

PRYKE  
LAMBERT  
LEATHLEY  
RUSSELL LLP

BARRISTERS AND  
SOLICITORS

To Public Hearing
Date: <u>May 20, 2008</u>
Item # <u>6</u>
Re: <u>Temp. Comm. Use</u> <u>Permit - 12631</u> <u>Vulcan Way</u>

F. ROGER M. PRYKE  
JOHN L. LEATHLEY, Q.C.  
ROBERT W. MOSTAR  
KATHLEEN A. JONES  
MARK C. KILLAS  
J. KAREN DYLLA  
CORAN R. COOPER-STEPHENSON  
BRIAN J.P. CORCORAN  
MEREL VEIDHUIS

DAVID I. KOZAK 1967-2008

WER

SCHEDULE 13 TO THE MINUTES  
OF THE REGULAR MEETING OF  
COUNCIL FOR PUBLIC  
HEARINGS HELD ON TUESDAY,  
MAY 20, 2008

TELEPHONE  
(604) 276-2765  
www.pllr.com

May 13, 2008

FILE NO: 69284  
REPLY TO: Coran R. Cooper-Stephenson  
DIRECT LINE: (604) 231-5108  
EMAIL: ccooper-stephenson@pllr.com

City of Richmond  
6911 No. 3 Road  
Richmond, British Columbia  
V6Y 2C1 Canada

**Attention: City Clerk, Mayor and City Councillors**

Dear Sirs:

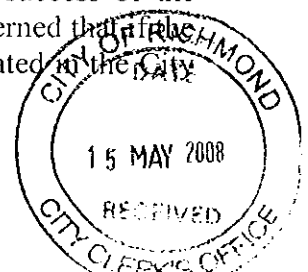
**Re: Summer Night Market - 2008**

As you are aware, we are the solicitors for Target Event Production Ltd., the owners and operators of the Richmond Night Market. Our client has asked us to write to you to convey some concerns with regard to the possible operation of a "Summer Night Market" at 12631 Vulcan Way. As you are aware, our client operated the Richmond Night Market at the same site for the period of 2004 through 2007 and operated the Richmond Night Market in some form at various locations within the City of Richmond from 2000 through 2007. Target Event Production Ltd. is currently in negotiations to secure a location for the Richmond Night Market for the 2009 summer season and we expect that an announcement confirming they have secured this site will be forthcoming in the next week or so.

From the years 2000 through 2007 our client has built the Richmond Night Market to become one of the largest tourist attractions in Canada. Its operation has become synonymous with the City of Richmond and has become a point of pride with Richmond city council and the residents of Richmond. During 2007 the market attracted over 30,000 people for each night that it was held.

As you are aware, there has been great confusion in the media surrounding the possible operation of a night market on Vulcan Way for the summer of 2008. Our client has no interest in halting or interfering in any way with the operation of an event at 12631 Vulcan Way. Because of the confusion, however, the operation of a night market on that site has the potential to adversely affect the reputation of Target Event Production Ltd. as well as the possible success of the Richmond Night Market in 2009 and beyond. In addition, our client is very concerned that appropriate steps are not taken to protect the integrity of any night markets operated in the City

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of Richmond, any failure or controversy surrounding the Summer Night Market has the potential to significantly effect the City of Richmond's reputation.

From 2000 to 2007, the Richmond Night Market hosted numerous vendor booths. In 2007 there were more than 400 vendors. These vendors relied on the Richmond Night Market for their livelihood and will continue to do so when the market reopens in 2009. Any adverse effect on Richmond from the operation of the Summer Night Market has the potential to put all of these vendors out of business or at the very least drive them from Richmond in search of other events held outside of Richmond.

Out of concern for the vendors, the City of Richmond and the safety of visitors to the Summer Night Market, the principles of Target Event Production Ltd. have asked us to pass on the following concerns based on their years of experience in operating a night market within the City of Richmond and specifically on the site currently proposed for the Summer Night Market:

1. Parking - For the 2007 year there were approximately 2,400 parking spaces provided both directly and indirectly for attendees to the Richmond Night Market. We understand from reviewing the proposal for the Summer Night Market that there are 1,000 fewer parking spaces currently available for potential attendees to the same site. Our client advises that traffic control and pedestrian safety was a significant concern even with 2,400 parking spaces. It was not unusual for all or substantially all of the parking spaces at the Richmond Night Market to have been occupied on any given summer evening. We are very concerned that having fewer than 2/3 of the spaces that were available to attendees at the Richmond Night Market will result in traffic congestion and will significantly affect the traffic in and around that area of Richmond. This will unnecessarily interfere with the business and the activity of the occupants of the surrounding area. We would urge the council to closely monitor the parking situation in the event that the Summer Night Market does proceed.
2. Traffic - During the 2007 Richmond Night Market season our client had 6 properly trained Traffic Control Personnel outside of the market as well as 6 more employees inside the market directing traffic. All of these employees had previous experience with the traffic conditions at the Night Market. We are concerned that the principles and employees of Lions Communications Inc. are not familiar with the potential traffic issues surrounding this particular site or surrounding the operation of an event similar to the Richmond Night Market within the City of Richmond. Even with the experienced traffic personnel coordinating the Richmond Night Market traffic in 2007, our client paid to have two RCMP officers to be on site to address any emergencies that may arise at or around the Night Market on every night that the market was open. We would recommend that, given the inexperience of the Lions Communications Inc. personnel on this particular site, the decreased parking capacity and the fact that the Summer Night Market will have 4 separate parking lots instead of 1 continuous one that was set up by the Richmond Night Market, the council require two RCMP inside the market monitoring

safety as well as an additional two RCMP officers to monitor traffic and to address traffic situations and pedestrian safety outside of the Market.

3. Utilities – The Target Event Production Ltd. lease at 12631 Vulcan Way required Target to remove all plumbing and electrical fixtures from the property upon the conclusion of the lease. We are advised that there are no facilities to support any type of outdoor market or festival on that site. Specifically, the grease trap required for the operation of the Richmond Night Market food service area was removed and the ground filled in where the trap was formerly located. In addition, all plumbing has been removed from the site or has been paved over. Finally and most importantly, all electrical wiring that formerly supported the Richmond Night Market and its various booths and lighting has been removed from the site. The Richmond Night Market had a dedicated power line from B.C. Hydro to the property to ensure the safe supply of power to the Richmond Night Market vendors, the lighting and all incidental power on the property. That dedicated line has been removed, resulting in no power running to the property other than for the buildings situated thereon. Because of this, it is essential that prior to the opening of any night market on this property proper plumbing and electrical inspections are carried out to ensure the health and safety of all visitors to the market. In particular, of course, if the Summer Night Market intends to operate food booths, the appropriate water supply and grease traps are required to ensure the hygienic operation of food vendors. We note that reference has been made by the applicant in the media to the use of generators to operate the Summer Night Market. With respect, this speaks to the inexperience of the applicant in operating an event of this magnitude. The use of generators on this scale poses a tremendous fire and safety hazard. In 2004, with much of the power for the Richmond Night Market coming from dedicated power lines, Target employed the use of a large generator to supply additional power. The drain on the generator was such that it caught on fire, resulting in a shut down of the generator. We suggest that the City ask for letters of reference to explain exactly what experience that applicant has in setting up events similar to the Richmond Night Market. This not only caused a fire hazard, it left that portion of the market powered by the generator in complete darkness until new measures could be taken. In our view this exemplifies the type of scrutiny that is required to ensure the safe operation of the Summer Night Market.
4. Installation – We are advised by our client that the proper installation of the necessary electrical and plumbing fixtures for the Richmond Night Market originally took four to five months. Our client subsequently improved the plumbing and electrical on site between each successive year of the Market. We understand that Lions Communications Inc. has represented to the council that, if it receives approval to operate the Summer Night Market on this site at the meeting on May 20, 2008, it will have all the necessary utilities installed and ready to operate on its proposed May 30, 2008 opening date. We are advised by our client that, based on the experience of Target Event Production Ltd. this timeline is wholly unrealistic. In fact, we are advised that it is unlikely that the necessary preparations could be made in time to open the market in early to mid-July. Because night markets have become prestigious events within the City of Richmond and

because it appears that the Summer Night Market will be the only night market operating in Richmond for the summer of 2008, the indefinite delay of the opening of the Summer Night Market or any problems with the electrical or plumbing installation at the Summer Night Market site would threaten the credibility and status of night markets in general and would reflect poorly on the City of Richmond as a whole. In the event that you approve the operation of the Summer Night Market, we would suggest that you enforce a strict opening date, failing which the night market would not be permitted to open for 2008. This is in order to prevent the disappointment of the thousands of potential attendees from week to week in the event that the night market event opening is delayed.

Because of the numerous potential vendors at the Summer Night Market, it is essential that these factors be properly examined prior to the approval of the application. Once approved, it will set the wheels in motion for more than one hundred business licenses to be issued to vendors at the Summer Night Market. Once that happens, we are concerned that the City will be reluctant to shut the market down, even in the face of safety hazards and indefinite delays. It is much better to take the appropriate steps before the market is opened, rather than face political pressure from all sides once the market is operational.

Because of the potential size of the Summer Night Market and the numerous safety concerns, it is essential that the Council examine this application in great detail. We note that the Summer Night Market website advertises that the market intends to draw 30,000 visitors each night. Where such an event is proposed, the City owes an obligation to its citizens and visitors from the surrounding cities to ensure that the event is operated in a professional and safe manner. In that regard, we have concerns regarding the applicant's experience in operating large scale events such as this one. A search for the name AVIA Pacific Enterprise reveals that it is a trade name owned by Paul Cheung since 2001. Despite the longevity of this trade name, we have been unable to uncover any news articles or other information about a single event operated by Avia. Similarly, we note that the applicant has cited his experience with Paradise Entertainment Group Inc. A corporate search for Paradise indicates that the last Annual Report filed on behalf of the company was in 1997. In 2001 the company was struck from the registry for failure to file annual reports. Again, reports of what events or activities were undertaken by Paradise are scarce. We are not in a position to comment on the actual experience of Paul Cheung, Avia or Paradise Entertainment, however, given lack of immediately available information about the applicant's experience, it is imperative that the applicant's representations about his experience and ability are confirmed before the Summer Night Market is approved to proceed. This is particularly so where at least 100 vendors and possibly as many as 400 vendors will be relying on the applicant to operate a successful market.

As indicated, our client expects to be bringing an application to reopen the Richmond Night Market for the 2009 summer season. Our client has grave concerns that there will be insufficient staff and policing to accommodate the operation of two night markets in Richmond for 2009. Given our client's significant contributions to the economy and reputation of the City of Richmond we ask you to confirm that the council will make all efforts to accommodate the successful operation of the Richmond Night Market in 2009. Specifically the availability of

police officers to monitor the safety of drivers and pedestrians to the Richmond Night Market is a concern. We would ask you to comment on the availability of personnel to accommodate the operation of the Summer Night Market and the Richmond Night Market concurrently.

We have enclosed the following for your reference:

1. Copy of company search of Paradise Entertainment Group.
2. Pages from the Summer Night Market website stating the events that the applicants has produced. You will also note that for the last 8 years, the applicant has been operating an import/export business and not a business having any similarity to the Summer Night Market.

We reiterate that our client has no interest in halting the operation of the Summer Night Market for 2008 as long as steps are taken to secure the safety of vendors and patrons and to protect the reputation of the City of Richmond and the Richmond Night Market. The level of scrutiny that we suggest is no more strict than the scrutiny that Target faced when it initially opened the Richmond Night Market on the same site. It was that scrutiny that ensured a safe and successful event. It is of note that the reason that our client is not operating the Richmond Night Market on the Vulcan Way property is because, given the rents sought by the owner of the property, in order to operate a profitable market our client would have had to scale back security and safety personnel such that, in his opinion, the night market could not have been operated safely. We trust that steps will be taken to ensure that corners are not being cut by the operators of the Summer Night Market. We thank you for your consideration of the issues raised in this letter and we look forward to speaking with you with regard to the 2009 Richmond Night Market.

Yours truly,

**PRYKE LAMBERT LEATHLEY RUSSELL LLP**

Per: 

Coran R. Cooper-Stephenson

CCS:drk

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## BC Company Summary

For  
**PARADISE ENTERTAINMENT GROUP INC.**

Date and Time of Search: May 13, 2008 04:35 PM Pacific Time  
Currency Date: April 22, 2008

### HISTORICAL - Dissolved for Failure to File on April 20, 2001

Incorporation Number: BC0427272  
Name of Company: PARADISE ENTERTAINMENT GROUP INC.  
Recognition Date: Incorporated on June 15, 1992  
Last Annual Report Filed: June 15, 1997

In Liquidation: No  
Receiver: No

#### DISSOLUTION/RESTORATION INFORMATION

Filing/Event	Date of Filing
Dissolved - Failure to File	April 20, 2001

#### REGISTERED OFFICE INFORMATION

Mailing Address:	Delivery Address:
#728 - 650 WEST 41ST AVENUE NORTH TOWER, OAKRIDGE MALL VANCOUVER BC V5Z 2M9 CANADA	#728 - 650 WEST 41ST AVENUE NORTH TOWER, OAKRIDGE MALL VANCOUVER BC V5Z 2M9 CANADA

#### RECORDS OFFICE INFORMATION

Mailing Address:	Delivery Address:
#728 - 650 WEST 41ST AVENUE NORTH TOWER, OAKRIDGE MALL VANCOUVER BC V5Z 2M9 CANADA	#728 - 650 WEST 41ST AVENUE NORTH TOWER, OAKRIDGE MALL VANCOUVER BC V5Z 2M9 CANADA

#### DIRECTOR INFORMATION

Last Name, First Name, Middle Name:  
CHEUNG, JOHNNY C. T.

Mailing Address:	Delivery Address:
4668 CANADA WAY BURNABY BC V5G1K9	4668 CANADA WAY BURNABY BC V5G1K9

**Last Name, First Name, Middle Name:**  
CHEUNG, PAUL

**Mailing Address:**  
4668 CANADA WAY  
BURNABY BC V5G1K9

**Delivery Address:**  
4668 CANADA WAY  
BURNABY BC V5G1K9

**Last Name, First Name, Middle Name:**  
LO, YUEN KEI

**Mailing Address:**  
12240 JENSEN DR  
RICHMOND BC V6V2R8

**Delivery Address:**  
12240 JENSEN DR  
RICHMOND BC V6V2R8

**Last Name, First Name, Middle Name:**  
MOY, PHILLIP

**Mailing Address:**  
4479 VENABLES ST  
BURNABY BC V5C3A5

**Delivery Address:**  
4479 VENABLES ST  
BURNABY BC V5C3A5

#### **OFFICER INFORMATION AS AT June 15, 1997**

**Last Name, First Name, Middle Name:**  
CHEUNG, JOHNNY C. T.

**Office(s) Held:** (President)

**Mailing Address:**  
4668 CANADA WAY  
BURNABY BC V5G1K9

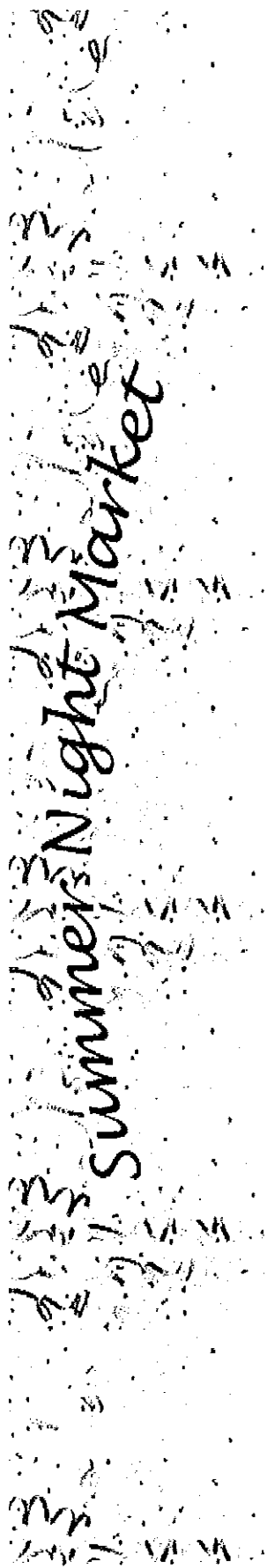
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4668 CANADA WAY  
BURNABY BC V5G1K9










**Last Name, First Name, Middle Name:**  
MOY, PHILLIP

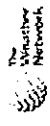

**Office(s) Held:** (Secretary)

**Mailing Address:**  
4479 VENABLES ST  
BURNABY BC V5C3A5

**Delivery Address:**  
4479 VENABLES ST  
BURNABY BC V5C3A5



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 Richmond, BC  
 13°C  
 Overcast

## Paul Cheung, Lions Communications Incorporated

Canadian born Paul Cheung is the director of operations for Lions Communications Inc., the group applying to be the operator of the 2008 Summer Night Market. The newly incorporated company was formed to comply with City of Richmond regulations that a separate corporate entity be the exclusive operator of the city's extremely popular Night Market, a summer-weekends-only event that attracts approximately 14,000 visitors each evening.

After graduating from high school, Paul earned an economics diploma at Capilano College while working with an event coordination firm. Paradise Entertainment was the exclusive event company for the Plaza of Nations and adjacent Enterprise Hall venue located on the former Expo 86 grounds. In his 10 years as a production manager with Paradise Entertainment, Paul learned all aspects of event coordination and management and oversaw a wide variety and scope of events including S.U.C.C.E.S.S. – Walk with the Dragon, the Dragon Boat festival, Chinese New Year Market, Mid-Autumn Festival and the Molson Indy.

Paul's fluency in both Cantonese and Mandarin combined with his extensive event management skills make him an ideal person to organize the 2008 Summer Night Market. He is a knowledgeable businessperson and has been successfully operating a China import/export company for the past eight years. Lions Communications is comprised of Paul, five salespeople and two senior advisors, both of whom have many years of event coordination experience.

Paul's enjoyment and passion for coordinating large projects and working together with teams, as well as being organized and well planned, makes him the most suitable and capable candidate to build the Summer Night Market for the citizens of Richmond!