

# **LICENCE**

## **Chapter 826** **GENERAL PROVISIONS - LICENCE**

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**SCHEDULE**

Schedule 'A' - Pinball, Video Electronic Game Machine

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WHEREAS section 150 of the *Municipal Act, 2001*, c. 25 authorizes the Council of the Town of Richmond Hill to pass by-laws for licensing, regulating and governing of any business wholly or partly carried on within the municipality;

AND WHEREAS the Town of Richmond Hill deems it advisable to enact a by-law to license, regulate and govern the licensing of various businesses and occupations in the Town;

AND WHEREAS purposes of consumer protection will be served by this by-law through:

- the establishment of a well-administered licensing and regulatory system governing businesses to which the by-law relates;
- the requirement of accountability of licensees through the disclosure of information, the requirement for regular renewals and the ensuring of proper conduct;
- ensuring efficient and professional conduct of licensees;

AND WHEREAS purposes of health and safety will be served by this by-law through:

- ensuring that businesses serving food stuffs meet the health requirements;

AND WHEREAS Council at its meeting of December 12, 2005 adopted the recommendations of the Committee of the Whole at its meeting of November 30, 2005 in SRPD.05.183;

AND WHEREAS a public meeting was held in accordance with section 150 of the *Municipal Act, 2001*, c. 25 on November 30, 2005;

AND WHEREAS notice of the intention to pass this by-law was given on November 15, 2005 in accordance with the provisions of Chapter 278 of the Municipal Code - Public Notice.

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**Article 1**  
**INTERPRETATION**

**826.1.1      Animal – defined**

“animal” means any type or breed of dog, cat or rabbit. By-law 6-17, 30 January, 2017.

**826.1.2      Applicant - defined**

“applicant” means a person applying for a licence under this Chapter.

**826.1.3      Arcade game - defined**

“arcade game” means a coin or token operated machine, device or contrivance or part thereof designed for the participation of one person, excluding a coin-operated machine which provides musical entertainment, rides, food or drink and a coin-operated billiard table.

**826.1.4      Bowling alley - defined**

“bowling alley” means a premises where skittles or five-pin or ten-pin bowling takes place.

**826.1          by-law enforcement officer -defined**

"by-law enforcement officer" means a person authorized to enforce the provisions of this by-law and includes;

- (i) A licensing officer
  - (ii) A police officer
  - (iii) Any officer/investigator employed by the OSPCA.
- By-law 6-17, 30 January, 2017.

**826.1.5          Commissioner - defined**

“Commissioner” means the Commissioner of Community Services of The Corporation of the Town of Richmond Hill. By-law 189-05, 12 December, 2005. By-law 89-19, 11 June, 2019.

**826.1.6          Conveyance - defined**

“conveyance” means a vehicle or a means of transport. By-law 11-09, 2 February, 2009.

**826.1.7          Corporation - defined**

“Corporation” means The Corporation of the Town of Richmond Hill.

**826.1.8          Council - defined**

“Council” means the Council of The Corporation of the Town of Richmond Hill. By-law 189-05, 12 December, 2005.

**826.1.9          Handcart - defined**

“handcart” means a small cart pushed or drawn by hand. By-law 11-09, 2 February, 2009.

**826.1.10        Hawker - peddler - defined**

“hawker” and “peddler” shall include any person who goes from place to place,

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or to a particular place, with goods, wares, merchandise or food- stuffs for sale, or who carries or displays samples, patterns or specimens of any goods, wares or merchandise for which orders are taken and that are to be delivered in the Town afterwards.

#### **826.1.11      Licence - defined**

“licence” means a licence issued by the Corporation under this Chapter.

#### **826.1.12      Licence Hearings Committee - defined**

“Licence Hearings Committee” means a Committee of Council duly appointed to conduct hearings under this Chapter. By-law 189-05, 12 December, 2005.

#### **826.1.13      Licensing Officer - defined**

“Licensing Officer” means a person appointed by the Commissioner from time to time to issue licences. By-law 145-08, 14 July, 2008.

#### **826.1.14      Liquor licence - defined**

“liquor licence” means a licence issued by the Alcohol and Gaming Commission.

#### **826.1.15      Municipal shelter – defined**

"municipal shelter" means an animal shelter that is run by a municipality. By-law 6-17, 30 January, 2017.

#### **826.1.16      OSPCA - defined**

"OSPCA" means Ontario Society for the Prevention of Cruelty to Animals. By-law 6-17, 30 January, 2017.

#### **826.1.17      Owner - defined**

“owner” means a person who alone or with others has the right to possess or occupy a business premises licensed under this Chapter or actually does possess or occupy such a facility and includes a lessee.

#### **826.1.19      Person - defined**

“person” means an individual, firm, corporation, association or partnership.

#### **826.1.20      Pet store – defined**

“pet store means a commercial location that sells Animals for use as pets”. By-law 6-17, 30 January, 2017.

#### **826.1.21      Pinball - defined**

“pinball” means a type of arcade game as defined in this Chapter.

#### **826.1.22      Pinball - video game establishments - defined**

“pinball, video or electronic game machine establishments” means any premises or part thereof containing one or more pinball, video or other mechanical or electronic game machines operating for gain.



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#### **826.1.23 Place of amusement - defined**

“place of amusement” means any bowling alley, shooting gallery, roller skating rink, miniature golf course, golf driving range, dance hall, music hall, cabaret or any other place of amusement not specifically provided for herein.

#### **826.1.24 Police officer — defined**

"police officer" means a member of a municipal police force in the Province of Ontario as provided for in the Police Services Act, R.S.O., 1990, c. P.15, as amended or superseded. By-law 6-17, 30 January, 2017.

#### **826.1.25 Registered Richmond Hill rescue organization – defined**

"registered Richmond Hill rescue organization" means an organization operating within the Town of Richmond Hill whose mandate and practices are predominantly the rescue of Animals and that has been incorporated as a charitable corporation under the laws of the Province of Ontario as well as registered as a charity with the Canada Revenue Agency. By-law 6-17, 30 January, 2017.

#### **826.1.26 To operate - defined**

“to operate” when used in relation to pinball, video, or electronic game establishments includes to manage, supervise and otherwise be responsible for the control, management or supervision of a pinball, video or electronic game machine establishment or of any person employed or performing services therein, whether or not the person so operating such establishment is licensed or required to be licensed under this Chapter. By-law 189-05, 12 December, 2005.

#### **826.1.27 Tobacco shop - defined**

Tobacco shop means any premises or part thereof, or conveyance, or handcart, where tobacco, cigarettes, tobacco products or accessories are sold or offered for sale. By-law 11-09, 2 February, 2009.

#### **826.1.28 Town - defined**

“Town” means The Corporation of the Town of Richmond Hill in the Regional Municipality of York.

## **Article 2**

### **LICENCE - REQUIREMENTS**

#### **826.2.1 Licence - required - trades - callings - set out**

A licence from the municipality of the Town of Richmond Hill shall be taken out by all the trades, callings, businesses and occupations listed in Sections 826.2.2 through 826.2.7 inclusive authorizing them respectively to carry on their several trades, callings, businesses and occupations in the Town of Richmond Hill for which licence the person obtaining the same shall pay to the municipality at the time of taking out such licence the applicable fee set out in the Tariff of Fees By-law and no person shall within the limits of the Town of Richmond Hill

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carry on or engage in any of the said trades, callings, businesses or occupations until he or she has procured such licence to do so.

By-law 6-17, 30 January, 2017.

#### **826.2.2 Bowling alley**

The provisions of Section 826.2.1 apply to every person who operates a bowling alley. By-law 189-05, 12 December, 2005.

#### **826.2.3 Tobacco shop - retail**

The provisions of Section 826.2.1 apply to the keeper of every store, shop, conveyance or handcart where tobacco, cigars and cigarettes are sold by retail. By-law 11-09, 2 February, 2009.

#### **826.2.4 Hawker - peddler - exemptions**

The provisions of Section 826.2.1 apply to every person who goes from place to place or to a particular place with goods, wares, or merchandise for sale, or who carries and exposes samples, patterns or specimens of any goods, wares or merchandise that are to be delivered in the municipality afterwards; provided, however, that no licence shall be required for hawk- ing, 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 grown, produced or manufactured in Ontario and are hawked, peddled or sold by the grower, producer or manufacturer or his or her agent or employee, having written authority so to do, in the municipality in which the grower, producer or manufacturer resides; or
- (c) if the goods, wares or merchandise are grown or produced by a farmer resident in Ontario who offers for sale or sells the produce of his or her own farm; or
- (d) if the goods, wares or merchandise are hawked or sold by a person who pays business tax in the municipality, or by his or her employee, or by his or her agent; or
- (e) 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 municipality in respect of premises used for the sale of such goods, wares or merchandise; or
- (f) by persons who sell milk or cream or fluid milk products to the consumer or to any person for resale.

#### **826.2.5 Exemptions - bankruptcy - insolvency - fire sale**

The provisions of this Chapter shall not apply to the sale of the stock of a bankrupt or insolvent, within the meaning of any bankruptcy or insolvency Act in force in Ontario, nor to the sale of any stock damaged by reason of fire, which is being sold or disposed of within the Town of

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Richmond Hill if the business was being carried on in the Town of Richmond Hill at the time of the bankruptcy, insolvency or fire so long as no goods, wares or merchandise are added to such stock, nor shall this Section apply to the sale of a business to a *bona fide* purchaser who continues the same.

#### **826.2.6 Place of amusement - video arcade**

The provisions of Section 826.2.1 apply to every person who owns, keeps or operates a pinball, video or electronic game machine establishment.

#### **826.2.7 Pet Store**

The provisions of Section 826.2.1 apply to every owner or other person who wishes to operate a pet store. By-law 6-17, 30 January, 2017.

### **Article 3**

### **GENERAL PROVISIONS**

#### **826.3.1 Expiry - annual - December 31**

All licences granted under this Chapter, unless they are expressed to be granted for a shorter period and unless the same shall become sooner revoked, shall be for the year current at the time of issuing thereof and shall expire on the 31st day of December next succeeding the date of the same.

#### **826.3.2 Application - form prescribed - to Licensing Officer**

Every application for a licence shall be made to the Licensing Officer upon such form or forms as may be from time to time provided for such purpose.

#### **826.3.3 Issue - licence**

Every licence shall be issued on behalf of the municipality and shall bear the signature of the Licensing Officer which may be written, lithographed or printed.

#### **826.3.4 Investigation - by Licensing Officer - prior to issuing**

The Licensing Officer shall before issuing a licence make or cause to be made all investigations which he or she deems necessary or which are required by law or by the Council.

#### **826.3.5 Post - licence - conspicuous - produced on demand**

Every person obtaining a licence under this Chapter, where the same applies to premises, shall keep his or her licence posted up in some conspicuous place on the premises in respect to which the licence is issued, and every person so licensed shall when so requested by the Licensing Officer or any person authorized by the Council, produce the licence for inspection.

#### **826.3.6 Inspection - premises - books - records - at all times**

The Licensing Officer or any person duly authorized by the Council may at all reasonable times inspect as much of any house, place or premises as is used for the carrying on of any trade, calling, business or occupation in respect to which

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any person has or is required to have a licence under this Chapter, and any such person so authorized may inspect the books, records and other documents of or relating to any such trade, calling, business or occupation.

#### **826.3.7 Inspection - obstruction - hindrance - prohibited**

No person who has or is required to have a licence under this Chapter shall obstruct or hinder the making of an inspection aforesaid, or cause or permit the same to be obstructed or hindered.

#### **826.3.8 Partnership - application requirements**

Where two or more persons carry on or engage in partnership in any of the trades, callings, businesses or occupations set out in Section 826.2.1, the licence may be issued in the name of one partner only, but when the application for licence is made, the name and address of each member of the partnership shall be set out herein.

#### **826.3.9 Fee - licence - requirement**

The respective licence fees for various licences issued under this Chapter are set out in Chapter 684 [Tariff of Fees].

#### **826.3.10 Compliance - investigation - as required - to ensure**

The Licensing Officer may make or cause to be made all investigations which he or she deems necessary, including the review of all pertinent approved restricted area by-laws and any other pertinent by-laws to ensure that the applications comply with same.

## **Article 4**

### **PINBALL - VIDEO - ELECTRONIC GAME MACHINE**

#### **826.4.1 Maximum - two machines - no licence required**

Despite anything herein to the contrary, any premises or part thereof containing two or less pinball, video or electronic game machines shall be deemed not to be a pinball, video or electronic game establishment within the meaning of Section 826.1.1 so long as the use of such machine or machines is accessory, incidental or subordinate to the main use of the said premises or that part thereof.

#### **826.4.6 Hours of operation**

All pinball, video or electronic game establishments shall be closed and remain closed:

- (a) on Sunday at and during any time or hours between 9:00 p.m. local time and 8:00 a.m. local time of the next following day; and
- (b) on any other day of the week at and during any time or hours between 11:00 p.m. local time and 8:00 a.m. local time of the next following day.

#### **826.4.7 Existing licence - Schedule 'A'**

A listing of existing pinball, video and electronic game establishments,

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their locations and, where applicable, different opening hours for each shall be as set out in Schedule ‘A’ to this Chapter.

**Article 5**  
**PET STORES**

**826.5.1      Pet Store – requirements**

Every Owner of a pet store shall comply, and shall ensure compliance by all its employees and others Persons with responsibility for administration, operation, management and supervision of the pet store, with all the requirements of this Article. By-law 6-17, 30 January, 2017.

**826.5.2      Humane care — food, water, exercise, attention**

Every animal housed in a pet store shall be provided with food, water, exercise, attention and veterinary care as may be required to keep the animal in good health. By-law 6-17, 30 January, 2017.

**826.5.3      Acquiring — dogs, cats and rabbits**

Any animals offered for sale at a pet store may only be acquired from a shelter belonging to The Toronto Humane Society, the OSPCA, a municipal shelter, or a registered Richmond Hill rescue organization, and the details related to the source of the animal shall be provided to any potential consumer of an animal prior to sale. By-law 6-17, 30 January, 2017.

**826.5.4      Health report — Animals**

In addition to the requirement for providing information related to the source of an animal, every pet store shall provide the medical history of any animal to the potential consumer of that animal prior to sale. By-law 6-17, 30 January, 2017.

**826.5.5      Disease**

No pet store shall sell any animal that shows signs of infectious disease, or that has a nutritional deficiency, parasites, fractures or congenital deformities, without signed acknowledgement from the buyer of the disease or other medical issue.

**826.5.6      Promotion**

No pet store shall offer a second animal free of charge as a bonus to the sale of a first animal, nor shall any animal be displayed in an exterior window. By-law 6-17, 30 January, 2017.

**826.5.7      Indoor housing — dogs and cats**

Cages and pens of dogs and cats must be sufficient in size and height and of a design that permits each dog or cat confined therein to:

- (i) Stand normally to its full height;
- (ii) Turn around easily;

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- (iii) Move about easily for the purpose of posture adjustments; and
  - (iv) Lie down in a fully extended position
- By-law 6-17, 30 January, 2017.

**826.5.8      Flooring - dogs and cats**

The flooring of dog and cat enclosures in a pet store shall be in accordance with the requirements outlined in A Code of Practice for Canadian Kennel Operations, 2<sup>nd</sup> edition, 2007, and A Code of Practice for Canadian Cattery Operations, 1<sup>st</sup> edition, 2009. By-law 6-17, 30 January, 2017.

**826.5.9      Ventilation and light — dogs and cats**

The lighting of dog and cat enclosures in a pet store shall be in accordance with the requirements outlined in A Code of Practice for Canadian Kennel Operations, 2<sup>nd</sup> edition, 2007, and A Code of Practice for Canadian Cattery Operations, 1<sup>st</sup> edition, 2009. By-law 6-17, 30 January, 2017.

**826.5.10     Exercise areas — Animals**

Pet stores shall provide clean, secure and adequate exercise areas for animals and any outdoor exercise space shall be enclosed with a fence in good repair. By-law 6-17, 30 January, 2017.

**826.5.11     Litter boxes — cats and rabbits**

Pet stores shall adhere to litter box requirements outlined in A Code of Practice for Canadian Cattery Operations, 1<sup>st</sup> edition, 2009 for cats and rabbits. By-law 6-17, 30 January, 2017.

**826.5.12     Sanitation — Pets**

Pet stores shall provide clean quarters for all animals kept on-site, free from offensive odours and soiled bedding. By-law 6-17, 30 January, 2017.

**826.5.13     Record of Pets**

Pet stores shall maintain a record log of all animals acquired and sold, and that log shall include the following information;

- (i) Name, address and contact information of the supplier of the Animal;
- (ii) If the supplier is a registered Richmond Hill rescue organization, its full legal corporate name, corporate number and Canadian
- (iii) Revenue Agency registration number;
- (iv) Type of animal;
- (v) Breed of animal (if known);
- (vi) Description of animal (including colour markings, scars, etc.);
- (vii) Name, address and contact information of the purchaser; and
- (viii) Date of sale. By-law 6-17, 30 January, 2017.

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The record log containing the information set out above shall be available for inspection by any by-law enforcement officer for a period of 5 years from the end of the calendar year for which it applies. By-law 6-17, 30 January, 2017.

**Article 6**  
**REPORT TO COUNCIL**

**826.6.1 Report to Council**

Where the Commissioner is of the opinion that an applicant for a licence does not comply with any one or all of the conditions set out in Article 7 of this Chapter, the Commissioner shall, upon the request of the applicant, report to Council and Council may, upon consideration of the report of the Commissioner, direct the Licensing Officer to issue the licence if, in the opinion of Council, the said conditions have been satisfied.

**Article 7**  
**LICENCE NON-TRANSFERABLE**  
**WITHOUT COUNCIL APPROVAL**

**826.7.1 Licence not transferable - upon recommendation**

A licence issued under this Chapter shall not be transferred or assigned by the licence holder without the consent of Council upon the recommendation of the Commissioner.

**Article 8**  
**GROUND FOR REFUSAL TO ISSUE OR RENEW A LICENCE**

**826.8.1 Licence - entitlement**

An applicant is entitled to be licensed and a licensee is entitled to have his or her licence renewed.

**826.8.2 Licence refused - financial position**

Notwithstanding Section 826.8.1, a licence may not be issued or renewed where, having regard to his or her financial position, the applicant or licensee cannot reasonably be expected to be financially responsible in the conduct of the business which is to be licensed or is licensed.

**826.8.3 Licence refused - past conduct of applicant**

Notwithstanding Section 826.8.1, a licence may not be issued or renewed where the past conduct of the applicant or licensee affords reasonable grounds for the belief that the applicant or licensee will not carry on the activity for which he or she is to be licensed, in accordance with law and with integrity and honesty.

**826.8.4 Licence refused - contrary to public interest**

Notwithstanding Section 826.8.1, a licence may not be issued or renewed where the issuance of the licence or renewal of the licence would be contrary

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to the public interest.

#### **826.8.5 Licence refused - activities in contravention**

Notwithstanding Section 826.8.1, a licence may not be issued or renewed where the applicant or licensee is carrying on activities that are, or will be, if the applicant is licensed, in contravention of this Chapter.

#### **826.8.6 Licence refused - use of premises**

Notwithstanding Section 826.8.1, a licence may not be issued or renewed where there are reasonable grounds for belief that the nature, condition or use of the premises, or any equipment, vehicle or other personal property used or to be used by the applicant or licensee in the carrying on or engaging of the business would involve non-compliance with any provision of this Chapter or any other law.

#### **826.8.7 Licence refused - applicant provides false information**

Notwithstanding Section 826.8.1, a licence may not be issued or renewed where there are reasonable grounds for belief that any application or any other document or information provided by or on behalf of the licensee or applicant, contains a false statement or provides false information.

#### **826.8.8 Licence refused - information provided - accuracy**

Notwithstanding Section 826.8.1, a licence may not be issued or renewed where the information provided to the Town by or on behalf of the applicant or licensee, whether oral or in writing, has ceased to be accurate, and the applicant or licensee has not provided up-to-date accurate information to the Town sufficient to allow the council to conclude that the licence should be granted or maintained as valid and subsisting.

#### **826.8.9 Licence refused - fee not paid**

Notwithstanding Section 826.8.1, a licence may not be issued or renewed where the fee payable in respect of the licence applied for has not been paid.

**826.8.10 Licence refused - applicant - non-compliant** Notwithstanding Section 826.8.1, a licence may not be issued or renewed where the applicant does not comply or ensure compliance with any condition imposed under this Chapter upon the business or upon the licensee, as a requirement of obtaining, continuing to hold or renewing a licence.

#### **826.8.11 Licence refused - applicant is corporation - conditions**

Notwithstanding Section 826.8.1, a licence may not be issued or renewed where if the applicant or licensee is a corporation,

- (a) having regard to its financial position, it cannot reasonably be expected to be financially responsible in the conduct of the business for which it is to be licensed;
- (b) the past conduct of the officers or directors affords reasonable grounds for the belief that the applicant or licensee will not carry on the activity for which he or she is to be licensed or continue to be licensed in accordance with law;



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- (c) the issuance of the licence or renewal of the licence would be contrary to the public interest; or
- (d) it is carrying on activities that are, or will be, if the applicant is licensed, in contravention of this Chapter .

**Article 9**

**COUNCIL'S POWER TO REFUSE TO ISSUE OR RENEW A LICENCE**

**826.9.1 Council's power to refuse to issue or renew a licence**

Council may refuse to issue or renew a licence or may refuse to renew a licence, where the applicant or licensee would be disentitled to a licence for any of the reasons set out in Article 8.

**Article 10**

**REFUND OF FEE ON REFUSAL TO ISSUE OR RENEW A LICENCE**

**826.10.1 Licence not issued - refund of fee**

When an application for a licence or renewal of a licence is refused, the applicant is entitled to apply to the Licensing Officer for a refund of up to 50% of the application processing fee.

**Article 11**

**ISSUANCE OF A LICENCE ON TERMS AND CONDITIONS**

**826.11.1 Licence issued - terms and conditions**

Notwithstanding any other provision of this Chapter, Council may issue a licence or renew a licence subject to such terms and conditions as are necessary to give effect to this Chapter, if first consented to by the applicant or licensee; or, if recommended by the Licence Hearings Committee after a hearing as provided for in Section 826.18.1 of this Chapter.

**Article 12**

**COUNCIL'S POWER TO REVOKE OR SUSPEND A LICENCE**

**826.12.1 Licence revoked or suspended**

Council may revoke or suspend a licence where the licensee would be disentitled to a renewal of a licence on the grounds set out in Article 8 of this Chapter.

**Article 13**

**REFUND OF FEE ON REVOCATION OF A LICENCE**

**826.13.1 Licence revoked - refund of fee**

When a licence is revoked under Section 826.11.1, the licensee is entitled to apply to the Licensing Officer for a refund of that part of the licence fee which is proportionate to the unexpired part of the term for which the licence was issued.

**826.13.2 Refund of fee - not applicable**

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The provisions of Section 826.13.1 do not apply when the unexpired part of the term is less than four months.

#### **Article 14**

#### **CANCELLATION OF A LICENCE**

##### **826.14.1 Licence - cancelled**

Any licence issued under this Chapter may be cancelled by the Licensing Officer at any time, upon the written request of the licensee.

#### **Article 15**

#### **APPEALS TO THE LICENCE HEARINGS COMMITTEE**

##### **826.15.1 Licence refused - recommendation to Council**

When an applicant or a licensee is not entitled to be licensed or to have his or her licence renewed for any of the grounds set out in Article 8, the Licensing Officer shall recommend to Council that Council shall refuse to issue or renew the licence, or that Council suspend or revoke the licence, or, subject to Section 826.11.1, that Council issue a licence on terms and conditions.

##### **826.15.2 Licence refused - written notice**

Before Council refuses to issue or refuses to renew a licence, or revokes or suspends or cancels a licence, a written notice advising the applicant or licensee of the recommendation being made by the Licensing Officer to Council with respect to the licence, shall be given to the applicant or licensee by the Licensing Officer.

##### **826.15.3 Written notice - contents**

The written notice to be given under Section 826.15.2, shall:

- (a) set out the grounds for the recommendation;
- (b) give reasonable particulars of the grounds;
- (c) be signed by the Licensing Officer;
- (d) inform the applicant or licensee that he or she is entitled to a hearing before the Licence Hearings Committee, if he or she delivers, within seven days after the date of service of the written notice, or the date of personal service of the written notice, whichever is later, a written request for a hearing before the Licence Hearings Committee.

#### **Article 16**

#### **NOTICE OF HEARING**

##### **826.16.1 Notice of hearing**

On receipt of a written request for a hearing from an applicant or a licensee, the Licensing Officer shall require that the Clerk of the Town convene a meeting of the Licence Hearings Committee and shall give the applicant or licensee reasonable written notice thereof.

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**Article 17**  
**SERVICE OF WRITTEN NOTICE**

**826.17.1 Written notice - service**

The written notice referred to in Sections 826.15.2, and 826.15.3, is sufficiently served if delivered personally or sent by registered or certified mail, addressed to the person to whom service is required to be made, according to the Licensing Section records.

**826.17.3 Written notice - service - via registered or certified mail**

When service is made through registered or certified mail, the service shall be deemed to have been made on the seventh day after the day of mailing, unless the person on whom service is being made, establishes that he or she did not, acting in good faith, through absence, accident, illness or other cause beyond his or her control, receive the written notice until a later date.

**Article 18**  
**HEARING BEFORE THE LICENCE HEARINGS COMMITTEE**

**826.18.1 Licence Hearings Committee - applicant does not attend** When the applicant or licensee who has been given written notice of the hearing, does not attend at the proper time and place, the Licence Hearings Committee may proceed with the hearing in his or her absence and the applicant or licensee shall not be entitled to any further notice of the proceedings.

**826.18.2 Recommendation to Council**

At the conclusion of a hearing, the Licence Hearings Committee shall provide its recommendations to the Council after which Council may make the decision.

**Article 19**  
**COUNCIL AUTHORITY AFTER THE HEARING**

**826.19.1 Recommendation - Licence Hearing Committee - decision** Council may accept or vary the recommendations of the Licence Hearings Committee or do any act or make any decision that it might have done if it had conducted the hearing itself and the applicant or licensee shall not be entitled to a further hearing on the matter before Council and the decision of Council shall be final.

**Article 20**  
**RETURN OF THE LICENCE AFTER REVOCATION OR  
SUSPENSION**

**826.20.1 Licence revoked - suspended - returned - Licensing Officer** When a licence has been revoked or suspended, the holder of the licence shall return the licence to the Licensing Officer within twenty-four hours of service of written notice of the decision of Council.

**826.20.2 Licence revoked - Licensing Officer to obtain licence** When a

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person has had his or her licence revoked or suspended under this Chapter he or she shall not refuse to deliver up or in any way obstruct or prevent the Licensing Officer from obtaining the licence, in accordance with Section 826.20.1.

#### **Article 21**

#### **TRANSITION**

##### **826.21.1 By-law - previous**

A licence issued under the applicable by-law in effect immediately prior to the enactment of this Chapter shall remain in effect following the enactment of this Chapter only until the earlier of its expiry or its revocation.

#### **Article 22**

#### **SEVERABILITY**

##### **826.22.1 Validity**

If a court of competent jurisdiction declares any provision, or any part of a provision of this Chapter to be invalid or to be of no force and effect, it is the intention of the Council in enacting this Chapter, that each and every other provision of this Chapter authorized by law, be applied and enforced in accordance with its terms, to the extent possible according to law.

#### **Article 23**

#### **ENFORCEMENT**

##### **826.23.1 Fine - for contravention**

Every person who contravenes any of the provisions of this Chapter is guilty of an offence and, upon conviction is liable to a fine and other penalties imposed pursuant to the *Provincial Offences Act*, as amended.

##### **826.23.2 By-law - previous**

Chapter 826 of the Town of Richmond Municipal Code respecting General Provisions - Licensing be repealed in its entirety and replaced with the new Chapter 826. By-laws 11-01, 111-03, and 212-03 be repealed. By-law 189-05, 12 December, 2005; By-law 78-11, 11 July, 2011.

##### **826.23.3 By-law enforcement officers**

All by-law enforcement officers are authorized to enforce the provisions of this by-law on behalf of the Town. By-law 6-17, 30 January, 2017.

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**SCHEDULE**

**Schedule 'A' - Pinball, Video Electronic Game Machine Pinball, Video or**

**Electronic Game Machine Establishments**

<b>Location</b>	<b>Permitted Opening Hours if different than as set out in Section 826.4.6</b>
9625 Yonge Street - Unit 2	no change
10909 Yonge Street - Unit 3	Monday to Friday - 4 p.m. - 11 p.m. Saturday and Sunday - 12 p.m. - 11
8725 Yonge Street	Monday to Friday - 4 p.m. - 11 p.m., holidays and school holidays excepted  Friday and Saturday nights, holidays, school holidays and the night preceding holidays and school holidays - 12 p.m. - 1 a.m.

By-law 189-05, 12 December, 2005; Schedule 'A'.