

REPORT TO COUNCIL

BUSINESS LICENSE HEARING MINUTES

APRIL 21, 2009

A Business License Hearing of the Council of the City of Vancouver was held on Tuesday, April 21, 2009, at 10:00 a.m., in the Council Chamber, Third Floor, City Hall, to determine whether or not 2009 City of Vancouver business licenses will be granted to Manuel and Lisete Vela (the "License Applicants") doing business as a One Family Dwelling for the business premises located at 5248 Inverness Street, Vancouver, British Columbia (the "Premises").

PRESENT: Councillor David Cadman, Chair
Councillor George Chow
Councillor Raymond Louie

CITY CLERK'S OFFICE: Lori Isfeld, Meeting Coordinator

1. **Manuel and Lisete Vela dba as a One Family Dwelling
5248 Inverness Street**

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 **License & Inspections Department**

1998 Business License #98-189017 dated March 25, 1998 (5248)
1998 Business License #98-189016 dated March 25, 1998 (5236)
1999 Business License #99-262431 dated February 24, 1999 (5248)
1999 Business License #99-262430 dated February 24, 1999 (5236)
2000 Business License #00-115530 dated February 16, 2000 (5248)
2000 Business License #00-115529 dated February 16, 2000 (5236)
2001 Business License #01-113503 dated March 9, 2001 (5248)
2001 Business License #01-113502 dated March 9, 2001 (5236)
2002 Business License #02-133411 dated February 1, 2002 (5248)
2002 Business License #02-133410 dated February 1, 2002 (5236)
2003 Business License #03-361505 dated January 15, 2003 (5248)
2003 Business License #03-361504 dated January 15, 2003 (5236)
2004 Business License #04-016147 dated January 5, 2004 (5248)
2004 Business License #04-016146 dated January 5, 2004 (5236)
2005 Business License #05-105830 dated December 29, 2004 (5248)
2005 Business License #05-105829 dated December 29, 2004 (5236)
2006 Business License #06-115413 dated January 16, 2006 (5248)
2006 Business License #06-115412 dated January 16, 2006 (5236)
2007 Business License #07-136868 dated January 23, 2007 (5248)
2007 Business License #07-136867 dated January 23, 2007 (5236)
2008 Business License #08-103866 dated January 3, 2008 (5248)
Prism Address Action Details - 6 pages
Prism Address Action Details - 4 pages

1 License & Inspections Department (continued)

Property Use Inspection Report #UI 12027 dated July 20, 2000
Letter to Manuel & Lisete vela from Paul Teichroeb dated July 24, 2000
Property Use Inspection Report #UI 12172 dated August 9, 2000
Inspection Report #IR 347346 dated October 26, 2000
Letter to Manuel & Lisete Vela from D.H. Jackson dated October 26, 2000
Property Use Inspection Report #UI 14772 dated July 17, 2001
Property Use Inspection Report #UI 14773 dated July 17, 2001
Property Use Inspection Report #UI 14777 dated July 17, 2001
Letter to Manuel & Lisete Vela from J.N. Robertson dated July 24, 2001
Sticky Notes dated July 24, 2001
Letter to Manuel & Lisete Vela from Paul Teichroeb dated July 25, 2001
Property Use Inspection Report #UI 15054 dated August 13, 2001
Property Use Inspection Report #UI 17796 dated July 5, 2002
Letter to Manuel & Lisete Vela from D.H. Jackson dated July 8, 2002
Property Tax Inquiry
Inspection Report #IR 510142 dated August 15, 2002
Letter to Manuel & Lisete Vela from Paul Teichroeb dated August 21, 2002
Letter to Manuel & Lisete Vela from Pam Kiselbach dated August 27, 2002
Letter to Manuel & Lisete Vela from Barb Windsor dated August 29, 2002
Handwritten letter from J. Meister dated September 5, 2002
Photographs
Letter to Manuel & Lisete Vela from Barb Windsor dated June 21, 2007
E-mail to Barb Windsor from Syd Kelland dated June 26, 2007
Photographs of 5236 Inverness
Photographs of 5248 Inverness
Handwritten Notes dated June 27, 2007
Inspection Report #IR 378904 dated July 18, 2007
Document Notes dated July 18, 2007
Notice dated July 18, 2007
Photographs
Order to Manuel & Lisete Vela from W.M. Johnston dated July 20, 2007
Property Report
Title Search
Handwritten Notes dated November 7, 2007
Building Permit #BU 440214 dated November 7, 2007
Order to Manuel & Lisete Vela from W.M. Johnston dated November 8, 2007
Document Notes dated November 8, 2007
Invoice dated November 8, 2007
Dog Complaint Inspection Card dated March 15, 2008
Statement dated March 16, 2008
Amanda Printouts
Inspection Report #IR 380059 dated June 10, 2008
Photograph
E-mail to DOMINO from Carlene Robbins dated June 11, 2008
Inspection Report #IR 380190 dated August 26, 2008
Handwritten Notes dated September 17, 2008

1 **License & Inspections Department (continued)**

Handwritten Notes dated January 21, 2009
Photographs
Letter to Manuel & Lisete Vela from Barb Windsor dated February 20, 2009
Inspection Report #IR 380725 dated March 13, 2009
Photographs

2 **Neighbourhood Complaints**

Complaint dated July 19, 2000
Complaint dated July 16, 2001
Complaint dated July 5, 2002
Complaint dated May 30, 2006
Complaint dated May 31, 2006
Complaint dated April 2, 2007
E-mail to Suzanne Anton from Barb Windsor dated June 26, 2007
E-mail to Sandy Macdonald from Leeland Hrushkin dated August 14, 2008
E-mail to Barb Windsor from Sandy Macdonald dated August 23, 2008
E-mail to Carlene Robbins from PC Jarvie dated August 25, 2008
Complaint dated November 28, 2008
Complaint dated December 9, 2008
Complaint dated December 12, 2008
Complaint dated December 16, 2008
Handwritten Letter to Barb Windsor dated January 15, 2009
E-mail to Barb Windsor dated January 26, 2009 @ 11:13 am
E-mail to Barb Windsor dated January 26, 2009 @ 1:05 pm
E-mail to Barb Windsor from Leeland Hrushkin dated February 23, 2009
Photographs

3 **Community Survey**

Community Survey Notification
18 Survey forms filled out by neighbours
E-mail to Sandy Macdonald from Heron Hanuman dated January 20, 2009

4 **Police Department**

CP76426-2002 dated April 7, 2002
CP80509-2002 dated April 12, 2002
GO2006-159548 dated July 27, 2006
GO2006-160340 dated July 28, 2006
GO2006-216103 dated October 6, 2006
GO2006-254319 dated November 28, 2006
CP254701-2006 dated November 28, 2006
CP254760-2006 dated November 28, 2006
CP255305-2006 dated November 29, 2006
CP260966-2006 dated December 8, 2006
CP261029-2006 dated December 8, 2006

4 Police Department (continued)

CP261937-2006 dated December 9, 2006
CP271874-2006 dated December 23, 2006
CP272452-2006 dated December 24, 2006
GO2007-14115 dated January 21, 2007
CP44960-2007 dated March 8, 2007
GO2007-64967 dated April 6, 2007
CP69516-2007 dated April 12, 2007
GO2007-72005 dated April 15, 2007
GO2007-72193 dated April 16, 2007
GO2007-76000 dated April 22, 2007
CP108937-2007 dated June 7, 2007
CP113937-2007 dated June 14, 2007
CP114570-2007 dated June 15, 2007
GO2007-114795 dated June 15, 2007
GO2007-118386 dated June 20, 2007
CP128130-2007 dated July 2, 2007
GO2007-130505 dated July 5, 2007
CP143087-2007 dated July 21, 2007
CP174833-2007 dated August 30, 2007
CP193281-2007 dated September 24, 2007
GO2008-5935 dated November 30, 2007
CP465-2008 dated January 1, 2008
CP80962-2008 dated May 4, 2008
GO2008-153661 dated August 10, 2008
GO2008-157021 dated August 15, 2008
CP172342-2008 dated September 5, 2008
GO2008-210553 dated October 31, 2008
GO2009-41335 dated March 11, 2009
Memo to Holly Christie from Allison Metzack dated March 25, 2009

The Panel also had before it copies of a Citizen's Report from the South Vancouver Community Policing Centre and several email exchanges with complaints from neighbours of 5248 Inverness Street and corresponding replies from City staff, (*circulated at the hearing and on file*).

Catherine Kinahan, counsel, was present on behalf of the City of Vancouver. Manuel and Lisette Vela were present and representing themselves.

Ms. Kinahan advised that this matter had been referred to City Council by the Chief License Inspector pursuant to Section 4(2a) of the License By-law and Section 275 of the Vancouver Charter which states that Council has broad powers to revoke, suspend or uphold a business license. She also advised that it is at Council's discretion as to whether to issue a license to a particular business, which is the case at this hearing. Ms. Kinahan further noted the issues to be considered include the negative impact on the neighbourhood, the concern for public safety, and the potential drain on police or City resources.

Before the Panel was the Notice of Hearing contained in the afore-mentioned Evidence Brief, which sets out the allegations that the Licensees have failed to properly manage the Premises by:

- (a) failing to maintain control over the licensed premises;
- (b) causing a drain on police and City resources;
- (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, Ms. Kinahan called the following witnesses:

1. Barb Windsor, Chief License Inspector
2. Sandy MacDonald
3. Leeland Hrushkin
4. Heron Hanuman
5. Police Constable Laura Knowles
6. Police Constable Holly Christie
7. Police Constable Mark Jarvie
8. Jeanette Nelson, Animal Control Officer

Mr. Vela, with the assistance of Mrs. Vela, and Panel members also directed questions to the witnesses.

The Panel members and Ms. Kinahan also asked questions of the applicants.

Mr. Vela submitted that the inside and outside of the house have been cleaned up. He added that he needs a business license so he can rent the house out until he is able to demolish it and build a new house, and that he intends to sell the new house. He also noted he has been unable to evict the current tenants because there could be repercussions.

In closing, Ms. Kinahan submitted that the evidence presented at this hearing accords with the allegations set out in the evidence briefs. She also noted that if the Panel refuses to grant a business license to the applicants, reasons for the refusal must be provided.

No closing comments were provided by the applicants.

Ms. Kinahan clarified that if a business license is not granted to the applicants, they can no longer rent the house and the tenants must be evicted. She added that Mr. and Mrs. Vela can approach the Residential Tenancy Branch if they need assistance in this regard.

PANEL MEMBERS DISCUSSION

Prior to a decision, Panel members noted that based on the complaints of neighbours and the testimony of witnesses, the License Applicants have demonstrated they have not been responsible as landlords and cannot manage the property properly causing a drain on City resources and a detriment to the safety and well being of the neighbourhood.

MOVED by Councillor Louie

THAT the application for a 2009 City of Vancouver business license by Manuel and Lisete Vela doing business as a One Family Dwelling for the business premises located at 5248 Inverness Street, Vancouver, British Columbia, be refused because the License Applicants have failed to properly manage the Premises by:

- (a) failing to maintain control over the licensed premises;
- (b) cause a drain on police and City resources; and
- (b) carrying on business to the detriment of the safety and well being of the neighbourhood.

CARRIED UNANIMOUSLY

The Business License Hearing Panel adjourned at 12:53 p.m.

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