



I want to transfer my licence. I want to obtain the licence.

Do I need Board approval to transfer my licence? Do I need Board approval to obtain the licence?

Yes. The Passenger Transportation Board (Board) must approve the transfer of a licence with a special authorization.

A transfer is from one legal entity to another. A legal entity may be a person or sole proprietor, a partnership or a corporation.

The person who is transferring the licence is called the “**transferor**”. The person who is obtaining the licence is called the “**transferee**”. Both the transferor and the transferee must submit a transfer application form to the Passenger Transportation Branch (Branch).

Note *A licensee is responsible for renewing its licence pending a transfer application. A licence that is not renewed expires. If the licence expires, then a pending transfer application also expires.*

Can I transfer a term and condition of my licence?

No. A licence with a special authorization includes terms and conditions set by the Board. A transfer of a licence includes a transfer of **all** the terms and conditions of licence.

If you want to change your terms and conditions of licence, you must submit an application to amend your licence.

Does a company need Board approval to transfer some or all of its shares?

No. The Board does not approve share transfers. However, the Passenger Transportation Branch asks licensees about share transfers and director changes when their licences are being renewed. If there has been a major change, the Branch notifies the Board. The Board

may require new majority shareholders or directors to complete a "*disclosure of unlawful activity and bankruptcy*" form or supply further information.

How do I put together an Application Package?

You start by collecting information to put in your application package. An application package must be complete. Incomplete application packages delay the processing of your application. Both the Branch and Board have application requirements.

Send your application to:

Passenger Transportation Branch
Ministry of Transportation and Infrastructure
313 – 1500 Woolridge Street, Coquitlam BC V3K 0B8
Phone: 604-527-2198
Fax: 604-527-2205
Toll Free: [Call the Enquiry BC number at 1-800-663-7867](tel:1-800-663-7867)
Email: passengertransportationbr@gov.bc.ca

The Branch reviews your application to confirm it is complete. If your application is complete, the Branch sends it to the Board. If your application is incomplete, the Branch will ask to you to supply missing documents. Once you have supplied these, the Branch will send your application to the Board. If you do not supply the missing documents in the time set by the Branch, it will send your incomplete application to the Board. The Board may, after giving you notice, dismiss your application if you do not provide the required documents.

What do I need to put in an application package?

The chart in Figure 1 sets out application requirements for *regular transfers* and *administrative transfers*. Application requirements are streamlined when the Board considers that the transfer is administrative in nature. Examples of administrative transfers are:

1. A sole proprietor converts the business to a limited corporation and the proprietor becomes the sole shareholder of the new corporation.
2. A partner leaves the partnership and the company changes from a partnership to (a) a sole proprietorship, (b) a new partnership or (c) a new corporation. The remaining partners are the majority of principals in the new entity.

3. One corporation is being dissolved voluntarily and a new corporation is established with the same principals or majority of the same principals.

Note *If you submit administrative transfer requirements only, the Board may ask you for more information before it makes a decision.*

Figure 1: Application Requirements for Regular Transfers and Administrative Transfers

Regular Transfer
Transferor <u>and</u> Transferee: <input type="checkbox"/> Special Authorization Licence Transfer Application Package Branch Form Package PTR 5025
Transferee only: <input type="checkbox"/> Business Plan Reference Sheet 2 and Sheet 3 <input type="checkbox"/> Financial Information Reference Sheet 4 <input type="checkbox"/> Disclosure of Unlawful Activity & Bankruptcy Form 5 <input type="checkbox"/> Declaration Form 17
Administrative Transfer
Transferor <u>and</u> Transferee: <input type="checkbox"/> Special Authorization Licence Transfer Application Package Branch Form Package PTR 5025
Transferee <u>or</u> Transferor: <input type="checkbox"/> Balance Sheet (current to the most recent fiscal year)
Transferee only: <input type="checkbox"/> Disclosure of Unlawful Activity & Bankruptcy Form 5 <input type="checkbox"/> Declaration Form 17

We recommend that applications include rates and rules in the transferee's name. With a licence transfer, the Board approves the rates and rules that are the same as those of the transferor. To change rates, submit a Change of Rates application.

Is my information kept confidential?

Your application is public. The Board is required to publish notice of applications. An exception is if the Board is satisfied that there is an “urgent public need” for the proposed service. Then the application is not published. (See [Reference Sheet 5](#))

The Board publishes application summaries every Wednesday in its “[Weekly Bulletin](#)”. This Bulletin is posted on the Board’s website and is available to the public. People may make submissions on your applications. (See [Reference Sheet 8](#))

The Board keeps the following types of information confidential:

- private financial information (e.g. personal net worth statements)
- private business details (e.g. customer account information)

Other information submitted with an application may be made public. Board decisions are public. If your application is set down for a public hearing, the hearing is open to the public. Most exhibits entered at a public hearing are public documents.

The *Freedom of Information and Protection of Privacy Act* may apply to information in your application package. See [Operational Policy II.7](#) for information on requests made under FIPPA.

What does the Board consider when it reviews my application?

For transfer applications, the Board considers whether you (the transferee) are you a fit and proper person and capable of providing a passenger transportation service

Are you a fit and proper person? Are you capable of providing a passenger transportation service?

The Board reviews fitness in two parts:

- (i) Are you a “fit and proper person” to provide the proposed service?
- (ii) Are you capable of providing that service?

What is a fit and proper person?

The term “fit and proper” reflects the idea that a licensee has a responsibility to exercise the powers conferred by the granting of a licence with regard to proper standards of conduct. Fit and proper persons conduct themselves and their business lawfully. They uphold the integrity of the industry and promote public confidence in the industry

Excerpts from Board decisions:

- ✓ *It would appear that the applicant is a “fit and proper person” to provide the proposed service. The applicant’s background in the hospitality industry and the fact that principle of the company has owned many profitable businesses as well as having experience in raising companies from the ground up is useful. Although there is no evidence of the applicant having any person in the company who has had experience in the passenger transportation business in British Columbia, it is believed that principle of the company has transferable skills that would indicate that he is capable of running the proposed business.*

- ✗ *In assessing fitness, the Board is taking into account a number of concerns including the following:*
 - *criminal convictions raise serious public safety concerns ;*
 - *the apparent failure or refusal of the principal to take responsibility for his conduct;*
 - *the failure to disclose the fact of criminal charges and convictions to the Board in the application for the licence.*

The Board considers fitness in the context and circumstances of an application. The Board may look at such things as your conduct and its potential of harm to the public or to the integrity of the industry.

The Board will look at how you say you will run your business. Do you seem to understand passenger transportation laws and policies? Is your business set up to follow these laws?

Do you have procedures in place for drivers or employees who are not compliant with the *Passenger Transportation Act*, regulations or company policies?

If you are a company, the Board may consider the conduct and character of directors and key management staff.

You must complete a [Disclosure of Unlawful Activity and Bankruptcy](#) form as part of the application process. This information will be used by the Board as part of its assessment of your

fitness. In reviewing your answers, the Board may consider such things as:

- The circumstances around any criminal charges, convictions or findings of guilt
- Bankruptcy and insolvency history
- Past behaviour and whether it indicates a pattern of poor conduct and character, lack of financial integrity or a threat to the public

The Board inputs the names people who sign the [Disclosure of Unlawful Activity and Bankruptcy](#) into [Court Services Online](#), a provincial court registry that provides the public with 24/7 access to information from Provincial traffic and criminal court files in British Columbia.

If you have another passenger transportation licence, the Registrar will include information on administrative penalties that have been imposed against you.

The Board may also consider other information that it learns about you when reviewing an application file. This could be information in your National Safety Code profile, allegations of illegal operations or information from submitters. The Board will review these in the context of the application, your explanation of the penalties and whether you are demonstrating care and control over your operations.

You will have an opportunity to comment on any information that may have a harmful effect on your application.

What is meant by “capable” of providing a service?

You should include information that shows you have the knowledge, skills, and abilities to operate a passenger transportation service. Résumés outline:

- your work experience and skills, and
- the work experience and skills of people who will be managing the business.

You should also include information that shows that you have the financing to operate the service. A personal net worth statement or proof of financing may be required for the Board to assess whether you are capable of providing the service.

You do not need to have run a passenger transportation service before. The Board wants to know that you have skills that you can apply to running a passenger transportation service. You may have gained these skills through your education or work history.

The Board looks at such things:

- Your background Do you have the background, experience and skills to manage the proposed service?

- Your proposal Does your business plan and financial information show that you understand what is needed to manage the taxi service? For example, how will your operations be set up? Are your operating costs realistic? Have you separated start-up costs from ongoing costs? Have you considered factors that may hold up your success? Does your financial plan include appropriate costs?
- Your ability to provide the service Do you have plans to overcome obstacles? Do you have resources to see you through lean times?

The Board gets much of this information from business plans and financial statements.

If your application is approved, you must continue to be a fit and proper person and capable of providing the service. The Board may, at any time after a licence is issued, conduct a fitness review of a licensee. For information on fitness reviews, see [Reference Sheet 15](#).

How does the Board make decisions on applications?

Board members make decisions on applications. Staff do not make decisions. Members make their decisions based on the information that the Board received during the application process. This information may include:

- information you submit with your application
- written submissions from other people
- your replies to the submissions
- follow-up information that the Board gets from you, submitters or another person.
(You will be able to see information from submitters or another person, unless it is confidential business information. If it is confidential business information, you will receive a summary of the information)
- information already available to the public (e.g. information on your website, information on the Board website, etc.)
- information the Board receives from a town council, tourist board or other community organization
- compliance information received from the Registrar of Passenger Transportation
- investigation reports from the Registrar and any comments received from you
- information from a public hearing

Other Information Available to the Board

The Board also has “[Operational Policies](#)” and “[Rules of Practice & Procedure](#)”. These are posted on the Board’s website. A policy or rule may apply to your application.

Board decisions are posted on its website. The Board decides each case on its own merits. It is not required to follow its previous decisions. However, the Board seeks to have consistency in its decisions.

How are the Board’s decisions issued?

The Board issues written decisions. The decisions include the reasons why the Board reached its decision. If an application is approved, the decision will set terms and conditions of licence. Decisions are sent to the applicant and the Registrar of Passenger Transportation. Decisions are published in the [Weekly Bulletin](#) and posted on the Board website. The Board process usually ends when the decision is made and published.

Can my decision be appealed?

There is no right of appeal of Board decisions. The Board may reconsider, vary or rescind a decision in two cases:

- (a) information has become available that was not available at the time the decision was made, or
- (b) there has been an error in procedure.

There must be a legal basis for reconsideration. Your decision cannot be reconsidered just because you disagree with it. For more information, see [Reference Sheet 14](#).