



## BUSINESS LICENCE HEARING MINUTES

NOVEMBER 28, 2017

A Business Licence Hearing was held on Tuesday, November 28, 2017, at 6:17 pm, in the Council Chamber, Third Floor, City Hall, to consider the recommendation by the Deputy Chief Licence Inspector to revoke the Business Licence issued to Van De Nguyen (the "Licencee") for business premises located at 2234 Kingsway, Vancouver, British Columbia (the "Premises").

PRESENT: Councillor Tim Stevenson, Chair  
Councillor George Affleck  
Councillor Adriane Carr

CITY CLERK'S OFFICE: Maria Castro, Meeting Coordinator

### 1. Thuong Dang Dahn Tea Shop 2234 Kingsway

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

- Dated October 20, 2017 (for hearing scheduled on November 28, 2017)
- Dated May 16, 2017 (for hearing scheduled on June 6, 2017)
- Dated March 29, 2017 (for hearing scheduled on April 18, 2017)
- Dated February 15, 2017 (amended, for hearing scheduled on February 28, 2017)
- Dated February 6, 2017 (for hearing scheduled on February 28, 2017)
- Memorandum to Business Licence Hearing Panel dated December 14, 2016

#### 2 Licenses & Inspections Department

##### A. Business Licences

- 2017 Business Licence #17-142046 issued to Van De Nguyen, Thuong Dang Dahn Tea Shop, located at 2234 Kingsway
- 2016 Business Licence #16-143677 issued to Van De Nguyen, Thuong Dang Dahn Tea Shop, located at 2234 Kingsway
- BC Registry Sole Proprietorship Summary for Thuong Dang Danh Tra Tea Shop

**B. Correspondence**

- Letter from Deputy Chief Licence Inspector Sarah Hicks to Van De Nguyen and Tony Lagemaat, counsel for Van De Nguyen, dated November 21, 2016
- Letter from Tony Lagemaat to Sarah Hicks, dated September 21, 2016
- Letter to from Sarah Hicks to Van De Nguyen, dated September 13, 2016
- Business Licence Practice Meeting Notes of Sarah Hicks from meeting held on October 18, 2016
- Business Licence Practice Meeting Notes of Marie Fung (Supervisor, Licence Office), from meeting held on October 18, 2016

**3 Vancouver Police Department (VPD)**

- A. General Occurrence Report GO# VA 2016-111019
- B. List of items seized from 2234 Kingsway and 3309 Queens Avenue
- C. Documents seized from 2234 Kingsway and 3309 Queens Avenue
- D. Photographs of Seized Goods from 2234 Kingsway and 3309 Queens Avenue
- E. Hand-drawn sketch plans of from 2234 Kingsway and 3309 Queens Avenue
- F. Narrative by Det/Cst. Alen Ivezic from GO VA 2016-75213

Iain Dixon, Assistant Director - Regulatory Litigation, Legal Department, was present on behalf of the City of Vancouver. Tony Lagemaat and Sandy Ross of Johnson Doyle Sugarman and Ferguson, were present on behalf of Van De Nguyen (the Licencee). Anna Diep Dao, a Vietnamese interpreter, was also in attendance to provide interpretation services for Mr. Nguyen.

At the commencement of proceedings, Mr. Dixon advised this appeal had been brought before the Council pursuant to Section 278 of the *Vancouver Charter*, and noted Council's discretion to uphold or overturn the decision of the Deputy Chief Licence Inspector to revoke the 2017 Business Licence issued to Mr. Nguyen, as per Section 275 of the *Vancouver Charter*.

In his opening remarks, Mr. Ross advised that due to criminal charges against Mr. Nguyen as a result of a police investigation, the evidentiary matters would be tested before a Provincial Court judge, and therefore, Mr. Ross made application to postpone this hearing pending Mr. Nguyen's criminal trial set in Provincial Court for the period, February 5 - 8, 2018.

In response to questions from the Panel, Mr. Dixon advised that the decision to adjourn the hearing pending the outcome of Mr. Nguyen's trial, is open to the Panel to consider, but cautioned the business has been open for a considerable period of time since the allegations.

Mr. Dixon further advised that an acquittal in the Provincial court would not resolve the issue from the City's point of view and not necessarily dispose of it entirely. It is likely the Panel would have to adjudicate on the same evidentiary issues at some point in time. A conviction, however, would resolve the issue entirely because the Licence By-law states that a licence would not be issued to an applicant who has a criminal conviction that relates to the business within the preceeding 5 years.

Mr. Dixon recommended that if the inclination of the Panel members is to await the outcome of the Provincial criminal trial, then a specific business licence hearing date be set in the motion.

#### **PANEL MEMBERS DISCUSSION**

MOVED by Councillor Carr

THAT the Business Licence Hearing of November 28, 2017, regarding Van De Nguyen (the "Licencee"), for business premises located at 2234 Kingsway, Vancouver, British Columbia ("the Premises"), be adjourned to the February 28, 2018, Business Licence Hearing date.

CARRIED UNANIMOUSLY

#### **ADJOURNMENT**

MOVED by Councillor Carr  
SECONDED by Councillor Affleck

THAT the meeting be adjourned.

CARRIED UNANIMOUSLY

The Business Licence Hearing Panel adjourned at 6:30 pm.

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