

REASONS FOR DECISION OF THE TORONTO LICENSING TRIBUNAL

Date of

Hearing(s): April 3, 2025, May 1, 2025, and June 5, 2025

Panel: Joanne Lau and Edgar-Andre Montigny, Sitting Panel Chairs

Re: Sharaf Samhadana (Report No. 7957)
Holder of Vehicle-For-Hire Driver Licence No. D01-5221523

Counsel for Municipal Licensing and Standards: Matthew Cornett

Counsel for Applicant: Self-represented

INTRODUCTION

Sharaf Samhadana was first issued a Toronto Vehicle-for-Hire (VFH) Driver's Licence by the City of Toronto on August 8, 2022.

Mr. Samhadana is before the Toronto Licensing Tribunal (the Tribunal) to determine whether his licence should be revoked, suspended or have conditions placed on it in accordance with Chapter 546-4, subsection A (1), (2) and (5) of the Toronto Municipal Code (the Code) because of a failure to be civil and well-behaved.

MLS EVIDENCE

The following witnesses testified for Municipal Licensing and Standards (MLS):

- Neil Singh, MLS Supervisor, By-law Enforcement
- Gary Fung, MLS Officer
- Matthew Edward, MLS Officer
- Detective Constable Ryan D'Souza, Toronto Police Services (52 Division)

MLS submitted documentary evidence in the form of Report No. 7957 (Exhibit 1) and four Updates to this report (Exhibits 2, 3, 14 and 17) which consisted primarily of written reports of MLS officers about incidents with Mr. Samhadana where he had been uncivil towards them. Included also in this evidence was primarily the complaints received from the public and other taxi drivers about Mr. Samhadana's conduct, correspondence between MLS and Mr. Samhadana about these complaints as well as complaints he has made about other drivers and unfair practices which taxi drivers were subjected to.

MLS also submitted four video clips which recorded Mr. Samhadana's interaction with MLS By-law enforcement officers (Exhibits 4-7).

MLS reports that Mr. Samhadana has a history of:

- a) making complaints to MLS regarding the practices of unlicensed taxi and private transportation company (PTC) vehicles and drivers,

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- b) sending rude and insulting e-mails to MLS staff,
- c) approaching and harassing MLS Officers while on patrol.

These incidents have led to numerous charges of failing to be civil and well-behaved under Chapter 546-94 of the Code.

MLS reports indicate that Mr. Samhadana has accumulated four (4) new charges under the Code since the start of the hearing for this matter, two of these involving fail to be civil and well-behaved.

MLS officer witnesses verified that the events shown in the video clips (Exhibits 4 to 7) were recordings of Mr. Samhadana engaging with them while they were on patrol at different locations in downtown Toronto. MLS witnesses stated that the videos record that Mr. Samhadana did, on more than one occasion, and for more than a brief period of time, engage in behaviour that could be described as not civil or well-behaved. Specifically, on more than one occasion, he appeared agitated and angry, his voice elevated and his posture aggressive. The videos also show Mr. Samhadana persisting in this negative interaction with MLS officers by following them around even though they verbally made it clear to him they wished to disengage.

MLS officer witnesses testified that in his emails and letters to MLS, Mr. Samhadana frequently used rude and insulting language to describe MLS officers and staff such as "Low I.Q. Gary", "dogshit", "morally bankrupt" and "idiot" and accused staff of incompetence and dishonesty. Officer Gary Fung testified that at times, Mr. Samhadana's messages could be taken as aggressive and threatening, such as the time when he received a text message from Mr. Samhadana which stated: "I'm coming for your incompetence" and "believe me when I tell you that I'm not going to allow your incompetence to harass the most legitimate drivers in the city" (Exhibit 1, page 45).

Detective Constable D'Souza testified that he had investigated an incident reported on November 3, 2024 involving Mr. Samhadana and MLS Officer Gary Fung and concluded that there were reasonable grounds to lay two charges of criminal harassment against Mr. Samhadana for repeatedly engaging and harassing Officer Fung while he was on duty, preventing him from doing his job. The charges were withdrawn when Mr. Samhadana agreed to sign a twelve (12) month peace bond.

Included in MLS's Reports was written evidence of complaints from members of the public and other taxi drivers related to Mr. Samhadana's alleged rude or aggressive behaviour as well as warning letters sent to him by MLS regarding his behaviour.

APPLICANT'S EVIDENCE

The following witnesses were summoned by Mr. Samhadana:

- Dev Benham – MLS District Manager, By-Law Enforcement
- David Long, MLS Officer
- Claire Holloway, MLS Supervisor, By-Law Enforcement

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Mr. Samhadana, the Applicant, also submitted four video clips (Exhibits 8, 15, 16 and 20), written submissions and documents consisting of correspondence between himself and MLS staff (Exhibits 9-13 and 19) primarily about complaints he had filed to MLS about perceived unethical practices of other taxi and bandit taxi drivers and Uber drivers. Exhibit 18 consisted of two City of Toronto Violation Notices dated May 22, 2025 and two ICON (Integrated Courts Offences Network) Inquiry summaries.

During his testimony, Mr. Samhadana told the Tribunal he had started working as an Uber driver in September, 2020 before becoming a VFH driver in August, 2022. He stated that he had no problems with MLS for two years until July, 2024 when there have been nine to ten charges filed against him because he started criticizing MLS. Referring to the MLS summary of complaints filed against him (Exhibit 3, page 1) since November, 2022, he addressed some of these incidents to clarify what had happened.

Regarding a public complaint filed against him by a customer with a daughter with mental health issues for an incident occurring in August, 2024, Mr. Samhadana denied being confrontational with the customer and calling her daughter a “fucking bitch” after they exited his taxi due to a conflict they had when the customer questioned the route he was taking. On cross-examination, Mr. Samhadana stated the customer did not tell him her daughter had mental health issues and that he had not been rude to her.

Regarding another incident involving a customer complaint which occurred on March 14, 2025, Mr. Samhadana testified that on that day, his taxi was at 100 King Street West where he worked every day and had regular customers. He stated that this new customer got really offended and started yelling at him when he asked him where he was from after he got into his taxi. When he would not calm down, Mr. Samhadana testified that he stopped his taxi and told him to leave the vehicle because he was being impolite. On cross-examination, Mr. Samhadana explained that he did not become aggressive or shove the customer as was reported in the complaint. When asked why he did not de-escalate the situation, he responded that he could have but he was having a bad day.

When cross-examined about a complaint filed against him by another taxi driver, which occurred in October, 2024 at Billy Bishop Airport, Mr. Samhadana stated that the other driver started yelling at him first because he had told this driver to leave the taxicab line because he was not following the rules. This other driver got mad and called him a bastard and spat at him and starting yelling for security to come. Mr. Samhadana stated that he never used any swear words or spit at this other driver.

SUBMISSIONS

MLS Submissions

MLS submits that Mr. Samhadana’s VFH Driver’s licence should be revoked immediately as there are reasonable grounds to believe that it is more likely than not, that he has breached Chapter 546-4(A) of the Code.

MLS outlined the numerous charges against Mr. Samhadana and recounted the more serious incidents of uncivil behaviour, specifically the incidents recorded on video where he was clearly being uncivil, uncooperative and aggressive, on August 10, 2024, and

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October 5, 2024 to the point where MLS officers felt threatened by him and were unable to do their job. MLS argued that Mr. Samhadana's behaviour could easily escalate from intimidating to violent and that verbal or written warnings and other forms of intervention have had no impact on his behaviour so far. This point was illustrated by the fact that since the beginning of this hearing, there have been six (6) new charges under the Highway Traffic Act and the Code laid against Mr. Samhadana.

MLS told the Tribunal that since the time Mr. Samhadana was first licenced in August, 2022, there have been 30 (thirty) charges laid against him under the Highway Traffic Act, Criminal Code and the Code. Among these are recent complaints filed against Mr. Samhadana by the public in addition to the numerous incidents where he has been agitated and belligerent with MLS officers and staff, making them fear for their personal safety to the point where they have called the police. MLS submitted that evidence from multiple witnesses and verbal and written communications presented demonstrate that he has used inappropriate and threatening language which makes others feel unsafe, and his confrontational behaviour and language establishes that there are reasonable grounds to revoke his licence. MLS stated that Mr. Samhadana has not apologized for this behaviour even when questioned by the Tribunal about it and has not indicated any remorse or regrets as he continues to think that his vigilante crusade justifies his behaviour. MLS asserted that if he is not stopped, it is likely he will continue to threaten the safety of others and there is nothing that justifies allowing him to continue to have a licence.

Applicant's Submissions

Mr. Samhadana told the Tribunal that he loves his job and that he is a good driver. He explained that he has never had a problem with reasonable people but his ability to make a living has been hindered by MLS incompetence and systemic corruption to end taxi drivers. He elaborated in his written submissions that MLS treats VFH drivers like second class citizens and that MLS is doing everything to ensure they are exploited but that he will not be silenced because he understands his rights. He writes that he has not been convicted of a single crime or VFH By-law violation. He submitted that he had no MLS cautions or advisory letters during the first two years he was driving but that they came after him after he asserted his human rights by letting MLS know how taxi drivers were being treated.

Mr. Samhadana submits that it is unjust when the standard of civility is only enforced against him because it hurts his ability to make a living as the level of dishonesty at MLS is unbelievable given that they have never treated his complaints seriously. He explained that being civil does not mean keeping his mouth shut when he sees tyranny. Although the language he used may have been more aggressive than expected, he stated that this was because there was only so much he can take. Mr. Samhadana further submits that he will not allow obnoxious people to abuse drivers, threaten him or call him racial slurs. However, when complaints are filed against drivers, the driver is wrong, which is discrimination. Mr. Samhadana indicated that MLS is not credible because they can do whatever they want with tax money and nobody says anything. He stated that he is now being targeted because eight charges have been laid against him this month and are the result of him not bending down to MLS. Mr. Samhadana asserts that thirty-one charges have been filed against him within the past two years, eight of these in the last month alone, but there have been no convictions.

He confirmed his intent to continue to advocate for the rights of taxi drivers because there are 5000 taxi drivers who speak broken English and who cannot articulate well. Mr. Samhadana told the Tribunal that he does not even want to deal with MLS but he has to see them every day at Union Station or Billy Bishop Airport. He explained that he was not looking for problems but when MLS does heinous things, he reacts and this reaction is seen as not being civil. He thought that when this matter before the Tribunal started, MLS would apologize but since they have not, he will just stay away from MLS officers in the future and walk away when he sees them.

Mr. Samhadana told the Tribunal that his dispute with MLS has caused him great stress and sleepless nights, particularly as his licence is his sole source of income and only means to support his children.

DECISION

CHAPTER 546 OF THE CODE

The issue before the Tribunal is whether Mr. Samhadana has breached Chapter 546-4A (1)(2) and (5) of the Code by failing to be civil and well-behaved according to Chapter 546-94 of the Code.

Chapter 546-4A (1), (2) and (5) provides that:

An applicant for a licence or for a 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 carry on, the business in accordance with the law and with integrity and honesty; or
- (2) There are reasonable grounds to believe 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
- (3) 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.

Therefore, the Tribunal has to decide whether or not there are reasonable grounds to believe the Mr. Samhadana has breached the above-noted provisions of the Code by failing to behave in a civil or well-behaved manner. It is not necessary to prove that it is more likely than not that he engaged in uncivil behaviour but only if there are reasonable ground to believe that he did so.

As there is no clear legal standard to determine when behaviour becomes uncivil or when a person ceases to be well-behaved, the Tribunal is guided by the generally accepted definition of uncivil behaviour, namely rude or discourteous words or behaviour that demonstrate a lack of regard or respect for others.

As such, uncivil behaviour can be low intensity. It need not be as serious as bullying, harassment or aggression. Being rude, using insulting names, or using a degrading tone can all be reasonably considered uncivil behaviour.

Reasons for Decision

After carefully considering all of the evidence before it, including the submissions of MLS and Mr. Samhadana, the Tribunal finds that there are reasonable grounds to believe that Mr. Samhadana has failed to carry on his business as a VFH driver contrary to Chapter 546-4(A)(1), (2) and (5) of the Code because he has failed to be civil and well- behaved.

The Tribunal is of the opinion that Mr. Samhadana has failed to be civil and well-behaved towards MLS officers and staff during their in- person encounters and in his written correspondence to them. While it appears that MLS officers may have exaggerated the aggressiveness of his behaviour in one such video recorded encounter on August 9, 2024 (Exhibit 16) as Mr. Samhadana has argued, the video evidence from the other encounters submitted by MLS (Exhibits 4-7) confirms the testimony of MLS officers that Mr. Samhadana has behaved uncivilly towards them by following them around when they were patrolling, raising his voice and using foul and insulting language directed at them. In his written communications with MLS, the Tribunal noted that Mr. Samhadana frequently uses insulting and demeaning language to describe MLS staff whenever MLS has not been able to help him with the numerous complaints he has filed about other taxi and Uber drivers.

The Tribunal noted that when Mr. Samhadana presented his evidence, he was mostly trying to demonstrate improper behaviour on the part of MLS officers rather than offering evidence to challenge the charges of failure to be civil or well-behaved. He was able to point out minor errors, where a witness got a date or some details wrong, arguing that this was evidence of either incompetence or dishonesty on the part of MLS staff, but failed to address the question of whether he had been uncivil or badly behaved towards MLS officers or members of the public while he was operating his taxi. The Tribunal found no evidence presented to indicate MLS officers or staff had provoked him into reacting as he did. The Tribunal did not find that the e-mails and other documents he presented revealed any deliberate campaign to harass him, or any incompetence on the part of MLS that related in any meaningful way to justify his own behaviour and actions.

It is clear to the Tribunal that Mr. Samhadana continues to hold the strong belief that his uncivil behaviour is justified by the actions of MLS because he repeatedly stated during his testimony that MLS officials have behaved unfairly toward him for some time, and that they failed to investigate his complaints against others, while treating every minor complaint against him as serious. It is clear to the Tribunal that he believes that recent charges he has accumulated after operating his taxi for some time without any charges or complaints, was proof that MLS was deliberately targeting him and encouraging others to file complaints against him. He supported this argument by explaining that many of the charges against him had been dropped or resolved with peace bonds.

The Tribunal gave weight to the evidence from MLS officers about the way Mr. Samhadana's behaviour has impacted them. It was apparent from the videos and their testimonies, that they had been subjected to foul, insulting language, followed around by

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Mr. Samhadana while trying to do their job even though they tried to disengage from him so that in some instances, they needed to call the police for assistance because they feared for their safety.

Despite the beliefs held by Mr. Samhadana, about perceived incompetence or corruption within MLS, the Tribunal is of the opinion, that the manner in which he has been interacting with MLS is uncivil and unacceptable despite his belief that his behaviour is justified. Based on his testimony, it was apparent that the stress of earning a living as a taxi driver in an increasingly competitive industry and his belief that MLS is doing nothing to help taxi drivers, has become very triggering for Mr. Samhadana. By his own admission, he stated during his testimony that he has not been able to control his behaviour to the point where he can act civilly towards MLS officers and staff because of how they have treated him.

The Tribunal noted that in Update # 2 to Report 7957 (Exhibit 3, page 1) submitted by MLS, from November 1, 2022 until the present, Mr. Samhadana has been charged with fail to be civil and well-behaved ten (10) times, the majority of the charges occurring between March, 2024 and the present. Even though he was formally charged for only two of these incidents, it is apparent to the Tribunal that Mr. Samhadana's confrontations with MLS have become increasingly frequent.

In making its decision, the Tribunal also needs to be mindful of its mandate to balance the protection of the public interest with the licensee's need to make a livelihood in accordance with Chapter 545-3.B(3)(c) of the Code.

Even though Mr. Samhadana has not expressed remorse or regret for any of his uncivil behaviour towards MLS, as he feels it is justified, he did acknowledge during this testimony, that the language he used may have been more aggressive than expected, but this is because there was only so much he could take. This is supported by the Tribunal's observation that during his testimony, Mr. Samhadana appeared especially frustrated and agitated whenever giving evidence about his interaction with MLS. Given that MLS has submitted evidence that there have also been complaints filed by Mr. Samhadana's customers and other taxi drivers for uncivil behaviour during disputes, it is evident to the Tribunal that this inability to control his frustration and anger, may also be affecting his ability to de-escalate conflicts with customers and the public.

The Tribunal gave weight to the fact that revoking his licence would most likely cause hardship to Mr. Samhadana and his children, as he told the Tribunal that his income as a VFH driver has been the sole means of financial support for him and his children since 2022, and that he is experiencing sleeplessness due to the stress caused by his problems with MLS. However, it is clear that Mr. Samhadana needs to demonstrate that he will be able to interact with MLS and the public going forward, in a civil and well-behaved manner in order to continue to retain his VFH Driver's Licence.

For the reasons above, the Tribunal orders that Mr. Samhadana's Vehicle-for-Hire Driver's Licence be suspended for a period of six (6) months, effective immediately, subject to him providing written verification to MLS that he has successfully completed and benefitted from anger management counselling for a duration of at least six (6) hours, completed in sessions over a period of time from a qualified counselling program or counsellor.

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Upon providing this verification, Mr. Samhadana or MLS can request that this matter be brought back before the Tribunal for a determination of his fitness to maintain his licence.

Should Mr. Samhadana not produce this verification within 6 (six) months from the date of this decision, his licence will be revoked.

The Tribunal further orders that this matter is adjourned sine die, pending the outcome of the conditions stipulated in this order.

Joanne Lau and Edgar-Andre Montigny, Sitting Panel Chairs

Reference: Minute Nos. 19/25, 27/25 and 42/25

Originally Signed: July 7, 2025