



Hamilton

**MINUTES 15-005
HAMILTON LICENSING TRIBUNAL**

10:00 a.m.

**Thursday, October 29, 2015
Council Chambers, 2nd Floor
Hamilton City Hall
71 Main Street West**

Present: Councillors T. Whitehead (Chair), C. Collins (Vice-Chair), and M. Green

**Absent
With Regrets:** Councillor B. Johnson

Also Present: Byrdena MacNeil, Senior Solicitor
Daniell Bartley, Solicitor
Todd Lawrie, Adjudicator
Jay Berberick, Special Enforcement Officer
Al Fletcher, Manager, Licensing
Denis Farr, Legislative Coordinator

Other Attendees: Jaspal Gill, Appellant (Item 4.1)
Olubunmi Ogunniyi, Lawyer, Ogunniyi Law Offices (Item 4.1)

1. **SHOW CAUSE HEARING: Jaspal Gill, 1826548 Ontario Inc., and 1830259 Ontario Inc., located at 250 Gibson Drive, Hamilton, Ontario, L8L 6R4, respecting City of Hamilton Taxicab Driver Licence (#15-127511) (Item 4.1)**

(Collins/Green)

- (a) City of Hamilton Taxicab Driver Licence #15-127511 2M, issued to Jaspal Gill, be revoked effective immediately from the date of this Decision;
- (b) Should Jaspal Gill wish to re-apply for a City of Hamilton Taxicab Driver Licence, he cannot do so for a period of three (3) years from the date of this Decision;

- (c) Should Jaspal Gill re-apply for a City of Hamilton Taxicab Driver Licence after the three (3) year period, the application shall be considered and decided upon at a hearing before the Hamilton Licensing Tribunal;
- (d) Should the Hamilton Licensing Tribunal issue a Decision to accept his application and provide a licence after the three (3) year period, the following conditions be imposed upon that licence for a period of time as determined at the hearing:
 - (i) Jaspal Gill is prohibited from being a "lessee" under Schedule 25 of the Licensing By-Law, as defined within that By-Law; and
 - (ii) Jaspal Gill is prohibited from entering into any lease with a licensed taxicab owner through which he acquires any rights from that owner with respect to the use of the taxicab owner's licence, licence plate(s) or vehicle(s); and
 - (iii) Any breach of these conditions will result in an immediate revocation of Jaspal Gill's Taxicab Driver's Licence.

CARRIED

FOR THE INFORMATION OF THE TRIBUNAL:

(a) APPROVAL OF AGENDA (Item 1)

(i) October 29, 2015

(Green/Collins)

That the Agenda of the October 29, 2015 Hamilton Licensing Tribunal be approved, as presented.

CARRIED

(b) DECLARATIONS OF INTEREST (Item 2)

There were no declarations of interest.

(c) APPROVAL OF MINUTES OF PREVIOUS MEETINGS (Item 3)

(i) September 29, 2015 (Item 3.1)

(Green/Collins)

That the Minutes of the September 29, 2015 Hamilton Licensing Tribunal be approved, as presented.

CARRIED

(d) HEARINGS (Item 4)

SHOW CAUSE HEARING: Jaspal Gill, 1826548 Ontario Inc., and 1830259 Ontario Inc., located at 250 Gibson Drive, Hamilton, Ontario, L8L 6R4, respecting City of Hamilton Taxicab Driver Licence (#15-127511) (Item 4.1)

On August 26, 2015, the Issuer of Licences corresponded with the Legislative Coordinator for the Hamilton Licensing Tribunal, requesting that a Show Cause hearing be scheduled and brought before the Hamilton Licensing Tribunal to consider whether the above referenced licence should be revoked, suspended or conditions imposed upon it.

In considering the Request for Adjournment and the Interim Decision issued by the Hamilton Licensing Tribunal respecting this matter at the September 29, 2015 Hearing, the Legislative Coordinator issued a subsequent Notice of Show Cause Hearing on October 1, 2015 to Mr. Jaspal Gill and his agent.

Pursuant to Section 12(1) of the General Provisions of the City of Hamilton Licensing By-Law 07-170, as amended ("City of Hamilton Licensing By-Law"), a Show Cause Hearing was requested and subsequently scheduled on October 29, 2015 and brought before the Hamilton Licensing Tribunal to consider whether the above referenced licence should be revoked or suspended or conditions imposed.

Pursuant to Section 8 of the Statutory Powers Procedure Act, R.S.O. 1990, c.S22, the grounds for revocation or suspension or the imposition of conditions at this hearing are:

Pursuant to s. 8 of the *Statutory Powers Procedure Act*, R.S.O.1990, c. S.22, the grounds for revocation or suspension or the imposition of conditions that will be relied upon at this hearing are:

1. City of Hamilton Licensing By-Law, General Provisions, Section 12(1)(c)(i):
The licensee has not met certain of the requirements under the By-Law, including Schedule 25;
2. City of Hamilton Licensing By-Law, General Provisions, Section 12(1)(c)(vi)(1.):
In the opinion of the Issuer of Licences, the operation of the licensee's business would put the public safety at risk;
3. City of Hamilton Licensing By-Law, General Provisions, Section 12(1)(c)(vi)(2.):
In the opinion of the Issuer of Licences, the operation of the licensee's business is not or will not be carried on in compliance with the law;
4. City of Hamilton Licensing By-Law, General Provisions, Section 12(1)(c)(vi)(3.):
In the opinion of the Issuer of Licences, the conduct of the licensee, officers, directors, employees, or agents affords reasonable grounds for

belief that the licensee will not carry on or engage in the business in accordance with the law or with honesty or integrity;

5. City of Hamilton Licensing By-Law, General Provisions, Section 23:
The licensee has failed to be responsible that every vehicle authorized to be used for the purpose of the licensed business was so used only when in a clean and safe condition;
6. City of Hamilton Licensing By-Law, General Provisions, Section 24:
The licensee has failed to permit an inspection of a vehicle used in connection with the carrying on of a licensed business by a person authorized to enforce the provisions of the By-Law;
7. City of Hamilton Licensing By-Law, General Provisions, Section 26(2):
The licensee has failed to comply with all applicable law, including all provisions of the By-Law and Schedule 25;
8. City of Hamilton Licensing By-Law, General Provisions, Section 26(2):
The licensee has permitted their employees, agents or other persons carrying on or engaging in the licensed business on their behalf to fail to comply with all applicable law, including the provisions of the By-Law and Schedule 25;

Namely,

Mechanical Defects

The City undertook sixteen (16) inspections between December 5, 2013 and March 20, 2015 wherein it was found that, contrary to **Schedule 25, section 65(1)(k)**, Gill has permitted the operation of certain taxicabs where such vehicles had mechanical defects. Section 65(1)(k) provides that no licensed owner or lessee shall operate or permit the operation of a taxicab where such vehicle has mechanical defects.

Vehicle Not Approved for Use

The City undertook seven (7) inspections between February 4, 2014 and March 19, 2015 wherein it was found that Gill has permitted the operation of certain vehicles where they have not been approved for use as a taxicab.

Schedule 25, section 65(1)(d) provides that no licensed owner or lessee shall operate or permit the operation of a vehicle of which he or she is the owner where the vehicle is not approved for use as a taxicab under the provisions of Schedule 25.

Schedule 25, section 58(3) provides that no taxicab owner shall use a spare taxicab:

- (a) without first giving notice, including the plate number of the taxicab that will be replaced and the dates when the spare taxicab will be used, to the Issuer of Licences;
- (b) for more than seven consecutive days;

- (c) unless he or she complies with all of the requirements for a taxicab owner under Schedule 25, including complying with section 56 by submitting their spare taxicab for inspections and by providing Ontario Ministry of Transportation Vehicle Inspection Reports or Safety Standards Certificates issued under the *Highway Traffic Act*.

On-Board Camera

The City undertook seven (7) inspections between December 7, 2013 and March 20, 2015 wherein it was found that, contrary to **Schedule 25, section 64(1)(o)(ii)**, Gill has failed to equip certain of his leased taxicabs with a fully operational on-board camera. Section 64(1)(o)(ii) provides that no licensed owner or lessee shall fail to equip each licensed taxicab with, at all times when the taxicab is in service, a fully operational on-board camera.

Taxicab Meters

The City undertook three (3) inspections between December 7, 2013 and March 19, 2015 wherein it was found that, contrary to the City of Hamilton Licensing By-Law and Schedule 25, Gill has permitted certain of his leased taxicabs to operate when the meter is not in compliance with the By-Law.

Schedule 25, subsections 53(1)(e) and (g) provides that every owner of a taxicab shall have affixed to each taxicab, in respect of which such owner is licensed, a taxicab meter for registering distance travelled, waiting time and computing the fares to be paid, and each taxicab meter shall be used only when the seal thereon is intact; and kept in good and accurate working condition at all times.

Schedule 25, section 65(1)(p) provides that no licensed owner or lessee shall operate or permit the operation of a taxicab of which he or she is the owner unless equipped with a taxicab meter which has been tested, sealed and approved by the Issuer of Licences or Officer unless authorized under section 54.

Schedule 25, section 65(1)(q) provides that no licensed owner or lessee shall operate or permit to operate a taxicab when the taximeter is out of order or defective in any way or the taximeter seal if broken, altered or not intact unless authorized under section 54.

Failure to Produce Vehicle for Inspection

Contrary to **Schedule 25, section 65(1)(i)**, Gill has failed to submit a taxicab for inspection or approval or both as required under the General Provisions of the City of Hamilton Licensing By-Law or Schedule 25.

Specifically, on April 17, 2014, MLE demanded that Gill and 1826548 produce taxicabs #046, #105, #233, #293, #337 and #388 to the Taxi office immediately for inspection. All of these vehicles had been leased by 1826548, however, the leases were expired. Gill did not produce any of these vehicles to the Taxi office. Gill did attend at the Taxi office that day and gave excuses for why the vehicles were not attending.

And, on March 19, 2015, an MLE officer conducted a roadside inspection on Hamilton Cab Spare Taxi #838, with Taxi Plate #187 attached. Among other deficiencies, it was found that the vehicle was not permitted to be used as a taxicab as the vehicle had not been in for general inspection and approval.

Agents' Failure to Comply

With respect to the taxicabs and the issues of non-compliance set out in the paragraphs above, Gill has permitted the taxicab drivers who drive those taxicabs to drive vehicles that are not in compliance with the City of Hamilton Licensing By-Law and Schedule 25.

Schedule 25, subsections 63(1)(b), (o), (p), (r) and (s) provide that no licensed driver shall operate a taxicab:

- where seat belts are not available for use by each passenger carried;
- when the taxicab meter does not operate properly;
- when the taxicab meter seal has been broken, altered or removed unless authorized under section 54;
- which is not approved for use as taxicab by the Issuer of Licences;
- unless such vehicle meets the standards required for the issue of an acceptance under an Ontario Ministry of Transportation vehicle Inspection report, or meets the standards for the issue of a Safety Standards Certificate of mechanical fitness.

Non-Compliance with Applicable Law

In addition to the grounds set out above, the Issuer of Licenses relies upon the following convictions as evidence of the licensee's non-compliance with applicable law:

Since April 16, 2014, Gill and his numbered corporations have been convicted of the following Provincial Offences Act charges and fined accordingly:

Inspection Date	Taxicab	Result
December 7, 2013	#233	000010 – 1826548 Ontario Inc. found guilty March 13, 2015; \$2000.00 fine
December 7, 2013	#415	000011 – 1826548 Ontario Inc. found guilty March 20, 2015; \$2000.00 fine
December 7, 2013	#017	000013 – 1826548 Ontario Inc. found guilty March 13, 2015; \$2000.00 fine
February 13, 2014	#138	000801 – 1826548 Ontario Inc. found guilty March 20, 2015; \$2500.00 fine
March 26, 2014	#430	001537 – 1830259 Ontario Inc. found guilty March 20, 2015; \$3000.00 fine
March 1, 2014	Cab #821	001539 – Guilty plea by 1826548 Ontario Inc. June

26, 2015; \$2000.00 fine

On April 16, 2014, MLE received a copy of convictions for Licensing and Zoning charges laid against Gill and another numbered company with which he is involved, 1734958 Ontario Inc. The convictions were for:

- (i) Operating a public garage without a licence (X2) at 97 Earl Street, Hamilton, Ontario; total of \$2000.00 fine, plus costs and surcharges; and
- (ii) Permit property to be used for storage of vehicles (X2) at 252 Gibson Avenue, Hamilton, Ontario; total of \$4000.00 fine, plus costs and surcharges.

Gill's licence expires on June 13, 2016. If the hearing has not been completed before the licence expires and:

- the licence holder has not submitted a completed application for a renewal, then we will request that the hearing be cancelled. If this is the case and the licence holder keeps operating without a licence, they will be doing so contrary to the Licensing By-law; or,
- the licence holder has submitted a completed application for a renewal, then we will request that the hearing proceed under Section 12(1) of the Licensing By-law as a refusal of the licence rather than as a recommendation to revoke or suspend the licence.

September 29, 2015 Hearing - Request for Adjournment:

On September 28, 2015, the Legislative Coordinator received a Request for Adjournment from Mr. Richard D. Simmons, Lawyer representing Mr. Jaspal Gill, from Ross & McBride L.L.P. In the letter sent via e-mail and facsimile, the following is noted:

"Please be advised that Mr. Gill has retained me to represent him before the Licensing Tribunal as of today's date. As I have experience with the taxi industry, I would like to argue the case on my client's behalf. Unfortunately, I am unable to attend tomorrow, and will have Ms. Sreya Roy attend to request an adjournment."

At its meeting of Tuesday September 29, 2015, the Hamilton Licensing Tribunal issued the following interim decision with respect to the above noted matter:

That the request for an adjournment of the Show Cause Hearing, submitted on behalf of Mr. Jaspal Gill, who leases owner plates in his own name or as 1826548 Ontario Inc. or 1830259 Ontario Inc., respecting the City of Hamilton Taxicab Driver Licence No. 15-127511, be approved to the Tribunal date of October 29, 2015 on a peremptory basis on the Appellant, with the following conditions:

- (i) That, in the interest of public safety, the City of Hamilton Taxicab Driver Licence No. 15-127511 issued to Mr. Jaspal Gill be suspended effective immediately until such time as a Decision has been issued by the Hamilton Licensing Tribunal respecting this matter; and,
- (ii) That, in the interest of public safety, all forty-eight (48) vehicles bearing City of Hamilton taxicab plates leased by Jaspal Gill, 1826548 Ontario Inc. and 1830259 Ontario Inc., cease to be operated by Jaspal Gill, 1826548 Ontario Inc. and 1830259 Ontario Inc. as the lessees within 24 hours of the date of this Interim Decision.

A Decision Letter with the above information was issued to Mr. Jaspal Gill and his current agent, Mr. Richard Simmons, Ross & McBride, on September 29, 2015.

October 29, 2015 Hearing:

Ms. Byrdena MacNeil, Senior Solicitor, provided her Opening Statement that included, but was not limited to, the following:

- The licensee, Mr. Jaspal Gill, is a taxicab driver licensed under the City of Hamilton Licensing By-Law and also director of two corporations: 1826548 Ontario Inc. and 1830259 Ontario Inc.
- Through his companies, Mr. Gill is the lessee of 47 taxicab plates within the City of Hamilton. Mr. Gill is also the owner of 4 spare taxicabs.
- Pursuant to s. 1(1)B of Schedule 25 – Taxicabs, a schedule to the City of Hamilton Licensing By-Law, a lessee has all the obligations and duties of a taxicab owner.
- Mr. Gill is before the Tribunal today as a result of safety issues respecting his fleet, notably for failing to comply with all applicable law, including provisions of the By-Law and Schedule 25.
- Since December 5, 2013, the City carried out several inspections wherein it was found that Gill had permitted the operation of certain taxicabs where such vehicles had significant mechanical defects. Examples include a vehicle with an exhaust leak entering the passenger compartment, and other vehicles with issues including, but not limited to: brake lights not functioning, body damage, rear defrost not operational, rear passenger seat not secured, seat belts not working, and parking brake not functioning.
- In one particular instance, on February 4, 2014, it was found that the taxicab bearing plate #387 had its Vehicle Identification Number (VIN) altered and a charge was laid by Hamilton Police Service. Other inspections led to the discovery of some vehicles not having the correct insurance and/or ownership documents.

- As a result of inspections, there have been 5 other occasions noted which are not included in the documents before the Tribunal today. Examples included instances of cameras not operating and seals broken on meters.
- There has also been a failure, at times, to produce vehicles for inspection. Municipal Licensing Enforcement (MLE), for example, demanded that all cabs be required to appear before the MLE for inspection – 6 vehicles never appeared.
- There have been at least 47 charges laid against Mr. Jaspal Gill respecting his fleet (with additional charges since). Many of these charges have resulted in convictions, and some are still working their way through the court process.
- Pursuant to Section 49(18) of Schedule 25, all lessees must have and maintain a current City of Hamilton taxicab driver's licence. As per the By-law's and its definitions, "lessee" means a person who is either a licensed taxicab owner or taxicab driver under this Schedule and who has entered into a lease with a licensed taxicab owner through which the person acquires certain rights from the owner and under takes to fulfill certain responsibilities with respect to the use of the taxicab owner's licence, licence plate and vehicle and shall have all the obligations and duties of a taxicab owner in this Schedule.
- Pattern of non-compliance – inspections have resulted in discovery of the same violations time and time again.
- With reference to patterns of non-compliance, between April to September, it was noted that MLE Officers were likely busy with other enforcement matters.
- Although Mr. Jaspal Gill has terminated his leases, revocation is still applicable given prolonged conduct by putting drivers, passengers and the public's safety at risk.
- The way in which Mr. Gill operated his business could point to how he might operate as a driver, leaving concern about public safety and consumer protection.
- The City understands that Mr. Jaspal Gill's wife is the owner of a taxicab plate.
- A summary of charges and convictions in chart form was distributed as a tool to assist. Note, although this information has been kept for the record and distributed publicly, it has not been entered in as an Exhibit.

Ms. MacNeil submitted the following Exhibits for the record and provided an overview of the same:

Exhibits

1. Notice of Show Cause Hearing, dated August 28, 2015
2. Canada Post Receipt of Show Cause Hearing Letter, dated August 31, 2015

3. Request for Show Cause Hearing, dated August 26, 2015
4. Addendum to Request for Show Cause Hearing, dated August 26, 2015
5. Taxicab Driver Licence 15-127511 2M
6. Request for Legal Action, dated February 24, 2015
7. Statement of Municipal Law Enforcement Officer Berberick
8. Statement of Manager of Licensing Inspections & Enforcement, Al Fletcher
9. 1826548 Ontario Inc. Corporate Profile
10. 1830259 Ontario Inc. Corporate Profile
11. Notes, Provincial Offence Notice and Pictures of Violation on Taxi #350
12. Notes, Provincial Offence Notice and Pictures of Violation on Taxi #838-187
13. Notes, Provincial Offence Notice and Pictures of Violation on Taxi #815-259
14. Notes, Provincial Offence Notice and Pictures of Violation on Taxi #392
15. Notes, Provincial Offence Notice and Pictures of Violation on Taxi #010
16. Notes, Provincial Offence Notice and Pictures of Violation on Taxi #819-284
17. Notes, Provincial Offence Notice and Pictures of Violation on Taxi #397
18. Notes, Provincial Offence Notice and Pictures of Violation on Taxi #097
19. Notes, Provincial Offence Notice and Pictures of Violation on Taxi #406
20. Notes and Pictures of Violation on Taxi #262
21. Notes, Provincial Offence Notice and Pictures of Violation on Taxi #393
22. Notes, Provincial Offence Notice and Pictures of Violation on Taxi #821-349
23. Notes, Provincial Offence Notice and Pictures of Violation on Taxi #291
24. Copy of Convictions from Courts against Jaspal Gill, Director of 1826548 Ontario Inc. and 1830259 Ontario Inc.
25. City of Hamilton Licensing By-Law 07-170, Schedule 25
26. List of Plates Leased by Jaspal Gill (as of September 23, 2015)
27. List of Provincial Offences Act Charges Involving Jaspal Gill (as of September 23, 2015)
28. Notes, Provincial Offence Notice and pictures of Violation on Taxi #350
29. Notes, Provincial Offence Notice and pictures of Violation on Taxi #131
30. Notes, Provincial Offence Notice and pictures of Violation on Taxi #430
31. Inspection Notes on Taxicab with Plate #115 (December 5, 2013)
32. Inspection Notes on Taxicab with Plate #32 (December 7, 2013)
33. Inspection Notes on Taxicab with Plate #415 (December 7, 2013)
34. Inspection Notes on Taxicab with Plate #17 (December 7, 2013)
35. Inspection Notes on Taxicab with Plate #233 (December 7, 2013)
36. Inspection Notes on Taxicab with Plate #388 (January 7, 2014)
37. Inspection Notes on Taxicab with Plate #387 (February 4, 2014)
38. Inspection Notes on Taxicab with Plate #138 (February 13, 2014)
39. Inspection Notes on Taxicab with Plate #17 (March 26, 2014)
40. Conviction/Information #2113 re: Public Garage (Licensing) – Jaspal Gill (September 4, 2012)

41. Conviction/Information #2114 re: Public Garage (Licensing) – 1734958 Ontario Inc. (September 4, 2012)
42. Conviction/Information #2542 re: Public Garage (Zoning) – Jaspal Gill (September 4, 2012)
43. Conviction/Information #2543 re: Public Garage (Zoning) – 1734958 Ontario Inc. (September 4, 2012)
44. Conviction/Information #1537 re: Taxicab with Plate #430 – 1830259 Ontario Inc. (March 20, 2015)
45. Conviction/Information #1724 re: Taxicab Spare #815 – 1826548 Ontario Inc. (July 23, 2015)
46. Conviction/Information #3441 re: Taxicab with Plate #284 – Jaspal Gill (October 16, 2015)
47. Conviction/Information #3442 re: Taxicab with Plate #102 – Jaspal Gill (October 16, 2015)
48. Conviction/Information #3978 re: Taxicab with Plate #115 – 1826548 Ontario Inc. (October 16, 2015)

Mr. Olubunmi Ogunniyi, new agent representing Mr. Jaspal Gill, provided his Opening Statement that included, but was not limited to, the following:

- Client has been in the taxi business for more than 20 years within the City of Hamilton.
- The issue of Mr. Jaspal Gill continuing on as a lessee should be considered mute – he no longer has control of any plates.
- In agreement and admitting to the facts, but client wishes to maintain the ability to drive his own taxicab for livelihood reasons.
- Revocation of client's licence is considered punitive punishment.
- Not doubting the mistakes made; there is room for improvement and client is willing to make amends.
- There is agreement with facts, but Mr. Jaspal Gill is no longer in a position to manage fleet. The matter now involves my client being able to maintain his livelihood and operate a taxicab as a driver.

Mr. Olubunmi Ogunniyi submitted the following Exhibits for the record and provided an overview of the same:

Exhibits

49. Taxicab Lease Agreement – Affidavit of Service of Termination Notice

Mr. Olubunmi Ogunniyi, agent, and Mr. Jaspal Gill, appellant, were solemnly affirmed prior to providing testimony.

The Tribunal asked questions that included, but were not limited to, the following:

- What is the total number of offences? Ms. MacNeil advised that Tab 27 of the Exhibit package provides a summary of the offences, which is also captured in the chart circulated.
- Where have the leases gone since terminating them? Has Mr. Gill transferred his leases over to a member of his family? Mr. Ogunniyi advised that his client has not transferred leases over to any member of his family. Mr. Gill's wife only has one plate.
- Is Gill prepared and willing to work within the confines of the city's regulating by-laws? Mr. Ogunniyi advised that his client wants to work within these confines but that many are now working for Uber or another taxi provider which are not regulated by the City of Hamilton.
- Has Mr. Gill learned from his mistakes? How can you explain the trend of occurrences over the last four years? Mr Ogunniyi advised that the situation where Mr. Gill once has about 80 taxicabs is no longer the case – reducing fleet from 77 to 48 taxicabs was a measure to focus on and improve his operations.
- Is Mr. Gill driving his wife's taxi cab? Mr. Ogunniyi advised that there is no evidence of Mr. Gill driving his wife's taxi cab – there is no evidence to support this.
- What will raise our confidence to ensure that this pattern of non-compliance behaviour will change? Mr. Ogunniyi advised that his client understands the severity of the matter before him, is no longer in control of this operation, and wants to drive a cab. Imposing conditions is acceptable but my client asks that he keeps his licence in order to drive a cab.

In closing, Mr. Ogunniyi comments included, but were not limited to, the following:

- There are no questions on the evidence provided.
- The client should've known better, absolutely. However, Mr. Gill no longer has control of multiple vehicles; this is no longer the case.
- Mr. Gill has terminated his leases and wishes to keep his licence for the purposes of maintaining livelihood as a taxicab driver. In the last month, Mr. Gill has had little or no income.
- People can create income driving taxicabs without being regulated by the City.

- Mr. Gill has reduced his fleet from 77 to 48 in order to comply with the City's By-Law.
- Fines which have been imposed have been paid for – further revocation is double punishment
- Client should be allowed to keep his taxicab; this is his livelihood and he has children and a wife to feed.

In closing, Ms. MacNeil's comments included, but were not limited to, the following:

- Gill has been put on notice about public safety concerns since 2013 and that there has been lots of opportunity to address outstanding issues.
- Gill's conduct provides reasonable grounds that he will likely not carry out business in compliance with the City's Licensing By-Law.
- Ensuring that vehicles are in good working order, that functions such as onboard cameras are operational, and reporting to MLE for vehicle inspections when requested are the duties and obligations of a licensed owner, operator and lessee. Mr. Gill has been operating contrary to the City's Licensing By-law for some time now, with the City putting him on notice for these concerns and offering numerous opportunities for these vehicles to be brought into compliance.
- Lax oversight and poor maintenance of vehicles, where individual vehicles are only brought into inspection and repaired when caught. Given this, there has been little regard for the public service he provides. Drivers should at minimum be conducting circle checks of their vehicles. The lessee has the same obligations to ensure vehicles are in order and public safety is protected.
- The City is continuing inspections on all taxi cab vehicles, including those belonging to Mr. Jaspal Gill, to ensure by-law compliance and protection of public safety.

(Green/Collins)

That the Hamilton Licensing Tribunal move into Closed Session, at 11:05 a.m., to deliberate upon the submissions of the parties, respecting Jaspal Gill, 1826548 Ontario Inc., and 1830259 Ontario Inc., located at 250 Gibson Drive, Hamilton, Ontario, L8L 6R4, respecting City of Hamilton Taxicab Driver Licence.

CARRIED

The Tribunal reconvened in open session 11:25 a.m.

Having considered the submissions of the parties, the Tribunal provided their decision which is shown as Item 1 above.

(g) PRIVATE & CONFIDENTIAL (Item 5)

(i) Closed Session Minutes – September 29, 2015

As the Tribunal determined that no discussion respecting the Closed Session Minutes of September 29, 2015 meeting of the Hamilton Licensing Tribunal was required, the Minutes were approved in Open Session, as shown below:

(Green/Collins)

- (a) That the Closed Session Minutes of the September 29, 2015, meeting of the Hamilton Licensing Tribunal be approved, as presented.
- (b) That the Closed Session Minutes of the September 29, 2015, meeting of the Hamilton Licensing Tribunal, remain confidential and restricted from public disclosure.

(h) ADJOURNMENT (Item 6)

(Green/Collins)

That, there being no further business, the Hamilton Licensing Tribunal be adjourned at 11:30 a.m.

CARRIED

Respectfully submitted,

Councillor T. Whitehead, Chair
Hamilton Licensing Tribunal

Denis Farr
Legislative Coordinator
Office of the City Clerk