



BUSINESS LICENCE HEARING MINUTES

JUNE 24, 2014

A Business Licence Hearing was held on Tuesday, June 24, 2014, at 6:36 pm, in the Council Chamber, Third Floor, City Hall, in order for the Panel to hear the appeal of Tanoli Enterprises Inc. of the suspension by the Chief Licence Inspector of the 2013 business licence issued to Tanoli Enterprises Inc., doing business as Tanoli Convenience Store, for the business premises located at 302 Carrall Street, Vancouver, BC.

PRESENT: Councillor Carr, Chair
Councillor Ball
Councillor Jang

CITY CLERK'S OFFICE: Leslie Tuerlings, Meeting Coordinator

1. **Tanoli Enterprises Inc.**
Tanoli Convenience Store
302 Carrall Street

The Business Licence 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 Notice of Hearing

- 2nd Notice: Dated April 25, 2014
- 1st Notice: Dated March 20, 2014

2 Licenses & Inspections Department

- Copy of 2014 Business Licence: #14 -143849
- Copy of 2013 Business Licence: #13 -195691
- Screen shot from AMANDA (Business Licence database) of 'information tab' for Business Licence #14-143849

3 Correspondence - 2013

- Letter of Receipt of Appeal sent to Tanoli Enterprises Inc, dated September 30, 2013
- Letter of Appeal from Umer Nawaz, sent to Tom Hammel, dated September 1, 2013
- Letter of Suspension for 302 Carrall Street, DBA: Tanoli Convenience Store, addressed to Tanoli Enterprises Inc.,, dated August 29, 2013
- Meeting notes (handwritten) by Tom Hammel, from meeting held on May 23, 2013, dated May 23, 2013
- Additional meeting notes (handwritten) by Tom Hammel, dated May 23, 2013
- Letter (meeting request) to Tanoli Enterprises Inc, dated May 17, 2013

4 **Police Department - 2013**

- Report (VPD) GO# VA 2013-44849, dated March 27, 2013

5 **File History - 2003**

- Meeting notes (handwritten) by Barb Windsor (former Deputy Chief Licence Inspector), from meeting held on October 9, 2003, dated October 9, 2003
- Letter (meeting request) to Mohammad Anjum (DBA: Tanoli Convenience Store), dated October 7, 2003
- Inspection Report by Property Use Inspector, Loris Volpe, dated October 7, 2003
- Inspection Report by Property Use Inspector, Loris Volpe, dated October 6, 2003
- Email from Barb Windsor to VPD Cst. Martin Bruce #1759, dated October 10, 2003, with handwritten note by Barb Windsor
- Report (VPD) GO# 2003 - 250911, dated October 2, 2003

6 **File History - 2000**

- Copy of 2000 Business Licence : #00-136063
- Meeting notes (handwritten) by Barb Windsor, from meeting held on June 27, 2000, dated June 27, 2000
- Meeting notes (handwritten) by Paul Teichroeb (former Chief Licence Inspector), from meeting held on June 27, 2000, dated June 27, 2000
- Letter (meeting request) to Mohammad Anjum (DBA: Tanoli Convenience Store), dated June 13, 2000
- Report (VPD) - "Miscellaneous and Supplementary", case #00-45550, dated February 27, 2000
- Report to Crown Counsel (VPD), case #00-45482, dated February 27, 2000
- Report to Crown Counsel (VPD), case #00-45550: Evidence statement of James A. Garnett (Translink Transit Security Cst. #7611) RE: February 27, 2000
- Report to Crown Counsel (VPD), case #00-45550: Evidence statement of Troy Hendyecz (Translink Transit Security Cst. #6817) RE: February 27, 2000

7 **File History - 1999**

- Copy of 1999 Business Licence: #99-310753
- Inspection Report by Property Use Inspector (not named), dated June 1, 1999
- Letter of Suspension (supercedes letter dated May 20, 1999) for 302 Carrall Street, DBA: Tanoli Convenience Store, addressed to Mohammad Anjun, dated May 25, 1999
- Letter of Intent (operating agreement) for Mohammad Anjun, dated May 25, 1999
- Memo (handwritten) by Guy Gusdal (former Licence Coordinator), to Isabel (Clarke), Assistant to the Chief Licence Inspector
- Notes (handwritten) by Guy Gusdal, RE: terms for licence suspension/Letter of Intent
- Complaint (via email) sent to Paul Teichroeb, dated May 12, 1999
- Note from Property Use Inspector, John Iacobazzi, dated May 11, 1999
- Report (VPD) - "Miscellaneous and Supplementary", case #99-38132, made by PC D. Laing #1762, dated February 20, 1999
- Warrant To Search (VPD), for 302 Carrall Street, on March 24, 1999, dated March 22, 1999
- Evidence Statement by VPD Sgt. Stewart #725, case #99-52306 (March 24, 1999)

- Evidence Statement by VPD Det/Cst. R. Pitt-Payne #1464, case #99-52306 (March 24, 1999)
- Evidence Statement by VPD PC. Chuy, case #99-52306 (March 24, 1999)
- Evidence Statement (List of Seized Property-multiple addresses) by VPD PC. Dickson #1028, case #99-52306 (March 24, 1999)
- Evidence Statement by VPD PC. Hester #1229, case #99-52306 (March 24, 1999)
- Report (VPD) - "Miscellaneous and Supplementary" (evidence seized from 302 Carrall Street), case #99-52306, made by PC. Hester #1229, dated March 24, 1999
- Report to Crown Counsel (VPD), case #99-52306, submitted by PC. Fedirchuk #1618, with evidence statements from VPD members:
 - Det. B. MacDonald #457 (RE: March 10, 1999)
 - PC. Fedirchuk #1618 (RE: March 10 & 11, 1999)
 - PC. Sadler #1181 (RE: March 11, 1999)
 - PC. Fostvelt #1452 (RE: March 10, 1999)

8 Application for Business Licence - 1998

- Copy of 1998 Business Licence Application form
- Screen shot from AMANDA (Business Licence database) of Business Licence Application #98-235361, for 302 Carrall Street, Tanoli Convenience Store (Mohammad Anjum)
- Copy of (VPD) Police Report Form (criminal record check) for Business Licence Applicant, Mohammad Rashid Anjum

Documents contained in the evidence brief provided information on alleged activities at the premises. Specifically, the allegations centered around the Licensee purchasing stolen property from people entering the premises.

Robert LeBlanc, Litigator - By-law Prosecutions, Legal Department, was present on behalf of the City of Vancouver. Zahoor Yunus represented Tanoli Enterprises Inc. on behalf of Umer Nawaz.

Prior to his opening comments, Mr. LeBlanc noted that Mr. Yunus had requested to seek an adjournment of this Hearing, he then asked Mr. Yunus to explain the reasoning behind it.

Mr. Yunus stated that Mr. Umer Nawaz, Owner, Tanoli Enterprises Inc., was currently out of the country and would like the Hearing to be postponed so that he is able to attend.

Mr. LeBlanc noted that ample notice of the Hearing had been given to the owner and that it had already been postponed once as Mr. Nawaz was out of the country getting married at that time. Mr. LeBlanc recommended proceeding with the Hearing as scheduled.

MOVED by Councillor Jang
SECONDED by Councillor Ball

THAT the Business Licence Hearing regarding Tanoli Enterprises Inc. proceeds as scheduled.

CARRIED UNANIMOUSLY

Mr. LeBlanc advised this appeal of the Chief Licence Inspector's suspension had been brought before Council pursuant to Section 277 of the *Vancouver Charter*. He noted the discretion conferred upon the Panel under section 275 of the *Vancouver Charter* to revoke or suspend a business licence. He further noted that in the present case the Panel may uphold, reverse, or vary the suspension on the terms that it may think fit after considering whether or not the Licensees' operation of the business constituted gross misconduct. Mr. LeBlanc also discussed the principles of natural justice, in particular the requirements of notice and the opportunity to be heard, and that case law requires the Panel to give reasons in any decision made regarding this appeal. He noted that the Panel needs to consider issues of management, in particular whether the business has been run properly in the past, and whether it will be run properly in the future.

Mr. LeBlanc referred the Panel to the reasons for the Chief Licence Inspector's suspension of the Business License, as set out in the Notice of Hearing dated April 25, 2014. At issue was the opinion of the Chief Licence Inspector that the Licensee had failed to properly manage the premises by:

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

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

- Constable Doug Fell, Vancouver Police Department
- Constable Kirk Myles, Vancouver Police Department
- Constable Alen Ivezic, Vancouver Police Department
- Harley Machielse, Deputy Chief Licence Inspector

Following witness testimony, Mr. LeBlanc and the Panel directed questions to the City's witnesses.

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The Panel recessed at 8:20 pm and reconvened at 8:26 pm.

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Mr. Yunus submitted his opening remarks noting the allegations of illegal behavior contained in the evidence package had occurred under the previous owner, Akhtar Nawaz, brother of the current owner. He assured the Panel that there will be no further incidents now that there is a new owner.

The Panel directed questions to Mr. Yunus.

In closing, Mr. LeBlanc submitted that the Licensee is propagating a system that takes advantage of the community and that the business has been operating with gross misconduct. He concluded by asking the Panel to take into account the history of the Licensee's prior suspension.

In closing, Mr. Yunus apologized for the former owner's actions.

PANEL MEMBERS DISCUSSION

In discussion the Panel noted that the behavior detailed in the evidence brief is detrimental to the neighbourhood and its businesses. It was also noted that considering the Licensee's past history with suspensions, and a failure to remedy illegal behaviour, a 21 day suspension was too lenient a consequence.

MOVED by Councillor Jang
SECONDED by Councillor Ball

THAT the 2014 Business Licence 14-143849 issued to Tanoli Enterprises Inc. for premises located at 302 Carrall Street be revoked because the Licensee has failed to properly manage the premises by:

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

FURTHER THAT the date of revocation be determined by the Chief Licence Inspector.

CARRIED UNANIMOUSLY

ADJOURNMENT

MOVED by Councillor Jang
SECONDED by Councillor Ball

THAT the meeting be adjourned.

CARRIED UNANIMOUSLY

The Business Licence Hearing Panel adjourned at 8:36 pm.

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