1. **SHOW CAUSE HEARING:** Darwin Tchir, Eating Establishment – Restaurant License for 8631646 Canada Inc. operating as Social Bar & Grill, Nightclub, Lounge & Restaurant, located at 115 George Street, Hamilton, Ontario (File No. 13 285394 1J) (Item 4.1)

(Collins/Clark)
That a request for an adjournment of the Show Cause Hearing for Darwin Tchir, Eating Establishment – Restaurant License for 8631646 Canada Inc. operating as Social Bar & Grill, Nightclub, Lounge & Restaurant, located at 115 George Street, Hamilton, Ontario, in order to seek legal counsel, be approved to the December 11, 2014 hearing date.

**CARRIED**
2. **SHOW CAUSE HEARING:** Scott McDonald, Eating Establishment – Restaurant License for 1677195 Ontario Inc., operating as Che Burrito and Lounge, located at 38 Hess Street South, Hamilton, Ontario (File No. 14 284108 1J) (Item 4.2)

(Collins/Duvall)

That the following conditions be immediately imposed upon the Eating Establishment – Restaurant License for 8631646 Canada Inc. operating as Social Bar & Grill, Nightclub, Lounge & Restaurant, located at 115 George Street, Hamilton, Ontario (13 285394 1J):

(a) The Licensee must pay in full, for the year 2014 and years forward, its pro-rated share of the cost of the Special Duty Police Officer charges, required under Schedule 21, Sections 10 and 11 of the Hamilton Licensing By-law 07-170, as amended, as invoiced by the City to the Licensee within 45 days of the date of the City of Hamilton’s post mark, with the failure to do so resulting in the automatic suspension of the License; without recourse to the Tribunal, until the earlier of the date of payment of the invoiced amount or the expiry date of the License, whichever is earlier; and,

(b) That, subject to the Licensee continuing to abide by all other requirements, regulations, and conditions of Licensing By-law 07-170, as amended, including Schedule 21 thereof, the Licensee’s Eating Establishment - Restaurant License for 1677195 Ontario Inc., operating as Che Burrito and Lounge, located at 38 Hess Street South, Hamilton, Ontario (14 284108 1J) shall remain in effect with the condition in sub-section (b) above and be renewed with the condition in sub-section (b) above for so long as the business is owned and operated by 1677195 Ontario Inc. (Scott McDonald).

CARRIED

3. **APPEAL HEARING:** Rajinder Singh, Refusal of Application for a Taxi Cab Driver License (File: 11 127214 / 14 286545 00 2M) (Item 4.3)

(Duvall/Passuta)

That the Taxi Cab Driver License application, to be submitted by Rajinder Singh, be accepted and a license issued, contingent upon the following conditions; and, providing that the applicant satisfies all other necessary requirements, as set out in the Licensing By-law 07-170, as amended:

(a) That Mr. Rajinder Singh be required to submit a current driver abstract to the Issuer of Licenses as follows for a 3 (three) year period:

   (i) Every 60 (sixty) days for the first year;

   (ii) Every 90 (ninety) days for the second year; and,

   (iii) Every 6 (six) months for the third year.

CARRIED
FOR THE INFORMATION OF THE TRIBUNAL:

(a) **CHANGES TO THE AGENDA (Item 1)**

There were no changes to the agenda.

(Collins/Pasuta)

That the September 11, 2014 agenda for the Hamilton Licensing Tribunal be approved, as presented.

CARRIED

(b) **DECLARATIONS OF INTEREST (Item 2)**

There were no declarations of interest.

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

(i) **July 14, 2014 (Item 3.1)**

(Collins/Duvall)

That the Minutes of the July 14, 2014 Hamilton Licensing Tribunal be approved, as presented.

CARRIED

(d) **SHOW CAUSE HEARING: Darwin Tchir, Eating Establishment – Restaurant License for 8631646 Canada Inc. operating as Social Bar & Grill, Nightclub, Lounge & Restaurant, located at 115 George Street, Hamilton, Ontario (File No. 13 285394 1J) (Item 4.1)**

On August 8, 2014, the Issuer of Licenses corresponded with the Legislative Coordinator for the Hamilton Licensing Tribunal, requesting that a Show Cause hearing be scheduled and brought before the Hamilton Licensing Tribunal to consider whether the above referenced license should be revoked, suspended or conditions imposed upon it.

Pursuant to Section 8 of the *Statutory Powers Procedure Act*, R.S.O.1990, c. S22 the grounds for revocation or suspension or the imposition of conditions at this hearing are:

(i) City of Hamilton Licensing By-Law 07-170, Section 12(1)(c)(i), as amended, the Issuer of Licenses shall refuse to issue a licence or may recommend the suspension or revocation of a licence when the applicant or the licensee has not met any of the requirements under this By-law including the applicable Schedule;

(ii) City of Hamilton Licensing By-Law 07-170, Section 12(1)(c)(iii), as amended, the Issuer of Licenses shall refuse to issue a licence or may recommend the suspension or revocation of a licence when the applicant
or the licensee has not paid any fee to be paid under this By-law including the applicable Schedule;

(iii) City of Hamilton Licensing By-Law 07-170, Section 12(1)(c)(vi)(3), as amended, the Issuer of Licenses shall refuse to issue a licence or may recommend the suspension or revocation of a licence when in the opinion of the Issuer of Licenses the conduct of the applicant or licensee (in the case of partnership, the conduct of its partners, employees or agents or in the case of a corporation, the conduct of its officers, directors, employees or agents) affords reasonable grounds for belief that the applicant or licensee will not carry on or engage in the business in accordance with the law or with honesty or integrity; and,

(iv) City of Hamilton Licensing By-Law 07-170, Schedule 21, Section 12, as amended, every Hess Village Entertainment District licence holder shall contribute a prorated share, based on the total capacity of their premises under their liquor licence, to the cost of the Special Duty Police Officers required under section 10, as may be changed under section 11, and their licence shall be conditional on such contribution being paid in full in a timely fashion.

Namely:

1. That the licence holder, Darwin Tchir, 8631646 Canada Inc. Inc operating as Social Bar & Grill, Nightclub, Lounge, and Restaurant has not paid the applicable fees pertaining to the Eating Establishment, Restaurant Licence; specifically, Special Duty Police Officers in a timely manner; and,

2. The licence expires on January 16, 2015. If the hearing has not been completed before the licence expires; and,

   (aa) If the licence holder has not submitted a completed application for a renewal, the City will request that the hearing be cancelled. If this is the case, and the licence holder keeps operating without a licence, he will be doing so contrary to the Licensing By-law; or,

   (bb) If the licence holder has submitted a completed application for a renewal, the City will request that the hearing proceed under Section 12(1) of the Licensing By-law as a refusal of the licence rather than as a recommendation to revoke or suspend the licence.

September 11, 2014 Hearing:

Mr. Bishop provided his Opening Statement that included, but was not limited to, the following:
• The case presently before you today involves the business licence of the Social Bar and Grill Nightclub and Lounge located at 115 George Street in Hess Village and is a result of not paying, in a timely fashion, the fees for police services, as required under the by-law.

• The Owner, Darwin Tchir, is the licence holder and owes over $5600.00 to the City for Special Duty Officer charges. Approximately 50% of the fees are over 45 days; and, since being notified of the hearing, has failed to pay any of the fees.

• Specifically, the Licensing By-law 07-170, Schedule 21, Section 12, stipulates that each Hess village Entertainment District Licence holder shall contribute their prorated share of special duty police officer fees.

Mr. Tchir provided his Opening Statement that included, but was not limited to, the following:

• Mr. Tchir stated that he had only just received the Disclosure from the City and was requesting a 120 day adjournment in order to retain legal counsel for his hearing.

Mr. Bishop advised the Tribunal that the disclosure package was sent two weeks prior via registered mail. Mr. Bishop also advised that despite the continuance request from Mr. Tchir, he was ready to proceed with the hearing.

(Clark/Pasuta)
That the Hamilton Licensing Tribunal move into Closed Session, at 10:14 a.m., to deliberate upon the submissions of the parties, respecting the show cause hearing for Darwin Tchir, respecting Social Bar & Grill, Nightclub, Lounge & Restaurant located at 115 George Street, Hamilton, Ontario.

CARRIED

The Tribunal reconvened in open session 10:19 a.m.

Having considered the submissions of the parties, the Tribunal provided their decision, which is shown as Item 1 above.

(e) SHOW CAUSE HEARING: Scott McDonald, Eating Establishment – Restaurant License for 1677195 Ontario Inc., operating as Che Burrito and Lounge, located at 38 Hess Street South, Hamilton, Ontario (File No. 14 284108 1J) (Item 4.2)

On August 8, 2014, the Issuer of Licenses corresponded with the Legislative Coordinator for the Hamilton Licensing Tribunal, requesting that a Show Cause
hearing be scheduled and brought before the Hamilton Licensing Tribunal to consider whether the above referenced license should be revoked, suspended or conditions imposed upon it.

Pursuant to Section 8 of the **Statutory Powers Procedure Act**, R.S.O.1990, c. S22 the grounds for revocation or suspension or the imposition of conditions at this hearing are:

(i) City of Hamilton Licensing By-Law 07-170, Section 12(1)(c)(i), as amended, the Issuer of Licenses shall refuse to issue a licence or may recommend the suspension or revocation of a licence when the applicant or the licensee has not met any of the requirements under this By-law including the applicable Schedule;

(ii) City of Hamilton Licensing By-Law 07-170, Section 12(1)(c)(iii), as amended, the Issuer of Licenses shall refuse to issue a licence or may recommend the suspension or revocation of a licence when the applicant or the licensee has not paid any fee to be paid under this By-law including the applicable Schedule;

(iii) City of Hamilton Licensing By-Law 07-170, Section 12(1)(c)(vi)(3), as amended, the Issuer of Licenses shall refuse to issue a licence or may recommend the suspension or revocation of a licence when in the opinion of the Issuer of Licenses the conduct of the applicant or licensee (in the case of partnership, the conduct of its partners, employees or agents or in the case of a corporation, the conduct of its officers, directors, employees or agents) affords reasonable grounds for belief that the applicant or licensee will not carry on or engage in the business in accordance with the law or with honesty or integrity; and,

(iv) City of Hamilton Licensing By-Law 07-170, Schedule 21, Section 12, as amended, every Hess Village Entertainment District licence holder shall contribute a prorated share, based on the total capacity of their premises under their liquor licence, to the cost of the Special Duty Police Officers required under Section 10, as may be changed under Section 11, and their licence shall be conditional on such contribution being paid in full in a timely fashion;

Namely:

1. That the licence holder, Scott McDonald, 1677195 Ontario Inc. operating as Che Burrito and Lounge, has not paid the applicable fees pertaining to the Eating Establishment, Restaurant Licence; specifically, Special Duty Police Officers in a timely manner.

2. The licence expires on April 13, 2015. If the hearing has not been completed before the licence expires; and,
(aa) If the licence holder has not submitted a completed application for a renewal, the City will request that the hearing be cancelled. If this is the case and the licence holder keeps operating without a licence, they will be doing so contrary to the Licensing By-law; or,

(bb) If the licence holder has submitted a completed application for a renewal, the City will request that the hearing proceed under Section 12(1) of the Licensing By-law as a refusal of the licence rather than as a recommendation to revoke or suspend the licence.

September 11, 2014 Hearing:

Mr. Bishop provided his Opening Statement that included, but was not limited to, the following:

- The matter presently before you involves the business license for Che Burrito and Lounge located at 38 Hess Street South, Hamilton. We are before you as Mr. McDonald was tardy with the payments for Special Duty Officers. However, to-date, he has paid in full.

Mr. McDonald provided his Opening Statement that included, but was not limited to, the following:

- Mr. McDonald introduced himself and provided a brief overview of the matter before the Tribunal.

- He advised that he has chosen not to have legal counsel.

- Mr. McDonald advised the Tribunal that he has always paid his invoices on time. However, the Village has been dying over the past few years.

- The total number of patrons in the Village is been around 1,000.

- Some bars are closing down entirely.

- Things need to be investigated regarding the number of Special Duty Officers required. Sarcoa has quite a few more patrons and they don’t have the same issue with Police fees.

- I am willing to pay the fees as I always have, but things have become difficult and I need more time to pay.
Mr. Bishop and Ms. Kennedy provided a copy of the Agreed Statement of Facts and Proposed Disposition, which reads as follows:

IN THE MATTER OF the City of Hamilton Licensing By-07-170 as amended,

AND IN THE MATTER OF the Municipal Act 2011, R.S.O 2001, c.25, as amended,

AND IN THE MATTER OF the Statutory Powers of Procedure Act, RSO 1990, c.22,

AND IN THE MATTER OF the Show Cause Hearing of:

Scott McDonald, Eating Establishment- Restaurant License for 1677195 Ontario Inc. operating as Che Burrito and Lounge, at 38 Hess Street South, Hamilton, ON (File # 14-284108 1J)

AGREED STATEMENT OF FACTS AND PROPOSED DISPOSITION

A. FACTS

(i) 1677195 Ontario Inc. operating as Che Burrito and Lounge ("Licensee") through Scott McDonald has an Eating Establishment - Restaurant License at 38 Hess Street South, Hamilton, Ontario in the Hess Village Entertainment District, which license is 14 284108 1J, issued pursuant to Licensing By-Law 07-170 as amended, expiring April 13, 2015.

(ii) The License is subject to the regulations of the said Licensing By-Law and, in particular, Schedule 21.

(iii) In addition to the other provisions of Schedule 21, the License is subject to Sections 9 through 13 of that Schedule as the Licensee is in the Hess Village Entertainment District as delineated in Appendix A to Schedule 21. Sections 9 through 13 of Schedule 21 read as follows:

"HESS VILLAGE ENTERTAINMENT DISTRICT"

9. Section 10 to 13 inclusive of this Schedule apply to Hess Village Entertainment District license holders who operate their food premises as bar/nightclubs, as the Hess Village Entertainment District:

   a) has the highest concentration, in terms of capacity, of bars/nightclubs, many with outdoor patios, in the City; and
b) April 15 to November 15 each year has a large number of individuals attending such bars/nightclubs resulting in:

i) significant noise, litter and other nuisances, such as urination in public places in and around the Hess Village Entertainment District;

ii) line-ups to enter the bars/nightclubs that pose a safety risk to pedestrian and vehicular traffic, including inhibiting the flow of traffic along Hess Street; and

iii) additional issues related to nuisance and safety resulting from the large number of individuals in attendance and the consumption of alcohol, in particular when such bars/nightclubs close and these individuals exit en masse.

10. Hess Village Entertainment District license holders shall retain a minimum of 10 Special Duty Police Officers for the Hess Village Entertainment District each Thursday, Friday and Saturday from 11:00 p.m. to 4:00 a.m. beginning April 15 and ending November 15 each calendar year.

11. Notwithstanding Section 10, the Chief of Hamilton Police Services, or his or her designate, may:

a) Change the commencement date of April 15 or the ending date November 15 by giving 48 hours prior notice to each Hess Village Entertainment District license holder;

b) Suspend the requirement to retain Special Duty Police Officers for any day or time period where he or she decides that such Special Duty Police Officers are not required for public safety, nuisance control or public protection or where such Special Duty Police Officers are not available.

c) After consultation with the Issuer of Licenses, increase or decrease with number of Special Duty Police Officers by giving 30 days prior written notice to each Hess Village Entertainment district license holder.

12. Every Hess Village Entertainment District License holder shall contribute a prorated share, based on the total capacity
of their premises under their liquor license, to the cost of the Special Duty Police Officers required under Section 10, as may be changed under Section 11, and their license shall be conditional on such contribution being paid in full in a timely fashion.

13. Every Hess Village Entertainment District license holder shall submit to the Issuer of Licenses, when submitting an application to renew their license or at such other times as the issuer of Licenses may require, a certificate from Hamilton Police Services evidencing their compliance with Section 12.”

(iv) Pursuant to Section 12 of Schedule 21, the License is conditional on the Licensee paying in full in a timely fashion a pro-rated share of the Special Duty Police Officers Charges required under sections 10 and 11 of Schedule 21.

(v) The Licensee was sent correspondence from the Director of Licensing, dated July 29, 2014, warning that on or about August 5, 2014, it would be approximately 45 days since invoices for the May 2014 Police Services Paid Duty fees were issued to the Licensee. This correspondence further warned that if the invoices were not paid before the 45 days had passed, the Issuer of Licenses would be requesting a Show Cause hearing before the Tribunal and seeking further conditions be added to the License.

(vi) On the grounds that the license holder had not paid the applicable fees pertaining to the Special Duty Police Officer Charges in the amount of $712.41 for invoices mailed on or about June 17, 2014, a request for a show cause hearing before the Hamilton Licensing Tribunal (the “Tribunal”), dated August 8, 2014 was made by the Director of Licensing, pursuant to section 12(1) of the General Provisions of the City of Hamilton Licensing By-Law 07-170, as amended, to consider whether the Licensee’s license should be revoked or suspended or conditions imposed.

(vii) The Licensee was sent a Notice of this Show Cause Hearing in a letter dated August 19, 2014, sent by registered mail and under the signature of the Legislative Coordinator of the Office of the City Clerk.

(viii) It was subsequently confirmed that Invoice #421257 dated June 17, 2014 for $712.41; and, Invoice #422039 for $711.92 were paid on August 26, 2014.

(ix) As of the date of the Licensing Tribunal (“Tribunal”) Hearing September 11, 2014, there remains $691.62 in outstanding charges
for Special Duty Police Officer fees owing by the Licensee, for an invoice issued on or about August 5, 2014.

(x) The City has been continuously seeking to have the Licensee and others in the Hess Village Entertainment District pay the invoices under sections 10 and 11 of Schedule 21 in a “timely fashion” as required by Schedule 21 and to that end wishes to more clearly define “paid in full in a timely fashion” by adding a condition to the License of each Licensee requiring payment in full of Special Duty Police Officers Charges invoiced under sections 10 and 11 of Schedule 21 within 45 days of the Invoice Date and if not paid by that time, then the license shall be deemed suspended and the business may not operate until the outstanding charges under sections 10 and 11 under Schedule 21 are paid in full.

B. PROPOSED DISPOSITION BASED ON THE FACTS

(i) It is agreed that should the Tribunal accept and approve this Agreed Statement of Facts and Proposed Disposition, then immediately thereafter the following condition shall be attached to the Licensee’s Eating Establishment—Restaurant License:

“This License is further conditional on the Licensee paying in full its pro-rated share of the cost of the Special Duty Police Officers Charges required under sections 10 and 11 of Schedule 21, as amended, as invoiced by the City to the Licensee within 45 days of the date of the Invoice’s post mark with the failure to do so resulting in the automatic suspension of the License without recourse to the Tribunal until the earlier of the date of payment of the invoiced amount or the expiry date of the License, whichever is earlier”.

(ii) The Licensee further agrees that, should the Tribunal accept and approve this Agreed Statement of Facts and Proposed Disposition, it will pay to the City all outstanding amounts owing to the City for Special Duty Police Officers, totalling $691.62, pursuant to Schedule 21, Sections 10 and 11 of the Hamilton Licensing By-law 07-170, as amended, by no later than 4:00 pm on September 19, 2014, with the failure to do so resulting in the automatic suspension of the License, without recourse to the Tribunal, until the earlier of the date of payment of the aforementioned amount or the expiry date of the License, whichever is earlier.

(iii) Subject to the Licensee continuing to abide by all the other requirements, regulations, and conditions of Licensing By-law 07-170 as amended including Schedule 21 thereof, then the Licensee’s Eating Establishment- Restaurant License shall
remain in effect with the condition in clause (xi) attached and be renewed with the condition in clause (xi) attached for so long as the Licensee is in compliance with the Licensing By-law including Schedule 21 and for so long as the License business is owned and operated by 1677195 Ontario Inc. (Scott McDonald).

(Collins/Clark)
That subsection (ii) of Section B – Proposed Disposition Based on the Facts, being a condition to pay the outstanding amount of $691.62 no later than 4:00 p.m. on September 19, 2014, be deleted from the Agreed Statement of Facts, as the Accounts Receivable record indicates that all Special Duty Officers fees to-date, have been paid in full

CARRIED

(Pasuta/Duvall)
That subsection (iii) of Section B – Proposed Disposition Based on the Facts, be amended by deleting the word “Licensee”, after the words, “Schedule 21 and for so long as the…”, and replacing it with the word “business”.

CARRIED

Having considered the submissions of the parties, the Tribunal provided their decision, which is shown as Item 2 above.

(f) APPEAL HEARING: Rajinder Singh, Refusal of Application for a Taxi Cab Driver License (File: 11 127214 / 14 286545 00 2M) (Item 4.3)

At its meeting of July 7, 2011, Council approved Item 1 of the Hamilton Licensing Committee Report 11-005, as follows:

1. APPEAL HEARING: Manfred Rudolph, Rudolph Law Offices, on behalf of Rajinder Singh, Raj Cab Co. – Refusal of Renewal Applications for Taxi Cab Owner Plate Licenses (Plate Numbers 191, 244 and 286) and the Taxi Cab Driver Licence issued to Mr. Rajinder Singh (Item 4.1)

   (a) That Mr. Rajinder Singh be prohibited from reapplying for a Taxi Cab Driver’s Licence until after July 2014.

   (b) That Taxi Cab Owner Licence Number 11-128368 (Plate 191), Licence Number 11-128421 (Plate 244), and Licence Number 11-128463 (Plate 286) be suspended until August 15, 2011.

   (c) That the owner(s) of the taxi cab vehicles, which will be operating under Taxi Cab Owner Licence Number 11-128368 (Plate 191), Licence Number 11-128421 (Plate 244), and Licence Number 11-128463 (Plate 286), be required to provide an updated Ministry of
Transportation Safety Standard Certificate and pass a City vehicle inspection, prior to the suspension end date of August 15, 2011 and any further use of the Licences.

(d) That the charges currently pending before the Courts, against RAJ CAB. Co. for operating unlicensed vehicles during the period between February 1, 2011 and April 15, 2011, proceed at the discretion of the City Prosecutor.

(e) That, should Mr. Rajinder Singh submit a new application for a Taxi Cab Driver Licence in 2014 or later, staff be directed to immediately request a hearing for the Tribunal’s consideration of the application.

On August 1, 2014, Rajinder Singh submitted an appeal to request a hearing before the Hamilton Licensing Tribunal to consider a new application for a Taxi Cab Driver Licence.

September 11, 2014 Hearing:

Mr. Bishop provided his Opening Statement that included, but was not limited to, the following:

- The case presently before you today involves a Taxi Cab Driver licence for Rajinder Singh.
- Mr. Singh last appeared before the Tribunal in July 2011 and the Minutes and decision from that meeting are before you.
- Part of the decision was rendered by the Tribunal was that Mr. Singh be required to present himself before the Tribunal should he wish to reapply after July 2014.  He reapplied on 1 August 2014
- If requested to do so, I will present a position and back up accordingly.

Mr. Rajinder Singh provided his Opening Statement that included, but was not limited to, the following:

- Mr. Maninder Singh, the appellant’s son, was in attendance and introduced himself and his father and advised that he was in attendance to assist his father with the translation of words he may not fully understand.  Rajinder Singh does both speak and understand English, but may have difficulty with understanding certain words.
- Maninder Singh advised, on behalf of his father, that his father has not been working for the last 4 years and wants to get back into the business part time, as he would like to work.  His father owns 3 taxi plates to and is able to employ additional drivers.
For the record, Mr. Bishop submitted following exhibits and provided an overview of the same:

1. Letter of Request for Taxi Driver’s License, dated August 1, 2014.
4. Mobile License, Taxi Cab Driver License, Expired September 25, 2011, 11 127214 2M,
5. Mobile License, Taxi Cab Owner License Plate #191, Expiring January 31, 2015 15 128368 2I.
6. Mobile License, Taxi Cab Owner License Plate #244, Expiring January 31, 2015 15 128421 2I.
7. Mobile License, Taxi Cab Owner License Plate #286, Expiring January 31, 2015 15 128463 2I.

Mr. Singh was solemnly affirmed, prior to providing his testimony. Mr. Singh also confirmed to the Tribunal that he could clearly understand English.

The Tribunal asked the following questions of Mr. Singh. Those questions and answers included, but were not limited to, the following:

• Do you have a driver’s license and are you currently driving? Mr. Singh confirmed that he is currently driving without any infractions.

(Duvall/Pasuta)
That the Hamilton Licensing Tribunal move into Closed Session, at 10:45 a.m., to deliberate upon the submissions of the parties, respecting the appeal hearing for Rajinder Singh for refusal of an application for a taxi cab driver license.

CARRIED

The Tribunal had reconvened in Open Session, at 10:57a.m., to ask additional questions of Mr. Singh.

The Tribunal asked the following questions of Mr. Singh. Those questions and answers included, but were not limited to, the following:
- You had 3 infractions for driving while impaired; 2 were convictions.

- What help have you sought? Mr. Singh confirmed that he would drink during the evening and the alcohol would be in his system the next morning.

- Do you drink now? Mr. Singh confirmed he stopped 3.5 years ago.

- Why did you stop drinking? Mr. Singh advised that he stopped drinking because his license was suspended and he could not get his license renewed. He also stopped drinking as his doctor advised him that he could no longer drink for health reasons.

- Are you concerned you will drink again? No, I have learned my lesson from losing my licence and from my health issues.

Mr. Rajinder Singh had no closing comments.

In closing, Mr. Bishop’s comments included, but were not limited to, the following:

- If Mr. Singh was a new application, he would be issued a conditional license.

- There is a history of concern and this decision could face criticism, if not denied, but if required we do have conditions that we would suggest.

The Tribunal asked Mr. Singh if he was required to use an ignition interlock system when he drove. Mr. Singh advised that he was required to use an ignition interlock system for the first 6 months after his convictions, but it is no longer required.

(Collins/Clark)

That the Hamilton Licensing Tribunal move into Closed Session, at 11:05 a.m., to deliberate upon the submissions of the parties, respecting the appeal hearing for Rajinder Singh, for refusal of an application for a taxi cab driver license.

CARRIED

The Tribunal reconvened into open session at 11:18 a.m.

Having considered the submissions of the parties, the Tribunal provided their decision, which is shown as Item 3 above.

The decision CARRIED on the following vote:

| Yeas: S. Duvall, R. Pasuta, T. Whitehead | Total: 3 |
| Nays: C. Collins, B. Clark | Total: 2 |
| Absent: None | Total: 0 |
(g) PRIVATE & CONFIDENTIAL (Item 5)

(i) July 14, 2014 – Closed Session Minutes (Item 5.1)

As the Tribunal determined that no discussion, respecting the Closed Session Minutes of July 14, 2014 meeting of the Hamilton Licensing Tribunal was required, the Minutes were approved in Open Session, as shown below:

(Clark/Collins)
(a) That the Closed Session Minutes of the July 14, 2014, meeting of the Hamilton Licensing Tribunal be approved, as presented.

(b) That the Closed Session Minutes of the July 14, 2014 meeting of the Hamilton Licensing Tribunal, remain confidential and restricted from public disclosure.

CARRIED

(h) ADJOURNMENT (Item 6)

(Clark/Pasuta)
That, there being no further business, the Hamilton Licensing Tribunal be adjourned at 11:23 a.m.

CARRIED

Respectfully submitted,

Councillor T. Whitehead, Chair
Hamilton Licensing Tribunal

Stephanie Paparella/Vanessa Robicheau
Legislative Coordinator
Office of the City Clerk