

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

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**Date of Hearing:** June 13, 2019

**Panel:** Melina Laverty, Panel Chair;  
Anu Bakshi and Mary Lee, Panel Members

**Re:** Estate of Mustafa Negah (Report No. 7259)  
Nadia Negah, Estate Trustee  
Holder of Taxicab Owner's Licence No. V02-4701240, Plate No. 1644

**Counsel for Municipal Licensing and Standards (MLS):** Matthew Cornett

**The Estate was represented by the Estate Trustee:** Nadia Negah

**SUMMARY**

- 1) The Estate of Mustafa Negah currently holds a Taxicab Owner's Licence, consequent on the death of the former licence holder, Mr. Negah.
- 2) Upon receiving notice of the death of an owner, MLS may re-issue the licence into the Estate pending its disposition. Once issued to the Estate, as set out in §546-42E of the Toronto Municipal Code (the Code), the licence shall terminate one year from the date of death of the licensee.
- 3) The Tribunal has the discretion to extend that period.
- 4) The Tribunal considered the evidence and submissions presented during the hearing. It determined that the licence can remain in the Estate until November 18, 2019.
- 5) If it is not sold, transferred or disposed of by that date, the licence shall terminate as per §546-42 of the Code. Upon termination, the Estate Trustee (Ms Negah) is required to return the photo identification card and taxi plate to MLS.

**ISSUES**

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

**SUMMARY OF THE EVIDENCE**

- 7) The facts underlying this matter were not in dispute. The documentary evidence, consisting of Report 7259, was entered as Exhibit #1 through MLS's sole witness, Ms Andrea Di Matteo, MLS Supervisor. Ms Negah took no issue with the facts set out here:

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- On August 11, 2016, Mr. Negah died. In the will, Ms Negah was appointed as Estate Trustee.
  - On September 7, 2017, the Tribunal extended the time for the licence to remain in the estate until June 13, 2018.
  - On June 21, 2018, the Tribunal extended the time for the licence to remain in the estate until December 31, 2018.
  - On January 31, 2019, the Tribunal extended the time for the licence to remain in the estate until May 1, 2019.
  - On May 1, 2019, the Estate Trustee wrote to MLS asking for an extension for the licence to remain in the estate, and a hearing before the Tribunal.
- 8) Ms Negah, Estate Trustee, testified that she wants to sell the licence but has been unable to find anyone to buy it. Her brother has been helping her try to sell it. In an effort to sell the licence, her brother spoke with many garages, and they have advertised in various places, including Kijiji and with a sign in the taxicab window, but without success. The price to sell a standard taxi plate is very low right now.
- 9) Under cross examination, Ms Negah explained that she has four children (aged 16, 18, 22, and 26): two live at home with her, and her older children are in school. She works as a financial advisor and that is her main source of income, but she also receives \$400 a week from the driver of the taxi, which has been the same driver at least since her husband passed away. She has not been able to find another driver.
- 10) The taxi is from 2014. She does not have the money to transfer the licence. It must be changed to TTL (Toronto Taxi Licence), and be an accessible van. It would cost \$80,000 to buy an accessible vehicle. She cannot afford to do that right now, as she is still paying back the loan of \$100,000 to purchase the taxi. A family member loaned these funds to her.
- 11) She does not make very much money from the taxi right now, as it costs \$9,000 to insure the taxi. When asked what she would do if no extension was granted, she explained even though it does not provide much income now, she hopes that in the future it would be a good source of income.

## **SUBMISSIONS**

### MLS Submissions

- 12) It has been nearly three years since Mr. Negah died. The Tribunal has considered this matter three times and granted extensions totalling 21 months. The intent of §546-42 of the Code is that a licence should remain in an estate for one year after the owner's death. MLS submits that licences should not "sit" in estates. MLS should be able to determine ownership, as the owner is responsible and accountable.

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- 13) Estate trustees should be given a reasonable amount of time to take action. MLS is concerned that Ms Negah has no clear plan as to what she will do with the licence, and to whose name it will be transferred if she is unable to sell it.
- 14) As of 2016, a TLT licence requires vehicles to be wheelchair accessible. Ms Negah's taxi is currently from 2014, and the Code states taxis can only be seven years old, in other words she must replace the taxi in 2021. MLS recognizes it will be an expense for her to transfer the licence and buy an accessible vehicle now; however, she will have to replace her vehicle in two years anyway because of its age. Also, Ms Negah is still earning income from the taxi, and overtime that will help offset the costs incurred by transferring the licence.
- 15) If we grant another extension it would be unfair to other owners, who are expected to transfer or sell their licences. Owners are not allowed to wait until the market is favourable to sell. MLS is concerned that the only reason Ms Negah has not taken action is because of the current market. Ms Negah is able to transfer the licence into her name or that of someone else, if she does not want to sell the licence right now. That process, to issue the licence in another person's name is around \$1000 to \$1500 (MLS counsel and staff could not confirm the exact fee). MLS sympathizes with her situation; however, it would be unequitable to those in similar situations, if we continue to provide extensions in this case.
- 16) MLS submitted that the Tribunal should extend the time period for the licence to remain in the Estate to October 14, 2019. A short extension is sufficient, after which the licence should terminate if no action has been taken, and Ms Negah should submit the photo identification card and the plate to MLS.

#### Ms Negah's Submissions

- 17) Ms Negah submitted that the Tribunal should extend the time period for the licence to remain in the Estate until December 2019. She has been unsure what to do about the licence. The decision has been difficult and she feels as if the options are limited.

#### **ANALYSIS AND DECISION**

- 18) After submissions, it was apparent that both parties agreed that the Tribunal should extend the period of time for which the Estate could continue to hold the licence. MLS submitted that this should be short until the middle of October 2019 and the last extension. Ms Negah requested the extension be a bit longer until December 2019.
- 19) As MLS submitted, and the Tribunal agrees, taxicab owner's licences are not meant to linger for extended periods of time in estates.
- 20) Ms Negah has already appeared before the Tribunal three times requesting an extension, and been provided with 21 additional months to take action on the

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- licence. It has been nearly three years since the death of the licensee and there has been ample time to take action with respect to this asset.
- 21) The Tribunal had concerns that though she has made some efforts to sell the licence, those efforts have been limited. It has been nearly three years since the licence owner passed away, and there was no evidence provided that a buyer was found, and a sale fell through during this time. It was also unclear if Ms Negah had made any steps to initiate a transfer of the licence into her own name or that of someone else, if she is unable to or preferred not to sell the licence at this time. There was also no evidence that there was any dispute with the estate itself or suggestion that the estate was in litigation which may delay the distribution of its assets.
- 22) At the same time, we recognize it takes time to manage the assets of an estate, and that Ms Negah has lost her husband and has four children with two at home with her.
- 23) The Tribunal was persuaded that it is reasonable, in this case, to allow the licence to remain in the estate until November 18, 2019. Had we not provided this extension, the licence would have terminated today, and the asset forfeited. In our view, this extension provides sufficient time for Ms Negah to sell, transfer, or dispose of the licence. If Ms Negah chooses not to or is unable to sell the licence, she has the option to transfer the licence into someone's name.
- 24) If the licence has not been sold, transferred or disposed of by November 18, 2019, the licence shall terminate as per §546-42 of the Code, and the Estate Trustee (Ms Negah) is required to return the photo identification card and taxi plate to MLS.

#### **ORDER**

- 25) The Tribunal extends the time the Taxicab Owner's Licence No. V02-4701240 may remain in the Estate of Mustafa Negah until November 18, 2019.

Originally Signed

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Melina Laverty, Panel Chair  
Panel Members, Anu Bakshi and Mary Lee concurring

Reference: Minute No. 103/19

**Date Signed:**           July 12, 2019