



**LICENSE APPEAL COMMITTEE
DRAFT MINUTES
March 5, 2025**

PRESENT: John Boddie, Chair
Martin Zwicker, Vice Chair
Jim Jamieson

REGRETS: Ryan Baxter
Joslin Nfonyele

STAFF: Peter Nightingale, Manager, License Standards
Karen MacDonald, Managing Solicitor
Andrea Lovasi-Wood, Legislative Assistant

These minutes are considered draft and will require approval by License Appeal Committee at a future meeting.

The following does not represent a verbatim record of the proceedings of this meeting.

The agenda, reports, supporting documents, and information items circulated are online at halifax.ca.

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1. CALL TO ORDER AND LAND ACKNOWLEDGEMENT

The Chair called the meeting to order at 5:01 p.m. and acknowledged that the meeting took place in the traditional and ancestral territory of the Mi'kmaq people, and that we are all treaty people.

1.1 Annual Election of Vice Chair

The Chair called for nominations for the position of Vice Chair of the License Appeal Committee.

MOVED by Jim Jamieson, seconded by Martin Zwicker

THAT Martin Zwicker be nominated Vice Chair of the License Appeal Committee.

Martin Zwicker was declared the successful nominee.

MOVED by John Boddie, seconded by Jim Jamieson

THAT Martin Zwicker be appointed Vice Chair of the License Appeal Committee.

MOTION PUT AND PASSED.

Martin Zwicker was declared the Vice Chair of the License Appeal Committee.

2. APPROVAL OF MINUTES – NONE

3. APPROVAL OF THE ORDER OF BUSINESS AND APPROVAL OF ADDITIONS AND DELETIONS

Additions: None

Deletions: None

MOVED by Martin Zwicker, seconded by Jim Jamieson

THAT the agenda be approved as presented.

MOTION PUT AND PASSED.

4. BUSINESS ARISING OUT OF THE MINUTES – NONE

5. CALL FOR DECLARATION OF CONFLICT OF INTERESTS – NONE

6. CONSIDERATION OF DEFERRED BUSINESS – NONE

7. CORRESPONDENCE, PETITIONS & DELEGATIONS

7.1 Correspondence

Correspondence was received and circulated for item 9.1.1.

For a detailed list of correspondence received refer to the specific agenda item.

7.2 Petitions – None

7.3 Presentation – None

8. INFORMATION ITEMS BROUGHT FORWARD – NONE

9. REPORTS

9.1 TAXI, LIMOUSINE & TRANSPORTATION NETWORK COMPANY LICENSING APPEALS

9.1.1 Refusal of Reinstatement of Taxi Driver License

The following was before the Committee:

- Staff report dated February 5, 2025
- Correspondence from Barish Bayraktar
- Staff presentation dated March 5, 2025

The Chair confirmed the appellant was not present. The Chair noted that the Committee received correspondence from the appellant that indicated they would not attend the meeting as their Notice of Appeal outlined the reasons for their appeal.

Karen MacDonald, Managing Solicitor and Andrea Lovasi-Wood responded to questions of clarification from the Committee. MacDonald confirmed procedural fairness requirements were satisfied as the appellant was informed of the details of the appeal proceeding via the Appeal Hearing Notification letter, which informed them of the opportunity to speak at the appeal hearing; that the appellant chose not to attend; and the appellant provided the Committee correspondence that informed the Committee they would not attend the hearing as the reasons for their appeal were outlined in the Notice of Appeal. Lovasi-Wood stated the notification letter was sent via registered mail and email, and that the appellant acknowledged receipt.

Peter Nightingale, Manager, License Standards gave a presentation.

Nightingale, MacDonald and Lovasi-Wood responded to questions of clarification from the Committee. Nightingale and MacDonald spoke to the reasons for the staff acceptance of the appellant's 2018 application given a December 2009 criminal conviction. MacDonald clarified that the 2018 application was made under a previous by-law that did not include the current By-law T-1000, *Respecting the Regulations of Taxis, Accessible Taxis, Limousines and Transportation Network Companies* requirement that a conviction of the criminal offenses listed in Schedule A within the last 10 years was a factor to be considered when an application was reviewed by the Licensing Authority.

The Committee expressed concerns that the appellant was not present to answer the Committee's questions regarding the April 2024 conviction including the circumstances of the event such as whether the assault happened during operation of a taxi and their employment background. The Committee also indicated that they could not verify the statements in the appellant's Notice of Appeal as the appellant did not provide supporting documentation to verify that the April 2024 criminal conviction was discharged in October 2024. Lovasi-Wood confirmed the appellant did not provide additional documentation.

Nightingale confirmed that Mark Crosby referenced in the Notice of Appeal was a Halifax Regional Municipality licensing support staff member who spoke with the appellant before the January 2025 application was made and advised the appellant of the application process.

MacDonald spoke to the Administrative Order One, *Respecting the Procedures of the Council* requirement that appeal motions before committees of Council were to be expressed in the positive. Once the appeal motion was placed on the floor the Committee then had two options. If they wanted to reinstate the appellant's Taxi Driver License they would vote in favour of the motion and if the Committee did not want to reinstate the license, they would vote to defeat the appeal. MacDonald clarified that if the Committee wanted to grant the appellant's appeal and place terms and conditions on the license an alternative motion would be needed.

MOVED by Jim Jamieson, seconded by Martin Zwicker

THAT the License Appeal Committee allow the appeal.

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MacDonald and Nightingale responded to questions of clarification. MacDonald stated that the Committee's decision was to be based upon the evidence before them at the appeal hearing and the Committee was to consider anything under section 44.1 of the By-law when they decided if they would allow the appeal or not. Nightingale stated the By-law provided that licenses could be issued with conditions but did not specifically list the conditions. MacDonald noted that the conditions would need to be about how the driver would operate their taxi and not to provide additional paperwork. MacDonald stated that the Committee could defer their vote on the appeal to request additional evidence.

MOTION PUT AND DEFEATED.

Decision of License Authority upheld.

10. ADDED ITEMS – NONE

11. IN CAMERA (IN PRIVATE) – NONE

12. ADJOURNMENT

The meeting adjourned at 5:43 p.m.

Andrea Lovasi-Wood
Legislative Assistant