



CHAUFFEUR'S PERMIT APPEAL HEARING MINUTES

JULY 17, 2019

A Chauffeur's Permit Appeal Hearing of the Council of the City of Vancouver was held on Wednesday, July 17, 2019, at 9:39 am in the Council Chamber, Third Floor, City Hall.

PRESENT: Councillor Rebecca Bligh, Chair
Councillor Jean Swanson
Councillor Michael Wiebe

CITY CLERK'S OFFICE: Tamarra Wong, Meeting Coordinator
Irina Dragnea, Meeting Coordinator

1. Jagatjot Singh Bansal

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:

Tab	Description
1.	Notice of Hearing
2.	APPLICATION: <ul style="list-style-type: none"> • Chauffeur Permit Application • Letter from MacLure's Cabs to VPD Taxi Unit regarding Police Records Check • Police Information Check
3.	ICBC: <ul style="list-style-type: none"> • Driving Record Search for Jagatjot Singh Bansal • Insurance coverage history and claim experience for Jagatjot Singh Bansal
4.	VIOLATIONS: <ul style="list-style-type: none"> • Violation Ticket AH98686664 (November 21, 2017) • Ticket Offence Hardcopy AJ07679444VT (March 26, 2018) • Ticket Offence Hardcopy EA00004228EA (July 21, 2018)
5.	TAXI UNIT INTERVIEW – March 28, 2019 <ul style="list-style-type: none"> • Check Sheet from interview with Jagatjot Singh Bansal • Notes by Constable John Braithwaite

6.	DECISION: <ul style="list-style-type: none">Letter from the Chief Constable to Jagatjot Singh Bansal dated March 27, 2019
7.	CORRESPONDENCE: <ul style="list-style-type: none">Letter from Jagatjot Singh Bansal to City of Vancouver dated April 10, 2019Letter from Carolyn Bauer in support of Jagatjot Singh Bansal dated April 10, 2019Letter from City of Vancouver to Jagatjot Singh Bansal dated April 30, 2019Email from Taylor Clarke dated May 10, 2019
8.	Relevant sections of the City of Vancouver's <i>Vehicles for Hire By-law</i> No. 6066

Iain Dixon, Assistant Director – Regulatory Litigation, Legal Department, was present on behalf of the City of Vancouver. Jagatjot Singh Bansal was present and represented by Mr. Kevin Nanne, Gall Legge Grant Zwack LLP.

Mr. Dixon reviewed the legislation relevant to the circumstances of this Hearing and noted that the City has the authority to regulate Chauffeurs under Section 317(1)(l) of the *Vancouver Charter*. Mr. Dixon reviewed applicable provisions of the *Vehicles for Hire By-law* and the *Motor Vehicle Act*.

The cancellation of the Chauffeur's Permit by the Chief Constable is pursuant to Section 6(6) of the City of Vancouver's *Vehicles for Hire By-law No. 6066*. The Chief Constable has canceled the Chauffeur's Permit based on the following, as documented in the Notice of Hearing dated, June 24, 2019, that was sent to Mr. Bansal by Registered Mail:

- November 21, 2017 – Speeding against municipal sign contrary to Section 146(7) of the *Motor Vehicle Act*.
- March 26, 2018 – disobeying traffic sign or signal indicating that a certain vehicle movement is prohibited, contrary to Section 161 (b) of the *Motor Vehicle Act*.
- July 21, 2018 – speeding in or outside a municipality, contrary to Section 146 (1) of the *Motor Vehicle Act*.

Mr. Dixon noted that after hearing the appeal, Council may uphold or overturn the Chief Constable's decision to cancel the Chauffeur's Permit issued to Jagatjot Singh Bansal. Mr. Dixon 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.

Mr. Dixon noted Constable John Braithwaite, Vancouver Police Department, was in attendance as a witness but would not be called upon, as all evidence provided by Constable Braithwaite was contained within the Evidence Brief. Constable Braithwaite was available to answer questions.

In opening, Mr. Nanne explained that there may be some confusion on whether or not this appeal was being treated as a refusal to issue or cancellation. Mr. Nanne provided background information on Mr. Bansal's driving record and noted that Mr. Bansal has been a taxi driver for over thirty years. Mr. Nanne also noted the hardship and impact the cancelled permit would have on Mr. Bansal's family as Mr. Bansal would not be eligible to apply for another permit until November 2019. Mr. Nanne asked the Panel to reconsider the interpretation of the By-law and to properly balance the public safety concerns that may or may not be relevant to Mr. Bansal's infractions and to take into consideration Mr. Bansal's personal hardship.

The Panel asked questions of Mr. Nanne and Mr. Dixon regarding the appeal process and asked for clarification between a refusal to issue and a cancellation.

The Panel asked questions of Constable Braithwaite.

The Panel asked further questions of Mr. Dixon and Mr. Nanne regarding the *Vehicles for Hire By-law*.

Mr. Dixon and Mr. Nanne waived closing comments.

PANEL MEMBERS DECISION

Councillor Bligh noted that the legal advice received from the City of Vancouver's Legal Department is accurate and that the infractions Mr. Bansal received did not leave any room for discretion. Councillor Bligh also noted that Mr. Bansal could reapply for a permit in November 2019 and that she would be in support of the motion to uphold the decision of the Chief Constable to cancel the Chauffeur's Permit.

Councillor Wiebe summarized the difficult decision the Panel had before them and believed that Mr. Bansal's three infringements did not sufficiently showcase that he is unfit to act as a Chauffeur. Councillor Wiebe also mentioned that the *Vehicles for Hire By-law* is clear on stating that three or more *Motor Vehicle Act* offences fail to comply with the By-law.

Following discussion, it was,

MOVED by Councillor Swanson
SECONDED by Councillor Bligh

THAT the Chauffeur's Permit Appeal Panel uphold the decision of the Chief Constable to cancel a Chauffeur's Permit issued to Jagatjot Singh Bansal, based on evidence of persistent infringements of the *Motor Vehicle Act* within the preceding two years that indicate he is unfit to act as a Chauffeur.

CARRIED
(Councillor Wiebe opposed)

ADJOURNMENT

MOVED by Councillor Wiebe
SECONDED by Councillor Swanson

THAT the meeting be adjourned.

CARRIED UNANIMOUSLY

The Chauffeur's Permit Appeal Hearing Panel adjourned at 10:19 am.

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