

DECISION

**2025 NSUARB 28
M11416**

NOVA SCOTIA UTILITY AND REVIEW BOARD

IN THE MATTER OF THE MOTOR CARRIER ACT

- and -

IN THE MATTER OF Commercial Vehicle License Number CV03429 issued to **8177201 CANADA LTD. o/a SEESIGHT TOURS**

BEFORE: Roland A. Deveau, K.C., Vice Chair

LICENSEE: **8177201 CANADA LTD. o/a SEESIGHT TOURS**
Jay Beddice, Director of Operations (Canada)

INTERVENORS: **JOHN JEFFREY (JEFF) BABINEAU o/a ANCHOR TOURS**
PAUL MACNEIL o/a HALIFAX TITANIC HISTORICAL TOURS

BOARD COUNSEL: William L. Mahody, K.C.

HEARING DATE: November 29, 2024

FINAL SUBMISSIONS: December 18, 2024

DECISION DATE: **February 10, 2025**

DECISION: **License suspended for five years.**

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I SUMMARY

[1] In a decision dated September 23, 2024 [2024 NSUARB 161], the Board concluded that 8177201 Canada Ltd., operating as SeeSight Tours, contravened the *Motor Carrier Act* and the *Board Public Passenger Motor Carrier Act Regulations* in the operation of its Commercial Vehicle license by failing to cross a municipal boundary on its tours in Halifax Regional Municipality to Peggy's Cove. The Board also concluded that SeeSight Tours contravened various other provisions of the *Motor Carrier Act*, the *Motor Vehicle Act*, and the *Regulations*, including that its drivers operated the Commercial Vehicles without the proper class of driver's license; that it failed to provide a driver's hours of service record when requested; and that it operated a Commercial Vehicle with worn tires below the required tread depth.

[2] The Board has the authority to cancel or suspend a license if the operator has operated in contravention of the *Act* and *Regulations*:

Variation or suspension or cancellation of license

19 (1) The Board may, at any time or from time to time, amend or suspend any license or may, for cause, and after a hearing upon such notice as the Board may direct, cancel any licence.

(2) When deciding whether to amend, suspend or cancel a license pursuant to subsection (1), the Board shall take into consideration the factors enumerated in Section 13.

[3] The Board scheduled a further hearing on November 29, 2024, to hear submissions from the parties on whether the Commercial Vehicle license should be cancelled, suspended or other resolution ordered. SeeSight Tours also filed written reply submissions on December 18, 2024.

[4] After having considered the evidence and the submissions of the parties, the factors set out in s. 13 of the *Motor Carrier Act*, the nature of the violations, and the

need for this Licensee and other licensees to recognize the importance of complying with the province's safety and regulatory standards, the Board finds that SeeSight Tours' Commercial Vehicle license shall be suspended for five years.

II BACKGROUND

[5] On February 29, 2024, the Board issued a Notice to Appear directing 8177201 Canada Ltd., operating as SeeSight Tours (SeeSight Tours or Licensee), to attend before the Board on April 24, 2024, and that it be given an opportunity to provide any evidence and/or arguments about whether its Commercial Vehicle (CV) License Number CV03429 (CV license) should be cancelled, suspended or other available resolution ordered because of various alleged violations of the *Motor Carrier Act*, R.S.N.S. 1989, c. 292 (*Act*), and the *Board Public Passenger Motor Carrier Act Regulations*. The hearing continued on June 6, 2024. Undertakings were filed by June 24, 2024, and the Board issued its decision on September 23, 2024.

[6] For the reasons set out in detail in its decision [2024 NSUARB 161], (*Show Cause Decision*), the Board concluded that SeeSight Tours contravened the *Motor Carrier Act*, the *Motor Vehicle Act* and the *Board Public Passenger Motor Carrier Act Regulations* in the operation of its CV license by failing to cross a municipal boundary on its tours in Halifax Regional Municipality (HRM) to Peggy's Cove; that its drivers operated the Commercial Vehicles without the proper class of driver's license; that it failed to provide a driver's hours of service record when requested; and that it operated a Commercial Vehicle with worn tires below the required tread depth. The Board does not intend in the present decision to review the background, evidence and submissions from

the Board's initial hearing, which led to its *Show Cause* Decision that SeeSight Tours committed the violations. Those matters were all thoroughly canvassed in the *Show Cause* Decision [2024 NSUARB 161] and will not be repeated here, except where required to provide context for the disposition of the issue in this decision. The Board adopts, and hereby incorporates into this decision, the findings from its *Show Cause* Decision, including its findings of fact and findings of law, and mixed fact and law.

[7] At the conclusion of the *Show Cause* Decision, the Board stated it would schedule a further hearing to hear submissions from the parties on whether the CV license should be cancelled, suspended or other resolution ordered. The hearing was held on November 29, 2024, and SeeSight Tours was allowed to file its written reply submissions by December 18, 2024.

[8] As noted in the *Show Cause* Decision, the Licensee made a branding change just before the prior hearing and is now called Tripshepherd. The Board will continue to refer to the Licensee as SeeSight Tours in this decision, but any reference to Tripshepherd in excerpts from the testimony or exhibits is a reference to SeeSight Tours.

III STATUTORY FRAMEWORK

[9] The regulatory framework under the *Motor Carrier Act* was canvassed by the Board in its *Show Cause* Decision and will not be reviewed again, except to note that the Board has the authority to cancel or suspend a license if the operator has operated in contravention of the *Act* and *Regulations*:

Variation or suspension or cancellation of license

19 (1) The Board may, at any time or from time to time, amend or suspend any license or may, for cause, and after a hearing upon such notice as the Board may direct, cancel any licence.

(2) When deciding whether to amend, suspend or cancel a license pursuant to subsection (1), the Board shall take into consideration the factors enumerated in Section 13.

[10] Section 13 of the *Motor Carrier Act* provides:

Factors considered

13 Upon an application for a license for the operation of a public passenger vehicle or for approval of the sale, assignment, lease or transfer of such a license, the Board may take into consideration

(a) any objection to the application made by any person already providing transport facilities whether by highway, water, air or rail, on the routes or between the places which the applicant intends to serve, on the ground that suitable facilities are, or, if the license were issued, would be in excess of requirements, or on the ground that any of the conditions of any other license held by the applicant have not been complied with;

(b) the general effect on other transport service, and any public interest that may be affected by the issue of the license or the granting of the approval;

(c) the quality and permanence of the service to be offered by the applicant and the fitness, willingness and ability of the applicant to provide proper service;

(ca) the impact the issue of the license or the granting of the approval would have on regular route public passenger service;

(d) any other matter that, in the opinion of the Board, is relevant or material to the application.

[11] In addition to the requirement that a CV license holder cross a municipal boundary on tours provided within a municipality, the *Motor Carrier Act* and the *Regulations* also outline safety requirements for public passenger vehicles. There are also other requirements under the *Motor Vehicle Act* and its *Regulations*, including equipment safety standards and requirements for child restraint systems (i.e., car seats).

IV EVIDENCE AND SUBMISSIONS

(a) **SeeSight Tours**

[12] SeeSight Tours advised the Board the day before the November 29, 2024, hearing that John Albrecht, Operations Manager, who had appeared for the Licensee at

the resumption of the Show Cause hearing on June 6, 2024, had left the organization one week earlier. Jay Beddice, its Director of Operations (Canada), appeared at the final hearing for the Licensee. He noted he had just been assigned to this matter four days earlier after Mr. Albrecht was relieved of his duties one week earlier. Mr. Beddice acknowledged that he knew very little about this Board proceeding and had not read the Board's *Show Cause* Decision. He did not request an adjournment.

[13] The Board acknowledged Mr. Beddice's predicament, but also noted that the Licensee had known about the scheduled hearing date for some time and the scheduling of the hearing had already been delayed to find a convenient date for the parties. The Board also noted the public interest in dealing with these compliance matters. In the circumstances, the Board proceeded with the hearing, as scheduled, but allowed SeeSight Tours to file written reply submissions after the hearing in response to any submissions received from the other parties at the hearing.

(b) Board Counsel Witness – Motor Carrier Inspector

[14] William L. Mahody, K.C., Board Counsel, called Motor Carrier Inspector Alain Bilodeau to testify about further violation reports that had been issued to SeeSight Tours since the ones considered in the *Show Cause* Decision. Inspector Bilodeau has been a motor carrier inspector with Vehicle Transportation Inspections (Nova Scotia Department of Transportation & Infrastructure Renewal) for over eight years. He has been a licensed truck and transport mechanic since 1988. He carries out the six-month inspections on licensed public passenger vehicles and conducts patrols and roadside inspections in the field.

[15] Inspector Bilodeau testified that the Department's records showed that the following 10 additional violation reports and tickets were issued to SeeSight Tours since the initial hearing in this matter:

- Report #1648 – April 29, 2024 (Halifax) – Operating a public passenger vehicle outside authority of the license (i.e., did not cross municipal boundary) (Driver S. Wedlake);
- Ticket (Warning) – May 17, 2024 (Halifax) – no log details for previous seven days (Driver J. Doran);
- Report #1649 – June 6, 2024 (Peggy's Cove) – Violating regulations respecting vehicle equipment standards. Left rear tire tread below 4/32" (Driver W. Flood); Inspector Bilodeau noted the actual measurement was about 1/32". In the absence of a spare tire, the driver was advised that the passengers could not be transported on the CV with the tire in that condition.
- Ticket (Warning) – July 10, 2024 (Halifax) Driver's license expired June 26, 2024 (Driver A. Dickie);
- Report #2427 – July 25, 2024 (Peggy's Cove) – Driver unable to locate seat belt cutter. Not within sight or location not labeled - Driver did locate after contacting other employees (under driver's seat) (Driver W. Flood); Inspector Bilodeau noted that locating the seat belt cutter is part of the pre-trip inspection.
- Report #2428 – August 26, 2024 (Peggy's Cove) – On August 10, 2024, Driver on duty 15.87 hours (start 6:57 am, finished 10:48 pm), allowed 14 hours (Driver S. Wedlake);
- Report #2429 – August 26, 2024 (Peggy's Cove) – Driver did not record start time for current day. (Driver D. Chandan);
- Report #2430 – August 26, 2024 (Peggy's Cove) – Driver unable to locate seat belt cutter (out of sight under seat). Small handwritten label on dash for location. Second violation for same vehicle (Driver D. Chandan);
- Report #2431 – September 3, 2024 (Peggy's Cove) – Carrier requesting, requiring or allowing driver to enter inaccurate information in record of duty status – multiple days not recording accurate total hours worked (Driver M. Ahmad); and
- Report #2432 – September 3, 2024 (Peggy's Cove) – Carrier requesting, requiring or allowing driver to enter inaccurate information in record of duty

status – missing two days from record - multiple days no record of finish times or total hours (Driver T. Henrikson).

[16] In Mr. Mahody's submission, which the Board accepts, the Board has a broad discretion in considering a suspension or cancellation under s. 19 of the *Motor Carrier Act*, and it may consider the conduct of the Licensee and any violations that occurred between the commencement of the hearing and the final hearing about an appropriate disposition. While Board Counsel did not make any specific submission about the Board's disposition of this matter under s. 19 of the *Act*, he referred to prior Board decisions about other public passenger disciplinary matters considered by the Board, including:

Huynh Lam o/a Capital Limousine 2009 NSUARB 21

Molega Tours Limited 2012 NSUARB 57

Pi Yao International Travel Inc. 2023 NSUARB 194

Blue Thistle Tours 2023 NSUARB 195

[17] There was a range of outcomes in the above decisions from a formal warning issued by the Board to the cancellation of a license.

[18] During submissions, the Board also noted its prior decisions in *Driver Dave's Inc.*, 2013 NSUARB 49, and *DRL Coachlines Ltd.*, 2005 NSUARB 73, may also apply. In *Driver Dave's*, the CV licensee admitted to knowingly contravening the requirement to cross the HRM municipal boundary on a regular basis (i.e., in that case on trips to the Halifax Stanfield International Airport from Halifax peninsula). In that matter, the licensee did not contest the show cause proceedings and surrendered his CV license. The cancellation of the CV license was confirmed in the Board's decision.

[19] DRL Coachlines operated a fleet of 17 highway motor coaches for line run and charter services under a Motor Carrier License and Extra-Provincial Operating License. The motor carrier was found to have contravened various provisions of the *Motor Carrier Act*, the *Motor Vehicle Act*, and the *Regulations* thereunder. These offences included numerous examples of motor coaches being operated with severely worn tires (i.e., below statutory standards), poor steering and braking deficiencies, and drivers working more than the permitted hours of work. The Board also found that the operator had poor maintenance practices.

[20] The Board stated:

[249] Based upon its review, the Board is primarily concerned with “the quality and permanence of the service . . . offered by [DRL] . . . and the fitness, willingness and ability of [DRL] to provide proper service”: see **s. 13(c)**. Moreover, the Board considers it to be in the public interest that any public passenger service to be operated in Nova Scotia must be one which is safe and reliable for the public: see **s. 13(b)**, as well as being accountable to the Motor Carrier Division and, ultimately, to the Board.

[250] Taking into account all of the evidence, the Board is of the opinion that the conduct of DRL, leading to this hearing, is totally unacceptable for a motor carrier in Nova Scotia. The Board considers that any carrier must achieve the highest standards in public safety, customer service and regulatory compliance to warrant the privilege of participating in this province’s motor carrier industry.

...

[259] The Board has considered the submissions of counsel. In light of its findings, a clear message must be sent to DRL that the complaints, infractions, and other matters comprising this hearing will not be tolerated. It is essential that all carriers, including DRL, comply with the regulatory standards existing in Nova Scotia. They are designed to ensure a safe and effective public passenger service.

[DRL Coachlines, paras. 249-250, 259]

[21] The Board concluded that the public interest required a cancellation of DRL's licenses.

[22] Following the hearing, the Clerk of the Board provided Mr. Beddice with the references and citations for the above decisions and how they could be accessed on CanLII, a website used to access Court and tribunal decisions across Canada.

(c) Interested Parties

[23] As noted in the Board's prior decision, it approved the request of two existing motor carriers to participate in the hearing: Paul MacNeil, owner and operator of Halifax Titanic Historical Tours, and John Jeffrey (Jeff) Babineau, owner and operator of Anchor Tours. Mr. Babineau provided oral submissions which were supported by Mr. MacNeil.

[24] Mr. Babineau submitted that SeeSight Tours' CV license should be cancelled, adding that its affiliates should also be permanently prohibited from possessing a motor carrier license in Nova Scotia. He stated that this is not a situation in which a new carrier made inadvertent or unintentional errors due to inexperience or misunderstanding the regulatory requirements in this province. He said that the Licensee is an experienced motor carrier that, by its own admission, operates in 22 locations across North America. As such, he submitted that SeeSight Tours should have been well versed in regulatory matters and have complied with all the requirements under the *Act* and *Regulations*.

[25] He also noted that many of the violations were wilful and repeat offences. For instance, he noted that after the Licensee was served with the Notice to Appear for the initial hearing, issued on February 29, 2024, for failing to cross a municipal boundary on its tours, one of its drivers made a return trip from Halifax to Peggy's Cove on March 26, 2024, without crossing the municipal boundary. This trip was captured on video and reviewed in the original hearing as Exhibit S-5.

[26] Mr. Babineau also noted that SeeSight Tours had initially operated its tour business outside HRM's taxi licensing regime and continued to operate as such when it was applying to the Board for a CV license. Mr. Babineau suggested that it was not

unreasonable to conclude that SeeSight Tours would continue to operate illicitly outside both the Board's regulatory framework and HRM's taxi licensing regime, even if the Board cancels the CV license.

[27] Accordingly, he submitted that SeeSight Tours' Registry of Motor Vehicles' master number and that of its affiliates be suspended until such time as they became compliant with HRM's taxi licensing regime. He asked the Board to advise the Registrar of Motor Vehicles of the CV license's cancellation and to direct that the Registrar not issue any motor vehicle plate permits to 8177201 Canada Ltd., or to any of its affiliates. Otherwise, Mr. Babineau said, the Licensee could bring in new vehicles from Ontario and request new plate permits and operate illegally with those replacement vehicles.

(d) SeeSight Tours – Reply Submissions

[28] SeeSight Tours provided its written reply submissions on December 18, 2024. Mr. Beddice stated that SeeSight Tours accepted responsibility for the infractions identified by the Board in its *Show Cause* Decision, as well as the 10 additional violations raised in the hearing held on November 29, 2024, which occurred after the first hearing was held in this matter. He indicated that SeeSight Tours wanted to “outline the corrective actions we have implemented to address past infractions, align fully with the *Motor Carrier Act*, and maintain the highest standards of regulatory compliance”. He said that the infractions occurred under the supervision of a former operations manager and that, since November 2024, the Licensee has “taken decisive action to address these issues” under new leadership (the Board notes that the infractions occurred under two consecutive former operations managers, not just one individual as asserted by the Licensee). SeeSight Tours asked that it be allowed to continue its operations in the province, but

said it welcomed additional oversight, such as probationary conditions or regular compliance reviews.

[29] Mr. Beddice stated that he was appointed to his new position in November 2024. He indicated the Licensee has undertaken a comprehensive review of its operations, “identified lingering compliance issues, and implemented immediate corrective measures”. The submissions stated: “[T]his leadership change reflects our commitment to fostering a culture of accountability, transparency, and continuous improvement”. Mr. Beddice outlined the following corrective actions taken by the Licensee since November 2024:

a. Comprehensive Operational Review

- Conducted a detailed audit of all routes, vehicle logs, and driver compliance records to identify and rectify issues.

b. Route Compliance

- All tours have been updated to ensure HRM boundary-crossing requirements are met.
- Drivers have been retrained, and itineraries reinforced with strict compliance protocols.

c. Driver Licensing and Oversight

- Completed an audit confirming all drivers now hold the required Class 4 licenses.
- Introduced a tracking system to ensure continuous verification of licensing compliance.

d. Vehicle Inspections and Safety

- Vehicles now undergo rigorous inspections, including:
 - Daily pre-trip and post-trip checks,
 - Monthly safety inspections, and
 - Seasonal maintenance before peak travel periods.
- Tire tread monitoring tools have been added to every vehicle to address safety concerns.

e. Employee Training and Accountability

- Revamped onboarding and training programs ensure all staff are fully trained on compliance requirements and customer service excellence.

f. Transparent Monitoring

- GPS tracking is being implemented across all vehicles to provide real-time data on routes and compliance.

[SeeSight Tours Reply Submissions, Exhibit S-15, p. 2]

[30] SeeSight Tours asked that the Board consider four factors in deciding the disposition of this matter, including its corrective actions, the leadership transition, its commitment to improvement, and the Licensee's contributions to Halifax's tourism sector, local employment and the local economy. Mr. Beddice submitted that suspending or canceling the CV license would negatively impact local employment, reduce visitor options, and harm Halifax's broader tourism ecosystem.

V ANALYSIS AND FINDINGS

[31] As noted earlier in this decision, under s. 19 of the *Motor Carrier Act*, the Board may "amend or suspend any license or may, for cause, and after a hearing upon such notice as the Board may direct, cancel any licence". In deciding its disposition, the Board must consider the factors outlined in s. 13. As noted in the prior Board decisions canvassed during the hearing about show cause proceedings, the Board has ordered a range of outcomes in such cases, from what amounted to warnings, to outright cancellation of licenses.

[32] A number of the violations which originally brought this matter before the Board related to SeeSight Tours' failure to cross the HRM municipal boundary on its tours from downtown Halifax to Peggy's Cove. The Board found in the *Show Cause Decision* that SeeSight Tours regularly failed to cross the HRM municipal boundary on its tours, although it was advised of this requirement by motor carrier inspectors and the Clerk of the Board upon issuance of the CV license.

[33] This type of violation continued after the Notice of Show Cause Hearing was issued to the Licensee, as well as after the first day of the hearing. As noted earlier in this

decision, after the Licensee was issued the Notice to Appear for the initial hearing on February 29, 2024, one of its drivers made a return trip from Halifax to Peggy's Cove on March 26, 2024, without crossing the municipal boundary. This trip was captured on video and reviewed in the original hearing as Exhibit S-5. The Licensee's response to this infraction was a letter by the driver, Mr. Henrickson, saying that he returned directly to Halifax because it was raining. Further, as noted in the most recent hearing, one of the SeeSight Tours' CV drivers was issued a violation report on April 29, 2024, for failing to cross the HRM municipal boundary, five days after the initial hearing held on April 24, 2024, despite assurances by the Licensee's management at that hearing that this issue had been addressed with its drivers.

[34] In terms of failing to cross the municipal boundary on its tours, the Board is mindful of s. 13 of the *Motor Carrier Act* that directs it to consider the impact of the violations on the other parties providing transport services, which include other carriers licensed by the Board and taxis licensed by HRM. Anyone wanting to provide a tour to Peggy's Cove from downtown Halifax with their vans, without crossing the municipal boundary, may do so by obtaining a taxi license from HRM, after meeting the requirements of the HRM Taxi Bylaw. SeeSight Tours did not have a taxi license.

[35] The Board does not regulate the rates charged by CV vehicles. CV operators may charge what they wish. However, CV vehicles are subject to the inspection regime under the *Act* and *Regulations* that require them to be inspected every six months. In its *Show Cause* Decision, the Board noted that considering other carriers in the industry includes weighing the impact of SeeSight Tours' activities on the sustainability of the participants in the industry:

[27] On the other hand, the remaining motor carrier charter industry is economically regulated by the Board, including mini-buses, activity buses (like school bus type vehicles) and large motor coaches. The Board sets the rates for the charter industry, and it regulates how many motor carriers can enter the charter market, the number of vehicles they can use, and the areas they can serve.

[28] However, sustainability applies to both the charter industry and to CV operators. In addition to the above comments, the regulatory framework under the *Act* and the *Regulations* requires CV licensees to operate within the requirements imposed on CVs so that they do not compete illegally with other licensed carriers. This requires that CV licensees comply with the requirements that apply to other CV vehicles (i.e., the geographic requirement to cross a municipal boundary on every trip) and that they do not provide charter or tour services that are only allowed to be offered by motor carrier operators who hold a charter authority granted by the Board. The sustainability of all participants in the motor carrier industry is only assured if all operators follow the rules that apply to them. If not, other operators will be negatively impacted.

[*Show Cause* Decision, paras. 27-28]

[36] Section 13 of the *Motor Carrier Act* also identifies “the fitness, willingness and ability” of the Licensee to conduct its operations. In this respect, the Board notes that despite management’s assurances that these regulatory compliance matters had been addressed, the violations were repeated. Further, the Board notes that three different managers have appeared before the Board between April and November 2024. In each of the first two management changes, the transitions occurred hastily, and the new manager appeared before the Board with little knowledge about the regulatory matters being addressed in the hearing and assured the Board the deficiencies would be remedied. The offences continued, at least after the first management change. This hardly instills confidence that the Licensee can address its regulatory responsibilities under the *Act* and *Regulations*.

[37] The Board has also considered the nature and seriousness of the violations. A number of the violations were safety-related infractions, which imperiled the safety of the passengers, the driver, and other members of the public traveling upon the province’s public highways. In the Board’s *Show Cause* Decision, the Board concluded that SeeSight Tours’ drivers operated CVs without the proper class of driver’s license; that it

failed to provide a driver's hours of service record when requested; and that it operated a CV vehicle with worn tires below the required tread depth. These offences are all related to safety. Moreover, in the hearing held on November 29, 2024, Motor Carrier Inspector Bilodeau testified that SeeSight Tours committed further safety-related violations, including continued violations about the driver logs and another instance of worn tires below the required tread depth. There were also two violation reports issued to two different drivers for being unable to locate the seat belt cutter in the vehicle. Inspector Bilodeau testified that this a safety issue since it relates directly to the driver's ability to extricate himself and passengers from a vehicle in the event of an accident.

[38] The Board also notes the Licensee's failure to exercise due diligence to prevent these violations from happening. No due diligence was claimed by the Licensee at the hearing. Many of the violations have been repeated, despite the Licensee's personnel being advised of the regulatory requirements. The Licensee acknowledged responsibility for all the infractions. In most instances, however, it only provided excuses for its employees' conduct, with no plan to address the deficiencies going forward except to again instruct the employees about the requirements.

[39] In terms of regulatory offences, including safety violations, the Board considers that principles of general and specific deterrence also apply, as it stated in its *DRL Coachlines* Decision. In a liquor licensing disciplinary proceeding about violations of the *Liquor Licensing Regulations*, the Board stated:

[21] Another concern of the Board is that an appropriate and fair sanction be imposed on the Licensee. The Board is also guided by principles of general and specific deterrence, ... The suspension must be sufficient to impart the seriousness of this matter upon the Licensee, and other licensees, that such offences are serious and cannot be tolerated.

[*Economy Shoe Shop Café and Lounge*, 2002 NSUARB 13, para. 21]

[40] These comments were repeated in a recent liquor licensing disciplinary, *New Palace Cabaret Ltd.*, 2024 NSUARB 181. The Board considers these principles apply equally to disciplinary proceedings under the *Motor Carrier Act* like the present matter.

[41] The Board must also consider the Licensee's circumstances, including the fact that this is SeeSight Tours' first disciplinary matter before the Board. It noted that it is new to the Nova Scotia market and that the regulatory regime in this province differs from other jurisdictions in which it conducts business. Nevertheless, it portrayed itself as a sophisticated operator conducting business in 22 cities across North America. The Board notes that the violations have continued despite several interventions by motor carrier inspection personnel and, indeed, even after the Licensee's participation in these Board proceedings where many of the regulatory requirements were highlighted during the hearing.

[42] While the Board acknowledges the Licensee's most recent assertions that it has again taken corrective measures to address its compliance, the Board finds that there is a need for this Licensee and other carriers to recognize the importance of complying with the province's safety and regulatory standards. The Licensee must also take responsibility for the infractions it has committed. In terms of its submission that a suspension or cancellation of the CV license may harm Halifax's tourism sector, the Board's finding is directed at protecting the traveling public's safety and recognizing the Licensee's disregard for its regulatory compliance about crossing the HRM municipal boundary, which has negatively impacted other carriers in the industry, including those licensed by the Board and taxis licensed by HRM.

[43] Taking all of the above into account, the Board finds that SeeSight Tours' CV license CV03429 shall be suspended for five years, effective February 12, 2025. In the circumstances, neither the Licensee, nor its affiliates, may apply for another license during the suspension.

[44] In his submissions, Mr. Babineau also requested that the Registry of Motor Vehicles' Master Number for 8177201 Canada Ltd., and any of its affiliates, be suspended until, and if, the Company becomes licensed under HRM's taxi licensing regime. He also asked that no plate permits be issued to any motor vehicles owned by the Company or its affiliates.

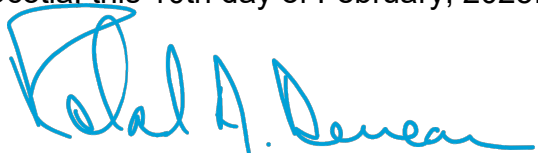
[45] Mr. Babineau's request about the Company's registration and licensing with the Registry of Motor Vehicles is beyond the authority of the Board. However, in the circumstances, the Board will provide notice of the Board's decision to the Registrar of Motor Vehicles so it can take whatever action it considers appropriate.

VI CONCLUSION

[46] After having considered the evidence and the submissions of the parties, the factors set out in s. 13 of the *Motor Carrier Act*, and the nature of the violations, the Board finds that SeeSight Tours' CV license CV03429 shall be suspended for five years, effective February 12, 2025.

[47] An Order shall issue accordingly.

DATED at Halifax, Nova Scotia, this 10th day of February, 2025.



Roland A. Deveau