

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

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**Date of Hearing:** June 17, 2021 (Videoconference Hearing)

**Panel:** Daphne Simon, Panel Chair;  
Anu Bakshi and Verlyn Francis, Members

**Re:** Harjit S. Mangat (Report No. 7445)  
Holder of Taxicab Owner's Licence No. V00-4425616, Plate No. 4115  
AND  
Applicant for a Vehicle-For-Hire Driver's Licence  
(Application No. C110450)

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

**Counsel for Applicant:** Unrepresented

### **BACKGROUND**

Municipal Licensing and Standards (MLS) has requested a hearing before the Toronto Licensing Tribunal regarding Mr. Harjit Mangat's Taxicab Owner's Licence and his application for a Vehicle-For-Hire Driver's Licence. Mr. Mangat held a Vehicle-For-Hire Driver's Licence from September 1998 to September 2015 and from September 2016 to September 2017. Mr. Mangat held a Taxicab Owner's Licence from October 2014 to October 2020.

In May 2021, Mr. Mangat submitted a new application for a Vehicle-For-Hire Driver's Licence which was refused by MLS. Both Licences were the subject of today's hearing conducted by video conference.

### **SUMMARY OF DECISION**

The Tribunal ordered that a Vehicle-For-Hire Driver's Licence be issued and the Taxicab Owner's Licence be renewed effective immediately and on condition that all outstanding fees are paid and any documentary requirements are satisfied. The Tribunal did not find evidence to demonstrate, on reasonable grounds, that Mr. Mangat would endanger the health and safety of the public should he be issued a taxi-cab driver and owner's licence.

### **MLS'S EVIDENCE**

MLS presented their evidence through Jamil Elannan, Supervisor, MLS. Report 7445 was entered as Exhibit 1.

Mr. Elannan summarized Mr. Mangat's licensing history with the City of Toronto dating back to September 1998 when Mr. Mangat first received a Vehicle-For-Hire Driver's Licence (Taxi Driver Licence, as it was then called). Mr. Mangat obtained a Taxicab Owner's Licence in 2014 which he held until October 2020 when it lapsed due to non-payment of the renewal fee.

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Mr. Elannan referred to a chart in the Report which summarized a list of Criminal Code charges and convictions against Mr. Mangat. The chart was last updated in June 2020. He noted two assault charges occurring on July 24, 2019 and September 3, 2019, respectively. Both had a court date of January 14, 2021. The other items he referred to in the chart related to three assault charges in 2015 and 2012, all of which were withdrawn (and one requiring a peace bond).

The 2019 assault charges were stayed as evidenced by police reports and provided to MLS in February 2021. The details of the September 2019 incident described a domestic situation with Mr. Mangat and his then girlfriend. It is alleged that Mr. Mangat hit, pinched and verbally assaulted his girlfriend in bed after he had consumed alcohol with friends earlier that evening. He is alleged to have ripped off his girlfriend's clothes. The other assault from July 2019 involved a verbal altercation with his then girlfriend where he is alleged to have slapped her and pulled her hair and tried to force her out of their residence.

The assault charges from May 2012 described two domestic incidents where Mr. Mangat is alleged to have slapped his then wife on two occasions. The charges were withdrawn (with one charge requiring a peace bond).

## **MR. MANGAT'S EVIDENCE**

Mr. Mangat, who was self-represented, testified on his own behalf. He stated that he has had no other job in his life other than driving a taxi.

He has 12 years of education and no post-secondary education. He was divorced in 2017 and does not have any dependents. He does not support his adult children or his ex-wife. He is no longer with his girlfriend. He is receiving CERB, pandemic relief related payments.

Mr. Mangat indicated that he tried everything to obtain his Vehicle-For-Hire Driver's Licence since 2017, but was told every year by MLS staff that it would be denied.

Mr. Mangat explained that he holds a TTL plate which allows him to pick up wheelchair passengers. He stated that he drives a wheelchair accessible van. He is not able to rent the van or the plate to another driver as it is not permitted and he cannot afford the cost of insurance associated with a second driver. He must have his taxicab driver's licence in order to drive the van and earn a livelihood. He plans on driving full time, if he obtains his licences.

Mr. Mangat explained that he has never had any complaints from customers in his many years of driving a taxi. He said that the criminal charges were due to personal matters and not related to his taxi driving. He stated that he drinks whiskey only in the evenings, three times a week and only before bedtime. His most recent driver's abstract shows a clean record.

When asked by Mr. Thomson about whether there were any conditions to the 2019 assault charges being withdrawn, Mr. Mangat stated there were no conditions. He attempted to read from his lawyer's letter which explained the resolution of the matter. Mr. Mangat did not provide a copy of his lawyer's letter to the Tribunal or MLS, but he attempted to show it by placing it up to the camera in the videoconference.

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## DECISION

**Issue: The Tribunal must determine whether Mr. Mangat's criminal record of charges and convictions provide reasonable grounds to believe that his conduct will endanger the health and safety of members of the public, if issued a Vehicle-For-Hire Driver's Licence and a Taxicab Owner's Licence?**

**Summary of Decision: The Tribunal determined that there was no evidence to demonstrate reasonable grounds to believe that Mr. Mangat will endanger the health and safety of members of the public.**

The Municipal Code provides in part:

§ 546-4. Grounds and administrative thresholds for denial of licence.

A. An applicant for a licence or for the renewal of a licence, is, subject to the provisions of this chapter, entitled to the licence or renewal, except where:

(1) The conduct of the applicant affords reasonable grounds to believe that the applicant has not carried on, or will not carry on, the business in accordance with law and with integrity and honesty; or

(2) There are reasonable grounds to belief [sic] that the carrying on of the business by the applicant has resulted, or will result, in a breach of this chapter or any law;

or

[...]

(5) The conduct of the applicant or other circumstances afford reasonable grounds to believe 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, their health or safety.

[...]

The Municipal Code requires that MLS demonstrate that there are reasonable grounds to believe that Mr. Mangat's conduct will endanger members of the public or put their health and safety at risk if he is allowed a taxi driver's and taxicab owner's licence. If MLS cannot demonstrate this, Mr. Mangat is entitled to the licences.

In carefully considering the evidence in this matter, the Tribunal had to decide whether MLS could show that Mr. Mangat's conduct, his licensing history, his criminal charges and convictions would provide reasonable grounds to believe that he would endanger the health and safety of the public.

MLS submitted that Mr. Mangat should not be driving vulnerable persons given his assault charges. MLS submitted that his record of domestic disputes did not bode well to entrust him with vulnerable passengers. Mr. Mangat, however, indicated that he had never had any complaints in the many years he had been driving a taxi. MLS could not refute this evidence. There was no evidence of passenger complaints before the Tribunal. Mr. Mangat said the charges were of a family and personal nature and have no impact on his ability to conduct his business. While this Tribunal does not, in any way, wish to minimize the issue of domestic assault or domestic abuse, the Tribunal found Mr. Mangat to be forthright and we were persuaded that these matters were isolated to his home life and that they did not pose a threat to public safety. He explained that his divorce was finalized in 2017, and it was a difficult time for him personally.

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MLS stated that it was hard to believe that Mr. Mangat did not have any further conditions placed on him when the assault charges were withdrawn. MLS did not provide any court transcripts or other documentation to demonstrate this point and simply made an inference that Mr. Mangat was not to be believed. Mr. Mangat gave evidence that no other conditions were placed on him. He was willing to read his lawyer's letter to the Tribunal and placed it up to the camera, thereby waiving lawyer client confidentiality, as proof of this. The Tribunal did not think that Mr. Mangat was attempting to hide anything in regard to the charges being withdrawn without conditions. The Tribunal preferred Mr. Mangat's evidence over MLS's speculation on this point.

The Tribunal also has a mandate to balance the protection of the public interest versus an individual's need to earn a living, as set out in part in the Toronto Municipal Code, § 546-8.A.(3)(c):

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

MLS submitted that Mr. Mangat was able to rent his plate and van in order to earn a livelihood. Mr. Mangat disputed this point. He provided an explanation as to why this is not feasible nor cost effective. The Tribunal preferred Mr. Mangat's evidence over MLS's submission on this point. The Tribunal determined that Mr. Mangat's need to earn a livelihood outweighed our mandate to protect the public interest here. He has limited education and his only work history is the taxi business for over 20 years.

MLS was seeking a four-year probationary term in the event that the Tribunal issued Mr. Mangat's licences. This was submitted as an argument in the alternative should the Tribunal deem that Mr. Mangat does not pose a threat to the public. The Tribunal did not feel a probationary term was appropriate in this case. There is no evidence that he will not comply with the Code. He has a clean driving record, and no complaints from customers in his 20 years in the taxi industry.

This matter would have benefitted from the parties having pre-hearing discussions in order to share evidence and streamline the issues. Discussions assist both parties. It assists MLS by considering whether the evidence is sufficient to meet its onus pursuant to the Municipal Code and it assists the self-represented litigant in knowing the case against him or her. It appeared to the Tribunal that no such discussions ever took place, which is a lost opportunity for a more efficient administrative process.

Originally Signed

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Daphne Simon, Panel Chair

Panel Members: Anu Bakshi and Verlyn Francis, concurring

Reference: Minute No. 106/21

**Date Signed: June 30, 2021**