

CHAUFFEUR'S PERMIT APPEAL HEARING MINUTES

JUNE 16, 2010

A Chauffeur's Permit Appeal Hearing of the Council of the City of Vancouver was held on Wednesday, June 16, 2010, at 9:41 am, in the Council Chamber, Third Floor, City Hall, to determine if the refusal by the Chief Constable to issue the 2010 Chauffeur's Permit (the "Permit"), to Parmatma Singh Grewal (the "Permit Holder"), should be upheld or overturned.

PRESENT: Councillor Suzanne Anton, Chair
Councillor David Cadman
Councillor Heather Deal

CITY CLERK'S OFFICE: Bonnie Eng Kennett, Meeting Coordinator (Minutes)
Lori Isfeld, Meeting Coordinator

1. Hearing of the Appeal - Parmatma Singh Grewal

The Chauffeur's Permit Appeal Hearing Panel had before it for consideration an Evidence Booklet, prepared by the City of Vancouver's Legal Department, which contained the following material and the evidence of witnesses:

Tab	Description
1.	Notice of Hearing dated May 7, 2010
2.	Request for Appeal (letter) dated April 22, 2010
3.	Chauffeur and Vehicle for Hire Permit Application dated March 4, 2010
4.	Vancouver Police Department Request and Consent for Record Check and Disclosure dated March 4, 2010
5.	Taxi Detail Information System - Permit Application Record Listing re Parmatma Singh Grewal dated March 8, 2010
6.	Constable Kevin Barker, Vancouver Police Department, handwritten interview notes re Parmatma Grewal dated March 23, 2010
7.	Letter from the Chief Constable Jim Chu to Parmatma Singh Grewal dated April 13, 2010
8.	Letter from Randy Jackson, Mill Manager, Stag Timber, The Teal-Jones Group To Whom It May Concern dated April 16, 2010
9.	General Occurrence Report 2007-138273
10.	Provincial Court Record of Proceedings and Endorsement of Information, Information and Certificate of Conviction

Robert Penkala, Solicitor, Legal Services, was present on behalf of the City of Vancouver. Parmatma Singh Grewal ("the Appellant"), represented himself.

Mr. Penkala explained that this was an appeal by Mr. Grewal, pursuant to section 36(7) of the *Motor Vehicle Act*, by Mr. Grewal from the refusal by the Chief Constable to issue the Permit. The hearing of this appeal was delegated to the panel by City Council pursuant to section 277.1 of the *Vancouver Charter*. The Chief Constable refused to issue the Permit, pursuant to section 6(2A)(a) of the *Vehicles For Hire By-law*, on the basis that the Appellant has within the preceding five years been convicted of an offence, namely, Driving While Impaired, in contravention of section 253(a) of the *Criminal Code of Canada*, and the Chief Constable was of the belief that the nature of the offense relates to the business, trade, profession, or other occupation for which the application for the Permit has been made.

Mr. Penkala noted that after hearing the appeal, Council may uphold or overturn the Chief Constable's refusal to issue a Chauffeur's Permit to Parmatma Singh Grewal.

Mr. Penkala referred the Panel to the evidence before it as set out in the documents which were considered by the Chief Constable in refusing to issue the Permit.

Mr. Penkala called the following witness in support of the allegations:

1. Constable Kevin Barker #1118 - Taxi Detail, VPD

The Panel also asked questions of the witness.

The following witnesses spoke in support of the Licensee:

1. Amrik Singh Mahil
2. Herjinder Chall

Mr. Penkala and the Panel also directed questions to the witnesses.

In his opening comments, Mr. Grewal submitted that he has accepted his mistake and has taken full responsibility for his actions. He noted that driving a taxi would help supplement his income to support his family as he only works part-time as a lumber grader at a sawmill.

Mr. Penkala and the Panel asked questions of Mr. Grewal.

In closing, Mr. Penkala submitted it is an undisputed fact that Mr. Grewal has been convicted of driving impaired, that the conviction clearly relates to the occupation of driving a taxi, and that there is therefore no basis to interfere with the decision of the Chief constable to refuse a taxi permit to Mr. Grewal.

In closing comments by Herjinder Chall, on behalf of Mr. Grewal, he reiterated Mr. Grewal's ability to drive a taxi part-time would help supplement his income as a part-time lumber grader and would give him the ability to support his family and honour debts owed.

Panel Members Discussion

In discussion, Panel members noted that Mr. Grewal's conviction of Driving While Impaired directly relates to driving a taxi. Panel members also expressed concern for the extreme public hazards and potential consequences of drinking and driving. The Panel, after hearing all the evidence, concluded that the Chief Constable's refusal to issue the Chauffeur's Permit to Mr. Grewal should be upheld.

MOVED by Councillor Deal

THAT the refusal by the Chief Constable to issue a Chauffeur's Permit to Parmatma Singh Grewal be upheld as Mr. Grewal has within the preceding five years, been convicted of an offense under the *Criminal Code of Canada*, namely Driving While Impaired, and the nature of the offense relates to the business for which the application has been made.

CARRIED UNANIMOUSLY

Adjournment

MOVED by Councillor Cadman
SECONDED by Councillor Deal

THAT the Chauffeur's Permit Appeal Hearing be adjourned.

CARRIED UNANIMOUSLY

The Chauffeur's Permit Appeal Hearing Panel adjourned at 10:37 am

* * * * *