



**CITY OF VANCOUVER**  
**BUSINESS LICENSE HEARING MINUTES**  
**JANUARY 18, 2007**

A Business License Hearing of the Council of the City of Vancouver was held on Thursday, January 18, 2007, 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 2007 will be granted to Ngoc Qui Nguyen, doing business as a seamstress/tailor for business premises located at #125 and/or #130 - 288 East Georgia Street, Vancouver, British Columbia.

**PRESENT:** Councillor Raymond Louie, Chair  
Councillor Elizabeth Ball  
Councillor B.C. Lee

**CITY CLERK'S OFFICE:** Laura Kazakoff, Meeting Coordinator

**1. Ngoc Qui Nguyen dba a seamstress/tailor (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:

**1 288 EAST GEORGIA STREET - License Department**

Business License Application Form dated September 23, 2004  
2004 Business License #04-543515, Unit 130 dated November 9, 2004  
2005 Business License #05-121168, Unit 130 dated December 20, 2004  
Building Register dated October 4, 2005  
Property Use Inspection Report #UI 27919 dated October 19, 2005  
Business License Application Form dated October 24, 2005  
Agent for Owner's Authorization Form dated November 2, 2005  
Business License/Building Information Form dated November 2, 2005  
Special Inspection Application #IA 406640 dated November 2, 2005  
Business License Application Form dated November 14, 2005  
Agent for Owner's Authorization dated November 14, 2005  
Special Inspection Application #IA 406661 dated November 14, 2005  
Building Inspection Report #BI 27164 dated November 16, 2005  
Occupancy Permit #OC 426060 dated November 16, 2005  
2005 Business License #05-197983, Unit 125 dated November 21, 2005  
2006 Business License #06-151050, Unit 125 dated November 21, 2005  
2006 Business License #06-126783, Unit 130 dated December 16, 2005  
Letter to Ngoc Qui Nguyen from Barb Windsor dated November 28, 2006  
Handwritten Notes dated December 7, 2006  
Letter to Ngoc Qui Nguyen from Barb Windsor dated December 18, 2006  
Property Use Inspection Report #UI 31215 dated December 19, 2006

Photographs

Letter to Barb Windsor from Ngoc Qui Nguyen dated January 2, 2007

Property Use Inspection Report #UI 31256 dated January 3, 2007

Photographs

**2 288 EAST GEORGIA STREET - Police Department**

Report #2006-191986 dated September 3, 2006

**3 371 EAST HASTINGS STREET - License Department**

2003 Business License #03-492339 dated May 20, 2003

Health Report #PZhli-264099-1 dated June 5, 2003

Health Report #Pcg8M-264460-2 dated August 28, 2003

Health Report #PgUi1-265102-3 dated November 26, 2003

2004 Business License #04-026952 dated December 29, 2003

License Printout - Duy Lam Nguyen

License Printout - Ngoc Qui Nguyen

**3 371 EAST HASTINGS STREET - License Department - con't**

Application for Transfer dated January 7, 2004

Business Plan dated January 7, 2004

Police Background Check Form dated January 7, 2004

Copy of Drivers License of Duy Lam Nguyen

Letter to Duy Lam Nguyen from Barb Windsor dated March 31, 2004

**4 371 EAST HASTINGS STREET - Police Department**

Report #2003-318663 dated December 14, 2003

**5 100 EAST HASTINGS STREET - License Department**

1998 Business License #98-207239 dated January 27, 1998

Business Plan dated August 18, 1998

1998 Business License #98-241815 dated September 8, 1998

State of Title Certificate dated February 15, 1999

Business Plan dated April 12, 1999

Police Background Check Form dated April 12, 1999

1999 Business License #99-311038 dated May 10, 1999

Minutes of Business License Hearing dated February 3, 2000

Council Decisions of Hearing dated February 3, 2000

**6 100 EAST HASTINGS STREET - Police Department**

Report #98-93723 dated August 17, 1998

Report #98-286862 dated December 7, 1998

Report #99-151803 dated July 11, 1999

Report #99-168932 dated July 30, 1999  
Report #99-182671 dated August 14, 1999  
Memo to Barb Windsor from Jill Fedirchuk dated September 30, 1999  
Report #99-237988 dated October 17, 1999  
Report #99-242253 dated October 22, 1999

The Panel also had before it the following documents submitted at the Hearing by Counsel for the City of Vancouver:

Handwritten notes of PC Downton dated September 3, 2006  
Handwritten notes  
Certificate of Analyst dated January 16, 2007  
Title Search Print dated January 3, 2007  
Title Search Print dated January 3, 2007  
BC Company Summary for Chinatown Centre Inc dated January 16, 2007

Catherine Kinahan, Counsel, was present on behalf of the City of Vancouver. Ngoc Qui Nguyen (the "License Applicant") was present and was aided by a Vietnamese Interpreter, Hue Truong.

Catherine Kinahan referred the Panel's attention to the above-noted additional documents submitted this day. She also noted this matter had been referred to City Council by the Deputy Chief License Inspector under Section 4 of the License By-law which provides that any license application can be referred to City Council for decision, and pursuant to Section 275 of the Vancouver Charter which states that City Council has discretion in issuing a business license. Ms. Kinahan also noted the issues to be considered include those of management and whether the License Applicant has properly managed premises in the past or in a manner which was detrimental to the public, and further noted that should City Council choose not to issue a license it must state reasons for that decision.

Ms. Kinahan referred the Panel to the Notice of Hearing contained within the aforementioned Evidence Brief, which sets out the allegations that:

- (a) the License Applicant has failed to properly manage licensed premises in Vancouver including licensed premises at 288 East Georgia Street and 371 East Hastings Street, by:
  - (a) carrying on business to the detriment of the safety and well-being of the public;
  - (b) failing to maintain control over the licensed premises;
- (b) and that this application is a sham or a subterfuge to circumvent a Council decision dated February 3, 2000, in regards to Dao Thi Mai, also known as Thi Dao Mai.

In support of the allegations set out in the reports and evidence contained within the aforementioned Evidence Brief and supplementary material, Ms. Kinahan called the following witnesses:

1. Police Constable (1187) Colin Downton
2. Police Constable (1505) Mike Chan
3. Mike Bidwell, Property Use Inspector
4. Barb Windsor, Deputy Chief License Inspector

Ngoc Qui Nguyen, with the aid of the interpreter, submitted that he had been on holiday for two months and cannot verify whether everything presented today is true or not and that he was not aware of what was going on in his business premises during the time of his absence. He further submitted that he had only admitted to selling heroin to PC Downton because he did not want any trouble around his store and wanted to get the conversation over with so he could get back to operating his business. He requested the Panel to give him one more chance and issue him a business license, noting he would like to operate his seamstress business in order to support his family and pay off his debts.

Ms. Kinahan submitted that the evidence presented at this Hearing accords with the allegations as set out in the evidence briefs and includes evidence of poor management, sale of heroin in a licensed business, operation of a tailor business without a proper license, past history of operating a problem business, and a close association with Dao Thi Mai who has a history of drug allegations and of operating problem businesses in Vancouver.

#### **PANEL MEMBERS DISCUSSION**

Prior to a decision on this matter, panel members commented on evidence presented related to drug dealing at the licensed Premises, inconsistencies in the License Applicant's testimony, and the history of allegations in relation to the License Applicant in regard to this business and previous businesses.

MOVED by Councillor Ball

THAT a City of Vancouver business license for the year 2007 not be issued to Ngoc Qui Nguyen doing business as a seamstress/tailor (the "License Applicant"), for business premises located at #125 or #130 - 288 East Georgia Street, Vancouver, British Columbia (the "Premises"), for the following reasons:

- (a) the License Applicant has failed to properly manage licensed Premises in the City of Vancouver including licensed premises located at 288 East Georgia Street and 371 East Hastings Street by:
  - carrying on business to the detriment of the safety and well-being of the public; and
  - failing to maintain control over the licensed premises;
- (b) this application is a sham or a subterfuge to circumvent a Council decision dated February 3, 2000, in regards to Dao Thi Mai, also known as Thi Dao Mai; and

(c) the License Applicant has sold heroin on the Premises; and

FURTHER THAT any future business license applications submitted to the City of Vancouver from Ngoc Qui Nguyen be referred to Vancouver City Council by the Chief License Inspector.

CARRIED UNANIMOUSLY

The Business License Hearing Panel adjourned at 9:15 p.m.

\* \* \* \* \*