

## REASONS FOR DECISION OF THE TORONTO LICENSING TRIBUNAL

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**Date of**

**Hearing:** April 2, 2015

**Panel:** Leigh Lampert, Chair; David Peacock and Anna (Hedy) Walsh, Members

**Re:** Cassaundra Kathleen Howell  
Holder of Body Rubber's Licence No. T38-4308460

**Counsel for Municipal Licensing and Standards:** Ms. Lauren Elliott

### WRITTEN DECISION

The Licensee was requested to appear before the Tribunal to determine whether or not her Body Rubber's Licence should be renewed, suspended, revoked or have conditions imposed on it.

This matter was scheduled to be heard by the Tribunal on February 19, 2015. MLS was prepared to proceed but the Licensee did not attend. Counsel for MLS advised the Tribunal that in addition to sending a written notice of hearing in advance as required, Tribunal staff had attempted to contact the Licensee on the morning of the hearing and were unable to reach her. The matter was adjourned to April 2, 2015.

The Licensee did not attend today either. Tribunal staff detailed their efforts to contact the Licensee again in writing and by phone, to no avail.

This matter proceeded to a hearing in the absence of the Licensee.

In July, 2013, the Licensee appeared before the Tribunal and her licence was granted and conditions were imposed on it. This included a condition that she report any charges or convictions under the *Criminal Code* to Municipal Licensing and Standards (MLS) within 5 business days.

Mr. T. Van Elswyk testified on behalf of MLS, in his capacity as supervisor of Licensing Services for MLS. His duties include overseeing licensing staff and overseeing preparation of reports for the Tribunal. He stated that report number 6210 dated January 29, 2015, had been prepared by MLS staff, that he was familiar with it and could attest to its contents. This report was made exhibit #1.

The report shows that the Licensee was charged with two counts of "possession of substance" which offences allegedly took place on December 15, 2014. Mr. Van Elswyk testified that these were never reported to MLS, notwithstanding the condition on the licence that require such reporting.

In addition, the report shows that the Licensee was convicted of: i) fail to attend court (April, 2012); ii) possession of an identity document (January, 2012); and iii)

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identity theft (January, 2012). This line item on page 45 of the report is dated 2013-02-08 but it is unclear if this was the date of the offences of the conviction. In any event, this was unknown to MLS at the time of the 2013 Tribunal hearing and was apparently unknown to the Tribunal then as well.

The breach of the condition on the licence (failing to report the December, 2014 charges) as well as the convictions listed above are of concern to MLS. Counsel for MLS argues that at least two of the three convictions are “honesty charges” that bring into question whether the Licensee would conduct herself in accordance with the law and with honesty and integrity.

Absent any evidence from the Licensee including the absence of any potential mitigating factors, the Tribunal shares MLS’s concerns and this license is revoked effective immediately, pursuant to Section 545-4(C)(1)(a).



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Leigh Lampert, Chair  
Panel Members, David Peacock and Anna (Hedy) Walsh concurring

*[Reference: Minute No. 36 /15]*

**Date Signed:** April 2, 2015