



CITY OF VANCOUVER

BUSINESS LICENSE HEARING MINUTES

OCTOBER 20, 2005

A Business License Hearing of the Council of the City of Vancouver was held on Thursday, October 20, 2005, in the Council Chamber, Third Floor, City Hall, commencing at 7:30 p.m.

PRESENT: Councillor Fred Bass, Chair
Councillor Tim Louis
Councillor Tim Stevenson

CITY CLERK'S OFFICE: Laura Kazakoff, Meeting Coordinator

1. Salvatore Cois doing business as an Apartment House

WITHDRAWN

2. (a) Joan Marie R. Torrejas - 435 Abbott Street
(b) Mouhammed Ahmed - 435 Abbott Street

A Business License Hearing was held to determine:

(a) whether a City of Vancouver business license for the year 2005 will be granted to Joan Marie R. Torrejas (the "License Applicant"), for a fast food business located at 435 Abbott Street, Vancouver, British Columbia (the "Premises"); and

(b) whether a City of Vancouver business license for the year 2005 will be granted to Mouhammed Ahmed (the "License Applicant"), for a pizza business located at 435 Abbott Street, Vancouver, British Columbia (the "Premises").

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):

Notice of Hearing - Joan Marie Reynon Torrejas
Notice of Hearing - Mouhammed Ahmed

1 Council Resolution

Panel Decisions dated February 1 and 24, 2005
Panel Decisions dated May 19, 2005

2 Licenses and Inspections

Business License Application for Joan Torrejas dated July 21, 2005
Police Background Check for Joan Torrejas dated July 21, 2005
Copy of Identification Card for Joan Torrejas
Business License Application for Mouhammed Ahmed dated August 12, 2005
Police Background Check for Mouhammed Ahmed dated August 12, 2005
Copy of Driver's License for Mouhammed Ahmed
Record of Landing for Mouhammed Ahmed
Lease dated September 1, 2005
Handwritten Notes dated October 11, 2005
Handwritten Notes dated October 12, 2005
Letter to Joan Torrejas from Barb Windsor dated October 13, 2005
Letter to Mouhammed Ahmed from Barb Windsor dated October 13, 2005

Mr. Iain Dixon, Lawyer, was present on behalf of the City of Vancouver. Ms. Joan Marie R. Torrejas represented herself, as did Mr. Mouhammed Ahmed, who was aided by a Kurdish (Sourani dialect) interpreter. Also present was Mr. Peter Poulos of Petrina Enterprises Inc., owner of 435 Abbott Street.

Mr. Dixon advised that this matter had been referred to City Council by the Chief License Inspector due to previous decisions of Council which directed that any future business license applications for this premises be referred to a Business License Hearing, and that the owner of the premises also be in attendance at that Hearing. Mr. Dixon noted the unusual circumstance whereby there were two separate applications for the same premises, and explained how this came about. He drew attention to a previous decision of Council in which the building owner was to establish a system to ensure that licensed premises in this building do not continue to cause a drain on Police and City resources.

Mr. Dixon noted that proceedings were taking place pursuant to Section 275 of the *Vancouver Charter* which provides that the granting or refusing of a license to an applicant is deemed to be at the discretion of Council. He advised that in addition to the Panel determining whether or not to issue a license, it also had to decide to whom the license would be issued. Issues to be considered in making its decision include whether the business is likely to be run properly, potential impacts to the neighbourhood, potential drain on City and Police resources, and whether it is likely to be run in accordance with any municipal, provincial and federal legislation.

In support of the allegations set out in the aforementioned reports and evidence, Mr. Dixon called the following witness:

Barb Windsor, Deputy Chief License Inspector

In her testimony, Ms. Windsor submitted she was not supportive of either application, and noted the applicants' lack of experience in this area of the city, and the failure of both applicants to provide a detailed business plan to show that it would be a viable business.

Ms. Torrejas and Mr. Poulos also directed questions to the witness.

Ms. Torrejas called Max as a witness, who submitted that Ms. Torrejas had experience working at a Burger King, followed by 1.5 years working at a Greek taverna, which is where he also works. He noted he would be involved full-time with Ms. Torrejas in running the business at 435 Abbott and pointed out that the required equipment for a pizza business is already in place at the premises.

Mr. Dixon also directed questions to the witness.

Mr. Ahmed, with the aid of the interpreter, submitted he has been in the city for five years, during which he has worked in the restaurant business, currently at Tower Pizza on Robson Street. His son also works at a restaurant and would be involved in this business along with the rest of the family. In response to questions from Mr. Dixon, Mr. Ahmed submitted he had visited the premises on a couple of occasions and advised that if he were to receive a license, he does have a plan for the business, and expects to make approximately \$2000 per month in profits.

Ms. Torrejas submitted that she and her partner chose this location as the rent is cheaper than elsewhere in the city and thus provides them the opportunity to start their own business and gain experience. They planned to sell Greek type food, including pizza, and have begun writing a menu for the business.

Mr. Poulos provided clarification as to why there were two separate applicants for this premises. He noted it was his assumption that Ms. Torrejas was not pursuing her application and that Mr. Ahmed was the only current interested applicant. Mr. Poulos advised he had provided information to Mr. Ahmed regarding the area in which the premises are located and had him sign an addendum to his lease (circulated at the Hearing) requiring that any staff member or person involved in the business would not engage in any criminal activity. He acknowledged that while it is a difficult area of the city, people still need to eat and drink and require facilities such as this one to provide that food and drink.

PANEL MEMBERS DISCUSSION

Prior to making a decision on this matter, Panel members noted that were these applications for a different area of the city, the fact that the applicants lack experience and a business plan would not be as great an issue. It was also suggested that the building owner speak to the Deputy Chief License Inspector to obtain a clearer understanding as to what is required of him to ensure that a future business at this premises will be viable and not be a drain on City's resources.

A Panel member requested that in future, as a courtesy, business license applicants be advised in advance of Business License Hearings that City staff will be opposing their application at the Hearing.

MOVED by Councillor Louis

- A. THAT the Business License application for the year 2005 by Joan Marie R. Torrejas (the "License Applicant") for a fast food business at 435 Abbott Street, Vancouver, British Columbia (the "Premises"), be refused because the License Applicant is unlikely to manage the Premises properly, and as a result the Premises are likely to be a drain on Police and City resources, due to:
 - (a) lack of a Business Plan;
 - (b) lack of an Operating Budget; and
 - (c) lack of prior experience in operating such a business.

- B. THAT the Business License application for the year 2005 by Mouhammed Ahmed (the "License Applicant") for a pizza business at 435 Abbott Street, Vancouver, British Columbia (the "Premises"), be refused because the License Applicant is unlikely to manage the Premises properly, and as a result the Premises are likely to be a drain on Police and City resources, due to:
 - (a) lack of a Business Plan;
 - (b) lack of an Operating Budget; and
 - (c) lack of prior experience in operating such a business.

CARRIED UNANIMOUSLY

The Business License Hearing Panel adjourned at 8:55 p.m..

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