



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

Item No. 12.3.2
Appeals Standing Committee
July 11, 2019

TO: Chair and Members of the Appeals Standing Committee

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

DATE: June 28, 2019

SUBJECT: Appeal Report – Taxi Driver License Renewal Refusal, Mr. Claudio Benigni

ORIGIN

On June 19, 2019, Mr. Claudio Benigno 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 May 27, 2019, Mr. Benigno applied to the Licensing Authority to renew his vehicle for hire driver licence #H782.

Upon review of the application package for renewal, the Licensing Authority determined that the driver abstract had several infractions as well as a provincial driver's license suspension in 2017. Mr. Benigno did not declare this suspension on the Statutory Declaration nor did he notify the Licensing Authority of the infractions.

Mr. Benigno's taxi driver license expired May 14, 2019. The Licensing Authority confirmed with Yellow Cab, the company with whom Mr. Benigno is affiliated, that Mr. Benigno was driving under roof light #H782 between May 14, 2019 and June 13, 2019 without a valid vehicle for hire driver license.

On June 19, 2019, the Licensing Authority issued a letter (attached as Appendix C) to Mr. Benigno denying his application for renewal of his vehicle for hire driver license in accordance with Sections 7.3 (a); 44.2 (b); and 45.1 (b) of By-law T-1000.

DISCUSSION

In accordance with Sections 7.3 (a); 44.2 (b); and 45.1 (b) of By-law T-1000, Respecting the Regulation of Taxis, Accessible Taxis and Limousines,

7.3 *A person must not operate a licensed vehicle as a vehicle for hire unless:*

(a) the person holds a valid driver's license issued pursuant to this by-law;

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

(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;

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:*

(b) revoke any owner's licenses and or any driver's licenses held by the applicant; and

In reaching the decision the Licensing Authority considered the following:

- the lack of following the by-law and the serious nature of operating a taxi with an expired taxi driver license;
- failure to immediately notify the Licensing Office of the provincial driver's license suspension; and
- making false statements on the statutory declaration.

All the above are considered significant issues in violation of By-law T-1000.

Driving infractions, especially suspensions, are indicators of unsafe driving practices which, in the vehicle for hire industry, is cause for concern. Driving without a valid taxi driver license is in direct violation of the by-law. The Licensing Authority has determined that it is in the public interest to deny his renewal application for HRM taxi driver license #H782 in accordance with Sections 7.3 (a); 44.2 (b); and 45.1 (b) 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 June 19, 2019
Appendix C: Copy of the Letter of Refusal dated June 19, 2019
Appendix D: Copy of the Municipal Clerk's letter dated June 20, 2019

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

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

HALIFAX REGIONAL
MUNICIPALITY,
JUN 19 2019
[REDACTED]
MUNICIPAL CLERK

To Whom It may concern:

I claudio benigno wish to appeal
my taxi License not being renewed

Claudio Benigno

[REDACTED]

June 19, 2019

Claudio Benigno
[REDACTED]
[REDACTED]
[REDACTED]

Mr. Benigno,

In reviewing your driver's abstract as part of your taxi driver license renewal, the HRM Licensing Office discovered a provincial driver's license suspension in 2017, among several other recent infractions. You did not notify the Licensing Authority at the time of the infractions nor did you declare them on the Statutory Declaration. You were asked to meet with staff regarding your driver's abstract which you declined to do on a number of occasions. Your taxi driver license has since expired and we have confirmed that you have been operating without a valid taxi driver license.

This letter is to advise you that your taxi driver #H782 will not be renewed. The following are the sections that lead to the decision from By-law T-1000, Respecting the Regulation of Taxis, Accessible Taxis and Limousines states:

7.3 A person must not operate a licensed vehicle as a vehicle for hire unless:

(a) the person holds a valid driver's license issued pursuant to this by-law;

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

(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;

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:

(b) revoke any owner's licenses and or any driver's licenses held by the applicant.

You have the right to appeal this decision according to section 48.2 of By-law T-1000, Respecting the Regulation of Taxis, Accessible Taxis and Limousines which states:

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.

Should you choose to appeal, please submit 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 our Customer Contact Centre by calling 311, an agent will assist you with your service request.

Sincerely,

ORIGINAL SIGNED

Lois Beaton-McNamara
License Administrator
Buildings and Compliance
Planning & Development

June 20, 2019

REGISTERED MAIL

Claudio Benigno
[Redacted]
[Redacted]
[Redacted]

		REGISTERED DOMESTIC	RECOMMANDÉ RÉGIME INTÉRIEUR	
		CUSTOMER RECEIPT	REÇU DU CLIENT	
To / Destinataire		Name / Nom		FOR DELIVERY CONFIRMATION / CONFIRMATION DE LA LIVRAISON 1 888 950-6333 CPC Tracking Number / Numéro de repérage de la SCP RN 389 561 603 CA
Address / Adresse		City / Prov. / Postal Code / Ville / Prov. / Code postal		
City / Prov. / Postal Code		City / Prov. / Code postal		
Canada Post / Le Canada		\$		
33-886-584 (17-12)				

Re: Appeal of Refusal of Taxi License H782

This is to advise that your appeal of the Licensing Authority's decision to refuse to issue a Halifax taxi license will be heard by the Appeals Standing Committee on **July 11th, 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, July 4th, 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



City of Halifax
Municipal Clerk's Office
1841 Argyle Street
Halifax, NS B3H 2P6
902-490-6519
www.halifax.ca