

LICENCE

Chapter 831 **BILLIARD - POOL - BAGATELLE TABLES**

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SCHEDULE

Schedule 'A' - Existing billiard and pool establishments,
and the number of tables at each.

WHEREAS section 150 of the *Municipal Act, 2001* 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 billiard, pool and bagatelle tables;

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;

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*.

Article 1 INTERPRETATION

831.1.1 Applicant - defined

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

831.1.2 Billiard, pool or bagatelle table - defined

“billiard, pool or bagatelle table” means any table, coin operated or otherwise, used directly or indirectly for profit or gain with respect to billiard, pool or bagatelle purposes.

831.1.3 Billiard or pool hall - defined

“billiard or pool hall” means a premise operating one or more tables for profit or gain.

831.1.4 Commissioner - defined

“Commissioner” means the Commissioner of Community Services for The Corporation of the Town of Richmond Hill. By-law 89-19, 11 June, 2019.

831.1.5 Corporation - defined

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

831.1.6 Council - defined

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

831.1.7 Forfeiture - defined

“forfeiture” means the loss of the right to apply for or to hold a licence.

831.1.8 Gross floor area - defined

“gross floor area” means the aggregate of the floor of all the storeys of a building including floor area of any basement, but not any cellar, which floor areas are measured between the exterior faces of the exterior walls of the building or from the centre line of a common or party wall at each floor level, but excluding parking spaces or loading spaces within the building; for the purposes of this definition, the walls of an inner court shall be deemed to be exterior walls.

831.1.9 Lease - defined

“lease” means a contract authorizing the use and possession of land and/or buildings for a fixed time and fee and may be subject to renewal in conjunction with the operation of a billiard or pool hall or recreational billiard area.

831.1.10 Licence - defined

“licence” means a licence issued by the Corporation to operate a billiard or pool hall or recreational billiard area under this Chapter.

831.1.11 Licence fees - defined

“licence fees” means those fees and charges required by this Chapter and as set out in Chapter 684 [Tariff of Fees].

831.1.12 Licence Hearings Committee - defined

“Licence Hearings Committee” means a committee of Council duly appointed to conduct hearings under this Chapter.

831.1.13 Licensed - defined

“licensed” means licensed under this Chapter. By-law 92-05, 12 December, 2005.

831.1.14 Licensing Officer - defined

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

831.1.15 Licensing Section - defined

“Licensing Section” means the Licensing Section of the Planning and Development Department.

831.1.16 Liquor licence - defined

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

831.1.17 Manager - defined

“manager” means a person who alone or with others operates, manages, supervises, runs or controls a billiard or pool hall or recreational billiard area.

831.1.18 Owner - defined

“owner” means a person who alone or with others has the right to possess or occupy a billiard or pool hall or recreational billiard area or actually does possess or occupy such a facility and includes a lessee.

831.1.19 Person - defined

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

831.1.20 Population - defined

“population” means the number of natural individuals living in the Town.

831.1.21 Population figures - defined

“population figures” means the number of natural individuals as calculated by using the latest census results provided by Statistics Canada together with Town data based on annual building statistics and related occupancy factors.

831.1.22 Recreational billiard area - defined

“recreational billiard area” means a portion of a premise, ancillary to a restaurant having a liquor licence issued by the Alcohol and Gaming Commission and which operates three or fewer tables.

831.1.23 Sale - defined

“sale” means the act of selling, exchange or transfer of ownership of a billiard or pool hall or recreational billiard area.

831.1.24 Service - defined

“service” means services relating to billiard operations and activities as may be provided for in this Chapter.

831.1.25 Town - defined

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

Article 2 GENERAL PROVISIONS

831.2.1 Licence - required

No person shall operate billiard, pool or bagatelle tables for hire or gain, as defined in this Chapter, as a billiard or pool hall or recreational billiard area without a licence issued by the Town in accordance with this Chapter.

831.2.2 Licence - not required

Despite Section 831.2.1, premises which keep or have in their possession two or fewer billiard, pool or bagatelle tables only for the use of their members or guests and do not directly or indirectly charge for such use shall not be required to purchase a licence.

831.2.3 Licence - issue - based on ratio of population

The number and types of billiard or pool hall licences granted by the Town, as outlined in Section 831.2.1 shall be based on a ratio of one licence per 6,000 population.

831.2.4 Expiry date

A licence issued under Section 831.2.1 shall expire and be renewable on December 31 in the calendar year of issue and shall be renewed by January 31 of the following year.

831.2.5 Existing licence - number of tables - Schedule 'A'

A listing of existing billiard and pool halls and the number of tables at each location shall be as set out in Schedule 'A' to this Chapter.

Article 3 APPLICATION - GENERAL

831.3.1 Licence fees

At the time of making application for a licence under this Chapter, every applicant shall pay to the Town the fees set forth in Chapter 684 [Tariff of Fees], provided such fee shall not be reduced in the event that the period for which the licence is granted is less than one year.

831.3.2 Application - fee - accepted - subject to investigation

Acceptance of the application and/or the licence fee by the Town shall not represent approval of the application for the issuance of a licence nor shall it obligate the Town to issue such licence.

831.3.3 Investigation - types - Licensing Officer

The Licensing Officer may make or cause to be made all investigations deemed necessary, including the review of all pertinent Zoning By-laws, and Fire and Building Code requirements to ensure that the applications comply with same, and no licence shall be issued contrary to the provisions of any applicable Zoning By-law or where Fire or Building Code deficiencies exist.

831.3.4 Licence - issue - pre-requisites met

Where an application meets criteria and pre-requisites established in this Chapter, the Licensing Officer shall be authorized to issue a licence.

831.3.5 Misrepresentation - violation

The making of a false or intentionally misleading recital of fact, statement or representation in any matter, declaration or application form required by this Chapter shall be deemed a violation of the provisions of this Chapter.

831.3.6 Inspection - entry on premises - all reasonable times

To enforce the provisions of this Chapter, the Licensing Officer or person so authorized may enter any premises at all reasonable times to carry out an inspection.

831.3.7 Advertising - name other than licensed - prohibited

No person licensed to carry on business under this Chapter shall advertise, promote or carry on such business under any name other than the name endorsed on the licence.

Article 4 FACILITIES - PREMISES

831.4.1 Location - control - zoning

Control on location for a recreational billiard area shall be established by means of criteria outlined in Town Zoning By-laws.

831.4.2 Tables - number per establishment - how calculated

The number of tables per establishment will be based on a ratio of tables to floor area. The floor area to be considered shall be the area dedicated for billiard activities and shall be as follows:

- (a) for tables 4.5' x 9' (1.37 metres x 2.74 metres), an area of 90 sq.ft. (8.4 m²);
- (b) for tables 6' x 12' (1.82 metres x 3.65 metres), an area of 135 sq.ft. (12.5 m²).

831.4.3 Tables - maximum - 20 per establishment

Despite the floor area noted in Section 831.4.2, no billiard or pool establishment in the Town shall have more than 20 tables.

831.4.4 Floor plan - presented with application

A floor plan shall be presented with the application showing the location of each billiard, pool or bagatelle table and location of all doors and windows.

831.4.5 Tables - location - impeding ingress - egress

No billiard, pool or bagatelle table shall be located in such a manner as to impede access to any door or other exit.

831.4.6 Tables - request to increase number - criteria

Any request to increase the number of tables in a recreational billiard area premise must meet the criteria established in this Chapter.

831.4.7 Additional regulations - set out

The regulations set out in Sections 831.4.8 through 831.4.12 inclusive shall also apply to all premises licensed under this Chapter.

831.4.8 Lighting - ventilation - requirement

The premises shall be provided with adequate light and ventilation so as to comply with the Ontario Building Code requirements.

831.4.9 Washrooms - separate facilities - maintained sanitary

Adequately equipped toilet and washroom accommodation shall be provided and there shall be separate facilities for males and females and all such fixtures and equipment therein shall be regularly washed and kept in a sanitary condition.

831.4.10 Rubbish - cleared - area clean - containers provided

The premises shall be kept neat and clean and clear of rubbish. Metal or other non-combustible containers with self-closing covers shall be provided and be conveniently placed for the deposit of waste and rubbish and the contents of such containers shall be emptied and disposed of immediately at the close of each day's activities.

831.4.11 Licence - posted - on premises - conspicuous

Each owner's and manager's licence, when issued, shall be posted in a conspicuous place on the premises so licensed.

831.4.12 Sign - posted - prohibiting - loitering - gambling - other

Every premise licensed under this Chapter shall have posted in a conspicuous place on the premise, a notice which indicates that disorderly conduct, loitering and gambling are not permitted in, on or about the premises, and no owner or manager licensed under this Chapter shall permit any disorderly conduct, loitering or gambling to take place on the premise.

Article 5

OWNER - MANAGER - REGULATIONS

831.5.1 Manager - on duty - at all times

Each billiard or pool hall including a recreational billiard area shall be required to have a manager on duty at all times.

831.5.2 Behaviour - civil - clean appearance - required

Every owner and manager while at the premises shall be neat and clean and be civil and well-behaved to members of the public with whom he or she is dealing.

831.5.3 Age - restriction

No person under the age of eighteen may be or act as an owner or manager of a billiard or pool hall or recreational billiard area or provide any services whatsoever in such establishments.

831.5.4 Owner - obligation to enforce age restriction

No owner shall permit any person under the age of eighteen to be or act as manager of a billiard or pool hall or recreational billiard area or to provide any services in such establishments.

831.5.5 Liquor licence - additional age restriction

No person under the age of nineteen may be an owner or manager of a billiard or pool hall or recreational billiard area having a liquor licence.

Article 6 CHANGE OF STATUS

831.6.1 Change of ownership - licence review - conditions

Despite Section 831.8.1, and subject to Section 831.6.2, the Town shall consider and review a licence application from a new owner of a licensed premise, providing the said owner can otherwise meet licensing requirements outlined in this Chapter, the use of such billiard or pool hall or recreational billiard area is not interrupted, prior to a change of ownership, for a period of time exceeding ninety days in total.

831.6.2 Report - any changes - within seven days

Any change in any of the particulars relating to a person licensed under this Chapter shall be reported to the Town within seven days of the change and changes in the principals of a partnership or officers or directors of a corporation must receive prior approval of the Town, failing which the licence may be revoked.

Article 7 REPORT TO COUNCIL

831.7.1 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 4 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 8
LICENCE NON-TRANSFERABLE
WITHOUT COUNCIL APPROVAL

831.8.1 Licence not transferable

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 9
GROUND FOR REFUSAL TO ISSUE
OR RENEW A LICENCE

831.9.1 Licence issued or renewed

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

831.9.2 Licence refused - financial position

Notwithstanding Section 831.9.1, 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.

831.9.3 Licence refused - past conduct of applicant

Notwithstanding Section 831.9.1, 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.

831.9.4 Licence refused - contrary to public interest

Notwithstanding Section 831.9.1, a licence may not be issued or renewed where the issuance of the licence or renewal of the licence would be contrary to the public interest.

831.9.5 Licence refused - activities in contravention of this Chapter

Notwithstanding Section 831.9.1, 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.

831.9.6 Licence refused - use of premises

Notwithstanding Section 831.9.1, 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.

831.9.7 Licence refused - applicant provides false information

Notwithstanding Section 831.9.1, 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.

831.9.8 Licence refused - information provided no longer accurate

Notwithstanding Section 831.9.1, 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.

831.9.9 Licence refused - fee not paid

Notwithstanding Section 831.9.1, a licence may not be issued or renewed where the fee payable in respect of the licence applied for has not been paid.

831.9.10 Licence refused - applicant - non-compliant

Notwithstanding Section 831.9.1, 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.

831.9.11 Licence refused - applicant is corporation

Notwithstanding Section 831.9.1, 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;
- (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 10
COUNCIL'S POWER TO REFUSE TO ISSUE
OR RENEW A LICENCE

831.10.1 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 9.

Article 11
REFUND OF FEE ON REFUSAL TO ISSUE
OR RENEW A LICENCE

831.11.1 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 per cent of the application processing fee.

Article 12
ISSUANCE OF A LICENCE ON TERMS AND CONDITIONS

831.12.1 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 831.19.1 of this Chapter.

Article 13
COUNCIL'S POWER TO REVOKE
OR SUSPEND A LICENCE

831.13.1 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 9 of this Chapter.

Article 14
REFUND OF FEE ON REVOCATION OF A LICENCE

831.14.1 Licence revoked - refund of fee

When a licence is revoked under Section 831.13.1, 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.

831.14.2 Refund of fee - not applicable

The provisions of Section 831.14.1 do not apply when the unexpired part of the term is less than four months.

Article 15

CANCELLATION OF A LICENCE

831.15.1 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 16

APPEALS TO THE LICENCE HEARINGS COMMITTEE

831.16.1 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 Section 831.9.1, 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 831.12.1, that Council issue a licence on terms and conditions.

831.16.2 Refusal to issue or renew licence - 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.

831.16.3 Written notice - contents

The written notice to be given under Section 831.16.2, 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 17
NOTICE OF HEARING

831.17.1 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.

Article 18
SERVICE OF WRITTEN NOTICE

831.18.1 Written notice - service

The written notice referred to in Sections 831.16.2, and 831.16.3, 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.

831.18.3 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 (7th) 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 19
HEARING BEFORE THE LICENCE
HEARINGS COMMITTEE

831.19.1 Applicant does not attend hearing

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.

831.19.2 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 20
COUNCIL AUTHORITY AFTER THE HEARING

831.20.1 Council - recommendation of Licence Hearing Committee
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 21
**RETURN OF THE LICENCE AFTER
REVOCATION OR SUSPENSION**

831.21.1 Licence revoked - suspended - returned to 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.

831.21.2 Licence revoked - licensing officer to obtain licence
When a 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 831.21.1.

Article 22
TRANSITION

831.22.1 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 23
SEVERABILITY

831.23.1 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 24
ENFORCEMENT

831.24.1 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.

Article 25
REPEAL - ENACTMENT

831.25.1 By-law - previous

Chapter 831 of the Municipal Code respecting Billiard, Pool and Bagatelle Tables be repealed in its entirety and replaced with the new Chapter 831. By-law No. 12-01 be repealed. By-law 192-05, 12 December, 2005; By-law 78-11, 11 July, 2011.

BILLIARD - POOL - BAGATELLE TABLES

SCHEDULE

**Schedule 'A' - Existing billiard and pool establishments,
and the number of tables at each.**

Club Name	Location	Tables
Chalkers Billiard Club	14 Oxford Street	14
Honest Lawyer	15 York Blvd	15
Galaxy Restaurant and Tavern	10520 Yonge Street	3
Sharx	11160 Yonge Street Unit 3	20

By-law 192-05, 12 December, 2005; Schedule 'A'.