



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

Item No. 12.3.1
Appeals Standing Committee
March 14, 2019

TO: Chair and Members of the Appeals Standing Committee

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

DATE: February 26, 2019

SUBJECT: Appeal Report – Taxi Driver License Suspension, Mr. Tesfom Kidane Mengis

ORIGIN

On January 21, 2019, Mr. Tesfom Mengis 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 7, 2019, the Taxi and Limousine Licensing Office was advised that Mr. Mengis was charged on January 6, 2019, with violating section 271 of the Criminal Code for Sexual Assault. It is alleged that Mr. Mengis sexually assaulted a taxi passenger in his vehicle. Immediately upon being advised of the charge, the HRM Licensing Authority met with Mr. Mengis relative to his criminal charges and advised him of the immediate suspension of his Taxi Driver License #R438. A letter was issued to Mr. Mengis (attached as Appendix C) advising his taxi license was immediately suspended.

On January 21, 2019, Mr. Mengis submitted a Notice of Appeal to the Municipal Clerk's Office.

On January 29, 2019, the Municipal Clerk's Office confirmed to legal counsel for Mr. Mengis via email that the appeal would be heard at the March 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. Mengis 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. Mengis'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 the permanent 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 21, 2019
Appendix C: Copy of the Letter of Suspension dated January 7, 2019
Appendix D: Copy of the Municipal Clerk's letter dated February 27, 2019
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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: **ORIGINAL SIGNED**
Andrea MacDonald, Program Manager, License Standards 902-490-7371

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;

HALIFAX

NOTICE OF APPEAL REGARDING BY-LAW T-1000 THE REGULATION OF TAXIS & LIMOUSINES

I Tesfom Kidane Mengis wish to file this Written Notice of Appeal in relation to the decision of the Licensing Authority, regarding the (Refusal / Suspension / Cancellation) of my (Owner's license # R438 / Driver's license # [REDACTED] / Application)

The reason for appeal is:

I haven't ~~not~~ been convicted of a criminal offence and maintain I am innocent. This employment is my means to support family.

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

DATED at Halifax, Nova Scotia this day of January, 2019.

Original Signed

Tesfom Mengis
Legal Name of Appellant (please print)
Tesfom
Preferred Name

Signature of Appellant

MK Law

(Address)

(Apt)

608-1888 Brunswick St.

(City)

(Postal Code)

B3J 3J8, Halifax NS

Contact Number or Email

gchongatera@mkjustice.ca

SEND TO:
Office of the Municipal Clerk
P.O. Box 1749
Halifax, NS B3J 3A5
Fax: 902-490-4208
Email: clerks@halifax.ca

Deliver in person: City Hall, 1841 Argyle Street, Halifax (Mon-Fri, 8:30am-4:30pm)

COPY

January 7, 2019

Tesfom Kidane Mengis



Mr. Mengis,

The HRM Licensing Authority has been advised of your recent criminal charge of sexual assault dated January 6, 2019.

This letter is to advise that your taxi driver licence #R438 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.

COPY

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

Jan 07/2019

Appendix D

CANADA POST / POSTES CANADA		REGISTERED DOMESTIC CUSTOMER RECEIPT	RECOMMANDÉ RÉGIME INTÉRIEUR REÇU DU CLIENT	
To / Destinataire	Name / Nom	FOR DELIVERY CONFIRMATION / CONFIRMATION DE LA LIVRAISON		
Address / Adresse	City / Prov. / Postal Code / Ville / Prov. / Code postal	www.canadapost.ca / www.postescanada.ca		
Declared Value / Valeur déclarée	\$	1 888 550-6333		
33-086-584 (14-09)		CPC Tracking Number / Numéro de repérage de la SCP RN 313 781 754 CA		

February 27, 2019

REGISTERED MAIL

Tesfom Kidane Mengis
c/o Godfred Chongatera
McCarthy Kuzelewski Law
608-1888 Brunswick Street
Halifax, NS B3J 3J8
gchongatera@mkjustice.ca

Re: Suspension of Taxi License #R438

Dear Tesfom Kidane Mengis,

This is to advise that your appeal of the Licensing Authority's decision to suspend your Halifax taxi license #R438 will be heard by the Appeals Standing Committee on **March 14th, 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, March 7th, 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
PO Box 1749, Halifax, Nova Scotia
Canada B3J 3A5

halifax.ca