

TO:	CHAIR AND MEMBERS COMMUNITY AND PROTECTIVE SERVICES COMMITTEE PUBLIC PARTICIPATION MEETING ON AUGUST 13, 2019
FROM:	G. KOTSIFAS, P. ENG. MANAGING DIRECTOR, DEVELOPMENT & COMPLIANCE SERVICES & CHIEF BUILDING OFFICIAL
SUBJECT:	ADULT LIVE ENTERTAINMENT PARLOUR LOCATION 2190 DUNDAS STREET

<b>RECOMMENDATION</b>
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That, on the recommendation of the Managing Director, Development & Compliance Services & Chief Building Official, the **attached** proposed by-law (Appendix “A”) **BE INTRODUCED** at the Municipal Council meeting to be held on August 27, 2019, to amend the Business Licensing By-law to remove a permitted location for an Adult Live Entertainment Parlour and reduce the number of permitted licences.

<b>BACKGROUND</b>
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The adult live entertainment parlour located at 2190 Dundas Street East, has been operating for a number of years under the name of Famous Flesh Gordons.

In early 2015, the adult live entertainment parlour closed. At approximately the same time period, the establishment’s liquor licence was suspended. A City of London business licence was active in 2015.

In 2016, a business licence application was submitted by 751809 Ontario Inc. Inspections were undertaken, however, a fire inspection was outstanding. Throughout the year, discussions were held with the applicant’s solicitor with respect to business licence issuance. There was some uncertainty with the status of a new liquor licence application at that time. In the end, no business licence was issued for 2016.

In December 2016, a new application for an adult live entertainment parlour was submitted by Paris Clubs Corporation. In January 2017, staff contacted the new applicant to schedule inspections. Staff were advised that some minor renovations would be forthcoming and that contact will be made when the renovations were complete.

After numerous attempts and extensions related to booking the required partner agency inspections, a joint inspection was conducted in August 2017. Upon inspection, it was determined that the premises failed to meet the requirements of the *Building Code Act*, the *Fire Protection & Prevention Act*, and the *Health Protection & Promotion Act*. As a result of noncompliance, the Licence Manager refused the application.

The applicant subsequently appealed the decision of the Licence Manager. Scheduled hearings were adjourned at the request of the applicant. A status hearing was held on March 17, 2019. A new hearing was scheduled for May 16, 2019. At this hearing, evidence was provided that the property had recently sold and the new property owner was marketing the vacant space for alternate commercial purposes. The new property owner confirmed that there were no leases in place for any adult live entertainment parlor and that there was no intention of operating or leasing the property out to anyone else to operate an adult live entertainment parlour.

An applicant for any business licence must have a contractual (lease) or proprietary interest in the land and premises upon which the business is proposed to be operated. Without a lease or property interest in the lands and premises, a business licence cannot be issued.

The decision of the Hearings Officer was to dismiss the appeal and uphold the decision of the License Manager to refuse the application.

Given the change in property ownership, the longstanding vacant live entertainment parlour and the decision of the Hearings Officer, Civic Administration recommends that the Business Licensing By-law be amended to delete Sch. 3A-4 (2190 Dundas Street) from the By-law and reduce the number of Adult Live Entertainment Parlour Owner Licences from four to three.

PREPARED BY:	RECOMMENDED BY:
O. KATOLYK, MLEO ( c ) CHIEF MUNICIPAL LAW ENFORCEMENT OFFICER	GEORGE KOTSIFAS, P. ENG. MANAGING DIRECTOR, DEVELOPMENT & COMPLIANCE SERVICES & CHIEF BUILDING OFFICIAL

## **APPENDIX “A”**

Bill No.  
2019

By-law No. L.-131( )-

A by-law to amend By-law No. L.-131-16, as amended, entitled “A by-law to provide for the Licensing and Regulation of Various Businesses”.

WHEREAS the Municipal Council of The Corporation of the City of London wishes to amend By-law No. L-131-16 entitled “A by-law to provide for the Licensing and Regulation of Various Businesses”;

AND WHEREAS section 5(3) of the *Municipal Act, 2001* S.O. 2001, c.25, as amended, provides that a municipal power shall be exercised by by-law;

NOW THEREFORE the Municipal Council of The Corporation of the City of London enacts as follows:

1. Schedule 3, Section 4.1 of the Business Licensing By-law No. L.-131-16 is hereby amended by deleting it in its entirety and by replacing it with the following new section 4.1:

“4.1 The total number of Adult Live Entertainment Parlour Owner licences authorized under this By-law is limited at any time to three (3) licences, and not more than one (1) licence shall be issued with respect to each defined area or location shown on Schedule 3A of this By-law.”

2. Schedule 3A, Map 4, Municipal Address: 2190 Dundas Street of the Business Licensing By-law No. L.-131-16 is hereby amended by deleting it in its entirety.

3. This by-law shall come into force and effect on the day it is passed.

PASSED in Open Council on August 27, 2019.

Ed Holder  
Mayor

Catharine Saunders  
City Clerk

First Reading –  
Second reading –  
Third reading –