



The Corporation of the City of Temiskaming Shores
Special Meeting of Council
Thursday, April 15, 2021
6:00 p.m.
Electronic Meeting

Agenda

1. Call to Order

2. Roll Call

3. Approval of Agenda

Draft Motion

Be it resolved that City Council approves the agenda as printed.

4. Declaration of Special Council Meeting

Draft Motion

Be it resolved that the Council of the City of Temiskaming Shores declares this meeting a "Special Meeting of Council" in accordance to Section 7 of Procedural By-law No. 2008-160.

5. Disclosure of Pecuniary Interest and General Nature

6. New Business

a) Memo No. 016-2021-CS – Form 357 Applications

Draft Motion

Moved by: Councillor

Seconded by: Councillor

Be it resolved that Council for the City of Temiskaming Shores acknowledges receipt of Memo No. 016-2021-CS; and

That Council for the City of Temiskaming hereby denies the 357 Application from 988313 Ontario Limited and 1679444 Ontario Limited; and

Further directs the Clerk to send notice of its decision in writing to the applicants.

Council will convene as the Board of Control in accordance with the City of Temiskaming Shores Business Licensing Policy (By-law No. 2011-114).

b) Business Licensing Appeal - The Lunch Truck (11 May Street, New Liskeard)

- i. Submission by Josee and Marc Dupuis, The Lunch Truck
- ii. Submission by Mark Lavallee, Mikrolink Computers
- iii. Submission by Logan Belanger, Municipal Clerk with the City of Temiskaming Shores
- iv. Board of Control Deliberation
- v. Board of Control Decision

Reconvene as Council for the purpose of adjourning.

7. Adjournment

Draft Motion

Be it resolved that City Council adjourns at _____ p.m.

Memo

To: Mayor and Council
From: Laura-Lee MacLeod, Treasurer
Date: April 15, 2021
Subject: 357 Applications
Attachments: Appendix 1 – 357 Application 1679444 Ontario Limited
Appendix 2 – 357 Application 988313 Ontario Limited
Appendix 3 – Section 357(1)(d)(ii)
Appendix 4 – Section 357(13)

Mayor and Council:

On February 26, 2021 two (2) 357 applications were received:

1679444 Ontario Limited – 5418 020 002 11400, 998029 Highway 11
988313 Ontario Limited – 5418 010 004 12600, 2 Cedar Avenue

Both of these properties operate as hotels within the City of Temiskaming Shores and are applying for relief under Section 357(1)(d)(ii) which states:

“was damaged by fire, demolition or otherwise as to render it substantially unusable for the purposes for which it was used immediately prior to the damage”.

Section 357(13) Taxes Restored, references Clause (1)(d) in relation to “the building has been reconstructed or repaired and is capable of being used for the purposes for which it was used immediately before it was destroyed or damaged”.

The applications are applying for relief for damages arising from the COVID lockdown restrictions which prevented its normal use during 2020. The combination of regional and provincial lockdown measures including limits on gathering sizes and travel restrictions impaired the use of the subject property as compared to normal use experienced prior to the lockdown measures.

The Section 357 subsections relate to physical damage to the buildings/property which stops the ability to operate because it would be substantially unusable. The subsections do not refer to loss of revenue due to economic pressures.

On March 17, 2021 the applications were reviewed by the Corporate Services Committee and Recommendation CS-2021-011 was passed which states:

Be it resolved that the Corporate Services Committee hereby supports the recommendation of the Treasurer to deny the 357 applications from 988313 Ontario Limited and 1679444 Ontario Limited.

The Treasurer recommends the following resolution for Council consideration:

Be it resolved that Council for the City of Temiskaming hereby denies the 357 Application from 988313 Ontario Limited and 1679444 Ontario Limited;

And further directs the Clerk to send notice of its decision in writing to the applicants.

Prepared by:

Reviewed by:

Reviewed and submitted for
Council's consideration by:

"Original signed by"

"Original signed by"

"Original signed by"

Laura-Lee MacLeod
Treasurer

Shelly Zubyck
Director of Corporate
Services

Christopher W. Oslund
City Manager



367 Rimrock Road, Unit 1; Toronto, Ontario,
M3J 8C6
Tel: (416) 630-7373 Fax: (416) 436-9391

February 26, 2021

Sent VIA FAX ONLY: 705-672-3200

Tax Rebate & Appeals Unit
City of Temiskaming Shores
325 Farr Drive
P.O. Box 2050
Haileybury, ON
POW 1K0

S.35 APPLICATION TO TEMISKAMING SHORES

Re: 54-18-010-004-12600
2 Cedar Avenue
Tax Years: 2020
Effective Date: 3/17/20- 12/31/20

Assessed Person(s): 988313 Ontario Limited

On behalf of the Assessed Persons, ArGil Property Tax Services Paralegal Professional Corporation (ArGil) is filing a Section 857 Application for the above referenced property.

The property was subject to damage arising from COVID lockdown restrictions which prevented its normal use during 2020. The combination of regional and provincial lockdown measures including limits on gathering sizes and travel restrictions impaired the use of the subject property as compared to normal use experienced prior to the lockdown measures.

Should you have any questions or concerns regarding this matter, please do not hesitate to contact me.

Sincerely,
ARGIL PROPERTY TAX SERVICES PARALEGAL PROFESSIONAL CORPORATION

A handwritten signature in black ink, appearing to read "Paul Grosman". The signature is written in a cursive, flowing style with a long horizontal stroke at the end.

Paul Grosman BAAACIP App



Property Tax Services
Paralegal Professional Corporation
Ontario's Property Tax Specialists

367 Rimrock Road, Unit 1; Toronto, Ontario,
M3J 8C6
Tel: (416) 630-7373 Fax: (647) 436-9391

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Tax Rebates & Appeals Unit
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Haileybury, ON
POW 1K0

S.35 APPLICATION TO TEMISKAMING SHORES

Re: 54-18-020-002-11400
998029 Highway 11
Tax Years: 2020
Effective Date: 3/17/20-12/31/20

Assessed Person(s): 1679444 Ontario Limited

On behalf of the Assessed Persons, ArGil Property Tax Services Paralegal Professional Corporation (ArGil) is filing a Section 857 Application for the above referenced property.

The property was subject to damage arising from COVID lockdown restrictions which prevented its normal use during 2020. The combination of regional and provincial lockdown measures including limits on gathering sizes and travel restrictions impaired the use of the subject property as compared to normal use experienced prior to the lockdown measures.

Should you have any questions or concerns regarding this matter, please do not hesitate to contact me.

Sincerely,
ARGIL PROPERTY TAX SERVICES PARALEGAL PROFESSIONAL CORPORATION

PaulGrosman.BAAACIP.App

[Redacted]

- (c) the land has become exempt from taxation during the year or during the preceding year after the return of the assessment roll for the preceding year;
 - (d) during the year or during the preceding year after the return of the assessment roll, a building on the land,
 - (i) was razed by fire, demolition or otherwise, or
 - (ii) was damaged by fire, demolition or otherwise so as to render it substantially unusable for the purposes for which it was used immediately prior to the damage;
 - (d.1) the applicant is unable to pay taxes because of sickness or extreme poverty;
 - (e) a mobile unit on the land was removed during the year or during the preceding year after the return of the assessment roll for the preceding year;
 - (f) a person was overcharged due to a gross or manifest error that is clerical or factual in nature, including the transposition of figures, a typographical error or similar error but not an error in judgment in assessing the property; or
 - (g) repairs or renovations to the land prevented the normal use of the land for a period of at least three months during the year.
- (1.1) **Exception, vacant unit rebate** — For 2007 and subsequent taxation years, no cancellation, reduction or refund of taxes is permitted under clause (1)(g) in respect of prescribed land.
- (1.2) **Regulations** — The Minister of Finance may make regulations prescribing land for the purposes of subsection (1.1).
- (2) **Application** — An application may only be made by the owner of the land or by another person who,
- (a) has an interest in the land as shown on the records of the appropriate land registry office and the sheriff's office;
 - (b) is a tenant, occupant or other person in possession of the land; or
 - (c) is the spouse of the owner or other person described in clause (a) or (b).
- (3) **Timing** — An application under this section must be filed with the treasurer on or before the last day of February of the year following the year in respect of which the application is made.
- (4) **Application by treasurer** — Despite subsections (2) and (3), an application under clause (1) (f) or (g) may be made by the treasurer of the local municipality on or before April 30 of the year following the year in respect of which the application is made if no application is made by a person described in subsection (2) within the deadline set out in subsection (3).

(5) Meeting — On or before September 30 of the year following the year in respect of which the application is made, council shall,

- (a) hold a meeting at which the applicants may make representations to council;
- (b) notify the applicants of the meeting by mail sent at least 14 days before the meeting; and
- (c) make its decision.

(6) Notice — Within 14 days after making its decision, council shall notify the applicants of the decision and specify the last day for appealing the decision.

(7) Appeal — Within 35 days after council makes its decision, an applicant may appeal the decision of council to the Assessment Review Board by filing a notice of appeal with the registrar of the board.

(8) Where no decision — If council fails to make its decision by September 30 of the year following the year in respect of which the application is made, an applicant may appeal to the Assessment Review Board by October 21 of the year by filing a notice of appeal with the registrar of the board and the appeal shall be a new hearing.

(9) Notice — The Assessment Review Board shall notify the appellants and the treasurer of the municipality of the hearing by mail sent at least 14 days before the hearing.

(10) Decision — The Assessment Review Board shall hear the appeal and may make any decision that council could have made.

(11) Delegation of power — The council may pass a by-law authorizing the Assessment Review Board to exercise the powers and functions of the council under subsections (1) and (5) with respect to applications made under subsection (1) and subsections (6), (7), (8), (9) and (10) do not apply to these applications.

(12) Copy to be provided — The council shall forward to the registrar of the Assessment Review Board and to the assessment corporation a certified copy of any by-law passed under subsection (11) and a copy of every application received to which the by-law applies.

(13) Taxes restored — The council or the Assessment Review Board may restore to the tax roll all or any part of the taxes for a year that it reduced, cancelled or refunded as a result of an application in respect of a building under clause (1) (d) if it is satisfied that during the year the building has been reconstructed or repaired and is capable of being used for the purposes for which it was used immediately before it was destroyed or damaged.

(14) Restriction — A decision cannot be made under subsection (13) unless,

- (a) it is made on or before the last day of February in the year following the year in respect of which the application is made; and

April 14, 2021

Good evening everyone

Thanks everyone for joining us tonight for this meeting. We are Marc and Josee Dupuis, the owners of the Lunch Truck.

As you know, in the spring of 2020, we approached the Horne Granite curling club and we entered into a lease to park our food truck beside the building. We invested a substantial amount of money into this new business. We were pleased to open our doors on May 26, 2020.

Near the end of June, we received a complaint from the City of Temiskaming Shores in regards to parking. Like any new business, unforeseen issues arise.

In attempt to remedy these issues we printed signs and paid extra hours for our staff to direct patrons to park in designated parking lots. When starting a new business, time and funds can be hard to come by, so we dealt with the issue to the best of our ability at that time.

We have received a letter from the City of Temiskaming Shores informing us that we would have to relocate our unit on the property in order to renew our license. We would like to present our proposal for appeal.

We plan to use A&B Digital printing to design and print large, highly visible signs. We will install 3 signs; one on the corner in front of our unit, a second one in front of our deck and a third one at the east side of our unit. We will also purchase sandwich boards, or cement blocks that can hold signs and place on the side of the road. We need to educate our patrons to park in designated parking lots. This process might take some time, similar to the farmer's market parking issues. Help from the by-laws officers might be required. We want to be good neighbors and we will do what is required to resolve the issue.

We are a small business trying to survive during a global pandemic and moving our unit, even a short distance would be significantly high in cost. It is a task that requires more than you would assume. The move would consist of hiring an electrician, a plumber and Hydro One. In addition, we would have to hire someone to tow and level the unit into place.

We appreciate this opportunity to address you all in person. We hope you will consider our appeal and grant our 2021 license in our current location.

Thank you for your time,

Marc Dupuis

Josee Dupuis



Parking and Related Issues

RELATED TO THE CURRENT LOCATION OF THE LUNCH TRUCK

Summary of Issues

- Parking
- Garbage
- Public Urination

Parking

- People parking along both sides of the street
- Completely blocking off both Mikrolink and Headlines
- on two occasions we had someone take a picnic table and chairs and them them up in our parking lot
- We had a group of motorcycles park across the front and when the hairdressers from Headlines called me I came in and a confortation ensued
- People with boats and/or trailers parking in front of us and blocking our businesses

Parking – Measures taken

- We had signs printed at our expense to try and alleviate the problem but they didn't help at all
- The Lunch Truck also hired a parking attendant but it was only during lunch on certain days – the problem occurs at all hours of the day

Parking Pictures



Parking Signs



Garbage

- Garbage has been a major issue
- My residential tenet, my commercial tenet and I pick up multiple pieces of garbage on a daily basis
- I have also witnessed workers throwing fries and food out the takeout window – thereby attracted various birds and seagulls



Public Urination

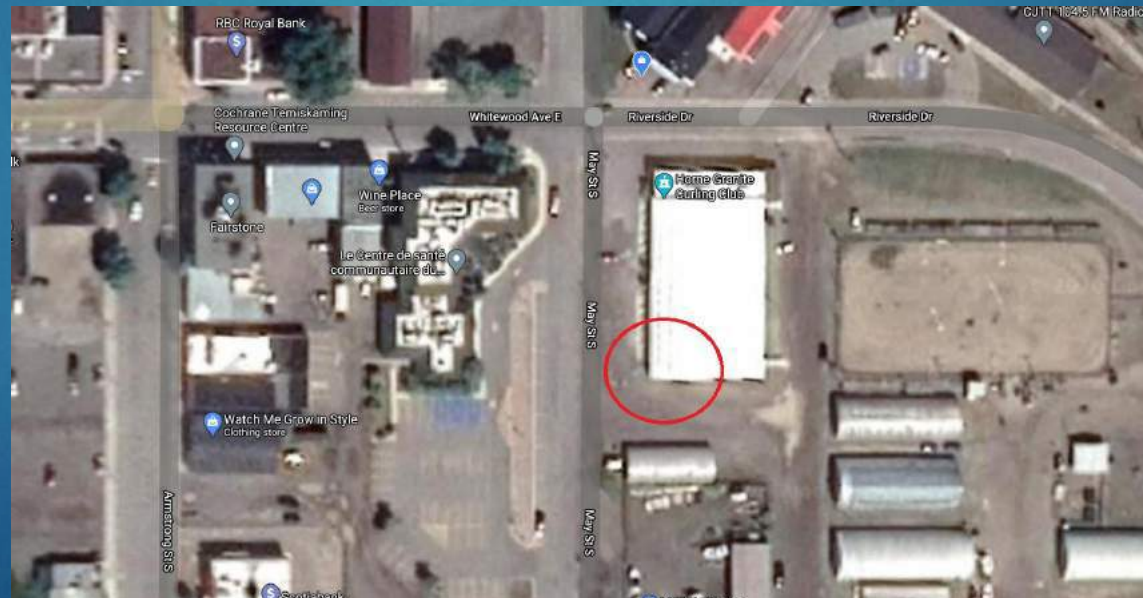
My residential tenet informed me of an instance where a gentleman patron of the lunch truck who came into her yard at 7 Riverside Drive and urinated against her house while she watched him out her window

Changes to our Parking Needs

- In summer 2020 we expanded Headlines haircare and added 2 additional stations for new hairdressers
- These additions will greatly increase our need for parking so we must solve the parking conflicts we are experiencing
- Due to COVID our parking needs were reduce in 2020 so we did not raise a fuss until the end of The Lunch Truck's operating season as to not disrupt their business

Possible Solution

We believe the best solution is to relocate The Lunch Truck to a different location on the property. Possibly the corner at the further end of the building. This would allow their patrons to park in the curling club parking lot and give them room to setup seating



Business License Appeal: The Lunch Truck



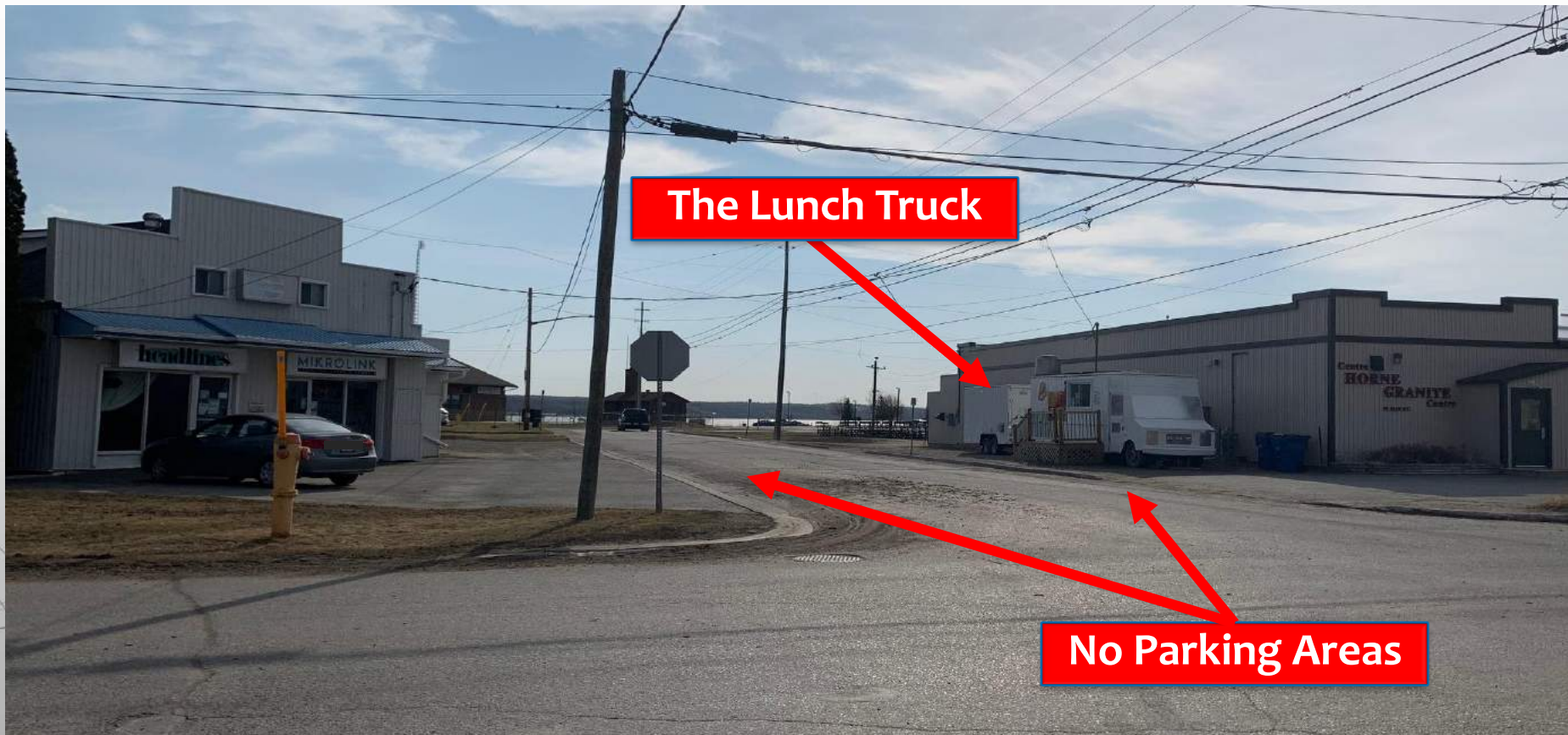
Background

- **May 27, 2020** – Business License No. 2020-003 was issued authorizing the operation of The Lunch Truck, based on the application submitted on May 22, 2020.
- **License Details:**
 - Cost: \$250.00 (annual fee)
 - Location – 11 May Street – North End of Horne Granite Curling Club Property
 - Permitted Uses/ Conditions:
 - Consent of Horne Grant Curling Club;
 - Compliance with Temiskaming Health Unit Requirements;
 - Backflow preventor on water supply;
 - Waste water to be removed off-site by licensed contractor; and
 - License not valid during annual New Liskeard Fall Fair (NLFF). Consent of NLFF required.

Business License Appeal: The Lunch Truck



Picture of Subject Area



Business License Appeal: The Lunch Truck

Picture of Subject Area



Business License Appeal: The Lunch Truck



Chronology of Events

- **June 2020** - City received parking concerns from Mikrolink Computers
- **June 23, 2020** - City contacted owner of The Lunch Truck to advise of concerns
- **June 25, 2020** – Received a complaint regarding illegal parking along Riverside Drive, in laneway, and in parking lots of nearby businesses.

Owner of The Lunch Truck advised of possible parking enforcement; however, there was a concern that this would have a negative impact on business operations.

Two options discussed:

1. Install signage directing the patrons where to park, or
2. Re-orientating business to the West side of the Curling club, to encourage use of the parking lot.

If matter could not be resolved, it would be a consideration for any future issuance of a business license.

Business License Appeal: The Lunch Truck



Chronology of Events

- **June 26, 2020** - The Lunch Truck began advertising No Parking in front of the Refreshment Vehicle. In addition, signs were also posted, and an employee was outside to guide and direct traffic.



Business License Appeal: The Lunch Truck

Chronology of Events

- **September 22, 2020** –Concerns/ comments were received from the owner of Mikrolink Computers:
 - Parking efforts throughout the summer season were not successful;
 - Parking is limited for patrons of Headlines Haircare and for Mikrolink, and is being used by patrons of the Lunch Truck, or parking spaces are being blocked with illegal on-street parking;
 - Mikrolink purchased No Parking signs to assist with the parking concerns; and
 - Increased litter.



Business License Appeal: The Lunch Truck



Chronology of Events

- **September 24, 2020** – Letter from Horne Granite Curling Club indicating their tenants (The Lunch Truck) will install two additional sandwich board signs, one to the west and a second to the east of the lunch truck to advise patrons “DO NOT PARK” in front of Mikrolink and the hairdresser establishment.
- Tenants have agreed to employ a parking attendant with the sole mandate of advising patrons to not park or to immediately move their vehicle should such an occurrence occur.

Business License Appeal: The Lunch Truck



Chronology of Events

- **October 8, 2020** – Discussed Parking concerns at the Protection to Person and Protection Committee Meeting.

Recommendation PPP-2020-015
Moved by: Councillor Doug Jelly
Be it resolved that:
The Protection to Persons and Property Committee hereby supports the additional signage, and additional Lunch Truck employee to assist with parking.
- **October 26, 2020** – Received letter from Mikrolink regarding parking issues related to the operation of The Lunch Truck in its current location.
- **December 2, 2020** – Discussed parking impacts for area businesses at the Corporate Services Committee Meeting (Closed Session).

Business License Appeal: The Lunch Truck



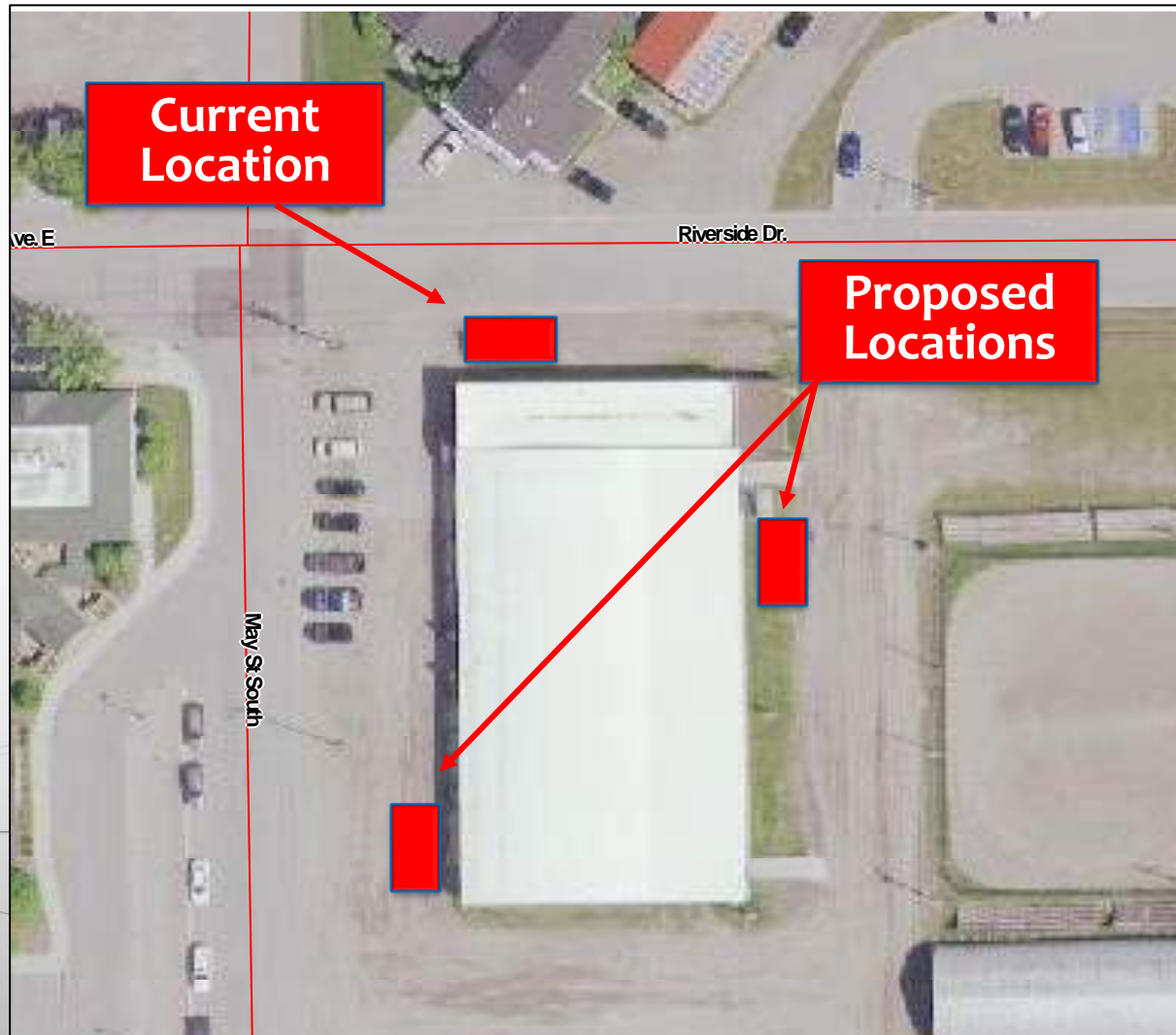
Chronology of Events

- **December 8, 2020** – Issued a letter to the owners of The Lunch Truck advising that the measures implemented during the 2020 operating season were appreciated; however, did not result in sustained parking compliance.

Result:

- Business license for The Lunch Truck would not be approved in 2021, in its current location on the Curling Club Property, located at 11 May Street (North end of the building).
- Alternate locations were recommended such as the South and East Sides of the property which would provide sufficient patrol Parking for the business operation.

Business License Appeal: The Lunch Truck



Business License Appeal: The Lunch Truck



Chronology of Events

- **March 11, 2021** – Owners of The Lunch Truck submitted a letter to respectfully appeal the City's decision regarding the licence application for the upcoming season in its current location (North end of the building).
- Further advised that they are working to eliminate illegal parking by installing no parking signs along the street (at no cost to the city), and will encourage patrons to use the designated parking lots available.



Business License Appeal: The Lunch Truck

Authority of Municipal Clerk's Decision

Business Licensing Policy (By-law No. 2011-114) regulates Businesses within the City. Licensing powers in accordance with Section 151(1) of the Municipal Act, 2001.

The City has the power to provide for a system of licenses with respect to a business and may:

- a) prohibit the carrying on or engaging in the business without a licence;
- b) refuse to grant a licence or to revoke or suspend a licence;
- c) impose conditions as a requirement of obtaining, continuing to hold or renewing a licence;
- d) impose special conditions on a business in a class that have not been imposed on all of the businesses in that class in order to obtain, continue to hold or renew a licence;
- e) impose conditions, including special conditions, as a requirement of continuing to hold a licence at any time during the term of the licence; and
- f) license, regulate or govern real and personal property used for the business and the persons carrying it on or engaged in it.

(Section 2.1)

April 15, 2021

Business License Appeal: The Lunch Truck



Authority of Municipal Clerk's Decision

- Unless otherwise indicated, the administration of this by-law is assigned to the City Clerk who may delegate the performance of his/her functions under this by-law from time to time as occasion requires (Section 2.2)
- License applications under the provisions of this by-law are made to the clerk (Section 2.6)
- Every application will be subject to approvals from municipal or provincial departments or agencies as the Clerk deems necessary (Section 2.8)
- A license issued under the provisions of this by-law shall be valid only for the period of time for which it was issued. All licenses shall expire on the date specified on the license (Section 2.19)



Business License Appeal: The Lunch Truck

Background on Municipal Clerk's Decision

- Licensing Fee:
 - Includes administrative costs of reviewing and issuing the license.
 - Does not include fees associated with managing the license; i.e., increased by-law enforcement;
 - Not in lieu of municipal taxes (Note: provision in By-law No. 2011-114, Section 2.21, that license fees may include an amount in lieu of taxes).
- License:
 - City licenses Refreshment Vehicles on a monthly or an annual basis only. Assumed risk when considering permanent investment in a specific location.
- Location:
 - 11 May Street offers alternate locations to address parking issues, other than City by-law enforcement and administration (i.e. cost to general tax base)



Business License Appeal: The Lunch Truck

List of Supporting Materials (Enclosed)

- Business Licensing Policy – By-law No. 2011-114
- The Lunch Truck Business License No. 2020-003
- Letter from Mikrolink Computers to Horne Granite Curling Club – 2020-09-16
- Letter from Horne Granite Curling Club to Mikrolink and the City – 2020-09-24
- Letter from Mikrolink Computers to the City – 2020-10-26
- Letter from Municipal Clerk to The Lunch Truck – 2020-12-08
- Letter from The Lunch Truck – 2021-03-11

THE CORPORATION OF THE CITY OF TEMISKAMING SHORES
BY-LAW 2011-114
BEING A BY-LAW TO ADOPT A BUSINESS LICENSING POLICY TO
REGULATE BUSINESSES WITHIN THE BOUNDARIES OF THE
CITY OF TEMISKAMING SHORES.

WHEREAS the Council of the Corporation of the City of Temiskaming Shores deems it necessary to pass a By-law to adopt a business licensing policy to regulate and govern businesses within the City of Temiskaming Shores;

WHEREAS under Section 8 of the Municipal Act, 2001, S.O. 2001, c.25, as amended, the powers of a municipality shall be interpreted broadly to enable it to govern its affairs as it considers appropriate and to enhance the municipality's ability to respond to municipal issues;

AND WHEREAS under Section 9 of the Municipal Act, 2001, S.O. 2001, c.25, as amended, a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this or any other Act;

AND WHEREAS under Section 10 (1) of the Municipal Act, 2001, S.O. 2001, c.25, as amended, a single-tier municipality may provide any service or thing that the municipality considers necessary or desirable for the public;

AND WHEREAS under Section 10 (2) 5 of the Municipal Act, 2001, S.O. 2001, c. 25, as amended, provides that a municipality may pass by-laws with respect to economic, social and environmental well-being of the municipality.;

AND WHEREAS under Section 10 (2) 6 of the Municipal Act, 2001, S.O. 2001, c. 25, as amended, provides that a municipality may pass by-laws with respect to matters of health, safety and well-being of persons;

AND WHEREAS under Section 10 (2) 8 of the Municipal Act, 2001, S.O. 2001, c. 25, as amended, provides that a municipality may pass by-laws with respect to protection of persons and property, including consumer protection.;

AND WHEREAS under Section 10 (2) 11 of the Municipal Act, 2001, S.O. 2001, c. 25, as amended, provides that a municipality may pass by-laws with respect to business licensing;

AND WHEREAS under Section 150 of the Municipal Act, 2001, S.O. 2001, c. 25, as amended, provides that "business" means any business wholly or partly carried on within a municipality even if the business is being carried on from a location outside the municipality and includes,

- (a) trades and occupations,
- (b) exhibitions, concerts, festivals and other organized public amusements held for profit or otherwise,
- (c) the sale or hire of goods or services on an intermittent or one-time basis and the activities of a transient trader,
- (d) the display of samples, patterns or specimens of goods for the purpose of sale or hire.

AND WHEREAS pursuant to the provisions of the *Municipal Act, S.O. 2001, c.25, as amended*, Section 151. (1) states that without limiting sections 9, 10 and 11, a municipality may provide for a system of licences with respect to a business and may,

- a) prohibit the carrying on of or engaging in the business without a licence;
- b) refuse to grant a licence or to revoke or suspend a licence;
- c) impose conditions as a requirement of obtaining, continuing to hold or renewing a licence;
- d) impose special conditions on a business in a class that have not been imposed on all of the businesses in that class in order to obtain, continue to hold or renew a licence;
- e) impose conditions, including special conditions, as a requirement of continuing to hold a licence at any time during the term of the license;
- f) license, regulate or govern the place or premises used for the business and the persons carrying it on or engaged in it; and
- g) require a person, subject to such conditions as the municipality considers appropriate, to pay an administrative penalty if the municipality is satisfied that the person has failed to comply with any part of a system of licences established by the municipality.

AND WHEREAS Section 151 (2) of the *Municipal Act, S.O., 2001, c.25*, as amended, provides that if a municipality is satisfied that the continuation of a business poses an immediate danger to the health or safety of any person or to any property, the municipality may, for the time and on such conditions as it considers appropriate, without a hearing, suspend a license subject to the following:

1. Before suspending the license, the municipality shall provide the licensee with the reasons for the suspension, either orally or in writing, and an opportunity to respond to them.
2. The suspension shall not exceed 14 days.

AND WHEREAS Section 151 (3) of the *Municipal Act, S.O., 2001, c.25*, as amended, provides that despite subsection (2) and without limiting sections 9, 10 and 11, for the purpose of clause (1) (b), the municipality may, on such conditions as it considers appropriate, without a hearing, suspend a license authorizing a business to operate on a highway or other property of the municipality or its local boards for a period not exceeding 28 days for the following reasons:

1. The holding of a special event.
2. The construction, maintenance or repair of the property.
3. The installation, maintenance or repair of a public utility or service.
4. Pedestrian, vehicular or public safety or public health.

AND WHEREAS Section 425(1) of the *Municipal Act, S.O. 2001, c. 25*, as amended, provides that a municipality may pass by-laws providing that a person who contravenes a by-law of the municipality passed under the Act is guilty of an offence;

AND WHEREAS Council adopted By-law No. 2004-149 on December 21, 2004 to regulate businesses within the boundaries of the City of Temiskaming Shores;

AND WHEREAS By-law No. 2004-149 expired on December 31, 2009;

AND WHEREAS the Council of The Corporation of the City of Temiskaming Shores considers it necessary to adopt a Business Licensing Policy.

NOW THEREFORE the Council of The Corporation of the City of Temiskaming Shores enacts the following as a by-law:

1. That the Council for the City of Temiskaming Shores adopts the Business Licensing Policy identified as Schedule "A", hereto attached and forming part of this by-law.
2. That By-law No. 2004-149 is hereby repealed.
3. That the Clerk of the City of Temiskaming Shores is hereby authorized to make minor modifications or corrections of a grammatical or typographical nature to the By-law and schedule, after the passage of this By-law, where such modifications or corrections do not alter the intent of the By-law.
4. That this By-law shall come into force and effect on the date of its final passing.

READ a FIRST, SECOND and THIRD TIME and FINALLY PASSED this 2nd day of August, 2011.

MAYOR

CLERK

SHORT TITLE
CITY OF TEMISKAMING SHORES
BUSINESS LICENSING POLICY

SECTION 1 DEFINITIONS

Unless otherwise specifically defined in any Part of this by-law:

1.1 BOARD OF CONTROL shall mean the Council of The Corporation of the City of Temiskaming Shores.

1.2 BUSINESS shall mean any business wholly or partly carried on within the City even if the business is being carried on from a location outside the City and includes,

- (a) trades and occupations,
- (b) exhibitions, concerts, festivals and other organized public amusements held for profit or otherwise,
- (c) the sale or hire of goods or services on an intermittent or one-time basis and the activities of a transient trader,
- (d) the display of samples, patterns or specimens of goods for the purpose of sale or hire.

but does not include,

- (a) a manufacturing or an industrial business, except to the extent that it sells its products or raw material by retail;
- (b) the sale of goods by wholesale; or
- (c) the generation, exploitation, extraction, harvesting, processing, renewal or transportation of natural resources.

1.3 BY-LAW ENFORCEMENT OFFICER shall mean the By-law Enforcement Officer for The Corporation of the City of Temiskaming Shores or a person delegated by him/her for the purposes of this by-law.

1.4 CITY shall mean the City of Temiskaming Shores.

-
- 1.5 **CLERK** shall mean the Clerk for The Corporation of the City of Temiskaming Shores or a person delegated by him/her for the purpose of this by-law.
- 1.6 **COUNCIL** shall mean the Council for The Corporation of the City of Temiskaming Shores.
- 1.7 **HE, HIM AND HIS** shall also include “she and her”.
- 1.8 **HIGHWAY/ROADWAY** shall mean the traveled portion of a roadway and the untraveled portion of the roadway under the jurisdiction of the municipality and includes the boulevard and the sidewalk.
- 1.9 **MEDICAL OFFICER OF HEALTH** shall mean the Medical Officer of Health for the Temiskaming Health Unit or a person delegated by him for the purposes of this by-law.
- 1.10 **OWNER – PREMISES** with respect to premises licensed under this by-law shall mean the registered owner of the land on which the premises are situated and includes a trustee acting on behalf of the registered owner, the estate of a registered owner and a person with a leasehold interest in the land.
- 1.11 **OWNER – BUSINESS** with respect to a business licensed under this by-law shall mean the person, company or partnership that carries on the business and who’s name appears on the license issued by the municipality for such business pursuant to this by-law.
- 1.12 **PERSON** shall include an individual, a partnership, a firm or corporation.
- 1.13 **SIDEWALK** shall mean any public walkway, or portion of a highway between the curb line or the lateral line of a roadway and the adjacent property line, primarily intended for the use of pedestrians.
- 1.14 **SPECIAL EVENTS** shall mean any public event endorsed by Council such as festivals, winter carnivals, and trade shows.

SECTION 2 GENERAL PROVISIONS

2.1 Licensing Powers

The City has the power to provide for a system of licenses with respect to a business and may:

- (a) prohibit the carrying on or engaging in the business without a license;
- (b) refuse to grant a license or to revoke or suspend a license;
- (c) impose conditions as a requirement of obtaining, continuing to hold or renewing a license;
- (d) impose special conditions on a business in a class that have not been imposed on all of the businesses in that class in order to obtain, continue to hold or renew a license;
- (e) impose conditions, including special conditions, as a requirement of continuing to hold a license at any time during the term of the license;
- (f) license, regulate or govern real and personal property used for the business and the persons carrying it on or engaged in it; and
- (g) require a person, subject to such conditions as the municipality considers appropriate, to pay an administrative penalty if the municipality is satisfied that the person has failed to comply with any part of a system of licenses established by the municipality.

2.2 Administration of By-Law

Unless otherwise indicated, the administration of this by-law is assigned to the City Clerk who may delegate the performance of his/her functions under this by-law from time to time as occasion requires.

2.3 Enforcement

The enforcement of this by-law is assigned to the By-Law Enforcement Officer and to persons under the supervision of the By-law Enforcement Officer for the City.

2.4 Section 2 Applies to all Sections

All of the regulations contained Section 2 of this by-law shall apply to all licences required under the provisions of this by-law.

2.5 Display of Licence

No person holding a licence issued pursuant to this by-law shall fail to:

- (a) with respect to premises, display the licence in a conspicuous place in or on the said premises; or

- (b) with respect to a vehicle, display the licence in a conspicuous place in or on the said vehicle; or
- (c) with respect to an individual, maintain the licence on their person while conducting the activity for which the licence was issued; or
- (d) with respect to a Door-to-Door Sales Person, while engaged in sales activities, visibly display photo identification as provided by the City.

2.6 License Applications (hereto attached as Appendices)

Applications for all licences issued under the provisions of this by-law shall be made to the City Clerk on forms to be provided by him/her.

2.7 Full Information Required on Licence Application Form

Every applicant shall provide in full, at the time the application is submitted, all of the information requested on the application form as well as:

- (a) payment of the prescribed licence fee set out in Schedule "A" of this by-law;
- (b) any other document or information as may be required in any other Section of this by-law.

2.8 Licence Application Subject to Approval

Every application will be subject to approvals from such municipal or provincial departments or agencies as the City Clerk deems necessary.

2.9 Contravention of Other Laws

The issuance or renewal of a licence is not intended and shall not be construed as permission or consent by the City for the holder of the licence to contravene or to fail to observe or comply with any law of Canada or Ontario or any by-law of the City.

2.10 Voluntary Surrender of Licence

The City Clerk may revoke a licence which is voluntarily surrendered by the holder for revocation.

2.11 Transfer of Licence Prohibited

Every licence, at all times, is owned by and is the property of the City and is valid only in respect of the person and the premises or of the person named therein and for the nature of business stated in the licence, and no licence may be sold, purchased, leased, mortgaged, charged, encumbered, assigned, pledged, transferred, seized, distrained or otherwise dealt with.

2.12 Information Open to Inspection

Any application, comment, recommendation, information, document or thing in the possession of the City Clerk pursuant to the provisions of this by-law shall be made available by the City Clerk for an inspection:

- (a) by any person employed in the administration or the enforcement of this by-law; and
- (b) by any other person upon the consent, satisfactory to the City Clerk, of the person, civic department, board, commission, authority or other agency which produced or submitted the application, comment, recommendation, information, document or thing.

Subject always to the limitations imposed by the *Municipal Freedom of Information and Protection of Privacy Act*.

2.13 Inspections by By-Law Enforcement Officer

Subject to Section 2.15 of this by-law, the By-Law Enforcement Officer or any person designated by the Council to enforce this by-law may, at all reasonable times upon producing proper identification, enter and inspect any premises or any part of any premises licensed under the provisions of this by-law.

2.14 Obstruction of Inspections

No person shall obstruct, hinder or in any way interfere with any person designated to enforce this by-law.

2.15 Search Warrant for Inspections of Dwellings

Except under the authority of a search warrant issued under *Provincial Offences Act*, the By-Law Enforcement Officer or any person designated by the Council to enforce this by-law shall not enter any room or place actually used as a dwelling without requesting and obtaining the consent of the occupier, first having informed the occupier that the right of entry may be refused and entry made only under the authority of a search warrant.

2.16 Keeping of Records

No person shall fail to keep any and all of the records required to be kept under the provisions of any sections of this by-law.

2.17 Notice to Applicant of Specified Deficiencies

Where any determination is made that any premises or person named in the application shall not receive any approval required by this by-law, the reason for such determination shall be specified, and the City Clerk shall notify the applicant of all such reasons.

2.18 No Licence to be Issued

No licence shall be issued to any person in respect of any premises in which the carrying on or operation of the business for which the application is being made is in contravention of any by-law of the City.

2.19 Term of License

A license issued under the provisions of this by-law shall be valid only for the period of time for which it was issued. All licences shall expire on the date specified in the licence.

2.20 Licence Fees

Licence Fees are set out in this schedule and can be pro-rated at the discretion of the City Clerk. All business licence fees are non-refundable upon issue.

2.21 Licences in Lieu of Taxes

Licence fees may include an amount in lieu of municipal taxes.

2.22 Licence Deemed Refused

Any business licence application that has not received approvals from such municipal or provincial departments or agencies as the City Clerk deems necessary within 90 days from the date of the filing of the application shall be deemed to be refused.

2.23 Change of Address

Every licensee shall notify the City Clerk within 6 days of any change in his business or home address.

2.24 Referral to Board of Control upon Refusal of Application

Where the City Clerk refuses to issue or renew a licence, he shall give notice of his refusal to the applicant, together with the reason for his refusal and the applicant may request the City Clerk, in writing, to refer the matter of his refusal to the Board of Control.

2.25 Referral to Board of Control by City Clerk

At any time before the City Clerk issues or renews a licence, or refuses to issue or renew a licence, he may, or he shall on the request of the applicant, refer the application to the Board of Control.

2.26 Board of Control Proceedings

Where there is a referral to the Board of Control, it shall hold a meeting for the purpose of directing the City Clerk to issue or renew the licence, or not to issue or renew the licence.

2.27 Decisions of the Board of Control

The Board of Control may:

- (a) for any reason that would disentitle the holder to a licence if he were an applicant;
- (b) where the holder of the licence is in breach of a condition of the licence or of this by-law;
- (c) if a report is filed subsequent to the date of issuance of the licence or by any department or agency which provided its approval originally to the issuance of the licence which indicates that a licensed premises no longer complies with any of the provisions of this by-law;
- (d) if the conduct of the applicant or licensee affords reasonable grounds for belief that the applicant or licensee will not carry on the business in accordance with the law or with honesty and integrity;
- (e) if, in the case of a corporate applicant or licensee, the conduct of its officers, directors, employees or agents affords reasonable grounds for belief that the business will not be carried on in accordance with the law or with honesty and integrity;

suspend, revoke or refuse to issue any licence that may be issued under the provisions of any Section of this by-law.

2.28 Notice of Proposed Decision of the Board of Control

Where the Board of Control proposes to refuse, suspend or revoke any licence issued pursuant to any Section of this by-law, it shall give notice of its proposal to the affected applicant or to the affected holder of the licence, as the case may be, and to such other persons, civic departments, boards, commissions, authorities or agencies as appear to have an interest in the proposal.

2.29 Notice of Refusal/Suspension/Revocation

The notice under Section 2.28 of this by-law shall:

- (a) contain the reason(s) for the proposed refusal, suspension or revocation;
- (b) specify the time and place of the meeting of the Board of Control at which the proposed refusal, suspension or revocation will be considered;
- (c) inform the affected applicant or the affected holder of the licence that he is entitled to attend the meeting and make submissions regarding the proposal and that, in his absence, the Board of Control may proceed to consider the proposal;

- (d) afford the affected applicant or the affected holder of the licence a reasonable opportunity, before the meeting, to show or achieve compliance with all lawful requirements for the retention of the licence; and
- (e) be given at least 15 days prior to the date of the Board of Control meeting.

2.30 Suspension of Licence

Where the Board of Control proposes to suspend or revoke any licence issued pursuant to any Section of this by-law, the Board may, where the Board considers it to be necessary in the public interest, immediately suspend the licence for a period not exceeding 15 days effective upon service of notice of the suspension upon the affected person.

2.31 Extension of Suspended Licence

The Board of Control may, at the meeting required in Section 2.26 of this section of this by-law, extend the interim suspension until the Board disposes of the proposed suspension or revocation.

2.32 Notice of Suspension

The notice mentioned in Section 2.28 of this section of this by-law shall inform the holder of the licence of any interim suspension and of the authority of the Board under Sections 2.30 and 2.31 of this by-law.

2.33 Proceeding of Board of Control

The Board of Control:

- (a) shall afford the affected applicant or the holder of the licence an opportunity, at the meeting, to make submissions in respect of the matter which is the subject of the Board's proceedings;
- (b) shall afford any person, civic department, board, commission, authority or agency given notice under Section 2.29 of this by-law and in attendance at the meeting, an opportunity to make submissions in respect of the matter which is the subject of the Board's proceedings;
- (c) may close a portion of the meeting to the affected applicant or licence holder for the purposes of receiving confidential legal advice;
- (d) may close all or a portion of the meeting to the public if the Board is of the opinion that intimate financial or personal matters may be disclosed that the desirability of avoiding public disclosure thereof outweighs the desirability of adhering to the principle that the meeting be open to the public;
- (e) shall give due consideration to the submissions made to it;

- (f) shall, by resolution, take such action to refuse, suspend or revoke the application or licence, or not to refuse, suspend or revoke the application or licence, as the Board of Control considers proper in the circumstances; and
- (g) shall give written notice of its decision to the City Clerk, to the applicant or to the licence holder, and to any person, civic department, board, commission, authority or agency in attendance at the meeting, together with the reason(s) for its decision.

2.34 Equal Votes of Board of Control of Refusal

Any motion made at the meeting respecting the refusal, suspension or revocation of an application or licence on which there is an equality of votes shall be deemed to be decided by the Board of Control against the refusal, suspension or revocation of the application or licence.

2.35 Equal Votes of Board of Control of Issuance

Any motion made at the Board of Control meeting respecting the issuance or renewal of the licence on which there is an equality of votes shall be deemed to be decided by the Board in favour of the issuance or renewal of the licence.

2.36 Immediate effect of Board of Control

A decision of the Board of Control refusing, suspending or revoking an application or licence takes effect upon the rendering of such decision by the Board of Control.

2.37 Exemption of Licence for Special Events

Notwithstanding any other provisions of this by-law, any vendor selling products at a special event, endorsed by council and approved by the event coordinators, shall be exempt from the requirement to obtain a licence under the provisions of this by-law.

2.38 Maintenance of Standards

No person licensed under the provisions of this by-law shall fail to maintain, on a continuous basis, the standards and requirements which were necessary to obtain the original approval of the licence application, or have been imposed since the issuance of the licence.

2.39 Applications for a Business Assessment or a Home Based Business (hereto attached as Appendices)

Applications, for a business assessment or a home based business not licensed under the provisions of this by-law, shall be made to the City Clerk on forms to be provided by him/her.

SECTION 3 HAWKERS AND PEDDLERS

3.1 *Definitions*

Hawker/Peddler includes:

- (a) any person who goes from place to place, or to a particular place, with goods, wares or merchandise for sale, or who carries and displays samples, patterns or specimens of any goods, wares or merchandise for which orders are taken and that are to be delivered in the City afterwards;
- (b) any corporation which has an employee or agent who goes from place to place or to a particular place with goods, wares or merchandise for sale, or who carries and displays samples, patterns or specimens of any goods, wares or merchandise for which orders are taken and that are to be delivered in the City afterwards;
- (c) but excludes a consumer show open to the public or a trade show open by invitation or registration only, the primary purpose of which are the display of goods and products and not the direct sale of them.

3.2 *License Classes*

The following classes of “hawker” or “peddler” are hereby established:

- Class 1 – “Transient Trader” shall include any person, business, group or organization that has not been established continuously in the municipality for at least three months next preceding the time of his commencing such business there.
- Class 2 – “Door-to-Door Sales Person” shall include any person involved with the sale of goods on a door-to-door basis including sales persons or agents that are in business on a permanent basis and for which property tax, based on such business, is being paid for the current year.
- Class 3 – “Trade Show” shall include the exhibiting or offering for sale, on a temporary basis, at one location by several manufacturers or distributors, goods, wares or merchandise which they themselves have produced or manufactured or are distributing on behalf of the producer or manufacturer.
- Class 4 – “Flea Market” shall include the exhibiting or offering for sale, on a temporary basis, at one location by two or more vendors, a variety of goods, wares or merchandise, but does not include a sale that consists of one type of goods, wares or merchandise; and also does not include a Flea Market that is in business on a permanent basis and for which property tax, based on such business, is being paid for the current year.
- Class 5 – “Farmers Market” shall include the exhibiting or offering for sale, on a temporary basis, at one location by two or more vendors, a variety of goods, wares, merchandise or produce grown by the vendors.
- Class 6 – “General” shall include any “hawker” or “peddler” excluding classes 1 to 5 as defined in Section 3.2.

3.3 Operation without Valid Licence Prohibited

No person shall, in the City of Temiskaming Shores:

- (a) carry on the business of hawker or peddler; or
- (b) be engaged in services to the public in connection with the business of a hawker or peddler; or
- (c) operate a trade show, flea market, or farmer's market or operate a place where others may offer for sale and sell goods, wares or merchandise to the public contrary to this Section of this by-law;

without holding a current valid licence for such business issued under the provisions of this by-law.

3.4 Exemption from Licence

Notwithstanding any other Section of this by-law, a person who, if it were not for this Section, is required to be licensed under this by-law, and who offers for sale or sells goods, wares, or merchandise to the public at a trade show, craft show, flea market, or farmer's market or place which is licensed under this by-law, is not required to be licensed under this Section for the purposes of offering for sale or selling goods, wares or merchandise to the public at such trade show, flea market, or farmer's market or place.

3.5 Other Circumstance Exempt from Licence

Notwithstanding Section 3.3 of this by-law, no Hawkers and Peddlers License shall be required for hawking, peddling or selling goods, wares or merchandise:

- (a) to wholesale or retail dealers in similar goods, wares or merchandise; or
- (b) if the goods, wares or merchandise are hawked, peddled or sold by an agent of the grower, producer or manufacturer, acting on behalf of a dealer who pays business tax in the City in respect of premises used for the sale of such goods, wares or merchandise.

3.6 Onus on Person Charged

In a prosecution for a breach of this Section of this by-law, the onus of proving that he does not require a licence is upon the person charged.

3.7 Public Park Permit

No person licensed, or required to be licensed, as a "hawker" or "peddler" shall carry on the business of a hawker or peddler in any public park in the City except under a permit of the City.

SECTION 4 REFRESHMENT VEHICLES

4.1 Definitions

Refreshment Vehicle shall mean any vehicle from which refreshments are sold for consumption by the public and includes, without limiting the generality of the foregoing, carts, wagons, trailers and trucks, irrespective of the type of power employed to move the refreshment vehicle from one point to another.

Waste includes food, disposable eating utensils, paper, wood, cardboard, plastic, glass or metal products used in the preparation, serving or consumption of the food or beverages offered for sale from a refreshment vehicle.

4.2 Operations without a Valid Licence Prohibited

No person shall, in the City, operate a refreshment vehicle without holding a current valid licence for such premises or business issued under the provisions of this by-law.

4.3 Responsibilities of Operator

No person shall:

- (a) operate a refreshment vehicle on a site located on a municipal sidewalk without consent of the municipality to do so;
- (b) operate a refreshment vehicle at a distance of 120 metres (400 feet) or less from the front entrance of an eating establishment or a place where foodstuffs are offered for sale, if the refreshment vehicle offers for sale the similar food products as does the eating establishment or the place where foodstuffs are offered for sale;
- (c) fail to display the Refreshment Vehicle Licence issued under the provisions of this by-law in a prominent location visible to customers;
- (d) allow waste to accumulate at any location during the hours of operation of the said refreshment vehicle.

4.4 Refreshment Vehicle Licence

Each refreshment vehicle shall have a separate licence pertaining specifically to that refreshment vehicle.

4.5 Health Considerations

Every person to whom a Refreshment Vehicle Licence is issued under the provisions of this by-law shall, at all times in respect of the premises or the vehicle for which the licence has been issued hereunder:

- (a) keep the same, together with all utensils and equipment therein, in a clean and sanitary condition to the satisfaction of the Medical Officer of Health;

- (b) when and as often as requested by the Medical Officer of Health to do so, procure and produce to him a certificate of an approved qualified physician, certifying the good health of any person employed in or occupying the said premises or vehicle, including certification that such physician has carried out a physical examination of such persons and has submitted to the medical officer of health such laboratory specimens as the Medical Officer of Health may direct for the purpose of determining that such persons are free from infection or communicable disease; and

after a request referred to in clause (b) above, no person in respect of whom such request has been made shall be employed in, be in or occupy the said premises or vehicle without a certificate of the Medical Officer of Health that all requirements have been met.

4.6 Refreshment Vehicle Insurance

Persons to whom a Refreshment Vehicle Licence is issued under the provisions of this Section of this by-law shall provide proof on insurance coverage of \$2,000,000.00, per occurrence, public liability insurance coverage with respect to their refreshment vehicle operations.

4.7 Refreshment Vehicle – Fire Suppression System

Persons to whom a Refreshment Vehicle License is issued under the provisions of this Section of this by-law shall provide proof of inspection from the Fire Department indicating that an adequate fire suppression system has been installed in the said vehicle.

4.8 Approved Refreshment Vehicle Sites and Applicable Fees

The following regulations apply for determining permitted Refreshment Vehicles locations in the City of Temiskaming Shores:

- (a) the applicant shall provide particulars of the exact location(s) for which the applicant wishes to operate the Refreshment Vehicle;
- (b) all such applications will be subject to such approvals as the City Clerk deems necessary;
- (c) all decisions of the City Clerk with respect to refreshment vehicle site approvals shall be final;
- (d) payment of a Refreshment Vehicle License fee as set out in this schedule shall be required prior to issuance of the said license;
- (e) the Refreshment Vehicle Licence shall be valid only for the location(s) indicated on the Refreshment Vehicle Licence and shall not be valid for any other location without authorization from the City Clerk.

SECTION 5 PENALTY

5.1 Contravention of this By-law by a person

Any *person* who contravenes, suffers or permits any act or thing to be done in contravention of, or neglects to do or refrains from doing anything required to be done pursuant to any provisions of this By-law or any license, permit or order issued pursuant thereto, is guilty of an offence and upon conviction is liable to a fine as provided for in the Provincial Offences Act, R.S.O. 1990, Chapter P.33, as amended.

5.2 Continuation of Offence

Where an offence is a continuing offence, each day that the offence is continued shall constitute a separate and distinct offence.

SECTION 6 VALIDITY

6.1 Validity of By-law

If any section, clause, or provision of this By-law, is for any reason declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the By-law as a whole or any part thereof, other than the section, clause or provision so declared to be invalid and it is hereby declared to be the intention that all remaining sections, clauses or provisions of this By-law shall remain in full force and effect until repealed, notwithstanding that one or more provisions thereof shall have been declared to be invalid.

SECTION 7 LICENCE FEES

SEC	DESCRIPTION OF LICENCE	FEE	PARTICULARS
3	HAWKER AND PEDDLER		
	CLASS 1 – Transient Trader	\$ 250	Includes 2 Door to Door permits.
		\$ 50	Door to Door for each additional permit.
	CLASS 2 – Door to Door Sales Person	\$ 25	Annual Fee per individual
	CLASS 3 – Trade Show	\$ 250	Annual Fee
		\$ 75	One Month Fee
	CLASS 4 – Flea Market	\$ 250	Annual Fee
		\$ 75	One Month Fee
	CLASS 5 – Farmer's Market	\$ 250	Annual Fee
		\$ 75	One Month Fee
	CLASS 6 – General	\$ 250	Annual Fee
		\$ 75	One Month Fee
4	REFRESHMENT VEHICLES	\$ 250	Annual Fee
		\$ 75	One Month Fee



APPLICATION FOR BUSINESS LICENSE
HAWKER/PEDDLER

CITY OF TEMISKAMING SHORES
CITY CLERK'S OFFICE
P.O. BOX 2050
HAILEYBURY, ON P0J 1K0
TEL: (705) 672-3363 FAX: (705) 672-3200

DEFINITION OF HAWKER/PEDDLER:

- (a) any person who goes from place to place, or to a particular place, with goods, wares or merchandise for sale, or who carries and displays samples, patterns or specimens of any goods, wares or merchandise for which orders are taken and that are to be delivered in the City afterwards;
- (b) any corporation which has an employee or agent who goes from place to place or to a particular place with goods, wares or merchandise for sale, or who carries and displays samples, patterns or specimens of any goods, wares or merchandise for which orders are taken and that are to be delivered in the City afterwards;
- (c) but excludes a consumer show open to the public or a trade show open by individuals by invitation or registration only, the primary purpose of which are the display of goods and products and not the direct sale of them.

I/We hereby make application for a Hawker/Peddler license within the City of Temiskaming Shores.

1. APPLICANT INFORMATION

Company Name: _____

Mailing Address: _____

Town/City: _____ Postal Code: _____

Company Contact: _____ Business #: _____

Salesperson #1: _____ Salesperson#2: _____

2. CLASS OF HAWKER/PEDDLER LICENSE REQUESTED

- ☐ **CLASS 1 "Transient Trader":** shall include any person, business, group or organization that has not been established continuously in the municipality for at least three months next preceding the time of his commencing such business.
- ☐ **CLASS 2 "Door to Door Sales Person":** shall include any person involved with the sale of goods on a door-to-door basis including sales persons or agents that are in business on a permanent basis and for which property tax, based on such business, is being paid for the current year.
- ☐ **CLASS 3 "Trade Show":** shall include the exhibiting or offering for sale, on a temporary basis, at one location by several manufacturers or distributors, goods, wares or merchandise which they themselves have produced or manufactured or are distributing on behalf of the producer or manufacturer.



APPLICATION FOR BUSINESS LICENSE
HAWKER/PEDDLER

CITY OF TEMISKAMING SHORES
CITY CLERK'S OFFICE
P.O. BOX 2050
HAILEYBURY, ON P0J 1K0
TEL: (705) 672-3363 FAX: (705) 672-3200

-
- ☐ **CLASS 4 "Flea Market"**: shall include the exhibiting or offering for sale, on a temporary basis, at one location by two or more vendors, a variety of goods, wares or merchandise, but does not include a sale that consists of one type of goods, wares or merchandise; and also does not include a Flea Market that is in the business on a permanent basis and for which property tax, based on such business, is being paid for the current year.
- ☐ **CLASS 5 "Farmers Market"**: shall include the exhibiting or offering for sale, on a temporary basis, at one location by two or more vendors, a variety of goods, wares, merchandise or produce grown by the vendors.
- ☐ **CLASS 6 "General"**: shall include any "hawker" or "peddler" excluding classes 1 to 5 as defined in the definition.
- 3. ADDITIONAL INFORMATION** (hours of operation, locations, type of products, duration of operation, etc.)

4. DECLARATION BY APPLICANT

I/We hereby grant permission for the City of Temiskaming Shores to have access to any records containing my "*personal information*" for the exclusive purpose of verifying the information that I have provided as outlined in this application form. I also acknowledge that there is a fee for this license and will be required to make such payment prior to issuance of the license.

Signature of Applicant

Date:

NOTE: ANY VENDOR SELLING PRODUCTS AT A SPECIAL EVENT, ENDORSED BY COUNCIL AND APPROVED BY THE EVENT COORDINATORS, MAY BE EXEMPT FROM THE REQUIRED APPLICATION FEE.



*APPLICATION FOR
REFRESHMENT VEHICLE LICENSE*

REFRESHMENT VEHICLE shall mean any vehicle from which refreshments are sold for consumption by the public and includes, without limiting the generality of the foregoing, carts, wagons, trailers and trucks, irrespective of the type of power employed to move the refreshment vehicle from one point to another.

I HEREBY MAKE APPLICATION for a Refreshment Vehicle License within the City of Temiskaming Shores.

2. APPLICANT INFORMATION

Company Name: _____

Mailing Address: _____

Town/City: _____ Postal Code: _____

Company Contact: _____

2. RESTRICTIONS OF A REFRESHMENT VEHICLE

The following restrictions are from the City of Temiskaming Shores Business Licensing Policy;

- (a) no person shall, in the City, operate a refreshment vehicle without holding a current valid license;
- (b) no person shall operate a refreshment vehicle on a site located on a municipal sidewalk without consent of the municipality to do so;
- (c) no person shall operate a refreshment vehicle at a distance of 120 metres (400 feet) or less from the front entrance of an eating establishment or a place where foodstuffs are offered for sale, if the refreshment vehicle offers for sale similar food products as does the eating establishment or the place where foodstuffs are offered for sale;
- (d) no person shall allow waste to accumulate at any location during the hours of operation of the said refreshment vehicle.



*APPLICATION FOR
REFRESHMENT VEHICLE LICENSE*

3. ADDITIONAL INFORMATION

Please indicate the location(s) to which the refreshment vehicle is proposed to be located.

LOCATION	HOURS OF OPERATION	DURATION
1.		
2.		
3.		
4.		
5.		

Please ensure that the following documentation accompanies your application.

- ☐ Documentation from the Temiskaming Health Unit that the refreshment vehicle is in compliance with any and all regulations under their jurisdiction.
- ☐ Proof of insurance in the amount of \$2,000,000.00 per occurrence of public liability coverage.

4. DECLARATION BY APPLICANT

I hereby grant permission for the City of Temiskaming Shores to have access to any records containing my "*personal information*" for the exclusive purpose of verifying the information that I have provided as outlined in this application form. I also acknowledge that there is a fee for this license and will be required to make such payment prior to issuance of the license.

Signature of Applicant

Date:

NOTE: ANY VENDOR SELLING PRODUCTS AT A SPECIAL EVENT, ENDORSED BY COUNCIL AND APPROVED BY THE EVENT COORDINATORS, MAY BE EXEMPT FROM THE REQUIRED APPLICATION FEE.



HOME BASED BUSINESS ASSESSMENT APPLICATION

CITY OF TEMISKAMING SHORES
CITY CLERK'S OFFICE
P.O. BOX 2050
HAILEYBURY, ON P0J 1K0
TEL: (705) 672-3363 FAX: (705) 672-3200

Please complete the following information as thoroughly as possible such that a proper evaluation can be conducted. The completed application and related documentation should be mailed or returned to the above noted address.

Use additional paper if needed.

FOR OFFICE USE ONLY: BA-2011-_____	
Roll #:	
Assessment :	
Zoned (OP/By-law):	/

NAME OF APPLICANT: _____

MAILING ADDRESS: _____

POSTAL CODE: _____

TELEPHONE #: _____

PROPERTY DESCRIPTION: ARE YOU THE OWNER? ☐ YES ☐ NO

STREET ADDRESS: _____

LOT FRONTAGE: _____

LOT DEPTH: _____

PROPOSED BUSINESS INFORMATION

Are products produced on the premises? ☐ NO ☐ YES, Describe: _____

Are products stored on the premises? ☐ NO ☐ YES, Describe: _____

Please indicate which of the following best describes municipal services required in your operation.

☐ **Class 1** Limited services required(i.e. washroom for public use) example: Consulting Service, Office etc.

☐ **Class 2** Services required (i.e. sinks for washing, cleaning, etc.) example: Hairdresser, Day Care, etc.

Indicate number of employees in relation to the proposed home based business: _____

Number of commercial vehicles: _____ Describe: _____

How many off street parking spaces are available? (10ft x 20 ft/space): _____

Will you be using signage? ☐ NO ☐ YES

If YES, attach a separate sheet indicating the dimensions, wording, height, in relation to the ground, and location on the site plan.

Will both sides of the sign be used? ☐ NO ☐ YES



**HOME BASED BUSINESS
ASSESSMENT APPLICATION**

CITY OF TEMISKAMING SHORES
CITY CLERK'S OFFICE
P.O. BOX 2050
HAILEYBURY, ON P0J 1K0
TEL: (705) 672-3363 FAX: (705) 672-3200

Give a brief description of the proposed business:

Proposed hours of operation (indicate "CLOSED" if not open on certain days:

DAY	HOURS	DAY	HOURS
Monday	<hr/>	Friday	<hr/>
Tuesday	<hr/>	Saturday	<hr/>
Wednesday	<hr/>	Sunday	<hr/>
Thursday	<hr/>	Holidays	<hr/>

The addition of a Home Based Business under the Building Code is considered a change of use and therefore requires the issuance of a building permit.

Has the Building Department been consulted on this matter? ☐ NO ☐ YES

CHECKLIST: THE FOLLOWING DOCUMENTS MUST ACCOMPANY THIS APPLICATION:

- ☐ **Property Site Plan** showing lot lines, location and dimensions of all structures, parking spaces, entrances and proposed sign location.
- ☐ **Interior Floor Plan** indicating dimensions and location of all rooms associated with the proposed home based business, including storage areas.

I make oath and say (or solemnly declare) that the information contained in this application is true and that the information contained in the documents that accompany this application is true and I make this solemn declaration conscientiously knowing that it is of the same force and effect as if made under oath and by virtue of the Canada Evidence Act.

Signature of Applicant

Date



**BUSINESS
ASSESSMENT APPLICATION**

CITY OF TEMISKAMING SHORES
CITY CLERK'S OFFICE
P.O. BOX 2050
HAILEYBURY, ON P0J 1K0
TEL: (705) 672-3363 FAX: (705) 672-3200

Please complete the following information as thoroughly as possible such that a proper evaluation can be conducted. The completed application and related documentation should be mailed or returned to the above noted address.

Use additional paper if needed.

FOR OFFICE USE ONLY: BA-2011-_____

Roll #:	
Assessment :	
Zoned (OP/By-law):	/

NAME OF APPLICANT: _____

MAILING ADDRESS: _____

POSTAL CODE: _____

TELEPHONE #: _____

PROPERTY DESCRIPTION: ARE YOU THE OWNER? ☐ YES ☐ NO

STREET ADDRESS: _____

LOT FRONTAGE: _____

LOT DEPTH: _____

PROPOSED BUSINESS INFORMATION

Are products produced on the premises? ☐ NO ☐ YES, Describe: _____

Are products stored on the premises? ☐ NO ☐ YES, Describe: _____

Please indicate which of the following best describes municipal services required in your operation.

- ☐ **Class 1** Limited services required (i.e. washroom for public use); example: Consulting Service, Office,
- ☐ **Class 2** Services required (i.e. sinks for washing, cleaning, etc.); example: Hairdresser, Day Care, etc.

Indicate number of employees in relation to the proposed business: _____

Number of commercial vehicles: _____ Describe: _____

How many off street parking spaces are available? (10ft x 20ft/space): _____

Will you be using signage? ☐ NO ☐ YES

If YES, attach a separate sheet indicating the dimensions, wording, height, in relation to the ground, and location on the site plan.

Will both sides of the sign be used? ☐ NO ☐ YES



**BUSINESS
ASSESSMENT APPLICATION**

CITY OF TEMISKAMING SHORES
CITY CLERK'S OFFICE
P.O. BOX 2050
HAILEYBURY, ON P0J 1K0
TEL: (705) 672-3363 FAX: (705) 672-3200

Give a brief description of the proposed business:

Proposed hours of operation (indicate "CLOSED" if not open on certain days:

DAY	HOURS	DAY	HOURS
Monday	<hr/>	Friday	<hr/>
Tuesday	<hr/>	Saturday	<hr/>
Wednesday	<hr/>	Sunday	<hr/>
Thursday	<hr/>	Holidays	<hr/>

The addition of a Business under the Building Code is considered a change of use and therefore requires the issuance of a building permit.

Has the Building Department been consulted on this matter? ☐ NO ☐ YES

CHECKLIST: THE FOLLOWING DOCUMENTS **MUST** ACCOMPANY THIS APPLICATION:

- ☐ **Property Site Plan** showing lot lines, location and dimensions of all structures, parking spaces, entrances and proposed sign location.
- ☐ **Interior Floor Plan** indicating dimensions and location of all rooms associated with the proposed business, including storage areas.

I make oath and say (or solemnly declare) that the information contained in this application is true and that the information contained in the documents that accompany this application is true and I make this solemn declaration conscientiously knowing that it is of the same force and effect as if made under oath and by virtue of the Canada Evidence Act.

Signature of Applicant

Date

Refreshment Vehicle Licence

The Lunch Truck

Location

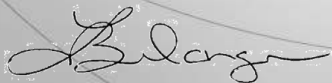
11 May Street – North End of
Horne Granite Curling Club
New Liskeard, Ontario
P0J 1P0

Owner/Operator: Josee and Marc Dupuis

Permitted Uses / Conditions:

1. Consent of Horne Grant Curling Club;
2. In compliance with Temiskaming Health Unit requirements;
3. Backflow preventor on water supply;
4. Wastewater to be removed off-site by licensed contractor; and
5. Licence not valid during annual New Liskeard Fall Fair (NLFF). Consent of NLFF required.

Issued May 27, 2020 by:
City of Temiskaming Shores



Clerk – Logan Belanger

Expires: May 26, 2021

MIKROLINK

COMPUTER SALES & SERVICE

Mark Lavallee



September 16, 2020

To the President of the Horne Granite Curling Club;

I am writing to address parking issues we have had all summer regarding 'The Lunch Truck' which is located on your property at the North end of the building.

We have had issues every day due to patrons of this establishment parking in our parking lot; at times completely taking up all of our available parking spots. We have also had people on multiple occasions park parallel to Riverside Drive in front of our building blocking Mikrolink and Headlines entire store front; either multiple vehicles or vehicles with boats and/or trailers. We even had someone setup a picnic table in our parking lot to eat their meal while Headlines was open for business.

I have talked with the owners of 'The Lunch Truck' but have not been able to come up with a solution that resolves the problem. They have installed signs on their side and I have also purchased signs to place in front of our business at my expense of over \$300. These signs have helped somewhat but it is still a significant problem which needs to be rectified for next year.

We have made some changes recently that increases our need for all of our parking. We have expanded Headlines from two hairstylists to 4 hairstylists therefore doubling the amount of traffic they receive. We really cannot have another business using our parking at any time.

We did not raise a fuss this year as we realized that the truck was already in place and it would not be feasible to move this year. However moving forward we are requesting that it be relocated somewhere in the front of the building where their patrons can use the curling clubs available parking.

Please feel free to contact me if you would like to have a discussion on this. I hope this can be resolved together. I thank you and the board for their time regarding this matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'Mark Lavallee'.

Mark Lavallee

Manager





Centre Horne Granite Centre

P.O. Box 493, 11 May Street South.,
New Liskeard, ON P0J 1P0 (705) 647-4422

Mark Lavallee
Mikrolink Computers

Logan Belanger – Municipal Clerk
City of Temiskaming Shores
lblanger@temiskamingshores.ca

September 24, 2020

Hi Marc/ Logan

As per your request(s) please consider this to be a summary of my conversation with the owner/ operators of the lunch truck. I spoke with Marc and Josee yesterday (Sept. 23) under sunny skies and summer temperatures which we all hope continues into ...January..? Too much to ask I suppose.

Be advised, for the summer season of 2021, it is the intent, and the lunch truck has agreed to install two (2) additional sandwich boards, one to the west and a second to the east of the lunch truck specifically advising patrons DO NOT PARK in front of neither the Mikrolink nor hairdresser's establishment. Further, the owners have agreed to once again, as they did last year, employ a parking attendant with the sole mandate of advising patrons to not park or to immediately move their vehicle should such an occurrence occur.

Hopefully these additional measures will satisfy all parties concerned, however as everyone is well aware of, you can't legislate common sense. There will forever be those who can't read, listen or are looking for a shortcut.

Thank you for your patience and understanding.

Sincerely -yours in community spirit

Gary Wadge - President

Your HGCC Board of Directors.

Board Members: Patti McKnight, Peggy Overton, Ashlee Carleton, John Reinhardt, Jeremy Landry, Gary Wadge, Steve Amyot

MIKROLINK

COMPUTER SALES & SERVICE

Mark Lavallee

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

October 26, 2020

To Logan Belanger and The City of Temiskaming Shores;

I am writing to address parking issues we have had all summer regarding 'The Lunch Truck' which is located on North end of The Horne Granite Curling Club in Temiskaming Shores.

We have had issues every day due to patrons of this establishment parking in our parking lot; at times completely taking up all of our available parking spots. We have also had people on multiple occasions park parallel to Riverside Drive in front of our building blocking Mikrolink and Headlines entire store front; either multiple vehicles or vehicles with boats and/or trailers. We even had someone setup a picnic table in our parking lot to eat their meal while Headlines was open for business. Another incident was when a group of people on motorcycles were parked in front of our store and Headlines in a line along the street. There was around 20 bikes lined up from where the grass area is by May Street to about 6 feet from the grass section by Riverside Place. I was called by Headlines to come by to ask them to move. When I arrived I asked the gentlemen to move as they were blocking the store fronts, I was in my vehicle at the time and a couple of them approached me swearing and cursing that I was interrupting their meal and calling me multiple names. The people argued with me and even threatened me; I felt that if I was not in my vehicle there may have been an altercation.

We have also had major issues with garbage almost every day of the summer. My residential tenants, commercial tenants and I have picked up multiple pieces of garbage on a daily basis and sometimes multiple times in one day. We have also witnessed the workers feeding seagulls by throwing fries and food out the Window of the truck thus attracting birds that are then a nuisance. I have attached a picture for example of the garbage issue.

My residential tenant also informed me of an incident with a male patron of The Lunch Truck who came into her yard and proceeded to urinate against the house while she watched him out of her window.

I have talked with the owners of 'The Lunch Truck' but have not been able to come up with a solution that resolves the problem. They have installed signs on their side and I have also purchased signs to place in front of our business at my expense of over \$300. The Lunch Truck also hired a "parking attendant" but it was only during lunch and wasn't for the whole summer; this doesn't fix the issue as during the middle of summer these issues can occur anytime from when they open to when they close. I contacted the Curling Club and their response is attached. We have tried all these solutions that were suggested and they do not solve the issues.

[REDACTED]



We have made some changes recently that increases our need for all of our parking. We have expanded Headlines from two hairstylists to 4 hairstylists therefore doubling the amount of traffic they receive. We really cannot have another business using our parking at any time.

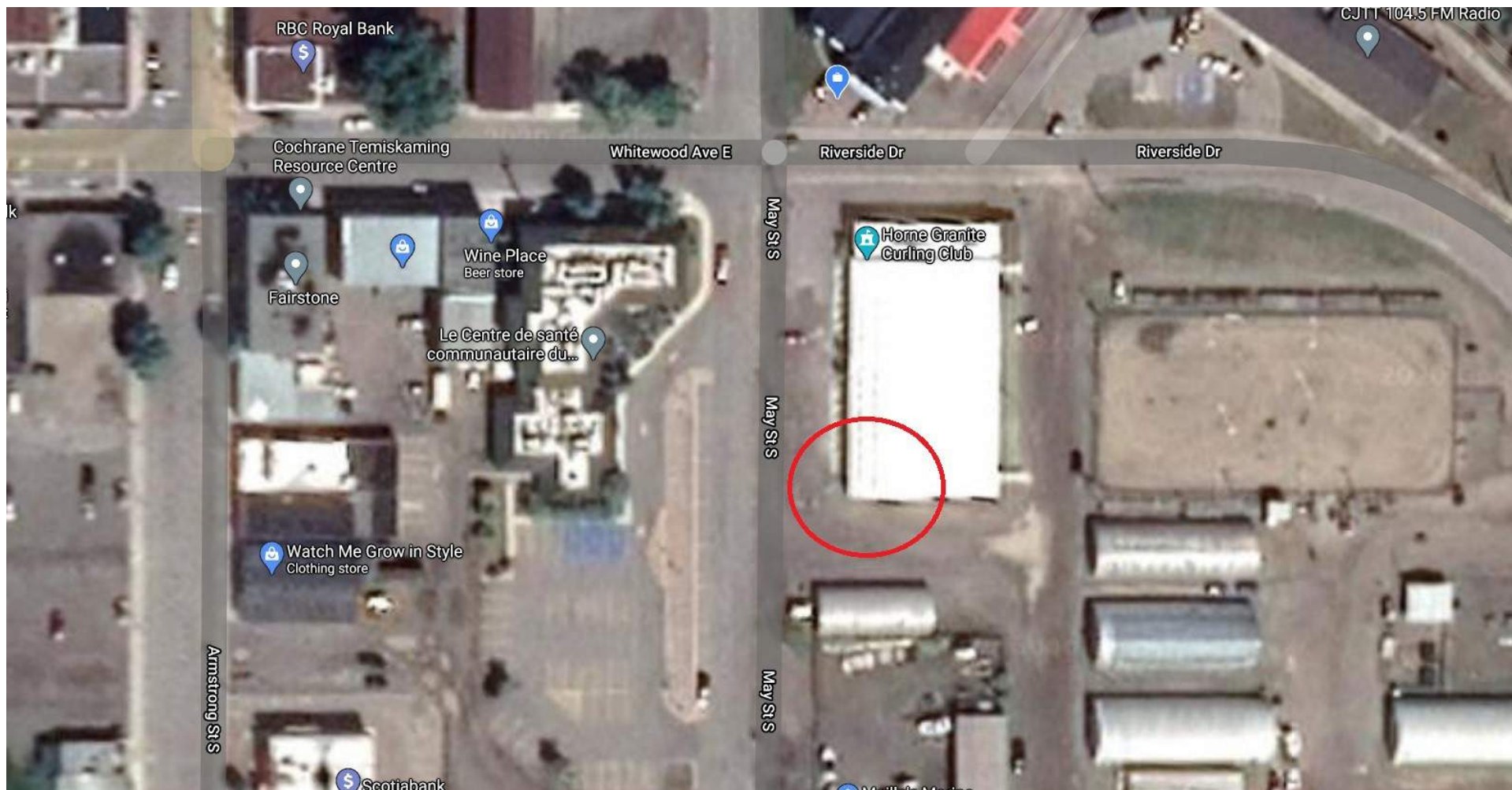
We did not raise a fuss this year as we realized that the truck was already in place and it would not be feasible to move this year. However moving forward we are requesting that it be relocated somewhere in the front of the building where their patrons can use the curling clubs available parking.

Please feel free to contact me if you would like to have a discussion on this. I hope this can be resolved together. I thank you and the board for their time regarding this matter.

Sincerely,

Mark Lavallee

Manager





December 8, 2020

VIA EMAIL [REDACTED]

The Lunch Truck
c/o Josee and Marc Dupuis
[REDACTED]

Dear Josee and Marc:

Subject: Refreshment Vehicle and Parking Related Matters

Thank you for your attention to the parking concerns related to the operation of the Lunch Truck, located on the Horne Granite Curling Club property.

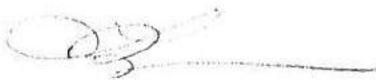
This matter was discussed at the Protection to Persons and Property Committee meeting on October 8, 2020, and at the Corporate Services Committee on December 2, 2020. The efforts and measures implemented during the 2020 operating season were appreciated; however, did not result in sustained parking compliance.

As such, in accordance with the Business Licensing By-law No. 2011-114, a license application for a refreshment vehicle would not be approved in 2021, in its current location on the Curling Club property (i.e. North end of the building).

I would be pleased to discuss alternate locations for license issuance, such as on the South and East sides of the property, which would provide sufficient patron parking for the business.

Thank you for your cooperation.

Sincerely,



Logan Belanger
Municipal Clerk
Tel: 705-672-3363 ext. 4136
Email: lbelanger@temiskamingshores.ca

The Lunch Truck



City of Temiskaming Shores
325 Farr Dr
Haileybury, ON
P0J 1K0

March 11, 2021

To whom it may concern,

Re: Appeal – Refreshment Vehicle and Parking Related Matters

We are writing this letter to respectfully appeal the city's decision regarding our licence application for the upcoming season in its current location (North end of the building).

In the spring of 2020, we signed a lease with the Horne Granite Curling Club to park our food truck outside of their building. We were pleased to open our doors with this new adventure. As with any new business, we had some unforeseen issues arise. Customers were not following the city's by-laws for parking near our establishment.

We would like to eliminate illegal parking by installing no parking signs along the street. All of the signs we put up will be at no cost to the city. We will also encourage patrons to use the designated parking lots available to them. We believe this will end the parking issues completely and will put us in sustained parking compliance.

As new business owners, we have invested a substantial amount of money into this endeavour. Adding in the cost of moving to a new location, even if nearby, would be beyond our budget at this time. We hope our plan to help with the parking issue will allow us to continue our operations in our current location.

I appreciate your attention on this matter.

Sincerely,

Josee and Marc Dupuis
Owners, The Lunch Truck