



P.O. Box 1749
Halifax, Nova Scotia
B3J 3A5 Canada

Item No. 12.3.1
Appeals Standing Committee
July 11, 2019

TO: Chair and Members of the Appeals Standing Committee

SUBMITTED BY:

ORIGINAL SIGNED

Penny J. Henneberry, Manager, Buildings and Compliance

DATE: June 28, 2019

SUBJECT: Appeal Report – Application for Taxi Driver License Denied, Mr. Bryan Newby

ORIGIN

On June 5, 2019, Mr. Bryan Newby filed a Notice of Appeal (attached as Appendix B) regarding the refusal of his application for a vehicle for hire driver license.

LEGISLATIVE AUTHORITY

- By-law A-100, Appeals Committee By-law; and
- By-law T-1000, Respecting the Regulation of Taxis, Accessible Taxis and Limousines.

RECOMMENDATION

The question before the Appeals Standing Committee is whether to allow or deny the appeal before them.

BACKGROUND

On April 30, 2019, Mr. Newby applied to the Licensing Authority for a vehicle for hire driver licence for the first time.

Upon review of the application package, the Licensing Authority determined that the Criminal Record Check provided was deemed to be unsatisfactory due to the following criminal conviction:

October 11, 2017

- SEC 253 (1) (B) Driving with more than 80mgs of alcohol in blood

His driver's abstract also showed that he lost his provincial driver's license from October 11, 2017 until October 17, 2018.

On May 23, 2019, the Licensing Authority issued a registered letter (attached as Appendix C) to Mr. Newby denying his application for a new vehicle for hire driver license in accordance with Section 44.2 (c) of By-law T-1000.

DISCUSSION

In accordance with Section 44.2 (c) of By-law T-1000, Respecting the Regulation of Taxis, Accessible Taxis and Limousines,

44.2 *The Licensing Authority may refuse to grant a driver's license or may suspend or cancel a driver's license if*

- (c) *the applicant or license holder has a driving record, criminal or provincial offence record or outstanding criminal charges that in the opinion of the Licensing Authority makes him or her unfit to operate a taxi, accessible taxi, or limousine, as the case may be;*

In reaching the decision, the Licensing Authority considered the following:

The criminal conviction was within the last two years. Mr. Newby lost his provincial driver's license because of the conviction. The Licensing Authority has determined that it is in the public interest to deny his application for an HRM taxi driver license in accordance with Section 44.2 (c) of By-law T-1000 Respecting the Regulation of Taxis, Accessible Taxis and Limousines.

FINANCIAL IMPLICATIONS

There are no financial implications.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications.

ALTERNATIVES

- To allow the appeal before the Appeals Standing Committee
- Or

- To uphold the decision of the Licensing Authority and deny the appeal.

ATTACHMENTS

Appendix A: Copy of the Legislative Authority - Taxi and Limousine By-law T-1000
Appendix B: Copy of the Notice of Appeal dated June 5, 2019
Appendix C: Copy of the Letter of Refusal dated May 23, 2019
Appendix D: Copy of the Municipal Clerk's letter dated June 10, 2019

A copy of this report can be obtained online at Halifax.ca or by contacting the Office of the Municipal Clerk at 902-490-4210.

Report Prepared by: Sally Christie, Supervisor Regional Licensing, Municipal Compliance, 902.490.2550
Report Approved by: Andrea MacDonald, Program Manager, License Standards 902-490-7371

Halifax Regional Municipality By-law T-1000

Respecting the Regulation of Taxis, Accessible Taxis and Limousines

- 44.2** The Licensing Authority may refuse to grant a driver's license or may suspend or cancel a driver's license if
- (a) the applicant or license holder has been convicted of an offence against vulnerable persons, a sexual offence, an illegal sale or possession of drugs, a violent offence or breach of trust;
 - (b) the applicant or license holder has failed to immediately notify the Licensing Authority that they have become the subject to a court order, undertaking, charge or conviction;
 - (c) the applicant or license holder has a driving record, criminal or provincial offence record or outstanding criminal charges that in the opinion of the Licensing Authority makes him or her unfit to operate a taxi, accessible taxi, or limousine, as the case may be; or

I, BRYAN NEWBY WISH TO APPEAL

THE DECISION BY THE TAXI COMMISSION TO
REFUSE ME THE RIGHT TO MAKE A LIVING DRIVING
A TAXI BASED ON PREVIOUS MIS TAKE,

BRYAN NEWBY

[REDACTED]

[REDACTED]

HALIFAX REGIONAL
MUNICIPALITY .
JUN 05 2019
[REDACTED]
MUNICIPAL CLERK

REGISTERED LETTER

May 23, 2019

Bryan Newby
[REDACTED]
[REDACTED]
[REDACTED]

Mr. Newby,

This letter is in reference to your recent application dated April 30, 2019, to obtain a HRM vehicle for hire driver license.

Based on the Criminal Records Check that you provided as part of the taxi application, your application is rejected due to charges and convictions noted therein.

From By-law T-1000 Respecting the Regulation of Taxis, Accessible Taxis And Limousines:

44.2 The Licensing Authority may refuse to grant a driver's license or may suspend or cancel a driver's license if

(c) the applicant or license holder has a driving record, criminal or provincial offence record or outstanding criminal charges that in the opinion of the Licensing Authority makes him or her unfit to operate a taxi, accessible taxi, or limousine, as the case may be;

In accordance with Section 48 of By-law T-1000, Respecting the Regulation of Taxis, Accessible Taxis and Limousines, you have the right to appeal this cancellation within 15 days from the date of the revocation.

48.2 A person whose application is refused or a person whose owner's license or driver's license is suspended, revoked or cancelled by the Licensing Authority may appeal to the Appeals Standing Committee within 15 days after the refusal, suspension or cancellation by submitting their appeal in writing to the Municipal Clerk's Office C/O Municipal Clerk, P.O. Box 1749, Halifax, NS, B3J 3A5. Once filed, an appeals committee hearing will be scheduled.

Any questions concerning this correspondence should be directed to the HRM Citizen Contact Centre by calling 311 and an agent will assist you with your service request.

Sincerely,



ORIGINAL SIGNED



Lois Beaton McNamara
License Administrator
Buildings & Compliance, Planning & Development

Appendix D

June 10, 2019

REGISTERED MAIL

Bryan Newby
[REDACTED]
[REDACTED]
[REDACTED]

		REGISTERED DOMESTIC	RECOMMANDE RÉGIME INTÉRIEUR	
		CUSTOMER RECEIPT	REÇU DU CLIENT	
No.	Destinataire			
Matr.	Nom			
Address	Adresse			
City / Prov. / Postal Code	Ville / Rég. / Code postal			
Destinataire (optionnel) To: (optional)	\$			
33-086-584 (17-12)				
		FOR DELIVERY CONFIRMATION / CONFIRMATION DE LA LIVRAISON		
		CanadaPost.ca / postescanada.ca		
		1 888 550-6333		
		CPC Tracking Number / Numéro de repérage de la SCP		
		RN 389 561 577 CA		

Re: Appeal of Refusal of Taxi License

This is to advise that your appeal of the Licensing Authority's decision to refuse to issue a Halifax taxi license will be heard by the Appeals Standing Committee on **July 11th, 2019**. The hearing will be held in the Council Chamber, 3rd Floor, City Hall, 1841 Argyle Street, Halifax, in a public session, open to the public and media. Please arrive for 10 a.m., but note that there may be other cases heard before yours on the agenda.

The staff report for this matter will be posted online to the Appeals Standing Committee web page at Halifax.ca by end of day Thursday, July 4th, 2019. If you require a hard copy of the report, please contact our office.

Should you be unable to attend, you may have a representative attend to present the appeal to the Committee. Please note that your representative is required to have a letter signed by you giving permission. You or your representative may have witnesses or other evidence in support of the appeal and will be permitted up to 10 minutes to make a verbal submission. A copy of the appeals process is attached. If neither you nor a representative appears, the hearing will proceed and you will be advised of the Committee's decision.

If you have any questions regarding this process, please contact me at 902-490-6519.

Sincerely,

ORIGINAL SIGNED

Simon Ross-Siegel
Legislative Assistant
Office of the Municipal Clerk

cc: Sally Christie, Licensing Coordinator, Municipal Compliance
Andrea MacDonald, Manager, License Standards, Municipal Compliance
Natalie Matheson, Adjudication Clerk

Enclosure: Order of Proceedings for Appeals Standing Committee

HALIFAX

Halifax Regional Municipality
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Canada B3J 1A5

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