



To: Richmond City Council
From: Anne Stevens
Chief Licencing Inspector

Date: March 4, 2005
File:

Re: **Suspension of Business Licence for Lopay Trading Limited doing business as Fish Tank Tea House**

Staff Recommendation

That Council suspend the Business Licence of Lopay Trading Limited doing business as Fish Tank Tea House @ Unit #128 – 8531 Alexandra Rd for the period of April 4,2005 through April 17, 2005 both dates inclusive.

Anne Stevens
Chief Licencing Inspector
(4273)

Att.

FOR ORIGINATING DIVISION USE ONLY		
CONCURRENCE OF GENERAL MANAGER		
REVIEWED BY TAG	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>
REVIEWED BY CAO	YES 	NO <input type="checkbox"/>

Staff Report

Origin

The City of Richmond continues to enforce its Business Licence bylaws and Public Health Protection bylaws with an emphasis on the operating hours and permissive functions within the business complex. These efforts are part of our continuous effort to promote community, customer and employee safety and to ensure that all businesses are operating in a consistent manner so as to prevent one business gaining an operational advantage over another business in the same business category.

Findings Of Fact

Lopay Trading Limited operates two businesses at #128 – 8531 Alexandra Rd. One business is Fish Tank Online Game Centre and the second business is Fish Tank Tea House.

This report will deal with the Fish Tank Tea House whose hours of operation are not restricted.

Recent inspections conducted at Fish Tank Tea House operating at #128 – 8531 Alexandra Rd found this business operating in contravention of the Municipal Bylaws as well as Provincial Regulations.

The establishment has a business licence in the category of food service, serving primarily bubble tea. The establishment is not a licensed liquor establishment. No provincial liquor licence or City of Richmond Liquor Primary or Food Primary licence has been issued to this establishment.

Sequence of Events:

Date of Inspection	Findings	Infraction
September 17,2004	Owner requested permit to hold private parties at the 128 – 8531 Alexandra Rd	Staff replied September 30,2004, that private functions were not permitted at this site due to zoning.
January 22,2005	Liquor found on premises and numerous patrons smoking	Municipal Ticket issued for permitting smoking – contravention of Bylaw No. 6989 - Paid
January 25,2005	Warning was given to owner for above infraction.	
January 30,2005	Liquor found on premises with 37 patrons inside. Patrons smoking inside premises	Municipal ticket issued for permitting smoking on premises and also operating without a Liquor or Food Primary licence - Paid
February 7,2005	Show Cause Hearing	Owner explained that the premises had been sublet and that lease expired January 31,2005. Owner was given a warning by Chief Licensing Inspector. The owner assured staff that the premises were under his supervision as the lease had expired January 31,2005 - Paid
February 8,2005	RCMP notified City Inspector that a site inspection on February 4,2005 found the same premises occupied with patrons smoking and liquor found on the premises.	Municipal ticket issued for smoking – Paid (March 4,2005)

On January 31,2005 the owner of Lopay Trading Ltd resumed responsibility for the Fish Tank Tea House. On February 4,2005 the RCMP attended 128 – 8531 Alexandra Rd sighting the same infractions as previous visits.

The owner of Fish Tank Tea House appeared before the City’s Licence Inspector again on February 25,2005 to review the continual disregard for the City’s bylaws and to be afforded the

opportunity to explain their actions. A copy of the correspondence associated with the two hearings attached for Council review.

The owner informed the City on February 25, 2005 that the Fish Tank Tea House was closed and on the market for sale. The owner would like to sell the business with the present business licence intact.

Having completed the review at the two hearings, it is the belief of the Chief Licensing Inspector that a business licence suspension is warranted.

Financial Impact

No direct financial impact for the City

Conclusion

The Fish Tank Tea House has continually ignored the City's bylaw and Provincial regulations. The owner, while subleasing the space to another individual, held the Richmond business licence and was responsible for the actions of the business. The recommendation of a 14-day business licence suspension is warranted and the recommended suspension period be from April 4, 2005 to April 17, 2005 both dates inclusive.

Anne Stevens
Chief Licencing Inspector

AS2:as2



To: A. Stevens
Chief Licence Inspector

Date: February 1, 2005

From: Victor M Duarte
Business Licence Inspector

File:

Re: **Lopay Trading Ltd. dba: Fish Tank Tea House**

Recent inspections conducted at **Fish Tank Tea House**, operating at 8531 Alexandra Rd – Unit # 128 by the undersigned and the Joint Inspection Team (JIT) have established that this business is operating in Contravention of Municipal Bylaws as well as Provincial Regulations.

Inspection conducted at this location on January 22, 2005 at 02:50 hrs established that this premise was operating as a Liquor Primary Establishment. The undersigned noted 35-40 patrons inside premise and numerous cans of open beer (Budweiser) on tables in front of patrons. Behind the bar area 2 empty cases of Budweiser (18 packs) noted on floor and a blue case not sure of brand. As well, two empty bottles of what appeared to be Crown Royal Whiskey 1.75 litre bottles.

This premise is licenced as a Food Service establishment to be serving primarily Bubble Tea. This location is not a Licensed Liquor Establishment. No Provincial Liquor License or City of Richmond Liquor Primary or Food Primary Licence issued to this business. Individuals informed at time of inspection that this was not a liquor establishment and individuals had the option of dumping all the liquor down the sink or the undersigned could contact the RCMP to deal with violations of drinking in public. Individuals opted to dump liquor down the sink.

Numerous individuals found smoking inside premise. Municipal Ticket Information (MTI) issued for operator permitting smoking, under Public Health Protection Bylaw No. 6989 s.6.1.1.1(a) to (k)

Business owner, Philip Su was contacted and received a warning letter, hand delivered at City Hall on January 25, 2005 for contraventions of City of Richmond Bylaws. Su was warned that further violations could result in the suspension or cancellation of the City of Richmond Business Licence.

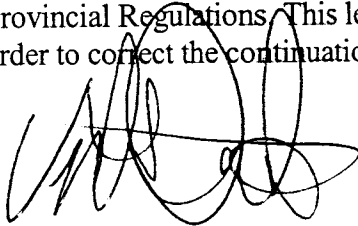
Joint Inspection Team (JIT) went out on Saturday, January 29, 2005 comprised of Liquor Inspector, Fire Inspectors, RCMP Members and the Undersigned. It was decided to revisit this location to determine if they were operating in compliance. Cst. Malinowski informed the undersigned that he has done numerous inspections at this location in the past and always found liquor inside establishment. He was under the impression this was a Licensed Establishment.

Site Inspection was conducted at Fish Tank Tea House at approximately 03:33 hrs, January 30, 2005. Again, premise was operating as a Liquor Primary establishment with 37 patrons inside. Inspection noted 54 cans of Budweiser beer on tables, 12 cans of Canada Dry beer in garbage. 4 bottles, of which 3 were empty and 4th was about 1/3 full of Crown Royal Whiskey 1.75 Litres,

which appeared to be mixed with green tea. 2 bottles about 750 ml of a liqueur, yellow in color, full not open. All Liquor seized by RCMP and drained down the sink. All individuals inside premise stated that they were not in charge of premise. All individuals left and premise was insecure and under no ones control. RCMP dispatched City crew to come and board up location. Municipal Ticket Information issued again for operator permitting smoking, under Public Health Protection Bylaw No 6889, s.6.1.1.1 (a) to (k), as well as operating a business without a Licence, under the Business Licence Bylaw No 7360, s.4.1.1. MTIs left on counter.

Email was received by the undersigned on Monday January 31, 2005 at 03:00 hrs from the owner Philip Su who stated that this location was subleased to another company, yet at time of our meeting on January 25, 2005, Mr Su made no statement which indicated that this location was not under his control.

This business is well aware of City of Richmond Bylaws as well as requiring a Provincial Liquor License. This business received a warning letter but continues to disregard City Bylaws and Provincial Regulations. This leads the undersigned to believe a Show Cause Hearing is warranted in order to correct the continuation of these offences.

A handwritten signature in black ink, appearing to read 'Victor M Duarte', with a large, stylized flourish at the end.

Victor M Duarte
Business Licence Inspector

VMD:vmd
Att. 4

Show Cause Hearing

INFORMATION:

Business: Lopay Trading Limited dba: Fish Tank Tea House

Address: Unit #128-8531 Alexandra Road, Richmond, BC V6X 1C3

Ref. File #: 00175492

Hearing Date: Friday, February 25, 2005

Time: 11:00a.m.

Location: Room T.1.150, Richmond City Hall, 6911 No. 3 Road, Richmond, BC

HISTORY

Lopay Trading Limited dba: Fish Tank Tea House and Fish Tank Online Game Center has been licenced to operate Fish Tank Tea House since July 26, 2000 and Fish Tank Online Game Center since July 31, 2002. This business holds a VM- Vending Machine Use Business Licence for operating an Amusement Centre and an A1- Assembly Use Group 1 Business Licence for operating a Cafeteria selling Bubble Tea. Both Licences are for Unit #128-8531 Alexandra Road.

Lopay Trading Limited has received 4 Municipal Tickets (MTI) since January 22, 2005. One for operating as a Liquor Primary establishment without being licenced accordingly by the City of Richmond under the Business Licence Bylaw No. 7360 and three for permitting smoking in premise under the Public Health Protection Bylaw No 6989.

Letter dated September 17, 2004, was received by City of Richmond Licence Department from Philip, requesting a permit for a "once a week" personal private event. Licence Inspector, Joanne HIKIDA, responded by letter dated September 30, 2004 to Fish Tank Tea House, that zoning did not permit a private club at noted address and therefore not permitted. Further, noting that operating a business in contravention of the Zoning Bylaw No. 5300 and without a valid Business Licence, were offences, which, could be subject to prosecution.

A site Inspection conducted at this location by Licence Inspector, Victor DUARTE, on January 22, 2005 at 02:50 hours, noted the following. There were 35-40 patrons inside premise. Numerous cans of open beer (Budweiser) were on tables in front of patrons. Behind the bar area, two empty cases of Budweiser 18 packs noted on floor and two empty bottles of what appeared to be Crown Royal Whiskey, 1.75 litre bottles on counter. Numerous individuals found smoking. Ashtrays noted on tables full of cigarette butts. The smell of smoke was prominent and visible in the air.

Business Representative Philip Fei SU, met with Licence Inspector, Victor DUARTE on January 25, 2005 and warned by way of a hand delivered letter, further contraventions could result in suspension or cancellation of the Business Licence.

A Second Inspection conducted at this location, by the Joint Inspection Team, comprised of Fire Inspectors, Liquor Inspector, RCMP Officers and a City of Richmond Licence Inspector, on January 30, 2005, at 03:33 hours, determined this premise was again, operating as a Liquor Primary Establishment contrary to the Business Licence, no

Provincial Liquor License, as well, the following noted. There were 37 patrons inside establishment, 54 cans of Budweiser beer on the tables, 4 bottles of Crown Royal Whiskey, 1.75 litres, behind bar. Three of these bottles were empty with the fourth approximately 1/3 full. Numerous open bottles of Green tea, Ginger Ale and Club Soda on table believed to be mixed with Crown Royal Whiskey. All individuals inside premise denied being in charge and vacated premise. Unit insecure and RCMP contacted dispatch to send City crew to attend and board up unit.

Business representative, Philip Fei SU, appeared at a Show Cause Hearing on February 07, 2005 and met in front of Chief Licence Inspector, Anne STEVENS. SU contended that he had sub-leased location to a Mandie, but Lease expired and was terminated, the day after Joint Inspection Team Inspected Premise. SU continued by stating he has not removed board from door and no longer operating. Licence Inspector, Victor DUARTE, informed SU that board was not on door when letter was delivered to him to attend show cause hearing on Thursday, February 03, 2005. SU stated he had replaced it and it was up now.

CURRENT

February 08, 2005, Licence Inspector, Victor DUARTE, received a call from Cst. T. MALINOWSKI, of the Richmond RCMP Police, who stated that a further inspection was conducted at Fish Tank Tea House on the weekend, specifically, Friday, February 04, 2005. Report to follow, indicating business continuing to operate in contravention of Business Licence. Noted was, liquor being consumed in establishment and smoking in side premise continuing. Cst. T. MALINOWSKI, again, had to have City crew attend and board up unit. A Municipal Ticket, No 10730, issued to business, by Cst. T. MALINOWSKI, for operator permitting smoking under the Public Health Protection Bylaw No. 6989. Statement and Photos received by Cst. T. MALINOWSKI on February 09, 2004, attached.

This business continues to violate City of Richmond Bylaws.

This business has received two correspondence letters informing them Private Events were not permitted but continued up until last inspection conducted by Cst. T. MALINOWSKI.

Fine amount of \$100.00 from MTI issued by Cst. T. MALINOWSKI has not been paid or disputed.

Licence Fee amount of \$805.00 is still outstanding for current year, due January 1, 2005, for VM- Vending Machine Use Business Licence for Amusement Centre operated by Lopay Trading Limited, doing business as Fish Tank Online Game Center. This company, owners and managers have shown poor management of this business operating with disregard to municipal and provincial regulations and statutes.

Victor Duarte
Licence Inspector
City of Richmond

Fish Tank Tea House- Cont.
Photos taken by: V Duarte Date: 05-01-30



Fish Tank Tea House- Cont.
Photos taken by V Duarte Date 5-11-30



Fish Tank Tea House- Cont.

Photos taken by: V Duarte Date: 05-01-30



Fish Tank Tea House- Cont.
Photos taken by: V Duarte Date: 05-01-30



Fish Tank Tea House- Cont.
Photos taken by: V Duarte Date: 05-01-30

