



CITY OF VANCOUVER
BUSINESS LICENSE HEARING MINUTES
JUNE 14, 2005

A Business License Hearing of the Council of the City of Vancouver was held on Tuesday, June 14, 2005, at 9:30 a.m., in the Council Chamber, Third Floor, City Hall, to determine whether or not the 2005 City of Vancouver business license granted to Lalbaz Nasserri doing business as Pamir Grocery, for business premises located at 162 East Hastings Street, Vancouver, British Columbia, should be suspended or revoked.

PRESENT: Councillor Raymond Louie, Chair
Councillor Tim Stevenson
Councillor Sam Sullivan

CITY CLERK'S OFFICE: Pat Boomhower, Meeting Coordinator

1. Lalbaz Nasserri, dba Pamir Grocery
162 East Hastings Street, Vancouver, BC (File 2711-97)

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 - 162 East Hastings

Business Plan (Retail) dated March 18, 1998
Criminal Record Check dated March 19, 1998
1998 Business License #98-230277 dated March 25, 1998
1999 Business License #99-310588 dated January 12, 1999
Property Use Inspection Report #UI 1122 dated March 22, 1999
2000 Business License #00-135943 dated January 13, 2000
Letter to Lalbaz Nasserri from Barb Windsor dated January 27, 2000
Handwritten notes dated January 31, 2000
Letter to Chief License Inspector from Lalbaz Nasserri dated February 1, 2000
Travel Arrangements for Lalbaz Nasserri
Letter to Lalbaz Nasserri from Barb Windsor dated February 17, 2000
Handwritten notes dated March 13, 2000
Letter to Lalbaz Nasserri from Paul Teichroeb dated March 20, 2000
2001 Business License #01-123259 dated December 27, 2000
Letter to Lalbaz Nasserri from Barb Windsor dated September 28, 2001
Handwritten notes dated October 30, 2001
Letter to Lalbaz Nasserri from Barb Windsor dated January 9, 2002
Handwritten notes dated January 14, 2002

Letter to Lalbaz Nasserri from Barb Windsor dated January 28, 2002
Suspension Notice
2002 Business License #02-109761 dated January 28, 2002
Letter to Vancouver City Hall from Lalbaz Nasserri dated February 4, 2002
Letter to Lalbaz Nasserri from Paul Teichroeb dated February 7, 2002
Handwritten notes dated March 7, 2002
Letter to Lalbaz Nasserri from Barb Windsor dated July 12, 2002
Handwritten notes dated July 18, 2002
Letter to Lalbaz Nasserri from Paul Teichroeb dated July 31, 2002
Suspension Notice
Letter to City Clerk from Nathan Ganapathi dated August 6, 2002
Handwritten notes dated August 13, 2002
Letter to Nathan Ganapathi from Barb Windsor dated August 21, 2002
Handwritten notes dated August 29, 2002
Building Inspection Report #BI 17349 dated September 3, 2002
Fax to Barb Windsor from Lorne Weinreb dated September 9, 2002
Letter to Pamir Grocery & Canada Quan Lung Sai Tong Association from D.H. Jackson dated September 11, 2002
Fax to Barb Windsor from Nathan Ganapathi dated September 25, 2002
Letter to Nathan Ganapathi from Barb Windsor dated September 26, 2002
Suspension Notice
Letter to Nathan Ganapathi from Barb Windsor dated October 3, 2002
Handwritten notes dated January 15, 2003
2003 Business License #03-491503 dated January 21, 2003
2004 Business License #04-023924 dated December 4, 2003
Letter to Lalbaz Nasserri from Barb Windsor dated August 10, 2004
2005 Business License #05-148272 dated November 30, 2004
Letter to Lalbaz Nasserri from Barb Windsor dated May 4, 2005
Handwritten notes dated May 9, 2005
Letter to Lalbaz Nasserri from Paul Teichroeb dated May 27, 2005

2 Health Department - 162 East Hastings

Tobacco Enforcement Summary dated September 6, 2001
Letter to Lalbaz Nasserri from John Phillips dated October 31, 2001
Letter to Lalbaz Nasserri from Laurie Woodland dated January 21, 2002
Letter to Greg Reimer from Laurie Woodland dated January 21, 2002
Tobacco Sales Enforcement Report #C457099 dated July 3, 2002

3 Police Department - 162 East Hastings

Report #99-0006480 dated January 9, 1999
Property Seized Report #99-6480
Report #99-49709 dated March 9, 1999
Handwritten notes
Warrant to Search #99-288 dated March 22, 1999
Report #99-49709 dated March 24, 1999
Handwritten notes
Report #99-263759 dated November 18, 1999
Report #00-30470 dated February 8, 2000

Report #00-44473 dated February 26, 2000
Police Notes from January 1999 to February 26, 2000
Report #2001-267383 dated November 20, 2001
Email to Frank Prescott from Jill Proctor dated December 10, 2001
Address Hardcopy
Report #2004-134707 dated June 1, 2004
Handwritten notes
Report #2005-76004 dated April 1, 2005
Email to Barb Windsor from Jill Proctor dated May 18, 2005

4 Licenses and Inspections Department - 800 East Hastings

Business Plan (Retail)
Commercial Lease dated May 16, 2001
Criminal Record Check dated May 16, 2001
Handwritten notes dated May 31, 2001
Property Use Inspection Report #UI 14523 dated June 19, 2001
2001 Business License #01-409807 dated June 22, 2001
2002 Business License #02-110165 dated January 8, 2002
Letter to Mayor Philip Owen from Merchants dated April 26, 2002
Letter to Lalbaz Nasserri from Barb Windsor dated May 31, 2002
Handwritten notes dated June 4, 2002
Letter to Lalbaz Nasserri from Barb Windsor dated June 12, 2002
Suspension Notice
Letter from Lalbaz Nasserri stating sale of business
Commercial Lease dated July 15, 2002
Handwritten notes dated July 16, 2002
Handwritten notes dated July 31, 2002
Notice of Hearing dated August 29, 2002

5 Health Department - 800 East Hastings

Food Establishment Report Form dated June 21, 2001
Tobacco Sales Enforcement Report #C522389 dated February 26, 2002
Tobacco Sales Enforcement Report #C522514 dated April 16, 2002
Tobacco Sales Enforcement Report #C522515 dated April 16, 2002
Letter to Lalbaz Nasserri from W.J. Walmsley dated April 18, 2002
Tobacco Sales Enforcement Report #C522375 dated April 23, 2002

6 Police Department - 800 E Hastings

#2002-118182 dated May 29, 2002

Iain Dixon, Counsel, was present on behalf of the City of Vancouver. Mr. Kian Ghaffari, certified Farsi Interpreter, was present to assist the Licensee. Mr. Lalbaz Nasserri, the Licensee, was absent. The Licensee was represented by his friend, Mr. Mohammad Karin Nastoh.

This matter had been referred to City Council by the Chief License Inspector pursuant to Section 278 of the *Vancouver Charter*. Proceedings were taking place pursuant to Section 275 of the *Vancouver Charter*, which provides that the issuance of a business license is deemed to be at the discretion of Council, and Section 277.1 of the *Vancouver Charter*, which confers on Council the power to delegate the holding of business license hearings to one or more Council members.

Mr. Dixon referred the Panel to an undated letter provided by Mr. Mohammad Karin Nastoh at the commencement of the proceedings, from Mr. Nasser, along with a copy of the Licensee's airline ticket invoice dated May 21, 2005, and the corresponding itinerary dated May 26, 2005 (*distributed - on file in the City Clerk's Office*). Mr. Dixon advised the ticket was *non-refundable* and that the City of Vancouver's Notice of Hearing had been hand delivered on May 30, 2005. He further noted the letter grants Mr. Nastoh some authority and the Licensee is not expected back until October, 2005.

Mr. Dixon advised the Panel regarding the principles of natural justice concerning revocation of the license and noted the Panel's power to proceed with the Hearing to suspend the business license would depend on the extent of the authority the Licensee's representative has. Mr. Dixon further noted that witnesses were available to describe the present state of the store at 162 East Hastings Street.

Mr. Nastoh, with the assistance of the Farsi Interpreter, responded to questions from the Panel and Counsel for the City. Mr. Nastoh explained that Mr. Nasser said he had a family emergency and asked that he (Mr. Nastoh) attend this meeting at City Hall to find out the extent of what they want. Mr. Nastoh also stated that he had been asked by the Licensee to drop by the business each evening to check that everything is in order but hadn't been appoint to operate the store.

In respond to questions to determine who was in control of the store today, Mr. Nastoh said no one is really in charge and that no one has been appointed. Mr. Nastoh stated the Licensee's daughter looks after the store in his absence, Mr. Mohammad Nawabi was asked to work at the store and Mr. Nastoh checks on the inventory in the evening.

Mr. Nastoh said the Licensee will phone him to find out the outcome of today's hearing, once the Licensee arrives in Afghanistan, however he could not predict how often the Licensee would call to check about the business at 162 East Hastings Street. He stated the Licensee had written the letter submitted today in Farsi, then had it translated and signed the letter. Mr. Nastoh said he received the letter prior to the Licensee's departure.

Mr. Dixon called the following witness:

Barb Windsor, Deputy Chief License Inspector

Ms. Windsor outlined concerns with respect to no one being in control of this business, especially given the current allegations and that the business license had been suspended three times in the past. Ms. Windsor further noted that Mr. Nasser, the business license holder, received the City's Notice of Hearing on May 30, 2005, he left the country on June 4 and chose not to notify the City of his absence for this Hearing, nor was she provided with a phone number in order to reach his daughter. Ms. Windsor provided clarification regarding her powers as Deputy Chief License Inspector with respect to closing the store.

Mr. Nastoh submitted that closing the store would create a lot of problems for the people working there and paying the rent.

Mr. Dixon suggested that Mr. Nastoh meet with Ms. Windsor immediately following today's Hearing, and noted those problems raised by Mr. Nastoh, don't relate to issue of adjourning.

PANEL MEMBERS DISCUSSION

Prior to a decision, the Panel noted the issue was whether to proceed with the Hearing and if the Hearing was adjourned to a future date, the issue of whether the store remained open was with Ms. Windsor. The Panel asked for clarification on what would be an appropriate length of time for an adjournment. The Panel also considered the Licensee's access to a means of communication and opportunity to arrange a lawyer.

MOVED by Councillor Stevenson

THAT the Business License Hearing of June 14, 2005, regarding Lalbaz Nasser, doing business as Pamir Grocery (the "Licensee"), for business premises located at 162 East Hastings Street, Vancouver, British Columbia, be adjourned to the earliest next available date, to be at least one month from today, June 14, 2005, in order to provide the Licensee an opportunity to arrange for representation at the hearing.

CARRIED UNANIMOUSLY

The Business License Hearing Panel adjourned at 10:07 a.m.

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