



City of Richmond

Report to Council

To: Richmond City Council

Date: November 14, 2011


From: W. Glenn McLaughlin
Chief Licence Inspector & Risk Manager

File: 12-8275-20-AMANDA
#/2011-Vol 01




Re: **Business Licence Cancellation - Watercube Vancouver Health Club Ltd. dba
The Water Club at Radisson Hotel**

Staff Recommendation

That the Business Licence of the Watercube Vancouver Health Club Ltd., doing business as the Water Club at Radisson Hotel, be cancelled.


W. Glenn McLaughlin
Chief Licence Inspector & Risk Manager
(604-276-4136)

Att.

FOR ORIGINATING DEPARTMENT USE ONLY					
ROUTED TO:		CONCURRENCE		CONCURRENCE OF GENERAL MANAGER	
Law		Y <input checked="" type="checkbox"/>	N <input type="checkbox"/>		
RCMP		Y <input checked="" type="checkbox"/>	N <input type="checkbox"/>		
REVIEWED BY TAG		YES	NO	REVIEWED BY CAO	
		<input checked="" type="checkbox"/>	<input type="checkbox"/>		
				YES	NO
				<input checked="" type="checkbox"/>	<input type="checkbox"/>

Staff Report

Origin

This report deals with the activities and bylaw infractions of the Watercube Vancouver Health Club Ltd., doing business as the Water Club at Radisson Hotel, since a January 28, 2011 Report to Council which resulted in a 60 day business licence suspension for this establishment.

Findings Of Fact

Since the preparation of the January 28, 2011 Licence Suspension Report this establishment is noted to have committed the following bylaw infractions:

February 11, 2011 -- Failure to provide written notice of change in personnel. Contravention of Business Regulation Bylaw 7538 Section 7.1.1 (a). Municipal Ticket Information (MTI) notice MTI BL 05735 issued.

February 11, 2011 -- Failure to keep window unobstructed. Contravention of Business Regulation Bylaw 7538 Section 7.2.1 (c) ii. MTI BL 05736 issued.

March 10, 2011 - Permitting or allowing smoking. Contravention of Public Health Protection Bylaw 6989 Section 6.1.2. MTI BL 05014 issued July 14, 2011.

June 25, 2011 -- Failure to provide written notice of change in personnel. Contravention of Business Regulation Bylaw 7538 Section 7.1.1 (a), MTI BL 05651 issued.

August 10, 2011 -- Permitting or allowing smoking. Contravention of Public Health Protection Bylaw 6989 Section 6.1.2. MTI M 52120 issued.

Each of the aforementioned violations are being disputed by the business operator with all of the MTI's set for a single hearing in Provincial Court scheduled for April 12, 2012.

The first three listed offences occurred prior to Council's suspension of the establishment's business licence and as the latter two infractions were being disputed, staff did not pursue further disciplinary action from City Council against the establishment.

Recent infractions give rise to consideration for more serious business licence discipline against this establishment:

October 13, 2011 -- RCMP members attended to conduct a licence inspection from 11:40 pm to 00:35 am to which the establishment should have been closed at 12:00 am. Attempts to access the premises were ignored by those present (Attachment 1). The City sent written notice to the establishment noting, as previously advised, that denial of access to inspection officers and operating after hours are serious bylaw offences. (Attachment 2)

October 22, 2011 -- RCMP routine police business bylaw compliance inspection noted an obstructed window (no infractions observed within the obstructed room), an unregistered employee (custodian) and a person under 19 years of age in the premises. (Attachment 3)

The January 28, 2011 report to suspend this establishment's business licence stated that "the culmination and compounding infractions committed by this business establishment warrants a licence discipline greater than treating this matter as a first offence." As such, the continued violations and the refusal to permit RCMP access on Oct 13, 2011 warrant treating this matter as the third incident requiring disciplinary action.

Staff has previously reported to council a progression of licence discipline for serious bylaw violations with up to a 30 day suspension at the first disciplinary action, up to 60 days at the second disciplinary action and up to 90 days or licence cancellation at the third disciplinary action.

Given the history of this establishment's business operations and the series of bylaw infractions after its business licence was suspended for 60 days, it is the recommendation of the Chief Licence Inspector that the Business Licence of the Watercube Vancouver Health Club Ltd., doing business as the Water Club at Radisson Hotel, be cancelled such that this establishment is prohibited from doing business in the City of Richmond.

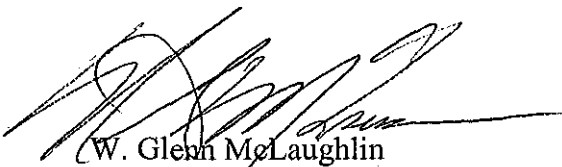
The prosecution of the five MTIs against the Water Club will continue, as that process is separate and independent from any administrative action that Council determines is appropriate in relation to business licence discipline.

Financial Impact

It should be noted that considerable City resources of Inspection Staff and RCMP members are called upon to regulate and inspect all Adult Oriented Use business uses. The financial impacts for these resources are included in the City's annual operating budget.

Conclusion

The Water Club at Radisson Hotel has continued to commit infractions against Richmond's Business Regulation Bylaw and as such, cancellation of the establishment's business licence is recommended.



W. Glenn McLaughlin
Chief Licence Inspector & Risk Manager
(604-276-4136)

WGM:wgm

McLaughlin, Glenn*Attachment 1*

From: Duarte, Victor
Sent: Friday, October 14, 2011 9:31 AM
To: Hikida, Joanne; McLaughlin, Glenn
Subject: Fw: Radisson Water Club Check

FYI

From: Adam Carmichael [mailto:adam.carmichael@rcmp-grc.gc.ca]
Sent: Friday, October 14, 2011 06:47 AM
To: Duarte, Victor
Subject: Radisson Water Club Check

Victor,

File 2011-31151

On 2011-10-13 at 2340hrs Cst CARMICHAEL and other members attended to Radisson Water Club at 1288-8181 Cambie Rd, Richmond BC. Members were attempting to conduct a licence check however upon attendance the door was locked and no body opened the door for members. Members immediately covered the rear stair door and the front door and could hear people inside. Members noted the light going on an off inside and people talking. Cst TAM heard someone inside lock the second lock on the front door. Members held positions until 0035hrs and then cleared. Members will be following up with Vic DUARTE with the city in regards to them operating past the scheduled hours. Members later confirmed that high level drug traffickers were inside getting "foot massages".

The guys who were stopped leaving the club, confirmed that they were there.

FYI, Paul JIN refused to answer his phone throughout the check and his phone was heard ringing inside. His car was also noted in the parking lot on the second level. It is suspected that JIN was meeting with this members who are associated to drugs and violence.

Let me know how your office would like to proceed.

Thanks,

Adam

Cst. Adam CARMICHAEL
RCMP Richmond Detachment
6900 Minoru Blvd, Richmond, BC
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Email: Adam.Carmichael@rcmp-grc.gc.ca

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(Special)

10/20/2011



City of
Richmond

Attachment 2

6911 No. 3 Road
Richmond, BC V6Y 2C1
www.richmond.ca

October 20, 2011
File: 12-8275-20-AMANDA #/2011-Vol 01

Business and Financial Services Department
Business Licences
Telephone: 604-276-4328
Fax: 604-276-4157

Watercube Vancouver Health Club Ltd.
dba Water Club at Radisson Hotel
1288-8181 Cambie Road
Richmond BC V6X 3X9

Attention: Paul Jin

Dear Sir:

Re: Police attendance at business premises October 13, 2011

The Richmond detachment of the R.C.M.P. attended your place of business from approximately 11:40 pm on October 13, 2011 to 00:35 am October 14, 2011. Throughout this time Police noted activity taking place in the premises and attempts to access the premises were ignored by those present.

I note that Business Regulation Bylaw 7538 Section 7.1.1 (b) prohibits business activity past 12:00 am and Section 1.1.1 (b) requires any business to permit reasonable inspection access to a number of officials including the RCMP.

Violating operating hours and, as advised prior, denial of access to the RCMP or inspection officers are serious bylaw infractions.

Yours truly,


W. Glenn McLaughlin
Chief Licence Inspector & Risk Manager

pc: R.C.M.P.

McLaughlin, Glenn*Attachment 3*

From: Duarte, Victor
Sent: Saturday, October 22, 2011 11:44 AM
To: McLaughlin, Glenn; Hikida, Joanne
Subject: Fw: Water Club check...again

FYI

From: Adam Carmichael [mailto:adam.carmichael@rcmp-grc.gc.ca]
Sent: Saturday, October 22, 2011 06:13 AM
To: Duarte, Victor
Subject: Water Club check...again

Vic, see below...items to be reviewed.

On 2011-10-21 Cst CARMICHAEL, Cst TAM, Cst LARSEN, Cst ROMANKO and Cpl ROCK attended The Water Club Massage Parlour at 1288-8181 Cambie Rd, Richmond BC. The business was being check for a routine police business bylaw compliance check per the City of Richmond Business Regulation Bylaw No. 7538.

Upon attendance members conducted a door knock and waited approximately 45 seconds for the door to open. Throughout this time Cst CARMICHAEL heard a male yelling in a different language inside. It was not known what he was saying and Cst CARMICHAEL announced police presence at which point the male stated "ya, hang on, hang on."

The door was opened and Cst CARMICHAEL spoke with Paul King JIN. JIN was informed of the business licence inspection to ensure compliance. JIN stated "ya sure, you are just trying to shut me down." Cst CARMICHAEL informed him that wasn't the case and that police were conducting a routine inspection.

Cst CARMICHAEL went upstairs and checked all the rooms and noted that one of the rooms in the southwest of the business had a robe hanging over the window. JIN who was following close behind was informed of what the members observed and he stated that the customer put it there and that its not his fault. Cst CARMICHAEL informed him that the windows can't be blocked from the inside and that he as the owner knows that.

Nothing suspicious noted in the room with the blocked window and it appeared to be an honest mistake which was over-looked by the masseuse. The inspection continued and it was found that the male "janitor" who was doing laundry was not registered with the city. The male was identified with his PR card as being [REDACTED]. The 6 other girls presently working all had photocopies stamped by the city. JIN stated that it was this guys first day, and stated "you can give me a ticket for him." Cst CARMICHAEL informed him that a ticket will not be issued today and that the City of Richmond will be informed of the infractions.

Cst CARMICHAEL continued through the business and conducted a check of six younger looking males in the men's change room. Two of these males were identified through a BCDL however the other four were identified verbally. All were of age except for [REDACTED] who was 18 and confirmed to

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(Special)**

11/3/2011

have a date of birth [REDACTED] JIN was again informed of the third infraction noted throughout the check.

JIN was told by Cst CARMICHAEL that Victor DUARTE or Glenn McCAUGHLAH would be following up with the business in regards to the infractions noted. JIN said "whatever" as members were leaving the establishment and escorting the under age male out.

Cst CARMICHAEL forwarded the info to Vic DUARTE of the City for review.

Cst CARMICHAEL, #58533, A-Watch, Richmond RCMP

Cst. Adam CARMICHAEL
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