

REASONS FOR DECISION OF THE TORONTO LICENSING TRIBUNAL

Date of Hearing: January 31, 2019

Panel: Victoria Romero, Hearing Panel Chair; Melina Lavery and Moira Calderwood, Members

Re: Prashanna Panchadcharadevan (Report No. 7116)
Applicant for a Tow Truck Driver's Licence (Application No. B869384)

Counsel for Municipal Licensing and Standards: Amy Murakami

Counsel for Applicant: Andrew Gerges

SUMMARY

On September 28, 2018, Mr. Panchadcharadevan applied for a Tow Truck Driver's Licence. A review of Municipal Licensing and Standards (MLS) records revealed that Mr. Panchadcharadevan had various registered charges and convictions. On October 1, 2018, MLS sent Mr. Panchadcharadevan a letter outlining the grounds for denial of a licence.

The Applicant appealed the denial and the Tribunal held a hearing on January 31, 2019. After hearing the evidence and submissions of the parties, the Tribunal issued a Tow Truck Driver's Licence and imposed conditions on the licence.

ISSUE

The issue before the Tribunal was whether Mr. Panchadcharadevan's charges and/or convictions provide reasonable grounds to believe that Mr. Panchadcharadevan will not operate a Tow Truck in accordance with law, and with integrity and honesty; his operation of a Tow Truck has resulted or will result in a breach of the law; or his operation of a Tow Truck would infringe on or endanger public health and safety.

CITY'S EVIDENCE

Ms. Murakami called Ms. Olga Kuztelska, MLS Supervisor, as a witness. Ms. Kuztelska was affirmed and testified as follows:

She is familiar with MLS Report No. 7116 (dated November 28, 2018, pages 1 to 81). Report No. 7116 was entered as Exhibit 1 without objection, and it is referred to as "the Report."

She reviewed Mr. Panchadcharadevan's records. Mr. Panchadcharadevan's Application dated September 28, 2018, included a Police Criminal Records Check and Mr. Panchadcharadevan's three-year Driving Abstract. The Police Criminal Records Check, dated

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September 28, 2018, shows a conviction relating to a July 12 2016 charge of Driving with more than 80 mgs of alcohol in blood. The three-year Driving Abstract, dated 28 September 2018 also shows the same conviction with a subsequent suspension of one year (until July 12, 2017). The Driving Abstract also shows a previous three-month suspension from January 22, 2016 to April 21, 2016 [p. 3-7 of the Report].

The MLS chart on pages 11 and 12 of the report shows 26 Criminal Code and Highway Traffic Act (HTA) charges and/or convictions. Pages 13 to 48 of the report are the ICON (Integrated Courts Offences Network) data reports used to create the MLS chart.

MLS also received the following documents which are enclosed in the report:

- The Arrest Report from the Peel Regional Police regarding the Excess Blood Alcohol charge on January 22, 2016 [p. 49-52 of the report];
- The General Occurrence Report from Durham Regional Police regarding the incident on December 2, 2012 [p. 53-62 of the report];
- The Crown Brief Synopsis from the Ontario Provincial Police regarding the offences of Driving While Impaired and Driving with More than 80 mgs of Alcohol in Blood on August 04, 2012 [p. 63-65 of the report]; and
- The Record of Arrest from the Toronto Police Service regarding the six charges laid on June 25, 2011: Mischief Under (1), Assault with weapon (3), Assault causing bodily harm (1) and Theft under (1) [p. 66-78 of the report].

Ms. Kuztelska explained that the MLS Chart [p. 11 and 12 of the report] is based on the information in ICON. She explained the charges from line 10 to 26 appear to be duplicated and this may be a data entry error in ICON, and only six charges were laid on June 25, 2011. She further confirmed that the Police Records in the report contain accurate information with regards to the charges.

Mr. Panchadcharadevan was offered the opportunity to cross-examine Ms. Kuztelska, and she testified as follows:

Ms. Kuztelska confirmed the charges from line 10 to 26 in the MLS chart were duplicated and that only six original charges were laid on June 25, 2011 which correspond to lines 10 to 15. She agreed that the MLS Chart shows charges laid on four different occasions: January 22, 2016; December 2, 2012; August 4, 2012; and June 25, 2011.

MLS explained its reasons for denying the licence in its letter dated October 1, 2018 [p. 8-9 of the report] namely, the applicant had specific concerning convictions within the last three years. Line 1 of the MLS Chart contained the one criminal conviction, which corresponded to Restriction Code 06 of Appendix K – Schedule A of the Toronto Municipal Code Chapter 545 [p. 80-81 of the report]. MLS has the discretion to make its decision to deny a licence based upon the totality of the record observing the licence threshold test.

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Ms. Kuztelska also explained that the only offence pursuant to the HTA was the conviction for Careless Driving, as per line 7 of the MLS Chart [p. 11-12 of report]. There were no other HTA offences.

The charges of Assault Bodily Harm (2), Aggravated Assault, and Possession of Dangerous Weapon, lines 2 to 6 in MLS Chart [p. 11-12 of report, lines 10 - 26], were either withdrawn or Mr. Panchadcharadevan was acquitted. Ms. Kuztelska agreed that there appeared to be duplicate entries in the MLS chart for this incident as well. She could not explain why the ICON system has duplicates, it may be that some charges were withdrawn and reissued twice. Page 60 of the General Occurrence Report from Durham Regional Police regarding the offence of Aggravated Assault on December 2, 2012 states that the second male, the alleged stabber, is still at large and describes Mr. Panchadcharadevan as the victim.

Finally, Ms. Kuztelska could not confirm whether he was also charged with impaired driving based on the Arrest Report by Peel Regional Police from January 22, 2016 [p. 49 to 51 of the report].

Ms. Murakami did not call any other witnesses.

APPLICANT'S EVIDENCE

Mr. Panchadcharadevan was affirmed and testified as follows:

Regarding the incident on June 25, 2011 [p. 71-73 of report], he remembers that after drinking at a club, he went to a 24-hour breakfast restaurant located at Markham and Sheppard in Scarborough. He was with 10 other people. After eating, some of them went to smoke outside. While he was outside, a fight broke out. When the police arrived, everyone started running away. Mr. Panchadcharadevan explained that he does not fight or carry weapons generally. That day, he did not fight either. He did not run away as he was not doing anything. He stated that he has never fled from police. The charges laid were consequently withdrawn.

Regarding the incident on August 4, 2012 [p. 63-65 of report], he explains that he had been at his then girlfriend's house, having a few drinks and not intending to drive, but they had a fight so he left. He drove away and got involved in a car accident. He was charged with Driving While Impaired and Driving with More than 80 mgs of Alcohol in Blood. Both charges were withdrawn but he entered a guilty plea to Careless Driving. He was sentenced to a six-month probation period and a \$1,000 fine. There was no criminal record. Mr. Panchadcharadevan regrets his behaviour during 2011 and 2012. He says he was young and hanging out with the wrong crowd. He no longer talks to those people. He now has a family of two children and a wife.

Regarding the stabbing incident on December 2, 2012 [p. 54-61 of report], he was out drinking with friends at a bar in Ajax. A fight broke out outside. He never saw the stabbing. After the stabbing though, a number of individuals who participated in the fight went after him. He ran to the median but he was caught. He was beaten up badly. The police must have thought he had something to do with the stabbing, he stated. At the trial, he was acquitted. The witnesses did not identify him as the stabber, and the judge found him not guilty. Mr. Panchadcharadevan explains that he is not a violent individual. He admits to making bad decisions because he was hanging out with the wrong people. He acknowledges that he could

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have died during the incident on December 2, 2012. He never carried weapons. He was 23 at the time, partying and drinking a lot.

Regarding the incident on January 22, 2016 [p. 50-51 of report], over three years ago, he was employed at BMO (Bank of Montreal) and went out with work colleagues. He had not planned to stay long at the event but started drinking and got carried away. He then left the event and drove. He got pulled over and was charged with Excess Blood Alcohol. He was convicted, given a 15-month licence suspension, one year's probation, mandated to participate in the Back on Track Program and got a criminal record. He was also required to visit his probation officer once a month and obtained alcohol counselling. When asked why a subsequent drinking and driving offence, he explained that the first offence of Careless Driving did not hit him as hard. This second offence resulted in a criminal conviction and a 15-month licence suspension. He admits it was a stupid mistake. He is aware that if there is a subsequent offence, it would mean 30 days in jail. He notes that his probation officer required him to have a psychological assessment for addiction, and he was found not to be an alcoholic.

The consequences of not driving have been a strain on his family. The main take away lesson from the Back on Track Program has been that if he drinks, he does not drive at all, even if he only has one drink. Having a criminal record has proven to be a barrier to finding a job. He now has two kids and a wife to support. A subsequent offence may mean a two or three year driving suspension, he adds.

By way of background, he is now 30 years old. He has a High School Diploma. He got married in June 2014. He completed the courses for a two-year College Paralegal Program in 2014. However, he still has the co-op component to complete. Financial responsibilities forced him to start working after the birth of his first child in 2014. He had his second child on June 2, 2018. His contract with BMO ended in August 2018. He tried to renew his contract but was unsuccessful. He applied to other positions at BMO and other banks but has not received offers. He believes his criminal record is preventing him from landing a job despite actively looking for work.

Mr. Panchadcharadevan has a job offer from a Tow Truck Company, Empire Recovery. His friend, Sin Shan, opened this company three years ago and it has been growing successfully. They have known each other for 10 years. The Company owner currently owns four trucks. This would be a full-time position where the Company owner would pay for the truck expenses, Mr. Panchadcharadevan would pay for the diesel used and the profits would be split on a 50:50 basis. He advises that there is a tow truck waiting for him full time if he gets his municipal licence and that potentially, he could generate an income of approximately \$60,000 annually. He is very happy about this opportunity because it would be a job with flexible hours that would still allow him to spend time with his family. The Company owner is aware of the charges and convictions and the criminal record, and still is offering him this opportunity.

Mr. Panchadcharadevan adds that he is now a family man. He wants to work hard to provide for his family. After being licensed to drive for 14 years, he has no other HTA convictions and has had no issues complying with the terms of his Operating over 80 mgs conviction sentence. His wife is currently on maternity leave. She was working as an administrative assistant at York University. He is hoping her contract will be renewed. His monthly rent is \$1200.

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Ms. Murakami cross-examined Mr. Panchadcharadevan and he testified as follows:

Regarding the incident on June 25, 2011 [p. 71-73 of report], his friend drove to the restaurant. He does not know how much alcohol he consumed; he felt blurry but not intoxicated. He remembers six to seven people outside having a smoke. When the fight broke out, he observed four or five of his friends hitting people in a nearby car with baseball bats. He is not sure if his friends knew the people in the car. He and one other person were watching and continued to remain standing. The Police questioned him after his arrest. He did not have a baseball bat. He assumes his friends got the bats from the car, but it wasn't his car. The Police, he adds, assumed he was part of the fight. The charges were withdrawn in May 2012. The Empire Recovery owner was not with him that evening. He has not talked to the friends that were involved in that incident for years now. They message him on social media for special occasions.

Regarding the incident on August 4, 2012 [p. 63-65 of report], specifically the Careless Driving conviction, the accident happened at Highway 401 and Allen Road. He was operating a rental car and coming from his ex-girlfriend's home on Eglinton and Kennedy. He does not remember how much he drank but he knows he shouldn't have driven. He didn't feel impaired but, again, he states he shouldn't have driven. A transport truck sideswiped his car. The police attended the scene of the accident and smelled alcohol on him. He had no passengers in his car. He is not sure whether the transport truck had passengers. After the collision, he pulled to the shoulder. There were no physical injuries. No ambulance was called. No one went to the hospital. He failed the breathalyzer test. The first test at the police station read 165 mg, twice over the legal limit. The second test read 154 mg, more than two hours later. His licence was automatically suspended. He pled guilty to Careless Driving.

Regarding the incident on December 2, 2012 [p. 54-61 of report], he was with the same group of friends, about six people. He does not know how much he drank but admits to being tipsy. His friends had left the bar. They were his ride home. A fight broke out outside. Prior to the fight, he was inside. He then went outside, and people were arguing. He was already outside when the fight broke out. He is not sure if his friends were involved. He did not see his friends arguing. He was by himself. The people participating in the fight then started to approach him and he started running away. They caught up to him at the median. He did not know whose knife it was. He couldn't see a knife. As they started chasing him, he ran. The blood on him was his. At trial, the witnesses did not identify him as the stabber. They didn't know who it was. This group of friends overlaps with the friends from the June 2011 incident, but he does not associate with them anymore. The Tow Truck Company owner was not there either.

Regarding the incident on January 22, 2016 [p. 50-51 of report], it was a work event. He arrived there at 9:00 pm. He had a rental car that evening as his car was recently stolen and this was the replacement car from the insurer. He does not own a car but his wife does. It was always his intention to leave and drive home. He didn't intend to stay long at all. He got carried away. On the drive home, he got pulled over by police. He failed the breathalyzer test. His samples read 203 mg and 195 mg respectively. He received a 15 month suspension. He then got his licence reinstated with an interlock condition and a \$1500 fine. He ultimately got his licence on July 2018 without conditions.

He does not drive often right now. He is not employed. His wife drives and it is her car he drives. He has owned a car in the past; he bought his first car when he was 18 years old. In 2012, he rented a car whenever he needed it. After getting married, he bought a car in 2014

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but it was stolen in January 2016 (the same month he was charged). He has driven occasionally since July 2018. He drives approximately half the month. His licence was suspended during 2016 to 2017. He did not drive from 2016 to 2018. He was driving to and from work from 2014 to 2016. He drove professionally for Bell Technical Solutions in 2007. When his BMO contract finished in August 2018, the tow truck company owner trained him occasionally. He has never worked in the tow truck industry before.

His position at BMO was customer service agent. He also worked for the Charge Back/Dispute Resolution Department. He handled complaints over the phone at BMO and provided person to person service customer experience at Bell. Prior to BMO and Bell, he worked in retail and at various restaurants. He only drinks at special occasions, such as weddings and birthdays. He has completed the requirements of his criminal sentence which included the Back on Track Program. He has not attended any other programs.

During re-examination, Mr. Panchadcharadevan further testified as follows:

While working in customer service, he never had any issues with customers. He dealt with customers who were angry or upset at the Bell Dispute Resolution Centre. His job was to de-escalate the situation. He drove daily while he was employed. While his licence was suspended, he commuted with his wife.

Mr. Panchadcharadevan did not call any other witnesses.

MLS'S SUBMISSIONS

In her closing submissions, Ms. Murakami, on behalf of MLS, submitted that:

The Tribunal needs to decide whether Mr. Panchadcharadevan's conduct provides reasonable grounds to believe that Mr. Panchadcharadevan will not operate a Tow Truck in accordance with law, and with integrity and honesty; his operation of a Tow Truck has resulted or will result in a breach of the Municipal Code or any other law; or his operation of a Tow Truck would infringe on or endanger public health or safety.

Mr. Panchadcharadevan has one criminal conviction and one HTA conviction. He was also involved in two assaults, namely June 25, 2011 and December 2, 2012. The Police had reasonable and probable grounds to charge Mr. Panchadcharadevan with these offences. There is a history of alcohol consumption and violence. The two assaults occurred within a short period of time of each other.

Regarding the August 4, 2012 incident [p. 63-65 of report], specifically the Careless Driving conviction, there was damage to the vehicle. Mr. Panchadcharadevan admitted to drinking. He failed the road side test, and the two readings one hour later at the police station were twice the legal limit. He doesn't contest the results. Pleading to Careless Driving and having the other two charges withdrawn prevented him from having a Criminal Record. However, four years later, on January 22, 2016, Mr. Panchadcharadevan was charged and convicted with over 80 mg during a random test. He failed the road side test and two samples one hour later. His tests readings were 2½ times the legal limit. This is not a case of slightly over the legal limit. The constant theme is alcohol.

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The Tow Truck Driving Licence he seeks enables the transport of vehicles and, more importantly, of individuals who may be in traumatic situations. They may have been involved in an accident and as such, it is a trying time for these individuals. The tow truck driver needs to be responsible when dealing with these situations. MLS Counsel further submitted that Mr. Panchadcharadevan is not a candidate given the repeated nature of alcohol use, the August 2012 Careless Driving conviction with alcohol twice the legal limit and the 2016 Over 80 mg conviction four years later with alcohol 2½ times the legal limit. This is egregious conduct to public safety. It is repeated conduct and there is not a long time after the last conviction. Mr. Panchadcharadevan's conduct suggests denial.

APPLICANT'S SUBMISSIONS

Mr. Gerges submitted that:

Mr. Panchadcharadevan is currently 30 years old. His employment history is without issue. His positions included high stress jobs, dispute resolution, and dealing with people who were frustrated. There have been no concerns with his past employers or work.

Mr. Panchadcharadevan got married and had his first child in 2014. He had his second child in 2018. He has a family now. He was a young man of 22 years back in 2011/2012. He had no responsibilities. This was a bad period. But, now, he has cut off those friends. Life changed. He is a father with responsibilities. He has learned significant lessons from his conviction. A criminal record can affect life. He was on probation for 12 months. His licence was suspended for 15 months. He operated his vehicle with the interlock system without issue. He completed his Back on Track Program. He has changed his life.

During 2011 and 2012, Mr. Panchadcharadevan was involved with alcohol partying and/or altercations but he was the observant participant, or the victim. Those events were seven to eight years ago. He is a different person today.

Regarding the conviction Over 80 mgs three years ago, Mr. Panchadcharadevan acknowledges it was a bad decision. He has learned, through the Back on Track program, and he is not going to drive after any alcohol consumption. He is cutting off such behavior completely. He has had a hard time finding employment. He needs to support his family. His wife is on maternity leave. He has his friend, a tow truck company owner, willing to put his business on the line and offer him a job. The tow truck company owner does not believe Mr. Panchadcharadevan is a risk to the business or to the public.

Mr. Panchadcharadevan has been licensed as a driver for 14 years. Besides the 2012 and 2016 suspensions, he has been driving almost every single day until his termination at BMO. Yet, he has no speeding offences, red light offences, etc.

When explaining why Mr. Panchadcharadevan can abstain from alcohol, Mr. Gerges indicated that the two incidents are not related to work or driving a tow truck. Mr. Panchadcharadevan has a past record of good employment. MTO believes he is a suitable to drive and he holds a valid licence. He has been driving after a 15 month suspension. His alcoholism assessment was negative for signs of alcoholism. He was honest about his friends not being completely cut off. He has minimal contact with them through social media. He is being honest. Placing conditions would alleviate any concerns the Tribunal may have.

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The Toronto Licensing Tribunal decision of Hussey, dated April 12, 2018, and the Main decision, dated January 12, 2018, are being brought to the Tribunal's attention for comparison. The Hussey case involved twenty seven charges including nine convictions. The Main case involved Assault bodily harm charges and pleading guilty to causing disturbance in public, tow truck misconduct, theft under and failed to comply with probation. In both cases, the Tribunal granted licences with conditions even though, Mr. Gerges argues, their prior history and conduct are worse than that of Mr. Panchadcharadevan.

MLS'S REPLY

MLS submits that even though Mr. Panchadcharadevan has been licensed since 2004, he has not been driving every single day. He owned a vehicle in 2006. He was using rental vehicles in 2012. He had no vehicle from 2012 to 2014. His licence was suspended from 2016 to 2018. He drives half the time since 2018. He has limited driving experience and no experience driving professionally.

Regarding the Hussey Tribunal decision, dated April 12, 2018, involving 27 charges and 9 convictions, the October 2010 conviction related to stealing something which only had a value of \$9.83. The 2011 and 2015 offences involved domestic assaults. The 2011 disturbance was a fight at a bar. None of these are alcohol-related. Hussey's criminal record is not the same. There are differences in the type of offence, date versus decision, relevance to licence, and length of time elapsed since the offence. MLS counsel submitted that we don't know the circumstances after the charges were laid. In contrast, Mr. Panchadcharadevan has had two convictions that involved drinking and driving.

ANALYSIS

In considering whether to renew, grant or deny a licence, and whether to do so with or without conditions, the Tribunal must balance the protection of the public interest with the need of the licensee to earn a living.

Section 545-3 (B)(3) of the Toronto Municipal Code states:

(3) Chapter 545 of the Municipal Code sets out City Council's objectives with respect to licensing matters, and the Toronto Licensing Tribunal, through its independent adjudicative powers, shall:

- (a) Uphold the spirit and intent of the Municipal Code;
- (b) Determine the extent to which an applicant's or licensee's individual circumstances and qualifications meet the requirements of the Municipal Code;
- (c) Have regard for the need to balance the protection of the public interest with the need for licensees to make a livelihood;

Section 545-4 (C)(1) of the Toronto Municipal Code sets out the grounds for denying a licence, which include the following:

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(1) An applicant for a licence, or for the renewal of a licence, is, subject to the provisions of this chapter, entitled to be issued the licence or renewal, except where:

- a. The conduct of the applicant affords reasonable grounds for belief that the applicant has not carried on, or will not carry on, his or her trade, business or occupation in accordance with law and with integrity and honesty; or
- b. There are reasonable grounds for belief that the carrying on of the trade, business or occupation by the applicant has resulted, or will result, in a breach of this chapter or any other law; or
- e. The conduct of the applicant or other circumstances afford reasonable grounds for belief that the carrying on of the business by the applicant has infringed, or would infringe, the rights of other members of the public, or has endangered, or would endanger, the health or safety of other members of the public.

Section 545-6 (C)(2) of the Toronto Municipal Code states:

C. The Toronto Licensing Tribunal may, for any of the reasons set out in § 545-4C of this chapter:

- (2) Impose such conditions upon a licence as it considers appropriate and as are authorized by law;

The Tribunal concluded that the information in the record about the incidents in June 2011 and December 2012 did not carry much weight. The June 2011 charges were all ultimately withdrawn. Some December 2012 charges went to trial but Mr. Panchadcharadevan was acquitted. His testimony regarding both these incidents appeared straightforward and sincere. He was a younger man, partying with friends, and acknowledged he was in the wrong place at the wrong time. He also told the Tribunal that he no longer spends time with these friends, but they are acquaintances with whom he only has occasional contact via social media.

Having weighed the evidence, the Tribunal was satisfied that nothing in the information about these incidents, which happened eight and seven years ago now, gave us reasonable grounds to believe that, in the future, Mr. Panchadcharadevan will not operate a Tow Truck in accordance with law, and with integrity and honesty; or his operation of a Tow Truck would infringe on the rights of the public or endanger public health or safety. However, to address our concerns about his past conduct and enhance public safety, we consider it appropriate in this case to impose conditions to help ensure that the positive changes which the applicant has made continue in effect.

Mr. Panchadcharadevan has two specific convictions that were troubling to the Tribunal in an applicant seeking a licence for a driving activity. The 2012 careless driving conviction, which involved alcohol, occurred when Mr. Panchadcharadevan was younger, single man and is now more than six years in his past. More troubling is the January 2016 incident, which shows that drinking and driving behaviour continued after his marriage and the birth of first child. However, the applicant convinced the Tribunal that he has now turned his life around and is now aware of the gravity of his situation. He has convinced the Tribunal that since getting a criminal record, it has become clear to him that he should not drink and drive, and that doing so would affect his securing employment and supporting a family.

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Further, we noted that the January 2016 incident is also three years in the past and while it is true that for parts of that three year period, Mr. Panchadcharadevan was prohibited from driving, his testimony is that since his suspension has ended, he drives about half the time. There are no further driving incidents of any kind on his record since January 2016. There is no evidence Mr. Panchadcharadevan has ever had any conviction related to driving in a professional capacity; rather, both incidents occurred in personal vehicles he was driving on social occasions. And, other than these concerning convictions, Mr. Panchadcharadevan's driving record is completely clean.

The Tribunal notes that there is nothing in Mr. Panchadcharadevan's history to show that he would breach any conditions. On the contrary, police field notes and other information in the file showed that he was cooperative, followed instructions and complied with his sentence requirements. We are satisfied that imposing conditions in this case will help to protect public health and safety.

The Tribunal also recognized that given Mr. Panchadcharadevan's criminal record, it would be difficult for Mr. Panchadcharadevan to find another way to earn an income. He has financial responsibilities as a husband and father to two young children. In the Tribunal's view, his need to earn a livelihood further tipped the balance in favour of issuing a licence.

Finally, Mr. Panchadcharadevan presented evidence of a specific, reasonable, concrete plan for employment if granted a tow truck driver's licence, which would allow him to make a livelihood in spite of the hindrance of having a criminal record. His uncontradicted testimony was that Sin Shan (owner of Empire Recovery) is a long-term friend but was not involved in any of the previous troubling incidents. It appears to us that Mr. Panchadcharadevan will be very motivated to keep his tow truck driving licence in good standing, so as to support his family and not let down his friend.

The Tribunal is pleased to note that the applicant has committed himself to a zero-alcohol level when driving any vehicle, let alone a tow truck.

DECISION

The Tribunal made the following Order at the hearing on January 31, 2019:

The licence will be issued but subject to conditions:

1. Immediately upon being issued, the licence will be placed on probation for a period of three years. The applicant is advised that during the probationary period, MLS may make additional checks of any driving, criminal, and bylaw charges and convictions against the applicant and conduct any other investigations as appropriate to assess the applicant's compliance with the requirements of Chapter 545 of the Municipal Code and other applicable laws;
2. Prior to each of the next three renewals of the licence, the applicant must provide to MLS, at his own expense, an original up to date abstract of his driving and criminal records. The applicant is specifically ordered to report to MLS any alcohol driving related charges and/or conviction within three days; and

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3. During the probationary period, if MLS has concerns with any new charges or convictions against the applicant or any other concern with respect to the conduct of the applicant, those matters, Report 7116, and any other updating material may be brought back before the Tribunal for a full hearing.

Originally Signed

Victoria Romero, Hearing Panel Chair

Panel Members, Melina Laverty and Moira Calderwood concurring.

Reference: Minute No. 21/19

Date Signed: April 10, 2019