



City of Richmond

Report to Council

To: Richmond City Council
From: Carli Edwards, P.Eng.
Chief Licence Inspector

Date: October 11, 2016
File: 12-8275-20-AMANDA
#/2016-Vol 01

Re: Business Licence Suspension – Lucky Feet Reflexology Centre

Staff Recommendation

That the business licence of 1015616 BC Ltd., doing business as Lucky Feet Reflexology Centre, operating from premises located at 3086 St Edwards Drive Unit 103, Richmond BC, be suspended for a period of 3 consecutive days from November 17th 2016 to November 19th 2016, inclusive.

Carli Edwards, P.Eng.
Chief Licence Inspector
(604-276-4136)

Att. 3

REPORT CONCURRENCE		
ROUTED To:	CONCURRENCE	CONCURRENCE OF GENERAL MANAGER
Law	<input checked="" type="checkbox"/>	
REVIEWED BY STAFF REPORT / AGENDA REVIEW SUBCOMMITTEE	INITIALS: DW	APPROVED BY CAO

Staff Report

Origin

The City's Business Licencing department administers a licencing program for approximately 14,000 licence holders and regulates the activities of approximately 24 business types including therapeutic touch clinics. This report deals with the activities and bylaw infractions of 1015616 BC Ltd., doing business as Lucky Feet Reflexology Centre ("Lucky Feet"), operating from a premises located at 3086 St Edwards Drive Unit 103, Richmond BC.

Lucky Feet is licenced as a Therapeutic Touch Clinic and must adhere to all applicable bylaws, including Part Fourteen of Business Regulation Bylaw No. 7538 (Attachment 1). This business has come to the attention of the Chief Licence Inspector after several complaints regarding staying open later than the permitted hours (9:30 p.m. each day).

Findings of Fact

On November 21, 2014, a business licence was issued to Ping Lin to operate Lucky Feet. There was a compliance inspection prior to licence issuance, at which time the owner acknowledged that the business is required to close at 9:30 p.m.

On April 1, 2016, a complaint was made to Chief Licence Inspector regarding five therapeutic touch clinics operating beyond permitted hours. The complainant provided a statement and a receipt for service from Lucky Feet dated March 29, 2016 at a time of 10:37 p.m.

On April 5, 2016, the owner was contacted by phone and given a verbal warning about staying open beyond permitted hours; the owner denied being open past 9:30 p.m.

On April 6, 2016, a warning letter was written and mailed to Lucky Feet regarding their hours of operation (Attachment 2).

On August 10, 2016, another complaint was received that Lucky Feet continued to operate later than permitted hours.

On September 2, 2016, an inspection was performed at 10:37 p.m., at which time inspectors found the front door unlocked and massage services being performed to one client inside the premises. The client and staff both indicated that service was started at 9:50 p.m. and further that one hour of service was to be provided.

On September 22, 2016, the Chief Licence Inspector met with the owner of Lucky Feet, Ping Lin as well as her husband, Xian Zhen Zhao, to present a history of findings related to bylaw violations (Attachment 3). At the meeting, Ms. Lin and Mr. Zhao indicated that they stay open late occasionally when a client arrives late, or is unable to make it in time for an 8:30 pm. appointment. They further indicated that there is a lot of pressure to stay open late for fear of losing clients to other businesses. However, they apologized and verbally committed to adhering to the closing time regulation of 9:30 p.m.

Analysis

Business Regulation Bylaw No. 7538, Part Fourteen: Therapeutic Touch Clinic Regulation, permits therapeutic touch clinics to operate between 8:00 a.m. and 9:30 p.m. This regulation provides equity among different clinics and balances neighbourhood impact with the public demand for services to provide equity among businesses and to mitigate potential impact on the adjacent community. Lucky Feet's business operations provided them an unfair competitive advantage over business operators within the same business classification.

Lucky Feet was issued a verbal and written warning prior to an inspection which found one client in the premises beyond regulated operating hours. While the owner was apologetic, the verbal and written warnings were not sufficient to stop the practice of operating beyond permitted hours.

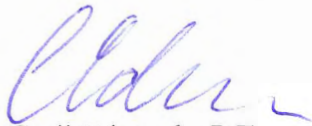
Given the degree of severity of the infractions, it is the recommendation of the Chief Licence Inspector that the business licence for 1015616 BC Ltd., doing business as Lucky Feet Reflexology Centre, be suspended for 3 days following Council's consideration of this report. Suspension of the licence is warranted by Part 23.1 of Business Regulation Bylaw No. 7538 for failing to comply with sections 14.1.1 (b).

Financial Impact

None.

Conclusion

Therapeutic touch clinics are regulated businesses under Business Regulation Bylaw No. 7538 and are permitted to operate only between the hours of 8:00 a.m. and 9:30 p.m. Lucky Feet's repeated violation of this bylaw warrants business licence discipline as recommended.



Carli Edwards, P.Eng.
Chief Licence Inspector
(604-276-4136)

CE:ce

- Att. 1: Part Fourteen of Business Regulation Bylaw No. 7538
2: Letter of Warning
3: Summary of Findings as presented to Business Owner

PART FOURTEEN: THERAPEUTIC TOUCH CLINIC REGULATION

14.1 Operator Obligations

14.1.1 Every Therapeutic Touch Clinic operator must:

- (a) provide the **Licence Inspector** with 24 hours' written notice of any changes in the personnel employed or engaged in such **business**, and the applicable provisions of the **Business Licence Bylaw** apply to any new persons proposed to be employed or engaged by the said **Therapeutic Touch Clinic**;
- (b) permit such business to be open only between the hours of 8:00 a.m. and 9:30 p.m. each day; and
- (c) provide the **Licence Inspector** with the name, age, birthdate, current address and picture identification of every **person** proposed to be employed or engaged in such **business**, together with such additional information which the **Licence Inspector** may require.



City of
Richmond

Ref # 12610208

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

April 05, 2016
File: 15 706754

Finance and Corporate Services Department
Business Licences
Telephone 604-276-4328
Fax 604-276-4157

LUCKY FEET REFLEXOLOGY CENTRE
8291 GENERAL CURRIE RD UNIT 13
RICHMOND BC V6Y 1L9

Attention: Ping Lin

Re: **Lucky Feet Reflexology Centre – WARNING NOTICE**
3086 St Edwards Dr Unit 103

1015616 BC Ltd, doing business as, **Lucky Feet Reflexology Centre's** business activity is categorized under the City of Richmond's Business Licence Bylaw No. 7360, as a Therapeutic Touch Clinic.

Under the Business Regulation Bylaw No 7538, section 14.1.1(b), a Therapeutic Touch Clinic operator must permit such business to be open only between the hours of **8:00 a.m. and 9:30 p.m. each day.**

A recent complaint received by the City of Richmond clearly shows your business is not adhering to the permitted operating hours as regulated through the noted bylaw.

I have attached a copy of a receipt provided to the writer which clearly shows a service time outside the permitted operating hours.

This letter serves notice as a Warning to your business to maintain regulatory compliance. Failure to do so, may result on summary conviction, to the penalties provided for by law, including business licence suspension or cancelation.

Yours truly,

Victor Duarte
Acting Supervisor, Business Licence

VMD:vmd

Licence Review

INFORMATION:

Business: 1015616 BC Ltd dba:

Lucky Feet Reflexology Centre

Address: 3086 St Edwards Drive Unit 103, Richmond, BC V6X 4C4

Ref. File: 12610208

Meeting Date: Thursday, September 22, 2016

Time: 1:30 p.m.

Location: Room M.1.002, Richmond City Hall, 6911 No. 3 Road, Richmond, BC

History:

Principal, Ping LIN (hereinafter referred to as LIN); applied to the City of Richmond for a Change of owner and a business licence to operate 1015616 BC Ltd., under the trade name of, (and hereinafter referred to as, **Lucky Feet Reflexology Centre**) in October of 2014.

November 17, 2014 – Compliance inspection conducted by Licence Inspector, Victor DUARTE, (hereinafter referred to as DUARTE), at **Lucky Feet Reflexology Centre**. DUARTE spoke with Kingsley AU and LIN's husband, Xian Zhen ZHAO regarding permitted hours of operation. Both individuals acknowledged closing at 9:30 p.m. and aware of the City of Richmond's regulation for permitted hours of operation. – Copy of Inspection Report **Attachment 1**

November 21, 2014 - The Business Licence was approved and issued to **Lucky Feet Reflexology Centre** to operate from premises located at 3086 St Edwards Drive Unit 103.

April 01, 2016 – at or about 15:01 hrs. – An individual attended City Hall to speak with DUARTE. Individual files complaint with DUARTE regarding five businesses. **Lucky Feet Reflexology Centre** is one of the businesses complainant states is violating hours of operation. Complainant provides statement to DUARTE and provides a list and receipt for service received from **Lucky Feet Reflexology Centre** on March 29, 2016, with a time of 22:37 hrs. – Copy of list – **Attachment 2**, Copy of Notes – **Attachment 3**, Copy of Receipt – **Attachment 4**

April 05, 2016 – 14:06 hrs – DUARTE contacts LIN regarding complaint received on their business operating outside permitted hours. LIN denies operating past 9:30 p.m. and states they close at 9:30 p.m. DUARTE instructs LIN that DUARTE has a witness that has provided a receipt with clear time and date stamp which shows business operated until 10:37 p.m., over one hour from when business was required to be closed. DUARTE informed LIN that DUARTE's witness was prepared to go to Provincial Court to testify if required. DUARTE informs LIN DUARTE should not be hearing denials, but rather that it will not happen again. LIN Warned that further violatations could result in fines, suspension or cancellation of her business licence. LIN instructed a waning notice would be sent to her by way of a letter – Report of conversation - **Attachment 5**

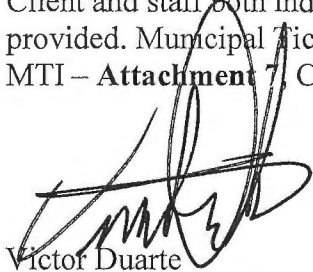
April 05, 2016 – Warning Notice letter written and mailed to business on April 06, 2016 – **Attachment 6**

Current Information:

August 10, 2016 – DUARTE receives a telephone call from complainant informing DUARTE a number of the Therapeutic Touch Treatment businesses are still operating outside permitted hours. DUARTE documents information. **Lucky Feet Reflexology Centre** is among the violating businesses provided to DUARTE.

September 02, 2016 – Man Yi LO (hereinafter referred to as LO), Sign/Licence Inspector, conducts evening inspections with DUARTE at various locations.

September 02, 2016 at or about **22:37 hrs** – LO and DUARTE arrive at 3086 St Edwards Drive Unit 103, **Lucky Feet Reflexology Centre**. Business “OPEN” sign is turned off. Door is unlocked. LO and DUARTE enter at the front door and proceed into the premises. DUARTE observes one client in the multi-chair foot massage room with a staff member who was providing services to the client’s feet. Further inspections of the premises did not find any other occupants. Client and staff both indicate that service was started at 9:50 and one hour service was to be provided. Municipal Ticket Information (MTI) BL 06857 issued as a violation Notice – Copy of MTI – **Attachment 7**, Copy of Notes of Inspection – **Attachment 8**



Victor Duarte
Supervisor, Business Licences
City of Richmond

City of Richmond
Service Use Inspection Card

12610288

Property Roll Number: 081245001

Site Address: 3086 St Edwards Dr Unit 103 Richmond V6X 4C4

Legal Description:

Folder #: ~~14668510~~

Expires: September 1, 2015

Issued: August 11, 2014

By: POS

Type: Therapeutic Touch Treatments

Attachment 1

Work Proposed:

Folder Description: Feet Reflexology

Contact: Ping Lin

Work: (778) 822-3188

Business: Lucky Feet Reflexology Centre

8291 GENERAL CURRIE RD UNIT 13 RICHMOND BC V6Y 1L9

Work: (778) 822-3188

Company Name: 1015616 BC Ltd

Work:

Zoning: CA

Subdivision:

Business start date Aug 1, 2012
Ownership Type Corporation
Full Time Employees 2
Zoning CA
Office Area 1633
Stock on Premises No
Effective date of change Nov 10, 2014
Stock Sold to Public No
Subcontracted No
North American Industry C 621390
Cellular Number 778-822-3188

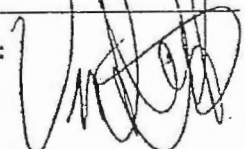
Compliance w/ TT reqs inspection

Inspections: Process	Comments	To Start Date	Inspector
Compliance Inspection	Please call Kingsley Au (contact) @ 778-863-8281 prior to inspection	11/12/14	Victor Duarte

- SITE INSPECTION CONDUCTED BY DUARTE, SPOKE WITH KINGSLEY AU ON SITE & LINDA'S HUSBAND ZHAO - EXPLAINED OPERATING HOURS - BUS REQ AHEAD BUS CLOSE BY 9:30 AM NO CLIENTS IN BUSINESS AFTER THIS TIME INSPECTION OF PREMISES, MALE & FEMALE CLIENTS AS PER ZHAO - SITE PLAN DONE BY DUARTE (ATTACHED)

Results: Approved Review Rejected

Date: NOV 17/14

Signature: 

Comments:

Attachment 2

Business Name	Address	Phone	Appointment Made on	Service Provided	Date	Start	End	masseur
Lucky Feet Massage	103-3086 St Edwards Dr	604-370-1609	Mar-29	Foot Massage	Mar-29	21:30	22:30	Mark

lottery sent 10

APR 01/16 15:01 HRS

DWORTE met with [REDACTED] who stated she has worked for [REDACTED] for 7 years over [REDACTED]. DWORTE states she is assistant to [REDACTED]'s on her own without [REDACTED] approval or knowledge attended the following businesses. [REDACTED] provided a sheet with 5 business names on it. DWORTE informed DWORTE that she went out to the 5 locations listed as 1) [REDACTED], 2) [REDACTED], 3) [REDACTED], 4) [REDACTED], 5) LUCKY FEET MASSAGE. [REDACTED] provided 5 receipts one from each location each dated and time stamped after 10 PM. DWORTE informed [REDACTED] DWORTE would deal with this. [REDACTED] complains workers lose clients as they go to these locations operating later.

Attachment 4

LUCKY FEET REFLEXOLOGY
3086 ST EDWARDS DR-V6X4C4
RICHMOND BC
28630593
|||| PURCHASE ||||
03-29-2016 22:37:45
Acct # [REDACTED] C
Exp Date ' / ' Card Type VI
Name: [REDACTED]
A0000000031010 VISA CREDIT
Trace # 140021
FS2063059301
Inv. # 1769
Auth # 022854 RRH 001110021
Total \$39.90
/ 00 1 ADDONEN.TWANN V011

LUCKY Feet MESSAGE.

APR 05/16

14:06 - PIC to Pina Lin - Duarte identified self and asked Lin what time she was suppose to close her Business each Day. Lin PAUSED AND HUMMED for a couple of seconds then she said 9:30? more like she was not sure AND saying it like a Question. Duarte I Don't Know, I'm asking you WHAT time do you close each day. Lin says Oh! Yes 9:30 PM. Duarte asked why I was getting complaints THAT she was over the passed this. Lin Denied. Duarte states that Duarte has a witness who received a message from her Business AND AND AT 10:37 over 1 Hour past permitted operating hours. DUARTE'S witness is prepared to go to court to testify. Duarte informs Lin Duarte Does NOT want to Hear Denials, BUT RATHER IT WILL NOT Happen again. Lin confirms will close at 9:30 - Duarte instructs Lin further complaints can result in fines & or suspension of her BUS LIC & Lin would be receiving a warning Notice Letter from Duarte - Letter wrote AND MAILED out on APR 06/16. W



City of
Richmond

Ref # 12610208

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

Attachment 6

April 05, 2016
File: 15 706754

Finance and Corporate Services Department
Business Licences
Telephone 604-276-4328
Fax 604-276-4157

LUCKY FEET REFLEXOLOGY CENTRE
8291 GENERAL CURRIE RD UNIT 13
RICHMOND BC V6Y 1L9

Attention: Ping Lin

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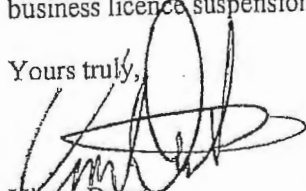
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Yours truly,



Victor Duarte

Acting Supervisor, Business Licence

VMD:vmd

Attachment 7

City of Richmond
Community Charter

#12610208

BL 06857

MUNICIPAL TICKET INFORMATION

TRANS CODE 3102

ISSUED TO:

SURNAME OR CORPORATE NAME 1015616 BC LTD dba:		<input type="checkbox"/> YOUNG PERSON	
GIVEN NAMES (OR CORPORATE NAME CONT'D) LUCKY FEET REFLEXOLOGY CENTRE		GENDER M F	BIRTHDATE YY MM DD
ADDRESS 3086 ST EDWARDS DR - Unit # 103			
CITY RICHMOND	PROVINCE BC	POSTAL CODE V6X4C4	

The by-law enforcement officer says that he or she has reasonable and probable grounds to believe, and does believe, that the above named

on or about 18 09 02 at the time of 22 37

at or near 3086 ST EDWARDS DR - #103, City of Richmond,
STREET ADDRESS Province of British Columbia

Did commit the offence indicated, under the following by-law:

BUSINESS REGULATION BYLAW NO 7538

By-law Name

DESCRIPTION OF OFFENCE	USE FOR ONE OFFENCE ONLY	SECTION	FINE AMOUNT
OPERATING OUTSIDE PERMITTED HOURS		13.1.1(a)	\$
<p>If you wish to dispute the allegation contained in this ticket, you may appear at the following location to give notice of dispute:</p> <p>City of Richmond 6911 No. 6 Road Richmond, B.C. V6Y 2C1</p> <p>or deliver, have delivered, or mail a Notice of Dispute to the above address as described on the reverse. The fine amount may be paid in accordance with the prescribed instructions (see reverse).</p>			
For Court Use If Ticket Disputed			DATE YY MM DD
AT HEARING <input type="checkbox"/> CONVICTED <input type="checkbox"/> DISMISSED			
SIGNATURE OF JUSTICE			
BY-LAW ENFORCEMENT OFFICER NAME OR NUMBER VICTOR DWARTE			DATE OF SERVICE 16 09 02
BY-LAW ENFORCEMENT OFFICER SIGNATURE			
AREAS OF THIS TICKET SHADED IN GREY ARE NOT PART OF THE OFFENCE CHARGED			

If the fine is not paid or the allegation contained in this ticket is not disputed (see reverse) within 14 days from the date of service of this ticket, you will be deemed to have pleaded guilty to the offence charged and the fine amount will be immediately payable.

MUN - FORM A 08/2010

COURT COPY

CNCL - 17
(Special)



City of Richmond
6911 No. 3 Road
Richmond, BC V6Y 2C1
604-276-4000

Attachment 8

Progress Log Business Licence

Main 604-276-4328 Fax 604-276-4157

Business Name: LUCKY FEET REFLEXOLOGY CENTRE
Address: #103 - 3086 ST. EDWARDS DRIVE
Owner: XIAN ZHEN (MARK) ZHAO + PING LIN
Licence No.: # 12610208 Telephone No.: 604-370-1609/778-237-5988

Date	Details
Sept 02, 2016 @ 22:30hr.	Inspector Manyi to + Supervisor Victor Duarte attended the business for inspection. Found the business is still operating outside permitted hours. There was ONE staff (JACK) with one customer having reflexology service.
	Ticket # BLO6857 was issued for operating outside permitted hours under Section 13.1.1 (a) of Business Regulation Bylaw # 7538. Violation Notice (Ticket # BLO6857) was given to Jack by Victor Duarte and explained to him no operation should be found after 21:30hr. He noted & will pass ticket and message to owner Xian Zhen (Mark) Zhao.
	Confirmed was with Jack's customer that his appointment is between 22:00hr and 22:45hr.
	Manyi & Victor left business @ 22:45hr.

御足軒

Lucky Feet
reflexology centre



Masseur 技師: JACK
Tel: (604) 370 - 1609 / (778) 237 - 5988
103-3086 St. Edwards Dr. Richmond B.C. V6X 4C4
www.luckyfeetmassage.ca

Acupressure / Reflexology / Lymphatic Drainage / Cupping / Scrapping / Acupuncture / Pedicure

經絡推拿 | 足底按摩 | 淋巴排毒 | 拔罐 | 刮痧 | 針灸 | 修腳

CNCL - 18

(Special)

御足軒

Lucky Feet
reflexology centre



Masseur 技師: Xian Zhen (Mark) Zhao
MARK - OWNER
Tel: (604) 370 - 1609 / (778) 237 - 5988
103-3086 St. Edwards Dr. Richmond B.C. V6X 4C4
www.luckyfeetmassage.ca

Acupressure / Reflexology / Lymphatic Drainage / Cupping / Scrapping / Acupuncture / Pedicure

經絡推拿 | 足底按摩 | 淋巴排毒 | 拔罐 | 刮痧 | 針灸 | 修腳

APR 01/16 15:01 HRS.

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APR 01/16 15:01 HRS.

DWIGHT met with [REDACTED] who stated she has worked for [REDACTED] for 7 years over [REDACTED]. [REDACTED] states she is assistant to [REDACTED]'s mother and without [REDACTED] approval or knowledge attended the following businesses. [REDACTED] provided a sheet with 5 business names on it. DWIGHT informed DWIGHT that she went out to the 5 locations listed as 1) [REDACTED], 2) [REDACTED], 3) [REDACTED], 4) [REDACTED], 5) Lucky Feet Massage. [REDACTED] provided 5 receipts one from each location each dated and time stamped after 10 PM. DWIGHT informed [REDACTED] DWIGHT would deal with this. [REDACTED] complains workers losing clients as they go to these locations operation later.