



**APPEALS STANDING COMMITTEE  
MINUTES  
February 9, 2017**

PRESENT: Councillor Steve Adams, Chair  
Councillor Russell Walker, Vice Chair  
Councillor Sam Austin  
Councillor David Hendsbee  
Councillor Lisa Blackburn

REGRETS: Councillor Steve Streach

STAFF: Mr. Randolph Kinghorne, Senior Solicitor  
Ms. Tanya Phillips, Manager, By-law Standards  
Ms. Phoebe Rai, Legislative Assistant

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

*The agenda, supporting documents, and information items circulated to the Appeals Standing Committee are available online: <http://www.halifax.ca/boardscom/SCappeals/170209asc-agenda.php>*

*The meeting was called to order at 10:04 a.m. and adjourned at 11:56 a.m.*

**1. CALL TO ORDER**

The Chair called the meeting to order at 10:04 a.m.

**2. APPROVAL OF MINUTES – January 12, 2017**

MOVED by Councillor Walker, seconded by Councillor Austin

**THAT the minutes of January 12, 2017 be approved as presented.**

**MOTION PUT AND PASSED.**

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

Deferral/Deletion: 12.1.1 Case 283396 and Case 283442, 46 Ellenvale Avenue, Dartmouth

The Legislative Assistant noted that Case 283442 has been closed and Case 283396 was rescheduled to April as an extension was agreed to by the Compliance Officer and property owner.

MOVED by Councillor Walker, seconded by Councillor Blackburn

**THAT the agenda be approved as amended.**

**MOTION PUT AND PASSED.**

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**

**12.1.1 Case 283396 and Case 283442, 46 Ellenvale Avenue, Dartmouth**

This matter was deleted from the agenda during the approval of the order of business.

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

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

**12.3.1 Taxi Driver Licence Refusal, Mr. Joseph Robichaud**

The following was before the Appeals Standing Committee:

- A staff recommendation report dated January 23, 2017

The Chair confirmed that the appellant was in attendance.

Mr. Kevin Hindle, Regional Licensing Coordinator provided an overview of the staff report dated January 23, 2017. Mr. Hindle noted that he had advised Mr. Robichaud that once he can produce a driving history of 12 months with no violation, his office would be prepared to reissue the licence. Responding to questions of clarification, Mr. Hindle noted:

- Mr. Robichaud's most recent infraction was for driving while privileges were suspended in 2015;
- All conditions applied by the provincial authority have been met, including an addictions services program; and
- Mr. Robichaud is required to maintain a blood alcohol level of 0 when operating an automobile.

Mr. Joseph Robichaud, appellant advised that he has been out of work for nearly five years, as he has had difficulty finding an alternative source of income due to back problems. Mr. Robichaud noted that he has always provided a high level of service to his customers and was not on duty at the time of his infractions. He expressed that the experience has cost him everything, and he promised never to drink and drive again. Responding to a question of clarification, Mr. Robichaud noted that November 7, 2016 was the earliest he could have applied for his provincial driver's licence.

Councillor Hendsbee joined the meeting at 10:16 a.m. The Chair advised that since he had arrived after the Committee had begun consideration of the appeal, he could not participate.

MOVED by Councillor Walker, seconded by Councillor Blackburn

**THAT the Appeals Standing Committee allow the appeal of Taxi Driver Licence Refusal, Mr. Joseph Robichaud.**

**MOTION PUT AND PASSED.** (With the effect that decision of the Licensing Authority is overturned and the taxi driver license is reinstated.)

The Standing Committee recessed at 10:31 a.m. and reconvened at 10:33 a.m.

### **12.3.2 Taxi Driver/Owner Licence Suspension, Mr. Sidahmed Barjin**

The following was before the Appeals Standing Committee:

- A staff recommendation report dated January 30, 2017

The Chair confirmed that the appellant was in attendance.

Mr. Kevin Hindle, Regional Licensing Coordinator provided an overview of the staff report dated January 30, 2017. He advised that the alleged incident that took place on November 10, 2016 is still before the court. Mr. Steve Berkman and Mr. Trevor Oliver, Compliance Officers, provided additional detail with respect to the nature of the alleged incident and the process of suspending the taxi driver/owner licence.

Mr. Sidahmed Barjin, appellant noted that he moved to Canada in 1996 and began driving a taxi in 2003, and he had not been suspended or involved in any altercations prior to November 10, 2016. He provided commentary with respect to issues he has encountered with other taxi drivers since 2007, which he perceived to be racially motivated. Mr. Barjin requested a brief recess to collect his thoughts.

The Standing Committee recessed at 10:50 a.m. and reconvened at 10:53 a.m.

Mr. Barjin continued to present his case, suggesting that since he has not yet been found guilty of any offense by the courts, he should be able to retain his licence. He commented that if he is granted the appeal, he will be a safe driver.

Inspector Lindsey Hernden, Halifax Regional Police provided details with respect to the alleged incident, noting that police had been contacted by an adult male who made a complaint of assault with a weapon. He advised that officers located the complainant, alleged suspect, and a witness, and conducted a preliminary investigation. Upon reviewing the interviews and evidence, officers believed there to be

probable grounds to lay charges against Mr. Barjin. Inspector Hernden advised that due to the ongoing court proceedings he could not share information regarding whether or not the complainant received medical attention or the nature of the weapon Mr. Barjin is alleged to have used.

The Committee entered into a discussion regarding the Statutory Declaration made by Mr. Barjin in which he checked "No" to the question "Has your taxi or limousine licence ever been canceled or suspended?" Mr. Barjin indicated that he had been under the mistaken impression that he was not technically under suspension until he retained counsel and pursued the matter further.

Mr. Randolph Kinghorne, Solicitor advised the Committee that the Statutory Declaration is relevant only to assist assessing Mr. Barjin's credibility, and is not a factor in the license suspension.

Mr. Barjin was granted permission to play part of a recording of a meeting between himself and Compliance Officers Berkman and Oliver. The Chair deemed the information on the recording irrelevant to the appeal.

Responding to questions of clarification, Mr. Barjin commented that if his licence is reinstated he will provide excellent service and safe transportation to the public. He advised that he does not carry a weapon in his vehicle, and that his provincial driver's licence has not been suspended. The Committee requested to hear from the appellant's wife.

Mrs. Barjin advised that her household has been deeply affected by the licence suspension and that her family has never had a problem with the authorities. She noted that the couple has nine children and have lived in the same neighbourhood for the past 17 years.

MOVED by Councillor Hendsbee, seconded by Councillor Walker

**THAT the Appeals Standing Committee allow the appeal of Taxi Driver/Owner License Suspension, Mr. Sidahmed Barjin.**

**MOTION PUT AND PASSED.** (With the effect that decision of the Licensing Authority is overturned and the taxi driver and owner licence is reinstated.)

**13. MOTIONS – NONE**

**14. IN CAMERA (IN PRIVATE)**

14.1 In Camera (In Private) Minutes – January 12, 2017

MOVED by Councillor Walker, seconded by Councillor Austin

**THAT the In Camera (In Private) minutes of January 12, 2017 be approved as circulated.**

**MOTION PUT AND PASSED.**

**15. ADDED ITEMS – NONE**

**16. NOTICES OF MOTION – NONE**

**17. DATE OF NEXT MEETING** – March 9, 2017, 10:00 a.m. Council Chamber, 3rd Floor City Hall, 1841 Argyle Street, Halifax

**18. ADJOURNMENT**

The meeting adjourned at 11:57

Phoebe Rai  
Legislative Assistant