



## **PUBLIC MINUTES LICENSE APPEAL BOARD**

Friday, June 16, 2017, 9:00 a.m.  
Committee Room "E", City Hall

**PRESENT:** Mr. A. Deschamps, Chair  
Mr. M. Dutton, Member  
Ms. L. Lamon, Member  
Ms. S. Bryant, Secretary

### **1. Taxi License Suspensions:**

**Nadeem Shaikh Qureshi (APPEAL 1-2017)**  
**Ferdinando Orru (APEPAL 3-2017)**  
**Raja Zarar Akhtar (APPEAL 4-2017)**

The Board Chair briefly outlined the procedures that would be followed during the course of the hearing and introduced the members of the Board, the Secretary and the City's representative.

The appeals were heard concurrently.

### **Appeared for the Appellant:**

Nadeem Shaikh Qureshi, taxi driver  
Fernando Orru, taxi driver  
Raja Zarar Akhtar, taxi driver  
Malik Umar Draz, President, Local 2014 USW

### **Appeared for the Respondent:**

William Kuchapski, Taxi Bylaw Manager, City of Saskatoon, Corporate Revenue,  
Asset & Financial Management

### **Grounds and Issues:**

THE APPELLANTS, Messrs. Qureshi, Orru, and Akhtar launched appeals under Section 66 of The Taxi Bylaw 9070 in connection with the City's letters respecting the suspension of taxi driver's license pursuant to section 65 of The Taxi Bylaw. The City's letters outlined the following:

Letter dated February 3, 2017 to Nadeem Shaikh Qureshi

“The taxicab vehicle which you were driving was inspected at 11:15 a.m. on January 19, 2017, while outside of the bus depot on 23rd Street East. It was discovered during the inspection that the in-car camera may not be functional or operational, as the in-car camera’s lights were not working. On further inspection, by removing the in-car camera’s Secure Digital Card (“SD Card”) and reviewing the data contained on the SD Card, it was determined that the last record on the SK Card was 8:21 pm on January 18, 2017. If the in-car camera had been functional and operational at the time of the inspection, the last record would have been immediately before the SD Card was removed.

On this basis, it has been concluded that your in-car camera was neither functional, nor operational at the time of the inspection, which is a violation of section 51(g) and section 54(1) of Bylaw No. 9070, The Taxi Bylaw, 2014 (the “Bylaw”).

Section 51(g) states:

Every vehicle must be equipped with a fully functional in-car camera.

Section 54(1) states:

Every in-car camera must be mounted on the insider of the vehicle windshield; fully show the interior of the vehicle; and be fully operational at all times when the vehicle is available for hire to the public.

As a result of this violation and your failure to comply with section 51(g) and section 54(1) of the Bylaw, your taxi driver’s licence will be suspended pursuant to section 65 of the Bylaw for 3 days.”

Letter dated March 29, 2017 to Fernando Orru

“The taxicab vehicle which you were driving was inspected at approximately 3:03 p.m. on March 24, 2017, at Comfort Cabs Inc.’s office. It was discovered during the inspection that the in-car camera may not be functional or operational, as the in-car camera’s lights were not working. On further inspection, it was noticed that the Secure Digital Card (“SD Card”) was missing from the camera, which would prevent the camera from recording and saving information. On this basis, it has been concluded that your in-car camera was neither functional, nor operational at the time of the inspection, which is a violation of section 51(g) and section 54(1) of Bylaw No. 9070, The Taxi Bylaw, 2014 (the “Bylaw”).

Section 51(g) states:

Every vehicle must be equipped with a fully functional in-car camera.

Section 54(1) states:

Every in-car camera must be mounted on the insider of the vehicle windshield; fully show the interior of the vehicle; and be fully operational at all times when the vehicle is available for hire to the public.

As a result of this violation and your failure to comply with section 51(g) and section 54(1) of the Bylaw, your taxi driver's licence will be suspended pursuant to section 65 of the Bylaw for 3 days."

Letter dated March 29, 2017 to Raja Zarar Akhtar

"The taxicab vehicle which you were driving was inspected at approximately 2:52 p.m. on March 24, 2017, at Comfort Cabs Inc.'s office. It was discovered during the inspection that the in-car camera may not be functional or operational, as the in-car camera's lights were not working. On further inspection, it was determined the power cord to the camera was faulty and needed to be replaced. On this basis, it has been concluded that your in-car camera was neither functional, nor operational at the time of the inspection, which is a violation of section 51(g) and section 54(1) of Bylaw No. 9070, The Taxi Bylaw, 2014 (the "Bylaw").

Section 51(g) states:

Every vehicle must be equipped with a fully functional in-car camera.

Section 54(1) states:

Every in-car camera must be mounted on the insider of the vehicle windshield; fully show the interior of the vehicle; and be fully operational at all times when the vehicle is available for hire to the public.

As a result of this violation and your failure to comply with section 51(g) and section 54(1) of the Bylaw, your taxi driver's licence will be suspended pursuant to section 65 of the Bylaw for 3 days."

**Exhibits:**

- Exhibit A.1    Application to Appeal received April 24, 2017 [Nadeem Shaikh Qureshi 1-2017]  
                  Application to Appeal received April 28, 2017 [Ferdinando Orru 3-2017]  
                  Application to Appeal received April 27, 2017 [Raja Zarar Akhtar 4-2017]
- Exhibit R.1    Letter dated February 3, 2017 from the Taxi Inspector, to Nadeem Shaikh Qureshi [1-2017]  
                  Letter dated March 29, 2017 from the Taxi Inspector, to Ferdinando Orru [3-2017]  
                  Letter dated March 29, 2017 from the Taxi Inspector, to Raja Zarar Akhtar [4-2017].
- Exhibit R.2    Written submission from William Kuchapski, Manager, Taxi Bylaw, dated June 6, 2017 and received June 6, 2017 [1-2017]  
                  Written submission from William Kuchapski, Manager, Taxi Bylaw, dated June 6, 2017 and received June 6, 2017 [3-2017]  
                  Written submission from William Kuchapski, Manager, Taxi Bylaw, dated June 6, 2017 and received June 6, 2017 [4-2017].
- Exhibit B.1    Notice of Hearing dated June 7, 2017 [1-2017]  
                  Notice of Hearing dated June 7, 2017 [3-2017]  
                  Notice of Hearing dated June 7, 2017 [4-2017]

**Supplementary Notions:**

The City's representative, Taxi Bylaw Manager Kuchapski, affirmed that any evidence given in this hearing and in the hearing to follow would be the truth. The Appellants, Mr. Qureshi, Mr. Orru, and Mr. Akhtar, also affirmed that any evidence given in this hearing would be the truth.

The Appellants and Respondent provided evidence and arguments as outlined in the Record of Decision dated July 11, 2017.

The hearing concluded at 10:44 a.m.

**RESOLVED:** that for the reasons outlined in the Record of Decision dated July 11, the Board determined that the appeals be GRANTED and the suspensions overturned.

The meeting adjourned at 11:15 a.m.

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Mr. Adrian Deschamps, Chair

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Ms. Shellie Bryant, Secretary  
Development Appeals Board