

NOTICE OF DECISION
LICENSING TRIBUNAL
November 16, 2023 Hearing

(APPEAL #2023-01)

ISSUED at Kitchener this **23rd** day of **November, 2023**

TO: Kidane Abraha
308-460 Winona Drive
Toronto ON M6C 3V1

IN THE MATTER OF Chapter 599, entitled
"*Licensing and Regulation of Businesses*"
of the City of Kitchener Municipal Code;

AND IN THE MATTER OF the *Ontario Municipal Act, 2001*,
as amended;

AND IN THE MATTER OF the *Statutory Powers Procedure Act*,
RSO 1990, Chapter S. 22, as amended;

That the Licensing Tribunal established by the Council of the Corporation of the City of Kitchener pursuant to Chapter 599 of the City of Kitchener Municipal Code, the *Ontario Municipal Act, 2001* and the *Statutory Powers Procedure Act*, sitting on November 16, 2023 to consider the submissions to determine whether or not to refuse a Food Shop Licence to Afro-East Restaurant Inc. operating at 91 Queen Street South, Kitchener, Ontario, reports as follows:

The Tribunal was convened on November 16, 2023 to consider Appeal 2023-01 related to the Food Shop Licence for the property municipally addressed as 91 Queen Street South.

Having considered all of the evidence and exhibits presented on behalf of the City by E. Kearney, Associate City Solicitor, including evidence and testimony from H. Fylactou, Manager of Licensing that the conditions for maintaining the Food Shop licence were not being complied with; as well as the evidence and testimony from; H. Fylactou, Manager of Licensing , J. Spalling, Constable, Waterloo Regional Police Service; I. Mishael, Manager of By-law Enforcement; C. Gowing, Fire Prevention Officer; Witnesses for the City that 91 Queen Street South was not being managed in accordance with the conditions imposed on the licence. The Committee further heard evidence presented on behalf of the Licensee from K. Abraha, Licensee, as well as H. Esak and Y. Tekle, Witnesses on behalf of the Licensee in opposition to the claim of non-compliance related to the conditions imposed on the food shop licence.

Following the summations, the Tribunal members adjourned to review the matter and rendered its decision. The Tribunal's decision is set out herein and is being forwarded to all the interested parties.

NOTICE OF DECISION: NOVEMBER 16, 2023
APPEAL #2023-01 – FOOD SHOP LICENCE

Accordingly, the Tribunal recommends the following:

That a Food Shop Licence issued to Kidane Abraha for the property municipally addressed as 91 Queen Street South, Kitchener Ontario, be revoked.

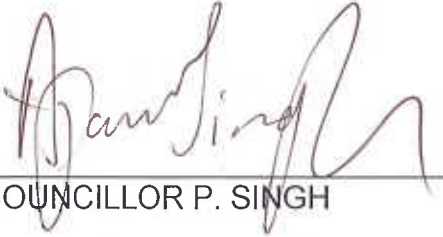
It is in the opinion of the Tribunal that the recommendation complies with Section 599.8.6 of outlined in Chapter 599 (Licensing and Regulation of Businesses) of the City of Kitchener Municipal Code that the licensee has not complied with the following: (d) the Manager of Licensing received an unfavourable report regarding an investigation carried out pursuant this Chapter or any other by-law of the City; (f) the past or present conduct of any person, including the officers, directors, employees or agents of a corporation, affords reasonable cause to believe the person will not carry on or engage in the business in accordance with the law or with honesty and integrity; (g) without limiting the generality of section 599.8.5.f), any Person, including the officers, directors, employees or agent of a corporation, has contravened this Chapter or any other by-law of the City or federal or provincial statute or regulation while engaged in or conducting the business; and (h) any special conditions placed on a former or current Licence of the Applicant or Licensee under this Chapter have not been met.

The Licensee, the City, and all witnesses are hereby advised that this matter will be heard by Kitchener City Council at a meeting scheduled for Monday, December 11, 2023 at 7:00 p.m. and, individuals may register as a delegation for the Council meeting to address the matter by 5:00pm on Monday, December 11, 2023 by contacting delegation@kitchener.ca.

DATED at Kitchener, this 23rd day of November 2023.

NOTICE OF DECISION: NOVEMBER 16, 2023
APPEAL #2023-01 - FOOD SHOP LICENSE

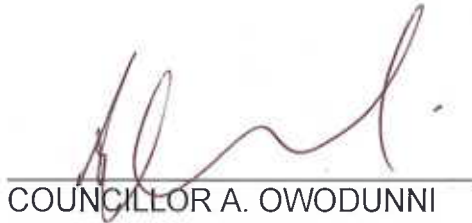
LICENSING TRIBUNAL



COUNCILLOR P. SINGH



COUNCILLOR S. DAVEY



COUNCILLOR A. OWODUNNI

ISSUED BY:

M. Mills, Committee Administrator of the Licensing Tribunal
Legislated Services Division of the Department of Corporate Services
200 King St. W., Kitchener, ON N2G 4G7 Tel. (519) 741-2200 ext. 7275