

# MICHAEL GOLDEN

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May 25, 2020  
Our File No. 00893

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**Via E-Mail: [Kate.OConnell@burnaby.ca](mailto:Kate.OConnell@burnaby.ca)**

City of Burnaby  
4949 Canada Way  
Burnaby, BC  
V5G 1M2

**Attention: Kate O'Connell**

**Re: Dahlak Restaurant Ltd., 7868 Edmonds Street, Burnaby, BC  
Reconsideration Hearing June 8, 2020**

Dear Sirs/Madam:

Further to your letter of May 14, 2020 enclosed you will find the following:

1. Statutory Declaration of Amanuel Mihretab sworn the 22<sup>nd</sup> day of May 2020;
2. Copies of four videos of the premises at 7868 Edmonds Street.

The first video is from a surveillance camera on the outside of the premises. The video shows the police arriving at approximately 15:17:28 on March 28, 2020. One of the officers is looking into the premises and both officers depart at 15:18:14 hours. The second video shows the inside of the premises at 15:18:05. The seating area of the restaurant appears in the foreground and the video shows the chairs placed on top of the tables and that the dining area is empty. Approximately five males are seen leaving through the rear door of the premises.

The third video is at 15:16:26 on March 28, 2020. No activity is visible in the foreground in the dining area of the restaurant. Mr. Mihretab appears as he runs from the rear of the restaurant to the front of the restaurant and one male is seen entering through the rear door and meeting a second male who appears moving around at the rear of the restaurant.

The final video was taken recently and shows the interior of the restaurant including the dining area with chairs piled on top of tables. The rear of the restaurant including a red couch and a small table are also visible at the rear area. The purpose of the video is to

demonstrate that there is not adequate room at the rear of the restaurant to comfortably seat 20 or 25 people.

The following people will be present at the hearing:

1. Amanuel Mihretab;
2. Samuel Tsehay Tesfazgai;
3. Mehari Debessay Gebrekidan;
4. A Tigrinya translator has been arranged;
5. Counsel, Michael Golden.

Please advise me as to whether we are required to take any further steps to be able to play the video tapes at the Reconsideration Hearing.

Yours truly,



**MICHAEL GOLDEN**  
MG\*dl

Canada, Province of  
British Columbia

) IN THE MATTER OF  
) OF DAHLAK RESTAURANT LTD.  
) 7868 EDMONDS ST., BURNABY, BC

STATUTORY DECLARATION

I, AMANUEL MIHRETAB, businessowner, of 7868 Edmonds Street, Burnaby, British Columbia solemnly declare that:

1. [REDACTED]
2. [REDACTED]
3. [REDACTED]
4. [REDACTED]
5. The Dahlak restaurant prepares and sells Eritrean food. Members of the Eritrean community in the lower mainland attend at my restaurant to purchase our traditional dishes.
6. On Thursday March 26, 2020 I received an e-mail from Andy Dhaliwal from the City of Burnaby advising me that someone had complained that I was conducting business in violation of the COVID-19 rules. I told Mr. Dhaliwal that I intended to close my business because I could not earn enough money from takeout orders.
7. On March 27, 2020 I attended at my business but I did not open the front door. I was expecting some people to attend at the business to purchase takeout food. My cousin [REDACTED] was present and he was working in the kitchen.
8. At about 4:00 p.m. there were five Eritrean men, [REDACTED]  
[REDACTED] in the back

area of the restaurant. They were seated at a table in the back of the restaurant waiting for food that they had ordered to take out. They were not playing cards.

9. There was a deck of cards located near where my customers were seated but they were not engaged in a card game.
10. The area at the rear of my business is not large enough to accommodate 20 people.
11. I was on the phone when I heard the police knocking. The five men who were seated at the rear of my restaurant left out the back door soon after the police knocked.
12. The parking lot at the rear of my business is shared with an Italian restaurant, a sushi restaurant and a martial arts studio. There may have been cars in the parking lot for some of the other businesses at the time that the police arrived.
13. Soon after the police arrived a group of four Eritrean males from Abbotsford who did not know that my business was not open came into the parking lot. I believe that these are the four men who are referred to in the police report. These men were not inside the restaurant at the time that the police arrived. I believe other people, particularly members of the Eritrean community who live near my business attended the parking lot to see why the police were there.
14. My business was not open for dine in service on March 27, 2019. I was selling food only for take-out. The chairs in the dining area had been stacked on top of the tables and there were no servers on duty.

I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath and by virtue of the *Canada Evidence Act*.

Declared before at the City of Burnaby, )  
in the Province of British Columbia )  
this 22 day of May, 2020. )  
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A commissioner for taking Affidavits )  
In the Province of British Columbia )

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AMANUEL MIHRETAB