



CITY OF VANCOUVER
 BUSINESS LICENSE HEARING MINUTES
 MARCH 7, and 14, 2006

A Business License Hearing of the Council of the City of Vancouver was held on Tuesday, March 7, at 9:30 a.m. and reconvened on March 14, 2006, at 7:30 p.m., in the Council Chamber, Third Floor, City Hall, to determine whether or not a City of Vancouver business license for the year 2006 will be granted to Terrise Mathers (The "License Applicant") for a Duplex located at 854 East 16th Avenue, Vancouver, British Columbia (the "Premises"). The minutes have been consolidated for ease of reference.

PRESENT: Councillor Peter Ladner, Chair
 Councillor David Cadman
 Councillor Tim Stevenson

CITY CLERK'S OFFICE: Denise Salmon, Meeting Coordinator

1. **Terrise Mathers**
Duplex: 854 East 16th Avenue (VanRIMS No. 08-2000-40)

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

Copy of Business Card of Terry Mathers
 Building Permit #BP 219568 dated June 21, 1994
 2002 Business License #02-458348 dated February 20, 2002
 Application for Electrical Permit dated June 6, 2002
 Electrical Permit #EL 466368 dated June 6, 2002
 Certificate of Electrical Inspection #08142 dated June 12, 2002
 Certificate of Electrical Inspection #08147 dated June 13, 2002
 2003 Business License #03-368153 dated May 8, 2003
 2004 Business License #04-045375 dated May 25, 2004
 E-mail to Carlene Robbins from Jill Proctor dated January 18, 2005
 E-mail to Jill Proctor from Carlene Robbins dated January 19, 2005
 E-mail to Ed Neufeld from Carlene Robbins dated February 10, 2005
 Certificate of Electrical Inspection #0406327 dated February 10, 2005
 Co-ordinated Inspection Report (Electrical) #CE 10216 dated February 10, 2005
 Certificate of Electrical Inspection #0406303 dated February 14, 2005
 L & I Inspection Report #IR 372848 dated February 14, 2005
 Building Inspection Report #BI 24803 dated February 14, 2005
 Letter to Terrise Mathers from D.H. Jackson dated February 22, 2005

Document Notes dated February 22, 2005
2005 Business License #05-135980 dated March 17, 2005
Development and/or Building Application Form dated March 17, 2005
Building Permit #BU 431793 dated March 18, 2005
Application for Electrical Permit dated March 23, 2005
Electrical Permit #EL 491294 dated March 23, 2005
Fax from Performance Electric dated April 4, 2005
Letter to Carlene Robbins from Terry Mathers dated April 4, 2005
Letter to Terrise Mathers from D.H. Jackson dated April 5, 2005
Building Inspection Report #BI 25228 dated April 13, 2005
Certificate of Electrical Inspection #0406193 dated April 14, 2005
2006 Business License Application dated October 31, 2005
Printout showing payment of 2006 Business License Application
E-mail to Carlene Robbins from Jodyne Keller dated December 14, 2005
Letter to Terrise Mathers from Barb Windsor dated December 14, 2005
Handwritten Notes dated January 10, 2006
Photographs dated January 19, 2006
E-mail to Carlene Robbins from Jodyne Keller dated January 23, 2006
E-mail to Barb Windsor from Diane Shepherd dated February 1, 2006
Letter to Terrise Mathers from Carlene Robbins dated February 7, 2006
Memo to File from Carlene Robbins dated February 15, 2006
Letter to Terrise Mathers from Barb Windsor dated February 20, 2006
L & I Inspection Report #IR 377081 dated February 21, 2006
Photographs dated February 21, 2006

2 **Complaints**

Complaint Form #EN 027003 dated August 26, 2005
Document Notes dated August 26, 2005
E-mail dated November 8, 2005
E-mail dated February 22, 2006 8:10 a.m.
E-mail dated February 22, 2006 8:13 a.m.
E-mail dated February 22, 2006 8:24 a.m.
E-mail dated February 22, 2006 9:58 a.m.
E-mail dated February 22, 2006 1:33 p.m.
Letter dated February 22, 2006

3 **Police Department**

Memo dated November 17, 2005
Summary dated November 17, 2005
Summary dated February 3, 2006
#2004-6528 dated September 23, 2004
#2004-266203 dated October 1, 2004
#2004-258549 dated October 3, 2004
Report dated October 13, 2004, #2004-267477
#2004-314282 dated December 3, 2004
#2005-11100 dated January 14, 2005
#2005-400 dated January 18, 2005

#2005-280994 dated November 21, 2005
#CP000281183-2005 dated November 21, 2005
#CP000284460-2005 dated November 26, 2005
#CP000289527-2005 dated December 3, 2005
#CP000302098-2005 dated December 21, 2005
#CP000003606-2006 dated January 5, 2006
#CP000008499-2006 dated January 12, 2006
#2006-9158 dated January 13, 2006
#2006-14738 dated January 21, 2006
#2006-15891 dated January 22, 2006
#2006-17019 dated January 24, 2006
#2006-22392 dated January 31, 2006
#2006-22423 dated January 31, 2006
#2006-28517 dated February 8, 2006
#CP000029912-2006 dated February 10, 2006
#2006-30214 dated February 11, 2006

Tom Zworski, lawyer, was present on behalf of the City. Ms. Terrise Mathers (the "License Applicant") was present and represented by Don Morrison, Myers, Waddell, McMurdo, Karp.

Mr. Zworski advised this matter was 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 that 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. Section 277.1 of the Vancouver Charter confers on Council the power to delegate the holding of business license hearings to one or more Council members.

Mr. Zworski 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. Mr. Zworski also referred the Panel to the following three documents submitted at this hearing (*on file in the City Clerk's Office*):

- a memorandum dated March 2, 2006 from PC Keller, Problem Oriented Policing, to Barb Windsor, Deputy Chief License Inspector, which provided a cost analysis for police time spent at 854 East 16th Avenue (distributed March 7, 2006);
- copy of e-mail dated February 27, 2006, from Diane Shepherd, forwarding an email sent to PC Jarvie from Colin Banner regarding the premises at 854 East 16th Avenue (distributed March 14, 2006); and
- a memorandum dated March 8, 2006, from PC Keller, in response to questions raised on March 7th, which provided information on the source of calls to Police related to 854 East 16th Avenue (distributed March 14, 2006).

The foregoing evidence sets out the allegations that the applicant has failed to properly manage the Premises by:

- (a) failing to comply with the Untidy Premises By-law of the City of Vancouver;

- (b) causing a drain on police and City resources; and
- (c) carrying on business to the detriment of the safety and well-being of the neighbourhood.

In support of the allegations set out in the above-noted reports and evidence, Mr. Zworski called the following witnesses:

March 7th:

- 1. Carlene Robbins, Manager, By-law Administration;
- 2. Diane Shepherd, Property Use Inspector;
- 3. Constable 1760 Jodyne Keller;
- 4. Constable 2207 Rebecca Chandler;
- 5. Constable 2292 Sheldon McLean

March 14th:

- 6. Barb Windsor, Deputy Chief Licence Inspector

Mr. Morrison also directed questions to the witnesses.

The following evidence (*on file in the City Clerk's Office*) was submitted by the license applicant's counsel, Mr. Morrison:

- photographs of 854 East 16th Avenue, dated March 6, 2006 (distributed March 7, 2006);
- copy of Vancouver Police Department Incidents Report, January 2005 -January 2006 (distributed March 7, 2006);
- 'Mapquest' street map of 854 East 16th Avenue, showing the address in relation to the surrounding neighbourhood, (posted March 7, and 14, 2006);
- an article posted at CanadianChristianity.com regarding incidents at the nearby Grace Memorial United Church (distributed March 14, 2006); and
- photographs of 854 East 16th Avenue, dated January 16 and 24, February 12, March 6 and 10, 2006.

Mr. Morrison called Terrise Mathers (March 14th) as a witness. Ms. Mathers provided a history of tenants of the house at 854 East 16th Avenue, identified its current tenants, described type of contact she had had with police and people at the house, and referenced complaints laid with the Police Commissioner. Ms. Mathers also provided details on her attempts to clear the yard of continuous garbage accumulation, confirmed no business is run out of the house, and noted her brother rebuilds bicycles, etc., with collected parts.

Tom Zworski also directed questions to the witness.

Mr. Zworski submitted that the evidence presented at this Hearing accords with the allegations as set out in the evidence briefs and additional evidence circulated at the meeting, and sets out the legal test for the Panel to apply to determine whether or not a 2006 City of Vancouver business license be granted to Terrise Mathers (The "License Applicant") for a Duplex located at 854 East 16th Avenue, Vancouver, British Columbia.

Mr. Morrison submitted that the circulated photographs provide concrete evidence of efforts being made to remove garbage from the premises, and further, that the bike parts shown were not 'junk' but rather collected by Ms. Mathers' brother for his hobby pursuits.

Mr. Morrison submitted Ms. Mathers and her common-law husband were trying to work to meet City concerns, and had previously done so in August 2005, when earlier issues had been resolved to the City's satisfaction.

Mr. Morrison also submitted that details provided at the Hearing on deployment of police resources would require application of a full cost benefit analysis to provide an accurate picture - and referenced the result of all calls to the premise - which amounted to only 2 or 3 charges. Mr. Morrison also referenced work done by the Problem Oriented Policing Unit and suggested a need for more than one meeting to address problems which impact the community.

In conclusion, Mr. Morrison submitted the issue is not if there is a problem - but how to work with those involved to ensure it does not remain a problem, and concluded his submission with note that there is no evidence of any business operating out of 854 East 16th Avenue.

PANEL MEMBERS DISCUSSION

Panel members noted the License Applicant's continued failure to control the conduct of tenants and patrons on the property, to properly manage the premises, and referenced the business' continued drain on City resources.

MOVED by Councillor Cadman

THAT a 2006 City of Vancouver business license not be issued to Terrise Mathers (the "License Applicant") for a Duplex located at 854 East 16th Avenue, Vancouver, British Columbia (the "Premises"), because the License Applicant has failed to properly manage the Premises by:

- (a) failing to comply with the *Untidy Premises By-law* of the City of Vancouver;
- (b) causing a drain on police and City resources; and
- (c) carrying on business to the detriment of the safety and well-being of the neighbourhood.

CARRIED UNANIMOUSLY

The Business License Hearing Panel recessed at 12 noon on March 7, and adjourned at 9:08 p.m. on March 14, 2006

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