


# HALIFAX

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

Item No. **12.3.1**  
Appeals Standing Committee  
February 9, 2017

**TO:** Chair and Members of the Appeals Standing Committee

**SUBMITTED BY:**   
Bob Bjerke, Chief Planner and Director Planning & Development

**DATE:** January 23, 2017

**SUBJECT:** Appeals Report – Taxi Driver License Refusal, Mr. Joseph Robichaud

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## ORIGIN

On December 19, 2016, Mr. Joseph Robichaud filed a Notice of Appeal (attached as Appendix A) regarding the refusal to reinstate his taxi driver license H990.

## LEGISLATIVE AUTHORITY

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

## MOTION FOR CONSIDERATION

In accordance with Section 58 of Administrative Order One, the motion before the Appeals Standing Committee is to allow the appeal.

## RECOMMENDATION

It is recommended that the Appeals Standing Committee uphold the Order of the Licensing Authority and thereby deny the appeal.

**BACKGROUND**

On November 25, 2016, Mr. Robichaud made an application to have his taxi driver license H990 re-instated. Upon review of Mr. Robichaud's Criminal Record check and Nova Scotia driver abstract (attached as Appendix B) the Licensing Authority became aware that his NS driver's license was reinstated on November 7, 2016 and he has not held a NS driver license since 2012 due to several Motor Vehicle violations, suspensions and a Criminal Code conviction.

- May 6, 2012 – License suspended for 3 months, alcohol related driving offence
- March 4, 2014 – License revoked for 2 years, operating a motor vehicle while impaired
- January 29, 2015 – Criminal Code Sec: 253(1)(B) Impaired Operation, blood alcohol exceeds 80mgs
- April 3, 2015 – Driving while license revoked, revocation period extended one year

On December 6, 2016, the Licensing Authority issued a letter to Mr. Robichaud (attached as Appendix C), denying his application for re-instatement of taxi driver license due to his unsatisfactory NS driver abstract which demonstrates a disregard for the legal and safe operation of a motor vehicle in accordance with the law.

On December 19, 2016, Mr. Robichaud submitted a Notice of Appeal to the Municipal Clerk's Office.

**DISCUSSION**

Section 44.1 (a), (b) & (c) and 44.2(c) of the Taxi and Limousine By-law T-1000 states;

44.1 The Licensing Authority may suspend or revoke the owner's license or driver's license, or both, of any license holder, or refuse any applicant who

- (a) contravenes this by-law;
- (b) is either charged or convicted pursuant to any municipal by-law, or provincial or federal legislation;
- (c) has committed any act or acts, that in the opinion of the Licensing Authority, it is in the public interest that the person not hold either an owner's license or driver's license;

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; or

Mr. Robichaud's driving record demonstrates a dangerous and total disregard for the legal and safe operation of a motor vehicle in accordance with the law. The Licensing Authority considers it prudent to consider him unfit to be issued an HRM vehicle for hire driver license in accordance with Section 44.1(a-c) and 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.

**RISK CONSIDERATIONS**

The risks associated with this recommendation are major given consideration to public safety.

**ENVIRONMENTAL IMPLICATIONS**

There are no environmental implications.

**ALTERNATIVES**

- To allow the appeal before the Appeals Standing Committee. This alternative is not recommended.

**ATTACHMENTS**

Appendix A Notice of Appeal, dated December 19, 2016  
Appendix B Applicant Criminal Record Check & Driver Abstract  
Appendix C Letter, Refusal to Reinstate License, dated December 6, 2016  
Appendix D Copy of Municipal Clerk's letter dated December 19, 2016

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A copy of this report can be obtained by contacting the Office of the Municipal Clerk at 902.490.4210, or Fax 902.490.4208.

Report Prepared For: Kevin Hindle, Regional Coordinator, License Standards, 902.490.2550

Report Approved by:

  
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Jim Donovan, Manager, Buildings & Compliance, 902.476.8211

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**APPENDIX A**

Dear Ravens Hill

Mr. JOSEPH ROIGNAUD would like to appeal the application for renewal of Taxi License.

Please Mail Me The time that you set up.



*Scott J. [Signature]*

ORIGINAL SIGNED

VALID

HALIFAX REGIONAL  
MUNICIPALITY  
DEC 19 2016  
ORIGINAL SIGNED  
MUNICIPAL CLERK

# APPENDIX B



PO Box 1652  
Halifax, Nova Scotia  
B3J 2Z3

[novascotia.ca](http://novascotia.ca)

Nov 25, 2016

CLIENT RECORD ABSTRACT

(CLIENT USE)

PAGE: 1

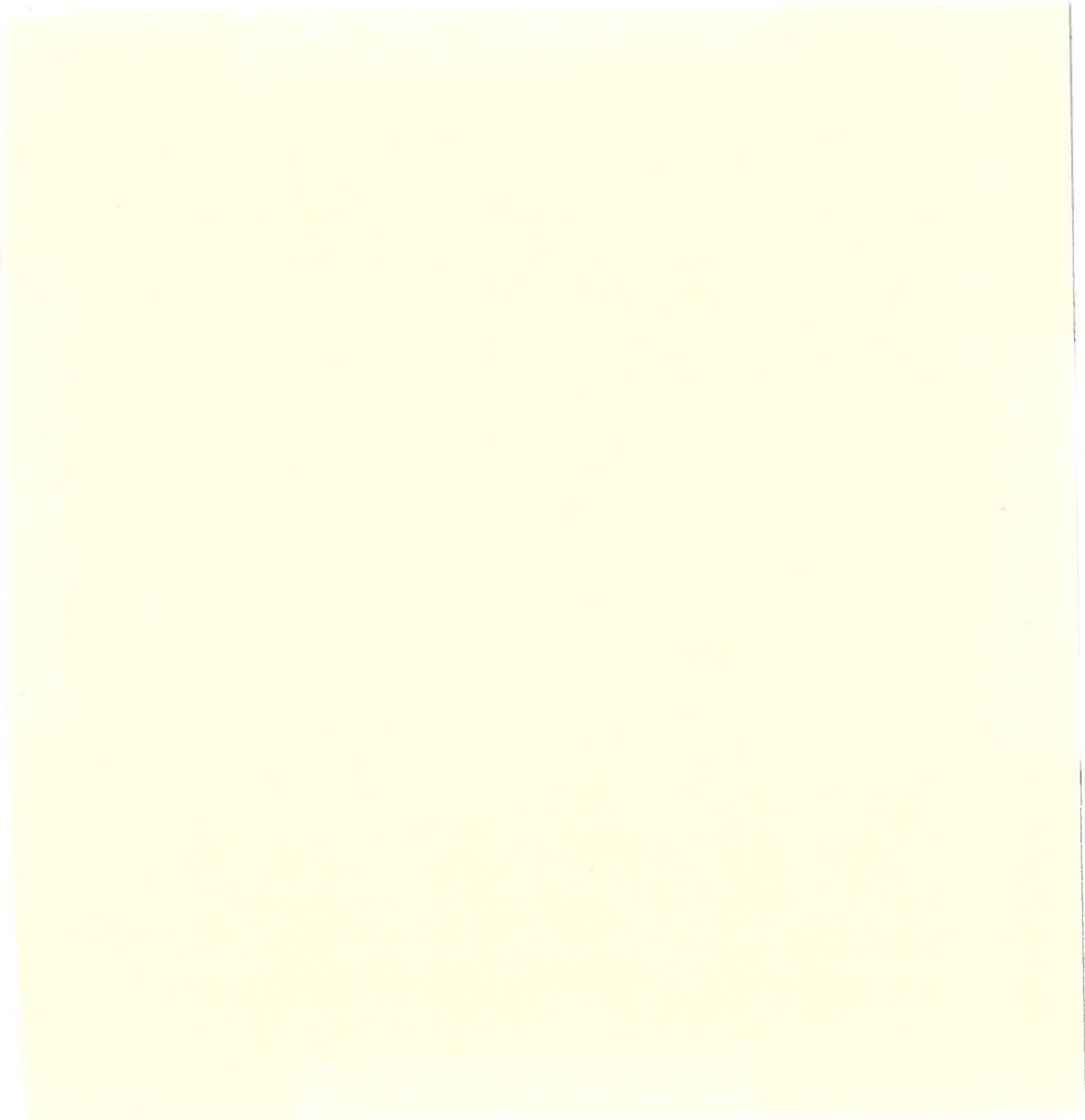


Nov 25, 2016

CLIENT RECORD ABSTRACT

(CLIENT USE)

PAGE: 2

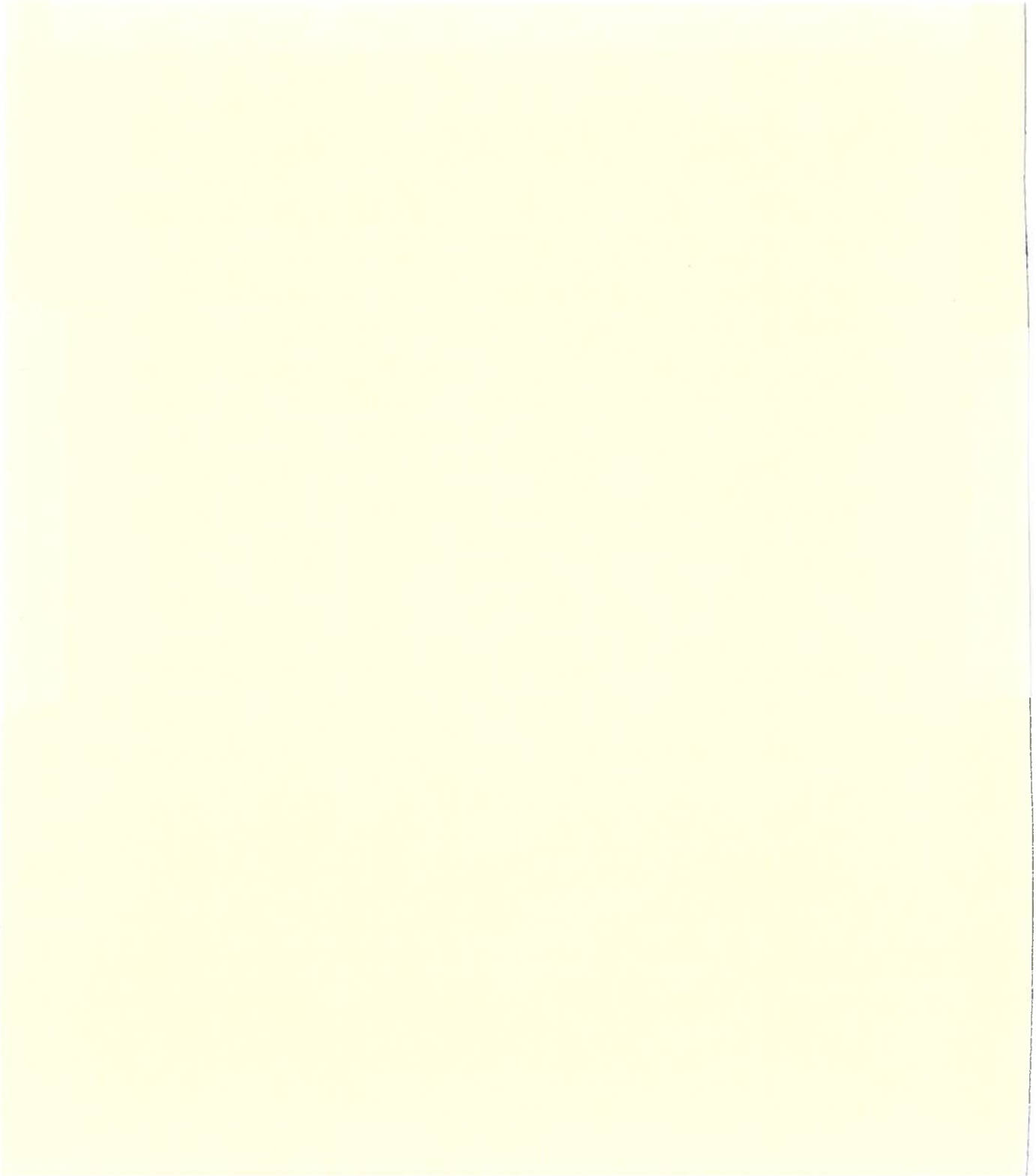


Nov 25, 2016

CLIENT RECORD ABSTRACT

(CLIENT USE)

PAGE: 3





PARTNERS IN POLICING

FOR:

**JOSEPH FRANCIS ROBICHAUD**  
[REDACTED]  
[REDACTED]

**Certificate of Adult Criminal Convictions / Record**



REC'D/RECEIVED

01-12-2016

Printed: 30-Nov-2016 10:03

**HALIFAX**

Halifax Regional Police &  
Halifax District RCMP  
1975 Gottingen Street  
Halifax, Nova Scotia B3J 2H1

Page 1 of 2  
HRP: 902.490.5016  
halifax.ca/police  
RCMP: 902.244.7208  
rcmp-grc.gc.ca/ns



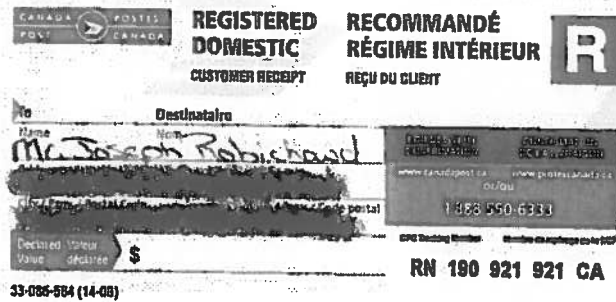


# APPENDIX C

**REGISTERED LETTER**

**December 6, 2016**

**Mr. Joseph Robichaud**  
[REDACTED]  
[REDACTED]



Mr. Robichaud,

This letter is in reference to your application dated November 25, 2016 to renew your vehicle for hire driver license #H990, which has been suspended since June 2012. Upon review of your application documents the following violation were noted on your Nova Scotia driver abstract;

- May 6, 2012 – License suspended for 3 months, alcohol related driving offence.
- March 4, 2014 – License revoked for 2 years, operating a motor vehicle while impaired.
- April 3, 2015 – Driving while license revoked, revocation period extended one year.

The Licensing Authority in considering that your NS driver license was just re-instated on November 2016, and the seriousness of your license suspensions deems your NS driving abstract to be unsatisfactory as it demonstrates a disregard for the legal and safe operation of a motor vehicle.

Therefore, the licensing Authority considers it prudent to deny your application for an HRM vehicle for hire driver license.

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 refusal within 15 days from the date of the application refusal.

**HALIFAX**

Halifax Regional Municipality  
PO Box 1749, Halifax, Nova Scotia  
Canada B3J 3A5

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**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 Center by calling 311 and an agent will assist you with your request.

Sincerely,

**ORIGINAL SIGNED**

Rowena Dill  
License Administrator  
Buildings and Compliance  
Planning & Development

# APPENDIX D

CANADA POST / POSTES CANADA		REGISTERED DOMESTIC	RECOMMANDÉ RÉGIME INTÉRIEUR	R
CUSTOMER RECEIPT		REGU DU CLIENT		
To / Destinataire	From / From	1 888 550-6333		
Name / Nom	Address / Adresse	RN 190 914 221 CA		
City / Prov. / Postal Code	Ville / Prov. / Code postal	31-889-004 (14-09)		

December 19, 2016

## REGISTERED MAIL

Mr. Joseph Robichaud

Re: Appeal of denial for renewal of Halifax taxi driver license # H990

Dear Mr. Robichaud:

This is to advise that your appeal of the Licensing Authority's decision to deny the renewal of your Halifax taxi driver license #H990 will be heard by the Appeals Standing Committee on Thursday, February 9, 2017. The hearing will be held in the Council Chamber, 3<sup>rd</sup> 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 agenda page by end of day Thursday, February 2, 2017. <http://www.halifax.ca/boardcom/SCagenda/index.php> 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 902-490-8519.

Sincerely,

ORIGINAL SIGNED

Krista Vining  
Legislative Assistant  
Office of the Municipal Clerk

cc: Kevin Hindle, Licensing Coordinator, Municipal Compliance  
Andrea MacDonald, Manager, License Standards, Municipal Compliance  
Rowena Dill, License Administrator

Enclosure: Order of Proceedings for Appeals Standing Committee

# HALIFAX

Halifax Regional Municipality  
PO Box 1749, Halifax, Nova Scotia  
Canada B3J 3A5

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## Order of Proceedings for Appeals Standing Committee

The Chair will open each of the hearings and address the following:

- The Chair will ask the Appellant (property owner/tax licence holder) to identify themselves and provide their contact information
- If a person is appearing on behalf of an Appellant who is not present (legal counsel, family member, friend), they must provide written authorization to act on the Appellant's behalf
- The Chair will briefly explain the hearing will proceed (as follows):
- **Staff Presentation:** The HRM staff presenter explains the basis for the order under review and presents evidence in support of the order (including any documents or recent photos of the property, if applicable)
- The Committee may ask questions of the HRM staff presenter for clarification
- The Appellant may ask questions of the HRM staff presenter for clarification
- Non-party witnesses\* may be permitted to provide factual evidence relevant to the appeal
- The Appellant may ask questions of non-party witnesses for clarification
- **Appellant's Presentation:** The Appellant is granted reasonable time to present evidence in support of the appeal (documents/photos/witnesses)
- The Committee may ask questions to the Appellant and/or their witnesses
- The Appellant or his/her representative is then permitted up to 10 minutes to make a verbal submission in support of their case to reverse the order
- The Committee may ask questions to the Appellant and also further questions of HRM staff (subject to Appellant's response to the answers)
- Staff may ask questions to the Appellant (subject to Appellant's response to the answers)
- The Committee then debates their decision and renders a decision with the Appellant or his/her representative present
- Upon motion the Committee may move In Camera (In Private) to obtain confidential legal advice at any time during the process
- The Committee has four (4) alternatives:
  - cancel the order (allow the appeal)
  - amend the order (change the conditions)
  - keep the order as is (appeal dismissed)
  - continue the hearing at a later date (defer)

### \*Non-Party Witnesses

Persons who are not parties to the appeal may be permitted to provide relevant evidence of factual matters within their personal knowledge to the Appeals Standing Committee. Non-party witnesses will be given an appropriate amount of time to present their information.

Please note that hearings of the Appeals Standing Committee are open to the public and any information, including personal information, that is provided or obtained in relation to your appeal will be a matter of public record.

The Appeals Standing Committee meetings begin at 10 a.m. and cases will be heard as they appear on the approved agenda.