

## Direction to Cancel a Licence

<b>Licensee Name:</b>	New Classic Limousine & Coach Service Ltd.	<b>PT Licence #</b>	71250
<b>Trade Names:</b>	HSD Limo Rental		
<b>Address:</b>	8339-148 Street, Surrey, BC V3S 3G2		
<b>Summary of PT Licence:</b>	The licence allows for the operation of 1 Perimeter Seating Bus in the Greater Vancouver Regional District, along Highway 99 to Whistler and Fraser Valley Regional District west of but not including Hope.		
<b>Decision Date</b>	December 15, 2015		
<b>Board Panel Chair</b>	Don Zurowski		

### Legislation:

The *Passenger Transportation Act* provides for a review of whether a licensee is a fit and proper person to provide the service and capable of providing the service under a licence. The relevant section is as follows:

**39.1** (1) Despite anything in this Act or the regulations,

...

(b) the board may at any time, on its own initiative, if the board thinks it necessary or desirable, consider whether a licensee who holds a licence issued under section 29 (1) or a holder of a temporary operating permit issued under section 38 is a fit and proper person to provide the service and is capable of providing the service.

...

(3) If, after the consideration referred to in subsection (1) (b), the board is of the opinion that the licensee or holder of a temporary operating permit is not a fit and proper person to provide the service or is not capable of providing the service, the board may direct the registrar to impose one or more of the penalties referred to in section 46 (1) (a), (c) or (d), and on that direction the registrar may impose one or more of the penalties without providing the notice otherwise required under section 46 (2).

## Notice to Licensee of Fitness Concerns

The Board sent a letter to Harjit Singh Saprai, President, New Classic Limousine & Coach Service Ltd. by Registered Mail on December 2, 2015. The online tracking services of Canada Post show that the letter was signed for and delivered on December 3, 2015.

The notice advised New Classic Limousine & Coach Service Ltd. that, pursuant to section 39.1 of the Passenger Transportation Act (PTA), the Board intended to direct the Registrar of Passenger Transportation to cancel the PT licence 71250 (Special Authorization) as of **December 15, 2015**, pending any submissions received by December 10, 2015.

No submissions were received by the Board on behalf of New Classic Limousine & Coach Service Ltd.

## Background

On June 17, 2015, the Registrar of Passenger Transportation advised the Board that on February 26, 2015, Hardyal Dhanoa had been convicted of 3 criminal offences, including dangerous driving, possession of a weapon and assault with a weapon, while operating a limousine service. At the time of the conviction, Hardyal Singh Dhanoa was president and sole owner of New Classic Limousine & Coach Service Ltd.

New Classic Limousine & Coach Service Ltd. was approved for a passenger transportation licence on March 27, 2015. The application was approved through the streamlined application process for Perimeter Seating Buses. As part of the application requirements, company directors were required to complete a *Disclosure of Unlawful Activity and Bankruptcy* form. This form specifically asks if the person completing it has been charged with, or convicted of, an offence under the Criminal Code of Canada. Hardyal Singh Dhanoa indicated on the form that he had not been convicted of an offence.

On July 31, 2015 the Board notified New Classic Limousine & Coach Service Ltd. that the Board was initiating a fitness review. Mr. Dhanoa was to comment on a number of matters, including the criminal convictions, sentencing and his failure of to disclose these criminal charges as part of the application of New Classic Limousine & Coach Service Ltd.

A registered letter was sent to New Classic Limousine & Coach Service Ltd. on August 25, 2015, attaching the July 31, 2015 letter.

The brief response received from Hardyal Dhanoa on September 4, 2015 did not address many of the Board's questions.

On October 28, 2015, the Board notified New Classic Limousine & Coach Service Ltd. that it intended to cancel the licence of New Classic Limousine & Coach Service Ltd., noting that Board is taking into account a number of concerns relating to licensee fitness, including:

- the criminal convictions raise serious public safety concerns;
- Hardyal Dhanoa's apparent failure or refusal to take responsibility for his conduct;
- the credibility issues raised by the trial judge as well as Hardyal Dhanoa's failure to disclose the fact of criminal charges and convictions to the Board; and
- Hardyal Dhanoa's failure or refusal to respond to specific questions set out in the July 31, 2015 letter from the Board.

On October 31, 2015, Hardyal Singh Dhanoa advised the Board that New Classic Limousine & Coach Service Ltd. was under new ownership. BC Registry documents confirmed that a change of directors was filed on October 29, 2015. Harjit Singh Saprαι was listed as the new, sole owner of the company.

Upon receipt of this notice, the Board asked the Registrar of Passenger Transportation to undertake further investigations of the operations of New Classic Limousine & Coach Service Ltd. These investigations revealed that:

- Harjit Singh Saprαι & Hardyal Singh Dhanoa have "care and control of all drivers and vehicles".
- Harjit Singh Saprαι & Hardyal Singh Dhanoa are making management decisions on behalf of the company.
- Hardyal Singh Dhanoa is driving for the company.

After receiving the results of the investigation by the Branch, the Board notified Harjit Singh Saprαι on December 2, 2015, that the concerns of the Board regarding the fitness of New Classic Limousine & Coach Service Ltd. were not adequately addressed by the mere transfer of the company's shares. Therefore, the Board Chair intended to direct the Registrar of Passenger Transportation to cancel the company's passenger transportation

licence (Special Authorization) as of **December 15, 2015**, pending any submissions received. Mr. Saprai was asked to carefully review the Board's letter and provide any written submissions by **December 10, 2015**. The Board did not receive submissions from Mr. Saprai.

### **Board Decision**

The Board is directing the Registrar of Passenger Transportation to cancel PT Licence 71250 (Special Authorization).

### **Reasons**

The change in the director and ownership of the shares has not addressed the Board's substantive concerns relating to the licensee's fitness.

In assessing the fitness of New Classic Limousine & Coach Service Ltd., the Board is taking into account a number of concerns including the following:

- the criminal convictions of Hardyal Dhanoa raise serious public safety concerns given his conduct relating to the criminal charges and subsequent convictions;
- the apparent failure or refusal of Hardyal Dhanoa to take responsibility for his conduct;
- the credibility issues raised by the trial judge as well as the failure to disclose the fact of criminal charges and convictions to the Board in the application for the licence.

These issues have not been adequately addressed by a mere transfer of the company's shares to Harjit Singh Saprai. Hardyal Singh Dhanoa remains an active participant in the management of the company, especially over the care and control of drivers and vehicles. Moreover, Hardyal Dhanoa is also a driver and it was his actions and driving behavior that resulted in the criminal convictions.

### **Direction to Registrar**

Pursuant to section 39.1 (3) of the *Passenger Transportation Act*, the Board directs the Registrar of Passenger Transportation to cancel PT licence 71250 (Special Authorization) that is issued to New Classic Limousine & Coach Service Ltd.