

**Appeals Standing Committee  
April 10, 2014**

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

**SUBMITTED BY:** Original Signed  
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Brad Anguish, Director, Community and Recreation Services

**DATE:** March 21, 2014

**SUBJECT:** By-law T-1000, Specific Time Penalty Following Offenses

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### **INFORMATION REPORT**

#### **ORIGIN**

January 9, 2014, Meeting of the Appeals Standing Committee (ASC):

**MOVED by Councillor Johns, seconded by Councillor Karsten that the Appeals Standing Committee direct staff to review, for proposed By-law amendments, whether there is any merit to having a specific time penalty from the date of an offense and obtaining a clean driving abstract, before having a taxi driver license reinstated. MOTION PUT AND PASSED.**

#### **LEGISLATIVE AUTHORITY**

- *Nova Scotia Motor Vehicle Act*, Section 305;
- By-law T-1000, Respecting The Regulation of Taxis, Accessible Taxis and Limousines; and
- Administrative Order #39, Respecting Taxi and Limousine Regulations.

**BACKGROUND**

A request was made at the January 9, 2014, meeting of the Appeals Standing Committee for staff to research whether there is any merit in amending the T-1000 by-law so that individuals will serve a specific period of time penalty following an offense directly related to them operating a vehicle for hire, before they are eligible to apply for an HRM license.

Current regulations, Section 44.1 of By-law T-1000, permit the suspension or revocation of an owner or driver license, both or the refusal of an application 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 an 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) refuse to respond or cooperate with an investigation conducted by the Licensing Authority.

The current appeal process established by Section 48.3 of By-law T-1000 provides the Appeals Standing Committee with the following options:

- 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.

In accordance with Section 48.3(c), the Appeals Standing Committee may, in its decision, impose specific time penalties prior to a license being granted or an application being approved. If conditions are imposed through this process they would not be appealable.

**DISCUSSION**

Staff conducted research of other municipal by-laws in relation to specific time penalties following offenses prior to licenses being issued or renewed. In most cases, the other municipal by-laws contained specific time or waiting periods, in addition to and following, the completion of any imposed sentence or conditions before the individual is eligible to apply for a license.

The following is presented as a possible by-law amendment:

*An applicant or license holder must not have been the subject of a court order or condition resulting from a criminal conviction related to the operation of a vehicle for hire within the 12 months preceding the date of their application.*

This option provides a minimum time period to be served following the completion of any court imposed orders or conditions prior to a license holder or applicant being eligible to apply. This due diligence serves to confirm that individuals with a recent criminal conviction are able to function in compliance with the law before they are considered for or entrusted with an HRM vehicle for hire license to transport the public.

It is prudent to note, that if a time penalty is included in By-law T-1000, the applicant will have the option to appeal the decision of the Licensing Authority.

**FINANCIAL IMPLICATIONS**

There are no financial implications.

**COMMUNITY ENGAGEMENT**

This report was prepared in consultation with the Taxi & Limousine Liaison Group.

**ENVIRONMENTAL IMPLICATIONS**

There are no environmental implications.

**ATTACHMENTS**

None.

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A copy of this report can be obtained online at <http://www.halifax.ca/commcoun/cc.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.

Report Prepared by: Kevin Hindle, Supervisor Regional Licensing, Municipal Compliance, 490-2550

Original Signed

Report Approved by:

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Jim Donovan, Manager, Municipal Compliance, 490-6224

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