



**CITY OF VANCOUVER**  
**BUSINESS LICENSE HEARING MINUTES**  
**NOVEMBER 30, 2006**

A Business License Hearing of the Council of the City of Vancouver was held on Thursday, November 30, 2006, at 7:30 p.m., in the Council Chamber, Third Floor, City Hall, to hear an appeal from the suspension by the Chief License Inspector of the 2006 Business License issued to Victor Leung Doing Business as Red Way Café, for business premises located at 874 East Hastings Street.

**PRESENT:** Councillor David Cadman, Chair  
Councillor Elizabeth Ball  
Councillor George Chow

**CITY CLERK'S OFFICE:** Nicole Ludwig, Meeting Coordinator

**1. Victor Leung dba Red Way Cafe (File 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:

**Notice of Hearing**

**Tab**

**1 Licenses and Inspections**

Application for Transfer dated June 8, 2000  
2000 Business License #00-375676 dated June 14, 2000  
2001 Business License #01-160894 dated June 15, 2001  
2002 Business License #02-137245 dated February 4, 2002  
2003 Business License #03-395186 dated February 25, 2003  
2004 Business License #04-007628 dated June 8, 2004  
2005 Business License #05-141154 dated March 29, 2005  
2006 Business License #06-142288 dated June 20, 2006  
Letter to Victor Leung from Barb Windsor dated November 3, 2006  
Handwritten Notes dated November 7, 2006  
Letter to Barb Windsor from Helen  
Letter to Victor Leung from Paul Teichroeb dated November 10, 2006  
Suspension Notice  
Letter to Barb Windsor from Victor Leung dated November 19, 2006

**2      Health Department**

Report #31 dated June 3, 2005  
Report #32 dated June 3, 2005  
Report #33 dated June 6, 2005  
Report #34 dated June 8, 2005  
Report #35 dated June 13, 2005  
Report #36 dated June 28, 2005  
Report #37 dated July 4, 2005  
Report #38 dated July 25, 2005  
Report #39 dated April 10, 2006  
Notice dated April 10, 2006  
Report #40 dated April 13, 2006  
Report #41 dated April 19, 2006  
Report #42 dated May 16, 2006  
Notice dated May 16, 2006  
Handwritten Notes  
Report #43 dated May 24, 2006  
Report #44 dated May 31, 2006  
Report #45 dated June 8, 2006  
Report #46 dated November 9, 2006

**3      Police Department**

Report #2006-223180 dated October 16, 2006  
Handwritten Notes of PC 1966 Volpatti dated October 16, 2006  
Handwritten Notes of PC 1966 Volpatti dated October 18, 2006  
Handwritten Notes of PC 1966 Volpatti dated October 19, 2006

Iain Dixon, Counsel, was present on behalf of the City of Vancouver. Victor Leung (the "Licensee") was present and was assisted by Linda Yu, Interpreter.

Mr. Dixon advised that the proceedings were taking place pursuant to Section 275 of the Vancouver Charter, which provides that the granting or refusing of a license is deemed to be at the discretion of Council, and the Panel must provide valid reasons for its decision.

Mr. Dixon referred the Panel to the Notice of Hearing contained within the aforementioned Evidence Brief, which sets out the allegations that the Licensee has failed to properly manage the Premises by:

- a. Carrying on business to detriment of the safety and well being of the public; and
- b. Carrying on business to the detriment of other licensed businesses in the City of Vancouver.

In support of the allegations set out in the reports and evidence contained within the aforementioned Evidence Brief, Mr. Dixon called the following witnesses:

Barb Windsor, Deputy Chief License Inspector/Assistant Director of Licenses & Inspections  
Shelley Beaudet, District Health Inspector, Vancouver Coastal Health  
Constable Eileen Volpatti, Vancouver Police Department

Mr. Leung, with the aid of an interpreter, also asked questions of witnesses.

Mr. Leung called the following witnesses:

Edward Pedersen  
Rebecca Ambrose  
Helen Wong

Comments by the Appellant's witnesses included:

- inspector did not describe the building accurately;
- cockroach problem has been cleared out;
- Appellant went to great lengths to comply with health requirements;
- hope the café will be allowed to stay; and
- can sympathize with the issues Mr. Leung faced in terms of customers.

Upon cross-examination by Mr. Dixon, witnesses responded to questions regarding their relationships to the Appellant, and whether the Appellant understood them when they spoke English.

Mr. Leung noted he had never committed any crimes, he is very upset and the Vancouver Police department's testimony is not accurate. Mr. Leung also explained that he was only trying to help out people in the neighbourhood, would ask them to leave if they looked too pathetic and that he feels he is being convicted of a crime he did not commit.

Mr. Dixon also directed questions to the Appellant's witnesses.

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*The Panel recessed at 10:02 p.m. and reconvened at 10:05 p.m., with all members present, in order to continue the hearing.*

\* \* \* \* \*

In closing, Mr. Dixon submitted that there is evidence of ongoing health issues, a four-week suspension is very reasonable in light of the evidence, similar circumstances before other Panels have resulted in the revocation of the business licence and the Appellant's testimony is self-serving and convenient. Mr. Dixon also submitted that the only discrepancy noted is the colour of the pants sold to the Appellant by Constable Volpatti, and that this is not a meaningful distinction.

In closing, Mr. Leung, with the aid of an interpreter, submitted he feels the suspension is unacceptable, that others had taken advantage of his good intentions, that the police testimony is not accurate and that he is being penalized erroneously. Mr. Leung also asked the Panel to assess his case well, in terms of common sense and the law.

#### PANEL MEMBERS DISCUSSION

Prior to making a decision, the Panel noted that staff's recommendation is reasonable, however the closure would span the Christmas period; many of these types of businesses are a benefit to the area over Christmas, and that a 3 week suspension would allow the café to be open throughout this time. The Panel also noted that reopening should be contingent on the café being in satisfactory condition and that this condition should be approved by Vancouver Coastal Health Authority.

Mr. Dixon advised that dates must be specified should the Panel wish to change the length of the suspension.

MOVED by Councillor Chow

- A. THAT the suspension by the Chief License Inspector of the 2006 Business License issued to Victor Leung, doing business as Red Way Café be changed to a three-week period, to commence December 2 and end on December 22, 2006, because the Licensee has failed to properly manage the premises by:
  - (a) Carrying on business to the detriment of the safety and well being of the public; and
  - (b) Carrying on business to the detriment of other licensed businesses in the City of Vancouver; and
  - (c) causing a drain on police, health and City resources.
- B. THAT reopening of the Red Way Café be subject to the Vancouver Coastal Health Authority being satisfied with the physical and sanitary conditions of the Café.
- C. THAT any violation of law, City by-laws or management practices will result in the Business License issued to Victor Leung, doing business as Red Way Café being referred to City Council.

CARRIED UNANIMOUSLY

The Business License Hearing Panel adjourned at 10:54 p.m.

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