

REASONS FOR DECISION OF THE TORONTO LICENSING TRIBUNAL

Date of

Hearing(s): June 25, 2026

Panel: Peter Harris, Panel Chair;
Joanne Lau and Edgar Montigny, Members

Re: Ghulam Hassan Farooqiyar (Report No. 8086)
Applicant for the Renewal of Toronto Taxicab Owner's Licence No. V00-4427132; Taxicab Plate No. 04251
Applicant for a Vehicle-For-Hire Driver's Licence (Application No. C569022)

Counsel for Municipal Licensing and Standards (MLS): Matthew Cornett

Counsel for Applicant: Tyrone Crawford

Farsi Interpreter: Pourandokht Mehramooz

INTRODUCTION

The Applicant, Mr. Farooqiyar, has requested a hearing before the Toronto Licensing Tribunal (Tribunal) following the refusal by MLS to issue to him a Vehicle-For-Hire (VHF) Driver's License and renew his Taxicab Owner's License, as noted above. Mr. Farooqiyar held a VFH license from September 8, 1989, to September 8, 2015, and from July 16, 2018, to July 16, 2022, as well as a Taxicab Owner's license from April 24, 2015, to April 24, 2024.

In support of his application, Mr. Farooqiyar submitted a Toronto Police Services criminal record and judicial matters check to MLS dated April 28, 2025. By letter dated August 27, 2025, MLS denied the application on the grounds that the screening criteria in the Toronto Municipal Code (the Code) had not been met as Chapter 545-4, subsection A (1), (2) and (5) and subsection B(c) had been breached because Mr. Farooqiyar had been convicted of a Criminal Code offence against a person within the preceding five years. On September 24, 2025, Mr. Farooqiyar's legal representative requested a hearing.

The hearing was held at the East York Civic Centre, 850 Coxwell Ave., Toronto on July 25, 2026.

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SUMMARY OF DECISION

The Tribunal determined that the Taxicab Owner's License be renewed, effective immediately, on condition that all outstanding fees are paid, and documentary requirements are satisfied. The Tribunal further determined that a Vehicle-For-Hire Driver's license will not be issued on the grounds that the Mr. Faroqiyar has not satisfied the Tribunal that there are reasonable grounds to believe he would not endanger members of the public, particularly women, if he were granted a license.

MLS'S EVIDENCE

MLS introduced its evidence through Danielle Molto, MLS supervisor who referred to MLS Report no. 8086 dated February 18, 2026, that was entered as Exhibit 1, on consent. From this report, Ms. Molto summarized Mr. Faroqiyar's licensing history and explained that a taxicab owner's license plate could be rented out to other licensed taxicab drivers for the purpose of earning income, but that the plate alone did not permit the plate owner to drive a taxicab without a VFH Driver's Licence.

Ms. Molto referred to a chart dated June 24, 2026, that was entered as Exhibit 2 on consent, which summarizes the Criminal Code (CCC) and *Highway Traffic Act* (HTA) charges and convictions that Mr. Faroqiyar has accumulated. Ms. Molto explained that according to this chart, Mr. Faroqiyar was convicted of assault charges on November 28, 2022, and September 30, 2013. Another assault charge was laid on January 26, 2006, that was subsequently withdrawn upon him entering into a peace bond.

Ms. Molto stated that Mr. Faroqiyar has also been convicted of several HTA offences: disobey stop sign - October 27, 2025, disobey red light - June 24, 2025, speeding 60 in a 40 km zone - June 13, 2025, red light fail to stop - November 28, 2005, speeding 42 in a 30 km zone - January 29, 2026, speeding, 69 in a 50 km zone - April 13, 2023. Ms. Molto explained that Mr. Faroqiyar had also been charged with 14 other HTA offences in 2023 and 2024 that had been withdrawn. Ms. Molto clarified that the HTA charges and convictions occurred during the period of time Mr. Faroqiyar did not have an active VFH Driver's Licence and was not employed driving a taxicab.

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THE 2006 ASSAULT CHARGE

At Exhibit 1, Appendix 5, page 5 is a Toronto Police Service synopsis which sets out the details of the assault allegation which occurred on January 26, 2006, against Mr. Farooqiyar. Ms. Molto told the Tribunal that according to this synopsis, Mr. Farooqiyar was at home with his wife when the incident occurred. Following an argument, he is alleged to have called his wife a “bitch” and grabbed her left wrist while twisting it. When she called 911, he allegedly smashed the telephone on the floor. Mr. Farooqiyar was charged with assault and subsequently that charge was withdrawn upon Mr. Farooqiyar entering into a peace bond.

THE 2013 ASSAULT CHARGE

At Exhibit 1, Appendix 5, page 12, is the Toronto Police synopsis which sets out a further assault allegation against Mr. Farooqiyar relating to an incident that occurred between February 1 and March 1, 2012. Ms. Molto told the Tribunal that according to the synopsis, the complainant, a cashier at IKEA on the Queensway, arrived at the Kipling subway station and found she had missed the shuttle bus to her place of work. She did not have sufficient money for the taxi fare but pleaded with Mr. Farooqiyar to drive her to work for a considerably reduced fee. He agreed and she sat in the front seat. At the IKEA part parking lot, it is alleged he removed his seat belt, placed his hand on her knee and gave her a kiss on the cheek. He allegedly moved his hand up the inside of her leg towards her genital area and tried to “French kiss” her, but she was able to move her head away while telling him to stop. She got out of the car when the taxi pulled up at the store. Subsequently she told a co-worker who called the police. Mr. Farooqiyar was charged with sexual assault and on September 30th, 2013, he was found guilty of assault. There is no MLS information about whether Mr. Farooqiyar had a trial or entered a plea of guilty or what sentence was imposed.

THE 2020 ASSAULT CHARGE

Exhibit 1, Appendix 5, page 25 set out this allegation of assault. On November 27, 2020, the female complainant visited Mr. Farooqiyar at his residence to watch television. She had used his taxi driving services in the past and, according to her, he seemed like a “nice older gentleman.” After he consumed around three glasses of wine, it is alleged he made advances that were rebuffed. When she refused, it is alleged he used force to disrobe her and penetrate her vaginally without consent. He drove her home, she felt violated and ashamed and the next day she attended hospital. She stated that the bruises on her forearm, wrist, elbow, and right upper thigh, were a result of the assault. She also said she suffered pain and discomfort in her genital area.

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Exhibit 3, introduced into evidence on consent, is the transcript of Mr. Farooqiyar's sentencing hearing before Mr. Justice Maylor of the Ontario Court of Justice on November 28, 2022. Mr. Farooqiyar pleaded not guilty to sexual assault but guilty to the included offence of assault, with the consent of the Crown prosecutor. The trial on the sexual assault charge was set to proceed a week later and a section 11(b) Charter application (trial delay) was to be argued before the trial date. The Crown prosecutor noted that the complainant indicated she would much prefer to have the matter resolved.

Counsel for Mr. Farooqiyar produced an Agreed Statement of Facts in which he admitted, "he touched her leg and kissed her on the lips without consent."

A Victim Impact Statement was read into the record by the complainant's pastor at page 10 of the transcript. The complainant describes how this event has had a devastating impact on her life and her family. She talks about how the event affected her as follows:

- (1) She had several nervous breakdowns and hospitalization;
- (2) She attended regular counseling to mitigate the pain she carries;
- (3) She stated she is on the Ontario Disability Support Program and unable to continue her master's degree and her profession as a writer;
- (4) She said she is unable to form meaningful relationships with men;
- (5) She stated that, "physically I have struggled with nightmares and insomnia I have experienced due to this rape."
- (6) She stated she turned to, "alcohol consumption to numb the pain which resulted in being hospitalized for five weeks due to liver cirrhosis and "had to undergo a surgical procedure to get the blood flowing to my heart as my liver had suffered so severely."
- (7) She stated, "I walk with a walker and cane because my back is in constant pain. I have been prescribed anti-anxiety medication and hydromorphone for the pain."
- (8) She wrote that, "When I fled from the city where the assault happened, I left personal possessions behind, thousands of dollars' worth of clothing and other items, that reminded me of that time in my life."
- (9) She described having panic attacks and social anxiety and stated, "the event impacted the relationships I have with my family, negatively."

Justice Maylor, in sentencing Mr. Farooqiyar, commented that the aggravating factors included "a violation of the victim's physical integrity as well as significant psychological and physical harm." Mr. Farooqiyar received a suspended sentence

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with probation for two years on condition that he “have no contact with the victim and that he take counseling as directed particularly with respect to sexual boundaries and victim empathy.”

Mr. FAROQIYAR’S EVIDENCE

Mr. Farooqiyar testified that he is 71 years of age and currently married but separated five years ago. He has five children ranging in age from 19 to 26 and for many years regularly paid around \$800 a month in child support until his youngest child reached adulthood. He presently lives alone in an apartment in Etobicoke. For the period of time, he was unlicensed from 2015 to 2018 because, he stated, that he was in Afghanistan, on active duty in the U.S. army. He testified that he has driven taxicabs for more than 30 years and he has never had a member of the public complain to the “Commission” about his taxi driving. He is currently a Canadian citizen.

Mr. Farooqiyar testified that he successfully completed several MLS driving courses. He further gave evidence that he has a diabetic condition for which he takes medication.

He asked the Tribunal to “give him a second chance.” and promised to behave himself as a taxi driver and follow the by-laws if given a second chance. He stated that the only skill he has is driving a taxi. He stated he receives \$2100 a month in government benefits, pays \$1400 a month in rent and he “needs the money from work as a taxi driver to live on.” He promised he would not make another mistake. Mr. Farooqiyar stated that he is currently not working at all other than helping his friend at a flea market stall a few times a week.

Regarding his assault convictions, Mr. Farooqiyar told the Tribunal that he pleaded guilty in both instances because if he did not, the outcome would be worse. He stated that he understood that pleading guilty was an expression of remorse, explaining that he was human and made mistakes but that he was working on himself to do better.

Under cross-examination, when he was asked about the police synopsis allegations of sexual assault with respect to his 2013 conviction, Mr. Farooqiyar stated that this complainant was “creating drama”. He testified that what happened was “not a sexual assault. It was an assault.” He stated he did not remember if he was sentenced to probation for this conviction. When asked what he learned from the anger management courses he had to take, while on probation following his 2022 assault conviction; he responded, “I learned how to behave to opposite sex and what “no” means.” When asked, “what did you say happened that you pleaded guilty to?” He stated, “I didn’t do anything. That’s why it was changed to assault. I didn’t do anything. It was all excuses and drama.”

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SUBMISSIONS

Mr. Cornett submits on behalf of MLS that Mr. Farooqiyar's driving history, namely the 19 charges under the HTA within a short period of time, as set out in Exhibit 2, demonstrates irresponsible conduct that would provide reasonable grounds to believe he would endanger the public, if licensed.

Further, he argued that Mr. Farooqiyar's criminal record and the credible evidence of what transpired in connection with those offences, establishes a pattern of behavior that indicates there are reasonable grounds to believe he would represent a danger to members of the public, in particularly women, if licensed to drive a taxicab. Mr. Cornett asserted that even though Mr. Farooqiyar was convicted of assault and not sexual assault in 2013, the police would have had to be satisfied that there was an assault in order for this plea to be accepted and for anger management courses to be ordered.

With respect to the 2022 conviction, Mr. Cornett submitted that the agreed statement of facts from the plea agreement between Mr. Farooqiyar and Crown prosecutor indicated that he had touched the victim's leg and kissed her on the lips without her consent. Mr. Cornett argued that even though the Court was satisfied this was assault, by common definition, what happened was sexual assault.

Mr. Crawford argues that Mr. Farooqiyar's record of two assault convictions in 2013 and 2022 was on the "low end." He contends that the evidence adduced by MLS is not objective ("all allegations are hearsay from the complainants and police"). Finally, he takes the position that Mr. Farooqiyar's "low end" record is not sufficiently compelling to deprive him of the opportunity to use the only skill he has, to support himself.

Additionally, Mr. Crawford takes the position that Mr. Farooqiyar is a family man who was raised and supported five children, has not had a major complaint to the City in over 30 years of taxi driving and deserves a "second chance." He also suggested that it would be appropriate in the circumstances to fashion a probation order that would permit him to continue to earn a livelihood by driving a taxicab but at the same time, by way of a condition, prevent him from ever accepting a fare from an unaccompanied woman.

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THE ISSUE

The issue before the Tribunal is whether Mr. Farooqiyar's Taxicab Owner's License should be renewed and whether the Tribunal should order that a VFH Driver's License should be issued to him.

The Toronto Municipal Code chapter 545-4, provides that an applicant for license is entitled to be issued a license or renewal except where... (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, the health or safety of other members of the public.

In *Home Construction Regulatory Authority (Registrar) v. Yarco Developments Inc. ("Yarco")* [2024] O.J. No. 78 (Ont. S.C., Div. Ct.) at para 55, Justice Gomery discusses the function of a Licensing tribunal and the evidentiary burden on the regulatory agency and the onus of proof applicable to Licensing matters:

53. When s. 38(1)(b)(iii) is read taking into account its wording, its purpose, the surrounding statutory framework, and the legislative intent of the New Licensing Act, I find that it allows the Registrar to deny registration when it believes, based on objective, compelling and credible information about the applicant's past and present conduct of officers, directors, and other interested parties, that the applicant will not conduct itself in accordance with the law and with integrity and honesty. Where put on notice that the Registrar intends to deny registration based on s. 38(1)(b)(iii), an applicant may seek a hearing for the purpose of presenting evidence that establishes otherwise. This does not impose an onus on the Registrar to prove ineligibility on a balance of probabilities standard. The onus is on the applicant to prove the non-existence of reasonable grounds for belief supporting a denial of licensure.

62 In short, the text, history, purpose, and statutory context of s. 38(1)(b)(iii) all indicate a legislative intent to increase the consumer protection. This supports an interpretation that gives the Registrar the ability to deny a licence or licence renewal where it believes, on some objective basis based on compelling and credible information, that the applicant will not conduct itself with integrity and honesty. The legislative intent is inconsistent with an interpretation that assumes that an applicant will conduct itself appropriately, unless the Registrar can prove otherwise.

63 An interpretation of s. 38(1)(b)(iii) that gives the Registrar robust gatekeeping powers is supported by the interpretation given to similar integrity and honesty provisions in other regulatory legislation.

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Consequently, Yarco is binding authority for the following propositions: (1) a Licensing Tribunal exercising regulatory power in the form of licensing, functions as a gatekeeper; (2) the function of a regulatory tribunal is consumer protection; (3) there is a burden of proof for a denial of a license by a government licensing authority (i.e., MLS): it must have evidence to support a belief based on objective, compelling and credible information about the Applicant's conduct - that the Applicant will not conduct itself in accordance with the statutory requirements; (4) if that evidentiary burden is met, the onus is on the applicant to prove the non-existence of reasonable grounds for belief supporting a denial of licensure.

There is little doubt that a criminal and/or extensive HTA record will constitute objective, compelling and credible information to support a belief that an applicant's conduct is in breach of the statutory requirements. In this case, the issue is whether the Applicant has met his onus to prove the non-existence of reasonable grounds for belief supporting a denial of licensure. In other words, has Mr. Farooqiyar satisfied the Tribunal that there are reasonable grounds to believe he would not endanger members of the public, particularly women, if he were granted a VFH license.

ANALYSIS: THE LAW

Counsel for Mr. Farooqiyar essentially argues that this Tribunal can only consider the evidence that he has admitted to in the context of two assault convictions. He contends the sexual assault information is not in compliance with the Yarco requirement of being objective and compelling: (1) first, it is not compelling because it is nothing more than hearsay from complainants and the police; (2) second, it is not objective – it is entirely based on information from prosecution witnesses. Consequently, he argues the “sexual” aspect of the assaults is not a case the applicant has to meet. He further submits that what is left when one removes all the hearsay, is two “low end” assault convictions that are not sufficiently compelling to deprive his client of the opportunity to use the only skill he has, to support himself.

First, hearsay is admissible in administrative proceedings under s. 15 of the *Statutory Powers Procedure Act*, RSO 1990, c.s. 22.

Second, the “objective and compelling” test in Yarco, was never meant to be an onerous evidentiary burden on a licensing body like MLS. It simply requires that the Licenser have a basis for some belief, a prima facie case if you will, that the licensee has breached the legislative requirements. If there is no evidence, the Applicant has no onus to meet. A criminal record for assault or an extensive HTA record will generally satisfy that evidentiary burden particularly where the Tribunal's purpose is to protect the public consumer of taxi services from those who might endanger their health or safety.

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Third, an administrative tribunal is not bound by the determination of a criminal court to proceed on the charge of assault rather than the original sexual assault: Park v. Ontario (Alcohol and Gaming Commission) [2002] O.J. 4017 (Ont. S.C. Div. Ct.). Mr. Park was acquitted in Provincial Court of an offence under the alcohol and gaming regulations. On the same facts the Commission found him guilty. He appealed to the Divisional Court, arguing the Commission was bound by the finding of not guilty in the Provincial Court. Campbell J. held:

3 As for res judicata, double jeopardy and abuse of process, a prosecution is different from a regulatory hearing with different parties and different potential remedies. The quasi-criminal Provincial Court acquittal does not affect the regulatory jurisdiction of the board.

Similarly, the finding of guilty in this case, on the included offences of assault by two Ontario Courts of Justice does not affect the regulatory jurisdiction of this tribunal to consider and weigh all the evidence including evidence related to sexual assault allegations.

Fourth, the fact that the tribunal has the regulatory jurisdiction to consider all the evidence, including police synopses and the victim impact statement admitted the 2022 criminal proceeding, does not mean that the contents of the exhibits tendered and admitted on consent in this hearing, are proof of the truth therein contained. All admissible evidence has to be weighed to determine its value and cogency. There are no precise rules as to how to assess and value evidence in an administrative context. There are not any definitive rules which prescribe for the tribunal, the comparative probative value to be given to oral testimony, documentary evidence and real evidence. In most cases the problem is resolved by reference to general principles of common sense.

Fifth, it is permissible to rely on common sense or human experience to identify inferences arising from the evidence: R. v. Kruk: 2024 SCC 7.

In Faryna v. Chorny, (1951), 4 W.W.R. (N.S.) 171 at p. 174, [1952] 2 D.L.R. 354 (BCCA), the Court offered instruction in making credibility and reliability assessments:

In short, the real test of the truth of the story of a witness in such a case must be its harmony with the preponderance of the probabilities which a practical and informed person would readily recognize as reasonable in that place and in those conditions.

ANALYSIS: CREDIBILITY

After carefully considering all the evidence before it, including the evidence regarding Mr. Faroqiyar's two assault convictions and his testimony about these incidents as well as the submissions of MLS and Mr. Faroqiyar, the Tribunal

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makes the following findings:

The Tribunal finds Mr. Farooqiyar lacked credibility in his assertion that the sexual aspect of the 2022 and 2013 assault convictions was “drama.” for the following reasons:

- (1) **First**, he failed to address the 2022 serious sexual assault allegation by providing his version of the events, particularly with respect to the victim impact statement. The Tribunal would be justified in drawing an adverse inference that the evidence would not have been helpful to his cause. It may be the case that Mr. Farooqiyar acted on the advice of counsel in not addressing what the Tribunal finds to have been a truly devastating psychological and physical injury caused to the complainant, but his failure to do so is particularly problematic given that the onus of establishing reasonable grounds to believe he would not represent a danger to members of the public, lies with him.

Second, the Agreed Statement of Facts included in the court transcript of his sentence hearing, Mr. Farooqiyar admits he touched the complainant’s leg and kissed her on the lips without her consent. At the time of the Ontario Court hearing, he admitted there was some sexual aspect to the assault.

Third, the Police Service Synopsis indicated the complainant’s injuries included several bruises on her right forearm, wrist elbow and right upper thigh. The reasonable inference to be drawn from the “upper thigh injury” is that there was a sexual aspect to the assault.

Finally, the Ontario Court Judge stated the complainant suffered a significant physical, emotional and psychological trauma as result of Mr. Farooqiyar’s assault during the sentencing hearing. The judge recognized the sexual aspect of the offence and addressed in the form of counselling for “sexual boundaries and victim empathy.”

Therefore, the Tribunal finds Mr. Farooqiyar has no credibility when he dismisses the sexual aspect of this assault by minimizing it as “drama.”

- (2) **In reference to the 2013 assault**, Mr. Farooqiyar said it was “drama. Not a sexual assault. It was an assault.” When further questioned about what he admitted, what he “said happened, what he pleaded guilty to, “when he was found guilty of the assault on Sept. 30, 2013, he answered that he, “didn’t do anything. That was why it was changed to an assault...It was all excuses and drama.” He was again asked what happened and he stated, I don’t remember.” Effectively then, he does not remember what happened but conveniently remembers it was not a sexual assault. It is improbable and incredible that he would not

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remember what happened to bring him to court but still knew that it was not a sexual assault.

Second, even though his failure to address an allegation of sexual assault on a passenger in his taxi may have been based on advice from counsel, it does lead to an adverse inference in respect to his credibility and is not helpful in terms of the onus on him to satisfy the Tribunal that there are reasonable grounds to believe he would not represent a danger to members of the public.

CONCLUSION

The Tribunal has several major concerns in terms of whether Mr. Farooqiyar represents a danger to members of the public. **First**, the 'assault turned peace bond' of January 26, 2006, and the assault convictions of September 30, 2013, and November 28, 2022, strongly exemplifies a pattern of violence towards women.

Second, the sexual assault of November 28, 2020, which resulted Mr. Farooqiyar being convicted of assault on November 28, 2022, was a horrific violation of a woman's autonomy and dignity that caused lasting physical and psychological harm.

Third, in terms of the 2013 assault, it is not possible to draw any meaningful inferences about public risk as a result of the evidence provided. There is no transcript of what transpired in Court. While the police synopsis provides some evidence of a sexual assault on a taxi passenger, we take judicial notice of the fact that such documents are not intended for publication in the community; they are a rough glimpse of the police allegations, written in accordance with police policies and procedures, in haste by committee, as it were, and are often found to be unreliable. Consequently, no rational conclusion can be reached that Mr. Farooqiyar's conduct demonstrates a pattern of sexual assault.

Nevertheless, common sense, human experience, and the preponderance of probabilities which a practical and informed person would readily recognize as reasonable, lead to an inescapable conclusion that if Mr. Farooqiyar were licensed to drive a taxicab, he would pose a considerable danger to members of the public, particularly women because this incident in 2013 involved a female passenger in his taxicab.

The Applicant should be given credit for an impressive track record of serving the public. His thirty-year history of meeting the public's travel needs as a taxicab driver demonstrates exceptional dependability, resilience, and adaptability. He is a hard-working, responsible family man who has supported his children to adulthood. His statement, that in all his years of service - the City has never received a complaint about his conduct, went unchallenged by MLS. His recent

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HTA convictions arose during a time when he was not driving a taxicab.

Unfortunately, his efforts to satisfy the Tribunal that he would not represent a risk to the public if permitted to drive a taxi, fell short. His testimony that “he is sorry” and that he, “would not make another mistake” does not satisfy his onus to prove reasonable grounds to believe he would not endanger the public if allowed to drive a taxi. While we acknowledge Mr. Farooqiyar’s sincerity, in this case, his actions speak louder. As a result, the Tribunal has no choice but to decline to issue a VFH Driver’s License to him.

THE BALANCING TEST

Having regard for the need to balance the public’s interest with the licensee’s need to make a living in accordance with Chapter 545-3. B(3)(c) of the Toronto Municipal Code, the Tribunal is satisfied in this case that the public interest in safety outweighs Mr. Farooqiyar’s need to make a living as a VFH licensed taxicab driver. Still, we recognize that he faces serious financial challenges at present and to help ease his financial stress and on the premise he will not have contact with the public, we will renew his Taxicab Owner’s License effective immediately, on condition that all outstanding fees are paid, and documentary requirements are satisfied.

Mr. Crawford’s suggestion of placing a condition on his license that he “will not provide taxicab services to unaccompanied women,” was found to be impractical because it would be exceedingly difficult to monitor on a daily basis.

THE ORDER

The Tribunal determined that the Taxicab Owner’s License be renewed effective immediately, on condition that all outstanding fees are paid, and documentary requirements are satisfied. The Tribunal further orders that a Vehicle-For- Hire Driver’s License not be issued on the grounds that the Mr. Farooqiyar has not satisfied the Tribunal that there are reasonable grounds to believe he would not endanger members of the public, particularly women, if he were granted a license.

Peter Harris

Peter Harris, Panel Chair

Panel Members: Joanne Lau and Edgar Montigny, concurring

Reference: Minute No. 81/26

Date Signed: July 31, 2026