

REASONS FOR DECISION OF THE TORONTO LICENSING TRIBUNAL

Date of**Hearing:** June 27, 2019**Panel:**Mary Lee, Panel Chair;
Melina Laverty and Daphne Simon, Panel Members**Re:**Estate of Krishan Lal Bhatia (Report No. 7261)
Ajeev Bhatia, Estate Trustee
Holder of Taxicab Owner's Licence No. V02-4934853
Plate No. A208**Counsel for Municipal Licensing and Standards (MLS):**

Graham Thomson

The Estate was represented by the Estate Trustee:

Ajeev Bhatia

Agent representing the Estate Trustee:

Mitch Grossman

SUMMARY

- 1) The Estate of Krishan Lal Bhatia holds a Taxicab Owner's Licence, consequent on the death of the former licence holder, Mr. Lal Bhatia.
- 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. The Tribunal has the discretion to extend that period.
- 3) The Tribunal considered the evidence and submissions presented during the hearing. It determined that the licence can remain in the Estate until December 31, 2019.

ISSUES

- 4) 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. Secondly, the Tribunal had to determine if it had jurisdiction to waive any outstanding fees.

SUMMARY OF THE EVIDENCE

- 5) The facts underlying this matter were not in dispute. The documentary evidence, consisting of Report 7261 and a document contained in a previous report was entered as Exhibit #1. Mr. Bhatia took no issue with the facts set out here:
 - On September 28, 2014, Mr. Lal Bhatia died. He did not have a Will.
 - On October 14, 2018, Mr. Bhatia was appointed as Estate Trustee without a Will.
 - On May 7, 2019, the Estate Trustee wrote to MLS asking for an extension for the licence to remain in the estate, and for a hearing before the Tribunal.

APPLICANT'S SUBMISSION

June 27, 2019

- 6) The Applicant's representative, Mr. Grossman, stated that MLS consented to the extension to December 31, 2019 on the condition that any outstanding fees be paid to MLS. Mr. Grossman stated that Mr. Bhatia appreciates the assistance MLS has given him to date considering the circumstances in his case. The only issue in disagreement is the outstanding fees. Mr. Grossman requested that the Tribunal exercise its discretion and waive any outstanding fees on the basis of compassion for the circumstances and undue financial hardship.

MLS SUBMISSION

- 7) MLS did not call on any witnesses and relied on the documents contained in Report No. 7261. MLS Counsel stated that MLS is willing to consider an extension of the licence until December 31, 2019, if all outstanding fees are paid. MLS pointed out what happens to the licence upon death of an owner in §546-42 paragraphs E, F and G of the Toronto Municipal Code. Counsel further stated that the Tribunal does not have jurisdiction to waive the outstanding fees.

ANALYSIS AND DECISION

- 8) 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 to December 31, 2019. However, the only issue of disagreement was the payment of outstanding fees. The Applicant's representative, Mr. Grossman requested that the Tribunal exercise its discretion and waive the outstanding fees based on compassion and undue financial hardship. MLS submitted that the Tribunal does not have the jurisdiction under the Municipal Code to exercise its discretion and waive the outstanding fees in this case.
- 9) After considering the evidence and submissions, the Tribunal was persuaded that it is reasonable, in this case, to allow the licence to remain in the estate until December 31, 2019. Even though the licence holder died in September 2014, almost five years ago, we accept the challenges the Estate Trustee has encountered settling the estate. The licence holder had no will, and he has had difficulties managing this on his own as a young man, without other family members to assist him and with limited financial means.
- 10) The Tribunal agrees with MLS that we do not have jurisdiction under the Code to waive and/or reduce the outstanding fees.

ORDER

- 11) The Tribunal extends the time the Taxicab Owner's Licence No. V02-4934853 may remain in the Estate of Ajeev Bhatia until December 31, 2019.

Originally Signed

Mary Lee, Panel Chair
Panel Members, Melina Laverty and Daphne Simon concurring

Reference: Minute No. 113/19

Date Signed: July 22, 2019