1. **APPEAL HEARING: Guy Cruickshanks, Peter Van Egmond & Sons, Request for Extension of City of Hamilton Trade Licence for Contractor – Building Repair (Licence No. 14 11564 CL) (Item 4.1)**

   *Clark/Duvall*

   (a) That the Building Repair Contractor Licence for Peter Van Egmond & Sons Roofing Ltd., be extended for the remainder of the one year period to May 20, 2014, pursuant to sub-section 28(3) of Schedule 29 of the Hamilton Licensing By-Law 07-170, as amended, contingent upon the following condition and providing that Licensee satisfies all other necessary requirements, as set out in Licensing By-law 07-170, as amended:

   (i) Subject to a Building Repair Master Licence in the name of Guy Cruickshanks.

   (b) That staff be directed to fully refund the $126.00 administration fee, paid by Peter Van Egmond & Sons, to appear before the Licensing Tribunal on July 15, 2013.

   **CARRIED**
2. Correspondence from Gerry Falletta, Argiropoulos Falletta LLP, respecting an adjournment request for the Show Cause Hearing for Naresh Chaudhary, Multiple Establishment and Tobacco Retailers Licences for Jai Shree Arbuda Ltd. o/a Hasty Market, 2372 Barton Street East, Hamilton, ON (File Nos. 13 281027 11 and 13 281026 1G) (Item 4.2)

(Duvall/Clark)
That the adjournment request of the August 21, 2013 Show Cause Hearing for Naresh Chaudhary, Multiple Establishment and Tobacco Retailers Licences for Jai Shree Arbuda Ltd. o/a Hasty Market, 2372 Barton Street East, Hamilton, ON, to the October 10, 2013 hearing date, be approved.

CARRIED

FOR THE INFORMATION OF THE TRIBUNAL:

(a) CHANGES TO THE AGENDA (Item 1)

The Tribunal Clerk advised of the following change to the agenda:

(i) Added as Item 4.2 – Correspondence from Gerry Falletta, Argiropoulos Falletta LLP, respecting and adjournment request for the Show Cause Hearing for Naresh Chaudhary, Multiple Establishment and Tobacco Retailers Licences for Jai Shree Arbuda Ltd. o/a Hasty Market, 2372 Barton Street East, Hamilton, ON (File Nos. 13 281027 11 and 13 281026 1G)

(Clark/Duvall)
That the July 15, 2013 agenda for the Hamilton Licensing Tribunal be approved, as amended.

CARRIED

(b) DECLARATIONS OF INTEREST (Item 2)

There were no declarations of interest.

(c) APPROVAL OF MINUTES OF PREVIOUS MEETINGS (Item 3)

(i) June 20, 2013 (Item 3.1)

(Pasuta/Duvall)
That the Minutes of the June 20, 2013 Hamilton Licensing Tribunal be approved, as presented.

CARRIED
(d) **APPEAL HEARING: Guy Cruickshanks, Peter Van Egmond & Sons, Request for Extension of City of Hamilton Trade Licence for Contractor – Building Repair (Licence No. 14 11564 CL) (Item 4.1)**

On May 14, 2013, the Director of Municipal Law Enforcement sent correspondence to Mr. Guy Cruickshanks, of Peter Van Egmond and Sons, advising that, in accordance with the City of Hamilton Licensing By-law 07-170, as amended, Schedule 29, Section 45(3), the application for renewal of the Trade Licence for Contractor – Building Repair has been accepted and a licence issued or a maximum of 60 days from May 9, 2013 to July 20, 2013, but the licence could not be extended for a longer period of time without authorization by the Hamilton Licensing Tribunal.

If Mr. Cruickshanks wishes to work as a Master – Building Repair for more than one Building Repair Contractor, he must submit a request to the Tribunal to do so.

On May 30, 2013, Mr. Cruickshanks submitted a request to appeal before the Licensing Tribunal to review his request to work as a Master – Building Repair for more than one Building Repair Contractor.

**July 15, 2013 Hearing:**

Mr. Bishop advised the Tribunal that both parties were to providing a joint submission and agreed statement of facts for the Tribunal’s consideration. Mr. Bishop provided an overview of Joint Submission, which reads as follows:

**Joint Submission of the Issuer of Licence and Guy Norman Cruickshanks, Master – Building Repair, and by Guy Norman Cruickshanks on Behalf of Peter Van Egmond & Sons Roofing Ltd. Licensed Contractor – Building Repair**

**IN THE MATTER OF AN APPEAL HEARING** by Guy Cruickshanks Licensed Building Repairs Master and Owner and Operator of Peter Van Egmond & Sons Roofing Ltd. for extension of City of Hamilton Trade Licence No. 14 11564 CL – Building Repairs Contractor Licence – Peter Van Egmond & Sons Roofing Ltd. 250 Regional Road 20, Hannon, Ontario;

**AND THE IN THE MATTER OF** a request by Guy Cruickshanks Building Repairs Master to carry on the work of a licensed Building Repairs Master for more than one licensed Building Repairs Contractor; namely, for Peter Van Egmond & Sons Roofing Ltd. as well as B&G Roofing and Sheet Metal Inc. both until the expiry of their one year renewals of their annual “Building Repair Contractor Licences” to May 21, 2014;

**AND IN THE MATTER OF** City of Hamilton Consolidated Licensing By-Law No. 07-170, Schedule 29, Part VI, Sections 41(1)(2), 42(a) and 45(3):
(i) whereby no person shall carry on the business of a Building Repairs Contractor without a Building Repairs Contractor’s licence;

(ii) whereby a licensed Building Repairs Contractor shall have in his or her employ a licensed Building Repairs Master who is in actual charge of the work;

(iii) where no person shall engage in the occupation of a Building Repairs Master unless he or she is the holder of a current valid licence under Schedule 29;

(iv) where the application for a Building Repair Contractor’s licence must include the name and address of a licensed Building Repairs Master who will be responsible for the Building Repairs Contractor’s work; and,

(v) where a licensed Building Repairs Master, who wishes to carry on the work of a Building Repairs Master for more than one Building Repairs Contractor for a longer period than 60 days, must appeal to the Hamilton Licensing Tribunal for such an extension.

Facts

1. Guy Norman Cruickshanks (Cruickshanks) is a Building Repairs Master licensed under City of Hamilton Consolidated Licensing By-Law No. 07-170, as amended, Schedule 29, Part VI and has been for many, many years and, in May of 2013, received a licence renewal as a Building Repairs Master for the period of May 9, 2013 through May 20, 2014 under licence number 14 115940 MA with the condition: “Master for: Peter Van Egmond & Sons Roofing Ltd., and B&G Roofing, and B&G Multi Services Inc., a copy of which licence is attached as Schedule “A” to this Joint Submission.

2. B&G Roofing & Sheet Metal Inc. of 250 Regional Road 20, Hannon, Ontario is a licensed Building Repairs Contractor, pursuant to Schedule 29 of Hamilton Consolidated Licensing By-Law 07-170, as amended, and has been a licensed Building Repairs Contractor in Hamilton for many years with the latest annual licence being issued as of May 9, 2013 until May 21, 2014 with the condition: “subject to a Master in the name of Guy Norman Cruickshanks” and a copy of that licence no. 14 115541 CL is attached as Schedule “B” to this Joint Submission.

3. Peter Van Egmond & Sons Roofing Ltd. of 250 Regional Road 20, Hannon, Ontario is a licensed Building Repairs Contractor, pursuant to Schedule 29 of Hamilton Consolidated Licensing By-Law 07-170, as amended, and has been a licensed Building Repairs Contractor in Hamilton for many years with the latest annual licence being issued as of May 9, 2013 until July 20, 2013 with the condition “subject to a
Master in the name of Guy Norman Cruickshanks and a copy of that licence no. 14 115564 CL is attached as Schedule “C” to this Joint Submission. It is that Building Repairs Contractor licence for Peter Van Egmond & Sons Roofing Ltd., which is the subject of the Appeal Hearing before the Hamilton Licensing Tribunal on July 15, 2013.

4. B&G Multi Services Inc. of 250 Regional Road 20, Hannon, Ontario is a licensed Building Repairs Contractor, pursuant to Schedule 29 of Hamilton Consolidated Licensing By-Law 07-170, as amended, and has been a licensed Building Repairs Contractor in Hamilton for many years with the latest licence being for the period June 29, 2012 through August 31, 2013 with the condition “subject to a Master in the name of Guy Cruickshanks” and a copy of that licence no. 12 278872 CL is attached as Schedule “D” to this Joint Submission. This licence is not before the Hamilton Licensing Tribunal at this time, but may be at a future date if and when a renewal of that Building Repairs Contractor licence is sought with the same Building Repairs Master, Guy Cruickshanks, as for B&G Roofing and Sheet Metal Inc. and Peter Van Egmond & Sons Roofing Ltd.

5. All three licensed Building Repairs Contractors (B&G Roofing and Sheet Metal Inc., Peter Van Egmond & Sons Roofing Ltd., and B&G Multi Services Inc.) are owned and operated by Building Repairs Master, Guy Cruickshanks (Cruickshanks), and a copy of his letter of explanation dated May 30, 2013 is attached as Schedule “E” to this Joint Submission.

6. The matter in front of the Tribunal on July 15, 2013, relates to the proposed extension of the Building Repairs Contractor licence of Peter Van Egmond & Sons Roofing Ltd. for the entire annual term of the licence to May 20, 2014 using the Building Repairs Master, Cruickshanks, beyond 60 days and for the entire term of the licence despite Cruickshanks also being the Building Repairs Master for the licensed Building Repairs Contractors, B&G Roofing and Sheet Metal Inc. and B&G Multi Services Inc.

7. The Municipal Law Enforcement (MLE) Division of the Planning & Economic Development Department of the City of Hamilton has had no complaints respecting the Building Repairs Master, Guy Norman Cruickshanks, nor any complaints respecting the licensed Building Repairs Contractors B&G Roofing and Sheet Metal Inc., Peter Van Egmond & Sons Roofing Ltd., and B&G Multi Services Inc. for over twenty (20) years. The last known complaints relating to either the Master, Cruickshanks, or his Building Repair Contractor companies were in 1989, 1991 and 1992 and the City records for those matters indicate that they were satisfactorily resolved. As stated, there is nothing on the City records since that time.
8. In the Hamilton Licensing Tribunal decision related to Bosanac Heating and Electric and Sandwell Fuels Limited, the Hamilton Licensing Tribunal extended the Contractor Licence for Sandwell Fuels despite Bosanac being proposed the licensed Master for that company as well as Bosanac Heating and Electric and indicated that it would consider approving extensions such as that asked for in that case, in future cases, if the licensed Master serving more than one contractor and the licensed contractors concerned were not the subject of customer/consumer complaints.

**Recommendation**

9. Cruickshanks and the Issue of Licenses therefore recommend to the Hamilton Licensing Tribunal in this case that the Building Repairs Contractor licence of Peter Van Egmond & Sons Roofing Ltd. be extended through to May 20, 2014 (the end of the annual licence term) with the condition being: “subject to a Master in the name of Guy Cruickshanks” on the basis that there have not been any complaints respecting either the Contractor or the Master or the other contractors for which Cruickshanks is Master for over twenty (20) years.

Further, Cruickshanks and the Issuer of Licenses respectfully request the Hamilton Licensing Tribunal, in keeping with its recent decisions related to Bosanac Heating and Electric and Sandwell Fuels, order that the appeal fee paid by Building Repairs Contractor, Peter Van Egmond & Sons Roofing Ltd., in order to bring this matter before the Hamilton Licensing Tribunal be refunded to the Building Repairs Contractor, Peter Van Egmond & Sons Roofing Ltd.

Mr. Cruickshanks confirmed that he was in agreement with the Joint Submission and the Agreed Statement of Facts.

(e) PRIVATE & CONFIDENTIAL (Item 5)

(i) June 20, 2013 (Item 5.1)

(Pasuta/Duvall)

(a) That the Closed Session Minutes of the June 20, 2013, meeting of the Hamilton Licensing Tribunal be approved, as presented.

(b) That the Closed Session Minutes of the June 20, 2013 meeting of the Hamilton Licensing Tribunal, remain confidential and restricted from public disclosure.

CARRIED
(f) ADJOURNMENT (Item 6)

(Clark/Duvall)
That, there being no further business, the Hamilton Licensing Tribunal be adjourned at 10:15 a.m.

CARRIED

Respectfully submitted,

Councillor C. Collins, Vice Chair
Hamilton Licensing Tribunal

Stephanie Paparella
Legislative Coordinator
Office of the City Clerk