THE HAMILTON LICENCING TRIBUNAL PRESENTS REPORT 10-005 AND RESPECTFULLY RECOMMENDS:

1. Diana Vranich, Eating Establishment – Restaurant Licences for Rok Bar Hamilton Inc., Located at 15 Hess Street South, Hamilton, Ontario; and, 1389715 Ontario Inc., o/a Elixir Night Club and Lounge, Located at 18 Hess Street South and 20 Hess Street South, Hamilton, Ontario (Items 4.2 and 4.3)

(a) That all future invoices issued to Rok Bar Hamilton Inc., located at 15 Hess Street South, Hamilton, Ontario, from Hamilton Police Services for Special Duty Police Officers, be paid in full within forty-five (45) days from the date of invoice.
(b) That all future invoices issued to 1389715 Ontario Inc., operating as Elixir Night Club and Lounge, located at 18 Hess Street South and 20 Hess Street South, Hamilton, Ontario, from Hamilton Police Services for Special Duty Police Officers, be paid in full within forty-five (45) days from the date of invoice.

2. Ken Collett, Eating Establishment – Restaurant Licences for Koi Restaurant, Located at 104 George Street, Hamilton, Ontario; 1643053 Ontario Ltd., Operating as Diavolo, Located at 32 Hess Street South, Hamilton, Ontario; 1399896 Ontario Ltd., Operating as Candy Bar, Located at 115 George Street, Hamilton, Ontario; 1669518 Ontario Inc., Operating as Sizzle Steakhouse and Lounge, Located at 25 Hess Street South, Hamilton, Ontario (Items 4.4 to 4.7)

(a) That the applications for Eating Establishment – Restaurant Licences be accepted and Licences be issued for the following establishments:

(i) Koi Restaurant, located at 104 George Street, Hamilton, Ontario;
(ii) 1643053 Ontario Ltd., operating as Diavolo, located at 32 Hess Street South, Hamilton, Ontario;
(iii) 1399896 Ontario Ltd., operating as Candy Bar, located at 115 George Street, Hamilton, Ontario; and,
(iv) 1669518 Ontario Inc., operating as Sizzle Steakhouse and Lounge, located at 25 Hess Street South, Hamilton, Ontario.

(b) That upon issuance of the following Eating Establishment – Restaurant Licences, each of the Licences be suspended, commencing July 9, 2010 at 3:00 p.m., until such time as the outstanding invoices, due to Hamilton Police Services for Special Duty Police Officers, have been paid in full:

(i) Koi Restaurant, located at 104 George Street, Hamilton, Ontario: $14,094.86 (2009) and $2,978.65 (to April 30, 2010) for a total of $17,073.51;
(ii) 1643053 Ontario Ltd., operating as Diavolo, located at 32 Hess Street South, Hamilton, Ontario: $5,349.41 (2009) and $1,102.85 (to April 30, 2010) for a total of $6,452.26;
(iii) 1399896 Ontario Ltd. operating as Candy Bar, located at 115 George Street, Hamilton, Ontario: $9,832.04 (2009) and $2,064.32 (to April 30, 2010) for a total of $11,896.36; and,

(c) That proof of payment in full, of all outstanding invoices due to Hamilton Police Services for Special Duty Police Officers, must be provided to the Issuer of Licences, prior to the suspension of the Eating Establishment – Restaurant Licences being lifted, for the following establishments:

(i) Koi Restaurant, located at 104 George Street, Hamilton, Ontario;
(ii) 1643053 Ontario Ltd., operating as Diavolo, located at 32 Hess Street South, Hamilton, Ontario;
(iii) 1399896 Ontario Ltd., operating as the Candy Bar, located at 115 George Street, Hamilton, Ontario; and,
(iv) 1669518 Ontario Inc., operating as Sizzle Steakhouse and Lounge, located at 25 Hess Street South, Hamilton, Ontario.

(d) That the remaining balance of outstanding fees to-date, due to Hamilton Police Services for Special Duty Police Officers, for the following establishments, be paid within ninety (90) days of Council’s final disposition with respect to these matters (July 8, 2010):

(i) Koi Restaurant, located at 104 George Street, Hamilton, Ontario;
(ii) 1643053 Ontario Ltd., operating as Diavolo, located at 32 Hess Street South, Hamilton, Ontario;
(iii) 1399896 Ontario Ltd., operating as the Candy Bar, located at 115 George Street, Hamilton, Ontario; and,
(iv) 1669518 Ontario Inc., operating as Sizzle Steakhouse and Lounge, located at 25 Hess Street South, Hamilton, Ontario.

(e) That all future invoices issued to the following establishments, from Hamilton Police Services for Special Duty Police Officers, be paid in full within forty-five (45) days from the date of the invoice:

(i) Koi Restaurant, located at 104 George Street, Hamilton, Ontario;
(ii) 1643053 Ontario Ltd., operating as Diavolo, located at 32 Hess Street South, Hamilton, Ontario;
(iii) 1399896 Ontario Ltd., operating as the Candy Bar, located at 115 George Street, Hamilton, Ontario; and,
(iv) 1669518 Ontario Inc., operating as Sizzle Steakhouse and Lounge, located at 25 Hess Street South, Hamilton, Ontario.

Council – July 8, 2010
For the information of council:

(a) Changes to the Agenda (Item 1)

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

(i) Item 4.1, the Show Cause hearing for Barry Humphrey, respecting the Multiple Establishment Licence (Salvage Yard and Public Garage) for 54 Upper Centennial Parkway, Hamilton, Ontario, operating as Mike’s Auto Wreckers, was withdrawn by staff.

(ii) Added as Item 4.1(a), a copy of the correspondence from the Director of Municipal Law Enforcement, respecting the withdrawal of the request for a Show Cause hearing.

(ii) Added as Item 42(a)-4.7(a), Correspondence from Mr. Michael Puskas, Legal Counsel for Ms. Diana Vranich and Mr. Ken Collett, requesting adjournment for Items 4.2 through 4.7.

(iv) Added as Item 4.2(b)-4.7(b), Correspondence from Michael Puskas, Legal Counsel, requesting an appeal respecting the renewal of the Establishment – Restaurant Licences for Sizzle Steakhouse and Lounge, Koi Restaurant, Diavolo and Candy Bar.

The Agenda for the June 8, 2010 meeting of the Hamilton Licensing Tribunal was approved, as amended.

(b) Declarations of Interest (Item 2)

There were no declarations of interest.

(c) Approval of Minutes of Previous Meeting (Item 3)

The Tribunal advised of a typographical error and requested that it be corrected by removing Councillor Merulla from the Absent with Regrets section of the Minutes.

3.1 June 8, 2010

The Minutes of the June 8, 2010, meeting of the Hamilton Licensing Tribunal were approved, as amended.
(d) Correspondence from the Director of Municipal Law Enforcement, Respecting the Withdrawal of the Request for a Show Cause Hearing for Barry Humphrey, respecting the Multiple Establishment Licence (Salvage Yard and Public Garage) for 54 Upper Centennial Parkway, Hamilton, Ontario operating as Mike’s Auto Wreckers (Item 4.1(a))

The correspondence from the Director of Municipal Law Enforcement, respecting the withdrawal of the Request for a Show Cause Hearing for Barry Humphrey, respecting the Multiple Establishment Licence (Salvage Yard and Public Garage) for 54 Upper Centennial Parkway, Hamilton, Ontario operating as Mike’s Auto Wreckers, was received.

(e) Show Cause: Barry Humphrey, respecting the Multiple Establishment Licence (Salvage Yard and Public Garage) for 54 Upper Centennial Parkway, Hamilton, Ontario operating as Mike’s Auto Wreckers (Item 4.1)

As the Show Cause hearing request was withdrawn by staff, no further action was taken.

(f) Correspondence from Michael Puskas, Legal Counsel for Ms. Diana Vranich and Mr. Ken Collett, requesting Hearing Adjournments for Items 4.2 through 4.7 (Item 4.2(a) – 4.7(a))

Staff was asked by the Tribunal to provide their position, with respect to the requests for adjournment.

Legal Counsel, on behalf of staff, responded that they were opposed to the requests for adjournment. Reasons for the opposition included, but are not be limited to, the following reasons:

- Concern for the delay in payment of the 2009 outstanding invoices that are owing to Hamilton Police Services for Special Duty Police Officers.
- Concerns with respect to the claims of ultra vires at this time, as the fees became in effect in 2006 and have been paid in years prior. Why was the allegation not presented in previous years.
- The Hamilton Licensing Tribunal is not the appropriate forum to quash a by-law. Such actions would need to be addressed before the Superior Court of Justice.
- Police Officers continue to attend at the establishments, as per the conditions, and Hamilton Police Services continues to be unpaid for those services.
- Until, and if, the by-law were to be quashed in the courts, it remains in effect and should be enforced.
- It is in the City’s best interest to proceed with the hearings.

Council – July 8, 2010
Michael Puskas, Appellants Legal Counsel, was then asked to provide any further comments he may have in support of his requests for adjournment.

Mr. Puskas comments included, but are not limited to, the following:

- The fees charged, as a condition of maintaining a business, licence are ultra vires to the City.
- Would like to appear before the appropriate Committee to request a review and/or amendment to the Licensing Code By-law.
- If appeal to Committee is unsuccessful, matter could go before the courts to request an injunction respecting the hearings.
- Courts may quash by-law.
- Best for everyone to work toward a resolution outside of the courts.

Marco Visentini, Legal Counsel for Hamilton Police Services, requested to comment respecting the adjournment requests. Mr. Visentini’s comments included, but were not limited to, the following:

- Outstanding arrears (owing to Hamilton Police Services by these establishments) are currently in the approximate amount of $75,000 ($50,000 for 2009 and $25,000 for 2010).
- All other establishments (in Hess Village Entertainment District) have paid their respective fees in full.
- The proper venue to challenge the by-law would be before the Superior Court of Justice.
- Until such time as the City were to be served with a declaration or injunction, by the Superior Court of Justice, the By-law is valid, legal and should continue to be enforced.
- Noted that it is shown in the Minutes of the June 8, 2010 meeting of the Hamilton Licensing Tribunal (page 5, paragraph 4), that Mr. Puskas, Legal Counsel for the Appellants, was put on notice by the Solicitor representing the City, that matters concerning the validity of the Hamilton Licensing Code By-law (07-170) would need to be addressed before the Superior Court of Justice.
- Mr. Visentini, on behalf of Hamilton Police Services, strenuously objected to the requests for adjournment.

The Hamilton Licensing Tribunal moved into Closed Session at, 2:20 p.m., to deliberate upon requests for adjournment.

As shown in the Closed Session Minutes, the Tribunal reconvened in Open Session at 2:36 p.m.
Having heard the submissions of the parties, the Tribunal provided their decision, respecting the requests for adjournment, as shown below:

(a) The correspondence, from Michael Puskas, Legal Counsel, requesting adjournments for the following hearings, was received:

(i) Diana Vranich, Eating Establishment – Restaurant Licence for Rok Bar Hamilton Inc., Located at 15 Hess Street South, Hamilton, Ontario (Item 4.2);

(ii) Diana Vranich, Eating Establishment – Restaurant Licence for 1389715 Ontario Inc., o/a Elixir Night Club and Lounge, Located at 18 Hess Street South and 20 Hess Street South, Hamilton, Ontario (Item 4.3);

(iii) Ken Collett, Eating Establishment – Restaurant Licence for Koi Restaurant, Located at 104 George Street, Hamilton, Ontario (Item 4.4);

(iv) Ken Collett, Eating Establishment – Restaurant Licence for 1643053 Ontario Ltd., Operating as Diavolo, Located at 32 Hess Street South, Hamilton, Ontario (Item 4.5);

(v) Ken Collett, Eating Establishment – Restaurant Licence for 1399896 Ontario Ltd., Operating as the Candy Bar, Located at 115 George Street, Hamilton, Ontario (Item 4.6); and,


(b) As the decision of whether or not the City of Hamilton is ultra vires, with respect to the by-law, is not a matter to be determined by the Hamilton Licensing Tribunal, the adjournment requests for the following hearings were denied:

(i) Diana Vranich, Eating Establishment – Restaurant Licence for Rok Bar Hamilton Inc., Located at 15 Hess Street South, Hamilton, Ontario (Item 4.2);

(ii) Diana Vranich, Eating Establishment – Restaurant Licence for 1389715 Ontario Inc., o/a Elixir Night Club and Lounge, Located at 18 Hess Street South and 20 Hess Street South, Hamilton, Ontario (Item 4.3);
(iii) Ken Collett, Eating Establishment – Restaurant Licence for Koi Restaurant, Located at 104 George Street, Hamilton, Ontario (Item 4.4);

(iv) Ken Collett, Eating Establishment – Restaurant Licence for 1643053 Ontario Ltd., Operating as Diavolo, Located at 32 Hess Street South, Hamilton, Ontario (Item 4.5);

(v) Ken Collett, Eating Establishment – Restaurant Licence for 1399896 Ontario Ltd., Operating as the Candy Bar, Located at 115 George Street, Hamilton, Ontario (Item 4.6); and,


Subsequent to the decision to proceed with the hearings, staff requested a 15 minute recess in order that they may discuss matters with the appellants’ legal counsel before the proceedings begin.

The Licensing Tribunal recessed for 15 minutes in order that staff could discuss matters with the appellants’ legal counsel, prior to commencing the proceedings.

(g) Correspondence from Michael Puskas, Legal Counsel, requesting appeal hearings before the Licensing Tribunal respecting the renewal of the Establishment Restaurant Licences for Sizzle Steakhouse and Lounge, Koi Restaurant, Diavolo and Candy Bar (Items 4.2(b) to 4.7(b))

The correspondence from Michael Puskas, Legal Counsel, requesting appeal hearings before the Licensing Tribunal respecting the renewal of the Establishment Restaurant Licences for Sizzle Steakhouse and Lounge, Koi Restaurant, Diavolo and Candy Bar, was received.

(h) Diana Vranich, Eating Establishment – Restaurant Licence for Rok Bar Hamilton Inc., Located at 15 Hess Street South, Hamilton, Ontario; and, the Eating Establishment – Restaurant Licence for 1389715 Ontario Inc.,  o/a Elixir Night Club and Lounge, Located at 18 Hess Street South and 20 Hess Street South, Hamilton, Ontario (Items 4.2 and 4.3)

Staff requested that Items 4.2 and 4.3 be heard together, as the appellant is the same for both matters.
Items 4.2 – Diana Vranich, Eating Establishment – Restaurant Licence for Rok Bar Hamilton Inc., located at 15 Hess Street South, Hamilton, Ontario; and, 4.3 – Diana Vranich, Eating Establishment – Restaurant Licence for 1389715 Ontario Inc., operating as Elixir Night Club and Lounge, located at 18 and 20 Hess Street South, Hamilton, Ontario, were heard together.

Subsequent to discussions (during the recess) with Michael Puskas, Legal Counsel for the Appellants, staff advised the Tribunal that all outstanding invoices, owing to Hamilton Police Services for Special Duty Police Officers, for Rok Bar, located at 15 Hess Street South, Hamilton, had been paid in full to the end of May 2010, on June 4, 2010.

As well, all outstanding invoices, owing to Hamilton Police Services for Special Duty Police Officers, for Elixir Night Club and Lounge, located at 18 and 20 Hess Street South, Hamilton, for 2009/2010 to-date had been paid in full, as of March 26, 2010.

Mr. Ormond, Superintendent, Municipal Law Enforcement, introduced the following Exhibits:

Exhibit 1 (Item 4.2) – Rok Bar, 15 Hess Street South, Hamilton, Ontario contained the following:

1. Certificate copies of Eating Establishment – Restaurant Licences 09-278405 1J and 10 278405 1J (Rok Bar);
2. Certificate copy of Eating Establishment – Restaurant Licence 10 278148 1J (Elixir Night Club and Lounge, 18 Hess Street South, Hamilton, Ontario);
3. Certificate copy of Eating Establishment – Restaurant Licence 10 278145 1J (Elixir Night Club and Lounge, 20 Hess Street South, Hamilton, Ontario);
5. Notice of Outstanding Fees for Police Services, dated January 20, 2010;
6. Request for Hearing, dated March 2, 2010;
7. Notice of Show Cause Hearing, dated April 30, 2010;
8. City of Hamilton Licensing Code By-law 07-170, Section 14(1)(c), as amended;
9. City of Hamilton Licensing Code By-law 07-170, Schedule 21.1, as amended;
10. Notice of Show Cause Hearing, dated June 17, 2010; and,
Exhibit 2 (Item 4.3) – Elixir Night Club and Lounge, 18 and 20 Hess Street South, Hamilton, Ontario, contained the following:

1. Certificate copy of Eating Establishment – Restaurant Licence 09-278405 1J (Rok Bar);
2. Certificate copy of Eating Establishment – Restaurant Licence 10 278148 1J (Elixir Night Club and Lounge, 18 Hess Street South, Hamilton, Ontario);
3. Certificate copy of Eating Establishment – Restaurant Licence 10 278145 1J (Elixir Night Club and Lounge, 20 Hess Street South, Hamilton, Ontario);
5. Notice of Outstanding Fees for Police Services, dated January 20, 2010;
6. Request for Hearing, dated March 2, 2010;
7. Notice of Show Cause Hearing, dated April 30, 2010;
8. City of Hamilton Licensing Code By-law 07-170, Section 14(1)(c), as amended;
9. City of Hamilton Licensing Code By-law 07-170, Schedule 21.1, as amended; and,
10. Notice of Hearing, dated June 17, 2010;

Mr. Puskas concurred, when asked by Councillor Clark, that he was in agreement with the amounts of outstanding fees (owing to Hamilton Police Services for Special Duty Officers for all establishments) (Items 4.2 through 4.7).

Staff Recommendation:

(a) That the appellant receive strong admonishment from the Tribunal for delaying payment and allowing the matters to proceed to the Tribunal.

(b) That all future invoices, from Hamilton Police Services for Special Duty Police Officers, be paid in full within forty-five (45) days from the date of the invoice.

(i) Ken Collett, Eating Establishment – Restaurant Licence for Koi Restaurant, Located at 104 George Street, Hamilton, Ontario; Restaurant Licence for 1643053 Ontario Ltd., Operating as Diavolo, Located at 32 Hess Street South, Hamilton, Ontario; Eating Establishment – Restaurant Licence for 1399896 Ontario Ltd., Operating as the Candy Bar, Located at 115 George Street, Hamilton, Ontario; and, Eating Establishment – Restaurant Licence for 1669518 Ontario Inc., Operating as Sizzle Steakhouse and Lounge, Located at 25 Hess Street South, Hamilton, Ontario (Items 4.4 to 4.7)
Staff requested that Items 4.4 through 4.7 be heard together, as the appellant is the same for all four matters.

Items 4.4 - Eating Establishment – Restaurant Licences for Koi Restaurant, located at 104 George Street, Hamilton, Ontario; 4.5 - 1643053 Ontario Ltd., operating as Diavolo; 4.6 - 1399896 Ontario Ltd., operating as Candy Bar, located at 115 George Street, Hamilton, Ontario; and, 4.7 - 1669518 Ontario Inc., operating as Sizzle Steakhouse and Lounge, located at 25 Hess Street South, Hamilton, Ontario, were heard together.

Mr. Ormond, Superintendent, Municipal Law Enforcement, introduced the following Exhibits:

Exhibit 1 (Item 4.4) – Koi Restaurant, 27 Hess Street South, Hamilton, Ontario

1. Certificate copy of Eating Establishment – Restaurant Licence 08 232760 1J (Koi Restaurant);
2. Hamilton Police Service Spreadsheet for Hess Village Entertainment District 2009 and 2010;
3. Notice of Outstanding Fees for Police Services, dated January 20, 2010;
4. Request for Hearing, dated March 2, 2010;
5. Notice of Show Cause Hearing, dated April 30, 2010;
6. City of Hamilton Licensing Code By-law 07-170, Section 14(1)(c), as amended;
7. City of Hamilton Licensing Code By-law 07-170, Schedule 21.1, as amended;
8. Refusal of Application for Renewal of Licence, dated June 8, 2010;
9. Correspondence from Michael S. Puskas, respecting requests for adjournment of June 8, 2010 hearings, dated June 8, 2010; and,

Exhibit 2 (Item 4.5) – 1643053 Ontario Ltd. operating as Diavolo, 32 Hess Street South, Hamilton, Ontario

1. Certificate copy of Eating Establishment – Restaurant Licence 09 255858 1J (1643053 Ontario Ltd. o/a Diavolo);
2. Hamilton Police Service Spreadsheet for Hess Village Entertainment District 2009 and 2010;
3. Notice of Outstanding Fees for Police Services, dated January 20, 2010;
4. Request for Hearing, dated March 2, 2010;
5. Notice of Show Cause Hearing, dated April 30, 2010;
6. City of Hamilton Licensing Code By-law 07-170, Section 14(1)(c), as amended;
7. City of Hamilton Licensing Code By-law 07-170, Schedule 21.1, as amended;
8. Correspondence from Michael S. Puskas, respecting requests for adjournment of June 8, 2010 hearings, dated June 8, 2010; and,

Exhibit 3 (Item 4.6) – 1399896 Ontario Ltd. operating as Candy Bar, 115 George Street, Hamilton, Ontario

1. Certificate copy of Eating Establishment – Restaurant Licence 09 144515 1J (1399896 Ontario Ltd. o/a Candy Bar);
2. Hamilton Police Service Spreadsheet for Hess Village Entertainment District 2009 and 2010;
3. Notice of Outstanding Fees for Police Services, dated January 20, 2010;
4. Request for Hearing, dated March 2, 2010;
5. Notice of Show Cause Hearing, dated April 30, 2010;
6. City of Hamilton Licensing Code By-law 07-170, Section 14(1)(c), as amended;
7. City of Hamilton Licensing Code By-law 07-170, Schedule 21.1, as amended;
8. Correspondence from Michael S. Puskas, respecting requests for adjournment of June 8, 2010 hearings, dated June 8, 2010; and,

Exhibit 4 (Item 4.7) – 1669518 Ontario Inc. operating as Sizzle Steakhouse and Lounge, 104 George Street, Hamilton, Ontario

1. Certificate copy of Eating Establishment – Restaurant Licence 08 268139 1J (1669518 Ontario Inc. o/a Sizzle Steakhouse and Lounge);
2. Hamilton Police Service Spreadsheet for Hess Village Entertainment District 2009 and 2010;
3. Notice of Outstanding Fees for Police Services, dated January 20, 2010;
4. Request for Hearing, dated March 2, 2010;
5. Notice of Hearing, dated April 30, 2010;
6. City of Hamilton Licensing Code By-law 07-170, Section 14(1)(c), as amended;
7. City of Hamilton Licensing Code By-law 07-170, Schedule 21.1, as amended;
8. Refusal of Application for Renewal of Licence, dated June 8, 2010;
9. Correspondence from Michael S. Puskas, respecting requests for adjournment of June 8, 2010 hearings, dated June 8, 2010; and,
Mr. Puskas concurred, when asked by Councillor Clark, that he was in agreement that the amounts of outstanding fees (owing to Hamilton Police Services for Special Duty Officers for all establishments) (Items 4.2 through 4.7).

Staff Recommendation:

(a) That the applications for Eating Establishment – Restaurant Licences be accepted and Licences be issued for the following establishments:

(i) Koi Restaurant, located at 104 George Street, Hamilton, Ontario;
(ii) 1643053 Ontario Ltd., operating as Diavolo, located at 32 Hess Street South, Hamilton, Ontario;
(iii) 1399896 Ontario Ltd., operating as Candy Bar, located at 115 George Street, Hamilton, Ontario; and,
(iv) 1669518 Ontario Inc., operating as Sizzle Steakhouse and Lounge, located at 25 Hess Street South, Hamilton, Ontario.

(b) That upon issuance of the following Eating Establishment – Restaurant Licences, each of the Licences be suspended, commencing July 9, 2010 at 3:00 p.m., until such time as the outstanding invoices, due to Hamilton Police Services for Special Duty Police Officers, have been paid in full:

(i) Koi Restaurant, located at 104 George Street, Hamilton, Ontario: $14,094.86 (2009) and $2,978.65 (to April 30, 2010) for a total of $17,073.51;
(ii) 1643053 Ontario Ltd., operating as Diavolo, located at 32 Hess Street South, Hamilton, Ontario: $5,349.41 (2009) and $1,102.85 (to April 30, 2010) for a total of $6,452.26;
(iii) 1399896 Ontario Ltd., operating as Candy Bar, located at 115 George Street, Hamilton, Ontario: $9,832.04 (2009) and $2064.32 (to April 30, 2010) for a total of $11,896.36; and,

(c) That proof of payment in full, of all outstanding invoices due to Hamilton Police Services for Special Duty Police Officers, must be provided to the Issuer of Licences, prior to the suspension of the Eating Establishment – Restaurant Licences being lifted, for the following establishments:
(i) Koi Restaurant, located at 104 George Street, Hamilton, Ontario;
(ii) 1643053 Ontario Ltd., operating as Diavolo, located at 32 Hess Street South, Hamilton, Ontario;
(iii) 1399896 Ontario Ltd., operating as the Candy Bar, located at 115 George Street, Hamilton, Ontario; and,
(iv) 1669518 Ontario Inc., operating as Sizzle Steakhouse and Lounge, located at 25 Hess Street South, Hamilton, Ontario.

(d) That the remaining balance of outstanding fees to-date, due to Hamilton Police Services for Special Duty Police Officers, for the following establishments, be paid within ninety (90) days of Council’s final disposition with respect to these matters (July 8, 2010):
   (i) Koi Restaurant, located at 104 George Street, Hamilton, Ontario;
   (ii) 1643053 Ontario Ltd., operating as Diavolo, located at 32 Hess Street South, Hamilton, Ontario;
   (iii) 1399896 Ontario Ltd., operating as Candy Bar, located at 115 George Street, Hamilton, Ontario; and,
   (iv) 1669518 Ontario Inc., operating as Sizzle Steakhouse and Lounge, located at 25 Hess Street South, Hamilton, Ontario.

(e) That all future invoices issued to the following establishments, from Hamilton Police Services for Special Duty Police Officers, be paid in full within forty-five (45) days from the date of invoice:
   (i) Koi Restaurant, located at 104 George Street, Hamilton, Ontario;
   (ii) 1643053 Ontario Ltd., operating as Diavolo, located at 32 Hess Street South, Hamilton, Ontario;
   (iii) 1399896 Ontario Ltd., operating as Candy Bar, located at 115 George Street, Hamilton, Ontario; and,
   (iv) 1669518 Ontario Inc., operating as Sizzle Steakhouse and Lounge, located at 25 Hess Street South, Hamilton, Ontario.

(j) PRIVATE & CONFIDENTIAL

5.1 Closed Session Minutes – June 8, 2010

(a) The Closed Session Minutes of the June 8, 2010, meeting of the Hamilton Licensing Tribunal were approved, as presented.

(b) The June 8, 2010, Minutes of Hamilton Licensing Tribunal, will remain confidential and restricted from public disclosure, in accordance with exemptions provided in the Municipal Freedom of Information and Protection of Privacy Act.”

Council – July 8, 2010
(k) ADJOURNMENT (Item 6)

There being no further business, the Hamilton Licensing Tribunal adjourned at 3:46 p.m.

Respectfully submitted,

Councillor T. Whitehead, Chair
Hamilton Licensing Tribunal

Stephanie Paparella,
Legislative Assistant
July 7, 2010