



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

**Item No. 12.3.1**  
**Appeals Standing Committee**  
**February 14, 2019**

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

**SUBMITTED BY:** **ORIGINAL SIGNED**  
Penny J. Henneberry, Manager, Buildings and Compliance

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**DATE:** February 4, 2019

**SUBJECT:** Appeal Report – Taxi Driver License Suspension, Mr. Seyed Abolghasem Sadat Lavasani

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#### **ORIGIN**

On January 9, 2019, Mr. Seyed Abolghasem Sadat Lavasani filed a Notice of Appeal (attached as Appendix B) regarding the suspension of his taxi 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 Appeal Standing Committee is whether to allow or deny the appeal before them.

## **BACKGROUND**

On January 8, 2019, the Taxi and Limousine Licensing Office was advised that Mr. Lavasani was charged on September 17, 2018, with violating section 271 of the Criminal Code for Sexual Assault. It is alleged that Mr. Lavasani sexually assaulted a taxi passenger in his vehicle. Immediately upon being advised of the charge, the HRM Licensing Authority met with Mr. Lavasani relative to his criminal charges and advised him of the immediate suspension of his Taxi Driver License #R250. A letter was issued to Mr. Lavasani (attached as Appendix C) advising his taxi license was immediately suspended.

On January 9, 2019, Mr. Lavasani submitted a Notice of Appeal to the Municipal Clerk's Office.

On January 18, 2019, the Municipal Clerk's Office sent a letter (attached as Appendix D) to Mr. Lavasani advising his appeal would be heard at the February 14, 2019 Appeals Standing Committee meeting.

## **DISCUSSION**

In accordance with Section 44.1 of By-Law T-1000, Respecting the Regulation of Taxis, Accessible Taxis and Limousines, section 44.1(b) & (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

- (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;

Given the serious nature of the criminal charges directly related to Mr. Lavasani operating as a taxi driver, the Licensing Authority, in accordance with Section 44.1 of By-law T-1000, considers it in the best interest of the public to suspend Mr. Lavasani's license to operate as a taxi driver. Therefore, his taxi driver license is currently suspended pending the outcome and a review of his court proceedings. This review may result in either a reinstatement or revocation of his license.

## **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 January 9, 2019
  - Appendix C: Copy of the Letter of Suspension dated January 8, 2019
  - Appendix D: Copy of the Municipal Clerk's letter dated January 18, 2019
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A copy of this report can be obtained online at [Halifax.ca](http://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

**ORIGINAL SIGNED**

Report Approved by:

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Andrea MacDonald, Program Manager, License Standards 902-490-7371

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## **Appendix A**

### Halifax Regional Municipality By-law T-1000

#### Respecting the Regulation of Taxis, Accessible Taxis and Limousines

By-law T-1000, Part 13, Refusal, Suspension and Revocation of Licenses;

Section 44.1(b) & (c) as follows;

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

(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, is in the public interest that the person not hold either an owner's license or driver's license;

**Appendix B**

HALIFAX REGIONAL  
MUNICIPALITY  
JAN 14 2019  
**Original Signed**  
MUNICIPAL CLERK

Respected:  
Municipal Clerk's Office  
C/O Municipal Clerk, P.O. Box 1749, Halifax, NS, B3J 3A5  
Appeals Standing Committee

Subject: Request for appeals

Date: January 09, 2019

Dear Madams/Sirs,

I am appealing this decision to suspend my taxi license # R 250 due to no other alternative means of employment due to my age.  
Your kind understanding and concern is highly appreciated.

Best regards,  
Seyed Abolghasem Sadat Lavasani  
**Original Signed**

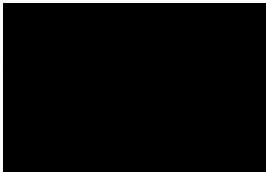
January 09, 2019

[Redacted signature area]



January 8, 2019

Seyed Abolghasem Sadat Lavasani



Mr. Sadat Lavasani,

The HRM Licensing Authority was informed today, January 8, 2019 of your criminal charge of sexual assault.

This letter is to advise that your taxi driver licence #R250 is immediately suspended, on a temporary basis by order of the Licensing Authority in accordance with Section 44.1 of By-law T-1000, Respecting the Regulation of Taxis, Accessible Taxis and Limousines.

Section 44.1(b) & (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

- (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;

**Accordingly, you are requested to submit your taxi driver licence to the Taxi Licensing Office at 7 Mellor Avenue Dartmouth, as you are not permitted to drive a taxi until further notice.**

Taking into account the serious nature of the incident, the Licensing Authority has determined that it is in the public interest to suspend your licence. Following the outcome of any court proceedings, a review of your licensing privileges will be conducted. This review may result in the permanent revocation of your licence.

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 temporary suspension within 15 days from the date of the suspension.

*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 undersigned at (902) 490-4064.

Sincerely,

**Original Signed**

Lois Beaton McNamara  
License Administrator  
Planning & Development  
Buildings and Compliance

**Original Signed**

*January 09, 2019*

## Appendix D

CANADA POSTES POST CANADA		<b>REGISTERED DOMESTIC</b>	<b>RECOMMANDÉ RÉGIME INTÉRIEUR</b>	<b>R</b>
		CUSTOMER RECEIPT	REÇU DU CLIENT	
To Name	Destinataire Nom	FOR DELIVERY CONFIRMATION		
Address	Adresse	CONFIRMATION DE LA LIVRAISON		
City / Prov. / Postal Code	Ville / Prov. / Code postal	www.canadapost.ca ou/ou www.postescanada.ca		
Declared Value Valeur déclarée	\$	1 888 550-6333		
		CPC Tracking Number	Numero de repérage de la BCP	
		<b>RN 313 781 683 CA</b>		
33-086-504 (14-06)				

January 18, 2019

### REGISTERED MAIL

Seyed Abolghasem Sadat Lavasani

**Re: Appeal of suspension of Taxi License #R250**

Dear Seyed Abolghasem Sadat Lavasani,

This is to advise that your appeal of the Licensing Authority's decision to suspend your Halifax taxi license #R250 will be heard by the Appeals Standing Committee on **Thursday, February 14, 2019**. 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 web page at Halifax.ca by end of day Thursday, February 7, 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 902-490-6517.

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

**HALIFAX**

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

halifax.ca