

## REASONS FOR DECISION OF THE TORONTO LICENSING TRIBUNAL

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**Date of Hearing:** January 27, 2022 (Videoconference Hearing)

**Panel:** Mary Lee, Panel Chair;  
Verlyn Francis and Paula Turtle, Members

**Re:** Jeyaparan Shanmugalingam (Report No. 7433)  
Holder of Vehicle-For-Hire Driver's Licence No. D05-4648168

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

**Counsel for Applicant:** Unrepresented

### INTRODUCTION

On October 1, 2020, the Tribunal ordered an interim suspension of Mr. Jeyaparan Shanmugalingam's Vehicle-For-Hire Driver's Licence No. D05-4648168 in connection with charges under the *Criminal Code of Canada* ("**Criminal Code**"). The Tribunal further ordered that the licence shall remain suspended until such time the Tribunal orders otherwise. On January 6, 2021, the licensee was acquitted of these charges. On February 3, 2021, Mr. Shanmugalingam was subsequently charged under the Criminal Code of the same two offences.

At a hearing on January 27, 2022, Mr. Shanmugalingam requested an adjournment until his most recent Criminal Code charges have been resolved before the court. Municipal Licensing and Standards ("**MLS**") counsel consented to the adjournment until sometime in February 2023 on condition that the interim suspension placed on Mr. Shanmugalingam's Vehicle-For-Hire Driver's Licence remain in effect. Mr. Shanmugalingam objected to the ongoing interim suspension of his licence.

The question before the Tribunal is whether the interim suspension placed on Mr. Shanmugalingam's Vehicle-For-Hire Driver's Licence on October 1, 2020, should remain until the Tribunal orders otherwise. After the hearing, the Tribunal reserved its decision.

For the reasons set out below, the Tribunal has decided that Mr. Shanmugalingam's Vehicle-For-Hire Driver's Licence No. D05-4648168 shall remain suspended until MLS receives information on the court's final disposition of the Criminal Code charges laid against the licensee on February 3, 2021. The matter would then be brought back before the Tribunal for a full hearing.

### CITY AND LICENCEE EVIDENCE

No evidence was submitted by either party.

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## **LICENCEE'S SUBMISSIONS**

Mr. Shanmugalingam disagrees with the ongoing interim suspension of his licence. He has no current criminal record. His criminal charges were in the past. Since his interim suspension, he stated that he has been collecting the Canada Emergency Response Benefit (CERB). He testified that he lives with his wife and three children ages 8, 7 and 5. His wife works full-time as a Human Resources Coordinator.

Mr. Shanmugalingam further testified that it is difficult for him to find a job at this time. When he was driving, he was driving full-time. He is 37 years old. He studied accounting and graduated in 2006. Mr. Shanmugalingam submitted that his skills are outdated, and he would require further training to be employable in the accounting field.

## **CITY'S SUBMISSIONS**

Ms. Boyczuk submits that it is appropriate in the circumstances for Mr. Shanmugalingam's licence to remain in suspension. While she acknowledges that he was acquitted on January 6, 2021 of the Criminal Code charges laid on November 3, 2019, similar Criminal Code charges were subsequently laid on February 3, 2021. The most recent Criminal Code charges are driving-related which is a heightened concern for MLS. She further stated that when deciding to order an interim suspension, the Tribunal considered Mr. Shanmugalingam's Criminal Code history of charges set out in Report 7433. Ms. Boyczuk further submits that if MLS had been aware of the criminal charges of fraudulent behavior when Mr. Shanmugalingam's first applied for a Vehicle-For-Hire Driver's Licence, MLS would not have issued a licence in the first place.

## **DECISION**

The Tribunal accepts Ms. Boyczuk's submission that Mr. Shanmugalingam's licence should remain in suspension. The most recent driving related Criminal Code offence is of ongoing concern to the Tribunal.

Balancing the protection of the public interest with the need of the licensee to make a livelihood, the Tribunal is not satisfied that Mr. Shanmugalingam sufficiently established that his need to make a livelihood from driving as a Vehicle-For-Hire driver outweighs the need to protect the public interest. His wife is employed and has been supporting the family, and Mr. Shanmugalingam has indicated that he has skills that can be applied to alternate employment. The Tribunal finds that in the circumstances of this case, the need to protect the public interest outweighs Mr. Shanmugalingam's need to make a living as a Vehicle-For-Hire Driver.

Taking the submissions of both parties into consideration, the Tribunal orders that Mr. Shanmugalingam's Vehicle-For-Hire Driver's Licence No. D05-4648168 shall remain suspended until full and final resolution of the February 3, 2021 Criminal Code charges. The matter may then be brought back before the Tribunal for a full hearing.

Decision of the Tribunal: Re: Jeyaparan Shanmugalingam

January 27, 2022

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Originally Signed

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Mary Lee, Panel Chair

Panel Members: Verlyn Francis and Paula Turtle, concurring

Reference: Minute No. 13/22

**Date Signed: February 23, 2022**