

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

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**Date of**

**Hearing:** July 12, 2018

**Panel:** Daphne Simon, Hearing Panel Chair; Moira Calderwood, Member

**Re:** Imtiaz Iqbal (Report No. 6940)  
Applicant for the Renewal of Taxicab Owner's Licence No. V02-4312801  
for Taxicab Plate No. 1943  
AND  
Applicant for a Vehicle-For-Hire Driver's Licence (Application No.  
B739076)

**Counsel for Municipal Licensing and Standards:** Ms Brennagh Smith

**Counsel for Applicant:** Unrepresented

### **INTRODUCTION**

Mr. Iqbal has requested to appear before the Toronto Licensing Tribunal ("Tribunal") to determine whether a Vehicle-For-Hire Driver's Licence should be issued after the Municipal Licensing and Standards Division ("MLS") denied his application on October 2, 2017.

Mr. Iqbal chose to represent himself in this matter. Mr. Iqbal was provided the use of a Punjabi interpreter. The hearing proceeded on July 12, 2018.

The Tribunal considered the evidence and submissions presented during the hearing. It was determined that Mr. Iqbal's application should be denied.

The Tribunal needed to determine:

- whether Mr. Iqbal's conduct and history of by-law and criminal charges and convictions justifies denying a Vehicle-For-Hire Driver's Licence on public safety grounds;
- whether Mr. Iqbal's conduct and history of by-law charges and convictions provide reasonable grounds to believe that, if granted a Vehicle-For-Hire Driver's Licence, he will not act in accordance with the law and with honesty and integrity.

### **CITY'S EVIDENCE**

The MLS presented evidence through three witnesses:

Ms Andrea DiMatteo, Acting Manager, Municipal Licensing and Standards

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Mr. Darrin Golding, Municipal Standards Officer - By-law Enforcement  
Mr. James Philip, Municipal Standards Officer - By-law Enforcement

All witnesses were affirmed prior to giving testimony. A summary of the relevant evidence presented follows:

Ms DiMatteo, referring to MLS Report 6940 (Report), provided a background of Mr. Iqbal's licensing history, and history of charges and convictions under the Municipal Code, the Highway Traffic Act and the Criminal Code of Canada. The Report and updates were marked as Exhibit #4.

Ms DiMatteo stated that Mr. Iqbal was first licensed as a taxicab driver in 2008 and he received a Taxicab Owner's Licence in September 2013. His Taxicab Owner's Licence is currently valid. At the time Mr. Iqbal received a Taxicab Owner's Licence in 2013, no further municipal licence was required to allow a taxi owner to act as driver of his or her own taxi.

In July 2016, a new By-law, Chapter 546, came into effect which governed all Taxicab, Limousine and Private Transportation Company businesses in Toronto. At that time, MLS provided a notice to all taxicab owners advising that taxicab owners who wished to drive a taxicab will now require a Vehicle-For-Hire Driver's Licence. Ms DiMatteo advised that Mr. Iqbal was sent this Notice along with a taxicab owner's renewal application on or about July 18, 2016. The 'Notice Re: Change to your Taxicab Licence' and a screen shot of the MLS Licensing System supporting this evidence were marked as Exhibits #1 and #2, respectively. The Notice contained a checkbox for the taxicab owner to apply for a Vehicle-For-Hire Driver's Licence and return by regular mail with a fee of \$130. Ms DiMatteo advised that MLS records show that Mr. Iqbal renewed his Taxicab Owner's Licence in person in 2016, and that counter staff would have advised him (as they were advising all Taxicab Owner's Licence holders at that time) that he needed to apply for a Vehicle-For Hire Driver's Licence if he wanted to be the driver of his own cab. MLS did not receive a fee or a completed Notice from Mr. Iqbal.

On or about July 2017, Mr. Iqbal attended the MLS office to renew his Taxicab Owner's Licence. Ms DiMatteo gave evidence that MLS staff would again have advised about the change to the By-law to anyone who attended MLS office in person. At that time, Mr. Iqbal renewed his Taxicab Owner's Licence only. On August 25, 2017, MLS denied his taxicab owner's application based on a record of charges under the Criminal Code of Canada and the Highway Traffic Act. It should be noted that Mr. Iqbal was before the Toronto Licensing Tribunal on January 18, 2018, at which time his Taxicab Owner's Licence was renewed with the condition that his driving privileges shall be suspended. Mr. Iqbal applied for a Vehicle-For-Hire Driver's Licence on or about September 29, 2017. MLS denied his application based on a record of charges under the Criminal Code of Canada and the Highway Traffic Act.

### **History of charges and convictions under the Municipal Code, the Highway Traffic Act and the Criminal Code of Canada**

Ms DiMatteo referred to certain excerpts of the Report to review Mr. Iqbal's history of charges and convictions. The most recent charge was an incident on June 20, 2017 with another taxicab driver where Mr. Iqbal pleaded guilty to Assault and Threaten Death/Bodily

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Harm. In March 2016, Mr. Iqbal was charged with Fraud Over \$5000. This charge was withdrawn in November 2016. In July 2011, he was charged with Threaten Death/Bodily Harm. This charge was withdrawn in March 2012 and a Peace Bond entered.

Mr. Iqbal has been charged and convicted of a number of Highway Traffic Act and Municipal Code by-law offences. In particular, there have been several charges and convictions of Vehicle-For-Hire Driver - No Licence since 2017.

Two MLS By-law officers provided evidence of two incidents where Mr. Iqbal was charged with driving a Vehicle-For-Hire without a licence.

The two incidents are summarized below:

**Friday, February 9, 2018**

Provincial Offences Officer Darrin Golding testified that he was on duty on the morning of Friday, February 9, 2018 when he saw Mr. Iqbal's taxicab sitting in a cab stand at 200 Bay Street, across from Union Station. He observed that the roof light was on, indicating that the taxi was available to pick up customers. Officer Golding approached Mr. Iqbal and asked to see his Vehicle-For-Hire Driver's Licence. Mr. Iqbal said he didn't have one and that it had expired in 2013. Mr. Iqbal told the officer that he was waiting for his wife who was in the bank and that he was not taking customers. Mr. Iqbal presented his taxicab driver photo card which had expired in 2016. Officer Golding asked him to remove his roof light which Mr. Iqbal did. While Officer Golding was writing up the offence notice, Mr. Iqbal called his wife on his cell phone so that she could speak to Officer Golding to say she was waiting at the bank across the street. Officer Golding did not recall the details of the conversation with the person who identified herself as Mr. Iqbal's wife. Officer Golding issued a ticket for Vehicle-For-Hire Driver – No Licence. This matter is still before the courts with the next scheduled date for September 18, 2018.

**Monday, April 23, 2018**

On Monday, April 23, 2018, Provincial Offences Officer James Phillip received information from a co-worker regarding a customer complaint of a taxicab driver talking on his cell phone on April 19, 2018. The cab driver was linked to the plate owned by Mr. Iqbal. Officer Phillip and his colleague Officer Brannan proceeded to the last known location of where Mr. Iqbal's cab was seen. They were in an unmarked vehicle and spotted Mr. Iqbal's taxicab around Bloor and Dundas area. Officer Phillip recognized Mr. Iqbal as the driver as he has had dealings with him in the past. They noticed a male passenger in the back seat. They followed the cab all the way to College and Euclid Avenue. The cab stopped at the side of the road for about two minutes and then a heavy-set, Caucasian male, in his 20s, wearing shorts and a baseball cap, left from the back door passenger side of the vehicle. At approximately 10:55 a.m., the plain clothed officers pulled up alongside Mr. Iqbal, identified themselves, and asked for his taxi licence and provincial driver's licence. Mr. Iqbal refused to provide his driver's licence saying they did not have the authority to ask for this. He asked that the Toronto Police Service be called. Mr. Iqbal provided an expired Taxicab Owner's Licence, the 2013 one, rather than the one issued after the Tribunal's January 2018 decision on which the restriction that he was not permitted to drive was noted. Mr. Iqbal told the officers that it was his son who had just exited the vehicle and that he was not picking up customers.

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## **APPLICANT'S EVIDENCE**

Mr. Iqbal explained the circumstances of the February and April 2018 events. He maintained that in both instances he was driving family members and not customers. In the February incident, he stated that he was waiting for his wife while she went to the bank and in order to avoid paying for parking, he pulled into a taxicab stand. He denied that his roof light was on.

With regard to the April 2018 incident, he claimed that he was dropping off his son who was going to Kensington Market to do some shopping for shoes. He stated that the officer did not ask to look at a log sheet which would have proved that he was not taking customers. Mr. Iqbal told the Tribunal that on that same day, he was on his way to plead not guilty to a parking violation charge laid in October 2017. Mr. Iqbal provided a Notice of Screening Decision (Exhibit #6) by an Administrative Parking System (APS) official, which confirmed that the penalty was cancelled. The Notice states the penalty was cancelled because the vehicle involved was a "Taxicab dropping off customer. Log sheet & receipt provided..."

Mr. Iqbal stated that all criminal charges against him have been withdrawn with no sentence, no fine and no jail time. He completed an anger management course, a road rage course and community service. He provided two certificates and a letter to support these assertions. He is currently on probation for 12 months, but is planning to apply to have it reduced to 6 months. He stated that he is not a danger to the public.

He stated that he was someone who is civil and educated, having received an (equivalent) Bachelor of Science degree in Agriculture in 1994. He provided a letter from the University of Toronto Comparative Education Services, marked as Exhibit #8 to support this. He stated that he was currently on welfare and the sole income earner of his wife and 4 children. He is in debt about \$40 000 and has taken a line of credit on his mortgage. He stated that his daughter has been accepted to university and he cannot afford to support her. She has applied for a loan through the Ontario Student Assistance Program. He provided a page from the application which was marked as Exhibit #7.

Mr. Iqbal stated that he has tried to rent his taxicab to other drivers, but because he is not with a brokerage, he has been unsuccessful as no one wants to rent his cab.

In answering questions from Ms Smith and the panel members, Mr. Iqbal gave the following additional evidence:

He doesn't recall if he received the Notice from MLS in July 2016 explaining the new requirements. If he did receive the Notice, then he did not understand it and threw it out, because the Notice was not provided to him in his language. He was not aware of the changes to the By-law regarding taxis. Nobody told him about the changes when he attended in person at MLS and he doesn't have any friends in the taxi industry that would have told him about it. He renewed his Taxicab Owner's Licence, but it wasn't until September 29, 2017 that he applied for a Vehicle-For-Hire Driver's Licence.

He was successful in having the October 2, 2017 penalty cancelled, but denied that he provided the APS Screening Office with a log sheet and receipt to show that he was

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dropping off a customer, despite this being noted on the Notice of Screening Decision as the reason for which the infraction was dropped. Mr. Iqbal agreed with Ms Smith that October 2, 2017 was three days after he submitted his application to MLS for a Vehicle-For-Hire Driver's Licence.

On October 7, 2017, he was charged with Vehicle-For-Hire Driver - No Licence and he stated he pleaded guilty in order to keep his licence.

He attended the Tribunal on January 18, 2018, and pursuant to an order from the Tribunal, a notation was placed on the back of his licence stipulating that he could not drive a taxi. When asked by Ms Smith why he gave his expired licence to the provincial offences officer and not the current one with the conditions on the back, he stated that he left it at home.

When asked by Ms Smith why he had a taxi light and sign on top of his car, Mr. Iqbal stated that taxi roof signs are difficult to remove. When Ms Smith noted that he had removed it in February 2018 when Officer Golding asked, Mr. Iqbal asserted that he had by then got a different roof sign that was easier to remove. When Ms Smith asked why he put it back on the car's roof in April 2018 after having removed it entirely on February 9, 2018, Mr. Iqbal replied that he did it for cosmetic reasons. He liked the way his car looked with the taxi sign on the top of his car. The light was not on. He said he thought the sign looked beautiful.

Ms Smith asked Mr. Iqbal about a very recent charge of Vehicle-For-Hire Driver - No Licence on June 27, 2018. This incident involved an MLS officer who observed Mr. Iqbal driving a fully equipped taxi. The officer observed Mr. Iqbal pick up a young woman on Queen Street West who had hailed him by raising her hand. The woman entered the back seat and the taxi light which had been turned on was then turned off. The officers followed Mr. Iqbal's taxi to Liberty Street where he dropped the female passenger off at an apartment complex. The light on the roof of his taxi was then turned on once she exited the vehicle. Mr. Iqbal was then charged with Vehicle-For-Hire Driver - No Licence by the officer.

When asked about this charge, Mr. Iqbal stated that he was driving his daughter. He said that she lives in Brampton at the family home, but he made arrangements to pick her up on Queen Street West and take her to see an apartment downtown that she is thinking of renting for September when she starts university. He stated that the roof light was not on, and when asked why his daughter would sit in the back seat, he stated that family members always sit in the back seat.

When asked to explain why the officer noted that the male passenger from the April 23<sup>rd</sup> incident, who Mr. Iqbal claimed to be his son, was described as Caucasian, Mr. Iqbal first said that his son looks Caucasian because he was born in Canada. When pressed, he would not specify whether his wife is Caucasian, and went on to state that it could be that his wife had a boyfriend and that he didn't want to talk about it any further as it was personal. He maintained however that he was dropping off his son and not a customer. When asked the age of his son, he answered that he is 15, but looks like he is in his 20s. When asked why he was driving on Dundas Street West if heading to Kensington Market, Mr. Iqbal stated that he took that route because it is faster during rush hour.

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Ms Smith asked about the events of June 20, 2017 that led to the criminal charges of Assault and Threaten Death/Bodily Harm. This incident involved a dispute with another taxi driver that took place on King Street. Both vehicles had passengers in the back seat at the time. Mr. Iqbal is alleged to have struck the back of the other taxicab with his car, twice and then exited his car, approached the driver's side door of the car in front, spit at the driver and threaten to kill him.

Mr. Iqbal's version of the events was that after picking up a passenger at a hotel off King Street, the other cab driver swore at him and used a racial epithet. Then the same cab driver cut him off and drove in front of him. He denied swearing at him or threatening him. He said he tried to explain this to the police, but they did not understand his English. Mr. Iqbal said he sent an email to MLS complaining about the other cab driver, but no one ever replied.

When asked about the 2011 criminal charges which resulted in a Peace Bond, Mr. Iqbal said these arose out of a family dispute, as he was trying to prevent his wife's boyfriend from meeting up with her.

Ms Smith asked Mr. Iqbal about the 2016 fraud charge which was eventually withdrawn. Mr. Iqbal said that this was a mix-up over a payment for furniture, and that although he had made the payment, the "financial person" went to the police.

## **SUBMISSIONS**

### **Ms Smith for MLS**

Ms Smith submitted that the MLS is relying on section 546-4 of the *Toronto Municipal Code*, which sets out the grounds for denying a licence. She submitted that there is a reasonable belief that the applicant will not conduct himself with honesty and integrity and would endanger the public safety if he was granted a Vehicle-For-Hire Driver's Licence.

Ms Smith submitted that Mr. Iqbal is ungovernable. She submitted that he has been driving a taxi without a licence on at least ten occasions since July 2016. Mr. Iqbal knew his taxi driving privileges were suspended after he attended the Tribunal in January 2018, but picked up customers anyway.

He was deliberately and willfully ignoring the law as evidenced by the fact that when he is stopped by MLS officers he does not present his most current taxi licence which has the notations of his driving suspension on the back of the card.

Ms Smith submitted that his explanation to the MLS officers, that he was picking up and dropping off his son or his daughter, is not believable. In the alternative, even if it was family members that he was transporting in the back seat, Mr. Iqbal was still in contravention of the Municipal Code, Chapter 546, which states the definition for operating a taxi includes 'making it available to the public for transportation services'. Ms Smith submitted that Mr. Iqbal's actions of parking in taxi stands, putting his roof sign on the top of his car and illuminating his roof light represent to the public that he is an authorized taxicab driver who is available to take customers.



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Ms Smith submitted that Mr. Iqbal's conduct in regard to the 'road rage' incident that took place on June 20, 2017 on King Street show that he is a danger to public safety. This incident took place while Mr. Iqbal had a passenger in the back seat. While Mr. Iqbal blames the other driver for the incident, Ms Smith submitted that the police attended, interviewed witnesses at the scene and decided to lay criminal charges against Mr. Iqbal and not the other driver. And Mr. Iqbal pled guilty to Assault and Threaten Death/Bodily Harm.

With respect to Mr. Iqbal's right to earn a livelihood, Ms Smith submitted that Mr. Iqbal has a valid Taxicab Owner's Licence which permits him to rent it to other drivers to earn an income. To that end it is open to him join a brokerage to facilitate the rental his taxicab than if he remained independent.

MLS requested that the Tribunal deny Mr. Iqbal's Vehicle-For-Hire Driver's Licence and further impose a 30-day suspension on Mr. Iqbal's Taxicab Owner's Licence as a punitive measure.

### **Mr. Iqbal**

Mr. Iqbal submitted to the Tribunal that he will not make more than \$500 a month if he were to rent his taxicab. He is supporting his 4 children and wife who live with him in Brampton. He submitted that he promises to obey all the laws if granted a taxi driver's licence. He has attended all the courses on anger management he was required to attend and he plans to attend more classes on anger management. He pleaded with the Tribunal on humanitarian grounds and stated that this decision will directly impact his family.

He stated that he is 50 years old and it will be difficult for him to find another job. Mr. Iqbal promised that he will not be a threat to public safety.

### **DECISION**

The Tribunal considered the documentary evidence presented and testimony from witnesses presented by both parties.

In considering whether to grant Mr. Iqbal a Vehicle-For-Hire Driver's Licence, the panel had to consider section 546-4 of the *Municipal Code* (See Appendix A). Briefly paraphrased, this section states that a person is entitled to a renewal of their licence except under three scenarios. MLS can refuse to renew a license where there are reasonable grounds to believe the following:

- That the applicant has not, or will not, carry on their business in accordance with the law and "with integrity and honesty";
- That the applicant has breached or will breach the Code or any other law; or
- That the applicant has endangered or will endanger "the health or safety" of the public.

The Tribunal was of the view that Mr. Iqbal will not carry on his business of driving a taxicab with honesty and integrity or within the confines of the law, if granted a Vehicle-For-Hire

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Driver's Licence. The Tribunal also agreed with MLS that the circumstances of the criminal charge provide a reasonable belief that Mr. Iqbal poses a danger to public safety.

The Tribunal considered the many instances since 2016 where Mr. Iqbal appeared to be driving a taxi without a valid taxi driver licence. We also considered the explanations he provided to the Tribunal. He denied each and every incident even when it seemed blatantly obvious to any reasonable observer that he was indeed picking up and dropping off customers. When a detail of his story was questioned, he changed the details.

In particular, the Tribunal was not convinced by Mr. Iqbal's explanation that it was his daughter and not a customer who flagged him from Queen Street West. Evidence was provided that he had his taxi roof light on, that a female passenger entered the back seat of his vehicle; that his taxi roof light was then turned off once the female entered the vehicle and that the female passenger was dropped off at a downtown apartment. He denied that this was a customer interaction and told the Tribunal that he had made arrangements to take his daughter to look at an apartment to rent for when she was starting university. This explanation seemed very implausible. Why would his daughter sit in the back seat? Why would she flag him on Queen Street West as one would flag a taxi? Why would his taxi light be on and then be turned off once she entered the vehicle? All circumstances here point to a customer interaction. The Tribunal believed the accounts provided by the MLS officer over Mr. Iqbal's account of this incident.

Similarly, it was difficult to believe Mr. Iqbal's explanation that he was driving his son and not a customer to Kensington market on April 23, 2018. Evidence was provided that Mr. Iqbal's taxi stopped at College Street and Euclid Avenue, and after a two minute pause - long enough to pay a fare - a male passenger exited from the back seat. Officers observed no familial exchange between Mr. Iqbal and the male passenger when he exited the vehicle. The male passenger was described as Caucasian and in his 20s, and this appeared to be accurate in photographs of the passenger included in Exhibit #4. Mr. Iqbal is of South Asian descent. Mr. Iqbal provided a vague and inadequate explanation of why his son could be of a different race than he is. While matters of race are sensitive and there can be many reasons why members of a family may differ widely in appearance, the Tribunal found Mr. Iqbal's response on this point unconvincing and self-serving. Of the increasingly incredible explanations that Mr. Iqbal gave during the course of this hearing to deny that he had done anything wrong, this was one that truly called his honesty and integrity into question, in the view of the Tribunal. Mr. Iqbal also stated that his son is 15 years old, but looks to be in his 20s. Why was his son not in school on a Monday morning in April? The encounter with the MLS officer took place around 11 a.m., calling into question Mr. Iqbal's explanation that he took that route, from Brampton, to drop his son at Kensington Market because it was rush hour. In sum, the explanation that he was driving his son and not a passenger seemed, once again, very far-fetched and beyond belief.

The Tribunal was of the view that Mr. Iqbal's explanation that his taxi is made more beautiful with the taxi sign adhered to the roof is incredible. It is obvious to the Tribunal that Mr. Iqbal is intent on driving a taxi and picking up customers, despite not being legally allowed to do so. This is further highlighted by the incident in February 2018, less than one month after he appeared before the Tribunal, where he was parked in a taxi stand near Union Station with his light on. We note in passing that if Mr. Iqbal's explanation is true, and he merely intended to park, not to operate as a cab, he should not have been



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parked in a taxi stand. Further we question his honesty and integrity in attempting to avoid having to pay for parking.

The Tribunal agrees with MLS that Mr. Iqbal is ungovernable. He knows what the law is, but chooses not to abide by it. He chooses to be willfully blind to the requirements imposed by MLS and by this Tribunal.

The Tribunal has serious concerns about Mr. Iqbal's honesty and integrity. He has blamed everyone else for his failings and has not accepted responsibility for any events that led to his record of charges and convictions. He stated several times that he was exonerated on the criminal charges arising from the "road rage" incident, yet the record shows that he pleaded guilty to two offences and received a suspended sentence and probation. He blamed the police for not understanding his English and laying charges against him and not the other taxi driver, but had no explanation for why, if he was the victim, he did not call the police. He disputes the accounts of numerous MLS By-law officers stating that he was never driving customers, only family members. He blamed the APS Screening process for falsely stating that he disputed a parking ticket by providing log sheets mentioning that he was dropping off a customer. He has not been forthcoming with this Tribunal, and it appeared to the panel that he was not telling the whole truth, despite being under oath.

The Tribunal has concerns about the threat to public safety should Mr. Iqbal be granted a Vehicle-For-Hire Driver's Licence. The events, that took place approximately one year ago in downtown Toronto, leave much to be concerned about. Mr. Iqbal had no regard for the safety of the passenger in his own vehicle or the occupants of the other taxi when he hit the taxicab in front of him, twice. He then exited his cab to further engage with the driver of the car while in the middle of King Street. This showed a disregard for road safety and for members of the public who might be driving along King Street at the time. He then fled the scene. Mr. Iqbal did not, in the course of the Tribunal hearing, acknowledge or appear to have any insight into the possible danger to the public in such behaviour. Rather, he insisted that he was wrongly blamed. Mr. Iqbal assured the Tribunal that he took a road rage course, an anger management course and volunteered his time within the community, all to make amends for the incident that took place. This was not enough to ease the Tribunal's concerns that Mr. Iqbal had changed his ways or that he would not be a danger to the public in the future. His stated intention that he wanted to shorten his probation sentence from 12 months to 6 months was a motivation that would serve Mr. Iqbal, which further underscored the Tribunal's belief that he has not and will not take responsibility for his own actions or change his ways.

In reaching our decision, we also applied the Tribunal's mandate, as set out in the *Toronto Municipal Code*, § 545-3.B.(3)(c), which requires that the Tribunal to:

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

The Tribunal formed the view that the protection of the public interest in this case outweighed Mr. Iqbal's need to earn a livelihood. Mr. Iqbal has shown that he cannot follow or chooses not to follow the rules imposed by the MLS and this Tribunal for driving a taxi.

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He has a Taxicab Owner's Licence which is still valid and a vehicle, and as such may rent out his cab in order to earn an income. For this reason, the Tribunal did not impose a 30 day suspension on the Taxicab Owner's Licence.

The Tribunal decided that, in all the circumstances, a Vehicle-For-Hire Driver's Licence should be denied.

Originally Signed

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Daphne Simon, Hearing Panel Chair  
Panel Member, Moira Calderwood concurring

Reference: Minute No. 124/18

**Date Signed:** July 26, 2018