

REASONS FOR DECISION OF THE TORONTO LICENSING TRIBUNAL

Date of

Hearing(s): September 3, 2026

Panel: Edgar-Andre Montigny, Panel Chair;

Re: Abdul Wahab (Report No. 8101)
Applicant for a Driving Instructor Licence (Application No. C606267)

Counsel for Municipal Licensing and Standards: Amy Tieu

Counsel for Applicant: Unrepresented

INTRODUCTION

Abdul Wahab requested a hearing before the Toronto Licensing Tribunal (the Tribunal) to determine whether or not a Driving Instructor Licence should be issued to him, after his application was denied by Municipal Licensing and Standards (MLS).

Mr. Wahab submitted his application on January 28, 2026. MLS denied the licence on March 18, 2026, based on a series of charges and convictions registered against Mr. Wahab. Of particular concern were charges of sexual exploitation and sexual assault. Mr. Wahab filed a request for a hearing on March 27, 2026 and was received by MLS on April 1, 2026.

Mr. Wahab appeared before the Tribunal on July 2, 2026; he requested and was granted an adjournment until July 23, 2026. On that day the Tribunal ordered the adjournment of this matter sine die. The matter was set to be scheduled for an in-person hearing at East York Civic Centre. The Tribunal Staff was instructed to canvass all parties for available dates and notify the parties once the hearing date is confirmed. The hearing was scheduled for September 3, 2026.

CITY'S EVIDENCE

Danielle Molto, Acting Supervisor at MLS, testified as to the contents of Report 8101 (22 pages), entered as Exhibit 1; and the Update Report, dated September 3, 2026, entered as Exhibit 2.

Ms. Molto outlined that Mr. Wahab had been licenced by MLS on three previous occasions. Between 2005 and 2007 he held licences for an Eating or Drinking Establishment. Between 2007 and 2017 he was licenced as a Driving Instructor.

Ms. Molto reported on the Criminal Code, Highway Traffic Act and Toronto Municipal Code charges laid against Mr. Wahab between 2008 and 2017. She noted that Mr. Wahab had been convicted of "giving instruction in restricted area", under the Toronto Municipal Code;

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he was sentenced for a “prohibited left turn”, under the Highway Traffic Act and he was sentenced for “sexual assault” under the Criminal Code. The “sexual assault” charge was of particular concern.

The sexual assault charge related to an incident on October 8, 2017. A 16-year-old female (the complainant) taking driving lessons from Mr. Wahab, reported that during her driving lesson Mr. Wahab put his hand on her thigh and then moved his hand up her thigh so that his pinky finger was touching her vagina on the outside of her pants. Mr. Wahab was charged with “sexual exploitation” and “sexual assault”; The matter was resolved when Mr. Wahab pleaded guilty to “sexual assault”.

Ms. Molto also noted that Mr. Wahab did not apply to renew his Driving Instructor Licence which expired December 12, 2017.

APPLICANT'S EVIDENCE

Mr. Wahab testified that he had given driving lessons to numerous high-school students between 2007 and 2017. In all that time there was only one complaint against him. Mr. Wahab noted that the complainant was part of a family that he knew well. He had given driving lessons to a number of family members. He would not harm any of them.

Mr. Wahab presented ‘letters of support’ from his former employer at Today’s Bed and Bath, and his Imam. These letters noted that Mr. Wahab was “a reliable, trustworthy and dedicated employee”, and that he is eager “to assist and help one and all”. (see Exhibit 3 – “To Whom it May Concern “ from Imam Sufyan Sidat; and Exhibit 4 – “To Whom it May Concern from Fahima Management)

Mr. Wahab noted that on the day of the complaint, he had given lessons to a few young women. When he was told one of them had complained about his behaviour, he could not recall there being any unusual incident with any of his students that day. He had no idea why the complainant claimed that he had touched her improperly.

Mr. Wahab explained that the complainant was not a confident driver. He noted that he had to grab the steering wheel away from her to prevent an accident. He concluded that he may have touched the complainant, but it was ‘work related’; he clarified that he meant that he had no intention of assaulting the complainant; he could only assume that he touched her by accident when he reached over to grab the steering wheel.

On cross examination, Mr. Wahab was asked to explain why he had pleaded guilty to sexual assault if he believed that he had touched the complainant innocently or accidentally. Mr. Wahab’s responses to this line of questioning were unclear. Although he began by saying that he “may” have touched the complainant, when pressed to confirm, he agreed that he had touched her. While Mr. Wahab asserted the accidental nature of the touching, he did not deny the details of the incident as described in his “synopsis”. That synopsis stated that he had touched the complainant on her thigh and between her legs. Mr. Wahab provided no explanation as to how his hand could accidentally end up in that location if he was reaching for the steering wheel at the time.

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When asked about his work history, Mr. Wahab reported that after being a driving instructor for ten years, he spent the next eight years working at Today's Bed and Bath assisting customers. He left this job when the business was sold in 2025. Since then, he has been unemployed.

Mr. Wahab reported that he will soon qualify to receive CPP and OAS pensions. His wife is employed and his three adult children assist him. Nevertheless, he does not want to be unemployed, he wishes to support himself and contribute to the family.

SUBMISSIONS

MLS

MLS submitted that Mr. Wahab has a record of criminal charges and a guilty plea involving the sexual assault of a minor. The assault occurred within the context of Mr. Wahab providing driving lessons; the very activity for which he seeks to be licenced.

MLS asserts that this record is sufficient pursuant to Chapter 545-4 of the Toronto Municipal Code to provide reasonable grounds to believe that the applicant has not carried on, or will not carry on, the business in accordance with the law and with integrity and honesty. Further, the evidence indicates that the conduct of the applicant affords 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 and safety.

For these reasons MLS requested that the application of Mr. Wahab for a Driving Instructor Licence be denied.

The Applicant

Mr. Wahab reminded the Tribunal that aside from the October 8, 2017 complaint, his record was clear. He noted that he had taught high-school students to drive for many years with no problems. Mr. Wahab noted that he was currently unemployed and he needed an income. He noted that he needed a position less physically demanding than retail. He reported that a driving school was ready to employ him once he obtained his licence. He asked the Tribunal to offer him a second chance.

DECISION

The issue before the Tribunal is whether the Applicant should be issued a Driving Instructor Licence.

The Toronto Municipal Code Chapter 545-4, provides that an applicant for a licence is entitled to be issued a licence 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.

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In *Home Construction Regulatory Authority (Registrar) v. Yarco Developments Inc.* ("Yarco") [2024] O.J. No. 78 (Ont. S.C., Div. Ct.) Gomery J. discussed the function of a Licensing tribunal and the evidentiary burden on the regulatory agency and the onus of proof applicable to Licensing matters. He found that it allows the Registrar, in this case MLS, to deny registration/licensing when it believes, based on objective, compelling and credible information about the applicant's past and present conduct 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/licensing, 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.

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 licence 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 record of criminal charges, guilty pleas and sentencing 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 a licence. In other words, has Mr. Wahab 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 Driving Instructor Licence?

ANALYSIS

The Tribunal finds that Mr. Wahab did not meet the onus to prove the non-existence of reasonable grounds to believe that he would not endanger members of the public, particularly vulnerable young women, if he were granted a Driving Instructor Licence.

MLS demonstrated that Mr. Wahab had been criminally charged with sexual assault and that he pleaded guilty to the offence. MLS further revealed that the sexual assault in question occurred while Mr. Wahab was giving driving lessons to the victim. The victim was a 16-year-old girl.

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Mr. Wahab testified that when he was last employed as a Driving Instructor, he instructed numerous high-school students, both male and female.

As explained by MLS, the fact that Mr. Wahab was charged with sexual assault and pleaded guilty to sexual assault, is sufficient to create reasonable grounds to believe that Mr. Wahab will not carry on his business in accordance with the law and with integrity and honesty; and that the carrying on of a business by Mr. Wahab has or would infringe the rights of other members of the public or has endangered or would endanger their health or safety. This is sufficient to justify denial of a licence to Mr. Wahab unless he 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 Driving Instructor Licence.

Mr. Wahab did not provide sufficient evidence to create reasonable grounds to believe that he would not endanger members of the public. Mr. Wahab's testimony was not convincing. There was a basic contradiction throughout. Mr. Wahab appeared to deny any assault occurred at the same time as he acknowledged pleading guilty to sexual assault.

Mr. Wahab did not dispute that he pleaded guilty to sexual assault. At the same time, he insisted that the improper touching was accidental or "work related"; there was no intent to assault the complainant. Mr. Wahab was offered an opportunity to clarify this contradiction, but he did not. Mr. Wahab's testimony as to how he could have touched the complainant by accident was not convincing. Having accepted the description of events in his guilty plea, Mr. Wahab could not explain how, if his hands were reaching for the steering wheel, his fingers ended up between the complainant's legs.

Given none of Mr. Wahab's other students made complaints against him, it is possible that the October 2017 incident was unique. However, despite pleading guilty to sexual assault, Mr. Wahab did not acknowledge that he did anything improper. Not accepting that anything improper happened, Mr. Wahab made no effort to explain what steps could or had been taken to ensure that nothing similar could happen in the future. Mr. Wahab therefore failed to provide any grounds to believe that his carrying on business as a driving instructor would not endanger the health and safety of members of the public.

Pursuant to Chapter 545 of Toronto Municipal Code, the Tribunal has an obligation to balance public safety with an applicant's need to work. In this case the Tribunal finds that the denial of the licence will not have any direct impact on the Applicant's income.

The Applicant has not been licenced as a Driving Instructor since 2017; it has been many years since the licence in question provided the applicant with an income. Between 2017 and 2025 the applicant worked in retail, a very different occupation. The Applicant does not have dependents; his three children are now adults and his wife is employed. The Applicant will soon be eligible for his CPP and OAP pensions. It is easy to understand why the Applicant would want to work and earn income. Given the Applicant's age, it is not surprising that he would prefer a position with fewer physical demands.

However, the Applicant has not worked as a driving instructor for many years. The licence has not played any role in his income since 2017. The applicant's desire to work, therefore, is not sufficient to override the necessity to protect the public.

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Given that Mr. Wahab testified that young men and women formed a large portion of his clientele when he was a Driving Instructor, the need to protect this vulnerable population must be the priority.

For these reasons, the protection of public safety demands that the Application of Mr. Wahab to be granted a Driving Instructor Licence be denied.



Edgar Montigny, Panel Chair

Reference: Minute No. 104/26

Date Signed: September 15, 2026