

CHAUFFEUR'S PERMIT APPEAL HEARING MINUTES

JUNE 24, 2014

A Chauffeur's Permit Appeal Hearing was held on Tuesday, June 24, 2014, at 6:02 pm, in the Council Chamber, Third Floor, City Hall.

PRESENT: Councillor Carr, Chair
Councillor Ball
Councillor Jang

CITY CLERK'S OFFICE: Leslie Tuerlings, Meeting Coordinator

1. Jagroop Singh Chahal

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 Jagroop Singh Chahal dated March 26, 2014; Letter from City of Vancouver to Jagroop Singh Chahal dated March 26, 2014
3.	Memo from Constable Kevin Barker of the Vancouver Police to Chief Constable Jim Chu dated March 13, 2014; Letter from Chief Constable to Jagroop Singh Chahal dated March 18, 2014; Transcript of Constable Barker's March 11, 2014 Interview with Jagroop Singh Chahal
4.	Letter from Blacktop Cabs Ltd. to VPD Taxi Unit regarding police records check for Jagroop Singh Chahal; VPD Request and Consent for Record Check and Disclosure
5.	ICBC Driving Record Search of Jagroop Singh Chahal; ICBC Insurance coverage history and claims experience for Jagroop Singh Chahal for the past 6 years
6.	Chauffeur and Vehicle for Hire Permit Application of Jagroop Singh Chahal; Justice Institute of BC TaxiHost Pro Certificate of Achievement awarded to Jagroop Singh Chahal

Robert LeBlanc, Litigator - By-law Prosecutions, Legal Department, was present on behalf of the City of Vancouver. Jagroop Singh Chahal represented himself.

Mr. LeBlanc 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. Chahal, 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. LeBlanc 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 five years, been convicted of the following offences under the *Motor Vehicle Act*, as documented in the Notice of Hearing dated May 13, 2014, that was sent to the Applicant by Registered Mail:

- July 21, 2009: Sec. 146(7) speeding against municipal sign;
- January 11, 2010: Sec. 129(1) entering intersection when control signal is red;
- January 24, 2010: Sec. 144(1)(a) driving without due care;
Sec. 25(304) failing to comply with order;
Sec. 158(2)(a) unsafe passing on right;
Sec. 144(1)(c) speeding relative to conditions;
Sec. 151(a) unsafe lane changing; and
Sec. 170(1) not signaling on turn.

Mr. LeBlanc noted that after hearing the appeal, Council may uphold or overturn the Chief Constable's refusal to issue a Chauffeur's Permit to Jagroop Singh Chahal. 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. LeBlanc also noted that Mr. Chahal will be assisted by Mr. Amrit Dhillon, a Punjabi interpreter, for the duration of the Hearing.

In opening, Mr. Chahal submitted that he has had a clean driving record leading up to the above noted offences, and since the offences. He also submitted that committing six offences at one time is impossible and believes the police officer who issued this particular ticket on January 24, 2010, was just in a bad mood.

Mr. Chahal called Mr. Inderjit Sekhon, a fellow taxi driver, as a witness. Mr. Sekhon stated that he has worked with Mr. Chahal for many years and that he is a good driver. He reiterated that committing six infractions at one time was impossible and noted that Mr. Chahal did not realize he was able to dispute the ticket.

In closing, Mr. LeBlanc submitted that Mr. Chahal 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. Mr. LeBlanc submitted that the Chief Constable's decision to not issue a permit was entirely appropriate.

Mr. Chahal, in his closing statement, submitted that he has already paid \$6,000 in fines and that two of his tickets will be expiring within the next year. He also noted that without his Chauffeur's Permit, he is relying on a part-time job to support himself and his wife. He requested that he is granted a permit, even if only on a trial basis, to prove himself fit to act as a Chauffeur.

The Panel members and Mr. LeBlanc asked questions of Mr. Chahal.

PANEL MEMBERS DECISION

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

MOVED by Councillor Jang
SECONDED by Councillor Ball

THAT the Chauffeur's Permit Appeal Panel uphold the Chief Constable's decision to refuse to issue a Chauffeur's Permit to the Applicant, Jagroop Singh Chahal, based on evidence of numerous infringements of the *Motor Vehicle Act* over the last five years that indicate he is unfit to act as a Chauffeur.

CARRIED UNANIMOUSLY

ADJOURNMENT

MOVED by Councillor Jang
SECONDED by Councillor Ball

THAT the meeting be adjourned.

CARRIED UNANIMOUSLY

The Chauffeur's Permit Appeal Hearing Panel adjourned at 6:35 pm.

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