



**PUBLIC MINUTES
LICENCE APPEAL BOARD**

Monday, October 5, 2015, 9:00 a.m.
Committee Room "E", City Hall

PRESENT: Mr. D. Gabruch, Chair
Mr. A. Deschamps
Mr. R. Pangborn
Ms. S. Bryant, Secretary

1. APPEAL NO. 1-2015
Geoffrey Karpinka, Samrose Graphics
Home Based Business Licence - BL-2015-1299565

The Board Chair briefly outlined the procedures that would be followed during the course of the hearing and introduced the members of the Board, the Secretary and the City's representative.

Appeared for the Appellant:

Mr. Geoff Karpinka, Samrose Graphics

Appeared for the Respondent:

Ms. Jo-Anne Richter, Manager, Business License & Bylaw Compliance, Planning & Development, Community Services, City of Saskatoon

Ms. Irene Thebaud, Bylaw Inspector, Planning & Development, Community Services, City of Saskatoon

Ms. Judy Reynolds, Bylaw Inspector, Planning & Development, Community Services, City of Saskatoon

Grounds and Issues:

THE APPELLANT, Geoff Karpinka, Samrose Graphics, launched an appeal under Section 5 of The Saskatoon Licence Appeal Board Bylaw, in connection with the City's letter dated July 21, 2015, revoking the home-based business licence for Samrose Graphics located at 1134 Avenue O South.

The City's letter outlined the following:

"As you are aware, the above-referenced business license allows for the operation of a home-based business provided there is no use of commercial scale equipment as outlined in Section 5.29(2) of the Zoning Bylaw No. 8770.

As a result of a complaint received, City of Saskatoon Designated officers have made efforts to conduct site inspections to investigate the potential use of commercial scale equipment

Section 19(1) of the Business License Bylaw No. 8075 states:

"The Inspection of property by the City to determine if this Bylaw is being complied with is hereby authorized".

Section 19(3) goes on to state:

"No person shall obstruct a designated officer who is authorized to conduct an inspection under this Section, or a person who is assisting a designed officer."

On April 14, 2015 two designed officers attended at 1134 Avenue O South and requested permission to conduct a site inspection as permitted under Bylaw No. 8075. These officers were refused entry into a room to conduct a full inspection.

On April 18, 2015 correspondence was sent to the appellant advising of the Bylaw provisions.

On July 16, 2015, two designated officers again attended at 1134 Avenue O South and requested permission to conduct a site inspection. These officers were refused entry to conduct a inspection and were told to make an appointment. Site inspections are permitted without the need for prior notice or warning.

Failure to allow an inspection to confirm that the business is operating in compliance with the regulations set out in the Zoning Bylaw, as provided for in the Bylaw No. 8075 is a contravention of the terms of your business license.

I can advise that a charge in relation to this contravention; obstructing a designated officer from conducting an inspection, will be forthcoming. You will be provided with a court date in due course where you will be provided with an opportunity to answer to the charge.

Further, as a result of the above-noted contravention, this letter serves Notice that your City of Saskatoon Business License (2015 – 1299565) is hereby

revoked and the business must cease operations effective immediately pursuant to Section 16(1) of The Business License Bylaw, 2002 No. 8075, which states:

“If a licensee contravenes any term or condition of this bylaw, the City may suspend or cancel the license.””

As set out in the Notice of Appeal to the Saskatoon Licence Appeal Board (Exhibit “A.1”), the Appellant outlined the reasons for appealing, as follows:

“I Geoff Karpinka operating under the name Samrose Graphics, wish to appeal your decision to revoke my business licence under Bylaw No. 8075.

I reply to reasons listed in registered letter sent July 21, 2015 by Jo-Anne Richter. I would like to state my answers to each paragraph.

a) Paragraph (2)

I see that you fail to mention that a full site Inspection was done in February, 2015 with my full cooperation, with pictures been taken. This was a notified inspection done by Irene Thebaud, with her results been satisfactory as stated by herself.

b) Paragraph (3)

I noticed that you quoted everything that is stated under Business Bylaw No 8075 except for Sec 19 (2) which goes on to state: 19 (2) Inspections under this Bylaw shall be carried out in accordance with sec 324 of the cities Act. City Act #324 If this act or bylaw authorizes or requires anything to be inspected, remedied, enforced or done by city, a designated officer may, After making reasonable efforts to Notify The owner of occupier of any land or building to be entered to carry out the Inspection.

c) Paragraph (4)

This is not true, one officer showed up at my door that we knew of (Irene Thebaud). The other person she was with, was introduced to us as her friend who works for the city Till this date we do not know her name or if she even works for the city, as she did not display or produce any identification, which is in violation of City Act 324 sec 2.

The designated officer shall display or produce on request identification showing that he or she is authorized to make the entry.

b) This is not true, they were told they could go back and inspect and take all the pictures if they wanted if they revealed the complainants name, they refused. If they feel it's necessary to protect the privacy of a an individual, I feel it's

necessary to protect the privacy of my home, especially when the city is in violation of City Act 324.Sec 1 and Sec 2.

d) Paragraph (5)
This is True.

e) Paragraph (6,7,8 &9)

This is true, they were denied access to do an inspection, but at the same time, how would we be in contravention of the term of Bylaw NO. 8075 when the City of Saskatoon is in Violation of 19 (2) Bylaw 8075. I have allowed all notified site inspections, so for you to revoke my licenses on this basic is a uncalled for. Basically you are charging me with: Obstructing a designated officer from conducting a non-notified Inspection, which in due time will be determined by the courts. I believe that our license should be returned to us based on facts, and not the here-say of your complainant.

Under the Canadian Charter of Rights and Freedoms, a complaint is still not reason to investigate what a person is doing on their private property, house, yard, or whatever.”

Exhibits:

Exhibit A.1 Application to Appeal received August 17, 2015.

Exhibit R.1 Letter dated July 21, 2015 from the Community Services Department, License and Bylaw Compliance Division, to Geoff Karpinka, Samrose Graphics.

Exhibit B.1 Notice of Hearing dated August 19, 2015.

Supplementary Notions:

The City's representatives, Jo-Anne Richter, Irene Thebaud, and Rudy Reynolds, affirmed that any evidence given in this hearing would be the truth. The Appellant, Geoff Karpinka, also affirmed that any evidence given in this hearing would be the truth.

The Appellant and Respondents provided evidence and arguments as outlined in the Record of Decision dated October 8, 2015.

The hearing concluded at 10:00 a.m.

RESOLVED: that for the reasons outlined in the Record of Decision dated October 8, 2015, the Board determined that the appeal be **DENIED** and that revocation of the Business License by the City be **UPHELD**.

The meeting adjourned at 10:19 a.m.

D. Gabruch, Chair

S. Bryant, Secretary
Licence Appeal Board