

## REASONS FOR DECISION OF THE TORONTO LICENSING TRIBUNAL

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**Date of**

**Hearing:** March 19, 2015

**Panel:** Lionel Miskin, Chair; Moira Calderwood and David Peacock, Members

**Re:** 1827261 Ontario Inc., Operating As Wet Basement GTA  
Operating As Wet Basement GTA  
Zbigniew Kotynski, President (ZK)  
Applicant for a Building Renovator's Licence (Application No. B317068)

**Counsel for Municipal Licensing and Standards:** Mr. Matthew Cornett

### INTRODUCTION

The Applicant through its President, ZK, applied for a Building Renovator Licence. The licence was refused by Municipal Licensing and Standards (MLS) and the Applicant applied to the Tribunal for a hearing.

After a pre-hearing interview, the Applicant and MLS entered into a written agreement whereby they agreed to the facts as set out in Report No. 6196 dated February 2, 2015. The Tribunal accepted the report as exhibit number one, and the parties made their oral submissions. The report revealed that ZK or companies he controlled had held several City licences in the past, including a Holistic Centre Licence, and a Holistic Practitioner Licence.

City counsel referred to the many charges and convictions under the *Canadian Criminal Code*, the *Highway Traffic Act* and City of Toronto bylaws. Most convictions had been registered against ZK while others had been registered against a corporation (other than the Applicant) controlled by him. In addition a considerable number of fines which had been imposed remained unpaid.

ZK argued that many of the convictions were old and the result of mistakes made a long time ago. He said that the massage parlour, which was the subject of many of the offences, was built by him for his girlfriend, and that he had paid money to his lawyer to cover the fines. However, notwithstanding the passage of many years, many of the fines remain outstanding. ZK also asserted that, if the licence were to issue, there would be no problems under the new licence .

### DECISION

The Tribunal denied the application and refused to order that the licence be issued. While some of the criminal convictions are old, they reflect on honesty, specifically *Possession Of Property Obtained By Crime Over \$5,000.00*, *Uttering Forged Documents*, and *Fraud Over \$5,000.00*. Honesty is a major consideration when the licence for which application is made would facilitate access to homes and businesses, where many people could be readily deceived by a dishonest contractor.

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However the Tribunal's concerns extended well beyond the consideration of honesty. Some of the convictions, such as *Operating A Vehicle Without Insurance*, *Permitting Or Employing An Unlicensed Practitioner*, and *Obstruction Of Justice*, reflect an absence of any sense of responsibility. Similarly ZK was charged with operating as a building renovator without a licence in May 2014 when he clearly knew that a licence was necessary, as evidenced by the fact that he had filed the current application on behalf of his corporation in December 2013. The large number of convictions and a host of unpaid fines demonstrate a total disregard for the law. This led the Tribunal to conclude that it was very unlikely that ZK (or his corporation) would conduct a licenced business in accordance with the law in future.

The Tribunal referred to various provisions of the Municipal Code, specifically, those under Chapter 545-4 (C)(1). The Tribunal concluded that the evidence afforded reasonable grounds to believe: that the Applicant and its officer or officers had not carried on, and will not carry on, its business in accordance with the law and with integrity and honesty; that the carrying on of the business or occupation by the Applicant has resulted and will result in a breach of Chapter 545-4 and other laws.

Original Signed \_\_\_\_\_

Lionel Miskin, Chair  
Panel Members, Moira Calderwood and David Peacock concurring

[Reference: Minute No. 28/15]

**Date Signed: March 26, 2015**