

TORONTO LICENSING TRIBUNAL: November 29, 2012**Summary of Decisions****M. Borer /S. Agrawal / D. Peacock**

Items 1 to 5 are Pre-Hearing Matters

1. **Safdar Zaidi** (*Report No. 5947*)
Applicant for a Taxicab Driver's (Lapsed) Licence (Application No. B292052).

DECISION:

The Tribunal approved the following pre-hearing agreement:

Safdar Zaidi's application for a taxicab driver's (lapsed) licence will be granted, effective immediately, subject to the following conditions:

- (1) Immediately upon being issued, the licence will be placed on probation for a period of two (2) years;
- (2) prior to each of the next two renewals of the licence, Mr. Zaidi must provide to Municipal Licensing and Standards, at his own expense, an updated abstract of his criminal record and driving record;
- (3) during the probationary period, if Mr. Zaidi incurs any new charges or convictions under the *Criminal Code of Canada*, he must notify Municipal Licensing and Standards, in writing, within three (3) business days; and
- (4) during the probationary period, if Municipal Licensing and Standards has concerns with any new charges or convictions, those matters and report No. 5947, and any updating material, shall be brought back before the Tribunal for a full hearing.

2. **Sandra A. Waterhouse** (*Report No. 5845*)
Holder of Taxicab Owner's Licence No. V02-3371624, Plate No. 1682
Plate Removal: April 17, 2012

DECISION:

The Tribunal approved the following pre-hearing agreement:

- (1) Sandra A. Waterhouse's taxicab owner's licence No. V02-3371624 for plate No. 1682, will be suspended for four (4) days, commencing Thursday, November 29 at 4:00 p.m;

- (2) the licence will be placed on probation for a period of 6 months, to commence on November 29, 2012;
- (3) during the probationary period, if there are any mechanical defects resulting in a plate removal, the report of April 19, 2012 regarding taxicab plate No. 1682, plate removal April 17, 2012, will be brought forward with respect to its liability and the appropriate penalty;
- (4) if, at the end of the six month period, there have been no further plate removals, the matter will be considered finalized.

The Tribunal ordered Ms. Waterhouse or her representative to surrender the licence plate and photocard to Municipal Licensing and Standards by 4:00 p.m. November 29, 2012.

3. McDonald's Restaurants of Canada Ltd. (Report No. 5469)

o/a McDonald's

1 McDonald's Place

Toronto, ON M3C 3L4

Applicant for Renewal of Eating Establishment Licence Nos.:

B71-3474613, B71-0031262, B71-0029191, B71-2904482, B71-2904483, B71-3134008, B71-3485009, B71-0016057, B71-3610431, B71-3369132, B71-3606109, B71-3368588, B71-0029175, B71-0016271 and B71-0026254

AND

Applicant for Eating Establishment Licences (Application Nos. A948320, B070104, B070105, B070106, B070107, B070109, B070110, B074984, B074985, B074987, B074988, B074990 and B186208)

DECISION:

The Tribunal approved the following pre-hearing agreement:

McDonald's Restaurants of Canada Ltd's eating establishment licence Nos.:

B71-3474613, B71-0031262, B71-0029191, B71-2904482, B71-2904483, B71-3134008, B71-3485009, B71-0016057, B71-3610431, B71-3369132, B71-3606109, B71-3368588, B71-0029175, B71-0016271 and B71-0026254 will be renewed and

McDonald's Restaurants of Canada Ltd's applications for eating establishment licences (Application Nos. A948320, B070104, B070105, B070106, B070107, B070109, B070110, B074984, B074985, B074987, B074988, B074990 and B186208) will be granted, effective immediately, subject to the following conditions:

- (1) McDonald's Restaurants of Canada Limited acknowledges its intent and desire to work with the City of Toronto to facilitate future compliance with the *Toronto Municipal Code*;

- (2) a dedicated liaison person between McDonald's Restaurants of Canada head office and Corporate stores is to be appointed to handle renewals and new applications;
- (3) for the next two (2) years every six (6) months the McDonalds designated liaison staff person shall contact Municipal Licensing & Standards staff to review all current licences and applications; and
- (4) the outstanding fines will be paid prior to the Tribunal hearing, and
- (5) McDonald's Restaurants of Canada Ltd. will undertake that all Corporate stores have an existing licence or outstanding application.

4. Salomon Peralta (*Report No. 5958*)
Holder of Taxicab Owner's Licence No. V02-3109044.

DECISION:

The Tribunal approved the following pre-hearing agreement:

- (1) Salomon Peralta's taxicab owner's licence will be endorsed "Owner not to Drive".
- (2) the licence will be placed on probation for a period of two (2) years to commence on November 29, 2012;
- (3) prior to each of the next two renewals of the licence, Mr. Peralta must provide to Municipal Licensing and Standards, at his own expense, an updated abstract of his driving record;
- (4) during the probationary period, if Mr. Peralta incurs any new charges or convictions under the *Highway Traffic Act*, he must notify Municipal Licensing and Standards, in writing, within three (3) business days; and
- (5) during the probationary period, if Municipal Licensing and Standards has concerns with any new charges or convictions, those matters and report No. 5958, and any updating material, shall be brought back before the Tribunal for a full hearing.

5. Sathiyathan Maheswaran (*Report No. 5870*)
Applicant for Renewal of Taxicab Driver's Licence No. D01-3356925.

DECISION:

The Tribunal approved the following pre-hearing agreement:

Sathiyathan Maheswaran's taxicab driver's licence will be renewed immediately, subject to the following conditions:

- (1) the licence will be placed on probation for a period of three (3) years to commence on November 29, 2012;
- (2) prior to each of the next three renewals of the licence, Mr. Maheswaran must provide to Municipal Licensing and Standards, at his own expense, an updated abstract of his driving record;
- (3) during the probationary period, if Mr. Maheswaran incurs any new charges or convictions under the *Highway Traffic Act*, he must notify Municipal Licensing and Standards, in writing, within three (3) business days; and
- (4) during the probationary period, if Municipal Licensing and Standards has concerns with any new charges or convictions, those matters and report No. 5870, and any updating material, shall be brought back before the Tribunal for a full hearing.

6. **Ravi Sharma** (*Report No. 5641*)
Applicant for Renewal of Taxicab Driver's Licence No. D01-3477318.

DECISION:

The Tribunal adjourned this matter to January 10, 2013, *peremptory* to Mr. Sharma and suspended his licence in the interim.

7. **Estate of Anthony George Starogiannis** (*Report No. 5976*)
Peter Mandronis, Estate Trustee
Holder of Taxicab Owner's Licence No. V02-4295700 for Plate No. 1652.

DECISION:

The Tribunal extended taxicab owner's licence No. V02-4295700 for plate No. 1652 for two months to January 28th, 2013.

8. **Hussein Hassan Jimale** (*Report No. 5740*)
Applicant for Renewal of Taxicab Driver's Licence No. D01-3367102.

DECISION:

The Tribunal approved the following joint recommendation:

Hussein Hassan Jimale's taxicab driver's licence No. D01-3367102 will be renewed, effective immediately, subject to the following conditions:

- (1) immediately upon being renewed, the licence will be suspended for five (5) days;

- (2) immediately upon being reinstated, the licence will be placed on probation for a period of three (3) years;
- (3) prior to the next renewal of the licence, Mr. Jimale must provide to Municipal Licensing and Standards, at his own expense, an updated abstract of his driving record;
- (4) during the probationary period, if Mr. Jimale incurs any new charges or convictions under the *Highway Traffic Act*, he must notify Municipal Licensing and Standards, in writing, within three (3) business days; and
- (5) during the probationary period, if Municipal Licensing and Standards has any concerns with any new charges or convictions, those matters and Report No. 5740, shall be brought back before the Tribunal for a full hearing.

9. Panayotis Chronas (*Report No. 5871*)

o/a Bloor Café & Deli

82 August Avenue

Toronto, Ontario M1L 3N2

Applicant for Renewal of Eating Establishment Licence No. B71-3254831.

DECISION:

The Tribunal approved the following joint recommendation:

Panayotis Chronas' (o/a Bloor Café & Deli) eating establishment licence No. B71-3254831 will be renewed, effective immediately, subject to the following conditions:

- (1) immediately upon being renewed, the licence will be placed on probation for a period of three (3) years;
- (2) prior to the next renewal of the licence, Mr. Chronas must provide to Municipal Licensing and Standards, at his own expense, an updated abstract of his criminal record;
- (3) during the probationary period, if Mr. Chronas incurs any new charges or convictions under the *Criminal Code of Canada* or the *Smoke Free Ontario Act*, he must notify Municipal Licensing and Standards, in writing, within three (3) business days; and
- (4) during the probationary period, if Municipal Licensing and Standards has any concerns with any new charges or convictions, those matters and Report No. 5871, shall be brought back before the Tribunal for a full hearing.

- 10. Joao Manuel Tavares** (*Report No. 5213*)
Applicant for Renewal of Tow Truck Driver's Licence No. D09-3732296.

DECISION:

The Tribunal adjourned this matter to May 30, 2013 and suspended Mr. Tavares' licence in the interim.

- 11. Ahmad Ullah** (*Report No. 5899*)
Applicant for a Tow Truck Driver's Licence (Application No. B295996) and
Holder of Taxicab Driver's Licence No. D01-2021553.

DECISION:

The Tribunal approved the following joint recommendation:

Ahmad Ullah's application for a tow truck driver's licence (Application No. B295996), will be granted, effective immediately, and the following conditions will be placed on this licence and Mr. Ahmad Ullah's taxicab driver's licence No. D01-2021553:

- (1) immediately upon being issued, Mr. Ullah's tow truck driver's licence (Application No. B295996), and Mr. Ullah's taxicab driver's licence No. D01-2021553 will be suspended for five (5) days;
- (2) immediately upon being renewed, both licences will be placed on probation for a period of three (3) years;
- (3) prior to the next renewal of the licences, Mr. Ullah must provide to Municipal Licensing and Standards, at his own expense, an updated abstract of his driving record;
- (4) during the probationary period, if Mr. Ullah incurs any new charges or convictions under the *Highway Traffic Act*, he must notify Municipal Licensing and Standards, in writing, within three (3) business days; and
- (5) during the probationary period, if Municipal Licensing and Standards has any concerns with any new charges or convictions, those matters and Report No. 5899, shall be brought back before the Tribunal for a full hearing.
