

## Appeal to Denial of Taxi Driver Licence

Presented To: Hearing Committee

Meeting Date: June 19, 2024

Type: Managers' Reports

Prepared by: Melissa Laalo  
By-Law & Security

Recommended by: General Manager of  
Corporate Services

## Report Summary

This report provides a recommendation regarding the decision of refusal by the Licence Issuer to issue a Taxi Driver License to the applicant, pursuant to sections Section 23 (a)(ii) Bylaw 2016-145, as amended as outlined in the report entitled "Appeal to Denial of Taxi Driver Licence from the General Manager of Corporate Services presented at the Hearing Committee meeting on June 19, 2024.

## Resolution

THAT the City of Greater Sudbury uphold the refusal to issue a Taxi Driver Licence to the applicant, pursuant to Section 31(4)(a) of Bylaw 2016-145.

## Relationship to the Strategic Plan, Health Impact Assessment and Climate Action Plans

This report refers to operational matters and has no connection to the Community Energy & Emissions Plan (CEEP).

## Financial Implications

There are no financial implications.

## Background

### Bylaw Regulations and Grounds for Licence Denial

The Vehicle for Hire Bylaw 2016-145 regulates transportation businesses including taxicab, limousine, shuttle, and private ridesharing companies in Greater Sudbury. The Bylaw contains regulations specific to drivers which are in place to promote the health and safety of the public who choose to use any one of these types of transportation. The Bylaw requires taxi drivers to ensure all service appointments are responded to, produce identification on demand, treat all customers with respect and courtesy, refrain from being under the influence of alcohol or other substances, ensure the safe travel of passengers including children and members of the

vulnerable population, and ensure the correct fare and change is provided to the customer.

As part of the application process, applicants are required to submit a Vulnerable Sector Criminal Record Check completed by Greater Sudbury Police. As required by Section 23, where the record check reveals a criminal conviction, the Licence Issuer shall refuse to issue the licence.

Section 23 of Bylaw 2016-145 states the License Issuer shall refuse to issue a licence if;

- (a) In the opinion of the Licence Issuer, the past conduct of the applicant, or in the case of a corporate applicant, the past conduct of the directors, officers, employees or agents, provides reasonable grounds for belief that:
  - (i) the applicant has not carried on or will not carry on, the trade, business or occupation for which the Licence is sought in accordance with law and with integrity and honesty; or
  - (ii) the carrying on the trade, business or occupation by the applicant has infringed or would infringe, the rights of other members of the public, or has endangered, or would endanger, the health and safety of other members of the public;
  - (iii) the carrying on of the trade, business or occupation by the applicant has resulted, or will result, in a breach of this Bylaw or any other municipal Bylaw, federal or provincial statute or regulation thereunder.

As per Section 26 and 27, where the Licence Issuer determines that a licence should not be issued, notice shall be given to the applicant. The notice shall contain the decision and the particulars of the reason for the refusal and information related to the appeal process by way of the Hearing Committee.

Where an appeal is brought to the Hearing Committee, the onus is on the applicant to provide evidence to the satisfaction of the Licence Issuer that the person is entitled to the issuance of the Licence.

Based on hearing or viewing evidence provided by the Licence Issuer and by the applicant, Section 31(4) of Bylaw 2016-145 scripts the ability of the Hearing Committee to make rulings. Specifically, it states the Hearing Committee may:

- (a) uphold or deny a Suspension or Revocation of the Licence or the refusal to issue or renew a Licence on any grounds open to the Licence Issuer;
- (b) in the event that a Suspension of a Licence is upheld, increase or decrease the duration of the Suspension or impose conditions or change existing conditions for the termination of the Suspension; and
- (c) in the event that a Revocation of a Licence or refusal to issue a Licence or renewal of a Licence is overturned, impose conditions on issuance or renewal of the Licence.

## **Application Information**

On January 11<sup>th</sup>, 2024, Mr. Richard SHAKES commenced the application process for a Taxi Driver Licence at the Tom Davies Square, One Stop Services. As part of the application process, Mr. SHAKES submitted a Vulnerable Sector Criminal Record Check by email on the same date.

Based on the record of convictions and grounds outlined in Section 23, the Licence Issuer denied the issuance of the Taxi Driver Licence.

Mr. SHAKES was informed verbally and issued a formal letter on January 11<sup>th</sup>, 2024, which provided the reason for the decision based on Section 23(a)(i)(ii), and the applicant's right to appeal the decision through the Hearing Committee. Mr. SHAKES made application to appeal this decision on February 16<sup>th</sup>, 2024.

A copy of Mr. Richard SHAKES's Vulnerable Sector Criminal Record Check has been provided to Members of the Committee.

## **Recommendation**

The Licence Issuer is recommending that the Hearing Committee uphold the decision of the Licence Issuer and will refuse to issue a License to Richard SHAKES, pursuant to sections Section 23 (a)(i)(ii) Bylaw 2016-145, as amended.

## **Resources Cited**

Vehicle for Hire Bylaw [2016-145](#)