

REASONS FOR DECISION OF THE TORONTO LICENSING TRIBUNAL

**Date of
Hearing:** May 21, 2015

Panel: Lionel Miskin, Chair; Moira Calderwood and (Hedy) Anna Walsh, Members

Re: Kevin Singh
Holder of Tow Truck Driver's Licence No. D09-3845853

Counsel for Municipal Licensing and Standards: Mr. David Gourlay

INTRODUCTION

The Licences had been instructed to attend a hearing before the Toronto Licensing Tribunal to determine if his tow truck drivers licence should be suspended, revoked, or have conditions placed on it, pursuant to City of Toronto Municipal Code, Chapter 545, Section 545-6, Subsections B, C (1) (2) (3) and D (1), as amended. He had been a licensed tow truck driver in the City of Toronto from July 1999, to September, 2005, and again from May, 2009, to the present.

Although it appeared that the Licencee had been duly served with notice of this hearing, he failed to appear. Various attempts by Tribunal staff to contact him at the telephone number which he had provided proved unsuccessful. Given the seriousness of the allegations made against him, the Tribunal decided to proceed ex parte.

City counsel produced two witnesses, Detective Constable Jackie Brown, a member of the Toronto Police Service, who was the lead investigator concerning the allegations made against the Licencee, and Mr. Kevin Lurkhur, who identified himself as a standards officer employed by Municipal Licensing and Standards for bylaw enforcement.

The testimony of Detective Constable Brown established that on June 29, 2014, the Licencee was the driver of a tow truck which went out of control at about 4:45 a.m. The vehicle ran over one or more lawns and violently struck four residential buildings causing damage with an aggregate value of approximately \$20,000.00 as well as about \$4,000.00 of damage to the truck. The Licencee fled the scene of the accident and failed to report it. When interviewed by Detective Constable Jackie Brown the Licencee acknowledged these events, but either refused or could not explain why he lost control of the truck. He was charged with Careless Driving, Failing to Report, and Failing to Remain. At the time of this hearing those charges were still pending.

Mr. Lurkhur tendered Municipal Licensing and Standards report number 6285 dated October 23, 2014, which he said had been drafted by him, reviewed by his manager, Rose Burrows, and signed by her. This report was entered into evidence as exhibit No. 1.

As well as the charges referred to above, the report disclosed that the Licencee had incurred nine convictions under the Highway Traffic Act between December, 2009, and September, 2013, all of them in the course of driving a tow truck.

DECISION

The Tribunal refers to City of Toronto Municipal Code, Chapter 545, Section 545-4, Subsection C (1) (a), (b) and (e). Based on the evidence outlined above, the Tribunal is satisfied that there are reasonable grounds to believe that the Licencee has not carried on his occupation in accordance with law and with integrity, that the carrying on of his business has resulted in multiple breaches of the Highway Traffic Act, and that his conduct affords reasonable grounds to believe that the carrying on of his business has infringed and would infringe the safety of other members of the public. Accordingly the Tribunal orders that the licence be revoked.

Originally Signed

Lionel Miskin, Chair

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

[Reference: Minute No. 69/15]

Date Signed: June 4, 2015