



REPORT TO COUNCIL

CHAUFFEUR'S PERMIT APPEAL HEARING MINUTES

MAY 18, 2010

A Chauffeur's Permit Appeal Hearing of the Council of the City of Vancouver was held on Tuesday, May 18, 2010, at 9:35 am in the Council Chamber, Third Floor, City Hall, to determine whether or not the refusal of the Chief Constable to issue a Chauffeur's Permit (the "Permit") to Sukhpal Singh Dhillon should be upheld.

PRESENT: Councillor David Cadman, Chair
Councillor Raymond Louie
Councillor Andrea Reimer

CITY CLERK'S OFFICE: Pat Boomhower, Meeting Coordinator

1. Sukhpal Singh Dhillon

Iain Dixon, Litigator, Legal Services Department, advised of options the Chauffeur's Permit Appeal Panel could consider when the Appellant is not present at the designated start time. The Panel agreed to wait 15 minutes to allow time for the Appellant to arrive.

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The Hearing recessed at 9:36 am and reconvened at 9:50 am with all Panel members and the Appellant present.

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Mr. Dixon, Legal Services, was present on behalf of the City of Vancouver. Sukhpal Singh Dhillon (the Appellant) represented himself and was accompanied by Harmanjeet Kang.

The Chauffeur's Permit Appeal 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:

Tab	Description
1.	Notice of Hearing
2.	Letter from Chief Constable to Sukhpal Dhillon dated February 24, 2009
3.	Transcript of Constable Barker's Interview with Sukhpal Dhillon
4.	Taxi Detail Information System Printout
5.	VPD Request and Consent for Record Check and Disclosure, with Records pertaining to Sukhpal Dhillon - January 22, 2009
6.	VPD Person Hardcopy pertaining to Sukhpal Dhillon

7. VPD Request and Consent for Record Check and Disclosure, with Records pertaining to Sukhpal Dhillon - December 16, 2009
8. VPD General Occurrence Hardcopy 2009-154334 - Incident date December 7, 2009
9. VPD General Occurrence Hardcopy GO 2009-1734 - Incident date January 11, 2009
10. Yellow Cab Daily Trip Sheet of Sukhpal Dhillon for January 10, 2009
11. Yellow Cab Daily Trip Sheet of Sukhpal Dhillon for November 22, 2008
12. VPD General Occurrence Hardcopy 2008-35736- Incident date November 6, 2008
13. Statement of Kelly Hammond dated February 20, 2007.

In addition, the Panel also had before it the following material distributed on May 18, 2010, by Mr. Dixon (*on file in the City Clerk's Office*):

- Letter from Sukhpal Singh Dhillon to Vancouver City Council dated August 26, 2009
- Letter from Acting City Clerk to Sukhpal Singh Dhillon dated September 16, 2009
- Letter from Chief Constable to Sukhpal Singh Dhillon dated January 27, 2010
- Letter from Danny Markovitz, Markovitz Law Office, to Chief Constable dated January 28, 2010.

At the May 18, 2010, hearing, the Appellant submitted the following material (*on file in the City Clerk's Office*):

- Letter from Sukhpal Dhillon to the General Operation Manager, Yellow Cab Co., Vancouver, dated March 2, 2007
- City of Surrey Taxi Permit 09-154334 for Sukhpal Singh Dhillon, expiry date 2011/03/30
- Yellow Cab Company Graveyard Shift report dated January 10, 2009
- Yellow Cab Daily Trip Sheet for Sukhpal Dhillon dated January 10, 2009
- Handwritten list of phone numbers and call times for night of January 10, 2009, and morning of January 11, 2009.

Mr. Dixon explained that this was an appeal by Mr. Dhillon, pursuant to section 36(7) of the *Motor Vehicle Act*, from the refusal by the Chief Constable to issue the Permit. The Chief Constable refused to issue the Permit on the basis that the Appellant has placed the public at undue risk, has been in contravention of City of Vancouver *Vehicle for Hire By-law*, and has been involved in criminal activity.

Mr. Dixon advised that the Appellant has not had held a permit since June 2007, had made application for and was refused a City of Vancouver permit in January 2009. His appeal of that refusal was not heard as he had missed the deadline to appeal under the *Procedure By-law*. Mr. Dixon further advised that the Appellant had again applied for a Permit in December 2009 and that application was refused by the Chief Constable. The present appeal relates to that refusal.

He advised the City has the power to issue taxi drivers permits pursuant to section 6 of the *Vehicles For Hire By-law* and the Chief Constable's authority under section 36 of *Motor Vehicle Act*.

Mr. Dixon noted that after hearing the appeal, the Panel may uphold or overturn the Chief Constable's decision to refuse to issue a Chauffeur's Permit to Sukhpal Singh Dhillon, however the Panel must give reasons if the appeal is dismissed. The hearing of this appeal was delegated to the Panel by City Council pursuant to section 277.1(1) of the *Vancouver Charter*.

Mr. Dixon referred the Panel to the evidence before it as set out in the documents which were considered by the Chief Constable in refusing to issue the Permit.

Mr. Dixon called the following witnesses in support of the allegations:

1. Police Constable Kevin Barker, Traffic Section, VPD
2. Nicole Newman

Panel members also asked questions of the witnesses.

The Appellant asked questions of the second witness.

In his opening comments, Mr. Dhillon submitted that he has been taxi driving since 1991 and had received no complaints for many of those years. He further submitted that when he applied for a City of Vancouver permit in 2009, a case was pending but was subsequently dropped. Mr. Dhillon also noted he has received a Chauffeur's Permit from other municipalities. Mr. Dhillon commented that he cannot survive and support his family without driving a taxi and urged the Panel to issue a permit as soon as possible.

Mr. Dhillon introduced Mr. Kang, former President, Yellow Cab Co., as his representative.

Mr. Kang advised he was not fully apprised of the case and cannot act as representative.

The Panel and Mr. Dixon asked questions of Mr. Dhillon.

In closing, Mr. Dixon submitted the Appellant has a large number of complaints against him and has demonstrated he does not understand the complaints, nor can he adequately explain them.

Mr. Dixon also advised that there is no basis for issuing a license, the Appellant has not provided evidence of why he should be granted one, and that driving without a license would be sufficient to deny a Chauffeur's Permit.

In closing comments Mr. Dhillon submitted that he has been a taxi driver for 19 to 20 years and that this profession feeds his family. He also submitted that other municipalities have allowed a Chauffeur's Permit. Mr. Dhillon further submitted that it is for his family and children's future to provide him with a Chauffeur's Permit.

PANEL MEMBERS DISCUSSION

In discussion, Panel members acknowledged evidence and testimony, and expressed concern about the long list of allegations. The Panel also noted the January 2009 incident took place during a time when the Appellant did not have a City of Vancouver Chauffeur's Permit, and that it is not plausible that the witness, visibly traumatized, testified for political reasons.

MOVED by Councillor Reimer
SECONDED by Councillor Louie

THAT the refusal by the Chief Constable to issue a Chauffeur's Permit to Sukhpal Singh Dhillon be upheld pursuant to Section 36(7) of the *Motor Vehicle Act*, as Mr. Dhillon is unfit to act as a chauffeur because of his history of engaging in activity which may put the public at undue risk, which is related to employment as a chauffeur, and Mr. Dhillon has repeatedly violated the *Vehicles for Hire By-law* and the *Motor Vehicle Act* by operating without a valid Chauffeur's Permit.

CARRIED UNANIMOUSLY

The Chauffeur's Permit Appeal Hearing Panel adjourned at 11:55 am

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