



**SPECIAL COUNCIL MEETING MINUTES
(BUSINESS LICENCE HEARING)**

NOVEMBER 23, 2021

A Special Meeting of the Council of the City of Vancouver was held on Tuesday, November 23, 2021, at 9:31 am, in the Council Chamber, Third Floor, City Hall, for the purpose of holding a Business Licence Hearing to determine whether or not the business licence (“Business Licence”) issued to Al Karim Khaki/Planet Rock (the “Licencee”) ought to be revoked. This Special Council meeting was convened by electronic means as authorized by Part 14 of the *Procedure By-law* and the *Vancouver Charter*.

PRESENT: Councillor Sarah Kirby-Yung, Chair
Councillor Pete Fry
Councillor Colleen Hardwick

CITY CLERK’S OFFICE: Tina Hildebrandt, Meeting Coordinator

WELCOME

The Chair acknowledged we are on the unceded homelands of the Musqueam, Squamish, and Tsleil-Waututh People. We thank them for having cared for this land and look forward to working with them in partnership as we continue to build this great city together.

The Chair also recognized the immense contributions of the City of Vancouver’s staff who work hard every day to help make our city an incredible place to live, work, and play.

**1. Al Karim Khaki/Planet Rock
Business Licence: 21-143578**

The Business Licence Hearing Panel had before it for consideration a Notice of Hearing dated November 2, 2021, 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	Description
1	Notice of Hearing dated October 13, 2021
2	2011 Business Licence suspension
3	Screenshots of Planet Rock’s website

Tab	Description
4	Chronology received from Vancouver Coastal Health
5	Reports of Complaints, received from Vancouver Coastal Health
6	Vancouver Police Department investigation report dated March 10, 2021
7	Business Licence Practice Meeting Notes from meeting of July 15, 2021
8	Letter from Chief Licence Inspector recommending Business Licence revocation dated October 1, 2021
9	Vancouver Coastal Health Vapor Retail Inspection Report of October 1, 2021
10	Vancouver Coastal Health Nexus Issue: Compliance Check report of October 5, 2021

Robert LeBlanc, City Prosecutor, Legal Department, was present on behalf of the City of Vancouver (City), Alice Huynh, Barrister and Solicitor, was present on behalf of the Licencee and was accompanied by Al Karim Khaki, the Licencee.

Mr. LeBlanc provided opening remarks and explained the reasons for holding this hearing as set out in Tab 8 of the Evidence Brief and sections 275 and 278 of the *Vancouver Charter*. Specifically, that the Licencee has been operating the business with a total disregard for the laws and acts required to operate a business thus creating a drain on City and Police resources, and that the Licencees' business practices are harmful and dangerous to the health and safety of youths.

Mr. LeBlanc called the following City witnesses to provide testimony:

1. Kevin Kouris, Supervisor - Tobacco Enforcement Program, Vancouver Coastal Health
2. Constable Timothy Rich, Emergency Response Section, Vancouver Police Department
3. Sarah Hicks, Chief Licence Inspector, Development, Buildings & Licensing

Mr. LeBlanc directed questions to the City witnesses, beginning with the first witness.

The Licencees' Counsel began cross-examination of the first City witness and, during questions, it was determined that evidence in regard to a compliant check of the business premises on April 29, 2021, was missing from the Evidence Package.

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The Business Licence Hearing recessed at 10:18 am and reconvened at 10:26 am.

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Following the recess, Mr. LeBlanc recommended the first City witness stand down to locate the missing evidence and that the Panel continue with the evidence of the remaining City witnesses.

Mr. LeBlanc directed questions to the remaining City witnesses, followed by cross-examination by the Licencees' Counsel.

During questions, Mr. LeBlanc advised that the missing evidence regarding the compliant check of the business premises on April 29, 2021, had been located and was submitted (*on file in the City Clerk's Office*).

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The Business Licence Hearing recessed 11:15 am and reconvened at 11:21 am.

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Following the recess, the Licencees' Counsel continued to cross-examine the first City witness.

Following cross-examination of the first City witness, the Licencees' Counsel provided opening remarks, beginning with an overview of the business. Ms. Huynh submitted that the Licencee was unable to attend the business premises very often due to health issues and, as a result, entrusted the day-to-day operations to the employees. Ms. Huynh pointed out that during the periods the Licencee was absent from the business the illegal incidents occurred. Ms. Huynh added that the Licencee is well aware that the sale of vape products to minors is illegal and that the Licencee, being a father, would never sell vape products to minors. Ms. Huynh questioned the validity of the complaints, noting they could have been made by competitors or disgruntled youth who were denied vape products in the past. In summary, Ms. Huynh advised that the Licencee is sorry for the incidents that occurred, has hired a Manager to oversee the day-to-day operations of the business and has ceased with the order of and sale of vape products.

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At 11:52 am, it was

*MOVED by Councillor Fry
SECONDED by Councillor Hardwick*

THAT the meeting be extended to complete the business.

CARRIED UNANIMOUSLY

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The Licencee's Counsel called Julia Patch, Manager, Planet Rock, and directed questions to the witness, followed by cross-examination by Mr. LeBlanc.

Panel members directed questions to the above-noted witness.

Mr. LeBlanc provided closing submissions, noting the ongoing activities at the business premises, not just the sale of vaping products to minors but the sale of unlicensed, unregulated

cannabis products, has resulted in a resource-intensive undercover operation leading to the seizure of illegal drug products. Mr. LeBlanc added that this is a pattern of illegal behaviour and that the Licencee, an absentee business owner, has been deferring the operation of the business to the employees and imposing poor business practices on to them. Mr. LeBlanc noted that two of the sales of illegal products were directly from the Licencee, which shows they were complicit in these activities. In summary, Mr. LeBlanc advised the Panel of its role at this hearing, to determine whether or not to revoke the business licence issued to the Licencee.

The Licencee provided closing submissions, noting regret for the illegal activities that took place at the business premises and that, due to health issues, they relied on the employees and past managers to ensure the business was being operated properly. The Licencee advised that due to the illegal incidents that occurred, a new manager has been hired and the business will no longer sell vape products.

The Licencee's Counsel provided closing submissions and requested the Panel consider overturning the decision of the Chief Licence Inspector rather than revoking the business licence as Planet Rock does not pose a safety risk to youths or the community at large since the business no longer sells vape or cannabis products. Ms. Huynh reiterated that, due to health issues, the Licencee unfortunately relied on the employees to operate the business, but has since learned that is not an option. Ms. Huynh suggested that should the Panel intend to provide some punitive measures against the Licencee, that they consider a two-week suspension at the most as a lengthier suspension will be detrimental to the business. In summary, Ms. Huynh advised that the Licencee is hopeful for an opportunity to show that they have remedied the situation to ensure that Planet Rock continues to contribute to the character of the community and that it does not end up another empty storefront along Granville Street.

PANEL MEMBERS DISCUSSION

MOVED by Councillor Fry

SECONDED by Councillor Hardwick

THAT the recommendation of the Chief Licence Inspector to revoke the business licence ("Business Licence") issued to Al Karim Khaki/Planet Rock (the "Licencee"), be upheld and the Business Licence revoked, on the basis that:

- there is an obvious pattern of non-compliance, multiple misrepresentations by the Licencee, multiple failed compliance checks by Vancouver Coastal Health (VCH), multiple sales to minors, and the disproportionate use of City of Vancouver and VCH resources with regards to enforcement;
- the facts not only demonstrate the sale of products to minors, but also the sale of products for which the Licencee did not have the required business licence; and
- the Licencee appears to abdicate responsibility for the operation of the business to the employees.

CARRIED UNANIMOUSLY (Vote No. 07841)

ADJOURNMENT

MOVED by Councillor Hardwick
SECONDED by Councillor Fry

THAT the meeting be adjourned.

CARRIED UNANIMOUSLY

The Special Council meeting adjourned at 12:19 pm.

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