



CITY OF VANCOUVER
BUSINESS LICENSE HEARING MINUTES
FEBRUARY 8, 2006

A Business License Hearing of the Council of the City of Vancouver was held on Wednesday, February 8, 2006, at 9:30 a.m., in the Council Chamber, Third Floor, City Hall, to determine whether or not a 2006 City of Vancouver business license should be granted to Davprit Sandhu (the "Licensee"), for business premises located at 162 East Hastings Street, Vancouver, British Columbia (the "Premises").

PRESENT: Councillor Peter Ladner, Chair
Councillor Suzanne Anton
Councillor Heather Deal

CITY CLERK'S OFFICE: Nicole Ludwig, Meeting Coordinator

1. Davprit Sandhu
162 East Hastings Street, Vancouver, BC (File 08-2000-40-04)

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:

Tab

1 Licenses and Inspections - Lalbaz Nasser

Handwritten Notes dated January 14, 2002
Letter to Lalbaz Nasser from Barb Windsor dated January 28, 2002
Suspension Notice
Handwritten Notes dated July 18, 2002
Letter to Lalbaz Nasser from Paul Teichroeb dated July 31, 2002
Suspension Notice
Handwritten Notes dated July 31, 2002
Property Use Inspection Report #UI 26696 dated June 9, 2005
Handwritten Notes dated June 13, 2005
Handwritten Letter to City Hall from Lalbaz Nasser dated June 14, 2005
Copy of travel arrangements for Lalbaz Nasser
Business License Hearing Minutes dated June 14, 2005
Panel Decisions dated June 14, 2005
Handwritten Notes dated June 15, 2005
Letter to Lalbaz Nasser from Barb Windsor dated June 16, 2005
Letter to Mohammed Nastoh and Mohammad Nawabi from Barb Windsor dated June 16, 2005
Property Use Inspection Report #UI 26733 dated June 16, 2005
Handwritten Notes dated June 16, 2005

Letter to Mohammed Nastoh and Mohammad Nawabi from Barb Windsor dated June 17, 2005

Letter to Lalbaz Nasserri from Iain Dixon dated June 17, 2005

Property Use Inspection Report #UI 26873 dated June 30, 2005

2 Licenses and Inspections - Davprit Sandhu

Business License Application Form of Davprit Sandhu dated July 13, 2005

Police Background Check Form dated July 13, 2005

Copy of Drivers License

Business License Application Form of Abdullah Nastoh dated July 22, 2005

Police Background Check Form dated July 22, 2005

Copy of Driver's License

Fax to Jodyne Keller from Susan Smith dated August 11, 2005

E-mail to Susan Smith from Jodyne Keller dated August 15, 2005

Handwritten Notes dated September 19, 2005

Handwritten Notes dated September 21, 2005

Lease

Business Plan and Layout of Store

Property Use Inspection Report #UI 27744 dated September 27, 2005

Handwritten Message dated October 25, 2005

Typed Notes dated October 26, 2005

2 Licenses and Inspections - Davprit Sandhu - con't

Handwritten Notes dated October 26, 2005

Handwritten Notes dated October 27, 2005

Letter to Davprit Sandhu from Barb Windsor dated October 27, 2005

Handwritten Notes dated November 7, 2005

Letter to Iain Dixon from Glenn A. Laughlin dated January 11, 2006

3 Police Department

Incident Report #2001-124715 dated November 25, 2001

Information Release Control Sheet dated December 4, 2003

Incident Report #2005-150951 dated June 14, 2005

Photographs

The following evidence was also distributed to the Panel at the Hearing, by Counsel for the City of Vancouver:

- Email from Jodyne Keller to Susan Smith dated January 31, 2006, 2:48 p.m. and attached copy of Application for Business License Police Report Form - Criminal Record Check for Rajinder Sandhu (*on file in the City Clerk's Office*);
- Email from Jodyne Keller to Susan Smith dated January 31, 2006, 2:47 p.m. and attached Application for Business License Police Report Form - Criminal Record Check for Bhagwan Singh Sandhu (*on file in the City Clerk's Office*); and
- Handwritten notes dated October 27, 2005, submitted as revised page 32 of tab 2 of the evidence package (*on file in the City Clerk's Office*).

Iain Dixon, Legal Services, was present on behalf of the City of Vancouver. Glenn A. Laughlin, Laughlin and Company, was present on behalf of Ms. Sandhu.

Mr. Dixon referred the Panel to the Notice of Hearing contained within the aforementioned evidence package, which noted the license application had been referred to City Council at the request of the License Applicant, upon refusal by the Chief License Inspector of the City of Vancouver to issue a business license to the License Application pursuant section 4(2) of the *License By-law* of the City of Vancouver.

Mr. Dixon advised that section 275 of the *Vancouver Charter* provides for the granting or refusing of a business license to be at the discretion of Council, and noted in making that decision, the Panel can consider whether the business is likely to be run properly, specifically in terms of its impact on the neighbourhood; whether it will cause a drain on police and city resources, and whether it will be able to comply with applicable municipal, provincial and federal legislation. Mr. Dixon also noted that in making its decision, the Panel must give reasons.

Mr. Laughlin noted Ms. Sandhu had taken over the Premises from another person with whom she has no relationship.

In support of the aforementioned reports and evidence, Mr. Dixon called the following witnesses:

1. Barb Windsor, Deputy Chief License Inspector
2. Darren Mueske, Property Use Inspector

Mr. Laughlin also asked questions of witnesses relating to the aforementioned Evidence Brief.

Mr. Laughlin submitted an evidence brief on behalf of the Applicant (*on file in the City Clerk's Office*). In support of the evidence set out in the submitted brief, Mr. Laughlin called the Applicant, Davprit Sandhu, as witness.

Mr. Dixon also asked questions of the Applicant relating to the aforementioned evidence briefs.

* * * * *

The Panel recessed at 12:00 p.m. and reconvened at 12:30 p.m. to resume questioning of the Applicant by Counsel for the City of Vancouver, and to hear closing statements from Counsel for the City of Vancouver and Counsel for the Applicant.

* * * * *

Mr. Dixon noted:

- there have been ongoing problems with the Premises;
- Mr. Karim Nastoh has always been linked to this property;
- misgivings about the Applicant's ability to manage a store in the Downtown Eastside;
- it is likely the Applicant is a figurehead so a business license can be acquired; and
- the proposed business would, likely, be a drain on police and City resources.

Mr. Laughlin noted:

- the Applicant is willing to work with the City;
- the Applicant has asked for assistance in how to address the City's concerns; and
- the Applicant has shown her ability to deal with people and deserves a chance to run a clean operation.

Mr. Laughlin also suggested the license be granted with the condition that Mr. Karim Nastoh not be permitted to work at the Premises.

Mr. Dixon noted the evidence presented at this Hearing agrees with the allegations set out in the Evidence Brief and sets out the legal test which the Panel must apply in determining whether or not a business license ought to be granted to the License Applicant.

PANEL MEMBERS DISCUSSION

Prior to making a decision, the Panel noted the following:

- connections to the previous occupants of the Premises do exist;
- members were not convinced the Applicant has the skills to effectively run a business in the Downtown Eastside; and
- concerns with the contradictory information presented to both the Panel and the Deputy Chief License Inspector over the course of the past few months.

MOVED by Councillor Deal

THAT a 2006 City of Vancouver business license not be issued to Davprit Sandhu (the "Applicant"), for business premises located at 162 East Hastings Street, Vancouver, British Columbia (the "Premises"), because:

- a. The proposed business is in the Downtown Eastside where there are a large number of convenience stores already in operation and a significant problem with illegal activities from those convenience stores, which can result from a lack of control and poor business management practices, and causes a drain on police and City resources; and,
- b. The proposed business location has a history of problems caused by poor management and lack of control, the proposed business does not appear to be commercially viable and the License Applicant has not produced a sufficient business plan.

CARRIED UNANIMOUSLY

The Business License Hearing Panel adjourned at 1:42pm.

* * * * *