

Fitness Reviews by the Passenger Transportation Board

Persons or companies who have a licence with a Special Authorization must be:

- fit and proper persons; and
- and capable of providing the passenger transportation service.

The Board has the power to review the fitness of a licensee with a Special Authorization.

This reference sheet is about fitness reviews of licensees who do not have an application before the Board. Applicant fitness is discussed in the various application guides, with additional details in Reference Sheet 19: Fit, Proper & Capable Operators.

What is meant by “fit and proper” and “capable of providing service”?

Briefly, 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 are qualified, competent, deserving and suitable. They conduct themselves and their business lawfully. They uphold the integrity of the industry and promote public confidence in the industry.

Fit and proper is derived from the context of the Passenger Transportation Act and its central purposes of public safety, addressing public need and promoting sound economic conditions in the transportation industry.

The Board may look at such things as the conduct of the licensee and the potential of harm to the public or to the integrity of the industry.

Many circumstances could affect licensee fitness. Factors relevant to a fitness assessment may include a licensee’s:

- operation and management of its service
- approach to legal obligations and responsibilities
- financial stability
- truthfulness in the information it gave the Board or Branch

- criminal charges or convictions, especially those related to motor vehicle offences, fraud, threats or violence.

How will the Board conduct a Fitness Review?

The Board considers applicant fitness when it reviews licence applications.

The Board may start a fitness review of a licensee in response to information received from an outside source, such as the Registrar of Passenger Transportation, a municipality, the police or another licensee.

As part of licence renewal, the Passenger Transportation Branch asks corporate licensees if there has been a change in the controlling interest in the company. If there has been a change, the Branch advises the Board. The Board asks directors and officers of the company to complete Board Form 5: Disclosure of Unlawful Activity and Bankruptcy.

The following list sets out some circumstances that may trigger a fitness review:

- licensee has been involved in unsavoury or illegal activities
- licensee has provided false information to the Board
- licensee has a serious criminal charge or conviction that could relate to the operation or management of s transportation service
- licensee has continually disregarded its terms and conditions of licence or other obligations under the *Passenger Transportation Act and Regulation*
- licensee has transferred its licence without Board approval
- licensee is not in care and control of its business
- licensee is providing exceptionally poor service to the public

What are the steps in a Licensee Fitness Review?

A fitness review will usually be as follows:

- Board receives plausible information from a credible source about a licensee (Generally, anonymous complaints will not be acted upon.)

The Chair will review the information and may decide that:

- the information does not warrant further action

- the licensee should be invited to comment on the information
- a fitness review is required

The Board may do any one or more of the following in conducting a fitness review:

- conduct a written investigation and invite comments from relevant persons
- direct the Registrar to conduct an investigation
- hold an oral hearing

Note The Board may change the above processes in the course of a fitness review.

What are the outcomes of a fitness review?

As a result of a fitness review the Board may:

- Find that the applicant is fit and proper and capable of providing the service
- Attach terms and conditions to a licence
- Suspend one or more vehicles from operating
- Suspend all vehicles from operating
- Cancel a licence

Note The information in this reference sheet is for licensees with a Special Authorization. For information on fitness and General Authorization licensees, please refer to the [website](#) of the Registrar, Passenger Transportation Branch.