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Item No. 7.1.1
Appeals Standing Committee
July 29, 2020

TO: Chair and Members of the Appeals Standing Committee

Original Signed

SUBMITTED BY: _____
Conor O’Dea, Manager – Buildings and Compliance

DATE: July 9, 2020

SUBJECT: Appeal Report – Taxi Driver and Owner License Suspended, Mr. Navneet Jaggi

ORIGIN

On July 2, 2020, Mr. Navneet Jaggi filed a Notice of Appeal (attached as Appendix B) regarding the suspension of his taxi driver license #A014 and taxi owner license #578.

LEGISLATIVE AUTHORITY

- By-law A-100, Appeals Committee By-law; and
- By-law T-1000, Respecting the Regulation of Taxis, Accessible Taxis and Limousines.

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 decision of the Licensing Authority and thereby deny the appeal.

BACKGROUND

On June 25, 2020 the Licensing Authority was advised that Mr. Jaggi was charged on June 25, 2020 with the following criminal offences under the Criminal Code:

- Sexual Assault

Immediately upon being advised of the charge, the HRM licensing Authority contacted Mr. Jaggi relative to his criminal charge and advised him of the immediate suspension of his taxi driver license #A014 and his taxi owner license #578. A letter confirming the immediate suspensions was issued to Mr. Jaggi (attached as Appendix C).

On July 2, 2020, Mr. Jaggi submitted a Notice of Appeal to the Municipal Clerk's Office (attached as Appendix B).

On July 8, 2020, the Municipal Clerk's Office sent a letter (attached as Appendix D) to Mr. Jaggi advising his appeal would be heard at the July 29, 2020 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 charge, the Licensing Authority in accordance with Section 44.1 of By-law T-1000, considers it prudent at this time to consider Mr. Jaggi not sufficiently fit to hold a license to operate as a taxi driver or owner. His taxi driver and owner license are 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.

RISK CONSIDERATIONS

The risk consideration rates moderate to high given the charges before the courts and the individuals' role in serving the public.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications.

ALTERNATIVES

The Appeals Standing Committee may vary the decision of the Licensing Authority provided for under the By-law and in doing so, must provide reasons to be recorded in the minutes of the committee meeting.

ATTACHMENTS

- Appendix A: Copy of the Legislative Authority- Taxi and Limousine By-law T-1000
- Appendix B: Copy of the Notice of Appeal dated July 2, 2020
- Appendix C: Copy of the Letter of Suspension dated June 26, 2020
- Appendix D: Copy of the Municipal Clerk's letter dated July 8, 2020

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: Hilary Hayes, Supervisor Licensing, Municipal Compliance 902.490.2550

Original Signed

Report Approved by: _____
Andrea MacDonald, Program Manager, License Standards 902.490.7371

**HALIFAX REGIONAL MUNICIPALITY
BY-LAW NUMBER T-1000
RESPECTING THE REGULATION OF TAXIS, ACCESSIBLE TAXIS AND LIMOUSINES**

BE IT ENACTED by the Council of the Halifax Regional Municipality, under the authority of Section 305 of the *Motor Vehicle Act*, Chapter 293, R.S.N.S. 1989 as follows:

1.0 SHORT TITLE

1.1 This by-law may be cited as By-law Number T-1000 or as the *Halifax Regional Municipality Taxi and Limousine By-law*.

2.0 APPLICATION

2.1 (1) Subject to subsection (2), this by-law applies to vehicles used for the purpose of carrying passengers for hire in the Municipality and to the owners and operators of those vehicles.

(2) This by-law does not apply to:

- (a) a vehicle licensed under the Motor Carriers Act or to the owner or operator of the vehicle;
- (b) a vehicle engaged in a not for profit car pool or free for use shuttle service or the owner or operator of the vehicle;
- (c) a vehicle transporting for hire passengers or goods brought into the Municipality from outside the limits of the Municipality, or transporting for hire passengers or goods taken on within the limits of the Municipality to be discharged or unloaded outside the limits of the Municipality; and
- (d) a vehicle while engaged in services which are developed and provided by non-profit organizations through partnerships by coordinating public, private, non-profit, and volunteer resources, and services that receive provincial or municipal financial support to cover a portion of the operating costs of a community-based transportation service.

3.0 INTERPRETATION

3.1 In this by-law

“accessible taxi” means a vehicle licensed under this By-law as an accessible taxi;

“Appeal Committee” means the Committee established by the Municipality with authority to hear appeals of decisions made or actions taken pursuant to the provisions of this by-law;

“driver’s license” means a license issued by the Municipality to a person permitting that person to operate a vehicle for hire within the Municipality, and includes a conditional taxi driver’s license where the context permits;

“electronic payment” means any kind of payment by means of an electronic device;

“global positioning system” means an electronic navigational system that sends and receives global positioning signals and can provide location and time information in all weather, anywhere on or near the Earth;

“licensed driver” means a person who holds a valid driver’s license permitting that person to operate a vehicle for hire within the Municipality;

“licensed owner” means the holder of an owner’s license for a licensed vehicle;

“licensed vehicle” means a vehicle that is licensed under this by-law as a taxi, accessible taxi or limousine;

“Licensing Authority” means the office responsible for the licensing and enforcement of By-law T-1000 and related regulations as designated by the Chief Administrative Officer or designate;

“limousine” means a vehicle that is licensed under this by-law as a limousine;

“medical report” means a report made by a physician licensed to practice in the Province of Nova Scotia;

“Municipality” means the Halifax Regional Municipality;

“owner” means the person issued the vehicle’s license plates, as indicated on the permanent Nova Scotia Vehicle Registration Permit for the vehicle, and includes any other person who holds the legal title of the vehicle;

“owner’s license” means a taxi owner’s license, an accessible taxi owner’s license or limousine owner’s license, and includes a conditional taxi owner’s license, conditional accessible taxi owner’s license or conditional limousine owner’s license where the context permits;

“parcels” includes boxes, packages and other articles of whatever nature;

“public place” includes any highway, street, road, lane, alley, taxi stand or other public place in the Municipality;

“service animal” means any animal individually trained to do work or perform tasks for the benefit of the individual with a disability or is used for search and rescue or law enforcement;

“smoke” means smoke, inhale or exhale smoke from, burn, carry, hold or otherwise have control over a lit or heated cigarette, cigar, pipe, waterpipe, electronic cigarette or other device that burns or heats tobacco, cannabis or another substance that is intended to be smoked or inhaled;

“taxi” means a vehicle that is licensed under this by-law as a taxi, but does not include an accessible taxi;

“taxi meter” means a mechanical or electronic meter that automatically measures and registers the distance travelled by the vehicle and the fare corresponding to the distance as determined using the fares prescribed by Administrative Order 39;

“vehicle” means a motor vehicle;

“vehicle for hire” means a licensed vehicle while engaged in the transport of passengers or parcels for a fee;

“zone” means the geographical service area in respect of which a taxi owner’s license is issued, as prescribed by Administrative Order 39.

4.0 OPERATING A LICENSED VEHICLE

4.1 For the purposes of this by-law the operation of a vehicle includes:

- (a) transporting passengers or parcels for hire in or through any public place in the Municipality;
- (b) being in or on any public place in the Municipality while in control of a vehicle for the purpose of offering the vehicle for hire;
 - (i) soliciting passengers for hire regardless of the method used to offer the vehicle for hire or

- (ii) to solicit passengers and regardless of the method used to signal the driver that a person wants to engage the vehicle; and
- (c) waiting at any location in the Municipality, whether in a public place or a private place, while in the control of a motor vehicle for the purpose of offering the vehicle for hire;
 - (i) soliciting passengers for hire regardless of the method used to offer the vehicle for hire; or
 - (ii) to solicit passengers and regardless of the method used to signal the driver that a person wants to engage the vehicle.

5.0 NUMBER OF ACCESSIBLE TAXIS AND DRIVERS NOT AFFECTED

5.1 Nothing in this by-law affects or limits either directly or indirectly the number of accessible taxi drivers or the number of accessible taxi vehicles that may be licensed in the Municipality.

**PART 1
ADMINISTRATION**

6.0 ROLE OF LICENSING AUTHORITY

6.1 The Licensing Authority is responsible for the regulation of licensed vehicles, licensed owners and licensed drivers and the administration and enforcement of the provisions of this by-law, and related regulations, and includes any officer or official carrying out those duties under this by-law.

6.2 The Licensing Authority must:

- (a) make all necessary inquiries concerning applications for licenses under this by-law;
- (b) examine or cause to be examined every applicant for a driver's license for compliance with this by-law;
- (c) examine or cause to be examined every vehicle to be licensed for compliance with this by-law;
- (d) keep a register of all licenses granted containing the name and complete mailing address of every license holder and the date of issue of each license;
- (e) issue licenses in accordance with this by-law if all requirements have been met;
- (f) provide applicants with a copy of this by-law and Administrative Order 39, upon request; and
- (g) determine by inspection and enquiry from time to time whether licensed owners, licensed drivers and licensed vehicles continue to comply with the provisions of this by-law and all applicable laws.

6.3 The Licensing Authority in its sole discretion may abridge or extend the time limits provided for in this bylaw.

6.0A SCHEDULES

6.1A Any Schedule attached hereto shall form part of this By-law.

**PART 2
PROHIBITIONS RELATED TO UNLICENSED VEHICLES AND DRIVERS**

7.0 OPERATION OF VEHICLES

- 7.1** A person must not operate a vehicle to provide the services of a taxi, accessible taxi or limousine and the owner of a vehicle must not permit its operation as a vehicle to provide the services of a taxi, accessible taxi or limousine unless:
- (a) the vehicle is the subject of a valid taxi owner's license in the case of a vehicle offering the services of a taxi;
 - (b) the vehicle is the subject of a valid accessible taxi owner's license in the case of a vehicle offering the services of an accessible taxi;
 - (c) the vehicle is the subject of a valid limousine owner's license in the case of a vehicle offering the services of a limousine;
 - (d) in the case of a taxi or accessible taxi, the original of the owner's license (photocopy or other facsimile is not permitted) for the vehicle is conspicuously displayed on or above the doorpost or on the rear portion of the front seat, and, in case of a limousine, the original of the owner's license (photocopy or other facsimile is not permitted) for the vehicle is in the vehicle and available for presentation upon request; and
 - (e) the license sticker issued for the vehicle by the Licensing Authority for the current license year is affixed to the vehicle in the location and manner prescribed by Administrative Order 39, or is affixed in such other location on the vehicle as approved by the Licensing Authority.
- 7.2** Subsection (1) does not apply so as to require a vehicle to be licensed under this by-law if it is used to transport parcels for a fee if it is not used to transport passengers for a fee.
- 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;
 - (b) the original of the driver's license (photocopy or other facsimile is not permitted) is conspicuously displayed in the vehicle and is readily visible to any passenger who may be in it.

8.0 DEEMED OPERATION OF TAXI OR ACCESSIBLE TAXI

- 8.1** A person who is in control of a taxi or accessible taxi in the Municipality while the vehicle's taxi roof sign is displayed or uncovered is deemed to be operating the vehicle as a vehicle for hire.

PART 3 OWNERS' LICENSES

9.0 OBTAINING OR RENEWING AN OWNER'S LICENSE

- 9.1** The Licensing Authority may issue owner's licenses that are either conditional or permanent.
- 9.2** Subject to this by-law, an owner of a motor vehicle:
- (a) who is an individual may obtain or renew an owner's license by applying in person to the Licensing Authority; or
 - (b) that is a corporation may renew an owner's license by having an officer of the corporation apply in person to the Licensing Authority.
- 9.3** An application to obtain or renew an owner's license must be accompanied by:
- (a) a criminal record/vulnerable sector check in respect of the applicant (if the applicant does not hold a driver license pursuant to this by-law), or if the applicant is a corporation, a criminal record/vulnerable sector check in respect of the applicant officer of the corporation;

- (aa) a child abuse registry check in respect of the applicant, or if the applicant is a corporation, a child abuse registry check in respect of the applicant officer of the corporation;
- (b) a statutory declaration attesting to the matters required by the Licensing Authority;
- (c) all applicable fees for the license as set by Administrative Order 15;
- (d) if the applicant is a corporation, a current print out from the Nova Scotia Registry of Joint Stocks showing an active status for the corporation that will operate the vehicle to which the license relates and if that corporation is not the holder of the owner's license also a letter authorizing the use of the corporation's name; and
- (e) a Nova Scotia Vehicle Registration permit listing the title and license plate in the name of the applicant or owner's license holder, or in the name of the lessor of a leased vehicle, if supported by lease documentation from a commercial lessor showing the applicant or owner's license holder as the lessee of the vehicle.

9.4 Despite subsections 9.3 (a) and (aa), if the applicant has applied for a criminal record/vulnerable sector report and a child abuse registry report but the report or reports are not available at the time of the application, the Licensing Authority may grant the applicant a conditional owner's license pending receipt of satisfactory reports, if the applicant submits proof to the Authority that the applicant has applied and paid for the reports and a statutory declaration attesting to the application for the record.

9.5 If a conditional owner's license has been issued in the circumstances described in section 9.4 and the criminal record/vulnerable sector report is not received by the Licensing Authority:

- (a) within 120 days of the date of issue, the conditional owner's license is automatically suspended until the report is received by the Licensing Authority; and
- (b) within six months of the date of issue, the conditional owner's license is automatically terminated.

9.5A If a conditional owner's license has been issued in the circumstances described in section 9.4 and the child abuse registry report is not received by the Licensing Authority;

- (a) within 30 days of the date of issue, the conditional owner's license is automatically suspended until the report is received by the Licensing Authority; and
- (b) within six months of the date of issue, the conditional owner's license is automatically terminated.

9.6 If a conditional owner's license has been issued in the circumstances described in section 9.4 and an unsatisfactory criminal record/vulnerable sector report or child abuse registry report is provided, the Licensing Authority must immediately suspend the owner's license while the Licensing Authority confirms the information contained in the report, and if the information is confirmed the owner's license must be cancelled by the Licensing Authority.

9.7 The following insurance requirements apply to a vehicle that is the subject of an application under this section:

- (a) the vehicle must be insured by an automobile insurance policy issued in the name of the owner's license holder, that provides public liability insurance, passenger hazard insurance, and property damage insurance in an amount not less than \$1,000,000.00 without any limit on any particular claim up to that amount regardless of the number of persons involved or the nature of the damage;

- (b) if the application is in respect of an accessible taxi, the vehicle must, in addition to the insurance required by subsection (a), be insured by a policy of insurance that provides coverage against all loss, damage and claims arising out of or in connection with the loading or unloading or transporting of disabled persons;
 - (c) the applicant must deposit the policy or policies required by this section with the Licensing Authority; and
 - (d) the applicant must have directed the insurance company issuing an insurance policy required by this section to advise the Licensing Authority of any change to the coverage and terms of the insurance policy during the term of the license and to notify the Licensing Authority when the insurance policy is no longer in effect.
- 9.8** Despite the definition of “owner” in section 3, if an owner’s license held on October 19, 2010, was at that time subject to a written agreement in respect of a vehicle under which agreement the license holder was not the title or plate holder of the vehicle, the owner’s license may be renewed if the agreement between the two parties has continued uninterrupted since October 19, 2010 and as long as the agreement continues uninterrupted.
- 9.9** A vehicle to be licensed must meet and be maintained to the requirements prescribed by Administrative Order 39 and at any given time may be licensed as only one of the following:
- (a) a taxi;
 - (b) an accessible taxi; or
 - (c) a limousine.
- 9.10** An expired owner’s license is not valid and not operational, but may be renewed within a 30-day grace period following its expiration date.
- 9.11** An expired owner’s license cannot be renewed if more than 30 days have elapsed since its expiration date.
- 9.12** The Licensing Authority may waive the requirement under subsection 9.2 (a) for an individual to appear in person, if the individual submits a medical report satisfactory to the Licensing Authority setting out the medical reasons why applicant is unable to attend in person.
- 9.13** **(1)** The Licensing Authority must not issue or renew an owner’s license unless the applicant and the vehicle to be licensed meets or continues to meet the requirements of this by-law and all applicable laws.
- (2)** The Licensing Authority may decline to issue or renew any owner’s license to any applicant when the Licensing Authority, determines that the issuance or renewal of the license is not in the best interests of furthering the objectives of this by-law, transformation of the vehicle for hire industry into a single owner license held by a licensed driver, service model.
- (3)** Notwithstanding subsection 9.13(1) or any other provision of this by-law, the Licensing Authority may issue or renew an owner’s license, which issuance or renewal is not in compliance with any provision of this by-law, when the Licensing Authority, determines that exceptional circumstances warrant such issuance or renewal.
- (4)** The Licensing Authority may temporarily suspend the issuance or renewal of an owner’s license, or of a category of owner’s licenses, as determined appropriate by the Licensing Authority to respond to circumstances that may arise.
- 9.14** The Licensing Authority must not issue or renew a taxi or limousine owner’s license if the applicant:

- (a) is not a licensed driver in the Municipality; or
- (b) in respect of a taxi owner's licence, the applicant already holds a taxi owner's license in the Municipality either in his or her name or in the name of a corporation in which the applicant is a shareholder.

9.14A Section 9.14 does not apply to the issuing or renewal of accessible taxi owner licenses.

9.15 Section 9.14 does not apply to the renewal of an owner's license first issued before October 23, 2012, unless the owner has become a licensed driver subsequent to that date and does not apply to the renewal of a limousine owner licenses held in a company name on or before October 23, 2012.

9.16 The Licensing Authority must:

- (a) suspend an owner's license issued to an individual during such periods of time as the provincially issued license to the individual to operate a passenger vehicle is suspended or the driver's license held by the individual in accordance with this by-law is suspended, unless the suspension is due to medical reasons for which the license holder provides supporting documentation satisfactory to the Licensing Authority; and
- (b) cancel an owner's license issued to an individual if the provincially issued license to the individual to operate a passenger vehicle is cancelled or the driver's license held by the individual in accordance with this by-law is cancelled, unless the cancellation is due to medical reasons for which the license holder provides support documentation satisfactory to the Licensing Authority.

9.17 Section 9.16 does not apply to owner's license first issued before July 19, 2008, unless the owner has become a licensed driver subsequent to that date.

9.18 Upon application to the Licensing Authority, a license holder may change the registered vehicle that is the subject of an owner's license to another vehicle that complies with this by-law.

- 9.19**
- (1) An owner's license is the property of the Municipality, is non-transferable, and automatically expires upon the death of the holder.
 - (2) An owner's license issued in the name of a corporation may be renewed but is non-transferable and automatically expires on the sale, devolution or other transfer of any shares of the corporation or upon the issuance of any new shares by the corporation, to a person who was not a shareholder in the corporation on October 23, 2012.
 - (3) The reproduction of an owner's license in any manner is prohibited.

9.20 A conditional owner's license may not be renewed, but is otherwise subject to the same privileges and requirements as a permanent owner's license unless, and to the extent, the contrary is contained in the attached conditions, or otherwise provided for in this By-Law or Administrative Order 39.

10.0 BUSINESS NAME AND ADDRESS

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 for 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.
- 10.4** Saturday, Sunday and holidays are not to be included in calculating the three-day period under section 10.3.

11.0 VEHICLE REGISTRATION & OWNERSHIP PERMIT

- 11.1** The holder of an owner's license must notify the Licensing Authority of any change in the Nova Scotia vehicle registration permit for the licensed vehicle forthwith after the change.
- 11.2** An owner's license automatically terminates unless the holder of that owner's license registers another vehicle to the license by the earlier of (a) 30 days from the removal of the vehicle or (b) 30 days from the expiration date of the license, in the event of the following:
- (a) holder of an owner's licences ceases to be the owner of licensed vehicle;
 - (b) the owner's license can not be renewed because the licensed vehicle is not in compliance with the vehicle requirements under this by-law; or
 - (c) the licensed vehicle is otherwise removed from an owner's license

PART 4 DRIVERS' LICENSES

12.0 OBTAINING A DRIVER'S LICENSE

- 12.1** Subject to this by-law, an individual may obtain or renew a driver's license by applying in person to the Licensing Authority using the form supplied by the Licensing Authority.
- 12.2** An application for a driver's license must be accompanied by;
- (a) a criminal record/vulnerable sector check dated within 30 days of the application;
 - (aa) a child abuse registry check dated within 30 days of the application;
 - (b) a statutory declaration of the applicant attesting to the matters required by the Licensing Authority;
 - (c) all applicable fees for the license as set by Administrative Order 15;

- (d) two professionally taken passport style photographs dated within 30 days of the date of application which are neither heat sensitive nor subject to fading; and
- (e) a satisfactory Nova Scotia Registry of Motor Vehicles (Client Use) abstract of the applicant's minimum class 4 driving record, dated within 30 days of the date of application.

12.3 Despite subsections 12.2 (a) and (aa), if the applicant is renewing a current driver's license and has applied for a criminal record/vulnerable sector report and a child abuse registry report but the reports are not available at the time of the application, the Licensing Authority may grant the applicant a conditional driver's license pending receipt of satisfactory reports, if the applicant submits proof to the Authority that he or she has applied and paid for the reports and a statutory declaration attesting to the application for the record reports.

12.4 If a conditional driver's license has been issued in the circumstances described in section 12.3 and the criminal record/vulnerable sector report is not received by the Licensing Authority;

- (a) within 120 days of the date of issue, the conditional driver's license is automatically suspended until the report is received by the Licensing Authority, and
- (b) within six months of the date of issue, the conditional driver's license is automatically terminated.

12.4A If a conditional driver's license has been issued in the circumstances described in section 12.3 and the child abuse registry report is not received by the Licensing Authority;

- (a) within 30 days of the date of issue, the conditional driver's license is automatically suspended until the report is received by the Licensing Authority; and
- (b) within six months of the date of issue, the conditional driver's license is automatically terminated.

12.5 If a driver's license has been issued in the circumstances described in section 12.3 and the criminal record/vulnerable sector report or the child abuse registry report is not satisfactory to the License Authority, the License Authority must immediately suspend the driver's license while the Licensing Authority confirms the information contained in the report, and if the confirmed information is not satisfactory to the Licensing Authority the conditional driver's license must be cancelled by the Licensing Authority.

13.0 DRIVER'S NAME AND ADDRESS

13.1 An applicant for a driver's license must supply a valid residential address and telephone number as part of the licensing information.

13.2 Within three business days of a change in his or her residential address or telephone number, a licensed driver must notify the Licensing Authority of the current information.

14.0 CONDITIONAL AND PERMANENT DRIVERS' LICENSES

14.1 The Licensing Authority may issue drivers' licenses that are either conditional or permanent.

14.2 Subject to section 14.4, a person who has not previously held a permanent driver's license may only apply for a conditional driver's license.

14.3 An applicant may be issued a conditional driver's license if the applicant has met all other requirements of this by-law; and

- (a) has supplied proof of successful completion of the English Language proficiency test, as in effect from time to time, approved by the Licensing Authority;

- (b) has successfully completed the licensing process and examinations, as in effect from time to time, approved by the Licensing Authority; and
- (c) has supplied proof of registration for the National Standards Certification Program for Taxicab/Limousine Drivers administered by the Nova Scotia Tourism Human Resource Council.

14.4 A person who has held a permanent driver's license pursuant to this by-law, within the two years preceding their application for a driver's license and who meets the requirements for a driver's license set out in this by-law may be issued a permanent driver's license.

14.5 The holder of a conditional driver's license who meets the requirements for a licensed driver set out in this by-law and who has:

- (a) supplied proof of successful completion of a winter driving course, as in effect from time to time, approved by the Licensing Authority;
- (b) supplied proof of successful completion of the mandatory training course, as in effect from time to time, approved by the Licensing Authority; and
- (c) successfully completed the National Standards Certification Program for Taxicab/Limousine Drivers administered by the Nova Scotia Tourism Human Resource Council;

may be issued a permanent driver's license.

14.5B The holder of any class of driver's license shall, on request by the Licensing Authority, take or re-take and supply proof of successful completion of any course or test as determined appropriate by the Licensing Authority.

14.6 A conditional driver's license may not be renewed but is otherwise subject to the same privileges and requirements of a permanent driver's license unless, and to the extent, the contrary is contained in the attached conditions, or otherwise provided for in this By-Law or Administrative Order 39.

14.7 If the holder of a driver's license issued by the Municipality suffers a suspension or revocation of his or her provincially issued license to operate a passenger vehicle, then that person's driver's license must be correspondingly suspended or revoked for the same period of time.

14.8 (1) A driver's license is the property of the Municipality, is non-transferable and automatically terminates upon the death of the holder.

(2) The reproduction of a driver's license in any manner is prohibited.

14.9 An applicant to obtain or renew a driver's license who is claiming the benefit of sections 28.1(k)(i) or 28.3 due to physical limitation or disability, shall provide an up to date medical report at the time of the application.

14.10 The Licensing Authority may temporarily suspend the issuance or renewal of a driver's license, or of a category of driver's licenses, as determined appropriate by the Licensing Authority to respond to circumstances that may arise.

15.0 EXPIRY OF APPLICATIONS

15.1 An application for a driver's license automatically expires if the applicant fails to complete the examination process within 12 months from the date of the application.

16.0 FAILURE TO PASS EXAMINATIONS

16.1 An applicant for a driver's license who fails the examinations required by subsection 14.3 (b) twice within the 12 month period following the date of the application, must wait three months from the date of the last attempt before submitting a new application.

PART 5 TERM OF LICENSES

17.0 EXPIRY OF OWNERS' LICENSES

17.1 An owner's license held by an individual expires on the next anniversary date of the license holder's date of birth.

17.2 If an owner's license is held by a corporation, it may select a renewal date for the owner's license for that corporation and thereafter every owner's license held by that corporation expire on the next anniversary of that date.

18.0 EXPIRY OF DRIVERS' LICENSES

18.1 Permanent driver's licenses are valid for a period of up to two years and expire on the second anniversary date of the license holder's date of birth;

18.2 A conditional driver's license is only valid for 12 months and will terminate on the first anniversary of its date of issue.

18.3 If a person's conditional driver's license has expired or been cancelled, that person is not eligible to apply for a permanent license or another conditional driver's license within six months of the expiration or cancellation date of the previous conditional license.

18.4 A driver's license automatically terminates upon the death of the holder.

19.0 FEES: PRORATION AND NONREFUNDABILITY

19.1 The Licensing Authority may in its discretion impose an increase or decrease in licensing fees prorated on a monthly basis to take into account circumstances in which a license is issued for a period of time other than the standard licensed period for that type of license.

19.2 The license fee for a license is not refundable if the license is cancelled, or suspended.

20. EXPIRY DATE TO APPEAR ON LICENSES

20.1 The expiry date must be clearly printed on every owner's license and every driver's license.

21.0 GRACE PERIOD: OWNERS' LICENSES

21.1 Despite the expiry of an owner's license, the license may be renewed at any time within 30 days following its expiry. Licenses in their grace period are not legal to operate.

21.2 Despite the expiry of an owner's license the Licensing Authority may upon application by an owner extend the period in which to renew an owner's license if:

- (a) the licensed vehicle to which the license relates has been damaged and prevents the vehicle from being operated as a vehicle for hire; and
- (b) the damage has been certified by an adjuster or the licensed owner's insurer or otherwise established to the satisfaction of the Licensing Authority.

21.3 An expired owner's license cannot be renewed if the grace period permitted by section 21.1 or as extended by section 21.2 has expired.

22.0 INCAPACITATED OWNERS AND DRIVERS

- 22.1** (1) A driver's licence that has not been renewed because of illness or injury suffered by the license holder may be renewed at any time upon presentation to the Licensing Authority of a medical report satisfactory to the Authority that the licence holder was prevented for medical reasons, during the entire period in question, from being able to operate a vehicle for hire.
- 22.2** (1) An owner's licence that has not been renewed because of illness or injury suffered by the license holder may be renewed at any time upon presentation to the Licensing Authority of a medical report satisfactory to the Authority that the licence holder was prevented for medical reasons, during the entire period in question, from being able to renew the licence.
- 22.3** Upon the request of the holder of an owner's license, supported by a medical report satisfactory to the Licensing Authority that establishes to the satisfaction of the Licensing Authority that the license holder is incapable of operating a vehicle as a vehicle for hire for medical reasons, the Licensing Authority must suspend the owner's license until such time as the owner supplies confirmation by way of a medical report satisfactory to the Licensing Authority that they are again capable of operating the vehicle for hire.
- 22.4** Despite any limitation on the number of owners' licenses that may be issued, if the Licensing Authority has confirmation of a medical suspension under section 22.3, the Licensing Authority, in its discretion, may issue an owner's license to the next person on the waiting list ~~in that zone~~.

23.0 LICENSES BECOME INVALID AND NON OPERATIONAL ON EXPIRY

- 23.1** An owner's license or driver's license that has expired or that has been suspended, cancelled, revoked or terminated is not valid or operational.

24.0 REPLACEMENT LICENSES

- 24.1** An owner's licence or driver's licence that has been destroyed, lost or stolen will be replaced by the Licensing Authority upon receipt of sufficient proof of the destruction, loss or theft and upon payment of the fee required by Administrative Order 15.

PART 6 OWNERS' RESPONSIBILITIES

25.0 DUTY TO MAINTAIN INSURANCE

- 25.1** The holder of an owner's license:
- (a) must maintain the insurance described in section 9.7 at all times and must provide to the Licensing Authority, upon demand, evidence that the insurance is in force; and
 - (b) must require the agent or the insurance company that issued the policy of insurance to immediately notify the Licensing Authority of any changes in coverage or the cancellation of any insurance policy.
- 25.2** The agent or the insurance company referred to in subsection 25.1 (b) must immediately notify the Licensing Authority of any change or cancellation of the policy of insurance.
- 25.3** The Licensing Authority must immediately suspend an owner's license if it receives notification or otherwise has reason to believe that the insurance for the licensed vehicle may have lapsed, been suspended or cancelled, and if it is confirmed that the vehicle is no longer insured, the Licensing Authority must cancel the owner's license.
- 25.4** Despite sections 25.1 and 25.3, if the holder of an owner's license submits a medical report satisfactory to the Licensing Authority establishing that the license holder is incapable of operating the vehicle to which the license relates as a vehicle for medical reasons, the Licensing Authority shall suspend the owner's license until such time as the owner is again capable of operating the vehicle as a vehicle for hire.

26.0 ACCESSIBLE TAXIS: PHYSICALLY CAPABLE DRIVERS & PASSENGER SECUREMENT SYSTEMS

26.1 The holder of an accessible taxi owner's license must ensure that all drivers of the accessible taxi to which the license relates are properly instructed on how to apply and do apply the accessible taxis mobility aid securement systems and occupant restraint systems to all wheelchair passengers in accordance with the manufacturer's specifications, prior to operating the taxi.

26.2 All drivers of accessible taxi vehicles must ensure that all necessary assistance is provided to passengers to facilitate the use of the accessible taxi and that all mobility aid securement systems and occupant restraint systems are applied to all wheelchair passengers in accordance with the manufacturer's specifications, prior to operating the taxi.

27.0 DUTY TO ENSURE DRIVERS ARE LICENSED

27.1 The holder of an owner's license must not permit any person to operate the vehicle to which the license relates as a vehicle for hire unless the person is in possession of both a valid provincially issued Nova Scotia license to operate a passenger vehicle and a valid driver's license in accordance with this by-law.

PART 7 DRIVER RULES

28.0 COMPLIANCE

28.1 The driver of a licensed vehicle for hire must comply with the following rules while in control of the vehicle to which the license relates:

- (a) a driver must maintain a high standard of personal hygiene which will be reflected in a neat, clean and professional appearance and personal cleanliness at all times;
- (b) a driver must not have any other person in the vehicle while engaged by a passenger unless that passenger gives their consent;
- (ba) a driver while transporting a passenger must not
 - (i) use a cellular telephone; or
 - (ii) use a hands-free headset;
- (bb) clause (ba) shall not apply to a driver who uses a cellular telephone or hands-free headset
 - (i) to report an immediate emergency situation, or
 - (ii) in the course of providing a guided tour;
- (c) a driver must not charge separate fares when there is more than one passenger, unless agreed upon by all passengers;
- (d) upon being applied to in person or by radio, or other electronic means, a driver must, unless already engaged by a passenger, place themselves and the vehicle at the disposal of the person so applying and the driver must proceed to any place in the Municipality that the person requests, but the driver may refuse to drive the person if:
 - (i) Repealed
 - (ii) the person's conduct at the time of applying, is such that it causes a driver to fear for his or her safety; or

- (iii) the person refuses to provide proof of payment or partial payment in advance, as provided for in Administrative Order 39.
- (e) a driver must transport any personal luggage accompanying a passenger and must place the luggage in and take it out of the vehicle if requested to do so by the passenger;
- (f) if a driver engages to be at a particular place at a particular time, he or she must be punctual in attendance at the that time and place;
- (g) a driver must not use abusive or insulting language and must not interfere with the free selection by any passenger of any vehicle;
- (h) a driver while in any public place, must not be noisy or display behaviour that is disruptive or offensive to the public;
- (i) a driver may solicit passengers but such solicitation must be done professionally and not in a manner that is noisy, disorderly or considered disruptive or offensive to the public;
- (j) unless otherwise directed by the passenger, the driver must proceed to the destination by the most direct and shortest route;
- (k) a driver must not refuse to transport a disabled passenger or a service animal unless:
 - (i) the refusal is justified by physical limitations or disabilities of the driver, and the driver has provided a medical report to the Licensing Authority that supports his or her claim of physical limitations or disabilities, or
 - (ii) transporting the passenger would constitute a by-law violation; and
- (l) a driver must not smoke, including e-cigarettes, in the vehicle nor permit passengers to smoke, including e-cigarettes, in the vehicle;
- (m) a driver must abide by the the Taxicab Passenger/Operator Code of Ethics as set out in Schedule 6 of Administrative Order #39 and ensure that the Code of Ethics is available in the vehicle for passengers; and
- (n) a driver must not engage in sexual relations with any passenger
 - (i) during the transporting of a passenger or passengers in the vehicle, or
 - (ii) immediately after transporting a passenger or passengers to a destination.

28.1A A driver, while on duty, must not behave in a manner that places at risk the public confidence in the vehicle for hire industry.

28.2 A driver of a licensed vehicle may determine whether a passenger may eat or drink while in the vehicle and where a passenger is to sit.

28.3 Despite subsection 28.1 (e), a driver may refuse to handle luggage if the refusal is justified by his or her physical limitations or disabilities and a medical report on the physical limitations or disabilities has been filed with the Licensing Authority.

28.4 A medical report referred to in subclause 28.1(k)(i) and section 28.3 must

- (a) be on file with the Licensing Authority prior to a refusal; and
- (b) be on the signing doctor's letterhead.

29.0 DUTY TO ASSIST PASSENGER

29.1 The driver of a licensed vehicle for hire must render all reasonable assistance requested by a passenger in entering or exiting the vehicle or in loading items into the vehicle.

PART 8 SMOKE FREE VEHICLES, SIGNS, FARES, METERS AND GLOBAL POSITIONING SYSTEMS

30.0 VEHICLES TO BE SMOKE FREE

30.1 The owner of a licensed vehicle must not permit smoking in the vehicle at any time, whether or not the vehicle is being operated at the time as a vehicle for hire.

30.2 Neither the owner nor the driver of a licensed vehicle may represent that it is a non-smoking vehicle or a smoke free vehicle if it has been smoked in while owned by the current owner.

31.0 SIGNS

31.1 A vehicle must not be operated as a taxi or an accessible taxi unless it is equipped with a taxi roof light sign that complies with the requirements for taxi roof lights set out in Administrative Order 39.

31.2 Repealed.

31.3 A taxi or accessible taxi may display only rooftop advertising that complies with the requirements for rooftop advertising set out in Administrative Order 39.

31.4 The taxi roof light sign must be removed from a taxi, accessible taxi or covered with opaque material when the vehicle is not in service as a vehicle for hire.

31.5 A taxi, accessible taxi or limousine must display and maintain any other signs and decals as set out in Administrative Order 39.

32.0 FARES

32.1 A licensed vehicle may carry passengers and their parcels for hire and may carry parcels for hire in the absence of passengers.

32.2 An owner or driver of a licensed vehicle must charge the applicable fares and rates prescribed by Administrative Order 39.

32.3 The fare or rate charged by the owner or driver of a licensed vehicle for the carriage of parcels in the absence of passengers must be the same as for the carriage of passengers.

32.4 An owner or driver of a taxi or accessible taxi is guilty of an offence if he or she receives or demands a fare that is greater than that registered on the vehicle's taxi meter, unless the fare is otherwise in accordance with the fares set out in Administrative Order 39.

32.5 It is not an offence for a driver of a vehicle for hire to accept a gratuity voluntarily offered by a passenger or in the absence of a passenger a person shipping or receiving parcels.

32.6 (1) The driver of a vehicle for hire must not demand any additional charge for:

- (a) the transportation of wheelchairs, walkers or service animals accompanying disabled passengers; or
- (b) escorting passengers to and from the first accessible door of their pick-up or destination.

- (2) For the purposes of subsection(1)(a), “service animal” means any animal individually trained to do work or perform tasks for the benefit of the individual with a disability or is used for search and rescue or law enforcement.

32.7 It is not an offence for a driver of a vehicle for hire to negotiate with a passenger an amount to recover the costs of cleaning or repairing the vehicle if the passenger has damaged or soiled the vehicle.

32.8 The driver of a taxi or accessible taxi must post in a place which is clearly visible to passengers:

- (a) a copy of Taxi Rate Schedule set out in Schedule 1 to Administrative Order 39; and
- (b) if the driver charges fares provided for in Schedule 2 of Administrative Order 39, a copy of the tariff of fares as set out in the Schedule.

32.9 The owner or driver of a taxi, accessible taxi or limousine must accept payment of fares by, at a minimum, all of the following methods;

- (a) cash,
- (b) on account, and
- (c) electronic payment for debit card and credit card.

33.0 TAXI METERS

33.1 A vehicle must not be licensed or operated as a taxi or accessible taxi unless it has a functioning taxi meter installed in the vehicle.

33.2 Only one taxi meter may be installed in a taxi or accessible taxi.

33.3 The following specifications apply to a taxi meter and its installation:

- (a) it must register only a single tariff;
- (b) it must be connected to and operated from a front wheel of the vehicle or from its transmission or driveshaft;
- (c) it must be equipped with a timing device that registers the fare while the taxi is engaged but not in motion in accordance with the taxi rate schedule as outlined in Administrative Order 39;
- (d) it must be mounted in the taxi so that the registered fare is clearly visible to passengers at all times and is illuminated by a suitable light while in operation at night;
- (e) the taxi meter casing and internal components must be kept sealed and intact; and
- (f) it must not be calibrated to register any fare other than the fares as outlined in Schedule 1 of Administrative Order 39.

33.4 The holder of an owner’s license must, at his or her own expense, provide to the Licensing Authority a certificate stating that the taxi meter is properly calibrated to show the fares set out in Schedule 1 of Administrative Order 39.

33.5 The Licensing Authority may refuse to accept a certificate provided under section 33.4 if, in the Licensing Authority’s opinion, it cannot be relied upon.

33.6 The Licensing Authority must suspend the license of an owner of a taxi or accessible taxi who has contravened section 33.4.

33.7 A license suspended under section 33.6 may be reinstated, subject to any other penalty, or continued suspension, pursuant to this bylaw that is appropriate in the circumstances in the judgment of the Licensing Authority, when the owner satisfies the Licensing Authority that the vehicle to which the suspension relates is equipped with a properly installed and calibrated taxi meter.

34.0 DUTY TO USE TAXI METER

34.1 The driver of a taxi or accessible taxi who transports any passenger or parcel for hire must ensure that the taxi meter operates during the entire period that the vehicle is engaged unless:

- (a) the driver has made an agreement with the passenger for transportation of the passenger or parcel at the hourly rate provided for in Schedule 1 of Administrative Order 39;
- (b) the driver is charging a fare provided for in Schedule 2 of Administrative Order 39; or
- (c) there is a contract for special rates in effect for the transportation of the passenger or parcel as provided for in Schedule 1 of Administrative Order 39.

35.0 TAXI METER INSPECTION

35.1 The Licensing Authority may at any time inspect any taxi meter that is installed in a taxi or accessible taxi and may apply such tests to the vehicle and meter as may be necessary to ascertain the accuracy of the taxi meter.

35.2 An owner or driver of a taxi or accessible taxi who fails to allow an inspection required by the Licensing Authority or its appointee under section 35.1 or who fails to allow or hinders a test referred to in that section is guilty of an offence.

35.3 Without restricting any charge that may be brought under section 35.1, if an owner or driver of a taxi or accessible taxi has failed to allow an inspection required by the Licensing Authority or its appointee under section 35.1 or has failed to allow or hinders a test referred to in that section, the Licensing Authority must immediately suspend the license of the owner of the vehicle and the driver.

35.4 A license suspended under section 35.3 must remain suspended at least until the Licensing Authority is satisfied with the accuracy of the meter.

36.0 OFFENCE: INACCURATE TAXI METERS

36.1 An owner and driver of a taxi or accessible taxi is guilty of an offence if he or she operates or permits the vehicle to be operated as a taxi or accessible taxi if the taxi meter in the vehicle shows a variation of more than five per cent from the proper fare as set out in Schedule 1 to Administrative Order 39.

36.0A GLOBAL POSITIONING SYSTEMS

36.1A A vehicle must not be licensed or operated as a taxi or accessible taxi unless it has a functioning global positioning system installed in the vehicle.

36.2A Every global positioning system must:

- (a) be capable of tracking and locating the position of a vehicle;
- (b) include a vehicle location system;
- (c) be equipped with an emergency call button;
- (d) be fully operational at all times when the vehicle is available for hire to the public; and
- (e) be capable of storing data that shall be shared, upon request, with the Licensing Authority.

**PART 9
TAXI OWNER'S LICENSE LIMITATIONS**

37.0 Repealed

38.0 TAXIS TO DISPLAY VALID LICENSE

38.1 Repealed.

38.2 Repealed.

38.3 A vehicle may only be operated as taxi if a valid license sticker is affixed to the vehicle in the location and manner prescribed by Administrative Order 39, or is affixed in such other location on the vehicle as approved by the Licensing Authority.

39.0 Repealed

40.0 TAXI OWNER'S LICENSE LIMITATIONS

40.1 The number of taxi owners' licenses in force at any time in the Municipality must not exceed the number prescribed by Administrative Order 39.

40.2 Except as otherwise provided in this by-law, the Licensing Authority must not issue a new taxi owner's license unless the number of taxi owners' licenses in force is below the number prescribed by Administrative Order 39.

40.3 Unless otherwise provided for in this By-Law, or unless the Licensing Authority determines that exceptional circumstances exist, a taxi owner's license that is revoked or surrendered, or which ceases to be in force for any reason other than expiration, can not be renewed or reissued if the renewal or reissuance will result in the number of licenses in force exceeds the number prescribed in Administrative Order 39.

40.4 The Licensing Authority must maintain a waiting list of applicants for new taxi owner's licences in accordance with Administrative Order 39 and the maintenance of the waiting lists and new licenses are to be issued in accordance with Administrative Order 39.

40.5 Section 40.1 does not apply to accessible taxi owner licenses.

**PART 10
COMMON TAXI STANDS**

41.0 COMMON TAXI STANDS

41.1 The Traffic Authority for the Municipality may establish Common taxi stands designated by appropriate signs as provided for under the *Motor Vehicle Act*.

41.2 A common stand may only be used by licensed taxis.

41.3 The following rules apply to the use of a common stand by the driver of a taxi or accessible taxi:

(a) a driver whose vehicle is available for hire may take a position with his or her vehicle at any common stand where there is vacant position in accordance with the number of positions established by the Traffic Authority as posted on the common taxi stand sign;

(b) a driver entering a common stand must take his or her position at the rear of the last vehicle in line at the stand;

- (c) whenever a vehicle leaves the common stand, all other drivers must move their vehicles ahead;
- (d) a driver must move his or her vehicle when necessary to allow the departure from the common stand of any other taxi or accessible taxi; and
- (e) a driver parked at a common stand must not:
 - (i) leave his or her vehicle unattended,
 - (ii) obstruct the exit of another vehicle whose driver indicates a desire to leave the stand, or
 - (iii) interfere with the free selection by any passenger of any vehicle at the stand.

PART 11

42.0 Repealed

PART 12

43.0 NATIONAL STANDARDS CERTIFICATION FOR DRIVERS

43.1 A person who holds a driver's license and who has successfully completed the National Standards Certification Program for Taxicab/Limousine Drivers administered by the Nova Scotia Tourism Human Resource Council may apply to the Licensing Authority to have the National Certification Standard identified on his or her driver's license.

PART 13

REFUSAL, SUSPENSION AND REVOCATION OF LICENSES

44.0 GENERAL

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

- (a) contravenes this by-law;
- (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;
- (d) refuses to respond or cooperate with an investigation conducted by the Licensing Authority;
- (e) has been convicted within the last ten years of a criminal offence as set out in Schedule A to this By-law;
- (f) has failed to immediately notify the Licensing Authority that they have become the subject to a court order, undertaking, charge or conviction;
- (g) 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;

- (h) has a criminal record in another country or jurisdiction that is similar in nature to the provisions described in subsection (a); or
- (i) is in violation of the Taxicab Passenger/Operator Code of Ethics as set out in Administrative Order 39.

45.0 FALSE STATEMENTS

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:

- (a) refuse to issue the license that is the subject of the application;
- (b) 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.

46.0 NOT FIT AND PROPER PERSON

46.1 In addition to any other grounds for refusing to grant, suspending or revoking an owner's license or a driver's license, the Licensing Authority may refuse to grant, may suspend, or may revoke an owner's license or a driver's license if, in the opinion of the Licensing Authority, the applicant or license holder, as the case may be, is not a fit and proper person to have the license.

47.0 NOTICE OF SUSPENSIONS, REVOCATIONS

47.1 The Licensing Authority must immediately notify a license holder whose owner's license or driver's license has been suspended or cancelled.

47.2 The notice under section 47.1 may be served on the license holder by registered mail addressed to the license holder's last known address on file with the Licensing Authority, and if sent by registered mail is deemed to have been served on the earlier date of actual receipt by the license holder or five business days from the date of mailing.

47.3 The license holder may within 15 days from the date of the service of the notice, appeal the suspension or revocation to the Appeal Committee.

47.4 If at any time a person who holds a driver's license under this by-law ceases to hold a valid class four or better driver's license issued by the Province of Nova Scotia, the driver's license issued under this by-law is deemed to be suspended and the person must immediately surrender it to the Licensing Authority.

47.5 A person whose driver's license is suspended under section 47.4 may apply for reinstatement when his or her provincial chauffeur's license is renewed or reinstated.

47.6 The Licensing Authority may order a driver to take remedial sensitivity training in relation to the provision of service to disabled persons if as a result of its investigation the Licensing Authority is of *the* opinion that the driver would benefit from such remedial training.

PART 14 APPEALS

48.0 APPEALS

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 Committee, within 15 days from the date of the refusal, suspension or cancellation.

48.1A There is no right of appeal of a non-discretionary decision of the Licensing Authority.

- 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.
- 48.3** The Appeals Committee must hear the Appellant and may
- (a) confirm or vary the decision of the Licensing Authority;
 - (b) order that a license be revoked and surrendered; or
 - (c) order that a license be granted or reinstated, with or without conditions.
- 48.4** The Appeals Committee may order that a license be granted or reinstated subject to the appellant passing any tests provided for in this by-law, or proving that he or she meets the qualifications and requirements of this by-law, or subject to any conditions that the appeal committee determines appropriate under the circumstances.
- 48.4A** A person whose appeal of an application refusal, renewal refusal or a license revocation is not successful must wait one calendar year from the date of the hearing of the appeal before submitting a new application to the Licensing Authority.
- 48.5** The Appeals Committee must not make any decision that the Licensing Authority could not have made under this by-law.

PART 15 PROSECUTIONS AND GENERAL OFFENCE

49.0 PROSECUTIONS

- 49.1** The Licensing Authority or any law enforcement officer of the Municipality may cause to be prosecuted any person who contravenes any law, by-law or administrative order in respect of the ownership or operation of a licensed vehicle.

50.0 GENERAL OFFENCE

- 50.1** A person who contravenes any section of this By-Law is liable upon summary conviction to a minimum penalty of not less than one hundred dollars (\$100.00) and a maximum penalty of not more than five thousand dollars (\$5000.00), and in default of payment, to imprisonment for a term not exceeding sixty (60) days.

PART 16 TRANSITION

51.0 TRANSITION

- 51.1** A license granted under By-Law T-108 before its repeal and that was valid immediately before that repeal is continued under this by-law and expires at the time set out in the license.
- 51.2** A license granted under By-Law T-108 before its repeal that was suspended or had expired before that repeal may be reinstated in accordance with this by-law and this by-law applies to the reinstatement as if had been in force on the day that the license was suspended or expired.
- 51.3** An application for a license made under By-Law T-108 is continued as an application for a licence under this by-law and this by-law applies to the application as if it had been in force on the day that the application was made.

51.4 All waiting lists for new owners' licenses that existed under By-law T-108 immediately before its repeal are continued, subject to Administrative Order 39, as waiting lists under this by-law and the names on the list retain the same position on the list as they had before that repeal.

**PART 17
REPEAL**

52.0 BY-LAW T-108 REPEALED

52.1 By-law T-108, the Halifax Regional Municipality Taxi and Limousine By-law, and all amendments to it are repealed.

Done and passed in Council this 23rd day of October, 2012.

Mayor

Municipal Clerk

I, Cathy Mellett, Municipal Clerk of Halifax Regional Municipality, here by certify that the above noted By-law was passed at a meeting of Halifax Regional Council held on October 23, 2012.

Cathy Mellett, Municipal Clerk

Notice of Motion:	August 14, 2012
First Reading:	September 11, 2012
Notice of Public Hearing Publication:	October 6, 2012
Second Reading:	October 23, 2012
Approval of Service Nova Scotia and Municipal Relation:	N/A
Effective Date:	November 17, 2012
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Amendment # 1 - (By-law T-1001)	
Notice of Motion:	January 26, 2016
First Reading:	April 26, 2016
Notice of Public Hearing Publication:	May 7, 2016
Second Reading:	May 24, 2016
Approval of Service Nova Scotia and Municipal Relation:	N/A
Effective Date:	June 11, 2016
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Amendment # 2 – (By-law T-1002)	
Notice of Motion:	September 5, 2017
First Reading:	September 19, 2017
Notice of Public Hearing Publication:	September 30, 2017
Second Reading:	October 17, 2017
Approval by Service Nova Scotia and Municipal Relations:	N/A
Effective Date:	October 21, 2017
<hr/>	
Amendment # 3 – (By-law T-1003)	
Notice of Motion:	July 16, 2019
First Reading:	July 30, 2019
Notice of Second Reading Publication:	August 24, 2019
Second Reading:	September 17, 2019
Approval by Minister of Municipal Affairs:	N/A
Effective Date:	September 28, 2019
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Schedule A
Offences under the *Criminal Code*

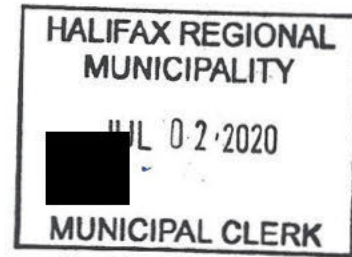
	Offence	Section
(a)	Possession of weapon for dangerous purpose	s.88
(b)	Carrying concealed weapon	s.90
(c)	Unauthorized possession of motor vehicle	s.94
(d)	Weapons trafficking	s.99
(e)	Possession for purpose of weapons trafficking	s.100
(f)	Sexual interference	s.151
(g)	Invitation to sexual touching	s.152
(h)	Sexual exploitation	s.153
(i)	Sexual exploitation of person with disability	s.153.1
(j)	Transporting person to bawdy house	s.211
(k)	Living on the avails of prostitution	s.212(1)(j)
(l)	Living on the avails of juvenile prostitution and using violence	s.212(2.1)
(m)	Causing death by criminal negligence	s.220
(n)	Causing bodily harm by criminal negligence	s.221
(o)	Murder	s.229-231
(p)	Manslaughter	s.236
(q)	Attempt to commit murder	s.229-231
(r)	Dangerous operation of motor vehicle	s.320.13(1)
(s)	Failure to stop at scene of accident	s.320.16
(t)	Operating while impaired	s.320.14(1)(a)

	Offence	Section
(u)	Operating — over 0.08	s.320.14(1)(b)
(v)	Operating with blood drug concentration equal to or exceeding	s.320.14(1)(c)
(w)	Operating with BAC and blood concentration equal to or exceeding	s.320.14(1)(d)
(x)	Refuse to comply with demand	S.320.15(1)
(y)	Operate vehicle while disqualified	s.320.18(1)
(z)	Assault	s.265
(aa)	Assault with a weapon or causing bodily harm	s.267
(bb)	Aggravated assault	s.268
(cc)	Sexual assault	s.271
(dd)	Sexual assault with a weapon or causing bodily harm	s.272(1)
(ee)	Aggravated sexual assault	s.273
(ff)	Theft over \$5,000.00	s.322, 334 (a)
(gg)	Theft under \$5,000.00	s.322, 334 (b)
(hh)	Motor vehicle theft	s. 333.1
(ii)	Theft, forgery, etc., of credit card	s.342
(jj)	Robbery	s.343, 344
(kk)	Tampering with vehicle identification number	s.353.1
(ll)	Fraud over \$5,000.00	s. 380(1)(a)
(mm)	Fraud under \$5,000.00	s.380(1)(b)

Offences under the *Controlled Drugs and Substances Act*

	Offence	Section
(a)	Trafficking in substance	s.5(1)
(b)	Possession for purpose of trafficking	s.5(2)

To the Municipal Clerk's Office
C/O Municipal Clerk
P.O.BOX 1749
Halifax NS B3J 3A5



Dear sir/madam

I got my taxi licence suspended on June 25, 2020. As I am only earning member in my family as my wife don't know English so she cannot work. I have [REDACTED] child, so I request you to give me permeation to drive Taxi.

Thanks



Navneet Jaggi



Halifax NS [REDACTED]



June 26, 2020

Navneet Jaggi

[REDACTED]
Halifax, Nova Scotia
[REDACTED]

Mr. Navneet Jaggi,

The HRM Licensing Authority was informed on June 25, 2020 of your criminal charge:

- 1) Sexual Assault

This letter is to advise that your taxi driver license #A014 and your taxi owner license #578 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 and owner 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) 490-2550.

Sincerely,



Hilary Hayes
Spuervisor – Licensing
Planning & Development
Buildings and Compliance

July 8, 2020

REGISTERED MAIL

Navneet Jaggi

Halifax, NS

		REGISTERED DOMESTIC CUSTOMER RECEIPT	RECOMMANDÉ RÉGIME INTÉRIEUR REÇU DU CLIENT	
To / Destinataire Name / Nom		FOR DELIVERY CONFIRMATION / CONFIRMATION DE LA LIVRAISON canadapost.ca or/on postescanada.ca		
Address / Adresse		1 888 550-6333		
City / Prov. / Postal Code / Ville / Prov. / Code postal		CPC Tracking Number / Numéro de repérage de la SCP RN 388 304 625 CA		
Declared Value / Valeur déclarée \$				
33-086-584 (17-12)				

Re: Appeal of Suspension of Taxi Driver License #A014 and Taxi Owner License #578

This letter confirms receipt of your appeal of your suspension of taxi driver license #A014 and taxi owner license #578 on July 2, 2020.

Due to public health measures resulting from COVID-19 appeal hearings are not able to be scheduled in person and will be done by way of teleconference. Your appeal hearing has been scheduled for **Wednesday, July 29, 2020 at 1:00p.m.**

Please find below important information about how to telephone into this meeting:

- **Meeting Call-in Information – DO NOT SHARE THIS INFORMATION**

Toll-free dial-in number (Canada/US):

Local dial-in number:

Conference ID:

- Don't call until the official start time of 1:00 p.m.
- Once you are connected via telephone, **mute your phone.**
 - **Press *6 to mute and unmute if there is no mute button on your phone**
- When the Chair advises it is the appellant's turn to speak:
 - **Unmute your phone**
- You will have 10 minutes to make a verbal submission in support of your case to overturn the decision of the Licensing Authority. **Start your comments with your First Name, Last Name.**
- After you have spoken, there may be questions of clarification.
- **Re-mute your phone once you have responded to questions (if any).**

The staff report for this matter will be posted online to the Appeals Standing Committee web page at Halifax.ca by end of day Friday, July 24, 2020 <https://www.halifax.ca/city-hall/agendas-meetings-reports>. If you require a hard copy of the report, please contact our office.

Please be advised that your submission and appeal documents will form part of the public record and will be posted on-line at www.halifax.ca. If you feel that information you consider to be personal is necessary for your appeal, please attach that as a separate document, clearly marked "PERSONAL". It will be provided to the Committee and/or Council members and staff, and will form part of the public record, but it will not be posted on-line. You will be contacted if there are any concerns.

Should you be unable to call-in, you may have a representative call-in on your behalf to present your appeal to the Committee. Please note that your representative is required to have a letter signed by you giving permission and may be asked to provide it to the Clerk's Office in advance of the meeting. If you intent on having someone speak on your behalf or a witness, please have them call me so arrangements can be made to give them the call-in information. Documents and photographs, if any, need to be

provided to the Clerk's Office three (3) days in advance of the hearing. A copy of the appeals process is attached. If neither you nor a representative calls in, 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 902-490-6520.

Sincerely,



Krista Vining
Legislative Assistant
Office of the Municipal Clerk

for

cc: Andrea MacDonald, Manager, License Standards, Municipal Compliance
Hilary Hayes, Supervisor, Licensing and Ticket Administrator, Building and Compliance
Karen MacDonald, Senior Solicitor, HRM Legal Services
Natalie Matheson, Support Services Supervisor, Municipal Compliance
Laurie Lauder, Adjudication Clerk

Enclosure: Order of Proceedings for Appeals Standing Committee

Order of Proceedings for Appeals Standing Committee – Taxi Appeals

The Chair will open each of the hearings and address the following:

- The Chair will ask the Appellant (taxi licence holder) to identify themselves and provide their contact information
- If a person is speaking on behalf of an Appellant (legal counsel, family member, friend), they must provide written authorization to act on the Appellant's behalf to clerks@halifax.ca in advance of the hearing and be provided the call-in information.
- The Chair will briefly explain the hearing will proceed (as follows):
- Staff Presentation: The HRM staff presenter explains the basis for their decision under review and presents evidence in support of the order
- The Committee may ask questions of the HRM staff presenter for clarification
- The Appellant may ask questions of the HRM staff presenter for clarification
- Non-party witnesses* may be permitted to provide factual evidence relevant to the appeal
- The Appellant may ask questions of non-party witnesses for clarification
- Appellant's Presentation: The Appellant is granted reasonable time to present evidence in support of the appeal (documents/photos/witnesses)
- The Committee may ask questions to the Appellant and/or their witnesses
- The Appellant or their representative is then permitted up to 10 minutes to make a verbal submission in support of their case to overturn the decision of the Licensing Authority
- The Committee may ask questions to the Appellant and also further questions of HRM staff (subject to Appellant's response to the answers)
- Staff may ask questions to the Appellant (subject to Appellant's response to the answers)
- The Committee then debates their decision and renders a decision
- The Committee has four (4) alternatives:
 - overturn the decision of the Taxi Authority (allow the appeal)
 - amend the decision of the Taxi Authority (change the conditions)
 - support the decision of the Taxi Authority (deny the appeal)
 - continue the hearing at a later date (defer)

*Non-Party Witnesses

Persons who are not parties to the appeal may be permitted to provide relevant evidence of factual matters within their personal knowledge to the Appeals Standing Committee. Non-party witnesses will be given an appropriate amount of time to present their information.