

**Appeals Standing Committee  
April 10, 2014**

**TO:** Chair and Members of the Appeals Committee

**SUBMITTED BY:** Original Signed  
Cathy J. Mellett, Municipal Clerk

**DATE:** April 2, 2014

**SUBJECT:** Process Change - Taxi License Appeals

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**ORIGIN**

Rules of procedure for Appeals Hearings

**LEGISLATIVE AUTHORITY**

*Canadian Charter of Rights and Freedoms*, s 2, Part I of the *Constitution Act, 1982*, being Schedule B to the *Canada Act 1982 (UK)*, 1982, c 11.

Halifax Regional Municipal Charter (consolidated to February 3, 2014) amended 2013, c.18

**RECOMMENDATION**

It is recommended that, on a go-forward basis, that taxi license appeals be normally held in open session of the Appeals Committee, subject to the rights of the appellant to specifically request an in camera hearing and providing the circumstances which warrant an in camera hearing for the consideration of the Appeals Committee.

And further, that the appellant be advised of the open session nature of the appeal hearing and the right to request an in camera (closed) hearing together with the reasons which warrant a closed hearing in writing, for the consideration of the Appeals Committee.

## **BACKGROUND**

The HRM Appeals Committee currently conducts in camera hearings of taxi license appeals. As a result of concerns expressed by staff HRM Legal Services conducted a review of the current state of law regarding in camera (closed) hearings.

The legal review is provided in the Private and Confidential in camera Memo to the Municipal Clerk dated March 31, 2014 as circulated to the members.

## **DISCUSSION**

In light of the legal review it is recommended that on a go-forward basis that taxi licence appeals should normally be held in open session subject to the right of an appellant to specifically request a closed (in camera) hearing and provide the circumstances which would warrant that closed hearing, which would be considered by the Appeals Committee on an individual basis.

It is the recommendation by the Clerk's Office that appellants be clearly advised in writing of the open nature of the appeals hearing, given that it is a change in process, and the ability to request a closed hearing in writing for consideration by the Appeals Committee.

## **FINANCIAL IMPLICATIONS**

None.

## **COMMUNITY ENGAGEMENT**

In keeping with the principles that justice be done openly as a general rule of law.

## **ENVIRONMENTAL IMPLICATIONS**

None.

## **ALTERNATIVES**

The Appeals Committee could continue to hold taxi license appeal hearings in closed session. This is not the recommended course of action.

**ATTACHMENTS**

None

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A copy of this report can be obtained online at <http://www.halifax.ca/commcoun/index.html> then choose the appropriate Community Council and meeting date, or by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

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