

# Staff Report



Corporate Services Department

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**REPORT TO:** Finance and Corporate Services Committee

**DATE OF MEETING:** June 5, 2023

**SUBMITTED BY:** Amanda Fusco, Director, Legislated Services/City Clerk, 519-741-2200 ext. 7809

**PREPARED BY:** Helen Fylactou, Manager, Licensing, 519-741-2200 ext. 7854

**WARD(S) INVOLVED:** 9

**DATE OF REPORT:** May 16, 2023

**REPORT NO.:** COR-2023-246

**SUBJECT:** Appointment of Licensing Tribunal Members

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## RECOMMENDATION:

That Councillors 1. \_\_\_\_\_, 2. \_\_\_\_\_, and 3. \_\_\_\_\_ be appointed as the members of the Licensing Appeal Tribunal.

## REPORT HIGHLIGHTS:

- This report supports the delivery of core services.

## BACKGROUND:

Chapter 599 (Licensing and Regulations of Businesses) of the City of Kitchener Municipal Code governs the licensing and renewal of businesses. As part of the business licensing regulations, the Manager of Licensing has the authority to impose conditions, suspend or revoke a business licence if they find the business is in violation of Chapter 599, or other applicable bylaws, or Acts. The Business Owner (the Licensee) then has the right to request an Appeal of the decision made by the Manager of Licensing to the Licensing Appeal Tribunal.

Over the past year, Licensing staff has collaborated closely with our By-law Enforcement team, Waterloo Regional Police Service, and the Alcohol and Gaming Commission of Ontario in order to address concerns pertaining to Afro East Restaurant, a licensed food shop situated at 91 Queen Street South. Multiple complaints have been received against the establishment, and investigations have confirmed that these complaints are valid. The complaints span a wide range, encompassing issues such as excessive noise and garbage, violations of Fire Code regulations, infringements of Liquor Licensing regulations, as well as multiple infractions of the Criminal Code.

In response to these ongoing problems and violations, the Licensee was initially issued a verbal warning, followed by conditions placed on their licence. Unfortunately, the Licensee has failed to fulfill these conditions, and as such, the Manager of Licensing revoked their business licence.

\*\*\* This information is available in accessible formats upon request. \*\*\*  
Please call 519-741-2345 or TTY 1-866-969-9994 for assistance.

## **REPORT:**

On May 10, 2023, the Manager of Licensing informed the Licensee that their business licence would be revoked due to the ongoing and unresolved issues, and the violations of the licence conditions. Following the decision, the Licensee has requested an appeal.

In order to facilitate the appeal, Staff is requesting the appointment of 3 councillors to serve as members for the Licensing Appeal Tribunal for the upcoming hearing concerning Afro East Restaurant.

In previous Tribunals, the ward councillor is usually not one of the appointed members of the Licensing Appeal Tribunal in order to avoid any potential perceptions of bias.

The hearing will be scheduled to take place after the summer recess. It is anticipated that the hearing will take place in the morning; however, members of the Licensing Appeal Tribunal should allocate the entirety of the workday. The Licensing Appeal Tribunal may recommend, with respect to the Food Shop Licence, to Council whether:

- To support the revocation of the licence;
- To suspend the licence;
- To grant the licence; or,
- To grant the licence with conditions.

The appointed members and applicant will receive a notice of the location and time of the Licensing Appeal Tribunal. In general, the request for a Licensing Appeal Tribunal is infrequent as the initial step is always to mitigate and address concerns.

## **STRATEGIC PLAN ALIGNMENT:**

This report supports the delivery of core services.

## **FINANCIAL IMPLICATIONS:**

The renewal fee for a food shop licence is \$255.00. There is no fee for a Licensing Appeal Tribunal.

## **COMMUNITY ENGAGEMENT:**

INFORM – This report has been posted to the City's website with the agenda in advance of the council / committee meeting.

## **PREVIOUS REPORTS/AUTHORITIES:**

There are no previous reports/authorities related to this matter.

**APPROVED BY:** Victoria Raab, General Manager, Corporate Services