

## Legislation Text

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**File #:** TMP-20109, **Version:** 1

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### **APPEAL HEARING - BUSINESS LICENSING BY-LAW 2006-265 - TRANSPORTATION INDUSTRY - D. PLANT**

The Chair advised that the hearing would be conducted as a judicial hearing and each party would be allotted time to present evidence, present witnesses, conduct cross-examinations of the witnesses and make submissions as they deemed appropriate.

Ms. S. Doyle identified herself to the Chair and explained she was acting on behalf of the Issuer of Licences for the City of Barrie.

Mr. D. Plant identified himself as the applicant. Mr. J. Losier was also present as a representative of the applicant.

Mr. R. Osborne, Supervisor of Enforcement Services was sworn in by W. Cooke, Deputy City Clerk. Ms. Doyle presented evidence and examined Mr. Osborne as a witness. Several pieces of evidence were entered into the record as Exhibits.

Mr. J. Losier cross-examined Mr. Osborne, on behalf of Mr. D. Plant, with respect to the evidence that had been provided.

Mr. D. Plant and Ms. C. Rose were sworn in by W. Cooke, Deputy City Clerk. Mr. Plant examined Ms. C. Rose as a witness. Documentation was not entered into the record as evidence at this time.

Ms. S. Doyle cross-examined Ms. C. Rose with respect to the evidence that had been provided. Mr. D. Plant conducted a reply

Members of the Committee requested and received clarification of the evidence provided on behalf of the Issuer or Licences and the Applicant.

Mr. D. Plant provided a statement as evidence. Documents were entered into the record as Exhibits.

Ms. S. Doyle cross-examined Mr. D. Plant with respect to the evidence that had been provided.

A member of the Committee requested and received clarification of the evidence provided on behalf of the Applicant.

Mr. J. Losier was sworn in by W. Cooke, Deputy City Clerk and provided evidence. There was not any documentation entered in as evidence.

Ms. Doyle cross-examined Mr. Losier with respect to the evidence that had been provided.

Ms. Doyle provided closing statements on behalf of the Issuer of Licences.

Mr. D. Plant provided closing statements.

Upon the adoption of the required procedural motion, the Business Licensing Appeal Committee met In-Camera/Closed Session at 7:43 pm in Huronia Room "B" to receive and discuss confidential advice and a confidential litigation matter that is subject to solicitor-client privilege with respect to the appeal hearing of Mr. D. Plant. The Committee members, City Clerk/Director of Legislative and Court Services and Legal Counsel were present for this portion of the meeting.

The Business Licensing Appeal Committee resumed in open session in the Council Chamber at 8:36 p.m.

P. Krysiak, Legal Counsel advised that he provided the Committee advice on the content that should be included in a decision letter while in Huronia Room "B".

G. Pickering, Chair of the Business Licensing Appeal Committee advised that the Committee had made a decision regarding the appeal by Mr. D. Plant.

The Committee approved the following recommendation with respect to the appeal by Mr. D. Plant.

"The decision of the Business Licensing Appeal Committee is that the appeal of By-law 2006-265 by the applicant Mr. D. Plant, be denied a business licence as a Tow Truck Driver."

That Chair advised that a written copy of the decision letter outlining the rationale for the decision would be sent to the Applicant