



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, received on April 2, 2013, to the Mississauga Appeal Tribunal, by Greg Bilbily, 2106-55 Skymark Drive, Toronto, Ontario, M2H 3N4, of a Licensing Manager's decision to deny an application request for an airport public transportation vehicle driver licence under the City of Mississauga's Public Vehicle Licensing By-law 420-04, as amended (the "Appeal").

AND IN THE MATTER of the Hearing of the Notice of Appeal by the Mississauga Appeal Tribunal on June 25, 2013 in accordance with the provisions of the City of Mississauga's Public Vehicle Licensing By-law 420-04, as amended, and the *Statutory Powers Procedure Act, R.S.O. 1990, c. S.22*, as amended.

BACKGROUND:

The Appellant, Greg Bilbily, attempted on or about March 12, 2013, to renew his previous licence for a Public Vehicle Driver/Operator Licence. The application was refused on the basis that his application for renewal was not delivered to the Licensing Section within 6 months after the expiration of his previous licence in accordance with Section 9(2) of the Public Vehicle Licensing By-law. The Appellant then made the application for a fresh Public Vehicle/Operator Licence, which is the subject of this appeal. As a requirement of making an application for a fresh Licence, the Appellant was required to authorize the City to make enquiries to the Ministry of Transportation for Ontario (MTO) regarding his driving record. When the appellant's driving record Abstract was reviewed by City staff, it was noted that he had been convicted of a number of *Highway Traffic Act* ("HTA") offences and had a total of 9 HTA demerit points registered.

Following a March 20, 2013 interview with Mr. Bilbily, Mr. Daryl Bell, the City's Manager, Mobile Licensing Enforcement, communicated to Mr. Bilbily by letter dated March 26, 2013, that he was denying the issuance of a licence to the Appellant, in accordance with Sections 12(2) and 12(4) of By-law 420-04, as amended.

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

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Appellant: Greg Bilbily, 2106-55 Skymark Drive, Toronto, ON, M2H 3N4
Hearing Date: June 25, 2013

DECISION:

The Tribunal shares the Manager, Mobile Licencing Enforcement's concern that the past and present conduct of the Appellant affords reasonable grounds for the belief that the Appellant will not carry on the activity for which he is applying to be licenced, in accordance with the law and with integrity and honesty. It is the Tribunal's belief that without meaningful intervention, the issuance of an Airport Public Transportation Vehicle Driver Licence would be contrary to the public interest. However, the Tribunal is of the view that the public interest and safety can be addressed by ensuring that the Appellant has the benefit of additional training and education in the area of defensive driving.

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

that an Airport Public Transportation Vehicle Driver Licence be issued to the Appellant immediately upon his demonstration of the successful completion after this date, of a Defensive Driving Course, as defined in Section 1 of By-law 420-04, at his own expense.

Issued by the Mississauga Appeal Tribunal on June 25, 2013. Originally executed at the City of Mississauga on June 25, 2013 by:

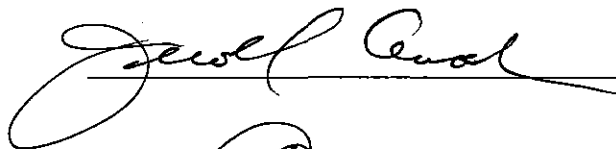
Leonard Lyn,
Chair and Citizen Member



Luc Laverrière,
Acting Vice-Chair and Citizen Member



Jewel Amoah,
Citizen Member



Roderick Chung,
Citizen Member



Encl.: Record of Proceeding dated June 25, 2013



RECORD OF PROCEEDING

THE CORPORATION OF THE CITY OF MISSISSAUGA

MISSISSAUGA APPEAL TRIBUNAL

TUESDAY, JUNE 25, 2013 – 9:30 A.M.

**COUNCIL CHAMBER, CIVIC CENTRE
300 CITY CENTRE DRIVE, MISSISSAUGA, ONTARIO, L5B 3C1**

www.mississauga.ca

MEMBERS PRESENT: Leonard Lyn, Chair and Citizen Member
Luc Laverrière, Acting Vice-Chair and Citizen Member
Jewel Amoah, Citizen Member
Roderick Chung, Citizen Member

MEMBER ABSENT: Rafiq Rokerya, Vice-Chair and Citizen Member

APPELLANT: Greg Bilbily

PROSECUTOR: Marcy Dunlop, Prosecution Office

STAFF PRESENT: Daryl Bell, Manager, Mobile Licensing Enforcement
Julie Lavertu, Mississauga Appeal Tribunal Coordinator

OTHERS PRESENT: Marilyn Sparrow, Legal Counsel, Mississauga Appeal Tribunal

CONTACT PERSON: Julie Lavertu, Mississauga Appeal Tribunal Coordinator
Office of the City Clerk, Telephone: 905-615-3200, ext. 5471; Fax: 905-615-4181
Julie.Lavertu@mississauga.ca

This is a Record of Proceeding of the Mississauga Appeal Tribunal's Hearing regarding a Notice of Appeal by Greg Bilbily (2106-55 Skymark Drive, Toronto, Ontario, M2H 3N4), received on April 2, 2013, of a Licensing Manager's decision to deny an application request for an airport public transportation vehicle driver licence under the the City of Mississauga's Public Vehicle Licensing By-Law 420-04, as amended.

CALL TO ORDER – 10:24 a.m.

DECLARATIONS OF DIRECT OR INDIRECT PECUNIARY INTEREST – Nil

INTERLOCUTORY ORDERS OF THE TRIBUNAL – Nil

WITNESSES

Luc Laverrière, Acting Vice-Chair and Citizen Member, administered the Oath or Affirmation as the case may be, to the individuals set out below at the time that the individuals were called to give evidence for the respective parties.

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

10:37 a.m. Daryl Bell, Manager, Mobile Licensing Enforcement

- The following individual testified on behalf of the Appellant:

11:08 a.m. Greg Bilbily, Appellant

EVIDENCE ADMITTED BY THE TRIBUNAL

10:37 a.m. **Exhibit 1:** Documents Brief prepared by Marcy Dunlop, Prosecutor, Prosecution Office, served to the Appellant via courier on June 12, 2013 and containing the following documents:

TAB A Copy of Licence Renewal Application dated March 12, 2013.

TAB B Copy of Driver/Operator Licence Application dated March 18, 2013.

TAB C Copy of Certificate of Medical Fitness (Mobile Licensing) dated March 18, 2013.

- TAB D Copy of Peel Regional Police – Police Criminal Record Check dated March 18, 2013.
- TAB E Copy of Airline Limousine GTAA Airport Drivers Certificate for Greg Bilbily dated received March 15, 2013.
- TAB F Copy of Greater Toronto Airports Authority – Driver Application (limousine) for Greg Bilbily (sic) dated as received by City of Mississauga March 15, 2013.
- TAB G Copy of 3 year Driver Record with Address for Greg Bilbily printed March 18, 2013.
- TAB H Copy of interview notes taken on March 20, 2013 with Greg Bilbily.
- TAB I Copy of decision of Manager, Mobile Licensing Enforcement Daryl Bell dated March 26, 2013.
- TAB J Copy of Notice of Appeal submitted by Greg Bilbily dated April 2, 2013.
- TAB K Copy of certified Ministry of Transportation Driver Record Search for Greg Bilbily dated April 18, 2013.
- TAB L Copy of Notice of Hearing of the Mississauga Appeal Tribunal issued May 3, 2013.
- TAB M Notice pursuant to Section 35 of the *Evidence Act* of Ontario.
- 10:55 a.m. Exhibit 2:** Certified Ministry of Transportation Driver Record Search for Greg Bilbily dated April 18, 2013.
- 10:56 a.m. Exhibit 3:** Copy of 3 year Driver Record with Address for Greg Bilbily printed June 20, 2013.

ADJOURNMENT – 1:10 p.m. (L. Laverrière)