

Regular Meeting – Chauffeur’s Permit AppealMarch 20, 2012

A Regular Meeting of the Municipal Council of the City of Kelowna was held in the Knox Mountain Meeting Room, 1435 Water Street, Kelowna, B.C., on Tuesday, March 20, 2012.

Council members in attendance: Mayor Walter Gray, Councillors Colin Basran, Maxine DeHart, Gail Given, Robert Hobson, Luke Stack and Gerry Zimmermann.

Council members absent: Councillors Andre Blanleil and Mohini Singh.

Staff members in attendance were: City Manager, Ron Mattiussi; and City Clerk, Stephen Fleming.

Guests: RCMP Sgt. Brad Swecera; Lawyer, Heritage Law Group, Colby Johnson; and Cab Driver, Resham Lal Bhatti.

(* denotes partial attendance)

1. CALL TO ORDER

Mayor Gray called the meeting to order at 5:02 p.m.

2. Councillor Given was requested to check the minutes of the meeting.

3. CHAUFFERUR’S PERMIT APPEAL HEARING

Mayor Gray provided opening remarks with respect to the conduct of the Chauffeur’s Permit Appeal Hearing.

Stg. Swecera, RCMP:

- Provided background information from the RCMP Central Okanagan Traffic Services Unit.
- Provided background information with respect to the decision not to renew the permit.
- Provided background information with respect to traffic tickets.
- Stated that the number of tickets issued was on the high side for Kelowna cab drivers.
- Provided information regarding previous criminal convictions.
- Provided background information as to how the Traffic Unit reviews permits over time.
- Spoke to the 2011 tickets without giving precise details, as he did not have the tickets present with him.
- Spoke to the weight he gave the criminal code convictions.
- Stated that the RCMP received drivers abstract from 2007 onwards, but that there is no way to know what traffic records showed, if anything, for the dates prior to 2007.
- Spoke to other calls for service of 911 call complaints against Mr. Bhatti in 2008, 2009 and 2011.
- Advised that other informal complaints were forwarded to the RCMP from Airport staff and another cab driver regarding Mr. Bhatti.

Council questions directed to the RCMP:

- Inquired as to whether the number of tickets was usual for a cab driver.
- Inquired about the previous criminal convictions.
- Inquired as to why previous reviews of the permit did not result in a permit refusal.
- Inquired as to the particulars of the two (2) tickets issued in 2011.
- Inquired as to the weight given to criminal convictions.
- Inquired as to any driving convictions prior to 2007.

- Inquired as to comments made regarding other complaints made against Mr. Bhatti.

Colby Johnson on behalf of Mr. Bhatti:

- Discussed the employment history of Mr. Bhatti, who has driven a cab for the last 18 years.
- Advised that Mr. Bhatti’s sole source of income is driving his cab.
- Made reference to numerous letters written in support of Mr. Bhatti.
- Believes that the RCMP did not properly take into consideration that the 2011 tickets were in dispute and that the dispute was filed prior to the letter from the RCMP.
- Advised that the criminal convictions date from several years ago.
- Questioned why previous reviews did not result in a revocation of Mr. Bhatti’s permit.
- Questioned whether or not the driving convictions were on Mr. Bhatti’s personal or professional time.
- Made comments that Council should direct their decision making to the provisions of the Bylaw and not to put any weight on the comments about Mr. Bhatti’s character.
- Believes that the lack of driving convictions prior to 2007 speak favourably to Mr. Bhatti’s character.
- Believes that Mr. Bhatti’s driving record isn’t as bad as it has been made out to be.
- Confirmed the time that that the school zone ticket was issued was just after 8:30 a.m.
- Agreed that the tickets issued to Mr. Bhatti while driving his cab are more relevant than those issued on personal time.
- Doubts that Mr. Bhatti will have his traffic ticket dispute hearing in 2012.
- Provided confirmation that the ticket disputes were initiated prior to the letter from the RCMP.
- Stated that Mr. Bhatti uses the same vehicle for both professional and personal use.
- Provided a synopsis of the letters of support from customers and others, including individuals who work at the Airport.
- Advised that two (2) of three (3) of the letters of support spoke favourable to Mr. Bhatti’s driving habits.

Council questions direct to Mr. Johnson:

- Inquired as to the details of the 2011 traffic tickets.
- Inquired as to whether tickets issued during professional use of his vehicle had a greater weight than those issued when the vehicle was used for personal use.
- Inquired as to when the traffic ticket dispute may be heard.
- Inquired as to the letters of support.
- Inquired as to whether or not any of the letters spoke to Mr. Bhatti’s driving skills, as opposed to his character.

Moved by Councillor Zimmermann/Seconded by Councillor Basran

R260/12/03/20 THAT Council reinstates the Chauffeur’s Permit for Resham Lal Bhatti.

DEFEATED

Councillors Basran, DeHart, Hobson, Given and Stack – Opposed.

Council:

- Believes that the 2008 abandonment incident is significant.
- Believes that this is appropriate for the RCMP to review Chauffeur’s Permits and not be bound by previous reviews.
- Believes that a taxi driver’s driving record is a relevant factor that should be taken into consideration.

4. TERMINATION

The meeting was declared terminated at 6:17 p.m.

Certified Correct:

Mayor

/scf/slh

City Clerk