
**TORONTO LICENSING TRIBUNAL ELECTRONIC HEARING:
October 12, 2023 (1:00 PM)
Summary of Decisions
E. Montigny/ P. Harris**

- 4. Sutheshkumar Sithambarpillay (Report No. 7729)**
Applicant for the Renewal of Tow Truck Driver's Licence No. D09-4065286
AND
1857543 Ontario Inc.
o/a Steve's Towing
Sutheshkumar Sithambarpillay, President
Applicant for the Renewal of Public Garage Licence No. B68-4298701
AND
1955379 Ontario Inc.
o/a Steve's Towing
Sutheshkumar Sithambarpillay, President
Applicant for the Renewal of Tow Truck Owner's Licence No. V10-4691275; Tow
Truck Plate No. 5549
AND
5009088 Ontario Inc.
o/a Steve's Towing
Sutheshkumar Sithambarpillay, Director
Applicant for the Renewal of Tow Truck Owner's Licence No. V10-5035866; Tow
Truck Plate No. 6460

DECISION:

The Tribunal approved the joint Proposed Resolution, on consent, as follows:

"The Parties agree to the following facts. This constitutes an Agreed Statement of Fact.

- (1) On November 29, 2022 the Toronto Licensing Tribunal received Report No. 7729 of Andrea DiMatteo Supervisor, Municipal Licensing and Standards (the "MLS Report") and subsequently received updates to the MLS Report as of October 11, 2023. Except for any opinions set out in the MLS Report and any information regarding charges and convictions that are proven to be incorrect, 1857543, 1955379 and 5009088 accept the factual information contained in the MLS Report as agreed facts.

- (2) On March 30, 2022 the City of Toronto Municipal Licensing Standards (“MLS”) issued a letter to 1857543 stating that MLS reviewed the application for the renewal of the 1857543 License and on the basis of Sutheshkumar Sithambarpillay having a record of charges under the Criminal Code of Canada that poses a concern to MLS and that provides reasonable grounds to believe that 1857543 is not entitled to the renewal of the 1857543 License.
- (3) On March 30, 2022 the City of Toronto Municipal Licensing Standards (“MLS”) issued a letter to 1955379 stating that MLS reviewed the application for the renewal of the 1955379 License and on the basis of Sutheshkumar Sithambarpillay having a record of charges under the Criminal Code of Canada that poses a concern to MLS and that provides reasonable grounds to believe that 1955379 is not entitled to the renewal of the 1955379 License.
- (4) On March 30, 2022 the City of Toronto Municipal Licensing Standards (“MLS”) issued a letter to 5009088 stating that MLS reviewed the application for the renewal of the 5009088 License and on the basis of Sutheshkumar Sithambarpillay having a record of charges under the Criminal Code of Canada (the “Criminal Charges”) that poses a concern to MLS and that provides reasonable grounds to believe that 5009088 is not entitled to the renewal of the 5009088 License.
- (5) Each of 1857543, 1955379 and 5009088 submitted a Request for Hearing and a Hearing was scheduled by the Toronto Licensing Tribunal (the “Tribunal”) to determine whether the 1857543 License, the 1955379 License and/or the 5009088 License should be renewed, suspended or have conditions placed on them (the “Hearing”).
- (6) The Hearing was adjourned a number of times pursuant to the joint request of MLS and 1857543, 1955379 and 5009088. The adjournments were requested and granted so that the disposition of the Criminal Charges would be known.
- (7) As of August 10, 2023, all of the Criminal Charges were withdrawn. There are no remaining Criminal Charges outstanding against Sutheshkumar Sithambarpillay.

The Parties further agree to the following:

The 1857543 License, the 1955379 License and the 5009088 License be renewed subject to the following conditions:

- (1) MLS will provide a list to Sutheshkumar Sithambarpillay 1857543, 1955379 and 5009088, listing all outstanding fees, documents and outstanding requirements (the "Outstanding Items List"). The fees listed in the Outstanding Items List shall be paid and the outstanding documents and outstanding requirements listed in the Outstanding Items List shall be submitted to the satisfaction of MLS within 60 days of the date the Outstanding Items List is provided by MLS to Sutheshkumar Sithambarpillay 1857543, 1955379 and 5009088, failing which the licenses may be cancelled;
- (2) The 1857543 License, the 1955379 License and the 5009088 License will be placed on probation for a period of **One (1) year from the date of the Tribunal hearing**. 1857543, 1955379 and 5009088 is advised that during the probationary period, MLS may make additional checks of any criminal, and by-law charges and convictions against Sutheshkumar Sithambarpillay, 1857543, 1955379 and 5009088's and conduct other investigations, as appropriate, to assess 1857543, 1955379 and 5009088's compliance with the requirements of Chapter 545 of the Municipal Code and other applicable laws;
- (3) During the probationary period, if Municipal Licensing and Standards has concerns with any new charges or convictions against Sutheshkumar Sithambarpillay 1857543, 1955379 and 5009088's or any other concerns with respect to the conduct of 1857543, 1955379 and/or 5009088, occurring after today's date, those matters and the MLS Report and any updating material, may be brought back before the Tribunal for a full hearing."

The Tribunal further accepted the submission by Municipal Licensing and Standards that Tow Truck Driver's Licence No. D09-4065286 was cancelled prior to today's hearing, on consent.

(Sutheshkumar Sithambarpillay and Bruce Jaeger, Solicitor attended today's hearing)

5. Marlon Kendall Gilbert (Report No. 7695)
Applicant for the Renewal of Tow Truck Driver's Licence No. D09-5042507

DECISION:

The Tribunal approved the joint Proposed Resolution signed on October 12, 2023, as follows:

"Tow Truck Driver's Licence be renewed subject to the following conditions:

- (1) All fees, documents and/or any outstanding requirements must be submitted to the satisfaction of Municipal Licensing and Standards within 60 days of the Tribunal hearing, failing which the licence(s) may be cancelled;
- (2) The Tow Truck Driver's Licence will be placed on probation for a period of **One (1) year**. MARLON KENDALL GILBERT is advised that during the probationary period, MLS may make additional checks of any driving, criminal, and by-law charges and convictions against MARLON KENDALL GILBERT and conduct other investigations, as appropriate, to assess MARLON KENDALL GILBERT's compliance with the requirements of Chapter 545 of the Municipal Code and other applicable laws;
- (3) During the probationary period, if Municipal Licensing and Standards has concerns with any new charges or convictions against MARLON KENDALL GILBERT or any other concerns with respect to the conduct of the licensee, those matters and report no. 7695 and any updating material, may be brought back before the Tribunal for a full hearing."

(Marlon Kendall Gilbert and Victor Lacaria, Paralegal attended today's hearing)

6. Anthanasios D Drimoussis (Report No. 7871)

Holder of Toronto Taxicab Owner's Licence No. V02-5202999; Taxicab Plate No. A0445

DECISION:

The Tribunal approved the temporary suspension of Toronto Taxicab Owner's Licence No. V02-5202999; Taxicab Plate No. A0445, on consent, subject to the following conditions:

- (1) Anthanasios D Drimoussis is to register a new vehicle with Municipal Licensing and Standards that complies with conditions of Chapter 546-51 of the Toronto Municipal Code;
- (2) Anthanasios D Drimoussis is to return Taxicab Plate No. A0445 to Municipal Licensing and Standards at 850 Coxwell Avenue, Toronto, Ontario, M4C 5R1;
- (3) The temporary suspension of Toronto Taxicab Owner's Licence No. V02-5202999 will be lifted after any one (1) of the two (2) above conditions are satisfied.

(Anthanasios D Drimoussis attended today's hearing)