



Special Council Meeting

Monday, July 12, 2010

- Time:** 4:00 p.m.
- Place:** Council Chambers
Richmond City Hall
- Present:** Mayor Malcolm D. Brodie
Councillor Linda Barnes
Councillor Derek Dang
Councillor Evelina Halsey-Brandt
Councillor Greg Halsey-Brandt
Councillor Ken Johnston
Councillor Bill McNulty
Councillor Harold Steves
- Director, City Clerk's Office – David Weber
- Absent:** Councillor Sue Halsey-Brandt
- Call to Order:** Mayor Brodie called the meeting to order at 4:00 p.m.

RES NO. ITEM

1. CHAUFFEUR'S PERMIT APPEAL – Hussain Chaudhry
(File Ref. No.: 12-8275-02) (REDMS No. 2912252, 2910861)

Sergeant Rob Quilley, NCO i/c Traffic Services, Richmond RCMP, stated that on September 9, 2009, he received a Renewal for Chauffeur's Permit from Mr. Hussain Chaudhry. Sgt. Quilley referred to Mr. Chaudhry's driving abstract and noted that Mr. Chaudhry received two 24-hour prohibitions, the first in December 2007 and the second in February 2009, for alcohol related violations. Sgt. Quilley advised that although Mr. Chaudhry was not criminally charged for drinking while under the influence of alcohol, his ability to operate a motor vehicle was impaired.



Special Council Meeting

Monday, July 12, 2010

RES NO. ITEM

Sgt. Quilley spoke of two additional violations on Mr. Chaudhry's driving abstract, running a yellow light in January 2008 and speeding in February 2008, and stated that these violations indicate to him that Mr. Chaudhry's driving is hazardous and it poses a danger to the public.

Sgt. Quilley stated that Mr. Chaudhry's Chauffeur's Permit denial was based on two factors: (i) he has received more than one Section 215 *Motor Vehicle Act* Driver's Licence suspension in the past five years (24-Hour Prohibition – Alcohol); and (ii) he has received three hazardous moving violations in the past five years. Sgt. Quilley advised that he considers Mr. Chaudhry's two 24-hour prohibitions as moving violations as he was operating a motor vehicle, and noted that the third moving violation was for speeding in February 2008. Further, Sgt. Quilley noted that the guideline used by the RCMP in evaluating renewal applications provides that applicants must not have more than one (1) Section 215 suspension in the previous five years.

Sgt. Quilley concluded by stating that those who operate a motor vehicle for a living, in particular transporting others, should have a clean driving abstract and based on Mr. Chaudhry's driving abstract and the various violations, it is evident that Mr. Chaudhry does not.

Mahmood Awan, 7240 Anvil Crescent, representing Mr. Chaudhry, distributed materials to Council (copy on file, City Clerk's Office).

Mr. Awan provided the following information:

- following Mr. Chaudhry's two 24-hour prohibitions he had received notification from the RCMP indicating that he would be denied a Chauffeur's Permit;
- Mr. Chaudhry was born in Pakistan and immigrated to Canada at the age of eight;
- in Canada, Mr. Chaudhry "got into the wrong crowd" and has been rehabilitating himself; and
- Mr. Chaudhry is not an alcoholic.



Special Council Meeting

Monday, July 12, 2010

RES NO. ITEM

Mr. Awan emphasized that Council's decision, if negative, will drastically affect Mr. Chaudhry's life. He spoke of Mr. Chaudhry's educational goals and noted that Mr. Chaudhry has had trouble finding regular full time or part time work. Mr. Awan stated that Mr. Chaudhry has only been able to attain lower-paying seasonal work.

Mr. Awan noted that Mr. Chaudhry's father and uncle both drive taxis and Mr. Chaudhry would like to continue driving a taxi as it allows him to continue his studies while earning a reasonable income to pay for his school fees as he does not want to ask his parents for money.

Mr. Awan continued to say that Mr. Chaudhry comes from a family of well educated professionals and he simply "got into the wrong crowd." He was of the opinion that Mr. Chaudhry should not be further punished for his actions as he has already been punished by his parents, relatives and community.

Mr. Awan was of the opinion that everyone should be given a second chance and noted that Mr. Chaudhry is trying to rehabilitate himself. Also, he commented on the equipment used by the RCMP for measuring blood-alcohol levels and believed that such equipment is not calibrated on a regular basis and may not always be accurate.

Mr. Awan spoke of Mr. Chaudhry's violations, running a yellow light, speeding, and failing to wear a seat belt, and stated that many people have these types of violations and they are not usually grounds for this degree of punishment.

In reply to queries from Mr. Awan, Mr. Chaudhry provided a brief history of his life. Mr. Chaudhry then spoke of his two 24-hour suspension incidents:

Incident #1

- in December 2007, Mr. Chaudhry and his friends went out to dinner in Vancouver and he was the designated driver and did not drink throughout their dinner;
- after dinner, Mr. Chaudhry received a call from some other friends who were downtown at a pub;
- Mr. Chaudhry and his friends decided to stop by the pub to say hello with the intention to immediately leave;



Special Council Meeting

Monday, July 12, 2010

RES NO. ITEM

- Mr. Chaudhry recounted that he got caught up in the 'party' environment and behaved recklessly by having a few alcoholic drinks;
- later, Mr. Chaudhry and his friends were on their way home from the pub, and Mr. Chaudhry pulled over at the corner of Smithe Street and Granville Street, realizing he was unfit to drive;
- before Mr. Chaudhry could call a friend to come to pick them up or drive his vehicle, a police officer knocked on his window and advised him that he was parked in a no-parking zone;
- the police officer then asked Mr. Chaudhry if he had been drinking and Mr. Chaudhry indicated that he had;
- the police officer then conducted a Breathalyzer test on Mr. Chaudhry and issued him a 24-hour suspension.

Incident #2

- in February 2009, Mr. Chaudhry was exhausted from driving a cab for two weeks and wished to take a personal day and stay home and relax;
- he received a call from a distressed friend asking him to keep him company;
- Mr. Chaudhry went to his friend's house and his friend was intoxicated when he arrived;
- Mr. Chaudhry's friend continually asked Mr. Chaudhry to go downtown and party, and finally, Mr. Chaudhry agreed;
- while at a club, Mr. Chaudhry only drank water and pop;
- Mr. Chaudhry was at the bar ordering another pop when his friend offered to buy him his next drink;
- Mr. Chaudhry declined several times, but his friend insisted;
- Mr. Chaudhry turned his back from the bar for a moment, and his drink was on the bar;
- Mr. Chaudhry took a drink of what he believed was a pop, only to realize once he had swallowed it that there was alcohol in it;
- on the drive home, Mr. Chaudhry and his friend went through a road block, where Mr. Chaudhry was required to take a Breathalyzer test;



Special Council Meeting

Monday, July 12, 2010

RES NO. ITEM

- the Breathalyzer read 'Warning' as Mr. Chaudhry believed it would and he was issued his second 24-hour suspension.

Mr. Chaudhry commented on his medical history and provided information relating to his most recent Chauffeur's Permit application.

Mr. Awan was of the opinion that it was the RCMP's responsibility to advise Mr. Chaudhry when he received his second 24-hour suspension that he would not be able to renew his Chauffeur's Permit.

Mr. Awan concluded by noting that Mr. Chaudhry's family supports him and they will ensure he never drinks and drives again. He requested that Council overturn the RCMP's decision to deny Mr. Chaudhry a Chauffeur's licence. Also, Mr. Awan indicated that Mr. Chaudhry would also accept his Chauffeur's licence with conditions.

In reply to queries from Council, Council was advised that (i) a Chauffeur's Permit is valid for one year; (ii) Mr. Chaudhry may reapply for his Chauffeur's Permit at any time; and (iii) Mr. Chaudhry's 2007 24-hour suspension will not appear on his driving abstract five years from the date it was issued.

In reply to queries from Council, Mr. Chaudhry advised that he has learnt his lesson and that initially, he was glad to hear his Chauffeur's Permit was denied as he could get away from the taxi business. However, Mr. Chaudhry soon realized that he could not find other dependable employment. Also, Mr. Chaudhry indicated that he wished to go for counselling when he was denied his permit, however it was too costly.

In reply to a query from Mr. Awan, Sgt. Quilley advised that he has denied Chauffeur's Permits in the past, and denial or issuance of such permits depend on a number of factors.

Mr. Awan reiterated that it was the RCMP's responsibility to advise Mr. Chaudhry within 24-hours that his Chauffeur's Permit was denied.



Special Council Meeting

Monday, July 12, 2010

RES NO. ITEM

Sgt. Quilley read an extract from the *Motor Vehicle Act*, Section 36 (6) and noted that Mr. Chaudhry's application was received on September 9, 2009. He advised that once he reviews an application, he advises his stenographer of the decision and a letter is prepared. Sgt. Quilley noted that his stenographer does not work on weekends and that he works four days on, 4 days off. Sgt. Quilley referenced his denial letter, and noted that it was dated September 15, 2009.

SP10/9-1

It was moved and seconded

That the RCMP's denial of a Chauffeur's Permit to Mr. Hussain Chaudhry be upheld.

The question on Resolution SP10/9-1 was not called as discussion ensued and Council members provided their rationale for upholding the RCMP's decision.

The following was noted regarding Mr. Chaudhry:

- he did not exercise good judgement when he received his suspensions and other driving violations;
- he did not demonstrate adequate remorse and did not apologize adequately for his reckless actions, which leads one to question his sincerity;
- he has several driving violations, and approximately five points against his driver's licence, which is beyond the RCMP guideline;
- he is not passionate about being a taxi driver, it is merely a job at which he can earn the most money; and
- he has not provided sufficient evidence of safe behaviour.

It was mentioned that Council has established high standards for cab drivers in Richmond and Council should not stray from those standards.

Also, a suggestion was made that Mr. Chaudhry could apply for student loans to continue his education and it was noted that if Council were to overturn the RCMP's denial, and grant him a Chauffeur's Permit and someone were harmed, it would be a serious consequence for Council to bear.



Special Council Meeting

Monday, July 12, 2010

RES NO. ITEM

In summation, it was noted that although it was clear that Mr. Chaudhry made mistakes and that some regret was shown, Council had to consider the general safety of the public in reaching the decision.

The question on Resolution SP10/9-1 was then called and it was **CARRIED**.

ADJOURNMENT

SP10/9-2

It was moved and seconded
That the meeting adjourn (5:07 p.m.).

CARRIED

Certified a true and correct copy of the Minutes of the Special Meeting of the Council of the City of Richmond held on Monday, July 12, 2010.

Mayor (Malcolm D. Brodie)

Corporate Officer (David Weber)