



CITY OF VANCOUVER

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CHAUFFEUR'S PERMIT APPEAL HEARING MINUTES  
FEBRUARY 26, 2008

A Chauffeur's Permit Appeal Hearing of the Council of the City of Vancouver was held on Tuesday, February 26, 2008, at 9:30 a.m., in the Council Chamber, Third Floor, City Hall, to determine whether the cancellation by the Chief Constable of the Chauffeur's Permit (the "Permit") issued to Yonas Habtegher Haile should be upheld.

**PRESENT:** Councillor Heather Deal, Chair  
Councillor B.C. Lee  
Councillor Tim Stevenson

**CITY CLERK'S OFFICE:** Nicole Ludwig, Meeting Coordinator

**COMMITTEE OF THE WHOLE**

MOVED by Councillor Stevenson  
SECONDED by Councillor Lee

THAT this Panel resolve itself into Committee of the Whole with Councillor Deal in the Chair.

CARRIED UNANIMOUSLY

1. Yonas Habtegher Haile (VanRIMS No.: 08-2000-22)  
"The Appellant"

The Chauffeur's Permit Appeal 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:

**Notice of Hearing**

**Tab**

1 **Documents**

<u>Date</u>	<u>Description</u>
Jan 10, 2008	General Occurrence Hardcopy - GO #1301 2008-3770 (edited)
Jan 10, 2008	Statement - N. Schroeder (edited)
Jan 10, 2008	Statement - M. Mercier (edited)
Jan 10, 2008	GPS Snapshots - Yellow Cab Co. Ltd. (6 pgs)

Jan 16, 2008	Letter from Chief Constable Chu to Y. Haile re: Cancellation of Chauffeur's Permit with Chauffeur's Permit 2493 attached
Jan 24, 2008	E-mail from A. O'Doyle to Cst. K. Barker re: info/timeline
Feb 4, 2008	E-mail from A. O'Doyle to Cst. K. Barker re: employment record

Catherine Kinahan, Lawyer, was present on the behalf of the City of Vancouver. Yonas Habtegher Haile ("the Appellant") represented himself and was assisted by an interpreter.

Ms. Kinahan noted the presence of media cameras and indicated the decision to allow cameras in the meeting is the decision of the Panel, which governs its own procedure. After asking the appellant his position, the Panel agreed to allow cameras in the hearing.

In addition to the documents in the evidence brief, Ms. Kinahan also referred the Panel to the following additional documents submitted at the hearing (*on file in the City Clerk's Office*):.

1. Photographs from camera inside taxi dated January 10, 2008 from 10:19:51 hours to 10:22:06 hours.
2. Taxi Unit Complaint Form dated January 10, 2008
3. Notes from meeting between Appellant and Police Constable 1118 Kevin Barker dated January 10, 2008
4. Notes from meeting in Interview Room at 312 Main Street dated January 23, 2008, 15:15 hours
5. Photographs from camera inside taxi dated January 10, 2008, from 11:41:30 hours to 13:32:12 hours

Ms. Kinahan called the following witnesses in support of the allegations:

1. Noelle Schroeder
2. Manon Mercier
3. Andy O'Doyle
4. Kevin Barker, Police Constable 1118

The Panel and the Appellant, with the aid of an interpreter, also asked questions of witnesses.

Part way through the evidence, the Appellant requested the Panel postpone the current proceedings so that he could call a potential witness to speak on his behalf. The Panel agreed to continue with the hearing, after discussing the issue and determining that such additional evidence would not be of assistance.

Ms. Kinahan and the Panel asked questions of Mr. Haile.

In closing, Ms. Kinahan noted there is evidence to suggest that the appellant did indeed fail to return the belongings of the witnesses, in contravention of the Vehicles for Hire By-law and that this was a matter which, if believed, would support the conclusion of the Chief Constable that the appellant was unfit to act as a chauffeur.

Mr. Haile declined to make a closing submission.

#### PANEL MEMBERS DISCUSSION

In discussion, the Panel noted problems with the Appellant's credibility because he was unable to explain why the photographic evidence clearly showed the trunk of the taxi opened at the time the passengers said they placed their computers and other belongings in the trunk of the car. This was inconsistent with the evidence of the appellant which was that the trunk was not opened and the passengers carried their belongings with them. The Panel, after hearing all the evidence, believed the evidence of the passengers and disbelieved the evidence of the appellant.

MOVED by Councillor Stevenson

THAT the cancellation by the Chief Constable of the Chauffeur's Permit issued to Yonas Habtegher Haile (The "Appellant") be upheld as the Appellant is unfit to act as a chauffeur because he has engaged in activities related to his employment as a chauffeur which may put the public at risk, and because of the resulting concern that the Appellant will use his employment as an opportunity to engage in those activities.

CARRIED UNANIMOUSLY

#### RISE FROM COMMITTEE OF THE WHOLE

MOVED by Councillor Stevenson

THAT the Committee of the Whole rise and report

CARRIED UNANIMOUSLY

#### ADOPT REPORT OF COMMITTEE OF THE WHOLE

MOVED by Councillor Stevenson

SECONDED by Councillor Lee

THAT the Panel adopt the report of the Committee of the Whole

CARRIED UNANIMOUSLY

The Chauffeur's Permit Appeal Panel adjourned at 12:04 p.m.

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