



CHAUFFEUR'S PERMIT APPEAL HEARING MINUTES

JUNE 18, 2013

A Chauffeur's Permit Appeal Hearing of the Council of the City of Vancouver was held on Tuesday, June 18, 2013, at 9:31 am, in the Council Chamber, Third Floor, City Hall.

PRESENT: Councillor George Affleck, Chair
Councillor Elizabeth Ball
Councillor Tony Tang

CITY CLERK'S OFFICE: Laura Kazakoff, Meeting Coordinator

1. Inderpal Singh Toor

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:

<u>Tab</u>	<u>Description</u>
1.	Notice of Hearing
2.	Letter from Inderpal Singh Toor dated March 23, 2013; Letter from City of Vancouver to Inderpal Singh Toor dated March 13, 2013
3.	Memo from Constable Kevin Barker of the Vancouver Police to Chief Constable Jim Chu dated April 4, 2013; Letter from Chief Constable to Inderpal Singh Toor dated April 10, 2013; Transcript of Constable Barker's March 19, 2013 Interview with Inderpal Singh Toor Transcript of Constable Barker's April 3, 2013 Interview with Inderpal Singh Toor
4.	Letter from Yellow Cab Company Ltd. to Taxi Unit regarding police records check for Inderpal Singh Toor; VPD Request and Consent for Record Check and Disclosure; ICBC Driving Record Search of Inderpal Singh Toor
5.	Copy of Chauffeur's Permit issued to Inderpal Singh Toor;

Chauffeur and Vehicle for Hire Permit Application of Inderpal Singh Toor

6. Vancouver Police Department Ticket Offence Hardcopies:
 - a. TK# VA 42658891P
 - b. TK# VA 42813437P
 - c. TK# VA 46510576P
 - d. TK# VA AH68496960VT

Iain Dixon, Assistant Director of Legal Services - Enforcement and Prosecution, was present on behalf of the City of Vancouver. Inderpal Singh Toor represented himself.

Mr. Dixon reviewed the legislation relevant to the circumstances of this Hearing and noted the City has the authority to regulate Chauffeurs under Section 317(1)(l) of the *Vancouver Charter*. He further explained that this was an appeal by Mr. Toor, pursuant to section 36(7) of the *Motor Vehicle Act*, from the refusal by the Chief Constable to issue a Chauffeur's Permit under section 36(5) of the *Motor Vehicle Act*.

Mr. Dixon advised the Chief Constable refused to issue the Permit pursuant to section 6.1(2A)(a) of the *Vehicles for Hire By-law*, which states that "the Chief Constable must ascertain whether the applicant has at any time within the preceding five years been convicted of any offence under any statute of Canada or the Province of British Columbia or under any city by-law, and the Chief Constable, if of the belief that the nature of the offence relates to the business, trade, profession, or other occupation for which the application has been made, must refuse the permit". The refusal by the Chief Constable was therefore made on the basis that the Applicant has, within the preceding four years, been convicted of the following offences under the *Motor Vehicle Act*, as documented in the Notice of Hearing dated May 9, 2013, that was sent to the Applicant by Registered Mail:

- 2009.06.17, Sec. 161(b) Disobey traffic sign or signal;
- 2009.10.11, Sec. 144(1)(a) Drive without due care;
- 2010.11.17, Sec 168(a) Unsafe U-turn;
- 2011.02.09, Sec. 185(1) Fail to stop or leave safely at railway crossing;
- 2011.03.18, Sec. 195(1)(a) Drive while control obstructed; and
- 2011.10.06, Sec. 179(a) Fail to Yield to Pedestrian.

The Applicant was also given the following alcohol-related administrative driving prohibition:

- 2009.10.11, Sec 215(2) 24 hour prohibition - Alcohol.

Mr. Dixon noted that after hearing the appeal, Council may uphold or overturn the Chief Constable's refusal to issue a Chauffeur's Permit to Inderpal Singh Toor. He noted the Panel should consider whether the Chief Constable accurately and correctly interpreted and applied the legislation to this particular set of circumstances in determining whether or not a refusal of the Chauffeur's Permit was appropriate.

Mr. Dixon called Police Constable Kevin Barker, Taxi Unit, Vancouver Police Department, as a witness in support of the allegations as set out in the documents which were considered by the Chief Constable in refusing to issue the permit, and contained within the Evidence Brief.

In opening, Mr. Toor submitted that he has been driving a taxi for 30 years and has had no problems prior to the last four years. He noted that he is willing to take a safety course. He further noted that he is solely responsible for his support and he has no other source of income.

The Panel asked questions of Mr. Toor.

In closing, Mr. Dixon submitted that Mr. Toor has a number of Provincial offences in the last few years and the *Vehicles for Hire By-law* states that any offence under Provincial statute during the previous five years is enough to disqualify an application for a Chauffeur's Permit. The fact there is an alcohol related offence, despite it occurring in a non-work vehicle, is an exacerbating factor. Mr. Dixon submitted that the Chief Constable's decision to not issue a permit was entirely appropriate.

Mr. Toor, in his closing statement, noted that he has five more years to work before his retirement, and he has no other source of income. Other than working in a saw-mill he has not done any other type of work and he has driven a taxicab for 30 years.

PANEL MEMBERS DECISION

In making a decision on this matter, a Panel Member noted the persistent infringements of the *Motor Vehicle Act* and advised there was no other choice but to uphold the Chief Constable's decision.

MOVED by Councillor Ball
SECONDED by Councillor Tang

THAT the Chauffeur's Permit Appeal Panel uphold the Chief Constable's decision to refuse to issue a Chauffeur's Permit to the Applicant, Inderpal Singh Toor, based on evidence of persistent infringements of the *Motor Vehicle Act* over the last four years, including an alcohol related conviction, that indicate he is unfit to act as a Chauffeur.

CARRIED UNANIMOUSLY

MOVED by Councillor Tang
SECONDED by Councillor Ball

THAT this Hearing be adjourned.

CARRIED UNANIMOUSLY

The Chauffeur's Permit Appeal Hearing Panel adjourned at 9:50 am