



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

**Item No. 12.3.1**  
**Appeals Standing Committee**  
**May 23, 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:** May 13, 2019

**SUBJECT:** Appeal Report – Taxi Driver License Cancellation, Mr. Douglas James Brine

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**ORIGIN**

On March 25, 2019, Mr. Douglas James Brine filed a Notice of Appeal (attached as Appendix B) regarding the refusal of his vehicle for hire driver license renewal.

**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 March 5, 2019, Mr. Brine submitted an application to the Licensing Authority to renew his vehicle for hire driver licence #H199.

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 convictions:

### April 13, 2016

- SEC 267(A) CC Assault with a Weapon
- SEC 264.1(1)(A) CC Uttering Threats to CBH or Death
- SEC 264.1(1)(A) CC Uttering Threats to CBH or Death
- SEC 88(1) Possess Weapon Dangerous to Public Place
- SEC 145(3) Fail to Comply with Recognizance
- SEC 145(3) Fail to Comply with Recognizance

### September 06, 2018

- SEC 129(A) CC Obstruct/Resist Police

The Licensing Authority had previously declined to renew Mr. Brine's driver license due to the April 2016 charges and the Appeals Standing Committee granted the appeal on May 4, 2017 and overturned the decision of the Licensing Authority.

On March 14, 2019, the Licensing Authority issued a registered letter (attached as Appendix C) to Mr. Brine denying his application for renewal of his vehicle for hire driver license in accordance with Section 44.2 (a), (b) and (c) of By-law T-1000.

While preparing for this appeal, we discovered that Mr. Brine has a charge of Assault 266 (a) that he did not declare on his statutory declaration. According to the by-law, he must declare any charges. The Licensing Authority is recommending that he be ineligible to apply for a taxi driver license for a two year period.

## **DISCUSSION**

In accordance with Section 44.2 (a), (b), (c) and Section 45.1 (a), (b), and (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*

- 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;*
- 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;*
- 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;*

**45.1** *If an applicant or the holder of an owner's license or driver's license makes a false statement in a statutory declaration made pursuant to this by-law, the Licensing Authority may:*

- refuse to issue the license that is the subject of the application;*
- revoke any owner's licenses and or any driver's licenses held by the applicant; and*

- (c) *direct that the applicant is ineligible to apply for or to be granted a license under this by-law for a period of up to five (5) years.*

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

The serious and dangerous nature of the criminal convictions; the continuous failure to comply with the law and court orders; the failure to immediately notify the licensing office of these events and the failure to disclose information on the statutory declaration are all serious concerns. The Licensing Authority has determined that it is in the public interest to deny this renewal application for HRM taxi driver license #H199 in accordance with Sections 44.2 (a), (b), (c) and Sections 45.1 (a), (b), and (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 March 25, 2019  
Appendix C: Copy of the Letter of Refusal dated March 14, 2019  
Appendix D: Copy of the Municipal Clerk's letter dated April 9, 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

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## **Appendix A**

### 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

Appendix B

(Att Steve ADAMS / Cell [REDACTED])

I, Douglas James Brine, would like to appeal the refusal of my Taxi license. The last six charges were dismissed by city councilors on March Sixth, 2017. These six charges still appear on my criminal record check. These six are affecting my ability to regain my Taxi license and I was informed that where as these past charges were not while working they would no longer be an issue. At ~~that~~ time in my life when I was charged I was going through a very ~~my~~ difficult time and my actions do not represent who I am as a person or as an employee. I have taken many steps to better myself since these transgression and am working hard to get my life back on track. I enjoy driving a cab like my father before me and I find fulfillment in performing my job and getting people home safely. I am regretful for my past actions and hope you can see I am genuine so I can continue to better myself and better my life.

Douglas James Brine Sunday March 4  
March 24th, 2019

**Original Signed**

## Appendix C



### REGISTERED LETTER

March 14, 2019

Mr. Douglas Brine  
[REDACTED]  
[REDACTED]

Mr. Brine,

The HRM Licensing Authority has reviewed your recent renewal documents for HRM taxi driver license #H199.

Upon review of your recent Criminal Record Check dated March 7, 2019, we have noted an additional criminal conviction we were not advised of since the last renewal of your taxi driver license in 2017.

There are 7 convictions dated between April 2016 and September 2018.

#### April 13, 2016

- SEC 267(A) CC Assault with a Weapon
- SEC 264.1(1)(A) CC Uttering Threats to CBH or Death
- SEC 264.1(1)(A) CC Uttering Threats to CBH or Death
- SEC 88(1) Possess Weapon Dangerous to Public Place
- SEC 145(3) Fail to Comply with Recognizance
- SEC 145(3) Fail to Comply with Recognizance

#### September 06, 2018

- SEC 129(A) CC Obstruct/Resist Police

The serious and dangerous nature of the criminal convictions, your continuous failure to comply with the law and court orders and your failure to immediately notify the licensing office of these events is a serious concern. The Licensing Authority has determined it is in the public interest to deny your renewal application for HRM taxi driver license #H199 in accordance with Sections 44.2(a)(b)(c) of By-law T-1000 Respecting The Regulation of Taxis, Accessible Taxis And Limousines.

Pursuant to Section 44.2(a)(b)(c) of By-law T-1000 states in part:

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

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## Appendix C

- (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*

**Accordingly, you are no longer permitted to operate a vehicle for hire taxi or limousine in the Halifax Regional Municipality.**

In accordance with Section 48.1 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 refusal.

**48.1** *A person whose application for the issuance or renewal of an owner's license or driver's license is refused by the Licensing Authority, or a person whose owner's license or driver's license is suspended, revoked or cancelled by the Licensing Authority, may appeal the refusal, suspension, revocation or cancellation to the Appeals Standing Committee within 15 days from the date of 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 request.

Sincerely,

**Original Signed**

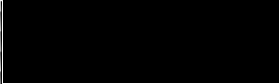
Lois Beaton McNamara  
License Administrator  
Planning & Development  
Buildings and Compliance

## Appendix D

April 9, 2019

### REGISTERED MAIL

Douglas James Brine



CANADA POST / POSTES CANADA		REGISTERED DOMESTIC CUSTOMER RECEIPT	RECOMMANDÉ RÉGIME INTÉRIEUR REÇU DU CLIENT	<b>R</b>
To / Destinataire	Name / Nom	FOR DELIVERY CONFIRMATION / CONFIRMATION DE LA LIVRAISON		
Address / Adresse	Address / Adresse	canadapost.ca / canadapost.ca		
City / Prov. / Postal Code	City / Prov. / Code postal	1 888 550-6333		
Declared Value / Valeur déclarée	\$	CPC Tracking Number / Numéro de repérage de la SCP <b>RN 389 561 515 CA</b>		
33-086-584 (17-12)				

### Re: Appeal of Refusal of Taxi License

Dear Douglas James Brine,

This letter notifies that the Appeals Standing Committee has rescheduled its May 9<sup>th</sup>, 2019 meeting to Thursday, May 23<sup>rd</sup>, 2019. This is to advise that your appeal will be heard by the Appeals Standing Committee on **Thursday, May 23<sup>rd</sup>, 2019**. The hearing will be held in the Council Chamber, 3<sup>rd</sup> Floor, City Hall, 1841 Argyle Street, Halifax. 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 case will be posted online to the Appeals Standing Committee agenda page by end of day on May 16<sup>th</sup>, 2019. (<https://www.halifax.ca/city-hall/agendas-meetings-reports?category=131>) 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

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