
TORONTO LICENSING TRIBUNAL: February 2, 2017
Summary of Decisions
M. Lavery / A.N. Alibhai / A. Walsh

- 1. Jeffrey Barker** (Report No. 6632)
Holder of Tow Truck Driver's Licence No. D09-4417898

DECISION:

The Tribunal adjourned this matter sine die and imposed an interim suspension on Jeffrey Barker's tow truck driver's licence (No. D09-4417898) pending the outcome of the criminal charges, at which time this matter can be returned to the Toronto Licensing Tribunal for a final hearing.

(Mr. Barker did not attend today's hearing).

- 2. Esmail Pour Abdul Hussein** (Report No. 6679)
Applicant for a Vehicle-For-Hire Driver's Licence (Application No. B654185)

DECISION:

The Tribunal adjourned this matter sine die without any specific date and the matter is to return for a pre-hearing to be scheduled by Municipal Licensing and Standards.

(Mr. Hussein failed to attend today's hearing).

- 3. Total Access Centre Inc.** (Report No. 6668)
Samuel Wetston, President
Application for a Same Owner Adding Endorsement Building Renovator's Licence (Application No. B646303)
AND
Holder of Building Renovator Licence No. T85-4203234

DECISION:

The Tribunal approved the following jointly proposed resolution:

Total Access Centre Inc.'s licences will be issued, effective immediately, subject to the following conditions:

- (1) All fees, documents and/or any outstanding requirements must be submitted to the satisfaction of Municipal Licensing and Standards within 30 days of the Tribunal hearing, failing which the application/licence may be cancelled;
- (2) Immediately upon being issued, the licence will be placed on probation for a period of two (2) years to commence on February 2, 2017;
- (3) Prior to each of the next two (2) renewals of the licence, Mr. Brian James Blake must provide to Municipal Licensing and Standards, at his own expense, an original updated abstract of his criminal record;
- (4) During the probationary period, if Mr. Blake incurs any new charges and/or convictions under the Toronto Municipal Code or the Criminal Code, he must notify Municipal Licensing and Standards, in writing, within three (3) business days. The notification shall include his ML&S licence number and the ticket number(s). Mr. Blake can notify Municipal Licensing and Standards in one of the following ways:
 - in person at 850 Coxwell Ave, Toronto, Ontario M4C 5R1;
 - via regular mail to: 850 Coxwell Ave, Toronto, Ontario M4C 5R1;
 - via email to mlsconditionreporting@toronto.ca; or
 - via fax at 416-392-3102
- (5) During the probationary period, if Municipal Licensing and Standards has concerns with any new charges or convictions, those matters and report No. 6668, and any updating material, shall be brought back before the Tribunal for a full hearing.

4. Massoud M. Yousof (Report No. 6669)

Applicant for a Vehicle-For-Hire Driver's Licence (Application No. B653253)

DECISION:

The Tribunal approved the following jointly proposed resolution, **as amended**:

Massoud M. Yousof's licence will be issued, effective immediately, subject to the following conditions;

- (1) All fees, documents and/or any outstanding requirements must be submitted to the satisfaction of Municipal Licensing and Standards within 30 days of the Tribunal hearing, failing which the application will be cancelled;
- (2) Mr. Yousof must provide to Municipal Licensing and Standards proof of payment of any by-law fines;
- (3) Upon being issued, the licence will be placed on probation for a period of three (3) years to commence on February 2, 2017;
- (4) Prior to the issuing of the licence, Mr. Yousof must complete a minimum 3-day defensive driving course;
- (5) Prior to each of the next three (3) renewals of the licence, Mr. Yousof must provide to Municipal Licensing and Standards, at his own expense, an original updated abstract of both his driving record and criminal record;
- (6) During the probationary period, if Mr. Yousof incurs any new charges and/or convictions under the Toronto Municipal Code, the Criminal Code, the Compulsory Automobile Insurance Act or the Highway Traffic Act, or if Mr. Yousof's provincial driver's licence is suspended, he must notify Municipal Licensing and Standards, in writing, within three (3) business days. The notification shall include his ML&S licence number and the ticket number(s). Mr. Yousof can notify Municipal Licensing and Standards in one of the following ways:
 - in person at 850 Coxwell Ave, Toronto, Ontario M4C 5R1;
 - via regular mail to: 850 Coxwell Ave, Toronto, Ontario M4C 5R1;
 - via email to mlsconditionreporting@toronto.ca; or
 - via fax at 416-392-3102
- (7) During the probationary period, if Municipal Licensing and Standards has concerns with any new charges or convictions, those matters and report No. 6669, and any updating material, shall be brought back before the Tribunal for a full hearing.

5. Tariq M. Khan (Report No. 6676)

Applicant for a Vehicle-For-Hire Licence (Application No. B653531)

DECISION:

The Tribunal approved the following jointly proposed resolution:

Tariq M. Khan's licence will be issued, effective immediately, subject to the following conditions:

- (1) All fees, documents and/or any outstanding requirements must be submitted to the satisfaction of Municipal Licensing and Standards within 30 days of the Tribunal hearing, failing which the application/licence may be cancelled;
- (2) Upon being issued, the licence will be placed on probation for a period of three (3) years to commence on February 2, 2017;
- (3) Prior to each of the next three (3) renewals of the licence, Mr. Khan must provide to Municipal Licensing and Standards, at his own expense, an original updated abstract of his driving record;
- (4) During the probationary period, if Mr. Khan receives three speeding charges during the operation of a taxicab or limousine, the vehicle-for-hire licence will be suspended for seven (7) days;
- (5) During the probationary period, if Mr. Khan incurs any new charges and/or convictions under the Toronto Municipal Code, the Criminal Code, the Highway Traffic Act or the Compulsory Automobile Insurance Act, or if Mr. Khan's provincial driver's licence is suspended, he must notify Municipal Licensing and Standards, in writing, within three (3) business days. The notification shall include his ML&S licence number and the ticket number(s). Mr. Khan can notify Municipal Licensing and Standards in one of the following ways:
 - in person at 850 Coxwell Ave, Toronto, Ontario M4C 5R1;
 - via regular mail to: 850 Coxwell Ave, Toronto, Ontario M4C 5R1;
 - via email to mlsconditionreporting@toronto.ca; or
 - via fax at 416-392-3102
- (6) During the probationary period, if Municipal Licensing and Standards has concerns with any new charges or convictions, those matters and report No. 6676, and any updating material, shall be brought back before the Tribunal for a full hearing.

6. College Street Edutainment Inc. (Report No. 6836)

o/a College Street Bar

Gavin J. MacMillan, Director

Holder of Eating Establishment Licence No. B71-4678331

DECISION:

The Tribunal approved the following proposed interim conditions:

College Street Edutainment Inc.'s eating establishment licence No. B71-4678331 (the "Licence") shall be subject to the following interim conditions;

- (1) College Street Edutainment Inc., through its Director and sole owner, Gavin MacMillan (the "Licensee") shall ensure that the licensed premise, College Street Bar, located at 574 College Street in Toronto, Ontario (the "Bar") will remain closed to any and all members of the public (including closed to any courses or training offered to members of the public), commencing Wednesday, February 1, 2017 at 10:01 a.m. through to 10:00 a.m. on May 12, 2017 (the "Voluntary Closure Period");
- (2) The Licensee shall take steps to ensure that neither Gavin MacMillan nor Enzo De Jesus Carrasco are permitted to enter or be at or adjacent to the Bar during the Voluntary Closure Period;
- (3) During the Voluntary Closure Period, the Licensee will post a sign to the public on the front door of the Bar, indicating that the Bar is closed;
- (4) If during the Voluntary Closure Period, the Bar is found to be open to the public (including operation of any courses or training offered to members of the public within the Bar), an interim suspension of the Licence would immediately come into force and be of full effect;
- (5) The Licensee will pursue a sale of the Bar during the Voluntary Closure Period. Upon an Agreement of Purchase of Sale being entered into, the purchaser will submit an application for a new City of Toronto business licence for 574 College Street;
- (6) The Licensee shall advise MLS if/when it has entered into an Agreement of Purchase of Sale with respect to the sale of the business and advise MLS if/when the purchaser has submitted an application for a new City of Toronto business licence for 574 College Street;

- (7) If MLS approves the purchaser's application for a new licence, prior to MLS issuing that new licence for 574 College Street, the Licensee shall surrender the Licence. The Licence will be cancelled by MLS just prior to issuance of the new licence to the purchaser. Upon such cancellation, these Interim Conditions will terminate;
- (8) If the Bar is not successfully sold and the Licence surrendered and cancelled prior to the end of the Voluntary Closure Period (i.e. May 12, 2017), the Parties agree that these Interim Conditions will continue to remain in effect until the Parties' next available appearance before the Toronto Licensing Tribunal;
- (9) These Interim Conditions attach to the Licence on an interim basis and shall remain in effect until:
 - a. further modified by the Tribunal;
 - b. the Licensee surrenders its Licence for cancellation and/or until MLS cancels the Licence, as contemplated in paragraph 7 herein;
 - c. an extension is required as contemplated in paragraph 8 herein; and/or
 - d. an automatic interim suspension takes effect pursuant to paragraph 4 herein.
- (10) The Licensee shall notify MLS within 3 business days of any new charges, convictions and/or findings of guilt under any legislation with respect to (i) the Bar, (ii) the Licensee, (iii) any manager at the Bar;
- (11) The Licensee agrees to waive any requirements (in Chapter 545 and/or the Tribunal's Rules of Procedure) regarding the number of days of advance notice of the hearing date and/or of production of relevant documents in advance of hearing with respect to the presentation of these proposed Interim Conditions to the Tribunal;
- (12) The Parties acknowledge that the placement of conditions on a licence falls within the jurisdiction of the Toronto Licensing Tribunal and that these proposed interim conditions may not be accepted by the Tribunal;
- (13) At any time, MLS retains the sole discretion to bring this matter before the Tribunal, along with any updating material, either to modify these interim conditions, to request further interim relief and/or for a final determination with respect to the status of the Licence.