



City of Richmond

Memorandum

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

Date: April 20, 2011
File: 12-8275-02/2011-Vol 01

Re: Chauffeur's Permit Appeal Process – Mr. Parmjit Singh Atwal

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. Atwal has been provided a copy of the general procedure, this memorandum and the attached documents.

Attached to this memorandum are the documents relevant to Mr. Atwal's application including:

- The RCMP's *Application Criteria and Permit Processing Guidelines* (**Attachment 1**) -- CNCL-7;
- A print-out of the RCMP's Chauffeur's Permit refusal letter and various documents describing incidents relevant to the RCMP decision to deny the permit (**Attachment 2**) -- CNCL-11;
- Mr. Atwal's request for appeal letter, received March 16, 2011 (**Attachment 3**) -- CNCL-22;
- Letter dated March 24, 2011 from Mr. Atwal and attachments to his letter (**Attachment 4**) -- CNCL-25; and
- Letter dated April 13, 2011 from the City Clerk's Office confirming Mr. Atwal's appeal date (**Attachment 5**) -- CNCL-31.

Following the hearing, Council may:

- a) consider a motion to uphold the denial;
- b) consider a motion to grant the appeal; or
- c) consider a motion to delay consideration of the matter.

If you have any questions concerning this process, please feel free to contact this office at 604-276-4007.

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

**CNCL-4.
(Special)**

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 a motion to delay consideration of the matter.

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.

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 11/06

Page 1

RICHMOND RCMP

045289 LIN, KEVIN

Case: 1401 2011-7431

copy of refusal letter
OCCURRENCE REPORT

Tel.: (604) 278-1212
FAX: (604) 278-6773

2011-03-14

2011-7431

Mr. Parmjit Singh ATWAL
3411 Williams Rd.
Richmond, BC
V7E 1J3

Dear Mr. ATWAL

On 2011 March 14, you attended the Richmond R.C.M.P. Detachment to apply for a Chauffeur's Permit.

The local police check, based on you name and date of birth, indicates two instances involving violence, within the past year. Base upon this information your application has been denied.

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

Yours truly,

(R. NESSET), Superintendent
Officer in Charge
Richmond Detachment

/sw

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

CNCL-11
(Special)

Page 1

RICHMOND RCMP

045289 LIN, KEVIN

Case: 1401 2011-7431

/refused permit:
SYNOPSIS

Chauffeur permit REFUSED for Parmjit Singh ATWAL, as per Sgt. Quilley's review of local checks showing 2 incidents of violence within past year, directly related to passengers of this driver.

CPIC notification of refusal to All Lower Mainland. CH

#000109901

Susan Woollard

Front counter

Richmond Detachment, RCMP

Author: WOOLLARD, SUSAN
Related date: Mon, 2011-Mar-14 1457

Signatures: _____

(Thu.) 2011-Mar-17

CNCL-12
(Special)

Case: DE 2011-4502

FIGHT
SYNOPSIS

Delta Police responded to a report of a fight between the driver of a taxi, later found to be Richmond Cabs unit #80 bearing BCL: 0180CH, and the passengers of the taxi. Information received enroute that one passenger had been thrown into a ditch. Another passer-by, [redacted] called police however did not remain at scene. Upon arrival all parties were being separated by civilian passer-by [redacted]. Investigation revealed that the taxi driver Parmjit ATWAL had gotten into an argument with passenger [redacted] over [redacted] lighting up of a cigarette. Argument escalated to point where ATWAL pulled the taxi over and tried to extricate [redacted] out of the cab resulting in [redacted] falling into a ditch. Passenger [redacted] called 911 and ATWAL allegedly punched passenger [redacted] one time in the face. None of the parties exhibited any injuries except [redacted] who had minor cut inside her lip. EHS was declined by all parties. During the scuffle ATWAL alleges that his cell phone was lost in the ditch and his radio mike was damaged (approx \$200 damage). Insufficient evidence for charges.

Author:ATHWAL, RAY
 Related date:Sun, 2011-Mar-13 0412

Signatures: _____

(Thu.) 2011-Mar-17

Case: DE 2011-4502

INCIDENT
OCCURRENCE REPORT

Delta Police members responded to report of a fight in the 11200 block of Ladner Trunk Rd involving taxi driver and the passengers of the taxi. Information was received while enroute that one subject was thrown into a ditch.

Upon police arrival all the occupants of the taxi were being separated by a civilian passer-by, [redacted] who had stopped to assist but had not observed the incident. Another caller, [redacted] had also called however he did not remain at the scene. All parties were canvassed for injuries and all declined EHS. Nobody was exhibiting any injuries except Chantelle JOSEPHS who had a minor cut on the inside of her lip.

All the parties associated to the taxi were separated and questioned about the incident. [redacted] and [redacted] had been picked up from a pub in the Steveston area of Richmond BC and they were travelling to Surrey in Richmond Cabs unit #80 which bore BCL: 0180CH that was being driven by Parmjit ATWAL.

- Driver - ATWAL
- Front Seat Passenger - [redacted]
- Driver Side Rear Passenger - [redacted]
- Passenger Side Rear Passenger - [redacted]

During the trip, [redacted] lit up a cigarette while seated in the rear of the taxi. ATWAL objected and asked [redacted] to not smoke in the taxi. ATWAL alleges that [redacted] refused to extinguish the cigarette. [redacted] stated that he was in the process of putting the cigarette out when ATWAL pulled the taxi over in the 11200 block of Ladner Trunk Rd (eastbound) and then opened the rear passenger side door and then grabbed [redacted] arm. ATWAL stated that he only opened the door to ask [redacted] to exit the taxi. [redacted] subsequently slipped and fell into the ditch on the south side of Ladner Trunk Rd.

Having witnessed the altercation between ATWAL and [redacted] did call 911. [redacted] stated that [redacted] got angry and for some reason punched [redacted] one time in the mouth. This is corroborated by [redacted] herself. [redacted] suffered a minor cut to the inside of her lip as a result however she did not wish to provide a formal statement to this effect and/or attend court. ATWAL denies hitting [redacted]

ATWAL alleges that [redacted] struck him in the head several times and that his radio mike was damaged during the altercation with [redacted] admitted to striking ATWAL but claimed that he did so only after climbing up out of the ditch and witnessing ATWAL punch [redacted] ATWAL did not exhibit any injuries.

Writer noted that the meter on the taxi read \$55.10 however, [redacted]

Case: DE 2011-4502

INCIDENT
OCCURRENCE REPORT

and [redacted] all claimed that ATWAL kept the meter running and that the meter read \$25 when they first stopped. [redacted] agreed to pay \$30 of the fare and they were sent on their way as they had called an associate to pick them up.

ATWAL was insistent on pursuing charges however it was explained to him that there was insufficient evidence to pursue charges against the other parties and that he could very well be looking at charges himself for the assault on [redacted] ATWAL was sent on his way as well.

PRIME query of ATWAL shows that approximately 1 year prior he was involved in an assault on a passenger (Richmond RCMP 10-9498 refers).

File concluded no charges.

Author:ATHWAL, RAY
Related date:Sun, 2011-Mar-13 0440

Signatures: _____

(Fri.) 2011-Mar-18

Case: 1401 2010-9498

/RCC SYNOPSIS
SYNOPSIS

On 2010-Mar-17 at 2109 hours, Cst LAHODA responded to a report of an Assault, that occurred near 5991 Alderbridge Way. Victim, [redacted] advised that while in a Richmond Cab #80, BC plate, 0180CH (2007 Red Toyota Prius), along with his friends, [redacted] and [redacted], he was assaulted. Driver, Parmjit ATWAL, had started an argument with [redacted] due to [redacted] not wearing his seatbelt. [redacted] was then "back-handed" by ATWAL. ATWAL said that he was arguing with [redacted] when he noticed [redacted] reaching towards him, raising his arm to protect himself. [redacted] had a small cut on the inside of his lip but did not require paramedics. Photographs and statements taken. ATWAL arrested for Assault and released on scene.

to be completed

Cst LAHODA, 181510/57702, Richmond RCMP, A-Watch

Author:HOWDEN, AMY
Related date:Wed, 2010-Mar-17 2222

Signatures: _____

(Thu.) 2011-Mar-17

Case: 1401 2010-9498

\Narrative - no charges
OCCURRENCE REPORT

R vs Parmjit Singh ATWAL (DOB: January 15th, 1951)

Assault S.266 C.C

Date of occurrence: March 17th, 2010

Constable Amy LAHODA (hereinafter referred to as Cst LAHODA) is a Member of the Royal Canadian Mounted Police (hereinafter referred to as RCMP) and has been since June 15th, 2009. Cst LAHODA is currently posted in the City of Richmond, in the Province of British Columbia. Unless otherwise stated, all addresses are in Richmond BC.

On March 17th, 2010 at 9:15pm, Cst LAHODA was in full duty uniform, driving a marked police vehicle when she responded to a report of Assault that had occurred in the vicinity of The Foggy Dew Pub, located at 5991 Alderbridge Way.

Complainant and Victim, (hereinafter referred to as) approached Cst LAHODA and advised he had been assaulted by his taxi driver. advised that he had been in the Richmond Cab with his two friends (hereinafter referred to as and (hereinafter referred to as) who appeared from around the corner. Cst LAHODA observed the three males, as well as a cab driver, later to be determined as Parmjit Singh ATWAL (hereinafter referred to as ATWAL). ATWAL had been driving Richmond Cab number 80, bearing BC licence plate 0180CH (2007 Red Toyota Prius).

At that time, Constable Janis XIA (hereinafter referred to as Cst XIA) and Constable Jason PARKER (hereinafter referred to as Cst PARKER) arrived on scene.

Cst LAHODA took aside in order to complete a victim statement. In that statement, advised that he had entered a cab with his two friends, and at Blundell Elementary School. did not place his seatbelt on and the car began to "beep". At that time, ATWAL told to put his seatbelt on. asked if he had something to turn off the beeping as he did not want to wear his seatbelt. ATWAL soon began a verbal argument with and eventually struck him in the face. described ATWAL as an older male, East Indian with no turban. When asked to describe the event again, went into further detail.

After entering the cab, initially a verbal argument began over not wearing his seatbelt. advised if the police catch him, it was not ATWAL's issue and that he didn't want to wear it. According to ATWAL then began to argue about money and other random issues, to which

Case: 1401 2010-9498

\Narrative - no charges
OCCURRENCE REPORT

ATWAL ended up hitting [redacted] [redacted] did not recall saying anything that warranted him being assaulted and did not believe ATWAL should get away with his behaviour. When giving further detail on how he was struck, [redacted] said that ATWAL formed a fist with his right hand, then swung his arm across, hitting him in the facial area. [redacted] indicated a small cut on the inside of his lip and advised it stung, but was not bleeding and did not require medical attention. [redacted] reacted by advising ATWAL that what he did was not right. [redacted] said ATWAL responded by saying [redacted] hit him first, but [redacted] said that he would never strike anyone, especially an elderly person.

Cst XIA spoke with [redacted] who stated the following. Himself, along with his two friends were picked up by a taxi driver at Blundell School, located at Blundell and Gilbert Rd. He sat behind the driver and did not pay much attention to what his friend, [redacted] (who sat at the front passenger seat), and the driver were arguing about. At one point, he saw the driver throwing a punch at [redacted] face/mouth area with his right, back hand. The punch occurred while he was making a turn from Gilbert Rd to Westminster Hwy. According to [redacted] did not return the punch. They arrived at the Foggy Dew where [redacted] noticed six or seven Richmond Taxi's trying to bully them but [redacted] had already called the police.

Cst PARKER spoke with [redacted] who advised that early this evening on March 17, 2010, [redacted] and two of his friends called a cab to pick them up. [redacted] advised that his friend, [redacted] got in the front, while himself and the other friend got in the back of the taxi. The cab driver told [redacted] to put his seat belt on and [redacted] stated no. [redacted] and the cab driver started arguing and so [redacted] finally put his seat belt on. The cab driver continued to argue at [redacted] so [redacted] started to argue back at the driver. The driver then back handed [redacted] in the face.

Cst LAHODA, Cst XIA and Cst PARKER informed each other of the statements they had obtained and after forming reasonable and probable grounds that an assault had occurred, Cst LAHODA decided that ATWAL was to be arrested.

At 9:40pm, Cst LAHODA approached ATWAL and advised him that he was being placed under arrest for assault. Cst PARKER proceeded to cuff ATWAL while Cst LAHODA advised him of his Charter Rights and Police Caution by memory. ATWAL kept asking why he was being arrested and advised he had done nothing wrong. Cst PARKER then conducted a search of ATWAL and placed him into the rear seat of Cst LAHODA's police vehicle. At that time, Cst LAHODA entered the vehicle and read ATWAL his Charter Rights and Police Caution verbatim with the following responses;

(AL - Cst LAHODA)
(PA - Parmjit ATWAL)

Case: 1401 2010-9498

\Narrative - no charges
OCCURRENCE REPORT

9:45pm
10(a) Assault

AL - Do you understand?
PA - Yep

9:46pm
10(b)

AL - Do you understand?
PA - Yep
AL - Do you want to call a lawyer?
PA - If you can give me that help if you can

9:46pm
Police Caution

AL - Do you understand?
PA - Yep

After reading ATWAL's Rights and Caution, he began asking why he was in handcuffs and why he was arrested. Cst LAHODA advised him of the reasons again and he asked why the other males not in handcuffs, stating it was embarrassing. Cst LAHODA advised ATWAL several times that he was under arrest and the males were not. ATWAL kept asking why they were not charged for hitting him.

ATWAL had been impatient and uncooperative with Cst LAHODA while in the vehicle.

At that time, ATWAL advised he wanted to speak with legal aid right away. Cst LAHODA advised him that he was going to be released on a Promise to Appear and would be able to speak with a lawyer then as it was difficult at the current time. Cst LAHODA asked ATWAL if he would like to give a statement now or after speaking with a lawyer. ATWAL agreed to give a statement. In that statement, ATWAL said that he was dispatched to a call on the 6400 block of Blundell where he found his clients in the parking lot of the school yard. After the males entered the cab the vehicle started beeping. One of the males asked why the beeping wouldn't "shut up". ATWAL responded by telling the male it will not stop until he is wearing his seatbelt. The male said he wasn't going to wear his seatbelt and ATWAL told him the beeping wouldn't stop until he did but it was his choice. At that time, the male started to swear and had said "my uncle was old and living in a mansion and you are fucking driving taxi", ATWAL told him it didn't matter and that he was working to pay for his daughter. The arguments continued so ATWAL told him he was going to call police and radioed his dispatch. ATWAL advised that at that time MARTIN said if he calls police he

Case: 1401 2010-9498

\Narrative - no charges
OCCURRENCE REPORT

is going to have him charged. ATWAL said in the statement at this time that his uncle is in the RCMP and he knows how to make a charge. ATWAL continued to drive until he reached the Foggy Dew as requested by the males and told Cst LAHODA that was the "total thing happened, and thats what I did". Suddenly, before Cst LAHODA could speak, ATWAL said that MARTIN had tried to grab him and so ATWAL tried to stop him, and that was why he called dispatch to ask for RCMP, and that was the total thing. According to ATWAL, the males in the rear seat had been telling the male in the front seat arguing with him, not to do that and not to make trouble. When asked if there had been anything physical, ATWAL said no, but that he had put his hand up to stop from coming at him as he had seen move his hands and thought he was going to be hit. Then advised not hands; his elbow. Then advised not his elbow, his arm. Then advised he did not know what he did at that time.

After ending the statement, ATWAL kept asking why he was arrested and that he was an old man, how can an old man hit a young guy. Cst LAHODA attempted to answer all of ATWAL's questions, but was interrupted everytime and unable to complete her sentences.

Cst LAHODA then had ATWAL exit the vehicle and released him on a Promise to Appear. During that time, ATWAL had asked where the males were to which Cst LAHODA advised they had left the scene during his interview as per Cst XIA's advising them they had been free to leave. ATWAL began to argue with Cst LAHODA, advising the males had not paid their fare of \$9.50 and if he should sue the males or the RCMP for the unpaid fare. Cst LAHODA advised him that he could speak with his management regarding the fare but that was not the issue at hand. ATWAL accused Cst LAHODA and had said he told her earlier they had not paid. Cst LAHODA advised ATWAL that she had heard him but was investigating an assault and his fare was not the topic. When finally agreeing to sign the Promise to Appear, ATWAL advised he was going to be in Toronto for a month and was unable to attend the court date set. Cst LAHODA asked when he was going, to which ATWAL replied, April 25th, 2010 until Mid-May 2010. Cst LAHODA then changed the court date to before his departure, ATWAL signed, and thanked Cst LAHODA for nothing before departing the scene.

On May 1st, 2010, Cst LAHODA received video footage from Richmond Cabs regarding the time of the alleged assault. In that footage Cst LAHODA observed several images, none in which showed an assault. No valuable evidence in this file.

File concluded. Charges not recommended.

Cst LAHODA, 181510/57702, Richmond RCMP, A-Watch

Case: 1401 2010-9498

PHONE CALL/LETTER
OCCURRENCE REPORT

On 2011-Mar-17, Cst HOWDEN received a phone call from ATWAL advising he was denied his chauffeurs permit because of his violence. ATWAL explained to them that court was cancelled with no charges but they wouldn't listen and he asked for help. Cst HOWDEN advised him she would write a letter advising such to which ATWAL was thankful, however, Cst HOWDEN reviewed ATWAL's history and found another complaint against him just this month. In the letter Cst HOWDEN simply advised there was an investigation for a report of assault that was determined unfounded. Police did not confirm nor deny that an assault took place and advised the letter was specifically for the one incident alone and no others. Copy of letter submitted to masterfile and a second copy was left for ATWAL to pick up from the detachment front desk.

Concluded.

Cst HOWDEN, 181510/57702, Richmond RCMP, A-Watch

Author:HOWDEN, AMY
Related date:Thu, 2011-Mar-17, 1009

Signatures: _____

(Thu.) 2011-Mar-17

ATTACHMENT 3

To Honourable Mayor and City Council

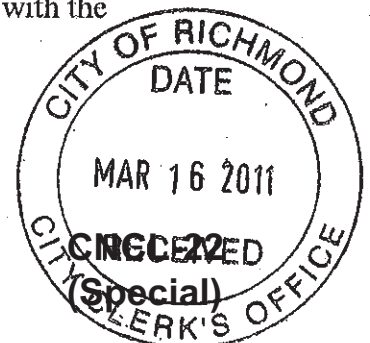
I, Parmjit Atwal applied for a renewal of my Chauffer's permit on March 14, 2011. I received a phone call from the local Rcmp on March 15/11 that there was a letter for me to pick up at the Rcmp station. I went to the Rcmp station on March 15/11 to pick up this letter. I was expecting this to be my Chauffer's permit. To my astounding surprise it was a letter stating that my Chauffer's permit was denied. (Letter from Rcmp attached)

The letter states the reason for denial is, "based on your name and date of birth, indicates two instances involving violence, within the past year..."

I am unaware of any charges against me for any type of violence and I have no criminal records or convictions since I have been a resident/citizen of Canada since 1972. I have always been and will continue to be a law abiding and contributing member of society. I have lived and raised my family in the city of Richmond for over 30 years.

If I recall the past 30 years of living in Richmond the only incident that comes to mind where I had any type of situation where the police where involved occurred on March 17, 2010. The police file number was 2010-9498. I was working the late evening shift on March 17, 2010 when I was dispatched to pick up a fare at Blundell School parking lot. Upon arrival at the school three adult males came towards my car from the dark school field. One male sat in the front seat while two males sat in the back seat. The male in the front seat started verbally abusing me. "Why are you an old guy driving at night time, your kids don't support you....and using profane language." The males in the back seat where telling their counterpart in the front seat to shut up and stay quiet. I pulled my taxi over to the side of the road and asked them to leave my car. The males in the back seat said, please take us to the Foggy Dew and their friend was just crazy. I again started to drive them to the Foggy Dew. The male in the front seat starting again to utter profanities towards me. At this point I called my dispatch and told them I need the Rcmp to attend at the Foggy Dew as I needed assistance with my fare. The male in the front seat at this time called the Rcmp and told them that I hit him. The police attended (Constable Lahoda) and put me in hand cuffs without even asking any questions. I as a law abiding, hard working family and community minded individual was turned from a victim into an accused. I called the Rcmp to come assist me and in turn they gave me a promise to appear in court on April 13, 2010 for assault. This was a fine example of a victim being re victimized.

I received a call from the Rcmp and was requested to take my taxi to have the camera/recording system analysed regarding the above incident. I complied with the request.

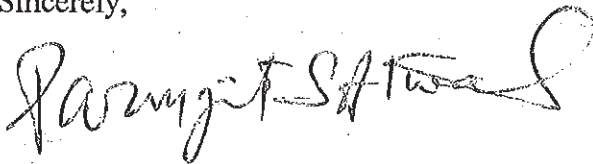


On April 2, 2010 at 1750 hrs I received a call from Constable Lahoda and she said, "you don't have to go to court on April 13 and you can tear up the promise to appear paper that I gave you." I called her later the same day and left a message for her to call me back. She called me back on April 7, 2010 at 1053 hrs. I asked her if she could write down what she told me earlier. She said, "if you want that written I can give it to you but you don't need it." I called her back again and left her message to find out if I needed to attend the RCMP station on April 10, 2011 for the finger printing that was requested. She called back on April 8, 2011 at 1047 hrs. I mentioned to her I have to attend a funeral in Seattle on the same day. She said, "I don't need to attend for the fingerprinting. If you receive a summons from court then you will need to attend the RCMP station for finger printing. To this date I have not received anything from the RCMP or the courts.

This denial of my Chauffer's permit has effected me in numerous ways. The least to say the emotional, financial impact it has on my family. I am supporting my daughter who is attending University of Waterloo to become a doctor. I feel my reputation has been tarnished within the community. Why am I suffering because of miscommunication or error of governmental agencies. Since receiving the letter of denial of my Chauffer's permit I am being made to jump through all these bureaucratic hoops. I being a proud citizen of Richmond since 1980 am more then willing to comply with these requests. In the end who is going to suffer and is suffering from all this? No one but me.

In closing please review this application for the renewal of my Chauffer's permit. I hope this will be resolved quickly without undue delay. I only have a few short years left before I will retire while continuing to live in Richmond. I wish to continue on with my life as normal which is being a productive and proud family member and a citizen of the City of Richmond. I greatly appreciate your valuable time regarding this matter and I look forward to hearing back from you soon.

Sincerely,



Parmjit Singh Atwal
3411 Williams Road
Richmond BC
V7E 1J3

604 277 9054 (res)
778 836 9054 (cell)

CNCL-23
(Special)



Royal Canadian Mounted Police
Gendarmerie royale du Canada

Tel.: (604) 278-1212
FAX: (604) 278-6773

Security Classification / Designation
Classification / Désignation sécuritaire

2011-03-14

Your file Votre référence

Our file Notre référence

2011-7431

Mr. Parmjit Singh ATWAL
3411 Williams Rd.
Richmond, BC
V7E 1J3

Dear Mr. ATWAL

On 2011 March 14, you attended the Richmond R.C.M.P. Detachment to apply for a Chauffeur's Permit.

The local police check, based on you name and date of birth, indicates two instances involving violence, within the past year. Base upon this information your application has been denied.

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

Yours truly,

~~Sgt. B. GUILLEY
Reg. #40868~~

(R. NESSET), Superintendent
Officer in Charge
Richmond Detachment

/sw

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

**CNCL-24
(Special)**

March 24, 2011

File: 12-8275-02/2011-Vol01

Gail Johnson

Acting Director, City Clerk's Office

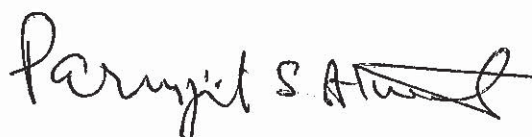
Dear Gail Johnson

Re: Chauffeur's Permit Appeal

I parmjit. S. Atwal would like to request the waiving of the three to four week waiting period. I am prepared to resolve this matter as soon as possible, the reason at this time I have no income coming in as a normal citizen. I have plenty of expenses. Some of my expenses are a mortgage, utility bills, city tax, taxi payments and funding my child's post secondary education.

Your prompt attention to this very important matter is greatly appreciated. I look forward to hearing from you very soon.

Sincerely



Parmjit Singh Atwal

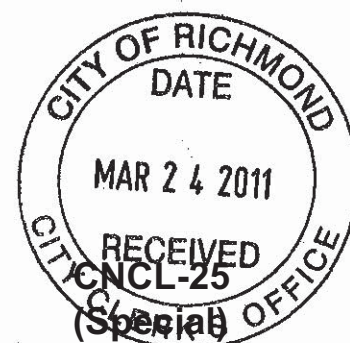
3411, Williams rd.

Richmond, B.C.

V7E-1J3

604-277-9054

778-836-9054



In addition to the previous letter:

I went to meet Sgt. Quilley on March 18/11 at the Richmond Rcmp Detachment to inquire about the second incident involving violence. Sgt. Quilley was unavailable so I asked for another officer in charge (I believe his name was Wilson). I was told he just left and he will give you a call. I received a call from this gentlemen within 20 minutes. I asked if I could come talk to him. He said, "you don't have to I can talk to you over the phone." I told him I have a letter from the Richmond Rcmp, Cst. Howden clearing me of the Richmond incident. He mentioned to me their was a file with Delta police. If you need more information you can request a freedom of information.

To recall my dealings with Delta police. I was waiting outside the Buck and Ear in Stevenson, Richmond on March 13/11 at approx. 2:00 am. When I was hailed by three adults (in their mid 20's) going to Surrey. A female sat in the front seat while a male and female sat in the back seat. Once the car was moving the male passenger asked if he could smoke. I said, "sorry you can't smoke in the cab." The ladies said, " you know you can't smoke in the cab." The taxi has a no smoking sign on the windows. I mentioned to him I could stop for a while and he could have a smoke. They said no let's just keep going. I was travelling east along Hwy 10 at approx. 104 Ave, I smelled smoke in the cab. I looked over my shoulder and I noticed the male smoking. I told him what are you doing, you can't smoke in the cab. He failed to put the cigarette out, so I pulled the car over to the shoulder of the road and I asked him to please go outside and smoke. He refused so I went to the rear passenger door and opened it and asked him please come outside and smoke. He came out of the car and starting swinging at me. I tried to get away from him when he grabbed my jacket from the collar and pulled it over my head and punched me on my forehead. Then he kept pulling my jacket and pulled it off my body. He threw my jacket onto the side of the road. I ran around my car towards the driver side for safety and to call my dispatch for help. The male was running after me when he fell into the ditch. I grabbed my cb radio to call for help. The male opened the front passenger door and yanked the cb wire out of the radio. I started to flag bypassing traffic to stop so I could get help. A male in a pick up truck travelling west on Hwy 10 stopped on the side of the Hwy to offer assistance. He told me to come over to his truck. The male (fare) was still running after me when the gentlemen yelled at him to stay away and stay on the other the side of the road.

Then the Delta police arrived. They questioned all of us individually including the witness. They let the witness leave before I had a chance to get his number and thank him for stopping. One of the officers asked me what happened so I explained the above situation to him. I told him the male punched me. The officer asked where and I showed him my forehead. The officer said, " I don't think he punched you very hard." I asked this officer if I could use his cell phone to call my dispatch to let them know I was with the police. I was receiving messages on my computer screen to find out what was happening

from my dispatch. This officer said no, this is my personal cell and you can not use it. Then this officer went and sat in his police truck. Then Cst. Athwal came over and asked what happened. I explained the entire situation to him again. I told Cst. Athwal that my dispatch is worried about me and I can't even let them know. He said you can use my cell phone to call them. He went to his car to get the cell phone for me. I called my dispatch and let them know I was with the police. Cst. Athwal said there is not much we can do, I can get you your fare. I told Cst. Athwal I also lost my cell phone and the male also yanked my cb wire and broke my radio and he punched me and that's all you can do is get my fare. Cst. Athwal said, "they are three and you are one it is three against one. So, I said, " you can see my broken wire and I lost my cell and he punched me and you can not do anything about it." He said, "that's all he can do." Then I said, "whatever you say what can I do about it." He said, " I can maybe get you \$40." I said ok and Cst. Athwal came back with \$30. He said, "this is the best I can do." I said to Cst. Athwal, " you are not going to lay any charges against the male (fare)." He said, "no I am not going to charge him and the case is closed." I asked Cst. Athwal if I can leave and he said yes you can go.

In this situation I was clearly the victim. The incident of violence was against me. In the denial letter of Chauffeurs permit it states, "two instances involving violence, within the past year."

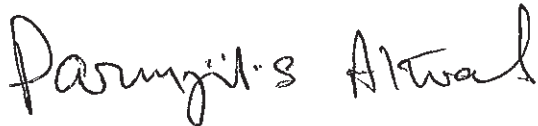
Since, I discovered the second incident mentioned in the letter relates to the Delta police, I have been diligently trying to contact them to receive clarification. I called Cst. Athwal at the Delta Police numerous times and left messages for him. The Delta Police operator even stated they have sent my message to his patrol car. I never received a call back. Thus on March 20/11 at around 10:00 am I called Delta Police again to find out what time Cst. Athwal was starting and at what station he was working out of. The operator told me he will be starting at 6:00 pm at the Clarence Crescent office in Ladner. I went to the Ladner Delta police office at 5:55 pm to find out if he was available. The front desk lady told me he is starting at the North Delta office at 6:00 pm. I told her I was told this morning he was starting from the Ladner office. Then, she went to the back room to check if he was there. She then came out and said, "he is not here." She said, "I sent the message to his car to tell him you were here and wanted to talk to him to find out about the file." At 7:00 pm, I received a call from Delta Police (#2803) that Cst. Athwal asked her to call me and let me know that in the file there is insufficient evidence and there is nothing against you. I asked the operator if she could ask Cst. Athwal to write it down for me. She said, "let me call him and I will call you back." She called me back after a couple of minutes. She stated Cst. Athwal said, "no he can not write the letter." She said, " you can request for an information of freedom."

It seems Richmond Taxi receives numerous calls from police department to assist in moving people from different clubs, pubs and other venues. Especially on late evenings and wee hours of the mornings. It seems the majority of the fares we pickup are intoxicated. In Richmond the local Rcmp call us almost every Saturday to the Foggy Dew

to take people away from the Foggy Dew. They want us to assist in controlling crowds and remove them away from problem situations. If we refuse to take the clients because of their behaviour we get in trouble. We are damned if we do and damned if we don't. We are stuck between a rock and hard place....we are here to help the Rcmp and serve the public. We are providing an essential service to the City of Richmond and the public. The taxi companies play and will continue to play a crucial role in the future transportation needs.

At no time have I ever used violence against anyone. This situation regarding my chauffeurs permit has left a very sour taste in my mouth. I am a 60 year old Richmond resident whose entire family was raised, educated and work in the City of Richmond. I am a law abiding citizen who wishes to continue to live and support the City of Richmond.

Sincerely

A handwritten signature in black ink that reads "Parmjit Atwal". The signature is written in a cursive, slightly slanted style.

Parmjit Atwal
3411 Williams Road
Richmond BC
V7E 1J3

604-277-9054 (res)
778-836-9054 (cell)

**CNCL-28
(Special)**



Unclassified

Cst HOWDEN, Richmond RCMP
6900 Minoru Blvd
Richmond BC
V6Y-1Y3

Your File Votre référence

To whom it may concern on behalf of Parmjit ATWAL
(DOB:1951-Jan-15)

Our File Notre référence

2010-9498

2011-03-17

Assault unfounded

Reported Assault in Richmond, BC

This letter is being written on behalf of Parmjit ATWAL to whomever it may concern.

ATWAL was involved in an alleged assault that took place in Richmond, BC in March 2010 outside of the Foggy Dew Pub (Richmond File 2010-9498). Investigations took place and the assault was determined to be unfounded. Police cannot confirm nor deny that an assault took place. ATWAL did not receive any charges in the Richmond investigation.

Any other investigations involving ATWAL are not included in this letter.

Cst HOWDEN
181510/57702
Richmond RCMP
604-278-1212 (2607)
amy.howden@rcmp-grc.gc.ca



RICHMOND TAXI CO. HOLDINGS LTD.

RICHMOND TAXI CO. LTD.
RICHMOND CABS LTD.
CORAL CABS LTD.
Dispatch # 604-272-1111 Office # 604-278-8358
Fax # 604-278-1114 e-mail gm_richmondtaxi@yahoo.ca

Date March 21, 2011

To whomever it may concern:

Subject: Re: Mr. Atwal Paramjit Singh BCDL # 2661810

Respected Sir/Madam;

That Mr. Atwal Paramjit Singh BCDL # 2661810 residing at 3411 Williams Road, Richmond, BC who is been Richmond Taxi Company Since April 2004 and Driving Richmond Cab # 80 ever since as a night shift driver.

As per Richmond Taxi Company Driver record, Mr. Atwal Paramjit Singh is a wonderful person to work with, great helper to people who need it whether he knows the person or not. He is a people person, with great sense of humor, who makes people laugh. I never had any complaint against him from any Richmond local community customers, or YVR customer service or south terminal customer service, where Richmond Taxi provides the taxi service. We are in service business and we cannot afford to have bad image. In-fact I got great comments from customer for his service. Richmond Taxi Company has benefit by his service that he provides out to Richmond Local Community. Richmond Taxi company as always help and assisted and worked with Richmond RCMP if and when need to clean the traffic during weekend late night from BAR AREA.

Mr. Atwal Paramjit ICBC Abstract record is clean. No violation ticket of any kind. ICBC Claim History also shows clean record since September 2007. I never heard any complaint from Richmond RCMP. Richmond Taxi Company as set company policy (Rules and Regulation for all their drivers) copy is attached.

On behalf of Richmond Taxi Company I would like to request Richmond City Mayor and Council Members and Richmond RCMP to reconsider the chauffeur permit and to allow him to provide the service to Richmond Local Community.

Should you have any question please do not hesitate to call me at 604-278-8358 or cell 778-889-1963 or email gm_richmondtaxi@yahoo.ca

Yours truly

Shashi Engineer
General Manager
Richmond Taxi Company Ltd.

Richmond Cabs Ltd./Coral Cabs Ltd.
#260-11180, Voyageur Way,
Richmond BC V6N 3N8
Tel # 604-278-2722 Dispatch #604-272-1111
Fax # 604-278-9496



City of
Richmond

6911 No. 3 Road
Richmond, BC V6Y 2C1
www.richmond.ca

April 13, 2011
File: 12-8275-02/2011-Vol 01

City Clerk's Office
Telephone: 604-276-4007
Fax: 604-278-5139

Parmjit Singh Atwal
3411 Williams Road
Richmond BC V7E 1J3

Dear Mr. Atwal:

Re: Chauffeur's Permit Appeal

Further to my letter of March 22, 2011, this letter will confirm your appearance before City Council to appeal the decision of the Richmond RCMP to deny your application for a Chauffeur's Permit.

You have indicated by telephone that the originally scheduled date for the hearing is now suitable for you. Therefore, please attend Richmond City Hall on Tuesday April 26, 2011 at 4:00 pm in the Anderson Room, 2nd Floor of the meeting house.

As mentioned in my previous letter, all documents for the hearing, including the most recent ones provided by you, will form part of the agenda and will be published on the City website. Please familiarize yourself with this material and bring it with you to the hearing.

Should you have any questions, please contact me at 604 276 4006, or contact David Weber, Director, City Clerk's Office at 604 276 4098.

Yours truly,

Gail Johnson
Manager, Legislative Services

pc: Sgt. R. Quilley, Richmond RCMP