

REASONS FOR DECISION OF THE TORONTO LICENSING TRIBUNAL

Date of Hearing: July 14, 2016

Panel: Moira Calderwood, Chair; Melina Laverty and Richard Quan, Members

Re: Adil Kanan
Applicant for a Tow Truck Driver's Licence (Application No. B646299)

Counsel for Municipal Licensing and Standards: Ms. Brennagh Smith

INTRODUCTION

Mr. Kanan applied to Municipal Licensing and Standards (MLS) of the City of Toronto for a tow truck driver's licence.

MLS turned down his request.

Mr. Kanan appealed MLS's decision and the Toronto Licensing Tribunal held a hearing about this on July 14, 2016.

Issue

Mr. Kanan asked the Tribunal to grant him a Tow Truck Driver's licence. MLS opposed this request, due to Mr. Kanan's criminal convictions, and record of driving infractions.

Testimony of Mr. Van Elswyk

Mr. Terry Van Elswyk, Supervisor of Licensing Services, testified on behalf of MLS. Through this witness, MLS submitted into evidence Report No. 6575, with the exception of page 5, as Exhibit 1. Page 5 of Report No. 6575 was entered as Exhibit 2, and sealed. Mr. Van Elswyk's staff prepared the report and it bears his signature.

An entry from the Integrated Court Offences Network (ICON), showing a recent *Highway Traffic Act* (HTA) charge against Mr. Kanan, printed out on July 13, 2016, was entered as Exhibit 3.

Through this documentation, plus his testimony, Mr. Van Elswyk told the Tribunal:

- Mr. Kanan's criminal record includes convictions dating from 2006 through to 2008, with a further incident on May 12, 2012 that led to criminal charges (as will be discussed further below). Mr. Kanan's convictions include offences in three main categories: weapons, threatening/criminal harassment and forgery/falsification.
- Mr. Kanan has six convictions under Ontario's HTA, incurred between 2010 and 2012, and five outstanding HTA charges. Four of the outstanding charges were incurred on December 18, 2015, and are scheduled to return to court in October 2016. The fifth was incurred on June 11, 2016, and its disposition also remains outstanding.

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- In March 2016, MLS sent Toronto Police Services (TPS) a request under the *Municipal Freedom of Information and Protection of Privacy Act* (MFIPPA) attempting to obtain further information about certain offences that occurred in January 2008 and May 2012.
- In June 2016, TPS responded to Mr. Van Elswyk, sending some further information about the May 2012 offences, but refusing to provide further information about the 2008 events, on the basis that TPS was “not satisfied of its relevance to the purpose of your investigation.”
- Mr. Van Elswyk advised the Tribunal that the conversation about MLS access to TPS information, in the context of preparing Tribunal reports, is going “up the chain” and the issue has not yet been fully resolved.
- The only information available to MLS regarding the 2008 convictions is found in the ICON reports showing that Mr. Kanan has two convictions registered in 2008, related to “CCC 264(1) – Threaten Death/Bodily Harm.” In view of the TPS’s decision not to provide further information, MLS does not have further details about these convictions.
- The TPS information about the May 2, 2012 events consisted of an Occurrence Report, including a synopsis which set out that:
 - Just after midnight on May 2, 2012, the victim was driving northbound on Islington Avenue, with a friend, in the left lane of the roadway.
 - A car containing people whom the victim knew was driving in the right lane. The occupants of the two cars were communicating and gesturing back and forth. Mr. Kanan, who was driving behind, observed this and believed the occupants of the two cars were having an altercation.
 - Mr. Kanan intervened, displaying “red and blue flashing lights, mimicking that of police emergency lights,” using an “application” on his cell phone.
 - The victim believed Mr. Kanan was a police officer and slowed down his vehicle. Mr. Kanan pulled up beside the victim and yelled at him, including the statement “I’m going to kill you.” The victim realized that Mr. Kanan was not a police officer, and pulled away.
 - Mr. Kanan pursued the victim, overtook the victim’s vehicle, and pulled in front, stopping the victim’s vehicle. Mr. Kanan stood in front of the victim’s vehicle, yelling that the victim was following him. The victim saw something sharp in Mr. Kanan’s hand, which he (the victim) believed was a knife.
 - The victim reversed but Mr. Kanan proceeded towards him. The victim drove forward slowly “which caused the accused [Mr. Kanan] to have to push himself off the hood of the vehicle to get out of the way (no injuries sustained).”

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- The victim drove away and Mr. Kanan pursued him, and made a “shooting” gesture with his hand.
 - Police later arrested Mr. Kanan at his residence. Mr. Kanan “readily admitted to using his cellphone to display red and blue flashing lights mimicking those of police emergency lights...”
- Report 6575 contains a chart which MLS prepared, setting out Mr. Kanan’s charges and convictions. Line 6 of that chart reports that on June 24, 2014, Mr. Kanan was convicted of “CCC 264(1) – Threaten Death/Bodily Harm” and “CCC 130 – False Use of Police Badge” in charges arising from the May 2, 2012 incident.
- As part of the application process, Mr. Kanan submitted to MLS a Police Criminal Record Check, reporting a search done on February 10, 2016. Mr. Van Elswyk acknowledged that this document does not reflect any convictions subsequent to 2008. Mr. Van Elswyk does not know why any convictions related to the May 2012 matters are not reflected on the 2016 criminal record check document, although he commented that some police forces do not include information about conditional discharges on such documents.
- Mr. Kanan’s HTA convictions include one count of speeding in August 2010, one in October 2010 of “Drive Motor Vehicle Contravening Condition,” one from April 2011 of speeding 70 kilometers per hour (KPH) in a 60 KPH zone, one from December 2011 of speeding 50 KPH in a 40 KPH zone, one from March 3, 2012 of disobeying a lane light and one from March 30, 2012 of disobeying a sign.
- Exhibit 3 shows that on June 11, 2016, Mr. Kanan incurred a further HTA charge, “amber light f[ai]l to stop.” This charge has not yet proceeded to trial.

Testimony of Mr. Kanan

During the course of his direct testimony and Ms Smith’s cross-examination, Mr. Kanan provided further information with respect to his background, his current circumstances, his criminal record and his record of HTA offences.

- With respect to criminal charges (theft) which were laid but withdrawn in 2011, Mr. Kanan explained that he had his father’s car. There was a car stereo on the back seat of the car, which had been removed from a car that was to be scrapped. He believes that the police thought this was stolen property. There were tools in a toolbox in the car, which he believes the police assumed was equipment to break into vehicles. All of this led to charges being laid. His father attended the police station and cleared things up.
- With respect to the outstanding HTA charges from December 2015, he commented that he is fighting these charges.
- With respect to the May 2012 incident, he stated that no conviction appears on his police Criminal Record Check, as he was given a conditional discharge. MLS

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asked him to provide a Criminal Record Check, and he did so. He was not trying to hide anything.

- Mr. Kanan's version of the May 2012 events is as follows:
 - He was coming from Queensway Cinema with his girlfriend (Ms Altimirano, who testified later in the hearing).
 - A car ahead of them had five males in it, some of whom were hanging out of the car and making gun symbols. They were bothering a lady who was driving another car. The horn in his car did not work at the time.
 - He took out his cell phone and turned on the flashlight function. He got the attention of one of the men. [Mr. Kanan demonstrated, during the hearing, his cell phone's flashlight function, which produces a white light.]
 - He acknowledges that he swore and used profanity in his interaction with the men, asking them, "What are you doing?" and telling them, "Leave her alone." He denies saying that he was going to kill them.
 - He passed the other car, stopped, got out and faced towards them (facing southbound). The driver "rammed" him by continuing to drive northbound. He put his hands on the hood of the oncoming car.
 - He returned to his car and drove around for a while as he did not want the occupants of the other car to follow them to his girlfriend's home. Eventually, he dropped his girlfriend at her home, and he went home.
 - Around 3 a.m. the police went first to his girlfriend's home (he does not know how the police knew her location), then to his home, and arrested him.
 - He willingly gave the police a statement.
 - The "light" he referred to was the flashlight function on his phone. He acknowledges using that light.
 - The police decided to charge him with having a police badge.
 - Thus, he got himself into more trouble. He would have had no motivation for doing this. His "uncle" (subsequently identified as Mr. Bahor, who testified in the hearing) bailed him out.
 - He kept in touch with the police officers. There was no evidence against him, except the witness statement. They found no sharp object. They found no knife. The police found his handprints on the hood of the other vehicle, confirming that he had to push himself off the hood when the driver proceeded towards him.

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- A lawyer helped him fight this case. He spent approximately \$6000 on his defence. At trial, he accepted a deal to get a conditional discharge. He did not have funds to fight the charges.
- The men in the car were bothering the lady in the other car. He recognizes that he did not deal with it in the best way. He should have called the police.
- He lost a lot because of these charges.
- His last criminal charge, previous to this, was in 2008. From 2008 until now, he has had no further criminal convictions. As a result of the 2012 incident, he lost his opportunity to be deployed in August 2012 by the military as a combat engineer, as the military would not deploy a person with pending criminal charges. He had also started the process to obtain a pardon respecting earlier convictions, and had to restart the process after the 2012 incident.
- He is now in a committed relationship, with a 1 year 5 month-old daughter, and a house/mortgage. His level of responsibility has changed. He is trying to make a living.
- Mr. Kanan briefly reviewed for the Tribunal documentation he had provided to MLS and which was incorporated into Report 6575, including:
 - A cover letter from Mr. Kanan to Mr. Van Elswyk, dated March 16, 2016; this letter states in part, "In regards to my 2012 convictions, I was under the assumption that I had received a conditional discharge sentence which would not have registered conviction after completion."
 - A letter dated March 1, 2016 from Mr. Bahor, stating that Mr. Kanan has worked for him for two years, with a positive record, and adding that he has had trouble retaining professional and punctual tow truck drivers, and wishes to employ Mr. Kanan in that position.
 - Memorandum by Mr. Kanan setting out his circumstances
 - A certificate showing Mr. Kanan completed self-management and assertiveness training in April 2004.
 - A certificate showing Mr. Kanan completed self-management and assertiveness training in February 2008.
 - Mr. Kanan's Ontario Secondary School Diploma dated June 27, 2011.
 - Mr. Kanan's Ontario Student Transcript.
 - A letter attesting to Mr. Kanan's 2010 involvement with West Scarborough Neighbourhood Community Centre (Boys & Girls Club).
 - A letter dated October 24, 2011 stating that Pardons Canada was processing Mr. Kanan's application for a pardon.

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- A certificate showing Mr. Kanan completed National Fire Protection Association (NFPA)-compliant High Angle Rescue Awareness Level on April 29, 2012.
- A certificate showing Mr. Kanan made a “special contribution” to the Toronto Distress Centre, Scarborough Branch, in 2012.
- A letter dated August 20, 2012 attesting to Mr. Kanan’s “incredible leadership and support to initiatives that YOUTHLINK has undertaken...since 2006.”
- In cross-examination, Mr. Kanan outlined his employment history:
 - From approximately 2009-2010, he worked for Garda Security. For the last 8 months of that employment, he worked in cash transit. He had a licence to carry a firearm. He left Garda Security on good terms in 2012, before the May 2012 incident.
 - For approximately 3-4 years up to 2012 (including some time that overlapped with his employment at Garda Security), he worked for Lockdown Security, a company that deals with vehicles and automobile electrics.
 - With the charges in May 2012, he was “stripped” of everything – his firearms licence, his security licence. The Canadian forces would not deploy him. He reached out to the police to try to fix things.
 - On September 7, 2012, he obtained a City of Toronto contract to work as a GFL truck driver. He needed a BZ licence for that work. He did the training for the licence.
 - He also works currently, part-time, at Metro One Auto Collision, owned by Mr. Bahor. The company owns a tow truck and needs a driver for it. If he obtains the licence, he would be able to work driving this tow truck.
- On cross-examination regarding convictions from 2006, Mr. Kanan stated that the charges arose from his carrying a BB-gun as part of a Halloween costume.
- On cross-examination regarding convictions from 2007, Mr. Kanan stated that he was hanging out with the “wrong” crowd, that is, people who had equipment to make fake credit cards. He was not personally involved with forging credit cards, but was with the people who had the equipment when they were all arrested. He pleaded guilty.
- On cross-examination regarding convictions in November 2008 resulting from charges laid in January 2008 respecting threatening death or bodily harm, Mr. Kanan stated that he did not remember the circumstances of the events, but that it likely was in the context of a high school fight. When pressed, he said he did not want to push his recollection and end up making a false statement. He stated that the matter went to trial but that he pleaded guilty on the day of the trial. He had a Legal Aid lawyer.

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- On cross-examination regarding an April 2011 criminal harassment charge marked “withdrawn,” Mr. Kanan stated this related to his telephone contact with a former girlfriend. He recalled that on October 3, 2011, he entered into a peace bond with a condition that he have no further contact with that person.
- On cross-examination regarding the May 2, 2012 incident, Mr. Kanan maintained that the light he displayed on his cell phone was white, even when confronted with police statements indicating that the lights were blue and red, and that he admitted to the police at the time that he had an “app” (cell phone application) that produced blue and red lights. He added that the police seized his phone and “found nothing” and that they searched the vehicle and found nothing. Mr. Kanan said that although I-phones may now come with a flashlight function, in 2012 this effect was produced through downloading an app. He did not download a police lights app. He accepted a plea bargain and pled guilty to all the May 2012 charges to avoid additional legal fees.
- In cross-examination, Mr. Kanan acknowledged that (as stated in the police report) he has a tattoo on his arm stating “ETF,” for Emergency Task Force, and has sergeant’s chevrons tattooed on his arm. He has done tactical training. He did want to be a police officer, but he did not impersonate a police officer in May 2012.
- Mr. Kanan submitted an unsigned certificate, dated June 30, 2016, showing he had completed a 4-day defensive driving course at All Seasons Driving School. Mr. Kanan also testified that he had completed this course, attending over two weekends, on Saturdays and Sundays. The certificate was entered as Exhibit 4.
- Mr. Kanan submitted an updated copy of his Driver’s Abstract, dated July 12, 2016. It was entered as Exhibit 5. It showed no convictions over the past three years, and zero current demerit points.

Testimony of Mr. Osama Bahor

During the course of his direct testimony and Ms Smith’s cross-examination, Mr. Bahor provided information including the following:

- He owns J&B Motors Inc. and Metro One Auto Collision.
- He has known Mr. Kanan since 2003, and is friends with his father, who is like a brother to him. He is an “uncle” to the family. Mr. Kanan sometimes calls him “uncle.”
- Mr. Kanan made many mistakes, but he has turned 180 degrees and has started a new life. In 2012, he bailed Mr. Kanan out when he faced criminal charges.
- He has a \$90,000 tow truck sitting idle at his business. He has had difficulty finding honest tow truck drivers and has fired six of them. On cross-examination, he clarified that he has two tow trucks and employs six or seven full-time drivers.

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- He trusts Mr. Kanan 100 percent and believes the Tribunal should give him a chance.
- If Mr. Kanan had a tow truck driver's licence, he could offer him 40-50 hours per week of work, on variable shifts including night and evening shifts. He really needs Mr. Kanan working as a tow truck driver in his business.
- On cross-examination, Mr. Bahor stated that he typed the letter under his signature which Mr. Kanan submitted to MLS.
- On cross-examination, he stated that tow truck drivers may transfer clients in the tow truck. They process payments over the phone. From 9 a.m. to 6 p.m., he is in the office processing payments. Mr. Kanan will be involved in processing payments but he (Mr. Bahor) will be supervising what gets charged. He fired two tow truck drivers for overcharging customers.
- He has been in business for 13 years, with zero complaints.

Testimony of Ms. Karen Altimirano

The Tribunal ordered that Ms Altimirano be excluded from the hearing room during the testimony of other witnesses for Mr. Kanan, and she was not present during their testimony. During the course of her direct testimony and Ms Smith's cross-examination, Ms Altimirano provided information including the following:

- She was present in the car with Mr. Kanan during the May 2, 2012 incident and recalls as follows:
 - There was a car full of men bothering someone in a car in the right hand lane. Mr. Kanan got their attention using his phone's flashlight and told them to stop. They then drove north on Islington. The car followed them and stopped. Mr. Kanan got out and asked the occupants of the other car what the problem was. They tried to hit Mr. Kanan with their car. He pushed off from their car with his hands. The other car took off.
 - Mr. Kanan got back in the car. They turned on Eglinton.
 - Mr. Kanan was trying to help the lady in the vehicle beside the other car. He has an instinct to help and didn't think about it. But it didn't turn out in his favour.
- In cross-examination, Ms Altimirano stated:
 - During the incident, she stayed in the car.
 - Mr. Kanan did not say, "I am going to kill you."

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- She turned around and looked through the back window. She kept the windows rolled up. She was scared for Mr. Kanan. The other people tried to hit him with their car.
- Ms Smith pointed out that Mr. Kanan said in his letter to MLS, “Karen screamed thinking I had been run over and ran out realizing I was fine and sustained no injuries, at that moment we got back into my vehicle...” Ms Altimirano maintained that she did not get out of the car.
- Mr. Kanan did not use red and blue lights to get the attention of the people in the other car.

Submissions

Ms Smith stated that the Tribunal should not issue a tow truck driver’s licence to Mr. Kanan. MLS had concerns about Mr. Kanan’s honesty and integrity, and about public safety.

Concerns about Mr. Kanan’s honesty and integrity arise from his charges and convictions involving fraudulent activity with respect to credit cards. Tow truck drivers are regularly in contact with credit card information of clients.

Concerns about public safety arise from Mr. Kanan’s charges and convictions involving weapons-related offences, and harassing or threatening behaviour. Ms Smith pointed out that Mr. Kanan claimed to have no memory, or at best selective memory, about various incidents reflected on his criminal record, and failed to offer mitigating information for some of the incidents.

With respect to the May 2012 incident, Ms Smith noted that the police information states that Mr. Kanan said, “I am going to kill you,” while Mr. Kanan and Ms Altimirano stated he did not say this, but Ms Altimirano also said she was in the car with the windows rolled up.

Ms Smith submitted that Mr. Kanan’s HTA record of 8 withdrawn charges, 6 convictions, and a number of outstanding charges, is also of concern in a person applying for a tow truck driver’s licence.

Ms Smith very fairly acknowledged that Mr. Kanan provided some evidence of taking steps to turn his life around, such as taking a driver’s course, and also that he now has a family, including a young child, to support. She commented that he does have other means of employment, for example, by returning to work as a security guard or continuing his work in Mr. Bahor’s shop.

That said, Ms Smith submits that, in balancing the competing interests, the Tribunal should deny Mr. Kanan’s application for a licence.

Mr. Kanan acknowledged that he has a rough history and has made mistakes. He came from a rough neighbourhood and hung out with the wrong crowd when he was younger.

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Mr. Kanan asserted that, during the hearing, he told what he could remember and said he could not remember, if he couldn't.

Mr. Kanan submitted that finding employment is hard. He cannot return to security work due to his involvement with the law.

Mr. Kanan noted that the last conviction on his criminal record is 2008, and that his driver's abstract shows zero offences.

Mr. Kanan pointed out that he now has a family, a mortgage on his house and many expenses. Mr. Bahor has been helping him out. He cannot survive financially on what he is earning at the present time. Having a towing job would allow him to be more financially secure.

With respect to processing payment for towing services, Mr. Kanan observed that most runs are billed to a customer's insurance company, and that Mr. Bahor would be supervising all transactions. Mr. Bahor has the point-of-sale machine and processes payments. Finding honest drivers is an issue and he has witnessed Mr. Bahor, in the past, let go drivers who engaged in misconduct.

Mr. Kanan said he will "100%" adhere to any conditions the Tribunal might impose. He is asking for a chance to have full time work and to move on from his past. He has been down, and has picked himself up and made changes. If the Tribunal gives him a chance, he will prove himself. He will take the opportunity and run with it. He is 26 years old and has already achieved a child, a family and a house. He is a person who meets his goals.

Analysis and Decision

The Tribunal decided to grant Mr. Kanan a tow truck driver's licence, with conditions.

Mr. Kanan acknowledged that he underwent a troublesome criminal period as a teenager, up until 2008. The Tribunal indeed found aspects of that record – including convictions for weapons-related offences and involving harassment or threatening – very, very concerning. We also noted that the record revealed numerous withdrawn charges over the years. There is no doubt that Mr. Kanan got into serious trouble as a younger man.

Apart from the charges of May 2, 2012 (which we will discuss further, below), the record does not reveal any further criminal convictions from 2008 to present, that is, for a seven year period. Criminal charges which were eventually withdrawn appear up until April 2011, but ceased more than five years ago.

A key question in this case is what to make of the events of May 2, 2012, the resulting charges, and what the record shows regarding conviction. Mr. Kanan and Ms Altimirano, who were both present, recalled very similar versions of events. On our careful reading of the TPS information, it is alleged that Mr. Kanan said, "I'm going to kill you," while he and the victim were both in their respective cars, when he first pulled up alongside, rather than later, when he exited his car. Thus, the alleged threat was not made during the second encounter, when Mr. Kanan faced southbound on Islington and

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Ms Altimirano (on her version of events) stayed in the car with the windows rolled up. There is nothing to suggest that Ms Altimirano would not have been in a position to hear the first conversation, the one which allegedly included the threat, and she said she did not hear Mr. Kanan making a threat.

Similarly, both Mr. Kanan and Ms Altimirano were steadfast in saying that Mr. Kanan used a white cellphone light rather than a blue and red flashing light application, while the police report says that he used the latter, and even says that he acknowledged using such an app. It is difficult for the Tribunal to know where the truth lies on this point.

While all of this is somewhat murky, what is clear is that Mr. Kanan pleaded guilty to the two May 2012 offences. Unfortunately, what happened next is, again, less than clear. Mr. Kanan has asserted all along, including in his March 16, 2016 letter to Mr. Van Elswyk, that he was under the impression that he received a conditional discharge. The fact that the charges do not appear on his Criminal Record Check supports this position, as both Mr. Van Elswyk and Mr. Kanan stated that a Criminal Record Check might not include charges disposed of by way of conditional discharge.

In the end, the Tribunal looked at the May 2012 offences this way: they evidenced very rash actions on the part of a young (22 year-old) man who may not always have thought before he acted, resulting in criminal charges and a guilty plea. But, that said, these events took place over four years ago and Mr. Kanan's record has been much less troubling since that time.

Taking into account all of the evidence before us respecting Mr. Kanan's employment, education and social history (including, his employment from 2009 onwards which included cash transfer responsibility while at Garda, his completing high school in 2011, his seeking a pardon in 2011, his various volunteer activities, and his efforts to improve himself by completing courses including, most recently, a defensive driving course), we were satisfied that he had embarked on a pattern of improvement from approximately 2009 onwards. While the improvement has not been without missteps, we were satisfied that overall it showed great effort on Mr. Kanan's part, particularly since mid-2012 onwards, that is, for over four out of his 26 years.

Mr. Kanan's driving record also caused the Tribunal some concern, and it includes very recent charges, December 2015 and June 2016, which are still before the courts. The existing HTA convictions, however, while not ideal in an applicant for a tow truck driver's licence, were on the less serious end of the spectrum, such as failing to comply with a sign or light, speeding 50 KPH in a 40 KPH zone, or 60 KPH in a 50 KPH zone. Any convictions arising from the outstanding charges shall be brought to MLS's attention via a reporting requirement, as set out below, and MLS can then decide on the best course of action.

We thought that Mr. Kanan had an excellent source of support in Mr. Bahor, and there was nothing before us to contradict Mr. Bahor's and Mr. Kanan's testimony to the effect that Mr. Bahor will offer Mr. Kanan a well-paying job, will supervise him, will not tolerate dishonesty in an employee and will not hesitate to fire employees who do not meet his standards.

Mr. Kanan is now the father of a child, owns a home, and has financial and moral obligations arising out of that status. Ms Altimirano, their child, and Mr. Bahor all stayed

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in the hearing room with Mr. Kanan (except, of course, when our order excluded Ms Altimirano) throughout a very long day of Tribunal hearings, running until after 6:30 p.m. We gained the impression that Mr. Kanan has strong and important positive relationships in his life, which we hope will further encourage him to keep his licence in good standing.

Taking together all of Mr. Kanan's, Mr. Bahor's and Ms Altimirano's testimony, the remote date of some of the worst offences, and Mr. Kanan's own age and stage in life, the Tribunal was left with the strong impression that this was an applicant who has tried to make positive changes in his life, and should be given a chance to prove that he has successfully turned his life around. We also took into account Mr. Van Elswyk's testimony as to why MLS has concerns, and we agree there are grounds for concern, but in our view, the concerns could be adequately met, and the public interest protected, in this case by imposing a probationary period with strict conditions.

In reaching our decision, we applied the Tribunal's mandate, set out in part in the Toronto Municipal Code, § 545-3.B(3), subsection (c):

Have regard for the need to balance the protection of the public interest with the need for licensees to make a livelihood.

DECISION

For the reasons set out above:

Mr. Adil Kanan will be issued a tow truck driver's licence, subject to the following conditions:

- Immediately upon being issued, the licence will be placed on probation for a period of four (4) years, commencing on the date of issuance. (Given the late hour that the hearing concluded, MLS's administrative offices were closed, so we were not certain exactly when Mr. Kanan would attend and actually receive his licence).
- Prior to each of the next four renewals of the licence, Mr. Kanan must provide to MLS, at his own expense, an updated abstract of his driving record and criminal record.
- For the first two years of the probationary period, Mr. Kanan must provide to MLS, at his own expense, an updated criminal record check every six months, counting from the date of issuance of the licence (for a total of four criminal record checks over the two-year period).
- For the third and fourth years of the probationary period, Mr. Kanan must provide to MLS annually, prior to the renewal dates, at his own expense, an updated criminal record check.
- During the probationary period, if Mr. Kanan incurs any new charges or convictions under the *Toronto Municipal Code*, the *Highway Traffic Act* or the *Criminal Code*, he must notify MLS, in writing, within three (3) business days, in one of the following ways:

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- in person at 850 Coxwell Ave, Toronto, Ontario M4C 5R1
 - via regular mail to: 850 Coxwell Ave, Toronto, Ontario M4C 5R1
 - via email to mlsconditionreporting@toronto.ca, or
 - via fax at 416-392-3102.
- During the probationary period, if MLS has concerns with any new charges or convictions, it shall bring those matters and report No. 6575, and any updating material, back before the Tribunal for a full hearing.

Originally Signed

Moira Calderwood, Chair
Panel Members, Melina Laverty and Richard Quan concurring

[Reference: Minute No. 116/16]

Date Signed: September 6, 2016