



## CHAUFFEUR'S PERMIT APPEAL HEARING MINUTES

MAY 12, 2015

A Chauffeur's Permit Appeal Hearing was held on Tuesday, May 12, 2015, at 6:04 pm, in the Council Chamber, Third Floor, City Hall.

PRESENT: Councillor Elizabeth Ball, Chair  
Councillor Raymond Louie  
Councillor Andrea Reimer

CITY CLERK'S OFFICE: Bonnie Kennett, Meeting Coordinator

1. **Rajinder Singh Toor - CANCELLED**

2. **Sunny Singh Dhanda**

A Chauffeur's Permit Appeal Hearing was called to determine whether or not the refusal by the Chief Constable to issue a Chauffeur's Permit to Sunny Singh Dhanda, should be upheld or overturned. The 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 Sunny Singh Dhanda, dated November 2, 2014;

Letter from City of Vancouver to Sunny Singh Dhanda, dated November 3, 2014;

Letter from Iain Dixon to Sunny Singh Dhanda, dated November 10, 2014

3. Memo from Constable Kevin Barker of the Vancouver Police to Chief Constable Jim Chu dated October 29, 2014;

Letter from Chief Constable to Sunny Singh Dhanda dated October 30, 2014;

Taxi Unit Interview Check Sheet completed by Constable Barker on October 28, 2014

4. Letter from Yellow Cab Company Ltd. to VPD Taxi Unit regarding Police Records Check for Sunny Singh Dhanda;

VPD Request and Consent for Record Check and Disclosure

5. Ministry of Justice Report to Crown Counsel Accused History Report of Sunny Singh Dhanda;

Narrative Text Hardcopy GO# 5000 2008-16804

6. Chauffeur and Vehicle for Hire Permit Application of Sunny Singh Dhanda

Adeline Kong, Lawyer, Legal Department, was present on behalf of the City of Vancouver. Sunny Singh Dhanda represented himself.

Ms. Kong 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*. She reviewed the applicable provisions of the Vehicles for Hire By-law and the *Motor Vehicle Act*. She further explained that this was an appeal by Mr. Dhanda, 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* and noted that the rules of natural justice apply.

Ms. Kong advised the Chief Constable refused to issue the Permit pursuant to section 36(5) of the *Motor Vehicle Act*, which grants the Chief Constable the discretion to refuse to issue a Chauffeur's Permit for any reason that leads him to believe that the applicant is unfit to act as a chauffeur. The refusal by the Chief Constable was therefore made on the basis that the Applicant has been convicted of one count of Mail Fraud (18 U.S. Code 1341) and was sentenced to jail time in the United States of America.

Ms. Kong noted that after hearing the appeal, Council may uphold or overturn the Chief Constable's refusal to issue a Chauffeur's Permit to Sunny Singh Dhanda. She noted the Panel should consider whether the Chief Constable correctly interpreted and applied the applicable legislation to this particular set of circumstances in determining whether or not a refusal of the Chauffeur's Permit was appropriate.

Ms. Kong called Constable Kevin Barker, Taxi Unit, Vancouver Police Department, as a witness in support of the allegations.

The Panel asked questions of the witness.

The Appellant asked questions of the witness.

In opening, Mr. Dhanda submitted his conviction was telemarketing fraud and committed in California and he served his sentence of 63 months.

The Panel asked questions of Mr. Dhanda.

Ms. Kong asked questions of Mr. Dhanda.

In closing, Ms. Kong reiterated that the *Motor Vehicle Act* gives the Chief Constable the discretion to reject Mr. Dhanda's application for any reason that leads the Chief Constable to believe that Mr. Dhanda is unfit to act as a chauffeur. The Chief Constable determined that Mr. Dhanda's conviction on one count of Mail Fraud (18 U.S. Code 1341) in the United States of America rendered Mr. Dhanda unfit to act as a chauffeur. The Chief Constable's concern was public safety. Ms. Kong submitted that the Chief Constable's decision to not issue a permit was in accordance with the applicable legislation.

In closing, Mr. Dhanda, submitted that he completed his time and was trying to move forward and live a straight life.

#### PANEL MEMBERS DECISION

In making a decision on this matter, the Panel noted that the safety of Vancouver residents is the primary concern and recommended that the Chief Constable's refusal of Mr. Dhanda's application should be upheld.

MOVED by Councillor Louie  
SECONDED by Councillor Reimer

THAT the Chauffeur's Permit Appeal Panel uphold the Chief Constable's decision to refuse to issue a Chauffeur's Permit to the Applicant, Sunny Singh Dhanda, based on evidence of fraudulent behaviour that indicates he is unfit to act as a Chauffeur.

CARRIED UNANIMOUSLY

#### ADJOURNMENT

MOVED by Councillor Louie  
SECONDED by Councillor Reimer

THAT the meeting be adjourned.

CARRIED UNANIMOUSLY

The Chauffeur's Permit Appeal Hearing Panel adjourned at 7:04 pm.

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