



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

Item No. 9.1.1
License Appeal Committee
March 5, 2025

TO: Chair and Members of License Appeal Committee

FROM: Andrea MacDonald, Director Community Standards & Compliance

DATE: February 5, 2025

SUBJECT: Appeal Report – Application for Reinstatement of Taxi Driver’s License – Refusal
Barish Bayraktar

ORIGIN

On January 23, 2025, Barish Bayraktar filed a Notice of Appeal (Appendix B) regarding the refusal of his application for taxi driver’s license #R457.

MOTION FOR CONSIDERATION

In accordance with Section 58 of Administrative Order One, the motion before the License Appeal Committee is to allow the appeal.

RECOMMENDATION

It is recommended that the License Appeal Committee **deny** the appeal, thereby upholding the decision of the License Administrator.

BACKGROUND

Barish Bayraktar previously held taxi driver’s license #R457 from November 2018 to September 2022. The license expired and was not renewed at that time.

Mr. Bayraktar re-applied for his taxi driver’s license on January 10, 2025. Included with his application was a Criminal Record Check, Vulnerable Sector Check, Driver’s Abstract, and a Statutory Declaration regarding any convictions or pending charges. Upon review of these documents, we identified the following information:

- Criminal Record Check, dated November 13, 2024, included:

<u>Charge</u>	<u>Sentence Date</u>
430(4) CC – MISCHIEF UNDER \$5000	17-Nov-2000
348(1)(B) CC – BE & THEFT	17-Nov-2000
266 [1] – ASSAULT	10-Dec-2009
266(A) CC – ASSAULT	10-Apr-2024

The 2024 assault charge was disclosed by the applicant on the statutory declaration dated January 10, 2025.

On January 17, 2025, a refusal letter (Appendix A) was issued.

On January 23, 2025, Mr. Bayraktar submitted a Notice of Appeal to the Municipal Clerk’s Office (Appendix B).

On February 3, 2025, the Municipal Clerk’s Office sent a letter (Appendix C) to Barish Bayraktar advising his appeal would be heard at the March 5, 2025, Licensing Appeal Committee meeting.

DISCUSSION

Section 44.1(b), (c) (e) and (g) of [By-Law T-1000 - Respecting the Regulation of Taxis, Accessible Taxis, Limousines and Transportation Network Companies](#) states:

- 44.1** *The Licensing Authority may suspend or revoke the owner’s license or driver’s license, or both, the broker’s or independent broker’s license or the TNC License 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, a driver’s license, a broker’s license, an independent broker’s license or a TNC License;*
 - (e) has been convicted within the last ten years of a criminal offence as set out in Schedule A to this By-law;*
 - (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;*

Only the April 2024 conviction for assault is relevant to section 44.1 (e), as the other convictions are more than ten years old. While the older charges are not a factor in considering the applicability of 44.1(e) to the application, the License Administrator considered the driver’s history under sections 44.1(b), (c), and (d).

Given the serious nature of the convictions, in accordance with Section 44.1 of By-Law T-1000 - Respecting the Regulation of Taxis, Accessible Taxis, Limousines and Transportation Network Companies, the Licensing Authority considers that it is in the best interest of public safety to refuse Barish Bayraktar’s application for taxi driver’s license #R457.

FINANCIAL IMPLICATIONS

There are no financial implications.

RISK CONSIDERATION

There is no significant risk associated with the recommendation contained within this report. Should the appeal be allowed, there may be a risk to public safety given the nature of the criminal charge and conviction.

COMMUNITY ENGAGEMENT

There is no community engagement.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications.

ALTERNATIVES

The License Appeal Committee may allow the appeal and order that the license application for Mr. Bayraktar be approved and the license granted, and in doing so, must provide reasons to be recorded in the minutes of the committee meeting.

LEGISLATIVE AUTHORITY

By-law T-1000 - Respecting the Regulation of Taxis, Accessible Taxis, Limousines and Transportation Network Companies:

48.0 APPEALS

- 48.1 A person whose application for the issuance or renewal of an owner’s license, driver’s license, broker’s license, independent broker’s licence or TNC License is refused by the Licensing Authority, or a person whose owner’s license, driver’s license, broker’s license, independent broker’s licence or TNC License is suspended, revoked or cancelled by the Licensing Authority, may appeal the refusal, suspension, revocation or cancellation to the License Appeal 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, driver’s license, broker’s license, independent broker’s licence or TNC License is suspended, revoked or cancelled by the Licensing Authority may appeal to the License Appeal Committee within 15 days after the refusal, suspension or cancellation by submitting their appeal in writing to the Municipal Clerk’s Office.
- 48.2A An appeal will be heard by the License Appeal Committee.
- 48.3 The License Appeal 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 License Appeal Committee may order that a license be granted or reinstated subject to the appellant completing any mandatory training required in this By-law, or proving that the appellant meets the qualifications and requirements of this by-law, or subject to any conditions that the License 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 License Appeal Committee must not make any decision that the Licensing Authority could not have made under this by-law.

ATTACHMENTS

- Appendix A: License Application Refusal Letter
Appendix B: Notice of Appeal from Applicant
Appendix C: Appeal Hearing Notification

Report Prepared by: Neala Matheson, License Administrator, Community Standards | Licensing 902.497.1839

Appendix A

EMAIL & REGISTERED LETTER

January 17, 2025

Barish Bayraktar
[REDACTED]

Mr. Barish Bayraktar,

This letter is in reference to your recent application dated January 10, 2025, to renew taxi driver license #R457.

After review of your application and documents for HRM taxi driver license #R457 by the Licensing Administrator, we noted the following charges declared on your most recent Statutory Declaration, signed at the Customer Service Centre in Bayers Road, on January 10, 2025.

- Charge: 266(A) - Assault

Upon review of your criminal record check from November 13, 2024, further charges and convictions dating back to 2000 are noted as follows:

- Charge: 266(1) – Assault
- Charge: 430(4) CC – Mischief under \$5000
- Charge: 348(1)(B) CC – BE & Theft

As part of the review of your taxi license applications, the License Administrator contacted you on January 17, 2025, to review the above charges.

Based on the above noted charges, your applications to renew taxi driver license #R457 has been **refused** at this time due to these charges.

Taking into account the serious nature of the incident, the Licensing Authority has determined that it is in the public's interest to refuse at this time, your applications to renew your taxi licenses.

By-law T-1000 - Respecting the Regulation of Taxis, Accessible Taxis, Limousines and Transportation Network Companies states:

44.1 The Licensing Authority may suspend or revoke the owner's license or driver's license, or both, the broker's or independent broker's license or the TNC License 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, a driver's license, a broker's license, an independent broker's license or a TNC License;

(e) has been convicted within the last ten years of a criminal offence as set out in Schedule A to this By-law;

(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;

In accordance with Section 48 of By-law T-1000, Respecting the Regulation of Taxis, Accessible Taxis, Limousines and Transportation Network Companies, **you have the right to appeal this decision within 15 days from the date of the refusal.**

48.2 A person whose application is refused or a person whose owner's license, driver's license, broker's license, independent broker's license or TNC License is suspended, revoked or cancelled by the Licensing Authority may appeal to the License Appeal 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) 497-1839.

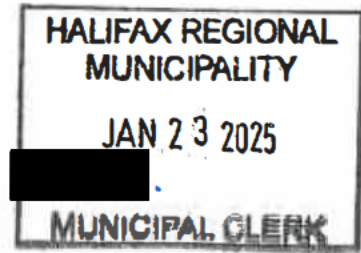
Sincerely,



Neala Matheson
License Administrator
Community Standards | Licensing
Community Safety

Appendix B

Municipal Clerk's Office



To whom it may concern –

I am writing to appeal the refusal of taxi licence number R457.

The letter I received stated that my application was refused because of the assault charge, on April 10, 2024. The sentencing clearly states: Discharge with 6 months probation.

Based on this fact, as of October 10, 2024, I would be fully discharged. I was informed by the judge, that it can take 3 years to be removed from the system.

I can't not be blamed for this not showing up in the system. I also performed a year of counselling before sentencing, which was ordered by the court.

I have completed everything necessary. I don't feel this is a legitimate reason to refuse my taxi licence.

I was told by Mark Crosby, that if I applied, they would possibly refuse my licence, but the appeal committee would likely grant it, because they are able to see more information.

All the charges before April 10, 2024, were accepted when I received my taxi licence previously, because they are 20 years old.


A large black rectangular redaction mark covering the signature area.


Barish Bayraktar

Appendix C

		REGISTERED DOMESTIC CUSTOMER RECEIPT	RECOMMANDÉ RÉGIME INTÉRIEUR REÇU DU CLIENT	
To	Destinataire			
Name	Nom			
Address	Adresse			
City / Prov. / Postal Code	Ville / Prov. / Cod ^e postal			
Declared Value	Valeur déclarée			
33-086-584 (17-12)				
		FOR DELIVERY CONFIRMATION	CONFIRMATION DE LA LIVRAISON	
		canadapost.ca	postescanada.ca	
		or 1711		
		1 888 550-6333		
				

January 31, 2025

REGISTERED MAIL & EMAIL - 

Barish Bayraktar


Re: Appeal of Refusal of New Taxi License Application

This is to advise that your appeal of the Licensing Authority's decision to **refuse** your application for a new Halifax taxi driver license will be heard by the License Appeal Committee on **Wednesday, March 5, 2025**.

The hearing will be held in the Halifax Hall, 2nd Floor, City Hall, 1841 Argyle Street, Halifax, in a public session, open to the public and media. Please arrive for 5:00 p.m. but note that there may be other cases heard before yours on the agenda.

All visitors to City Hall must sign-in at the security desk and show government-issued photo ID; more detail is attached.

The staff report for this case will be posted online to the License Appeal Committee agenda page by end of day Friday, February 28, 2025 <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 wish to include images, video or audio as part of your appeal presentation to the Committee, you must notify me by end of day Monday, March 3, 2025 to allow for technical preparation and testing.

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 902.240.7164 and lovasia@halifax.ca.

HALIFAX

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

halifax.ca

Sincerely,



Andrea Lovasi-Wood
Legislative Assistant
Office of the Municipal Clerk

cc: Peter Nightingale, Manager, License Standards
Tanya Snair, Regional Licensing Supervisor
Neala Matheson, License Administrator
Karen MacDonald, Managing Solicitor, HRM Legal & Legislative Services

Enclosures:

- Information – Attending In Person Meetings
- Order of Proceedings for License Appeal Committee

Attending In-Person Meetings

There are sign-in procedures in place for everyone visiting Halifax City Hall for all meetings and events.

All visitors, including media, must sign-in at the security desk, located at the main (Grand Parade) entrance of City Hall. Visitors who use the accessible entrance on Argyle Street will be escorted to the security desk by staff.

All visitors must present federal, provincial, or territorial government-issued photo ID to security. They also must provide their first and last name and the reason for their visit. If a visitor does not have government issued photo ID, they may present two pieces of federal, provincial, or territorial government-issued ID, two pieces of documentation (e.g. bills) or a combination of two pieces of government-issued ID/documentation as long as they both include their first and last name.

For children younger than 18, one piece of government-issued identification, such as an original birth certificate, health card, passport or non-government-issued ID (e.g. student card) is recommended but not mandatory as long as the child is accompanying a parent/guardian.

Once signed-in, visitors will be given a visitor badge to wear while they're in City Hall. This badge must be visible during their entire visit and be returned to security staff as they're leaving the building.

If visitors require the use of an elevator, they can notify a member of staff who can assist.

Visitors are reminded that no signs or placards are permitted in City Hall.

For questions about attending a meeting in City Hall, contact the Municipal Clerk's Office.

<https://www.halifax.ca/city-hall/regional-council/attending-person-meetings>

Order of Proceedings for License Appeal Committee

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

- The Chair will ask the Appellant to identify themselves and provide their contact information
- If a person is appearing on behalf of an Appellant who is not present (legal counsel, family member, friend), they must provide written authorization to act on the Appellant's behalf to the Clerk's Office three (3) days in advance of the hearing.
- The Chair will briefly explain the hearing will proceed (as follows):
- **Staff Presentation:** The HRM staff presenter explains the basis for the licensing decision under review and presents evidence in support of the licensing decision.
- 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 Appellant or their representative is then permitted up to 10 minutes to make a verbal submission in support of their case to reverse the licensing decision
- 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 put the motion on the floor. This required mover and seconder.
- The Committee then debates their decision and renders a decision with the Appellant or their representative present
- Upon motion the Committee may move In Camera (In Private) to obtain confidential legal advice at any time during the process

*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 Committee. Non-party witnesses will be given an appropriate amount of time to present their information.

Hearings of the License Appeal Committee are ordinarily open to the public and any information, including personal information, which is provided or obtained in relation to your appeal, will be a matter of public record. Cases will be heard as they appear on the approved agenda.