

## **REASONS FOR DECISION OF THE TORONTO LICENSING TRIBUNAL**

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**Date of**

**Hearing:** July 19, 2018

**Panel:** Moira Calderwood, Hearing Panel Chair; Melina Laverty and Daphne Simon, Members

**Re:** Estate of Leo Awin (Report No. 7038)  
Holder of Taxicab Owner's Licence No. V02-4734320

**Counsel for Municipal Licensing and Standards:** Mr. Graham Thomson

**Agent acting on behalf of Applicant:** Mr. Saleem Irshad

### **INTRODUCTION**

The Estate of Leo Awin currently holds a Taxicab Owner's Licence, consequent on the death of the former licence-holder, Mr. Awin.

Taxicab Owner's Licences remain in an estate for one year from the date of death of the licensee. The Tribunal has the discretion to extend that period.

The Tribunal considered the evidence and submissions presented during the hearing. It ordered that the licence can remain in the Estate for a further six months.

The Tribunal had to determine whether it would exercise its discretion under §546-42(F) of the Toronto Municipal Code (the Code) to extend the period of time in which the licence could remain in the Estate and if so, for how long.

### **CITY'S EVIDENCE**

The facts underlying this matter were not in dispute. The documentary evidence, consisting of Report 7038, was entered through MLS's sole witness, Ms Andrea DiMatteo, Acting Supervisor, MLS. Mr. Irshad took no issue with the facts set out here:

- On December 13, 2016, Mr. Awin died.
- On December 14, 2017, upon application by the Estate via Mr. Irshad as Agent, the Tribunal extended the time for the licence to remain in the estate for six months, i.e., until June 13, 2018.
- On May 9, 2018, MLS wrote to the Estate Trustee asking her intentions regarding this licence.
- On May 15, 2018, the Estate Trustee wrote to MLS asking for a six-month extension for the licence to remain in the estate.

July 19, 2018

## **APPLICANT'S EVIDENCE**

Mr. Irshad, Agent in this matter, attended on behalf of the Estate in this hearing, with the consent of Ms Helene Awin, the Estate Trustee. Mr. Irshad is the manager of Diamond Taxi. He has a long involvement in and is very knowledgeable about the Toronto taxi industry. He has been the Agent for this particular Taxicab Owner's Licence for some years. He gave unchallenged evidence about the current state of the market for selling taxicab owner's licences in Toronto. The value of such licences has plummeted and there is a surplus of licences on the market, with few or no interested purchasers. Many plates are for sale. He stated that Diamond, Co-op, and Beck are all selling plates, and he has even had buyers provide a deposit for a licence, then walk away from the deal, forfeiting the deposit because prices are dropping.

With respect to this particular licence, Mr. Irshad stated that the Awin family (comprising Mr. Awin's widow Ms Awin, and the Awins' daughter) has been very reluctant to sell the licence as it seemed unlikely they would be able to obtain a favourable price for it. They hoped that if they waited, prices may rebound to former levels. He said it was only recently that he was able to persuade the family to put the licence up for sale, as they previously had intended to transfer it into a family-owned corporation and rely on the income stream.

Mr. Irshad testified that the market for taxicab owner's licences tends to improve in the fall. He described a pattern among Toronto taxi drivers, whereby many drive cabs in Toronto over the winter months, then return to their home countries for an extended period over the summer months. Mr. Irshad predicts that the market for taxicab owner's licences may therefore pick up later in the year when more drivers are available and the lucrative Christmas period is imminent. With a bit more time in hand, he hopes to be able to sell this Estate asset, and possibly even obtain a better price for it later in the year, for the benefit of Mr. Awin's elderly widow. Although the Estate held the licence last fall and winter, at that time Mr. Irshad had not yet persuaded the Awin family to sell it. In the time since the family has agreed to this plan, Mr. Irshad has had a couple of inquiries about the licence, but no firm offers.

When asked what his plan would be if he cannot sell this licence before the next date set by the Tribunal, Mr. Irshad stated that he would have the family set up a corporation, with himself as a minority shareholder, and arrange to transfer the licence to that corporation.

## **SUBMISSIONS**

MLS submitted that the Tribunal should extend the time period for the Taxicab Owner's Licence to remain in the Estate to the end of October 2018.

Mr. Irshad, on behalf of the Estate, submitted that the Tribunal should extend the time period for the Taxicab Owner's Licence to remain in the Estate for a period of 6 months.

July 19, 2018

## **DECISION**

After submissions, it was apparent that the parties agreed that the Tribunal should extend the period of time for which the Estate could continue to hold this Taxicab Owner's Licence. The only issue for the Tribunal to deliberate on, therefore, was the difference of 2-1/2 months in the submissions of the parties.

Mr. Irshad, for the Estate, gave unchallenged and knowledgeable evidence about the increased likelihood of selling the licence later in the year. The Tribunal found his reasoning compelling. Mr. Thomson did not offer a specific reason for seeking an extension only until the end of October 2018, other than the general proposition that it is not the intention of the legislation to allow taxicab owner's licences to languish in estates for a long period of time, and this licence has already had one extension.

The Tribunal was persuaded that it is reasonable, in this case, to extend the Estate's time to mid-January 2019 in the hopes that Mr. Irshad is correct in predicting an improved likelihood of selling this Estate asset later in the year.

The Tribunal extends by a period of six months from today's date the period of time in which Taxicab Owner's Licence No. V02-4734320 may remain in the Estate of Leo Awin. For greater clarity, the Tribunal intends to extend the license in the estate until January 19, 2019. Given that the previous extension expired on June 13, 2018, the extension is for a period of six months, plus the one month and six days that elapsed between June 13, 2018 and the date of the hearing, for a total extension of seven months plus six days.

Originally Signed

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Moira Calderwood, Hearing Panel Chair  
Panel Members, Melina Laverty and Daphne Simon concurring

Reference: Minute No. 127/18

**Date Signed:** August 1, 2018