

## REASONS FOR DECISION OF THE TORONTO LICENSING TRIBUNAL

---

**Date of Hearing:** July 29, 2021 (Videoconference Hearing)

**Panel:** Edgar-André Montigny, Panel Chair;  
Mary Lee and Daphne Simon, Members

**Re:** Pirasanth Loganathan (Report No. 7606)  
Applicant for the Renewal of Tow Truck Driver's Licence No. D09-4929814

**Counsel for Municipal Licensing and Standards:** Jennifer Boyczuk

**Counsel for Applicant:** Unrepresented

### SUMMARY

On November 4<sup>th</sup>, 2020 MLS conducted a routine review of Mr. Loganathan's driving record. On December 10, 2020, Municipal Licensing and Standards (MLS) mailed a letter to Mr. Loganathan outlining the grounds for the denial of his license. Mr. Loganathan requested a hearing.

After hearing the evidence and submissions of both parties, the Tribunal revoked Mr. Loganathan's Tow Truck Driver's License No. D09-4929814.

### INTRODUCTION

1. Mr. Loganathan applied for a Tow Truck Driver's License in 2019. MLS denied to issue a license as records of the Ministry of the Attorney General's Integrated Court Offences Network (ICON) revealed multiple charges and convictions registered against Mr. Loganathan under the *Highway Traffic Act* (HTA), *Compulsory Automobile Insurance Act*, the *Criminal Code of Canada* (CCC) and the Toronto Municipal Code.
2. After a hearing held on November 28, 2019, the Tribunal ordered that a license be issued to Mr. Loganathan with conditions, namely that the license be placed on probation for a period of three (3) years.
3. In November 2020, MLS identified new charges on Mr. Loganathan's driving record incurred while his license was on probation.
4. The issue before the Tribunal is whether Mr. Loganathan's conduct (as evidenced by his record of charges and/or convictions under the HTA, the CCC and the Toronto Municipal Code, provides reasonable grounds to believe that:
  - i. Mr. Loganathan will not operate a tow truck in accordance with law, and with integrity and honesty; or

July 29, 2021

- ii. Mr. Loganathan's operation of a tow truck has resulted or will result in a breach of the law; or
- iii. Mr. Loganathan's operation of a tow truck has infringed or would infringe the rights of other members of the public, or has endangered or would endanger public health or safety.

## **CITY'S EVIDENCE**

Andrea Di Matteo was the city's only witness. After she was affirmed, Ms. Di Matteo testified regarding Mr. Loganathan's charges and convictions as set out in Report No. 7606 and an updated Report dated July 27, 2021 [Entered as Exhibit 1 (the Report)]. Ms. Di Matteo provided a summary of the various charges and convictions on Mr. Loganathan's record. She noted in particular that:

Mr. Loganathan incurred thirty (30) new charges under the HTA since he was placed on probation in 2019. One charge resulted in a conviction and two charges were withdrawn, but the bulk of these charges are still pending before the courts.

Among the offences listed on Mr. Loganathan record since November 2019 are charges for careless driving, unsafe turn/lane change, disobey sign and speeding,

Since the first hearing held on November 28, 2019, Mr. Loganathan incurred 14 new charges under the Toronto Municipal Code, which are all pending before the courts.

## **APPLICANT'S EVIDENCE**

Mr. Loganathan insisted that he had become a more careful driver since 2019. He noted that he is a hard worker and spent long hours in the tow truck. He noted that he required the income to support himself.

He argued that many of the charges against him were not valid. He outlined that police tended to target tow trucks. Mr. Loganathan outlined that most the charges were still before the courts. He had not yet been convicted. He was certain that most of the charges would be dismissed. He was willing to show his dash camera video in order to prove that he is innocent of the charges. He asked that the Tribunal to give him a chance to demonstrate that he is not as bad a driver as his record of charges suggests.

## **SUBMISSIONS**

### **MLS**

Counsel for MLS outlined that the grounds for denying the renewal of a license had been met. Mr. Loganathan's record of charges was sufficient to create reasonable grounds to believe that he would not operate a tow truck in accordance with the law, and that his operation of his tow truck has or would infringe the rights of other members of the public.

July 29, 2021

Counsel noted that in November 2019, the Tribunal found that Mr. Loganathan's record was concerning. At that time, the Tribunal concluded that concerns about public safety could be satisfied by placing conditions on Mr. Loganathan's license.

Since Mr. Loganathan's license was placed on probation, he has he has incurred a large number of additional charges. There is no evidence of any improvement in his driving.

Probation offers licensees a chance to demonstrate that they can operate their business in accordance with the law. In this case, the number of charges incurred by Mr. Loganathan while his license was on probation demonstrates that placing conditions such as probation on his license will not be sufficient to protect the public.

MLS asked the Tribunal to revoke Mr. Loganathan's license.

### **Mr. Loganathan**

Mr. Loganathan noted that it was not fair to take action based on the current charges on his record. He insists that these charges will be dismissed once they are brought before the courts.

He felt most charges were the result of police targeting tow truck drivers. He wanted a chance to prove this.

### **DECISION**

Section 546-4 A of the Toronto Municipal Code sets out the grounds for denying renewal of a licence. There must be reasonable grounds to believe that Mr. Loganathan will not operate his business in accordance with the law; that the carrying on of his business has resulted, or will result, in a breach of this chapter or any other law; and that Mr. Loganathan's operation of his business has infringed or would infringe the rights of the public, and has or would endanger the health and safety of public.

Having weighed the evidence, the Tribunal is satisfied that those grounds have been met.

Mr. Loganathan's record of charges is concerning. This is the second time Mr. Loganathan appeared before the Tribunal with such a record of charges. In November 2019, the Tribunal felt that it was appropriate to allow Mr. Loganathan the opportunity to prove that he could operate his business in accordance with the law by placing conditions on his license to ensure the protection of the public.

In the relatively short time since November 2019, Mr. Loganathan has incurred numerous new charges. The number and range of charges alone is sufficient to raise serious concern about Mr. Loganathan's conduct and ability to operate his business in accordance with the law. A conviction is not necessary for the Tribunal to find reasonable grounds to believe that Mr. Loganathan will not operate his business in accordance with the law.

July 29, 2021

Conditions, such as probation were placed on Mr. Loganathan's license to deal with concerns raised about his driving record in November 2019. There is no evidence that these conditions have had any positive impact on Mr. Loganathan's driving record. He appears to have continued to incur the same range of charges at about the same rate as he did prior to the imposition of conditions on his license.

Mr. Loganathan's driving record raises serious concerns about his conduct and ability to operate his business according to the law. Placing conditions on his license has not led to any improvement in his driving record. Therefore the Tribunal finds that the protection of the public requires that the tow truck license of Mr. Loganathan be revoked.

Originally Signed

---

Edgar-André Montigny, Panel Chair

Panel Members: Mary Lee and Daphne Simon, concurring

Reference: Minute No. 127/21

**Date Signed: August 23, 2021**