



City of  
Richmond

Memorandum

**To:** Mayor and Councillors  
**From:** David Weber  
Director, City Clerk's Office

**Date:** June 14, 2010  
**File:** 12-8275-02/2010-Vol 01

**Re:** Chauffeur's Permit Appeal Process – Mr. Hussain Chaudhry

In accordance with the *Motor Vehicle Act*, an appeal may be made to the Council of a municipality following a refusal of a Chauffeur's Permit by the RCMP. As this is a relatively rare occurrence at Council, the attached document titled *Chauffeur's Permit Appeal Process* is provided as a general reminder and guideline on the procedure for the meeting. Mr. Chaudhry has been provided a copy of the general procedure, this memorandum and the attached documents.

Attached to this memorandum are the following documents relating to this appeal:

- Mr. Chaudhry's *Renewal For Chauffeur's Permit* application form (**Attachment 1**);
- A print-out of Mr. Chaudhry's *Record of Contraventions, Prohibitions and Suspensions* (**Attachment 2**);
- The RCMP's *Application Criteria and Permit Processing Guidelines* (**Attachment 3**);
- The RCMP letter to Mr. Chaudhry, dated September 15, 2009, informing him of the decision to refuse issuance of the Chauffeur's Permit with attached print-out of the applicant's *Driving Record* (**Attachment 4**); and
- Mr. Chaudhry's request for appeal letter, received April 26, 2010 (**Attachment 5**).

Following the hearing, Council may:

- a) consider a motion to uphold the denial;
- b) consider a motion to grant the appeal; or
- c) consider another motion or action as circumstances suggest.

If you have any questions concerning this process, please feel free to contact me at 604-276-4098.

David Weber  
Director, City Clerk's Office

## **Chauffeur's Permit Appeal Process**

Under section 36 of the *Motor Vehicle Act*, the RCMP may refuse to issue a chauffeur's permit or cancel or suspend an existing chauffeur's permit if the applicant is considered unfit to act as a chauffeur. Section 36(7) permits an applicant to appeal to City Council to have a decision of the RCMP overturned. Council's decision on such an appeal is final, subject only to judicial review by the BC Supreme Court. Attached is section 36 of the *Motor Vehicle Act*.

### **The Hearing or Council Meeting**

Chauffeur permit appeals are generally heard at open City Council meetings, which means members of the public or media are free to attend and observe the hearing. Appeals are generally set for a Special Council meeting, rather than a regularly scheduled Council meeting.

### **Agendas and Minutes**

In accordance with normal practice, open Council meeting agendas are published on the City website on the Friday evening preceding the meeting date. Attached to the published agendas are typically found any supporting documents and reports. For chauffeur permit appeals, the agenda materials may include the applicant's appeal letter and supporting materials, procedural information regarding the conduct of the appeal hearing, and the RCMP file on the permit application. The RCMP file may include the permit application form, any materials relied upon during the decision-making process, the letter or notice from the RCMP to the applicant outlining the reasons for refusal of the permit, and any other relevant documents. All documents that are to be provided to Council will normally be provided to the permit applicant three (3) to four (4) weeks prior to the Council meeting at which the appeal will be heard.

Minutes are taken at the meeting. These minutes document the appeal hearing and any decision arrived at by City Council. In accordance with normal practice, minutes for open Council meetings are also published on the City website in the days following the meeting.

### **Conduct of the Appeal**

The Mayor presides as the Chair of the meeting and will provide direction to the applicant as the proceedings unfold. Applicants and their representatives should address the Mayor as "Your Worship" and all questions about how the meeting is being conducted are to be directed to the Mayor.

The order of the proceedings will be as follows:

1. The RCMP Officer who processed the application will be called upon by the Mayor to review the file, explain why the permit was denied, and answer any questions that may be posed by the Council members.
2. Once Council has heard from the RCMP Officer, the applicant will be called forward by the Mayor to present the appeal. The applicant may present the appeal or have a lawyer or other representative present the appeal on his or her behalf. There is no time limit

placed on the applicant's presentation, provided the information provided is relevant and the proceedings are not being obstructed.

3. Following the applicant's presentation of the appeal, Council members may pose questions to the applicant.
4. Following any questions by Council members, the applicant may pose questions to the RCMP Officer.
5. If any additional witnesses were called upon to provide information to Council, Council and the applicant may pose questions to the additional witnesses.
6. Once all questions have been answered, the applicant will be excused by the Mayor, at which time the applicant would return to the audience.
7. Council members would then deliberate on the matter in open (before any members of the public or media who may be present at the meeting). During Council deliberations, the applicant is not permitted to participate and can only observe from the audience.
8. Following deliberations, Council will take one of several possible actions: 1) uphold the RCMP's decision; 2) overturn the RCMP's decision; or 3) consider another motion or action appropriate to the circumstances (such as refer the matter to the RCMP or staff for further information or investigation).

### **Council's Decision**

Council's decision on an appeal is final and can only be overturned by judicial review by the BC Supreme Court. Written confirmation of Council's decision will be provided to the applicant in the days following the meeting. Council's decision is also published in the minutes of the meeting, which is available on the City website.

\*\*\*\*\*

## Extract from the Motor Vehicle Act

### Municipal chauffeur permits

- 36** (1) In this section, "**chief of police of the municipality**", in the case of a municipality policed by the Commissioner of Provincial Police, means the senior member of the Royal Canadian Mounted Police in that municipality.
- (2) [Repealed 2008-15-22.]
- (3) A chauffeur, within a municipality that has passed a bylaw under subsection (11), must not drive, operate or be in charge of a motor vehicle carrying passengers for hire unless he or she holds a permit for that purpose issued to him or her by the chief of police of the municipality.
- (4) A chauffeur to whom a permit is issued under subsection (3) must comply with all regulations made by the municipality that are not repugnant to this Act or the regulations.
- (5) If the police chief of the municipality, on proof to his or her satisfaction, believes that a person holding a permit under subsection (3), because of his or her use of or dealing in intoxicants or narcotic drugs or any other reason, is unfit to act as a chauffeur, the police chief may suspend or cancel the permit.
- (6) If an applicant for a chauffeur's permit is refused or a chauffeur's permit is suspended or cancelled by the chief of police in a municipality, the chief of police must within 24 hours after the refusal, suspension or cancellation notify the applicant or holder in writing stating the grounds.
- (7) An appeal lies to the council of the municipality from a refusal, suspension or cancellation under subsection (6).
- (8) On an appeal under subsection (7), the decision of the council is final.
- (9) A fee must not be payable for a permit issued under subsection (3).
- (10) A chauffeur who holds a permit granted or issued under this section must
- (a) have it in his or her possession at all times while driving or operating a motor vehicle on a highway, and
  - (b) produce it for inspection at any time on the demand of a peace officer or constable.
- (11) The council of a municipality may by bylaw provide for the regulation, in accordance with this section, of chauffeurs in the municipality and for the issue of permits to chauffeurs by the chief of police.

RENEWAL FOR CHAUFFEUR'S PERMIT

TO: OIC RICHMOND DETACHMENT  
R.C.M. POLICE  
6900 MINORU BOULEVARD  
RICHMOND, B.C. V6Y 1Y3

2009-30245

ATTENTION: TRAFFIC SECTION

The undersigned hereby applies for a City of Richmond Chauffeur's Permit supported by the following information. Further, that all the information contained hereto is truthful and accurate.

NOTE: MISSING OR FALSE INFORMATION WILL RESULT IN AN APPLICATION REFUSAL.

SURNAME: CHAUDHRY GIVEN 1: Hussain

GIVEN 2: Aslam SEX: MF TELEPHONE: [REDACTED]

ADDRESS: 11630 99 Ave Surrey B.C.

DOB: [REDACTED] /M/D) AGE: [REDACTED] HEIGHT: [REDACTED] (CM) WEIGHT: [REDACTED]

HAIR COLOUR: [REDACTED] EYE COLOUR: [REDACTED] RACE: [REDACTED]

PLACE OF BIRTH: [REDACTED] SIN #: [REDACTED]

BC DRIVER'S LICENCE #: [REDACTED] CLASS: 4

CITIZENSHIP: Canadian IF FOREIGN BORN, DATE ARRIVED: [REDACTED]

DEFORMITY, AMPUTATIONS, TATTOOS: N/A

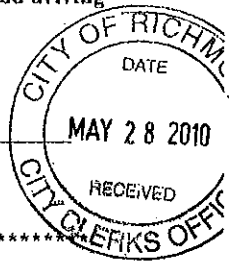
Record Criminal convictions, if any, during the past five (5) years proceeding this application:  
N/A

Have you been denied or refused a Chauffeur's Permit in any Lower Mainland jurisdiction?  
No

\*\*\*\*\* PLEASE NOTE \$51.00 IS NOT REFUNDABLE. \*\*\*\*\*  
The above named applicant consents to the release of information on his/her criminal and driving records to the noted organization, City of Richmond and City Council.

[Signature]  
Signature of Applicant

Sept. 09/09  
(Date)



\*\*\*\*\*  
OFFICE USE ONLY

DATE & TIME OF APPLICATION: Sept 09, 2009 13:49

DATE APPLICATION APPROVED: \_\_\_\_\_

R.C.M. POLICE FILE NUMBER: \_\_\_\_\_ PERMIT NUMBER: \_\_\_\_\_

SURNAME: CHAUDHRY GIVEN NAMES: HUSSAIN ASLAM

CURRENT PRIMARY LICENCE CLASS: 4\*\*

RECORD OF CONTRAVENTIONS, PROHIBITIONS AND SUSPENSIONS

V-DATE	CONTRAVENTION DESCRIPTION	PLACE	DISPOSITION &	DATE
20050815	FAILING TO WEAR SEATBELT	SURREY		20050915
20071230	24 HOUR PROHIBITION - ALCOHOL	VANCOUVE	24HR PROHIBITION	
20080101	YELLOW LIGHT AT INTERSECTION	NORTH VA		20080201
20080211	SPEED IN/OUTSIDE MUNICIPALITY	RICHMOND		20080313
20090208	24 HOUR PROHIBITION - ALCOHOL	DELTA	24HR PROHIBITION	

CONTINUED PAGE 2

DL: 7604823/ PAGE 2/ TYPE: 2 YR RENEWAL

\*\* FOR COURT USE ONLY \*\*

SURNAME: CHAUDHRY GIVEN NAMES: HUSSAIN ASLAM

CURRENT PRIMARY LICENCE CLASS: 4\*\*

PROHIBITIONS/SUSPENSIONS:

FROM	TO	REASON
2009-04-02	2009-06-02	PROHIBITION-SUPERINTENDENT-MV-SEC93 (1) (a) (ii)

END OF RECORD.

**Application Criteria:**

- 1) Minimum 19 years of age. (as per Sec. 36(2) M.V.A.)
- 2) Valid Class 1,2, or 4 B.C. Operator's Licence
- 3) Applicant must be Canadian citizen or landed immigrant or legally entitled to work in Canada.
- 3) Five (5) or less hazardous moving violations in the past five (5) years as scheduled in the Motor Vehicle Act Regulations.
- 4) After January 01, 2006 all applicants must have successfully completed 27 hours of industry-related training in the areas of professional driving, taxi industry and local knowledge, and the Super Host for Taxicab Drivers or equivalent training.
- 5) After April 01, 2006 all applicants must have successfully completed the initial 27 hours of training and an additional 16 hours of industry-related training in the areas of defensive driving and collision avoidance, driver safety and assault avoidance, and transporting people with disabilities.
- 6) All current Chauffeurs who have not successfully completed the initial 27 hours of industry-related training have until April 01, 2006 to complete this training and until April 01, 2007 to successfully complete the additional 16 hours of industry-related training.

The above noted training must be delivered by an accredited training institution as approved by the municipality.

- 7) Applicants must not have criminal convictions in the past five years for: all crimes of violence (including family violence), Sex Offences, Criminal Code Traffic offences, Weapons offences, and/or Alcohol/Drug related offences. All other offences will be reviewed on a case-by-case basis.
- 8) Applications may not be approved while outstanding criminal matters are before the courts. Any other charges or convictions will be reviewed on a case-by-case basis.
- 9) Matters under the mental health act will be reviewed on a case-by-case basis supported by medical reports/recommendations from the applicant's caregiver.
- 10) Applicants must disclose if they have been denied or refused a chauffeur's permit in any other Lower Mainland jurisdiction.

### **Application Requirements:**

- 1) The applicant will provide an I.C.B.C. recent claims history at time of application or renewal (within 30 days of the application date).
- 2) The applicant will make full and complete disclosure on all outstanding criminal charges and/or convictions.

### **Application Requirements (Continued) :**

- 3) The applicant will be denied for providing any false, misleading or incomplete information.
- 4) The applicant may be required to successfully pass an area knowledge test as per local municipal criteria.
- 5) In the event of failure of this test, an opportunity to re-test will be allowed after one week, a second one after another month and a third re-test after three months from the initial test, with no further opportunity to re-test thereafter.
- 6) The application fee is according to the local municipal fee structure.

### **The following documents must be produced by the applicant at the time of application:**

- 1) Valid B.C. Picture Driver's Licence:
- 2) Two colour passport photographs
- 3) Recent I.C.B.C. Claims History (within last 30 days)
- 4) Canadian birth certificate or Canadian citizenship card or a valid Canadian passport, or proof of legal entitlement to work in Canada.
- 5) Letter of employment by local taxi company in the local area.

### **Screening Process:**

N.B.: Subject MUST provide informed consent for CPIC including access to BC Paris through CPIC. Consent for Disclosure of Criminal Record Information and Consent for Vulnerable Sector forms must be completed and submitted with Chauffeur application.



Applicant's information will be checked against the following databases:

CPIC, NCIC, PIRS, CHDS, PRIME-LEIP, NCDB,  
JUSTIN (for outstanding criminal charges),  
Driving History,  
ICBC Claims history (from the list provided by the applicant).

**Of note:** The application fee is not refundable on refusal or cancellation of a chauffeur's permit.

**Grounds for Refusal, Cancellation or Suspension of Chauffeur's Permit:** Permit may be refused, cancelled or suspended if:

1. Upon conviction of any serious criminal code offences (eg. Impaired Driving, Dangerous Driving, Assault, etc...)
2. Charged with any serious, violent criminal offence or drug trafficking.
3. If applicant has accrued 3 or more moving violations over any 12 months
4. Received more than one Sec. 215 Motor Vehicle Act Driver's Licence suspension in the past five years.
5. Charged with operating a vehicle while under the influence of alcohol or a drug.
6. Charged with operating a vehicle while their driver's licence is suspended or prohibited.
7. Excessive customer complaints (3 or more in any 12 months period.)
8. Is the subject of any reports indicating health conditions resulting in a lack of fitness to act as a chauffeur.
9. Found at fault in 3 or more Motor Vehicle Collisions over any 12 months period, with over \$1000.00 damage or bodily injuries.
10. Application will not be processed if incomplete (including all required attachments) and will be declined if application contains false information.
11. If an applicant has been charged with any of the offences mentioned above, he/she can re-apply upon resolution of the outstanding charges.
12. Application may be declined if indices check reveals pattern of violence, instability or substance abuse.

**Note:** Suspension period may vary according to the seriousness of the offence. In some instances, compulsory defensive driving courses and /or alternative measures may be required before reinstatement of a permit.

Permit holder will be evaluated using the indicated criteria, however, If the police chief of the municipality, on proof to his or her satisfaction, believes that a person holding a permit under subsection (3), because of his or her use of or dealing in intoxicants or narcotic drugs or any other reason, is unfit to act as a chauffeur, the police chief may suspend or cancel the permit. (Sec. 36 Motor Vehicle Act)

Revised 2005 May 11/te



Royal Gendarmerie  
 Canadian royale  
 Mounted du  
 Police (604) 278-1212  
 Canada  
 FAX: (604) 278-6773

Attachment 4

Security Classification / Designation  
 Classification / Désignation sécuritaire

2009-09-15

Your file      Votre référence

Our file      Notre référence  
 2009-30245

Mr. Hussain Aslam CHAUDHRY  
 11630 99 Avenue  
 Surrey, B. C. V3V 2M1

Dear Mr. CHAUDHRY,

On 2009-09-09 you attended the Richmond R.C.M.P. Detachment to obtain a Chauffeur's Permit.

Please be advised that one of our grounds for refusing a Chauffeur's Permit is receiving more than one (1) Section 215 Motor Vehicle Act Driver's Licence suspension in the past five (5) years.

The Insurance Corporation of British Columbia record reveals you had more than one (1) 24 Hour Prohibition - Alcohol issued to you, one (1) in Vancouver, in 2007, and the other one (1) in Delta, in 2009, hence we are refusing you a Chauffeur's Permit at this time.

You have the right to appeal before the Richmond City Council should you so choose.

If you have any questions, please feel free to contact Sgt. R.C. QUILLEY, NCO  
 I/c Traffic Services at (604) 278-1212.

Yours truly,

~~Sgt. R. QUILLEY~~  
~~Reg. #40868~~  
 (R. NESSET), Superintendent  
 Officer in Charge  
 Richmond Detachment

/rjv

6900 Minoru Boulevard  
 Richmond, B. C. V6Y 1Y3

Canada

CNCL - 11  
 (Special)



15/12/09 DSSMTDP

PUBLIC SEARCH PRINT

SCREEN 01

DP [REDACTED]

1

BRITISH COLUMBIA DRIVING RECORD SEARCH

P

PAGE 01

CHAUDHRY, HUSSAIN

LICENCE NO: [REDACTED]

DRIVER CLASS: 400

ASLAM

TYPE: 2 YR RENEWAL

11630 99 AVE

BIRTHDATE: [REDACTED]

EXPIRY DATE: 05JUL2011

SURREY BC V3V 2M1

DRIVER STATUS: NORMAL

ORIGINAL DATE: 02JAN2003

FILE REFERENCE: F000000

HEIGHT: [REDACTED]

WEIGHT: [REDACTED]

EYE COLOUR: [REDACTED]

HAIR COLOUR: [REDACTED]

RESTRICTIONS FIX: NOT PERMITTED TO OPERATE BUSES

VARIABLE: NONE

VIOLATION ACT AND SECTION	PTS	CONTRAVENTION DESCRIPTION	LOCATION
DATE	DISPOSITION AND DATE		
15AUG2005	MVA 220.4	00 FAILING TO WEAR SEATBELT	SURREY
	15SEP2005		

CONTINUED

CNCL - 12

(Special)



15/12/09 DSSMTDP  
DP [REDACTED]

PUBLIC SEARCH PRINT

SCREEN 02

1

CONTINUED FOR DL [REDACTED] CHAUDHRY, HUSSAIN

PAGE 02

VIOLATION DATE	ACT AND SECTION DISPOSITION AND DATE	PTS	CONTRAVENTION DESCRIPTION	LOCATION
30DEC2007	MVA 215(2) 24HR PROHIBITION	00	24 HOUR PROHIBITION - ALCOHOL	VANCOUVER
01JAN2008	MVA 128.1.A 01FEB2008	02	YELLOW LIGHT AT INTERSECTION-NO STOP BEFORE IN	NORTH VANCO
11FEB2008	MVA 146.1 13MAR2008	03	SPEED IN/OUTSIDE MUNICIPALITY	RICHMOND
08FEB2009	MVA 215(2) 24HR PROHIBITION	00	24 HOUR PROHIBITION - ALCOHOL	DELTA

PROHIBITIONS/SUSPENSIONS

FROM 02APR2009 TO 02JUN2009 CAUSE PROHIBITION-SUPERINTENDENT-MV-SEC93(1)(a)(ii)

THIS SEARCH REPORTS ONLY CONTRAVENTIONS, PROHIBITIONS FROM DRIVING AND LICENCE

CNCL - 13  
(Special)



15/12/09 DSSMTDP

PUBLIC SEARCH PRINT

SCREEN 03

DP [REDACTED]

1

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SUSPENSIONS FOR THE PREVIOUS FIVE YEARS THAT HAVE BEEN RECEIVED AT THIS OFFICE  
AS OF 15 DECEMBER, 2009

INSURANCE CORPORATION OF BRITISH COLUMBIA 15 DECEMBER, 2009  
VICTORIA B.C.

CNCL - 14  
(Special)

Hussain Chaudhry  
11630 99 Ave.  
Surrey, B.C.

March 05 2010

David Weber  
Director, City Clerk's Office  
6911 No. 3 Road  
Richmond, B.C.

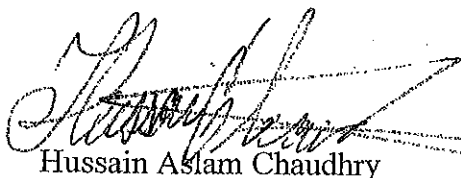
Dear Mr. Weber

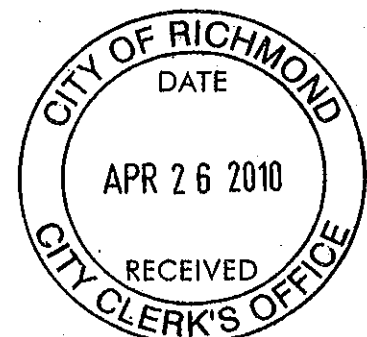
My name is Hussain Aslam Chaudhry and I am writing in the regards of my chauffeurs permit. I am currently 23 years old; coming this July I will be 24. On September 09<sup>th</sup> 2009 I had applied for my chauffeurs permit, from the city of Richmond, and on September 15<sup>th</sup> 2009 I was refused on the grounds of receiving two 24 hour prohibitions.

When I first found out I had been denied my chauffeurs permit I was kind of happy. I thought I would be able to find a part time job and continue on with my school. Currently, I am a marketing student at Kwantlen Polytechnic University. As of this semester, I am enrolled in Microeconomics, Advertising, and Advance Microsoft Office & Internet. From September until January, I had applied for jobs which I thought would be suitable for myself; as of right now I have found nothing. At age 17 I was a night shift supervisor at the Burger King on No. 3 Road, from age 18 to 19 I was employed at Future Shop, and since then I have been driving a Taxi in Richmond. When I go apply for jobs now, the only response I hear is I don't have enough experience. I am over Five thousand dollars in debt on my credit card from school; come this summer I will not be able to go to school because I was not able to save any money nor was I able to make large sum payments on my credit card and in addition my parents have refused to pay for my school.

I would like to appeal for my chauffer's permit in front of Richmond city council. I have been going to school and I have been looking for a job; however I have not been successful. I am over Five thousand dollars in debt and I have no money for continuing my education. Getting my chauffeurs permit is my last chance at making things right for myself.

Sincerely,

  
Hussain Aslam Chaudhry



CNCL - 15  
(Special)