



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

Item No. 12.1.1
Appeals Standing Committee
October 11, 2018

TO: Chair and Members of the Appeals Standing Committee

SUBMITTED BY: **ORIGINAL SIGNED**

Kelly Denty, Director, Planning & Development

DATE: October 1, 2018

SUBJECT: **Appeal Report – Taxi Owner Licence Cancellation, Mr. Kenneth Thurston**

ORIGIN

Appeal of a cancellation of owner licence H854 pursuant to Halifax Regional Municipality By-law T-1000.

LEGISLATIVE AUTHORITY

Sections 10.1, 10.2 and 10.3 and 44.1 (a) of the Halifax Regional Municipality By-law T-1000

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

Kenneth Thurston has maintained a Halifax taxi owner licence since 2006.

The Taxi and Limousine Licensing Office received notification from Casino Taxi dated January 30, 2018 that Halifax taxi owner licence H854 was no longer authorized to operate under their company.

DISCUSSION

Between January 31 and June 27, 2018, Mr. Thurston was contacted regarding submitting his paperwork for a change of company. In that timeframe, he was given letters on each of the following dates: January 31, February 22, and April 4. He was requested to submit his paperwork within 30 days and until he submitted his paperwork, his owner license was suspended and could be cancelled. Thirteen calls were also made to the taxi owner with three resulting in speaking with the taxi owner and still no change of company paperwork was provided to the Licensing Authority. Mr. Thurston did not submit the paperwork and finally on June 27, 2018 he was advised that his license had been cancelled as per section 44.1 (a), contravention of by-law T-1000.

July 10, 2018, the taxi owner filed an appeal. He contacted the Licensing Authority to say that he had some health issues and was advised that if he could provide a medical letter covering the whole time in question as per by-law T-1000, his case would be reviewed. He provided medical letters dated July 18 and 23, 2018. He was advised that he could get his license back if he filed his paperwork before August 31, 2018. Mr. Thurston did not submit his paperwork by that deadline.

Based on the many attempts to contact him and the many opportunities to present his updated information, the Licensing Authority has no choice but to uphold the earlier decision to cancel his owner license and advise the taxi owner that his case will be going forward to appeal.

FINANCIAL IMPLICATIONS

There are no financial implications.

ALTERNATIVES

The Appeals Standing Committee may vary or overturn the decision of the Licensing Authority and in doing so, must provide reasons to be recorded in the minutes of the committee meeting.

RISK CONSIDERATIONS

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

ENVIRONMENTAL IMPLICATIONS

No environmental impact identified.

ATTACHMENTS

Appendix A	Legislative Authority-Halifax Regional Municipality Taxi By-law T-1000
Appendix B	Copy of the letter to the taxi owner dated January 31,2018
Appendix C	Copy of the letter to the taxi owner dated February 22, 2018
Appendix D	Copy of the letter to the taxi owner dated June 27, 2018
Appendix E	Copy of the Notice of Appeal dated July 10, 2018
Appendix F	Copy of the medical letter dated July 18, 2018
Appendix G	Copy of the medical letter dated July 23, 2018
Appendix H	Copy of the letter from the Clerk's Office dated September 17, 2018

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 For: Sally Christie, Regional Coordinator, License Standards, 902.490.2550

ORIGINAL SIGNED

Report Approved by: _____
Penny J. Henneberry, Manager, Buildings and Compliance, 902.579.0250

Appendix A

Halifax Regional Municipality By-law T-1000 (By-law T-1000) Section 10.1, 10.2 and 10.3

10.1 (1) An owner's license must specify;

- (a) the business name under which the vehicle to which the license relates is to be operated; and
- (b) the business address and telephone number from which the vehicle is to be operated.

(2) The applicant for an owner's license or from the renewal of an owner's license must, at the time of the application, provide the Licensing Authority with a company authorization letter or a current print out from their Nova Scotia Registry of Joint Stocks showing an active status for applicant as a the proprietorship, partnership or corporation, as the case may be.

10.2 A person must not operate a licensed vehicle as a vehicle for hire;

- (a) under any business name other than the name specified on the owner's license; or
- (b) from any address other than the business address specified on the owner's license.

10.3 At least three days before making the change, the owner's license holder must notify the Licensing Authority of any change in;

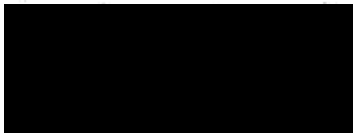
- (a) the business name under which the licensed vehicle is operated;
- (b) the business address from which the licensed vehicle is operated; or
- (c) the owner's residential address.

Appendix B

REGISTERED LETTER

January 31, 2018

Kenneth Thurston



CANADA POSTES POST CANADA		REGISTERED DOMESTIC CUSTOMER RECEIPT	RECOMMANDÉ RÉGIME INTÉRIEUR REÇU DU CLIENT	R
No		Destinataire		
Name Kenneth Thurston		Nom		
[Redacted]		[Redacted]		
Declared Value Valeur déclarée		\$		
33-086-584 (14-05)				
		FOR DELIVERY CONFIRMATION		CONFIRMATION DE LA LIVRAISON
		www.canadapost.ca OR/OU		www.postescanada.ca
		1 888 550-6333		
		CPC Tracking Number		Numero de repérage de la BCP
		RN 190 916 144 CA		

Mr. Thurston,

The Taxi and Limousine Licensing Office has received notification from Casino Taxi dated January 30, 2018, advising that your Halifax taxi owner license #H854 is no longer authorized to operate under their company.

This letter is to advise that Halifax taxi owner licence #H854 is immediately suspended on a temporary basis by order of the Licensing Authority in accordance with Section 10.1, 10.2 and 10.3 of By-law T-1000, Respecting the Regulation of Taxis, Accessible Taxis and Limousines.

As the holder of Halifax taxi owner license #H854, you are required to provide to the Taxi & Limousine Licensing Office another business name under which the vehicle licensed to your Halifax owner license is being operated. Therefore, a vehicle must be provided before 3:00 p.m. on February 21, 2018.

As the holder Failure to provide said letter by February 21, 2018, may result in the immediate cancellation of Halifax taxi owner license #H854 at 3:00 p.m. on February 21, 2018.

Sections 10.1, 10.2 and 10.3 of By-Law T-1000 states in part:

- 10.1 (1) An owner's license must specify;**
(a) the business name under which the vehicle to which the license relates is to be operated;

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Appendix B

10.2 *A person must not operate a licensed vehicle as a vehicle for hire;*
(a) under any business name other than the name specified on the owner's license;

10.3 *At least three days before making the change, the owner's license holder must notify the Licensing Authority of any change in;*
(a) the business name under which the licensed vehicle is operated;

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

Sincerely,
Original Signed

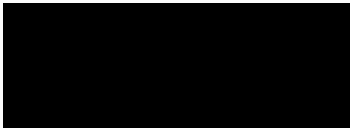
Crystal Campbell
License Administrator
Buildings & Compliance
Planning & Development

Appendix C

REGISTERED LETTER

February 22, 2018

Kenneth Thurston



CANADA POSTES POST CANADA		REGISTERED DOMESTIC CUSTOMER RECEIPT	RECOMMANDÉ RÉGIME INTÉRIEUR REÇU DU CLIENT	R
To Name	Destinataire Nom	FOR DELIVERY CONFIRMATION		
Address		CONFIRMATION DE LA LIVRAISON		
City / Prov. / Postal Code	Ville / Prov. / Code postal	www.canadapost.ca or/ou	www.postescanada.ca	1 888 550-6333
Declared Value Valeur déclarée	\$	CPC Tracking Number Nombre de repérage de la SCP		
33-086-584 (14-06)		RN 133 152 165 CA		

Mr. Thurston,

The Taxi and Limousine Licensing Office has received notification from Casino Taxi dated January 30, 2018, advising that your Halifax taxi owner license #H854 is no longer authorized to operate under their company.

This letter is to advise that Halifax taxi owner licence #H854 is immediately suspended on a temporary basis by order of the Licensing Authority in accordance with Section 10.1, 10.2 and 10.3 of By-law T-1000, Respecting the Regulation of Taxis, Accessible Taxis and Limousines.

As the holder of Halifax taxi owner license #H854, you are required to provide to the Taxi & Limousine Licensing Office another business name under which the vehicle licensed to your Halifax owner license is being operated. Therefore, a vehicle must be provided before 3:00 p.m. on March 15, 2018.

Failure to provide said letter by March 15, 2018, may result in the immediate cancellation of Halifax taxi owner license #H854 at 3:00 p.m. on March 15, 2018.

Sections 10.1, 10.2 and 10.3 of By-Law T-1000 states in part:

10.1 (1) An owner's license must specify;
(a) the business name under which the vehicle to which the license relates is to be operated;

10.2 A person must not operate a licensed vehicle as a vehicle for hire;

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(a) under any business name other than the name specified on the owner's license;

10.3 *At least three days before making the change, the owner's license holder must notify the Licensing Authority of any change in;*

(a) the business name under which the licensed vehicle is operated;

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

Sincerely,

Original Signed

Sally Christie
Supervisor, Regional Licensing
Buildings & Compliance
Planning & Development

REGISTERED LETTER

June 27, 2018

Kenneth Thurston



Mr. Thurston,

The Taxi and Limousine Licensing Office had received notification from Casino Taxi dated January 30, 2018, advising that your Halifax taxi owner license #H854 was no longer authorized to operate under their company.

The Licensing Office was advised on March 27, 2018 that your Halifax taxi owner license #H854 was working for Yellow Cab.

The Licensing Office received notification from Yellow Cab dated March 29, 2018, advising that your Halifax taxi owner license #H854 was no longer authorized to operate under their company.

After trying to contact you multiple times, the licensing office sent you correspondence dated April 4, 2018, requesting that you provide the Taxi and Limousine Licensing Office, with a company letter by April 25, 2018.

Noted in that correspondence, failure to provide a company letter by April 25, 2018 would and has resulted in the Licensing Authority immediately cancelling Halifax taxi owner license #H854 in accordance with Sections 10.1, 10.2 and 10.3 of By-law T-1000.

Sections 10.1, 10.2 and 10.3 of By-Law T-1000 states in part:

10.1 (1) An owner's license must specify;

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Appendix D

(a) the business name under which the vehicle to which the license relates is to be operated;

10.2 *A person must not operate a licensed vehicle as a vehicle for hire;*

(a) under any business name other than the name specified on the owner's license;

10.3 *At least three days before making the change, the owner's license holder must notify the Licensing Authority of any change in;*

(a) the business name under which the licensed vehicle is operated;

Given the information you recently provided regarding your health, if you submit a medical letter for the whole time that you did not have a company letter, we could possibly reinstate your license. If you now have a company letter, please submit it for review.

In accordance with By-law T-1000, Respecting the Regulation of Taxis, Accessible Taxis and Limousines:

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.

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

Sally Christie
Supervisor, Regional Licensing
Buildings & Compliance
Planning & Development

Appendix E

June 10/2018

Kenneth Thurston



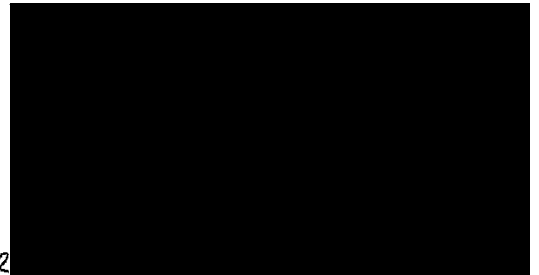
To whom it may concern,

Please be advised that I wish to appeal the loss of my Taxi Driver Owners License and my Taxi owners License (roof light) at the appeals committee.

Best Regards,

Ken Thurston

*Ken's
Cell
Home*



Appendix F

DR. ZACHARY FRASER FAMILY PRACTICE INCORPORATED

Woodlawn Medical Clinic
92 Main Street
Dartmouth, Nova Scotia
B2X 1R5

Tel: (902) 434-1500 Fax: (902) 462-4994

18-Jul-2018

To Whom It May Concern

Patient: Mr. KENNETH THURSTON
PHN: [REDACTED]
Birthdate: [REDACTED]

Dear To Whom it May Concern,

This is to certify that the above was under my care [REDACTED]
[REDACTED] In my opinion he is now medically fit to return to work as a taxi
driver.

Yours sincerely,

Original Signed

Z.R. Fraser, M.D., C.C.F.P.

ZRF/



Appendix G

DR. ZACHARY FRASER FAMILY PRACTICE INCORPORATED

Woodlawn Medical Clinic
92 Main Street
Dartmouth, Nova Scotia
B2X 1R5

Tel: (902) 434-1500 Fax: (902) 462-4994

23-Jul-2018

To Whom It May Concern

Patient: **Mr. KENNETH THURSTON**
PHN: [REDACTED]
Birthdate: [REDACTED]

Dear To Whom It May Concern,

This is to certify that the above was under my care [REDACTED]

In my opinion he is now medically fit to return to work as a taxi driver.

Yours sincerely,
Original Signed

Z.R. Fraser, M.D., C.C.F.P.

ZRF/

HALIFAX REGIONAL
MUNICIPALITY
JUL 24 2018
Original Signed
MUNICIPAL CLERK

COPY

September 17, 2018

REGISTERED MAIL

Kenneth Thurston



CANADA POST / POSTES CANADA		REGISTERED DOMESTIC	RECOMMANDÉ RÉGIME INTÉRIEUR	R
		CUSTOMER RECEIPT	REÇU DU CLIENT	
To / Destinataire	Name / Nom	FOR DELIVERY CONFIRMATION / CONFIRMATION DE LIVRAISON		
Address / Adresse		www.canadapost.ca / www.postescanada.ca		
City / Prov. / Postal Code / Ville / Prov. / Code postal		1 888 550-6333		
Declared Value / Valeur déclarée	\$	CPC Tracking Number / Numéro de repérage de la SCP		
33-886-584 (14-06)		RN 313 781 927 CA		

Re: Appeal of denial for renewal of Halifax taxi driver license # H854

Kenneth Thurston,

This is to advise that your appeal of the Licensing Authority's decision to deny the renewal of your Halifax taxi driver license #H854 will be heard by the Appeals Standing Committee on **Thursday, October 11, 2018**. 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 by end of day Thursday, October 4, 2018. 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 902-490-6517.

Sincerely,

Original Signed

Phoebe Rai
Legislative Assistant
Office of the Municipal Clerk

cc: Sally Christie, Licensing Coordinator, Municipal Compliance
Andrea MacDonald, Manager, License Standards, Municipal Compliance

Enclosure: Order of Proceedings for Appeals Standing Committee

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