



CITY OF VANCOUVER

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CHAUFFEUR'S PERMIT HEARING MINUTES

JANUARY 29, 2008

A Chauffeur's Permit Hearing of the Council of the City of Vancouver was held on Tuesday, January 29, 2008, at 7:30 p.m., in the Council Chamber, Third Floor, City Hall, to determine whether or not a 2008 Chauffeur's Permit should be issued to Harpreet Singh Gill.

PRESENT: Councillor B.C. Lee, Chair
Councillor Kim Capri
Councillor Tim Stevenson

CITY CLERK'S OFFICE: Tina Hildebrandt, Meeting Coordinator

1. **Harpreet Singh Gill (the "Applicant")** (VanRIMS No. 08-2000-22)

The Chauffeur's Permit Hearing Panel had before it for consideration an Evidence Brief, prepared by the City of Vancouver's Legal Department, which contained the following material (*on file in the City Clerk's Office*) and the evidence of witnesses:

1. July 28, 2006
Letter from Office of Chief Constable to Harpreet Singh Gill
2. October 3, 2006
City of Vancouver, Chauffeur's Permit Appeal Hearing
(In Camera) Minutes
3. December 6, 2007
Letter from Office of Chief Constable to Harpreet Singh Gill
4. January 10, 2008
Notice of Hearing from City of Vancouver, Legal Department to S.R. Chamberlain, Q.C.
5. August 27, 2007
Provincial Court of British Columbia
Reasons for Judgment of the Honourable Judge Howard Regina v. Harpreet Singh Gill

Iain Dixon, Lawyer, was present on behalf of the City of Vancouver. Harpreet Singh Gill, the Applicant, was present and represented by Russ Chamberlain, Q.C.

Mr. Dixon explained that this matter was referred to Council by the Chief Constable regarding his refusal to issue a 2008 Chauffeur's Permit to the Applicant, pursuant to section 36(5) of the *Motor Vehicle Act, RSBC 1996 c. 318*, and the subsequent appeal of this decision filed by the Applicant, pursuant to section 36(7). In addition, he referred to section 277.1(1) of the

Vancouver Charter which gives Council the authority to delegate the holding of a hearing or an appeal to one or more council members.

Mr. Dixon provided a brief review of the allegations against the Applicant in a previous Chauffeur's Permit Hearing held October 3, 2006, and pointed out that the Panel's objective at this hearing is not to focus on the previous hearing but rather whether the Applicant has changed and is therefore fit to have the Permit. He added that should the Panel choose not to issue the Permit, the decision must include the reasons listed in the Notice of Hearing.

Mr. Dixon referred the Panel to the evidence before it as set out in documents which were considered by the Chief Constable in refusing to issue the Permit, the evidence of witnesses, and any further documents relevant to the issue.

The Panel also had before it a letter dated January 11, 2008, from Harpreet Singh Gill which was submitted at the hearing (*on file*).

In support of the allegations set out in the evidence contained within the aforementioned Evidence Brief, Mr. Dixon called PC Kevin Barker, Police Services, City of Vancouver.

Mr. Chamberlain also directed questions to the witness.

Mr. Chamberlain submitted that apart from the incident on July 16, 2006, the Applicant has had no problems while driving a cab and it was that incident that placed him under question and his entitlement to operate a cab revoked. In addition, he referred to the Provincial Court ruling of August 27, 2007, in which the Applicant was found not guilty on July 16, 2006.

The following evidence was submitted by Mr. Chamberlain (*on file*):

- a copy of a Chauffeur's Permit issued by the City of Richmond to Harpreet Singh Gill;
- a letter of recommendation dated January 3, 2008, from John Palis, General Manager, Black Top Cabs Ltd. (re: Harpreet Singh Gill); and
- a reference letter dated January 28, 2008, from Balwant Singh Gill, President, Guru Nanak Sikh Gurdwara Society (re: Harpreet Singh Gill).

Mr. Chamberlain called Harpreet Singh Gill (the "Applicant") as a witness. In response to questions, Mr. Gill provided details of the events that occurred on July 16, 2006, and how he would do things differently in the future. Mr. Gill also confirmed that he currently holds a Chauffeur's Permit in Richmond and drives a cab part-time in order to support his family.

Mr. Dixon also directed questions to the witness.

In closing, Mr. Dixon reviewed Council's decision of October 3, 2006, and reiterated that it is not the Panel's role to revisit that issue but rather to determine whether Mr. Gill has satisfied the Panel that he should now be allowed to have a Permit. Mr. Dixon referred to the Provincial Court ruling of August 27, 2007, and the letter of recommendation from Black Top Cabs and advised that Mr. Gill can not apply for a Chauffeur's Permit unless a cab company in Vancouver will hire him.

In closing, Mr. Chamberlain advised the Panel that this hearing is not an appeal or review of Council's decision of October 3, 2006, where other evidence was presented, but rather what is before the Panel at this hearing. In reviewing the decision to refuse the Permit, he expressed concern with the manner in which the decision was based. He added that the Applicant has a Chauffeur's Permit from the City of Richmond and is an individual who has a stellar record. In conclusion, Mr. Chamberlain advised that the Applicant made a poor judgement on the evening of July 16, 2006, adding that it is difficult for a cab driver, who has worked all night, to walk away from a patron who does not pay their fare. He noted that the Applicant has brought several applications before Council and has suffered 16 months without a Chauffeur's Permit.

PANEL MEMBERS DISCUSSION

The Panel members discussed the evidence presented and it was noted the criminal matter is not the deciding factor but rather the Applicant's poor judgement on July 16, 2006, in following the patron to her apartment to collect the fare. The Panel felt the Applicant has learned from this experience and will be very cautious in future. In addition, he has a family to support.

MOVED by Councillor Stevenson

THAT a 2008 Chauffeur's Permit (the "Permit") be issued to Harpreet Singh Gill (the "Applicant").

CARRIED UNANIMOUSLY

The Chauffeur's Permit Hearing adjourned at 9:00 p.m.

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