



**APPEALS STANDING COMMITTEE  
MINUTES  
June 13, 2019**

**PRESENT:** Councillor Steve Adams, Chair  
Councillor Matt Whitman, Vice Chair  
Councillor Lisa Blackburn  
Councillor David Hendsbee  
Councillor Russell Walker

**REGRETS:** Councillor Bill Karsten

**STAFF:** Karen MacDonald, Senior Solicitor  
Tanya Phillips, Manager, By-law Standards  
Simon Ross-Siegel, Legislative Assistant

*The following does not represent a verbatim record of the proceedings of this meeting.*

*The agenda, reports, supporting documents, information items circulated, and video (if available) are online at [halifax.ca](http://halifax.ca).*

*The meeting was called to order at 10:00 a.m. The Standing Committee recessed at 10:28 a.m. and reconvened at 10:53 a.m. The meeting adjourned at 11:08 a.m.*

**1. CALL TO ORDER**

The Chair called the meeting to order at 10:00 a.m. in Council Chamber, 3<sup>rd</sup> Floor City Hall, 1841 Argyle Street, Halifax.

**2. APPROVAL OF MINUTES – May 23, 2019**

MOVED by Councillor Walker, seconded by Councillor Whitman

**THAT the minutes of February 14, 2019 be approved as circulated.**

**MOTION PUT AND PASSED.**

**3. APPROVAL OF THE ORDER OF BUSINESS AND APPROVAL OF ADDITIONS AND DELETIONS**

The order of business was approved as circulated.

**4. BUSINESS ARISING OUT OF THE MINUTES – NONE**

**5. CALL FOR DECLARATION OF CONFLICT OF INTERESTS – NONE**

**6. MOTIONS OF RECONSIDERATION – NONE**

**7. MOTIONS OF RESCISSION – NONE**

**8. CONSIDERATION OF DEFERRED BUSINESS – NONE**

**9. NOTICES OF TABLED MATTERS – NONE**

**10. CORRESPONDENCE, PETITIONS & DELEGATIONS – NONE**

**11. INFORMATION ITEMS BROUGHT FORWARD – NONE**

**12. REPORTS**

**12.1 DANGEROUS OR UNSIGHTLY PREMISES: APPEALS – NONE**

**12.2 DANGEROUS OR UNSIGHTLY PREMISES: DEMOLITIONS – NONE**

**12.3 TAXIS, ACCESSIBLE TAXIS AND LIMOUSINES: APPEALS**

**12.3.1 Appeal of Lesianu Hweld, Revocation of Taxi Driver License #H453 and #H175**

The following was before the Standing Committee:

- A staff recommendation report dated June 3, 2019
- Several documents submitted by the appellant

Steven Berkman, Supervisor of Parking Enforcement, presented the appeal and answered questions of clarification for the Committee. In reply to questions from Councillors, Steven Berkman stated staff does not know why the appellant's licence was originally suspended, but the driver's abstract indicates the appellant has accumulated over eight demerit points and a letter was issued suspending the appellant's licence. Staff does not have specific information about the provincial process for notifying a driver when their licence is suspended, but the province does issue a letter to the address listed on the licence.

Lesianu Hweld, the appellant, addressed the Committee. The appellant is a taxi driver and also serves as a reverend in the appellant's community, which the appellant described as composed largely of members of the African diaspora. The appellant says they serve their community a lot as a free service and also received commendations from tourists.

The appellant addressed the Committee regarding the appellant's two licence suspensions. They stated that in 2017, the appellant was frequently stopped by the police for minor infractions not warranting serious attention. One time, the appellant was driving in the morning from Spring Garden turning onto

Martello Street, and the police stopped the appellant for not having their left turn indicator on. The appellant stated that they explained that someone was stopping and let the appellant turn through and the appellant did not have enough time to turn the left indicator on. The appellant says that the officer asked if the car the appellant was driving was the appellant's. The appellant says the car was the appellant's wife's. The appellant says they received seven tickets in 2017, of which all but two were dismissed by the court. The appellant wrote a letter to the Chief of Police on August 31<sup>st</sup>, 2017, in which they stated they were being signaled out by the police and stated that the incidents were related to racial profiling. The appellant also attached a story from the Coast regarding racial profiling. The Chief responded by email on September 5, 2017 with an invitation to discuss matters further with Don MacLean, Superintendent, OIC Patrol.

Regarding notice of the appellant's licence suspension, the appellant stated that they did not receive the letter informing them of the suspension. The appellant stated they did not wish to state that the letter was not delivered to the appellant's address but stated that the appellant's son manages the mail in their household. The appellant also stated that the appellant's father was ill and the appellant's wife was pregnant during this time, and that these were stressful circumstances which may have contributed to the appellant's failing to receive the notice of their licence suspension.

The appellant stated they traveled in Africa throughout October and did not work. On October 21<sup>st</sup>, one day after the appellant had returned, the appellant was driving for hire, though the appellant did not have a yellow taxi dispatch indicator and had an incident in which five drunk and rowdy customers were opening the appellant's van from inside the van and encouraging another person to enter the vehicle from behind. A customer then opened the door from inside while the appellant was driving and fell out. The appellant stopped driving. The appellant checked the condition of the customer and called the police. The appellant stated that the fact that they called the police is proof of the appellant's claim that they were unaware that the appellant's licence had been suspended. The appellant gave the police their licence and they informed the appellant that the licence had been suspended and that their temporary insurance paper had just expired.

Following this incident, the appellant stated they went to Access Nova Scotia and were informed that the appellant had two unpaid tickets which the appellant was unaware of due to traveling in Africa. The appellant went to court and was found guilty on both counts. The first charge was for passing through an intersection with a stop sign without stopping. The second charge related to changing lanes without signalling, which the appellant described as relating to an incident in which the appellant was planning to turn left but was asked by the customer to turn right and for which the appellant states there were no other cars in the vicinity. The appellant states that they have paid the two tickets. The appellant states that the appellant's licence was taken in October and on October 22<sup>nd</sup>, the appellant paid the tickets at access nova scotia and appellant's licence was restored. In December 10<sup>th</sup>, the appellant was stopped by the police during a random check and was informed that their licence was suspended. The appellant resolved this matter with the court and provided documentation to the Committee showing that a charge for driving with a suspended or revoked license had been struck out in court on February 6, 2019. The appellant states they have a court date scheduled for July 2, 2019 which relates to a charge against the appellant for driving with a suspended licence.

Regarding the statutory declaration, the appellant stated that they emailed the taxi commission for information on how to renew the appellant's licence and were informed to go to the Bayers Road Centre. The appellant did so and filled out a statutory declaration in which the appellant provided information indicating that their driver's licence had been suspended, though the appellant says they did not tell this information to staff. When the appellant returned at a later date to inspect the appellant's car, the staff informed the appellant that they needed to fill out another form. The appellant stated that at that moment the appellant received a phone call requesting the appellant's services to assist with a funeral. The appellant stated that they were unfocused and did not carefully fill in the form, and thus neglected to describe the appellant's previous licence suspensions.

In reply to questions from Councillors, the appellant confirmed that the appellant's driver's licence is currently valid and has previously received three suspensions. The first suspension was a two week

suspension in 2014. The appellant stated that following the accident in October of 2017 and appellant's licence suspension, the appellant did not contact taxi licencing staff.

In reply to questions from the Committee, staff stated that they are unaware of any previous form the appellant signed but staff has reviewed the false statement in the statutory declaration signed on April 9<sup>th</sup> and submitted to the Bayers Road Centre with the Commissioner of Oaths in which the appellant states that they have no offenses or convictions.

The solicitor stated that the appellant's taxi licence was not cancelled on the basis of a wrongful or improper declaration, but rather on the basis that the appellant failed to inform the licencing authority that the appellant's licence had been suspended in violation of the bylaw. The relevance of the statutory declaration to the matter is that the licencing authority was not made aware of the appellant's licence suspension until they received the declaration.

Staff confirmed for the Committee that the dates outlined in the staff report were correct. The Department of Motor Vehicles lifted the appellant's suspension early. The appellant's licence suspension was originally supposed to run from November of 2018 to October of 2019, however the department lifted the suspension in December of 2018. Staff does not have any information as to the reason the suspension was lifted.

Several Councillors suggested deferring the matter to the July meeting of the Appeals Standing Committee to allow the appellant to attend the court date on July 2, 2019. Pending the outcome of the hearing, the Committee may be better situated to make a determination in this matter.

MOVED by Councillor Blackburn, seconded by Councillor Whitman

**THAT the Appeals Standing Committee defer consideration of the appeal of Lesianu Hweld pending the outcome of the July 2<sup>nd</sup> court date.**

**MOTION PUT AND PASSED.**

The Committee informed the appellant that the appellant's licence remains revoked during this time and the appellant cannot operate a vehicle for hire.

**13. MOTIONS – NONE**

**14. IN CAMERA (IN PRIVATE) – NONE**

**15. ADDED ITEMS**

**16. NOTICES OF MOTION**

**17. DATE OF NEXT MEETING – July 11, 10:00 a.m. Council Chamber, 3rd Floor City Hall, 1841 Argyle Street, Halifax**

**18. ADJOURNMENT**

The meeting adjourned at 11:08 a.m.

Simon Ross-Siegel  
Legislative Assistant