



# SPECIAL COMMUNITY STANDARDS & LICENCE APPEAL COMMITTEE

## MINUTES

February 19, 2019 – River Valley Room

### PRESENT

T. Caterina, J. Dziadyk, M. Banga

### ALSO IN ATTENDANCE

S. Sarich, Office of the City Clerk  
 C. Ashmore, Law Branch  
 I. Russell, Office of the City Clerk

### PRESENT

M. Banga, J. Dziadyk, T. Caterina

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### DECISION SUMMARY

ITEM	DECISION
1. CALL TO ORDER AND RELATED BUSINESS	
1.1 Call to Order	

M. Banga called the meeting to order at 9:35 a.m.

## 1.2 Adoption of Agenda

**Moved T. Caterina:**

That the February 19, 2019, Community Standards and Licence Appeal Committee meeting agenda be adopted.

**In Favour:**

**Carried**

T. Caterina, J. Dziadyk, M. Banga

## 2. EXPLANATION OF APPEAL HEARING PROCESS

M. Banga explained the appeal hearing process and asked if anyone objected to any member of the Community Standards and Licence Appeal Committee hearing the appeals. No one objected.

## 3. COMMUNITY STANDARDS AND LICENCE APPEAL COMMITTEE MATTERS

### 3.1 Appeal of decision to cancel Business Licence 107425872-001 issued to 1370498 Alberta Ltd. o/a Nyala Lounge at 10875 - 98 Street NW

T. Engel, Solicitor for the Appellant, made a presentation and responded to the Committee's questions.

Copies of Exhibit 3.1A, submitted by T. Engel, were distributed to the Members of the Committee and the Office of the City Clerk.

**Moved T. Caterina**

That five additional minutes be granted to T. Engel to complete his presentation.

**In Favour:** J. Dziadyk, M. Banga **Carried**

Mr. M. Tesfay, Appellant, made a presentation and responded to the Committee's questions.

**Moved T. Caterina**

That the following individuals be granted permission to speak in support of the Appellant:

R. Hersi  
M. Alfadli  
H. Badi  
R. Rozaneosh

L. Landers  
S. Johnson  
T. Asefaw  
S. Desta

**In Favour:** J. Dziadyk, M. Banga **Carried**

R. Renouf, Solicitor for the Respondent, made a presentation and answered the Committee's questions.

**Moved T. Caterina**

That five additional minutes be granted to S. Renouf to complete his presentation.

**In Favour:** J. Dziadyk, M. Banga **Carried**

J. Lallemand, Citizen Services Department and Sgt. C. Simpson, Edmonton Police Service (members of the Public Safety Compliance Team – the Respondent), accompanied S. Renouf and responded to questions from the Committee.

**Motion: T. Caterina**

To extend orders to allow J. Dziadyk to complete his questioning of the Respondent prior to the lunch break.

**In Favour:** J. Dziadyk, M. Banga **Carried**

The Committee re-convened at 1:32 p.m. and continued questioning the Respondent.

C. Ashmore, Law Branch, brought it to the Committee's attention that every second page of SDAB decision SDAB-D-17-149 in the Appellant's written submission was missing.

C. Ashmore, Law Branch, provided information to the Committee and answered the Committee's questions.

The Committee heard from P. Adams, a Development Officer with the City of Edmonton, who provided clarification regarding the sections of the Edmonton Zoning Bylaw relevant to the subject site.

The Committee met in private at 3:00 p.m., pursuant to Section 20 (Disclosure harmful to law enforcement) of the Freedom of Information and Protection of Privacy Act.

The Committee met in public at 4:35 p.m.

**Motion: T. Caterina**

To extend orders to complete the appeal hearing.

**In Favour: J. Dziadyk, M. Banga**

**Carried**

**Moved : J. Dziadyk:**

The Decision of the Program Manager is overturned.

The Conditions shall remain in place.

The Committee would have found that there were condition breaches but that a short suspension would have been warranted. Since the business has effectively been shut down since the hearing was postponed on February 8, 2019, that suspension was sufficient.

Written reasons to follow.

**In Favour:**

**Carried**

T. Caterina, J. Dziadyk, M. Banga

#### **4. ADJOURNMENT**

The meeting adjourned at 4:37 p.m.

\_\_\_\_\_  
Chair

\_\_\_\_\_  
City Clerk