



## SPECIAL COUNCIL MEETING MINUTES (BUSINESS LICENCE HEARING)

**MAY 25, 2022**

A Special Meeting of the Council of the City of Vancouver was held on Wednesday, May 25, 2022, at 6:00 pm, in the Council Chamber, Third Floor, City Hall, for the purpose of convening a Business Licence Hearing to determine whether a 2022 business licence should be issued to Russell Frinskie (the "Applicant"), for a short-term rental accommodation at 2502-928 Richards Street (the "Premises"). 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 Melissa De Genova, Chair  
Councillor Adrienne Carr  
Councillor Jean Swanson

**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.

### 1. **Business Licence Application 21-158850 (Short Term Rental) 2502-928 Richards 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:

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Robert LeBlanc, City Prosecutor, Legal Services, was present on behalf of the City of Vancouver. Russell Frinskie, the Applicant, was present and accompanied by Isaac Shieh, Associate, Lawson Lundell LLP, the Applicants' Counsel.

Mr. LeBlanc provided opening remarks and reviewed relevant legislation as set out in section 275 of the *Vancouver Charter* and sections 4(4) and 25.1(3) of *Licence By-law No. 4450*. Mr. LeBlanc advised the Panel that should they decide to issue or deny the 2022 business license to the Applicant for a short-term rental, to state the reasons for the decision.

In support of the allegations set out in the evidence brief, Mr. LeBlanc called Koji Miyaji, Assistant Director, Community Standards, Development, Buildings and Licencing, as a witness.

Mr. LeBlanc directed questions to Mr. Miyaji who, in response, explained the reasons why the Applicant does not meet the qualifications as a Short Term Rental Accommodation Operator.

Mr. Shieh, on behalf of the Applicant, also directed questions to Mr. Miyaji.

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*The Business Licence Hearing Panel recessed at 7:35 pm and reconvened 7:40 pm.*

\* \* \* \* \*

Following the recess, Mr. LeBlanc sought permission to question Mr. Miyaji on an issue arising under his examination by Mr. Shieh. Mr. LeBlanc further advised the Panel that the issue could be clarified by the admission of a land title document for consideration as part of the evidence in the proceeding. Mr. Shieh objected to the admission of the land title document on the basis of late disclosure and procedural unfairness.

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*Subsequently, the Business Licence Hearing Panel recessed at 7:44 pm, to seek advice from staff and reconvened at 7:51 pm.*

\* \* \* \* \*

Following the recess, the Panel granted permission to Mr. LeBlanc to direct further questions to Mr. Miyaji, and indicated that it may request the admission of the land title document later in the proceedings.

Mr. LeBlanc directed further questions for clarification to Mr. Miyaji.

Mr. Shieh provided opening remarks and called Russell Frinskie, the Applicant, as a witness. Mr. Shieh directed questions to Mr. Frinskie regarding the allegations outlined in the evidence brief.

Mr. LeBlanc, along with Panel members, also directed questions to Mr. Shieh and Mr. Frinskie.

Mr. LeBlanc provided closing submissions and advised the Panel to consider whether the Applicant has shown that the premises are his principal residence based on the Licence By-law.

Mr. Shieh, on behalf of the Applicant, provided closing comments.

### **PANEL MEMBERS DISCUSSION**

MOVED by Councillor Carr

SECONDED by Councillor Swanson

THAT the Business Licence Hearing Panel uphold the Chief Licence Inspector's decision to not support the issuance of a 2022 Business Licence to Russell Frinskie (the "Applicant") for a short-term rental accommodation at 2502-928 Richards Street, Vancouver, BC (the "Premises), on the basis that he does not comply with the short-term rental by-law regulations and requirements of the License By-law No. 4450 in that the premises are not his principal residence.

CARRIED UNANIMOUSLY (Vote no. 08406)

### **ADJOURNMENT**

MOVED by Councillor Carr

SECONDED by Councillor Swanson

THAT the meeting be adjourned.

CARRIED UNANIMOUSLY

The Business Licence Hearing Panel adjourned at 9:02 pm.

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