



CITY OF VANCOUVER
BUSINESS LICENSE HEARING MINUTES
MAY 19, 2005

A Business License Hearing of the Council of the City of Vancouver was held on Thursday, May 19, 2005, at 9:30 a.m., in the Council Chamber, Third Floor, City Hall, to determine whether or not a City of Vancouver business license for the year 2005 should be granted to Adham Juma Abdullah (the "License Applicant"), for business premises located at 435 Abbott Street, Vancouver, British Columbia (the "Premises").

PRESENT: Councillor Ellen Woodsworth, Chair
Councillor Anne Roberts
Councillor Sam Sullivan

CITY CLERK'S OFFICE: Tina Hildebrandt, Meeting Coordinator

1. **Adham Juma Abdullah (File 2711-95)**

The Business License Hearing Panel had before it for consideration an Evidence Brief, prepared by the City of Vancouver's Legal Department, which contained the following material (*on file in the City Clerk's Office*) and the evidence of witnesses:

Notice of Hearing

Tab

1 **Licenses and Inspections Department - 435 Abbott**

Business License Application dated January 25, 2005 (Adham Abdullah)
Copy of B.C. Driver's Licence (Adham Juma Abdullah)
Business Plan dated January 25, 2005
Criminal Record Check dated January 25, 2005
Fax to Jill Proctor from Susan Smith dated January 26, 2005
Email to Susan Smith from Jill Proctor dated February 3, 2005
Panel Decisions dated February 1 and 24, 2005
Business License Hearing Minutes dated February 1 and 24, 2005
Handwritten notes dated March 14, 2005
Letter to Barb Windsor from L. Poulos dated March 28, 2005
Letter to Adham Juma Abdullah from Barb Windsor dated March 29, 2005
Letter to Barb Windsor from L. Poulos dated April 15, 2005

2 **Licenses and Inspections Department - 151 East Hastings**

1999 Business License #99-336113 dated June 11, 1999
2000 Business License #00-136954 dated January 7, 2000

2001 Business License #01-123926 dated January 29, 2001
2002 Business License #02-106563 dated January 14, 2002
Handwritten notes dated March 20, 2002
Letter to Adham Abdullah from Barb Windsor dated March 21, 2002
Property Use Inspection Report #UI 16965 dated March 22, 2002
Handwritten notes dated March 25, 2002
Letter to Adham Abdullah from Paul Teichroeb dated April 10, 2002
Suspension Notice in effect from April 17, 2002 to April 19, 2002
Property Use Inspection Report #UI 17113 dated April 11, 2002
Property Use Inspection Report #UI 17167 dated April 17, 2002
2003 Business License #03-404387 dated February 5, 2003
Letter to Adham Abdullah from Barb Windsor dated April 17, 2003
Property Use Inspection Report #UI 19886 dated April 17, 2003
Handwritten notes dated April 24, 2003
Property Use Inspection Report #UI 19962 dated April 28, 2003
Letter to Adham Abdullah from Paul Teichroeb dated April 28, 2003
Suspension Notice in effect from May 12, 2003 to August 12, 2003
Business License Hearing Minutes dated June 12, 2003
Letter to Adham Abdullah from Paul Teichroeb dated June 20, 2003
Property Use Inspection Report #UI 20543 dated June 20, 2003
Property Use Inspection Report #UI 20744 dated June 27, 2003

3 Health Department - 151 East Hastings

Internet Printout - Epidemiologic Notes dated June 21, 1985
Environmental Health Inspection Report #8 dated May 1, 2001
Email from Graham Cobb to Alan Vince et al dated December 11, 2001
Environmental Health Inspection Report #9 dated January 10, 2002
News Release - Public Health Advisory dated February 15, 2002
News Release-Public Health Advisory dated September 19, 2002
Listeria Fact Sheet dated September 19, 2002
Health Alerts dated October 7, 2002
Memo to Barb Windsor from Richard Taki dated May 22, 2003

4 Police Department - 151 East Hastings

#2002-61481 dated March 18, 2002
#2003-57140 dated March 9, 2003
#2003-79657 dated April 5, 2003
Photos
Relinquishment of Claim Form dated April 5, 2003

Mr. Iain Dixon, Law Department, was present on behalf of the City of Vancouver. Mr. Adham Juma Abdullah, the License Applicant, was present and represented himself. Mr. Paul Poulos was also present and represented the Landlord of the building located at the southwest corner of Abbott and Hastings Street.

This matter had been referred to City Council by the Chief License Inspector pursuant to section 4(2a) of the *License By-law* of the City of Vancouver and Council's resolution of February 24, 2005, stating:

THAT any further Business License Applications for any premises in the building located at the southwest corner of Abbott and Hastings Street be referred to Vancouver City Council by the Chief License Inspector; and

FURTHER THAT the building owner be required to accompany the Business License Applicant and to appear before Vancouver City Council for premises in this building, in order to ensure that licensed premises in this building do not continue to cause a drain on City resources and be a detriment to the safety and well being of the neighbourhood.

Mr. Dixon advised that proceedings were taking place pursuant to sections 275, 277, 277.1 and 278 of the *Vancouver Charter* which govern procedure.

Mr. Dixon referred the Panel to evidence before it as set out in documents which were considered by the Chief License Inspector in referring the business license to Council, a letter from the Deputy Chief License Inspector and the evidence of a witness. He also referred the Panel to a map of the building located at the southwest corner of Abbott and Hastings Street which was submitted as further evidence at this hearing (*on file in the City Clerk's Office*).

Mr. Dixon briefly reviewed the history of each of the premises in this building, including 435 Abbott Street. He advised the Panel that they must consider the issue of management and whether this particular License Applicant, given his history, will be able to manage the Premises in a manner that will not cause a drain on City resources, not be a detriment to the neighbourhood and not violate municipal, provincial and federal legislation.

In support of the allegations set out in the above-noted reports and evidence, Mr. Dixon called Barb Windsor, Deputy Chief License Inspector, as a witness.

Mr. Poulos referred to the map and pointed out that 435 Abbott Street does not have access to the rear common corridor of the building.

Mr. Abdullah had no questions for the witness.

Mr. Abdullah, in response to concerns raised as to whether he can operate two businesses at once, submitted that the business in White Rock is being run by his partner and that he would be operating the business at 435 Abbott Street by himself, with assistance from his family. He added that this is the reason no employees are listed on the business license application for 435 Abbott Street. In response to allegations concerning his previous business history, Mr. Abdullah submitted that he is returning to this neighbourhood because businesses are cheaper to purchase and that he has promised Ms. Windsor that he will not do anything wrong again as he now understands the laws. He also added that he has a family to support.

Mr. Poulos, in response to questions concerning management of the building, pointed out that background checks are conducted on all potential tenants. With respect to Mr. Abdullah's

business history, Mr. Poulos felt he has learned through the previous suspensions, is more familiar with the laws now and wants to run a clean business to support his family.

Mr. Dixon submitted that both the License Applicant and the Premises have a history of problems and suggested the City look for a clean applicant who can withstand the issues prevalent in this neighbourhood.

Mr. Abdullah reiterated that he promised Ms. Windsor he would not do anything wrong again and that he has a family to support.

PANEL MEMBERS DISCUSSION

MOVED by Councillor Roberts

THAT the application for a 2005 Business License by Adham Juma Abdullah (the "License Applicant"), for business premises located at 435 Abbott Street, Vancouver, British Columbia (the "Premises"), be refused because:

- (a) the Premises have had a history of mismanagement causing a drain on police and City resources;
- (b) the License Applicant has had two previous suspensions for business premises in the same area; and
- (c) the License Applicant owns a business in another area and is therefore unlikely to be able to properly manage this business.

AND THAT prior to any subsequent business license applications for any premises in the building located at the southwest corner of Abbott and Hastings Street, the building owner establish a system to ensure that licensed premises in this building do not continue to cause a drain on police and City resources.

CARRIED UNANIMOUSLY

The Business License Hearing Panel adjourned at 10:44 a.m.

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