



Corporate NO: R020

Report COUNCIL DATE: January 31, 2000

REGULAR COUNCIL

TO: Mayor & Council **DATE: January 27, 2000**

FROM: City Solicitor **FILE: 0023-13610**

SUBJECT: Business License Cancellation - Super Shuttle Ltd.

RECOMMENDATION

1. That Council, pursuant to Section 660(2)(a) of the *Municipal Act*, R.S.B.C. 1996, c. 323 consider cancelling the business license held by Super Shuttle Ltd. based on the company's failure to comply with the terms and conditions of a business license issued under Business License By-law, 1999, No. 13680 and pursuant to Section 660(c) based on the company's failure to meet the lawful requirements of the Surrey Vehicle for Hire By-law, 1998, No. 13610.
2. That Council provide Super Shuttle Ltd. with notice that it intends to consider the cancellation of the business license held by Super Shuttle Ltd. and an opportunity to be heard pursuant to Section 660(3) of the *Municipal Act*.

INTENT

The intent of this report is to provide Council with information to substantiate the cancellation of the business license held by Super Shuttle Ltd.

BACKGROUND

On May 5, 1998, Jazz Siekham applied for a business license to operate a mini bus service known as Super Shuttle, application number 77802. Mr. Siekham applied for the license under his father's name Darshan Singh. The business address was listed as #405, 1917 West 4th Avenue, Vancouver, B.C. The applicant noted under particulars and type of business "*provide mini bus service in the City of Surrey*". The business license was approved for issuance on October 6, 1998 prior to the adoption of a new Vehicle for Hire By-law on March 29, 1999. The new Vehicle for Hire By-law expressly prohibits shared ride vans and it requires the business to have a Surrey business office.

It should be noted that the City's permission to operate a commercial vehicle is a two step process. First, an application must be made for a business license and then a separate application must be made for a vehicle for hire plate under the Vehicle for Hire By-law. Section 63(1) of the Business License By-law requires that every person applying for and receiving a license to carry on a taxi business must comply with all regulations of the Vehicle for Hire By-law, 1999, No. 13610. Mr. Siekham has never applied for a license under either the current or former Vehicle for Hire By-law in respect of his company. Mr. Siekham does not hold a Motor Carrier License from the Province, which is also a lawful requirement under the Vehicle for Hire By-law for commercial vehicles.

The Vehicle for Hire By-law contains extremely important regulations for the protection of public safety and it is the only authority under which the City can inspect commercial vehicles on a regular basis.

DISCUSSION

Surrey Vehicle For Hire By-law, 1998, No. 13610 (the By-law")

The By-law defines a "shared ride van" as:

means a motor vehicle used for carrying passengers on a trip originating or terminating within the City where arrangements respecting the hire of the vehicle have been made prior to its arrival to pick up passengers and includes a U-Drive used for this purpose but does not include any other vehicle for hire classified in Schedule "A" of this By-law.

Part 2, Sections 7 and 10 provide the Conditions of License

7. The granting of any license as herein provided for shall be conditional upon the strict observance of this and all other By-laws applicable to the granting of licenses in the City; and it is hereby made an express condition of the granting of any license that the licensee shall observe all By-law (sic) of the City; and non-compliance with any of the provisions of said By-laws shall be deemed to be a breach of the conditions under which such license was granted and shall render such license subject to revocation by the Council.

10. Every person to whom a license has been granted shall keep an established place of business in the City, and shall notify the Inspector, in writing, of the address of the premises where such person keeps his records of operation of his business, and such license shall be kept conspicuously posted in such premises. The person to whom a license has been granted (sic) shall immediately notify the Inspector, in writing, of any change of such address. No license shall be issued for the operation of a taxicab business unless the applicant shall have a business telephone and be listed in the Telephone Directory under the trade name by which he operates, or if no such name, then under his own name...

Part 8 Section 94 of the By-law states:

No license shall be granted for a Shared Ride Van to operate within the City of Surrey.

At the time of the business license application, the applicant gave his business address as #405, 1917 West 4th Avenue, Vancouver, B.C. However, due to an error in computer entry, the operating address was entered as 9015 - 148 Street, Surrey, B.C. and the license was issued accordingly.

On October 14, 1998, a letter was hand delivered to Darshan Singh advising him that because the business

license application stated there would be two employees working for Super Shuttle Ltd. he would be allowed to operate only two vehicles in the City of Surrey.

As many as five (5) buses began appearing on City streets under the name of Local Mini Bus Ltd. Nowhere on the exterior of any Local Minibus Ltd. vehicle does the name Super Shuttle Ltd., the name under which the business license was issued, appear.

In returning the renewal form mailed on or about April 8, 1999, for the 1999/2000 licensing year, Super Shuttle Ltd. asked that the business license address be changed to 320 Industrial Avenue, Vancouver, B.C. Any change of business address requires the completion of a new application form under which the applicant agrees to abide by all the relevant by-laws of the City of Surrey. No new business application form was submitted to the City.

Mr. Siekham has been told on many occasions, both in person and over the telephone, of the requirement for the applicant to attend City Hall and complete a new business license application form to change the business operating address and the name of the business from Super Shuttle Ltd. to Local Mini Bus Ltd. To the date of this report the applicant has not completed this requirement.

On October 15, 1999, the By-law Enforcement and Licensing Section conducted a company search on Super Shuttle Ltd. This search revealed Jasbinder Singh Siekham, address listed as 9015 - 148 Street, Surrey, B.C., holds the officer position of Secretary and the position of Director with the company. Darshan Singh, address listed as 9256 - 160 Street, Surrey, B.C., holds the officer position of President and the position of Director with the company. Two other Directors are named on the document. A company search was also conducted of Local Minibus Ltd. Only three Directors are named, one being Darshan Singh, address listed at 9015 - 148 Street, Surrey, B.C. Jasbinder Singh Siekham's name does not appear anywhere on the document.

It is a requirement of the business license that it be signed by a signing officer of the company named thereon. In view of this requirement, Jazz Siekham's signature would not be accepted on a business license application for Local Minibus Ltd.

The Company is in violation of the Business License By-law for failure to meet the following lawful requirements:

1. For failure to meet the application and license renewal requirements of the Business License By-law noted above, and
2. For failure to comply with any of the lawful requirements of the Vehicle for Hire By-law.

Failure to Obtain a Motor Vehicle Carrier License

One of the requirements of the Surrey Vehicle for Hire By-law is that the applicant hold a valid Motor Carrier License. This License is required when the vehicle crosses municipal boundaries.

On March 31, 1999, a letter was sent to Jazz Siekham from ICBC Motor Carrier Department advising him he was in violation of the *Motor Carrier Act*, R.S.B.C. 1996, c. 315, s. 3 by crossing over City boundaries without a motor carrier license. The letter acknowledges Super Shuttle was dropping passengers off in one municipality, having them walk across the street to the neighbouring municipality and reboard the same vehicle. He was told to cease and desist this action and was asked to send written confirmation of his understanding of the requirements of the letter by April 21, 1999. A copy of the Motor Carrier Department's

letter is attached for Council's information.

On April 30, 1999, a letter was sent to each of the principals of Super Shuttle Ltd., including Jazz Siekham, advising them of the Motor Carrier Department's concerns and that Mr. Siekham had failed to submit written confirmation of his understanding of the March 31, 1999 letter. A copy of this letter is attached for Council's information.

On August 26, 1999, a letter was sent to Super Shuttle Ltd., Mr. Jazz Siekham, again advising him he was in violation of the *Motor Carrier Act*, Section 3 by operating on a highway without benefit of a Motor Carrier License. The letter also quoted Section 63, which covers soliciting the transportation of passengers without a Motor Carrier License. A copy of this letter is attached for Council's information.

On September 2, 1999, ICBC Motor Carrier Department sent another letter to Super Shuttle Ltd., director Hardeep Dhaliwal citing a specific instance that Local Minibus Ltd. had provided passenger service from Surrey to Vancouver International Airport on May 14, 1999. The letter ordered a cease and desist from the activity of crossing over municipal boundaries. A copy of this letter is attached Council's information.

On November 5, 1999, a letter, based on information supplied by Surdell-Kennedy Taxi Ltd., was sent to Hardeep Dhaliwal citing four occasions Local Minibus Ltd. has crossed over Surrey boundaries into Delta, Langley, Vancouver, and Burnaby/New Westminster. A copy of this letter and the one from Surdell Kennedy Taxi Ltd. are attached for Council's information.

B.C. Tel 1999 White Pages

Page 1117 shows Local Minibus located at 320 Industrial Avenue.

Page 1790 shows Super Shuttle located at 320 Industrial Avenue. It displays various telephone contact numbers throughout the Lower Mainland. The Surrey telephone number, 594-3333, is answered "*Airport Shuttle*".

Ministry of Labour, Employment Standards Branch

On June 18, 1999, the Ministry of Labour, Employment Standards Branch, sent Local Minibus Ltd. and/or Super Shuttle Ltd. a demand for employee records for all current employees as well as former employees listed. The demand appears to be based on a complaint from several employees claiming they are owed wages back to December 1, 1998.

A telephone message left on December 7, 1999 from the officer handling the file said he is preparing a report to go after the money from all companies affiliated with Super Shuttle Ltd. and Local Minibus Ltd.

City of Vancouver

On November 9, 1999, the City of Vancouver confirmed that neither Super Shuttle Ltd. nor Local Minibus Ltd. has a business license to operate in the City of Vancouver. The City of Vancouver is waiting for the completion of a consultant's report before considering allowing any minibus service to operate in the City.

North Vancouver District

North Vancouver District has not issued a current business license for Super Shuttle Ltd. to operate there. The District is waiting for the company to send the fourth and final chauffeur's permit before issuing the license. The Property Use Inspector stated they had waited a long time for funds and that the money was received only when the District threatened to withdrawal Super Shuttle Ltd.'s application. He stated they have received one violation notice for operating without a business license and that they also had confirmed that Super Shuttle had crossed municipal borders.

CONCLUSION

Council has the authority to cancel a business license by a resolution passed by a simple majority pursuant to Section 660(2)(a) and (c) of the *Municipal Act*, R.S.B.C. 1996, c. 323, provided that the license holder is given notice and an opportunity to be heard prior to Council's action. Section 660(2)(a) allows Council to cancel or suspend a business license for failure to comply with the terms and conditions of a business license. Section 660(e) allows Council to cancel or suspend a business license where a person has ceased to comply with another by-law, such as the Vehicle for Hire By-law.

Given the ongoing business license violations and failure of the company to secure a vehicle for hire plate under the Vehicle for Hire By-law, it is recommended that the business license held by Super Shuttle Ltd. to operate as a mini bus service be cancelled.

Craig MacFarlane

City Solicitor

PT/msc

Encls.