

REASONS FOR DECISION OF THE TORONTO LICENSING TRIBUNAL

Date of

Hearing: January 7, 2016

Panel: Aly N. Alibhai, Chair; Moira Calderwood and (Hedy) Anna Walsh, Members

Re: Estate of Yeuk-Yu Peter Wong
Wai Ng Wong, Estate Trustee
Holder of Taxicab Owner's Licence Nos. V02-4534316 and V02-4534317
for Taxicab Plate Nos. 793 and 3262

Counsel for Municipal Licensing and Standards: Mr. Matthew Cornett

INTRODUCTION

The Estate of Yeuk-Yu Peter Wong, Mrs. Wai Ng Wong, Estate Trustee (hereinafter "Estate Trustee") requested to appear before the Toronto Licensing Tribunal (the "Tribunal") to determine if an extension can be granted for Taxicab Plate Nos. 793 and 3262 to remain in the Estate of Yeuk-Yu Peter Wong pursuant to Article VIII, §. 545-138.1 of the *City of Toronto Municipal Code*, (the "*Code*"). The Applicant waived her right to legal counsel and acknowledged her understanding of the matter before her.

FACTS

The parties proceeded on an agreed statement of facts.

Mr. Yeuk Yu Peter Wong passed away on January 8, 2015.

On March 24, 2015, Taxicab Owner Application Nos. B544316 and B544317 were submitted and Licence Nos. V02-4534316 and V024534317 were issued by Municipal Licensing and Standards ("MLS") to the Estate of Yeuk-Yu Peter Wong. These licences expire on January 8, 2016.

The Estate Trustee therefore requested to appear before the Tribunal to determine whether or not an extension can be granted for the two Taxicab Owner's Licences to remain in the Estate of Yeuk-Yu Peter Wong in accordance with §. 545-138.1 F of the *Code*.

ISSUE

The *Code* provides that an estate has twelve months to dispose of licences and that at the end of that twelve month period, the licences expire. The Tribunal may extend this period. The City proposed an extension pursuant to § 545-138.1 F of the *Code* of nine (9) months. The Estate Trustee requested an extension of twelve (12) months.

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Accordingly, the issue before the Tribunal was whether to grant an extension for the two Taxicab Owner's Licences to remain in the Estate of Yeuk-Yu Peter Wong pursuant to §. 545-138.1 F of the *Code* and, if so, the duration of any such extension.

ANALYSIS

§ 545-138.1 E and F of the *Code* provide as follows:

§. 545-138.1 Death of owner

E. Where a licence has been issued to the estate of the deceased taxicab owner in accordance with Subsection C, the licence shall terminate one year from the date of death of the deceased taxicab owner.

F. The Toronto Licensing Tribunal may, in its discretion, extend the one-year period referred to in Subsection E either before or after its expiry.

Counsel for the City of Toronto, Mr. Matthew Cornett, took the position that an extension of nine (9) months under §. 545-138.1 F of the *Code* is reasonable. Mr. Cornett submitted that although there is some uncertainty regarding how the City of Toronto will deal with passenger transportation services that are currently unregulated, it is expected that the City will have made some decisions in this regard by April or May of 2016. Accordingly, Mr. Cornett noted that a nine month extension should provide the Estate Trustee with sufficient time to dispose of the two Taxicab Owner's Licences. Mr. Cornett also noted that extensions that have been granted by the Tribunal in accordance with §. 545-138.1 F of the *Code* have been for a period of no more than nine months and therefore, an extension beyond nine months in this case would be inconsistent with other similar cases. Mr. Cornett observed that if, for whatever reason, the Estate Trustee is unable to dispose of the two Taxicab Owner's Licences in the nine month period, the Estate Trustee can again come before the Tribunal to seek a further extension. Mr. Cornett also submitted that it is necessary to keep Taxicab Owner's licences active and that an extension of greater than nine months would not be keeping with this objective of the City.

The Estate Trustee testified that the current market conditions for Taxicab Owner's Licences are such that it is difficult to find purchasers for such licences. The Estate Trustee testified that the number of unregulated passenger transportation services that are now available to consumers means that it is more difficult to find buyers for Taxicab Owner's Licences and therefore, that it now takes more time to sell such licences. She stated that she has not been successful in selling the licences in question here. Accordingly, the Estate Trustee took the position that the Tribunal should exercise its discretion under §. 545-138.1 F of the *Code* to grant a twelve (12) month extension instead of a nine (9) month extension as proposed by the City of Toronto.

While the Tribunal acknowledges the difficulty in respect of the timing of efforts to dispose of Taxicab Owner's Licences given the current market conditions and pending the outcome of deliberations by Council of the City of Toronto concerning the possible regulation of passenger transportation services such as Uber, the Tribunal is mindful of the fact that all Taxicab Owner Licensees face similar challenges and circumstances. In

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this case, the Estate Trustee did not present the Tribunal with any compelling reasons why it ought to be treated any differently than other Taxicab Owner Licensees facing the same market conditions for the sale of such licences.

The Tribunal noted the importance of being fair and consistent in its treatment of all estates seeking extensions for the disposition of Taxicab Owner Licences pursuant to §. 545-138.1 F of the *Code*, as well as the requirement to keep such licences active with a view to ensuring that they do not remain in an estate in perpetuity.

Accordingly, the Tribunal exercised its discretion under §. 545-138.1 F of the *Code* to grant the Estate Trustee a nine (9) month extension.

CONCLUSION

For the foregoing reasons, the Tribunal held that an extension of nine (9) months from the date of the hearing be granted for Taxicab Plate Nos. 793 and 3262 to remain in the Estate of Yeuk-Yu Peter Wong pursuant to Article VIII, §. 545-138.1 F of the *Code*.

Originally Signed

Aly N. Alibhai, Chair
Panel Members, Moira Calderwood and (Hedy) Anna Walsh concurring

[Reference: Minute No. 2/16]

Date Signed: January 13, 2016