



NOTICE OF DECISION
of the
MISSISSAUGA APPEAL TRIBUNAL
established pursuant to section 23.5 of the *Municipal Act 2001*

IN THE MATTER OF a Notice of Appeal dated January 7, 2011 to the Mississauga Appeal Tribunal, by Hanna Narsa of 65 Rocky Point Crescent, Brampton, Ontario, of a Licensing Manager's Decision to revoke a City of Mississauga tow truck driver's licence issued to Hanna Narsa under the City of Mississauga By-law 521-04, as amended, the Tow Truck Licensing By-law (the "Appeal").

AND IN THE MATTER of the Hearing of the Appeal by the Mississauga Appeal Tribunal on May 31, 2011, in accordance with the provisions of the City of Mississauga By-law 521-04, the Tow Truck Licensing By-law, as amended, and the *Statutory Powers Procedure Act, R.S.O. 1990, c. S.22*, as amended.

BE ADVISED THAT it is the decision of the Mississauga Appeal Tribunal to:

UPHOLD THE DECISION of the Mobile Licensing Enforcement Manager to revoke the tow truck driver's licence issued on October 15, 2010, numbered 10-11869, to Hanna Narsa as per the letter issued on December 23, 2010, under the City of Mississauga By-law number 521-04, as amended, the Tow Truck Licensing By-law.

THE REASONS FOR this decision are as follows:

Having carefully considered all of the evidence today, both documentary and oral, the decision is to uphold the revocation of the tow truck driver's license issued to the Appellant on October 15, 2010.

The Tribunal was persuaded that the pattern of behaviour and disregard for the terms set out in the conditional license, were persistent difficulties for the Appellant.

The Appellant testified that he did not think that he had done anything wrong to warrant the loss of his licence. Although he testified that he would comply with the rules of the road and City By-laws, he would do so in order to "earn a living".

On the balance of the evidence and having regard for section 10 (6) of the City By-Law, the Tribunal was very concerned for public safety.

**NOTICE OF DECISION
of the MISSISSAUGA APPEAL TRIBUNAL**

Appellant: Hanna Narsa, 65 Rocky Point Crescent, Brampton, Ontario

Hearing Date: May 31, 2011

Issued by the Mississauga Appeal Tribunal on June 10, 2011. Originally executed at the City of Mississauga on May 31, 2011 by:

Chair, Lynda Ross
Vice Chair, Rafiq Rokerya
Member, Luc Laverrière,
Member, Leonard Lyn
Member, Roderick Chung

Enclosure: Record of Proceeding



Record of Proceeding

THE CORPORATION OF THE CITY OF MISSISSAUGA

MISSISSAUGA APPEAL TRIBUNAL

TUESDAY, May 31, 2011 – 9:34 A.M.

**HEARING ROOM, CIVIC CENTRE,
300 CITY CENTRE DRIVE, MISSISSAUGA, ONTARIO**

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THIS IS A RECORD OF PROCEEDING of the Hearing by the Mississauga Appeal Tribunal in the matter of an appeal by Hanna Narsa, dated January 7, 2011, of a Licensing Manager's decision to revoke a City of Mississauga tow truck driver's licence issued to Hanna Narsa of 65 Rocky Point Crescent, Brampton, Ontario, under the City of Mississauga By-law 521-04, as amended, the Tow Truck Licensing By-law.

An appeal of the Licensing Manager's decision to revoke a tow truck driver's licence was submitted by Hanna Narsa, being the recipient of the tow truck driver's licence.

CALL TO ORDER:

Lynda Ross, Chair, presided and called the Hearing to order at approximately 9:34 a.m.

DECLARATIONS OF DIRECT OR INDIRECT PECUNIARY INTEREST:

Nil

THOSE PRESENT:

Lynda Ross, Tribunal Member (Chair)
Rafiq Rokerya, Tribunal Member (Vice-Chair)
Roderick Chung, Tribunal Member
Leonard Lyn, Tribunal Member
Luc Laverriere, Tribunal Member
Marilyn Sparrow, Legal Counsel to the Appeal Tribunal
Hanna Narsa, Appellant
Roberta Craig, Agent for the City of Mississauga's Enforcement Division
Marcia Taggart, Legal Counsel, Legal Services Division
Laura Wilson, Tribunal Coordinator, Office of the City Clerk

INTERLOCUTORY ORDERS OF THE TRIBUNAL:

9:40 a.m. – Dyana Warda, being the Agent of record for the Appellant, appeared before the Tribunal to indicate that she would no longer be acting as the Appellant's Agent for the Appeal. The Appellant indicated that he did not have the ability to pay Ms. Warda. The Tribunal heard the statements, noted that Ms. Warda would no longer be representing the Appellant and dismissed her from the Hearing if she did not wish to remain as a spectator.

9:51 a.m. – A verbal motion by the Appellant requesting an adjournment of the proceedings to give the Appellant time to find legal representation. However, the Appellant stated his willingness to defend himself if the Hearing were to proceed. The Tribunal denied the motion for adjournment.

11:26 a.m. – An interlocutory order was made by the Tribunal to remove from evidence a Notice of Trial filed under Tab 9 in the City of Mississauga's Enforcement Division's Documents Brief.

2:14 p.m. – A verbal motion by the Agent for the City of Mississauga's Enforcement Division, requesting that James Bisson, Manager, Mobile Licensing Enforcement, be permitted to return as a witness for the City of Mississauga's Enforcement Division. The Tribunal granted the motion.

WITNESSES:

Rafiq Rokerya, Tribunal Member and Vice-Chair administered the Oath or Affirmation as the case may be, to the individuals set out below at the time that individual was called to give evidence for the respective parties.

The following individuals testified on behalf of the City of Mississauga's Enforcement Division:

10:19 a.m. – Ed Spence, Mobile Licensing Enforcement Inspector, the City of Mississauga.

11:27 a.m. - James Bisson, Manager, Mobile Licensing Enforcement, the City of Mississauga.

1:14 p.m. – Police Constable Joel Genoe, The Peel Regional Police Service.

1:56 p.m. – David Holden, Mobile Licensing Enforcement Officer, the City of Mississauga.

2:14 p.m. – James Bisson, Manager, Mobile Licensing Enforcement, the City of Mississauga (re-called as a witness).

The following individuals testified on behalf of the Appellant:

2:17 p.m. – Hana Narsa, the Appellant.

EVIDENCE ADMITTED BY THE TRIBUNAL:

Exhibit 1:

9:59 a.m.: Certified Copy of the City of Mississauga Tow Truck Licensing By-law 521-04, as amended, certified by Grant Bivol, Deputy Clerk, City of Mississauga.

Exhibit 2:

10:34 a.m.: A Documents Brief prepared by the Agent for the City of Mississauga's Enforcement Division, filed with the Tribunal Coordinator on May 19, 2011, containing the following documents:

Exhibit 2A:

10:03 a.m.: Tab 1- A chronology of events submitted by the Agent for the City of Mississauga's Enforcement Division, detailing the events leading up to the Appeal.

Exhibit 2B:

10:04 a.m.: Tab 2 - List of intended witnesses to testify for the City of Mississauga's Enforcement Division.

Exhibit 2C:

10:04 a.m.: Tab 3 – Three tow truck operating licences (Mobile Licensing system print outs) issued to the Appellant noting the following issuance dates: October 26, 2007, July 31, 2008 and October 15, 2010.

Exhibit 2D:

10:04 a.m. Tab 4 – Eleven letters confirming the employment of the Appellant from the companies listed below and a copy of a Peel Region Towing, Tow Truck Driver identification badge:

- Mississauga Collision, MC Towing, dated October 22, 2007
- Canadians CTR Auto, dated November 1, 2007
- Atlantic Towing, received November 21, 2007 by the City of Mississauga's Enforcement Division
- Dynamic Towing Company, dated November 30, 2007
- Taurus Auto Collision Inc., dated January 3, 2008
- VIP Auto Collision, dated July 15, 2008
- Lyons Auto Body Ltd., dated July 31, 2008
- Mississauga Collision, MC Towing, dated October 21, 2008
- Affordable Towing and Storage, dated April 15, 2009
- MC Towing, dated August 17, 2010
- Peel Region Towing, dated April 21, 2011

Exhibit 2E:

10:04 a.m.: Tab 5 – Letter to the Appellant, dated January 5, 2010, from James Bisson, Manager, Mobile Licensing Enforcement, giving notice of outstanding fines due; and two receipts dated October 14, 2010 in the amount of \$82.00 and \$500.00 for payments made to the Mississauga Provincial Offences Office for the following offence numbers:

- 3161-999-00-84269335-00
- 3161-999-00-84269412-00
- 3161-999-00-85536971-00
- 3161-999-00-85536972-00

Exhibit 2F

10:05 a.m.: Tab 7 – Letter to the Appellant, dated October 15, 2010, from James Bisson, Manager, Mobile Licensing Enforcement, regarding the issuance of a conditional tow truck driver's licence. Letter is affixed with the signature of the Appellant.

Exhibit 2G:

10:06 a.m.: Tab 8 - Ontario Driver's Licence certified abstract of the Appellant, dated April 26, 2011.

Exhibit 2H

10:07 a.m.: Tab 9 - Certified Certificates of Offence respecting seven charges and one conviction pertaining to the City of Mississauga Tow Truck Licensing By-law, 521-04, as amended, issued to the Appellant; and a Notice of Trial, dated January 8, 2011 issued to the Appellant with respect to Offence Number 3161-0868284A (*Please note: this Notice of Trial was later removed from evidence through an interlocutory order from the Tribunal; please see the orders under the heading "Interlocutory Orders of the Tribunal".*)

Exhibit 2I:

10:10 a.m.: Tab 11 – Letter to the Appellant, dated December 23, 2010, from Ed Spence, Inspector, Mobile Licensing Enforcement, for James Bisson, Manager, Mobile Licensing Enforcement, regarding the revocation of a tow truck driver's licence issued to the Appellant.

Exhibit 2J

10:11 a.m.: Tab 13 - Notice of Appeal, dated January 7, 2011, from the Appellant, to the Corporation of the City of Mississauga with respect to a Licensing Manager's decision to revoke a City of Mississauga tow truck driver's licence issued to the Appellant under the City of Mississauga By-law 521-04, as amended, the Tow Truck Licensing By-law.

Exhibit 2K

10:11 a.m.: Tab 14 - Notice of Hearing of the Mississauga Appeal Tribunal, dated April 6, 2011, issued by the Appeal Tribunal Coordinator with respect to the appeal of a Licensing Manager's decision to revoke a City of Mississauga tow truck driver's licence, issued to the Appellant under the City of Mississauga By-law 521-04, as amended, the Tow Truck Licensing By-law.

EVIDENCE NOT ADMITTED BY THE TRIBUNAL:

The following Tabs in the Documents Brief compiled by the Agent for the City of Mississauga's Enforcement Division were not admitted into evidence by the Tribunal:

Tab 6: Statement of James Bisson, Manager, Mobile Licensing Enforcement, respecting observed events on October 7, 2010.

Tab 10: Driving Offence Notes of Police Constable Joel Genoe, Peel Regional Police Service, dated December 23, 2010, respecting the investigation of the Appellant for a drinking and driving offence resulting in a two day licence suspension.

Tab 12: Statement by David Holden, Mobile Licensing Enforcement Officer, respecting dealings with the Appellant on February 10, 2011.

ADJORNMENT:

3:34 p.m.