

 <b>Provincial Capital Commission</b> Wascana Centre   Government House	<h1>COMMERCIAL LICENSE BYLAW</h1>	
<u>Section:</u> n/a	<u>Bylaw#</u> 4	<u>Version#</u> 1
<b>Effective Date:</b> March 8, 2021		<b>Replaces:</b> WCA Bylaw 8
<b>Approved By:</b> Provincial Capital Commission, Board of Directors		

**Purpose:**

- 1 The purpose of this Bylaw is to specify the requirements to obtain a Provincial Capital Commission (Commission) commercial license and to conduct commercial activities in Wascana Centre along with the conditions under which a commercial license may be suspended or cancelled. The Commission regulates all land use in Wascana Centre in accordance with the master plan and Commission bylaws and policies.

**Authority:**

- 2 This Bylaw is established under clause 4-1(h) and clause 4-1(p) of *The Provincial Capital Commission Act (Act)* which authorizes the Commission to do the following:
  - (a) regulate, restrict, or prohibit a trade, commercial enterprise, amusement, occupation, or other activity or undertaking and determine the place where any of these activities may or may not be carried on; and
  - (b) provide for a system of licenses.

**Scope and Application:**

- 3 This Bylaw applies to any person who seeks a license for commercial activity carried on outside a building in Wascana Centre; it does not apply to any property owner or tenant in Wascana Centre who conducts commercial activity within a building.

**Definitions:**

- 4 n/a

## **Commercial License Required**

- 5 No person shall carry on any commercial activity within Wascana Centre without a license issued by the Commission.

## **Application for Commercial Activity License**

- 6 Every person wishing to obtain a commercial activity license must submit an application to the Commission in the form provided or acceptable to the Commission.
- 7 Every applicant must submit a fee along with the application.
- 8 The Commission shall publish a fees schedule on the Commission's website and in any other manner the Commission considers appropriate indicating the fee amount for each type of permit.
- 9 The application fee mentioned above is not refundable.
- 10 Every application must contain the following information satisfactory to the Commission:
  - (a) the proposed location(s) of the commercial activity;
  - (b) the business name under which the proposed commercial activity will operate;
  - (c) the legal name of the applicant;
  - (d) the mailing address, e-mail, and telephone number of the applicant;
  - (e) the nature of the commercial activity for which the license is required;
  - (f) the details and specifications of any request to erect a temporary structure or tent to carry on the commercial activity; and
  - (g) any other information that may be reasonably requested by the Commission.
- 11 The Commission may waive the license fee if the applicant is from a non-profit organization.

## **Application Review**

- 12 After receiving an application, the Commission may:
  - (a) approve the application if it is satisfied that:
    - i. the application is complete;

ii. the commercial activity set out in the application is consistent with the Act, the regulations, the master plan, and this Bylaw; and

iii. it is not contrary to the public interest to do so; or

(b) reject the application if it is satisfied that:

i. the application is not complete;

ii. the proposed commercial activity is unsafe or dangerous;

iii. the proposed commercial activity will impact the natural condition of Wascana Centre;

iv. the proposed commercial activity will substantially interfere with the use of all or any part of Wascana Centre by the public;

v. the proposed commercial activity is not consistent with the Act, the regulations, the master plan, this Bylaw, or with the principles mentioned in Commission Bylaw 1: Framework Bylaw;

vi. the proposed commercial activity would contravene any laws of general application; or

vii. it is contrary to the public interest to issue the license applied for.

13 If the Commission rejects an application, it must notify the applicant in writing of the decision and provide reasons.

14 An applicant whose application has been rejected may apply to the Commission to reconsider its decision and may provide the Commission with any additional information or reasons that the applicant considers helpful.

15 On receipt of an application pursuant to section 14, the Commission is to consider the application and may approve or reject it.

16 The Commission may delegate to the chief executive officer any of its powers and duties pursuant this Bylaw, and the exercise by the chief executive officer of those powers and the fulfilment of those duties is deemed to be the exercise and fulfilment by the Commission.

### **Commercial License Terms and Conditions**

17 The Commission may impose any terms and conditions it considers appropriate on the license, including, but not limited to:

- (a) hours of operation of the commercial activity;
  - (b) subject to renewal or extension, the expiry date of license;
  - (c) the commercial activities authorized under the license;
  - (d) an authorization or prohibition of erecting any booth, tent, stall or other structure and the conditions under which it must be erected, maintained and taken down; or
  - (e) setting out any other term or condition that it considers appropriate or in the public interest.
- 18 A commercial activity license holder must abide by the term and conditions of the license.
- 19 No commercial activity license issued is transferable.
- 20 If a permit holder contravenes the terms and conditions imposed on the holder's permit or any laws of general application that apply to the commercial activity, the Commission may cancel the license after providing written notice to the holder along with reasons for the proposed cancellation.
- 21 Notwithstanding section 20, if the Commission considers it urgent and in the public interest, the Commission may immediately cancel a holder's license, but, if it does so, shall provide the holder with written reasons for its cancellation.

### **Expiry and renewal of licenses**

- 22 Commercial activity licenses shall not be issued for a period greater than 365 days.
- 23 Not less than two (2) business days before a license is to expire, the holder of a license may apply to have the license renewed and, on receipt of an application to renew, the Commission may:
- (a) renew the license; or
  - (b) not renew the license if the Commission considers that it is not consistent with the Act, the regulations, the master plan, this Bylaw, or is not in the public interest.
- 24 If the Commission decides not to renew a license, it shall provide notice to the holder along with reasons for its decision.

## Commercial License Suspension and Cancellation

- 25 A commercial license may be suspended or cancelled by the Commission if the applicant:
- (a) provided false information in the application;
  - (b) fails to comply with the direction of the Commission during an inspection;
  - (c) engages in an activity that is not authorized under the license or that is deemed to breach the Act, master plan, any bylaw of the Commission, or any law;
  - (d) interferes with the use of Wascana Centre by the public; or
  - (e) otherwise breaches a term and condition of the license.
- 26 If the Commission determines that a license is to be suspended or cancelled:
- (a) the Commission shall provide the license holder with forty-eight (48) hours of notice of the suspension and cancellation in writing;
  - (b) the license holder may, during the forty-eight (48) hour notice period, provide information to the Commission that the license holder wishes to provide, otherwise the suspension or cancellation becomes effective at the time provided in the original notice;
  - (c) if information is provided by the license holder, the Commission must:
    - i. consider the information;
    - ii. provide further written notice to the license holder whether the suspension or cancellation will proceed and become effective at the time provided in the original notice or an alternative effective time; and
    - iii. provide reasons for that determination.
- 27 If the Commission determines there is a danger to the public or Wascana Centre, then the Commission may provide written notice of the immediate suspension or cancellation of a license and that suspension or cancellation is effective upon the notice being provided to the license holder:
- (a) following the immediate suspension or cancellation, the license holder will be provided with five (5) business days to provide information to the Commission as the license holder wishes, otherwise the suspension or cancellation remains effective;
  - (b) if information is provided by the commercial license holder, then the Commission must:

- iv. consider the information;
  - v. provide further written notice to the license holder whether the license will continue to be cancelled or suspended; and
  - vi. provide reasons for that determination.
- 28 If a license is suspended for any reason, the original notice provided must state the period of suspension, and the license shall automatically resume at the conclusion of the suspension period.

### **Amendments of License**

- 29 A license, including its terms and conditions, may be amended at the request of the license holder or at the discretion of the Commission. Notice of any amendment will be provided to the license holder. If the terms and conditions of a license are amended at the discretion of the Commission, then the Commission shall notify the license holder of the reasons for amendment.

### **Enforcement**

- 30 If a person contravenes or fails to comply with a provision of this Bylaw that person is guilty of an offence and subject to the penalties listed in Commission Bylaw 5: Enforcement Bylaw.

### **Repeal**

- 31 This Bylaw repeals Bylaw 8: Licensing of Commercial Activities Bylaw of the Wascana Centre Authority dated, July 17, 2018.