

**BUSINESS LICENCE HEARING MINUTES**

**MAY 22, 2019**

A Business Licence Hearing was held on Wednesday, May 22, 2019, at 9:34 am, in the Council Chamber, Third Floor, City Hall, to consider the recommendation by the Deputy Chief Licence Inspector to revoke the Inter-Municipal Business Licence issued to 0850785 BC Ltd. aka/dba/or ABC Tree Men & Consulting.

**PRESENT:** Councillor Christine Boyle, Chair  
Councillor Rebecca Bligh  
Councillor Melissa De Genova

**CITY CLERK'S OFFICE:** Rosemary Hagiwara, Deputy City Clerk  
Tina Hildebrandt, Meeting Coordinator

**1. 0850785 BC Ltd., aka/dba/or ABC Tree Men & Consulting**

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:

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Iain Dixon, Assistant Director of Legal Services - Enforcement and Prosecutions, was present on behalf of the City of Vancouver (COV). Mr. Francis Klimo was present on behalf of the Licencee.

At the commencement of proceedings, Mr. Dixon advised this appeal had been brought before the Council pursuant to Section 275 of the *Vancouver Charter*, and noted Council's discretionary powers to uphold or overturn the decision of the Deputy Chief Licence Inspector to revoke the Inter-Municipal Business Licence (the "Business Licence") issued to 0850785 BC Ltd. aka/dba/or ABC Tree Men & Consulting (the "Licencee"). He added that this particular type of business licence, for regulatory purposes, was no different than a regular COV business licence. Mr. Dixon also discussed the principles of natural justice, in particular the requirements of notice and the opportunity to be heard.

Mr. Dixon referred the Panel to the reasons for the Deputy Chief Licence Inspector's recommendation to revoke the Business Licence issued to the Licencee, as set out in the Notice of Hearing dated May 6, 2019. Specifically, the Deputy Chief Licence Inspector recommended the Business Licence be revoked on the basis that there is a long history of infractions by the Licencee and included numerous recent offences and convictions against the Licencee. The most recent convictions and violations included the following:

- Trial date May 5, 2016 - charges included the topping of 2 trees to the extent that they were unlikely to ever regain health or characteristic appearances and had four (4) violations of the Protection of Trees By-law #9958. The Licencee was convicted and ordered to pay \$12,000;
- Trial date March 28, 2017 - charges included 24 counts, comprising of items from the Protection of Trees By-law #9958 such as removal of trees without permit, topping trees, climbing retention trees with spurs causing damage. The Licencee was convicted and ordered to pay \$18,000; and
- The Licencee had been charged with violations of the Protection of Trees By-law #9958 at four (4) separate locations in 2018. The alleged violations include removal of at least 10 trees without permits and an allegation that the Licencee facilitated the destruction of a significant retention tree on Trinity Street. Trial dates are pending for these violations.

In support of the allegations set out in the above-noted reports and evidence, Mr. Dixon called Sarah Hicks, Deputy Chief Licence Inspector, as witness.

Mr. Dixon and the Panel directed questions to the witness.

Mr. Klimo provided opening remarks and noted that he assumed the position of Director of the company in August 2018, as his father, who owns the company, had semi-retired. Mr. Klimo also acknowledged that while there were violations that occurred since he assumed the position of Director, he felt it was part of the learning process and that his future intention was to avoid further violations and to provide good community service.

The Panel directed questions to Mr. Klimo. Regarding the violation related to 2660 Trinity Street, Mr. Klimo submitted that the tree was substantially damaged by a previous arborist already and that his company did not remove the tree.

Mr. Dixon provided closing comments and noted that based on the evidence, City Council would likely be in agreement with the Deputy Chief Licence Inspector's recommendation to revoke the Business Licence issued to the Licencee.

The Panel directed questions to Mr. Dixon.

## **PANEL MEMBERS DISCUSSION**

MOVED by Councillor De Genova  
SECONDED by Councillor Bligh

THAT the recommendation by the Deputy Chief License Inspector to revoke Inter-Municipal Business License No. BUS 17-00649 issued to 0850785 BC Ltd. aka/dba/or ABC Tree Men & Consulting (the "Licencee"), be upheld on the basis that there is a long history of infractions by the Licencee and includes numerous recent offences and convictions against the Licencee;

FURTHER THAT the most recent convictions and violations against the Licencee include the following:

- i. Trial Date May 5, 2016 - charges included the topping of two (2) trees to the extent that they were unlikely to ever regain health or characteristic appearances and had four (4) violations of the *Protection of Trees By-law #9958*. The Licencee was convicted and ordered to pay \$12,000;
- ii. Trial Date March 28, 2017 - charges included 24 counts, comprising of items from the *Protection of Trees By-law #9958* such as removal of trees without permit, topping trees, climbing retention trees with spurs causing damage. The Licencee was convicted and ordered to pay \$18,000; and
- iii. the Licencee has been charged with violations of the *Protection of the Trees By-law #9958* at four (4) separate locations in 2018. The alleged violations include removal of at least 10 trees without permits and an allegation that the Licencee facilitated the destruction of a significant retention tree on Trinity Street. Trial dates are pending for these violations.

CARRIED UNANIMOUSLY

**ADJOURNMENT**

MOVED by Councillor De Genova  
SECONDED by Councillor Bligh

THAT the Business Licence Hearing regarding 0850785 BC Ltd. aka/dba/or  
ABC Tree Men & Consulting be adjourned.

CARRIED UNANIMOUSLY

The Business Licence Hearing Panel adjourned at 10:37 am.

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