibility of the witness and the evidence. It may well be there is no foundation for the application to cancel the business licence.
- h) While Mr. Tesfay's current criminal defence council has disclosure from the Crown regarding the gun incident, Mr. Engel cannot use this disclosure because there is an implied undertaking to the Court that this disclosure will not be used for another purpose.

IV. SUMMARY OF RESPONDENT'S POSITION

Mr. Renouf made submissions on two issues:

- The adjournment and disclosure issue.
- That the automatic stay be lifted and that Nyala must cease doing business until the matter comes back before this committee should an adjournment be granted.

Adjournment and Disclosure Issue

- a) Mr. Tesfay is entitled to use the disclosure he received from the Crown Prosecutor's office on the criminal charge he received relating to the gun incident and on all of the bylaw charges against him if he obtains leave of the court. Mr. Renouf referred to *Bourgeois v. Bolen*, (2004) 2004 ABQB 35 to substantiate this. Leave to use the information protected by the implied undertaking could have been requested by the Appellants as soon as they were aware of the Chief Licensing Officer's investigation, likely no later than the spring of 2018. While Mr. Engel has just recently been retained, Mr. Tesfay's previous counsel could have requested permission to use this disclosure.
- b) It is important not to use the PSCT as a route for disclosure. In a criminal prosecution the Crown Prosecutor has a duty to review all disclosure to ensure sensitive material is vetted prior to release.
- c) The video referred to by the Appellant is included electronically as part of the Record before the Committee.
- d) Mr. Engel had suggested in his written submission that the disclosure is required for questioning and cross examining witnesses. As per the *Community Standards and Licence Appeal Committee Bylaw 15166* (Bylaw) cross examination of witnesses is not permitted; this is not a court, judicial proceeding or a trial. Nothing in the Bylaw requires that any evidence or allegations of fact be made under oath.

That the Automatic Stay be Lifted

a) If an adjournment is granted, Mr. Renouf asks that the cancellation order issued by the Chief Licensing Officer go into effect today, and that Nyala be required to close pending a further hearing by this Committee.

b) Mr. Renouf provided the following timeline:

January 4, 2018: Original application from PSCT to Chief Licensing Officer to impose conditions on Nyala.

February, 2018: Decision imposing condition was issued by the Chief Licensing Officer, which Nyala appealed.

June 14, 2018: Nyala appealed those conditions and an adjournment was granted by this Committee on June 14, 2018.

At that hearing Nyala advised that there were some conditions that could not be complied with immediately. However the Committee said Nyala could remain open only if all of the conditions were complied with.

June 15, 2018: Nyala gave notice to the Committee that all conditions had been complied with and they re-opened on June 16, 2018.

A number of inspections during June and July, 2018, by the PSCT, police officers, fire department and the AGLC confirmed that on no occasion was Nyala ever in compliance with all of the conditions.

August, 2018: A request was made by the PSCT to the Chief Licensing Officer to cancel Nyala's business license. It was sent out on September 16, 2018, but there were service issues so it was sent out a second time.

December 4, 2018: The decision to cancel Nyala's business license, which is before us today, was issued. Nyala appealed this decision which granted them an automatic stay up to today.

c) Public safety has to be the priority both for the City and Nyala if it wants to hold a license to serve alcohol in the City of Edmonton. The Record before you demonstrates that Nyala has failed to do so. Nyala continued to operate despite having conditions imposed which they failed to comply with despite informing this Committee they were in compliance.

- d) Mr. Engel's client has been aware of the gun incident for at least a year. The video which is before us today shows Mr. Tesfay personally present when an employee wiped down and subsequently hid a firearm. Mr. Tesfay refused to cooperate with the police and required them to obtain a search warrant prior to providing the video to them. This behaviour shows a lack of regard for public safety.
- e) Mr. Renouf confirmed to the Committee that his office also does not have the information that was contained in Tabs 1 to 4 referred to by Mr. Engel. Mr. Renouf believes that the omission of these documents is a non-issue for this Committee. The Appellant could have identified this omission in a more timely fashion.
- f) Mr. Renouf reminded the Committee that this is not a criminal proceeding. The Committee must decide if the decision of the Chief Licensing Officer was reasonable, and if there is anything unfair about how that decision was made. It is the Respondent's submission that the decision is patently reasonable and ample opportunity was provided to the Appellant to provide input into the decision. All relevant material leading to the decision of cancellation was properly before the Chief Licensing Officer and is properly before this Committee and Mr. Tesfay's council.
- g) There is no connection between this tribunal and the criminal trial.

V. REBUTTAL OF APPELLANT

- a) Mr. Engel distributed an excerpt from *The Principles of Administrative Law* and referred to the highlighted text regarding disclosure requirements for administrative tribunals.
- b) It is unfair that the business be required to cease operating should an adjournment be granted. There have been no recent inspections that have shown any non-compliance – the last inspection was October 27, 2018. If public safety is such a great concern it does not make sense that there have been no inspections since that date.
- c) With regard to the information protected by the implied undertaking the PSCT has already provided part of the disclosure in its materials; this is completely inconsistent with their position that they are unable to provide the required disclosure.
- d) On December 20, 2018, Mr. Engel contacted Mr. Renouf and advised him that he would be requesting all relevant records in the possession of the PSCT and EPS and asked if this would be contested. No reply was received; therefore, Mr. Engel did not anticipate having to go to court to get the required records. Mr. Engel submits that this Tribunal has the jurisdiction to order the Respondent (the PSCT) to provide full disclosure.

- e) The narrative report of Cst. Ward talks about putting together 100 video clips in a master DVD. There is much more in the way of video than what has been disclosed.
- f) While nothing in the Bylaw requires testimony to be given under oath, nothing prohibits it either. What is prohibited is cross-examination. Nothing prohibits this Committee from hearing from witnesses that are not cross-examined.
- g) It is Mr. Tesfay's constitutional charter right to not allow a search, especially when he was a target of an investigation.
- h) Mr. Engel reminded the Committee that this is a hearing de novo. This Committee needs to make a decision on the evidence before it.

VI. INFORMATION FROM THE DECISION MAKER

- a) Ms. Matwie, Program Manager, Business Licensing and Vehicle for Hire, advised the Committee that she did not have a copy of the information contained in Tabs 1-4 referred to in Tab 3 of the Appellant's submissions at the time she made her decision to cancel the business licence.

VII. DECISION

1. A Postponement has been granted until February 19, 2019.
2. The stay will be lifted until the hearing takes place.
3. If Mr. Engel, through a court application, obtains additional material he may put it before the Committee.
4. Mr. Engel may put the information in the missing tabs before the Committee
5. The Committee will not order any additional disclosure.

VIII. REASONS

The issue that this Committee will ultimately deal with relates to shutting down a business. There is no question that shutting down a business is a serious act that may impact many people. This should only be done so in a way that both meets the requirements of the legislation, and in a way that is fair. At some level, before the hearing takes place, the Appellant needs to know and understand the nature of the allegations being made, and must have an ability to respond to those allegations. This will ensure a fair process.

However, this is not a criminal matter, but an administrative proceeding. Criminal courts are concerned about full disclosure, strict rules of evidence, and ensuring convictions are based on evidence that must be proven to a different standard. Administrative tribunals are often a less formal procedure where each party presents the evidence that they want to present, and a panel is tasked with weighing this evidence in a way that leads to a transparent decision. If there are questions about the reliability of evidence because certain information has been withheld, an administrative tribunal can take that into account when weighing the evidence.

The argument of the Appellant to postpone this matter is based on the Appellant wanting to submit additional evidence so that the Committee has all the information it needs to assess issues related to reliability and credibility.

First, the Appellant wants this Committee to consider some materials that were intended to be provided to the original decision maker. This material was intended to be attached to other materials provided to the initial decision maker by a previous lawyer for the Appellant. It appears that the prior decision maker never had this material when making its decision. It is not clear what types of material this encompasses, but it appears that there was a clear intent to have this information in front of the prior decision maker. It therefore makes sense that this matter is postponed so that this information can be provided to this Committee.

Second, the Appellant wants this Committee to order additional disclosure from the Edmonton Police Service or from the Respondent. The Appellant claims that without these additional materials the hearing cannot be fair since other evidence cannot be tested. To at least some extent this additional material is already in the hands of the Appellant's legal counsel but cannot be released as a result of the implied undertaking.

There is nothing in the *CSLAC Bylaw* or the *Municipal Government Act (MGA)* that suggests that this Committee can make an order requiring a party (or a non-party) to produce additional information. The Appellant argues that fairness dictates that the Committee must have the jurisdiction to make such an order or the process will be unfair, but does not provide any case law that suggests a tribunal has this jurisdiction in the absence of statutory authority.

Administrative tribunals are creatures of statute and they cannot assume that they have the same powers as Courts. Since there is nothing in the *CSLAC Bylaw* or the *MGA* that suggests this Committee has the jurisdiction to compel production, this Committee does not believe it has this ability. It is up to each party to present whatever evidence they feel is relevant, and for this Committee to weigh that evidence when it is presented. One of the

factors that this Committee can take into account is whether evidence is being hidden, as appears to be alleged by the Appellant.

Further, a preliminary review of the evidence suggests that the Appellant would know the nature of the allegations. The Appellant would be able to respond by explaining why the allegations are not true, have not been proven, or have otherwise been taken out of context. In other words, it does not appear necessary to have this additional disclosure for the Appellant to respond to the allegations.

Part of the Appellant's request arises as a result of some of the information being subject to the implied undertaking rule. This Committee has no ability to relax the implied undertaking. Based on the case of *Bourgeois v. Bolen*, 2004 ABQB 35, the Appellant can ask the Court to relax this implied undertaking. While the Appellant has already had time to do this, a postponement will allow the Appellant further time to make this request to the Court. If the Appellant is able to get the Court to relax the implied undertaking, this information may be provided to the Committee.

The Appellant has also asked this Committee to order the production of a witness. When asked what jurisdiction the Committee has to make such an order the Appellant requested the ability to put in written submissions on this topic. The Committee will consider any submissions that are made, but notes that neither City bylaws nor the *MGA* appears to contemplate ordering a witness to attend a hearing. If a key witness is not called, the Committee already has the option to place less weight on evidence, especially if that evidence is contested. As such, while the Committee is open to receiving submissions on this topic, it does not appear that fairness would necessarily require specific witnesses to attend the hearing.

Knowing that the Committee decided to postpone the hearing, the parties all indicated that they would be available to have the hearing take place on February 19, 2019. The hearing will therefore be postponed to this date.

Given that a postponement has been granted, it is also necessary for the Committee to determine whether the stay should be lifted. Lifting the stay would have the effect of temporarily shutting the business down until the hearing takes place. Under the terms of the *CSLAC Bylaw* a stay can be lifted in the following circumstances:

10 (2) Notwithstanding subsection (1), an interim stay granted pursuant to this bylaw may be revoked by the Committee if a Preliminary Issue Application is received from a party to the appeal and the Committee is satisfied that:

- (a) there has been a material change in circumstances that warrants revoking the interim stay;
- (b) the conduct of the appellant warrants revoking the stay; or
- (c) the operation of the interim stay creates or contributes to a situation of imminent danger to public safety.

The Respondent argues that lifting the stay is warranted based on the nature of the breaches of the conditions and the type of activities that are taking place at the business. The Appellant argues that shutting the business down temporarily could economically impact the business in such a way that it would have to shut down permanently. The Appellant also argues that the allegations are unproven and that there have been no recent inspections which must suggest that there is no immediate need to shut down the business.

No evidence was provided relating to the economic impact to the business should the stay be granted. Without evidence, this submission cannot be accepted. While the evidence about the events and condition breaches is currently unproven the Committee still needs to view this evidence at this time in the context of public safety. If these allegations create a public safety concern the stay should be lifted. Finally, the Committee finds that the fact that there have been no recent inspections is not relevant to this analysis.

Ultimately there are three factors that the Committee felt was important in lifting the stay. The Committee finds that any of these factors on their own would warrant lifting the stay.

First, there was a prior hearing where the Appellant had made representations to this Committee that it would be difficult or impossible to comply with certain business license conditions. At that time, the Committee made a decision that the business should remain closed until all the conditions could be complied with and put the Appellant under the obligation to inform city administration once they intended on reopening. Despite having made representations to this Committee of the difficulty of complying, the Appellant immediately told city administration they were in compliance. Almost immediately thereafter issues arose about whether the conditions were truly being complied with. The conduct of the Appellant in making questionable representations to this Committee about the ability to comply is therefore one important factor that warrants lifting the stay.

Second, while this committee has not yet heard all of the evidence, and has therefore not had an opportunity to weigh that evidence, there is some evidence which on its face suggests that the business is being operated in such a way that it may be causing a hazard to public safety. One example is the video which shows a weapon being hidden. The Appellant has not explained that event. Another example is the fact that there have been occurrences when there is smoking on the premises while the HVAC unit was apparently turned off. There are also a significant number of

other alleged condition violations relating to failures to have adequate security, unclear security photographs, not using metal detectors, all of which is creating additional risks to the public. While these issues may ultimately be explained once all the evidence has been heard, this evidence is sufficient on its face to show that the operation of the business appears to be creating a danger to public safety.

Third, is the volume of alleged condition violations. On the face of this evidence, this would suggest a business which is being run in a way that has little regard for following the rules, and therefore has the potential to be a safety hazard. Again the weight to place on this evidence will be determined at the hearing, but this evidence is sufficient at this stage to lift the stay.

The stay is therefore lifted.



Councillor M. Banga

February 14, 2019

Date



COMMUNITY STANDARDS AND LICENCE APPEAL COMMITTEE

MINUTES

February 8, 2019 – River Valley Room

PRESENT

T. Caterina, J. Dziadyk, M. Banga

ALSO IN ATTENDANCE

S. Sarich, Office of the City Clerk
 C. Ashmore, Law Branch
 B. Webster / I. Russell, 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	

M. Banga called the meeting to order at 9:36 a.m.

1.2 Adoption of Agenda

Moved T. Caterina:

That the February 8, 2019, Community Standards and Licence Appeal Committee meeting agenda be adopted.	
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In Favour:

T. Caterina, J. Dziadyk, M. Banga

Carried

1.3 [Adoption of Minutes](#)

Moved J. Dziadyk:

That the December 13, 2018, Community Standards and Licence Appeal Committee meeting minutes be adopted.	
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In Favour:

T. Caterina, J. Dziadyk, M. Banga

Carried

2. EXPLANATION OF APPEAL HEARING PROCESS

M. Banga 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 Decision to refuse to issue a City of Edmonton Driver's Licence under the Vehicle for Hire Bylaw 17400 to M.S. \(299382695-001\)](#)

The Appellant, M. S. was not present. He had previously submitted a written Postponement Request to allow his new legal counsel time to prepare a written submission and obtain relevant documents.

K. Johnson, Law Branch, represented the Respondent. She is not opposed to an adjournment, in principle, however, is not able to attend the next Community Standards and Licence Appeal Committee meeting scheduled for March 21, 2019. She requests that this matter be moved forward to the May 16, 2019, meeting.

Moved J. Dziadyk:

That the appeal hearing regarding the decision to refuse a City of Edmonton driver's licence to M. S. be postponed to May 16, 2019.

In Favour:

Carried

T. Caterina, J. Dziadyk, M. Banga

3.2

[Appeal of decision to cancel Business Licence 107425872-001 issued to 1370498 Alberta Ltd. o/a Nyala Lounge at 10875 - 98 Street.](#)

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

T. Engel, Solicitor for the Appellant, made a presentation and responded to the Committee's questions. He requested a postponement to allow sufficient time to obtain all relevant disclosure documents.

Moved T. Caterina

That additional time be granted to T. Engel to complete his presentation.

In Favour: J. Dziadyk, M. Banga

Carried

S. Renouf, Solicitor for the Respondent (Public Safety Compliance Team), made a presentation and responded to the Committee's questions. He agreed to the postponement request but asked that the interim stay be lifted if a postponement is granted.

A copy of an Alberta Queen's Bench decision was submitted to the members of the Committee and to the Appellant. (*Bourgeois v. Bolen*, (2004) A.J. No. 50.

Moved T. Caterina

That additional time be granted to S. Renouf to complete his presentation.

In Favour: J. Dziadyk, M. Banga

Carried

T. Engel responded to new information and responded to further questions from the committee. He objected to the

Respondent's request that the stay be lifted.

Excerpts from a textbook of Administrative Law were distributed to the members of the Committee, and the Respondent. (Jones, David Phillip and de Villars, Anne S. *Principles of Administrative Law, ed 6 (Carswell, 2014)*)

Moved: T. Caterina

That additional time be granted to T. Engel to complete his presentation.

In Favour: J. Dziadyk, M. Banga **Carried**

S. Renouf responded to further questions from the Committee.

The Committee heard from the decision maker, M. Matwie.

The Committee met in private at 11:09 a.m., pursuant to Section 20 (Disclosure harmful to law enforcement) of the Freedom of Information and Protection of Privacy Act.

The Committee met in public at 11:45 a.m. M. Banga read the draft decision motion.

Motion: T. Caterina

That a short adjournment be taken to allow the parties to find a mutually acceptable hearing date.

In Favour: J. Dziadyk, M. Banga **Carried**

Motion: T. Caterina

To extend orders to complete Item 3.2

In Favour: J. Dziadyk, M. Banga **Carried**

Moved M. Banga:

- | | |
|---|--|
| <ol style="list-style-type: none">1. A Postponement has been granted until February 19, 2019.2. The stay will be lifted until the hearing takes place.3. If Mr. Engel, through a court application, obtains additional material he may put it before the Committee.4. Mr. Engel may put the information in the missing tabs before the | |
|---|--|

Committee. 5. The Committee will not order any additional disclosure.	
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In Favour:

Carried

T. Caterina, J. Dziadyk, M. Banga

4. ADJOURNMENT

The meeting was adjourned at 12:10 p.m.

Chair

City Clerk