

REASONS FOR DECISION OF THE TORONTO LICENSING TRIBUNAL

Date of
Hearing: July 9, 2015

Panel: Leigh Lampert, Chair; Moira Calderwood and Anna Walsh, Members

Re: Ramesh Ajodha Seenath
Applicant for Renewal of Taxicab Owner's Licence No. V02-0043758,
Plate No. 3038

Counsel for Municipal Licensing and Standards: Mr. David Tortell

Mr. Seenath appeared on his own behalf and without legal representation. He was reminded of his right to legal representation and he declined and confirmed that he wished to proceed alone.

An Agreement of Fact was signed by both Mr. Seenath and a representative of Municipal Licensing and Standards ("MLS") in which the parties agreed to the facts set-out in Report No. 6384 dated May 7, 2015.

INTRODUCTION

Ramesh Seenath has been a taxi owner and driver for many years. He also has a criminal record dating back to 1981, with convictions for offences such as fraud, several assaults, and numerous convictions for failing to comply with a condition of undertaking or recognizance (i.e. for disobeying a court order). He also has some bylaw convictions and convictions under the *Highway Traffic Act*.

In 2008, Mr. Seenath appeared before the Tribunal and his licence had conditions placed on it, including a condition that during the 3-year probationary period he report any charges or convictions under the *Criminal Code* or the *Highway Traffic Act* to MLS within 3 business days. In fact, Mr. Seenath breached this condition repeatedly in that he incurred numerous charges and convictions that were not reported.

CITY'S EVIDENCE

Terry Van Elswyk, Supervisor of Licensing Services, was called to testify. Report No. 6384 dated May 7, 2015 was entered into evidence as Exhibit 1 along with the Agreement of Fact referenced above. Neither the City's counsel nor Mr. Seenath had any questions for the witness.

Mr. Seenath chose not to testify nor did he call any witnesses.

July 9, 2015

SUBMISSIONS

The parties jointly agreed on a probationary period of 3 years, including a condition that Mr. Seenath be required to report any new charges or convictions under the *Criminal Code*, the *Toronto Municipal Code* or the *Highway Traffic Act* to MLS within 3 business days.

The City, however, is also asking that his licence be suspended for a period of 4 days to reflect the seriousness of his previous breaches and so that these failures have consequences.

Mr. Seenath advises that he is 67 years old and that his wife is ill. He is her sole caregiver and as a result, he has had to reduce the number of hours he works each week. He supports himself and his wife financially through the operation of his taxicab business. His last recorded criminal offence was approximately 8 years ago. He states that every day that he is suspended has a real financial effect on him and his wife and he asks for the licence to have conditions imposed upon it but no suspension.

DECISION & REASONS

The Tribunal considers the criminal record as well as the other convictions to be very serious in nature. In addition, the lack of compliance with court orders as well as with a previous probationary order and reporting condition made by this Tribunal are of concern. Nonetheless, there has been no recent criminal activity and the Tribunal wishes to strike a balance between – on the one hand - protecting the public and ensuring that Mr. Seenath conducts his business with honesty and integrity – and on the other hand – allowing Mr. Seenath to earn a living to support himself and his wife.

We believe that a licence with certain conditions is the right way to strike this balance. Accordingly, the licence will be renewed effective immediately and will have the following conditions placed upon it:

1. The licence will be suspended for a period of 3 days, commencing on July 10, 2015.
2. Immediately upon being renewed, the licence will be placed on probation for a period of 3 years, effective immediately.
3. Prior to each of the next 3 renewals of the licence, Mr. Seenath must provide MLS, at his own expense, an updated criminal record check.
4. During the probationary period, if Mr. Seenath incurs any new charges or convictions under the *Criminal Code*, the *Toronto Municipal Code* or the *Highway Traffic Act*, he must notify MLS in writing within 3 business days in one of the following ways:
 - a. delivery in person to the licensing office at 850 Coxwell Ave., Toronto, Ontario M4C 5R1
 - b. by ordinary or registered mail to the above address;
 - c. by electronic mail to mlsconditionreporting@toronto.ca; or

July 9, 2015

- d. by fax at (416) 392-3102.
5. If there are any new charges or convictions during the probationary period which raise a concern to MLS staff, then this matter, including this report and any updating material, may be brought back before the Toronto Licensing Tribunal for a full hearing.

Originally Signed

Leigh Lampert, Chair
Panel Members, Moira Calderwood and (Hedy) Anna Walsh concurring

[Reference: Minute No. 102/15]

Date Signed: July 13, 2015