

These minutes will be adopted at the Regular Council meeting on June 13, 2006.



CITY OF VANCOUVER
BUSINESS LICENSE HEARING MINUTES

MAY 18, 2006

A Business License Hearing of the Council of the City of Vancouver was held on Thursday, May 18, 2006, 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 2006 will be granted to Peter and Georgia Kontzamanis (the "License Applicants"), for a one-family dwelling located at 4720 Duchess Street, Vancouver, British Columbia.

PRESENT: Councillor Peter Ladner, Chair
Councillor B.C. Lee
Councillor Tim Stevenson

CITY CLERK'S OFFICE: Lori Isfeld, Meeting Coordinator

1. Peter and Georgia Kontzamanis - 4720 Duchess (VanRIMS No. 08-2000-41)

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 - General Information

Letter to Catherine Kinahan from Ian Waddell dated March 29, 2006
License Printout (236 Princess)
Minutes of Meeting dated December 9, 1997
Newspaper Articles dated June 1, 5 and 12, 2005
Handwritten Notes dated June 20, 2005
Letter to Peter and Georgia Kontzamanis from Barb Windsor dated September 27, 2005
Handwritten Message dated September 29, 2005
Handwritten Notes dated October 13, 2005
Court Information dated November 30, 2005
2006 Business License Renewal Notice dated December 30, 2005 (\$102.00)
2006 Business License Renewal Notice dated December 30, 2005 (4720 Duchess)
2006 Business License Renewal Notice dated December 30, 2005 (2438 Renfrew)
Copy of Cheque #774
Letter to Lawrence Myers from Barb Windsor dated February 21, 2006

2 **4720 Duchess Street**

Title Search

E-mail to Domino from Sy Jung dated February 27, 2001

Complaint Form dated September 26, 2001

License Printout

Co-ordinated Inspection Report #CU 10260 dated January 16, 2004

Letter to Peter and Georgia Kontzamanis from P. Teichroeb dated March 15, 2004

Document Notes dated March 15, 2004

2004 Business License #04-534028 dated May 21, 2004

License Printout

2005 Business License #05-109443 dated December 10, 2004

Property Use Inspection Report #UI 26732 dated June 16, 2005

Secondary Suite Inspection Report #SU 522432 dated April 6, 2006

Police Memo to Catherine Kinahan from Jodyne Keller

3 **2438 Renfrew Street**

Prosecution Information dated July 23, 1996

License Printout

2004 Business License #04-027978 dated December 10, 2003

2005 Business License #05-142158 dated February 23, 2005

Property Use Inspection Report #UI 26649 dated June 7, 2005

Police Memo to Catherine Kinahan from Jodyne Keller

4 **2537 Woodland Drive**

Police Memo to Catherine Kinahan from Jodyne Keller

License Printout

Business License Application Form dated August 27, 2004

2004 Business License #04-541896 dated August 27, 2004

Complaint Form dated October 5, 2004

L & I Inspection Report #375551 dated October 15, 2004

2005 Business License #05-136428 dated January 5, 2005

Property Use Inspection Report #UI 26731 dated June 16, 2005

5 **4475 Atlin Street**

Title Search

Complaint Form dated July 5, 1995

Inspection Report #503347 dated July 10, 1995

Letter to Peter and Georgia Kontzamanis from J.A. Perri dated July 18, 1995

Letter to Peter and Georgia Kontzamanis from J.A. Perri dated February 14, 1996

Development and Building Permit #DB 401679 dated March 18, 1996

Letter to Peter and Georgia Kontzamanis from J.A. Perri dated March 18, 1996

Letter to Janne Williams from Philip W. Owen dated April 11, 1996

Letter to Mayor Philip Owen from Janne Williams dated May 9, 1996

Inspection Report #IR 311933 dated May 16, 1996
Memo to Mayor Owen from Paul Teichroeb dated May 21, 1996
Letter to Janne Williams from Philip W. Owen dated May 28, 1996
Letter to Peter and Georgia Kontzamanis from J.A. Perri dated May 30, 1996
Letter to Peter and Georgia Kontzamanis from R.L. Maki dated May 31, 1996
Inspection Report #IR 320707 dated June 19, 1996
Handwritten Letter to Mike Twynstra from Peter Kontzamanis dated July 3, 1996
Letter to Peter and Georgia Kontzamanis from R.L. Maki dated July 11, 1996
Inspection Report #IR 318512 dated August 6, 1996
Letter to Peter and Georgia Kontzamanis from T. Droettboom dated February 10, 1997
Letter to T. Droettboom from Janne Williams dated July 28, 1997
Complaint Form dated October 2, 1997
Letter to Janne Williams from Ted Droettboom dated October 3, 1997
Development and Building Application Form dated September 8, 1998
Building Permit #BU 410228 dated October 16, 1998
Complaint Form dated April 27, 1999
Electrical Inspection Report #EI 10291 dated April 6, 2000
Building Inspection Report #BI 10752 dated April 6, 2000
Inspection Report #IR 361531 dated April 6, 2000 including Floor Plan Document Notes dated April 6, 2000
Letter to Peter and Georgia Kontzamanis from D.H. Jackson dated April 20, 2000
Document Notes dated April 20, 2000
Electrical Inspection Report #EI 10291 dated June 15, 2000 with Handwritten Notes
Property Use Inspection Report #UI 11715 dated June 15, 2000
Building Inspection Report #BI 12182 dated December 6, 2000
2004 Business License #04-028115 dated December 10, 2003
Certificate of Electrical Inspection #57836 dated October 6, 2004
E-mail to Jerome Schmidt from Tom McClure dated October 12, 2004
2005 Business License #05-142278 dated February 23, 2005
Property Use Inspection Report #UI 26727 dated June 16, 2005
Memo to File from Pattie Hayes dated July 25, 2005
Title Search
Police Memo to Catherine Kinahan from Jodyne Keller

6 **236 Princess**

Title Search
Property Tax Inquiry
Electrical Permit #EL 480867 dated January 27, 2004
Application dated January 30, 2004
Building Permit #BU 427847 dated February 10, 2004
Letter to Peter and Georgia Kontzamanis from Barb Windsor dated February 12, 2004
Business License Application Form dated August 27, 2004
2004 Business License #04-541889 dated September 1, 2004

2005 Business License #05-136427 dated January 5, 2005
Property Use Inspection Report #UI 26779 dated June 16, 2005
Letter to Peter and Georgia Kontzamanis from D.H. Jackson dated July 6, 2005
Document Notes dated July 6, 2005
Memo to File from Pattie Hayes dated July 12, 2005
Property Use Inspection Report #UI 27524 dated August 24, 2005
Memo to Lynn Urekar from Jennifer Holloway dated December 14, 2005
Police Memo to Catherine Kinahan from Jodyne Keller

7 **2885 East Broadway**

Title Search
Property Tax Inquiry
Property Use Inspection Report #UI 26655 dated June 8, 2005
Letter to Peter and Georgia Kontzamanis from D.H. Jackson dated July 6, 2005
Document Notes dated July 6, 2005
Property Use Inspection Report #UI 27949 dated October 24, 2005

8 **2915 East Broadway**

Letter to Chan and Hong Ho from J. Forbes-Roberts dated January 10, 2002
2004 Business License #04-030822 dated December 29, 2003
2005 Business License #05-143461 dated December 1, 2004
Building Inspection Report #BI 25636 dated May 3, 2005
Title Search
Property Use Inspection Report #UI 26619 dated June 3, 2005
Stop Work Notice dated June 3, 2005
Letter to Peter and Georgia Kontzamanis from D.H. Jackson dated June 6, 2005
Property Use Inspection Report #UI 26636 dated June 7, 2005
Description of Photographs
Photographs
Building Inspection Report #BI 26079 dated July 8, 2005
Memo to File from Pattie Hayes dated July 25, 2005
Police Memo to Catherine Kinahan from Jodyne Keller

9 **3069 East Broadway**

Title Search
Property Tax Inquiry
Letter to Thuy Bui from P.E. Teichroeb dated January 13, 2005
2005 Business License #05-142611 dated February 20, 2005
Property Use Inspection Report #UI 27828 dated October 6, 2005
Description of Photographs
Photographs
Document Notes dated October 6, 2005
Letter to Peter and Georgia Kontzamanis from D.H. Jackson dated
October 24, 2005
E-mail to Lucia Cumerlato from Carlene Robbins dated October 24, 2005
Property Use Inspection Report #UI 28219 dated December 5, 2005

Description of Photographs

Photographs

Letter to Peter and Georgia Kontzamanis from P.E. Teichroeb dated
December 5, 2005

Document Notes dated December 5, 2005

Police Memo to Catherine Kinahan from Jodyne Keller

Catherine Kinahan, Counsel, was present on behalf of the City of Vancouver. Ian G. Waddell, Myers, Waddell, McMurdo & Karp, was present on behalf of the license applicant.

Ms. Kinahan 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 the 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. Ms. Kinahan noted that in reviewing the evidence and making a decision, the Panel can consider whether the license applicants are likely to properly manage the premises, adhere to City By-laws, or cause a drain on City resources.

Ms. Kinahan referred the panel to the evidence before it as set out in documents which were considered by the Chief License Inspector in referring the business license application to Council, a letter from the Deputy Chief License Inspector and the evidence of witnesses, which sets out the allegations that the license applicants have failed to properly manage the premises located at 4720 Duchess Street and other licensed premises in the City of Vancouver by:

- (a) carrying out construction work without permits, in contravention of the *Building By-law* and *Zoning and Development By-law* of the City of Vancouver;
- (b) permitting use and occupancy of the premises and other licensed premises in contravention of the *Zoning and Development By-law* of the City of Vancouver;
- (c) permitting the occupancy of the premises as a rooming house without having first obtained the necessary Development Permit therefore, in contravention of the *Zoning and Development By-law* of the City of Vancouver;
- (d) failing to comply with the *Standards of Maintenance By-law* of the City of Vancouver;
- (e) failing to comply with the *Untidy Premises By-law* of the City of Vancouver;
- (f) carrying out electrical and plumbing work without the necessary permits;
- (g) causing a drain on police and City resources; and
- (h) carrying on business to the detriment of the safety and well-being of the neighbourhood.

Mr. Waddell noted Peter Kontzamanis was unable to attend due to illness and introduced his wife Georgia and son Louis Kontzamanis.

In support of the allegations set out in the aforementioned reports and evidence, Ms. Kinahan called the following witnesses:

1. Constable Jodyne Keller, Vancouver Police Department
2. Michael Twynstra, Property Use Manager, City of Vancouver
3. Peter Sweeney, Manager, Building Inspection, City of Vancouver

Mr. Waddell also asked questions of witnesses relating to the aforementioned evidence brief.

Mr. Waddell called Georgia Kontzamanis as a witness. Ms. Kontzamanis noted that all of the family properties have been sold except 4720 Duchess. Ms. Kontzamanis confirmed that she and Louis now manage the premises meaning that disputes between her husband and tenants will no longer be a problem and that the yard has been cleaned up. The intent is that once Peter Kontzamanis regains his health, he will upgrade the premises and it will be put up for sale.

Ms. Kinahan also directed questions to the witness.

Ms. Kinahan 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.

Mr. Waddell submitted that the license applicants have resolved most of the problems, have implemented a new management plan and plan to sell the premises. Mr. Waddell requested that the license applicants be granted a 2006 license and that the house would likely be sold by 2007.

PANEL MEMBERS DISCUSSION

Prior to making a decision, panel members noted the license applicants' pattern of operating as a rooming house in an area zoned for single family dwellings, contravening various City By-laws, and causing a drain on police and City resources.

MOVED by Councillor Lee

THAT a 2006 City of Vancouver business license not be issued to Peter and Georgia Kontzamanis for the one-family dwelling located at 4720 Duchess, Vancouver, British Columbia, because the licensee has failed to properly manage the premises by:

- carrying out construction work without permits, in contravention of the *Building By-law* and *Zoning and Development By-law* of the City of Vancouver;
- permitting use and occupancy of the premises and other licensed premises in contravention of the *Zoning and Development By-law* of the City of Vancouver;

- failing to comply with the *Standards of Maintenance By-law* of the City of Vancouver;
- failing to comply with the *Untidy Premises By-law* of the City of Vancouver; and
- causing a drain on police and City resources.

CARRIED UNANIMOUSLY

The Business License Hearing Panel adjourned at 9:35 p.m.

* * * * *