



City of Richmond

Notice and Agenda Special Council Meeting

Public Notice is hereby given of a Special Council Meeting duly called in accordance with Section 126 of the *Community Charter*, to be held on:

Date: Monday, September 9, 2013
Time: 4:00 p.m.
Place: Anderson Room
Richmond City Hall
6911 No. 3 Road

Public Notice is also hereby given that this meeting may be conducted by electronic means and that the public may hear the proceedings of this meeting at the time, date and place specified above.

The purpose of the meeting is to consider the following:

CALL TO ORDER

1. **CHAUFFEUR'S PERMIT APPEAL – AADIL SIPRA**
(File Ref. No.: 12-8275-02) (REDMS No. 3933474, 2910861)

CNCL-2

See Page CNCL-2 for Background Information

COUNCIL CONSIDERATION

Council may:

- (a) *Consider a motion to uphold the denial; OR*
- (b) *Consider a motion to grant the appeal; OR*
- (c) *Consider a motion to defer or table the matter.*

ADJOURNMENT

David Weber
Director, City Clerk's Office



City of Richmond

Memorandum

To: Mayor and Councillors
From: David Weber, Director, City Clerk's Office
Date: September 6, 2013
File: 12-8275-02/2013

Re: **Chauffeur's Permit Appeal Process – Mr. Aadil Sipra**

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. Sipra 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:

- The RCMP's *Application Criteria and Permit Processing Guidelines (Attachment 1)*;
- The RCMP letter to Mr. Sipra, dated July 2, 2013 informing him of the decision to refuse issuance of the Chauffeur's Permit (**Attachment 2**);
- Mr. Sipra's letter of appeal, received August 1, 2013 (**Attachment 3**); and
- A report to Council from Sgt. Quilley and various documents describing incidents relevant to the RCMP decision to deny the permit (**Attachment 4**).

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 me at 604-276-4098.

David Weber
Director, City Clerk's Office

Encls.

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 session. 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 defer or table 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



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

Security Classification / Designation
 Classification / Désignation sécuritaire

Attachment 2

Your file Votre référence

2013-07-02

Our file Notre référence
 2013-18699

Mr. Aadil Farooq SIPRA
 6892 130 Street
 Surrey, B. C. V3W 4J5

Dear Mr. SIPRA,

On 2013-06-27, you attended the Richmond R.C.M.P. Detachment to obtain a Chauffeur's Permit.

Please be advised that your application for a Chauffeur's Permit is being denied for the following reasons:-

- 1) that you have received 2 (two) 24 Hour Prohibitions in the last 2 years, and,
- 2) 5 (five) moving traffic violations in the last 5 years.

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

If you have any questions, please feel free to contact Sgt. R.C. QUILLEY, NCO i/c Road Safety Unit at (604) 278-1212.

Yours truly,

~~_____~~
Sgt. R. QUILLEY
Reg. #40868

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

RCQ/rjv

11411 No 5 Road
 Richmond, B. C. V7A 4E8



To: City clerk of Richmond BC

Hello, my name is Aadil Sipra and I am trying to renew my chauffeur permit for the city of Richmond BC. My application has been denied at the office of the RCMP because of multiple road offences. Now, I am trying and hoping to appeal to the city of Richmond for my case. I understand the reasons for the refusal of my chauffer permit and agree I was at fault. But if given a second chance I promise not make the same mistakes. I am in dire need for the renewal of my permit for my livelihood and would really appreciate a second opportunity to show I have learned from my past, and understand I have to be more responsible and respect my fellow drivers on the road. I am requesting another chance and hope to hear from you soon. You can contact me at: 778-378-8811.

Thank you.

Aadil Sipra



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(Special)

Mayor and Council,

Mr. Sipra has numerous police files and 7 traffic violations and was recently prohibited from driving by the Superintendent of Motor Vehicles. Copies of his abstract attached. In addition to these he has at least 5 negative police interactions in the last several years. There are 3 additional police files relating to vehicles registered to Mr. Sipra. The following motor vehicle incidents are very concerning to me;

2011-10-29 Mr. Sipra received a 24 hr driving suspension for operating a motor vehicle while/after consuming marijuana.

2012-12-22 Mr. Sipra received a 24 hr driving suspension for operating a motor vehicle (Richmond Cab) while/after consuming marijuana and a small amount of marijuana was located in the vehicle.

Mr. Sipra has contact with police starting in 2007 relating to illegal narcotics, these interactions with police continue up to the very end of 2012. It appears Mr. Sipra regularly consumes illegal narcotics and often does so where he is in the care and control of a vehicle. The file dated 22 Dec 2012 shows he has little regard for the safety and security of his passengers as he was found operating a cab while under the influence of a narcotic at the beginning of his shift. Given Mr. Sipra's recent history and past history I feel he will continue to consume illegal narcotics and associate with others that are of like mind. This behavior can and will put his passengers and other road users at great risk.

Sgt. Rob Quilley

RE DL:7694883/DATE:20130627
DL: 7694883/DATE: 2013-06-27/TYPE: 2 YR RENEWAL **FOR COURT USE ONLY**

SURNAME: SIPRA GIVEN NAMES: AADIL FAROOQ
BIRTHDATE:1985-07-27
CURRENT PRIMARY LICENCE CLASS: 4** EXPIRY DATE: 2015-07-27
CARD SERIAL NUM: J00084055

RECORD OF CONTRAVENTIONS, PROHIBITIONS AND SUSPENSIONS

V-DATE	CONTRAVENTION DESCRIPTION	PLACE	DISPOSITION & DATE
20090422	SPEED IN/OUTSIDE MUNICIPALITY	SURREY	20100722
20100418	PROHIBITED U-TURN	RICHMOND	20100519
20101004	SPEED IN/OUTSIDE MUNICIPALITY	VANCOUVE	20101104
20101029	DISOBEY STOP SIGN	VANCOUVE	20101129
20110621	SPEED AGAINST HIGHWAY SIGN	KAMLOOPS	20110722
20111029	24 HOUR PROHIBITION - DRUGS	SURREY	24HR PROHIBITION
20121222	24 HOUR PROHIBITION - DRUGS	RICHMOND	24HR PROHIBITION

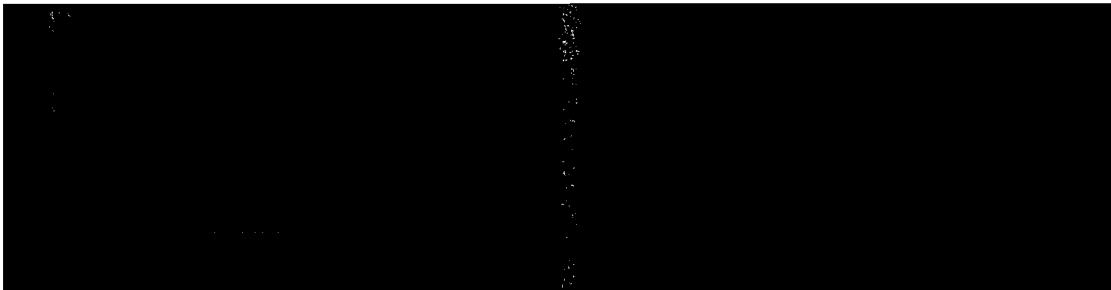
RE DL:7694883/DATE:20130627
DL: 7694883/ PAGE 2/ TYPE: 2 YR RENEWAL ** FOR COURT USE ONLY **

SURNAME: SIPRA GIVEN NAMES: AADIL FAROOQ
BIRTHDATE:1985-07-27
CURRENT PRIMARY LICENCE CLASS: 4** EXPIRY DATE: 2015-07-27
PROHIBITIONS/SUSPENSIONS:
FROM TO REASON
2013-02-12 2013-05-12 / PROHIBITION-SUPERINTENDENT-MV-SEC93(1)(a)(ii)

END OF RECORD.

*** END OF MESSAGE ***
** CONFIDENTIAL **

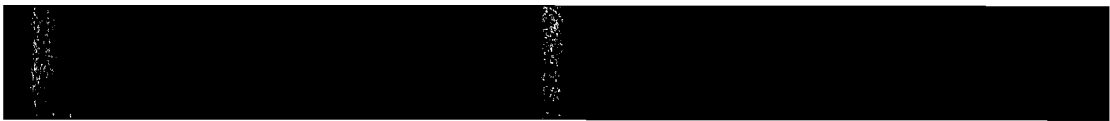
CNCL - 13
(Special)



On April 26 2008 Cst PULCHNY observed a vehicle enter a known drug house at [REDACTED] Cst PULCHNY performed a traffic stop at [REDACTED] with a 2000 Honda civic [REDACTED] Cst PULCHNY approached the vehicle and observed an odour of marijuana in the vehicle. The driver, Sipra AADIL, passenger [REDACTED] and rear passenger [REDACTED] were removed from the vehicle and detained for possession of a controlled drug and substance. [REDACTED] advised that he had smoked in the car earlier in the day but did not purchase and marijuana from the residence of [REDACTED]. Police checks on all parties resulted in CDSA related files as well as [REDACTED] having a criminal record for trafficking. No marijuana was located and all parties were released from scene. No further action required.

Cst PULCHNY [REDACTED]

*** END OF HARDCOPY ***

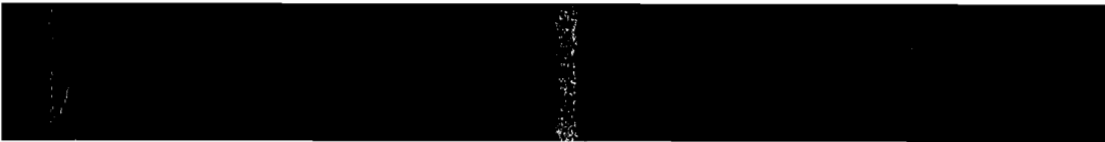




On 2009-05-14 at 1613 hours Constable GIBSON observed a Honda [REDACTED] stopped in the [REDACTED] block of [REDACTED] Avenue with two male occupants. At 1627 hours a white Honda [REDACTED] attended and Constable GIBSON observed a hand-to-hand transaction between the drivers. Constable GIBSON stopped [REDACTED] occupied by the driver/owner, [REDACTED], and passenger, Aadil SIPRA. No drugs located and strong belief that SIPRA and [REDACTED] were just intending to buy marijuana from [REDACTED]. [REDACTED]

Constable GIBSON 52231
Surrey RCMP, District 3 CRT

*** END OF HARDCOPY ***



Related date: Wednesday, 2007-Dec-19 at: 22:14

A blue 1995 Chevrolet Astro van bearing British Columbia Licence Plate [REDACTED] was observed idling with four occupants in a dead end cul de sac of an industrial park located in the [REDACTED] Block of [REDACTED] Ave in Surrey.

Occupants of the vehicle had been smoking marihuana and were preparing to do so again. [REDACTED] admitted to having smoked marihuana and displayed obvious signs of impairment, slurred speech, slow movement, blood shot and glossy eyes and had a strong odor on his breath.

24-Hour prohibition issued [REDACTED] under Section 215(3) Motor Vehicle Act.

Added to CPIC.


Small amount of marihuana seized during search of vehicle. No case seizure.

[REDACTED] had a friend attend and pick up the vehicle and take him and the other occupants home.

File concluded.

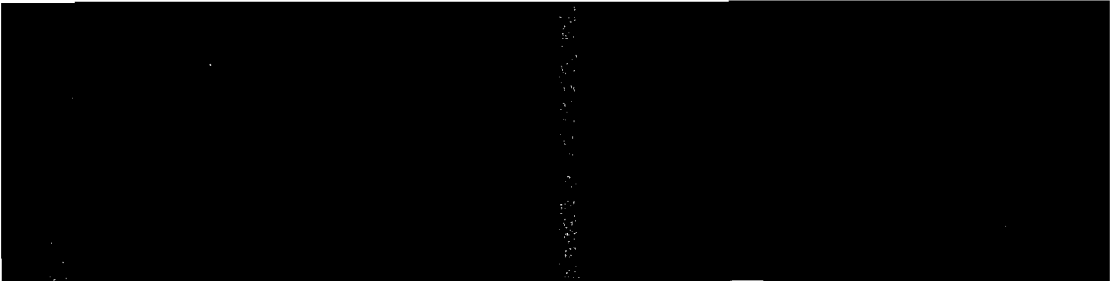
Cst SOLK - 49926
Surrey RCMP
[REDACTED]

*** END OF HARDCOPY ***




2012-11-28 While conducting patrols of [REDACTED] Secondary, Cst. BONNER observed a male, identified as Aadil SIPRA walking at the back of the school smoking a marijuana joint. Cst. BONNER approached SIPRA as he entered his White Acura vehicle, [REDACTED] Cst. BONNER arrested, Chartered and warned SIPRA for possession of CDSA. Search incidental to arrest located a dime bag of marijuana which was seized. SIPRA stated the vehicle belonged to his brother and he would leave it parked and asked Police to take the keys to the detachment to be picked up by his brother. No case seizure, SIPRA released without charge. HCSC completed. File Concluded.
Cst. D.J. BONNER 56710 Surrey RCMP Youth-at-Risk Team

*** END OF HARDCOPY ***



On 2012-12-22 at 08:13 hours, Cst. UPSHALL was conducting uniform patrols in the area of Blundell Rd and Garden City Rd. Police observed a Coral Cab (Aka Richmond Taxi) eastbound on Blundell Rd without lights after dark. Traffic stop conducted for the moving violation. The driver and sole occupant, Aadil SIPRA advised he had just started work and forgot. Police detected the faint odour of budding marihuana from inside the vehicle. Police noted SIPRA's eyes were glassy and bloodshot. SIPRA denied using any drugs. SIPRA arrested, Chartered and warned for possession. Approx one (1)

grams of marihuana located/seized under passenger seat. SFST demand read, administered and SIPRA performed poorly. SIPRA issued 24 hr drug prohibition and vehicle towed to Rusty's. SIPRA added to CPIC. Exhibits lodged for destruction. 

Cst. UPSHALL, 153151, D Watch, Richmond RCMP, BC

*** END OF HARDCOPY ***



CNCL - 18
(Special)

Related date: Saturday, 2011-Oct-29 at: 16:32

On October 29, 2011 at 15:04 HRS [REDACTED] contacted Surrey RCMP to report that two males arrived at a park located at [REDACTED] Street and [REDACTED] Avenue, Surrey BC and began smoking marijuana. The males were associated to a vehicle BCL#[REDACTED] and a red dirt bike. Police attended and identified the two males as Aadil SIPRA and [REDACTED]. [REDACTED] told police that he purchased the bike from craigslist and was not aware that he needed insurance to try the bike on the streets. At first SIPRA was uncooperative with police and said that he did not come in the vehicle. Cst. DUIN spoke with SIPRA and he admitted to going to gym then smoking marijuana before driving to the park and at park began smoking more. Police located roach on ground next to vehicle and located a half smoked joint in vehicle.

SIPRA issued 215 for drugs. [REDACTED] issued VT [REDACTED]

Cst. KORNICKI made several attempts to contact R/O [REDACTED] but all attempts were negative. SIPRA said that [REDACTED] is currently in the hospital and that he will notify him as well.

215 faxed to CPIC and MV

File concluded

Cst. KORNICKI
Surrey RCMP
[REDACTED]

*** END OF HARDCOPY ***