

NOVA SCOTIA REGULATORY AND APPEALS BOARD

IN THE MATTER OF THE MOTOR CARRIER ACT

- and -

IN THE MATTER OF Commercial Vehicle License Number CV03459 issued to **15048923 CANADA INC. o/a CAPE TRAVELS**

BEFORE: Roland A. Deveau, K.C., Vice Chair
Julia E. Clark, LL.B., Vice Chair
Bruce H. Fisher, MPA, CPA, Member

APPELLANTS: **15048923 CANADA INC. o/a CAPE TRAVELS**
Vansh Chopra
Dev Chopra

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

HEARING DATE: March 27, 2025

FINAL SUBMISSIONS: April 11, 2025

DECISION DATE: **July 4, 2025**

DECISION: **Commercial Vehicle License suspended until January 1, 2026, effective immediately.**

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1.0 SUMMARY

[1] 15048923 Canada Inc., operating as Cape Travels, is a Commercial Vehicle licensee in Nova Scotia. It holds Commercial Vehicle License Number CV03459 (License) with three Commercial Vehicles on its License (vehicles with a seating capacity of eight passengers or less excluding the driver that provide public passenger service across municipal boundaries).

[2] It is alleged that on December 2, 2024, Cape Travels operated illegally contrary to the provisions of the License, the *Motor Carrier Act*, *Motor Vehicle Act* and the *Board Public Passenger Motor Carrier Act Regulations*, by operating its vehicle with an unlicensed driver or while the driver's license was suspended. It is also alleged that the driver resisted or willfully obstructed a motor carrier inspector in the execution of his duty or the exercise of his powers contrary to s. 35(2) of the *Motor Carrier Act*, and that the Licensee failed to provide the name of the vehicle's driver to a peace officer, contrary to s. 258 of the *Motor Vehicle Act*. There was also evidence suggesting that Cape Travels may have been conducting trips with uninspected vehicles.

[3] On December 10, 2024, the Board issued a Notice to Appear to Cape Travels directing it to attend before the Board and be given an opportunity to provide any evidence and/or arguments about whether its License should be cancelled, suspended or other available resolution ordered because it operated contrary to the terms and conditions of its License and the provisions noted above.

[4] Before the hearing, Board Counsel provided Cape Travels with copies of the evidence he intended to present at the show cause hearing, including the affidavit of the motor carrier inspector involved in the alleged offences. The hearing was held in the Board's hearing room on March 27, 2025. Cape Travels called its owner and his brother

who helps in the business as witnesses and Board Counsel called two motor carrier inspectors to testify.

[5] Following its review of the evidence and submissions, the Board found that Cape Travels' owner failed to provide the name of the driver of its vehicle to a peace officer when requested to do so; failed to ensure its driver was properly licensed; and willfully obstructed a motor carrier inspector in the execution of his duties. The Board did not find that Cape Travels was conducting trips with uninspected vehicles. The Board has ordered that Commercial Vehicle License Number CV03459 issued to 15048923 Canada Inc., operating as Cape Travels, is suspended until January 1, 2026, effective immediately.

2.0 BACKGROUND

[6] 15048923 Canada Inc., operating as Cape Travels (Cape Travels or Licensee), holds Commercial Vehicle (CV) License Number CV03459 with three Commercial Vehicles on its License. Under the *Regulations*, a Commercial Vehicle is defined as a public passenger vehicle with a seating capacity of eight passengers or less (excluding the driver) that provides regular service, charters or tour service across municipal boundaries. Commercial vehicles are occasionally called commercial vans or mini-vans.

[7] On December 10, 2024, the Board issued a Notice to Appear to Cape Travels directing it to attend before the Board and be given an opportunity to provide any evidence and/or arguments about whether its License should be cancelled, suspended or other available resolution ordered based on the following allegations:

1. operating illegally contrary to the provisions of the License, the *Motor Carrier Act*, *Motor Vehicle Act* and the *Board Public Passenger Motor Carrier Act Regulations*, by operating your vehicle with an unlicensed driver or while the driver's license was suspended;
2. resisting or willfully obstructing a motor carrier inspector in the execution of his duty or the exercise of his powers contrary to s. 35(2) of the *Motor Carrier Act*; and
3. any other breaches which become known to the Board in the proceedings.

[8] The Notice indicated that copies of evidence Board Counsel intended to present at the show cause hearing would be provided to Cape Travels by January 14, 2025. Cape Travels was also directed to attend before the Board to give evidence and provide all records and documents about the alleged violations. The Notice informed Cape Travels that if it failed to appear, the hearing would proceed in its absence.

[9] The hearing was originally scheduled for February 5, 2025. However, the Board granted the Licensee a requested adjournment, and the hearing was held in the Board's hearing room on March 27, 2025. Cape Travels called Vansh Chopra, its owner, and his brother Dev Chopra, as witnesses. Board Counsel called two motor carrier inspectors to testify.

[10] On April 1, 2025, on proclamation of the *Energy and Regulatory Boards Act*, S.N.S. 2024, c. 2, Sch. A, the Nova Scotia Regulatory and Appeals Board succeeded the Nova Scotia Utility and Review Board for all matters under the *Motor Carrier Act*.

3.0 ISSUES

[11] The issue to be decided in this decision is whether Cape Travels contravened the *Motor Carrier Act* and *Regulations*, as well as the *Motor Vehicle Act*. If so, the Board must consider what, if any, action should be taken on the License.

[12] Following its review of the evidence, the Board concludes that Cape Travels did contravene the *Motor Carrier Act* and *Regulations*, as well as the *Motor Vehicle Act*. The Board also concludes that Cape Travels' License shall be suspended until January 1, 2026, effective immediately. The Board's reasons are explained below.

4.0 LEGAL REQUIREMENTS FOR COMMERCIAL VEHICLES

[13] Commercial vehicles licensed by the Board under the *Regulations* are only permitted to provide regular service, charter or tour services for people traveling across a municipal boundary. *Regulation 2* requires a CV to cross a municipal boundary:

"commercial vehicle" means a public passenger vehicle that has a seating capacity of 8 passengers or less excluding the driver, and that provides a

- (i) daily, weekly, or other regular service, or
- (ii) charter or tour service

that enters or departs any municipality, but, for greater certainty, does not include a commuter vehicle, courtesy vehicle or taxicab;

[14] The Board has the authority to cancel or suspend a license if the operator has operated in contravention of the *Motor Carrier Act* and *Regulations*, or the terms and conditions of the license:

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.

[15] The *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 driver licensing and other safety requirements.

[16] CV operators in Nova Scotia must comply with the province's regulatory framework. In a decision about a show cause hearing to consider whether a CV operator complied with its CV license (see *Driver Dave's*, 2013 NSUARB 49, M05501), the Board stated:

[23] The objects of the *MC Act*, stated broadly, are to ensure there are safe, quality and sustainable public passenger services which best meet the interests of the traveling public within, to, and from Nova Scotia.

[24] Important factors affecting the industry include the fact that generally, the costs of investing in the motor carrier industry are high; see *Trius Tours Limited*, 2003 NSUARB 71, para. 62 and most recently the *Discount Review Interim Decision*, 2013 NSUARB 21, para. 76.

[25] This large capital investment, along with a number of unique factors in Nova Scotia, affect the sustainability of the industry. The population in Nova Scotia is scattered and demand for services is low in comparison to more densely populated regions of the country. Tourism is important, but it is a short season. Despite this short season, the capital investment must be paid year round. There are no subsidies such as gas rebates given in some provinces, except for those few operating under a community program in rural areas.

[26] Consequently, the sustainability of the industry is largely dependent upon not licensing an excessive number of vehicles and regulating the rates the carriers charge. Although rates must be sufficient to cover the costs of operating the service and providing some profit to the carrier, equally important, the rates cannot be predatory. Rates cannot be purely to obtain customers from other legally operating transportation services. Predatory rates jeopardize the existence of other carriers and other transportation providers.

[27] Considering the large capital investment, it is not financially prudent for people to make an investment in the industry if there is no reasonable prospect of recovering their investment with a profit. A practical outcome is that people and corporations eventually stop investing in the industry and transportation services may then be lost to the public unless supported by government subsidies.

[28] To ensure there is a motor coach industry, the *MC Act* requires the Board to regulate virtually every aspect of the industry from routes and vehicles to rates.

[2013 NSUARB 49]

[17] The Board does not regulate the rates charged by CV vehicles. CV operators may charge what they wish. Further, the Board does not regulate the number

of CVs in the market. Anyone may license one or more CV vehicles. However, CV vehicles are subject to the inspection regime under the *Motor Carrier Act and Regulations* that require them to be inspected every six months.

5.0 EVIDENCE

[18] The facts surrounding the alleged violations were described in detail in the affidavit of Motor Carrier Inspector Elvis Ingraham-Phillips, which was filed as Exhibit C-2 in this matter. He has been an inspector with the Motor Carrier Division of the Nova Scotia Department of Public Works since 2019. His affidavit stated:

Attempted Traffic Stop December 2, 2024

4. On December 2, 2024, at approximately 8:00 am, I saw a silver van with Cape Travels markings and license plate HHZ984 driving on Highway 104 near St. Peter's, Nova Scotia.
5. I ran the van's license plate number through my patrol truck's computer program system and confirmed it was related to Cape Travels.
6. Since approximately November 7, 2024, I was aware that two Cape Travels vehicles had not passed inspections conducted by Motor Carrier Division inspector Craig MacNeil.
7. Attached at Exhibit "A" to this affidavit are the Inspection Reports prepared by Craig MacNeil on November 7, 2024, following his inspection of two vehicles operated by Cape Travels, VIN 2C4RC1 BG2HR527764 (hereinafter "Cape Travels Van #1 ") and VIN 2C4RC1GG4HR515382 (hereinafter "Cape Travels Van #2").
8. Upon encountering Cape Travels Van #1 at approximately 8:00 am near St. Peter's, Nova Scotia, I decided to initiate a traffic stop to recheck Cape Travels Van #1 's inspection paperwork.
9. I activated my patrol truck's emergency lights, and Cape Travels Van #1 pulled over to the side of the road.
10. As protocol, before exiting my vehicle, I called Shubie radio dispatch service and told them the vehicle's license plate number was HHZ984.
11. I then exited my patrol vehicle and began to walk towards Cape Travels Van #1. As I got closer to the van, I could see the driver of the van talking on the cell phone.
12. I was about an arms-length away from Cape Travels Van #1 when the driver suddenly took off at high rate of speed, passing other vehicles on the highway.

13. I did not pursue Cape Travels Van #1. I went back to my patrol truck and contacted Shubie radio dispatch service to tell them what happened. I understood that the Shubie radio dispatch were alerting the RCMP.

14. Shortly thereafter, I had additional communications with the Shubie radio dispatch service and understood that the RCMP responded to the call but was not able to locate Cape Travels Van #1 in the St. Peter's area.

15. I patrolled the area myself but was not able to locate Cape Travels Van #1.

Inspection Recheck Appointment at Midway Motors

16. Later in the morning of December 2, I spoke with Inspector Craig MacNeil and came to understand that Cape Travels Van #1 and Cape Travels Van #2 were each scheduled for a recheck at Midway Motors in Middle River on either December 2, 2024, or December 3, 2024.

17. On December 2, 2024, at approximately 11 :40am, I called the Midway Motors to ask about the Cape Travels appointments.

18. I spoke with Chad McMillan, a service manager at Midway Motors, and came to understand that Cape Travels Van #1 and Cape Travels Van #2 had just arrived, and that one vehicle was being serviced on the hoist and the other was parked in the Midway Motors' Lot.

19. Following my call with Midway Motors, I contacted Shubie radio dispatch service and notified dispatch that Cape Travels Van #1, the van that fled my stop, was at MidwayMotors located at 2449 Cabot Trail, Middle River, NS, and that I would be at Midway Motors in roughly 45 minutes.

Arrival at Midway Motors

20. When I arrived at Midway Motors, I immediately noticed Cape Travels Van #1 that had fled my stop earlier that day.

21. Attached at Exhibit "B" to this affidavit are photographs I took of Cape Travels Van #1 at Midway Motors on December 2, 2024.

22. Cape Travels Van #1 was being cleaned by two men in the parking lot. I called Shubie radio dispatch service and provided an update that I had located Cape Travels Van #1 .

23. As I pulled my patrol vehicle up to the rear of Cape Travels Van #1, two men cleaning the van immediately left the Midway Motors parking lot in different directions. One of the men went inside Midway Motors and the other man walked towards the wooded area behind the Midway Motors.

24. I called Shubie radio dispatch service and provided an update. Dispatch directed me to stay in my patrol truck.

RCMP Investigation at Midway Motors

25. Two RCMP officers arrived at Midway Motors at approximately 1:30pm on December 2, 2024, I spoke with the RCMP officers upon their arrival and provided background regarding my interaction with Cape Travels Van #1 earlier in the day.

26. I remained at Midway Motors while the RCMP investigated the matter.
27. One RCMP officer went and spoke with the man inside Midway Motors and the other officer spoke with the man who had walked towards the wooded area behind Midway Motors.
28. Shortly thereafter, and based on my discussions with the RCMP officers, I understood that the RCMP identified the man that went into Midway Motors as the father of Vansh Chopra who is the owner of Cape Travels, and the man who went towards the wooded area behind Midway Motors as Karan Sedha.
29. In addition and also based on my discussions with the RCMP officers, I understood that Vansh Chopra's father and Karan Sedha each indicated that the individual who had been driving Cape Travels Van #1 earlier in the day (at the time of my earlier stop at St. Peters, NS) had gone back to Halifax.
30. In my presence, one RCMP officer had the father of Vansh Chopra call his son on speaker phone. On the call, Vansh Chopra would not provide the name or any other information regarding who was driving Cape Travels Van #1 earlier in the day.
31. The RCMP officer explained to Vansh Chopra that Cape Travels Van #1 would be impounded if Vansh Chopra did not cooperate. The call with Vansh Chopra ended and the RCMP ordered Cape Travels Van #1 be towed and impounded.
32. Next, the RCMP officer ran Karan Sedha's license and discovered it was currently suspended, and that Karan Sedha also had several outstanding tickets.
33. The RCMP officers next reviewed the surveillance video at Midway Motors to determine who was driving Cape Travels Van #1 when it arrived at Midway Motors earlier that day.
34. Shortly before 2:00pm on December 2, 2024, and after reviewing the surveillance video, the RCMP charged Karan Sedha with driving with a suspended license. The RCMP permitted me to photograph the ticket, for my records. Attached at Exhibit "C" to this affidavit is a photo of the ticket issued to Karan Sedha by the RCMP.

Subsequent Phone Calls

35. To continue investigating who was driving Cape Travels Van #1 at the time of my stop that morning, I obtained Vansh Chopra's contact information from his father.
36. At approximately 3:22pm on December 2, 2024, I called and spoke with Vansh Chopra:
- a. I identified myself as a motor carrier inspector and asked who was driving Cape Travels Van #1 that fled from my stop that morning.
 - b. Vansh Chopra said the driver had gone back to Halifax and did not provide a name. I informed Mr. Chopra that if he did not provide the driver's information soon then there would be a summary offence ticket issued.
 - c. Mr. Chopra then identified Karan Sedha as the driver of Cape Travels Van #1 at the time it fled the stop that morning.

37. At approximately 4:25pm on December 2, 2024, I received a phone call from the RCMP. Based on that call, I understood that Karan Sedha was also being charged with fleeing from a peace officer in connection with my stop of Cape Travels Van #1 that morning. The RCMP also indicated that I would be summoned to court as a witness. As of the date of this affidavit I have not received a summons, and I am not aware of a court date.

38. At 4:40pm on December 2, 2024, I received a text from the number I used to contact Vansh Chopra. The text asked if we could talk the next day.

39. At 2:59pm on December 3, 2024, I reached Vansh Chopra on the phone after getting no answer earlier that day. I asked him for information on the driver of the Van #1 that fled my stop. Vansh Chopra informed me that he was having trouble contacting the driver. Vansh Chopra then informed me that Karan Sedha was asleep and not the driver of Cape Travels Van #1 at the time of the stop.

40. At 10:33am on December 5, 2024, I missed a call from Vansh Chopra. To my knowledge, this was the last time Vansh Chopra attempted to communicate with me.

Cape Travels Vans Kilometer Count

41. While at Midway Motors on December 2, 2024, I came to understand that the odometer reading on Cape Travels Van #1 was 235,218 kilometers, which was 9,329 kilometers more than the inspection report reading on November 7, 2024. Cape Travels Van #1 was not permitted to be used for commercial purposes during this entire period.

42. I asked Vansh Chopra's father about the substantial increase in kilometers on Cape Travels Van #1 and was assured that Cape Travels Van #1 had been limited to family use prior to December 2, 2024.

43. While at Midway Motors on December 2, 2024, Mr. MacNeil also performed an inspection recheck of Cape Travels Van #2. Attached at Exhibit "D" to this affidavit is the Inspection Report prepared by Mr. MacNeil following his December 2, 2024, re-inspection.

44. The re-inspection record indicates that 3,090 kilometers had been driven on Cape Travels Van #2 between November 7, 2024, and December 2, 2024. During that entire period Cape Travels Van #2 was not permitted to be used for commercial purposes.

45. Through my discussions Mr. MacMillan of Midway Motors, I came to understand that Cape Travels Van #1 and Cape Travels Van #2 had been leased to Cape Travels by Midway Motors beginning in September 17, 2024.

46. Mr. McMillan directed me to the office inside Midway Motors and the lease agreements were printed off and provided to me. The lease agreements were each dated September 17, 2024, and recorded the mileage on each vehicle as:

a. Cape Travels Van #1: 188,903 kms.

b. Cape Travels Van #2: 153,806 kms.

47. Attached at Exhibit "E" to this affidavit are photos of the lease agreement between Midway Motors and Cape Travels.

48. I compared the mileage on September 17, 2024, to the mileage on December 2, 2024:

- a. Cape Travels Van #1 had a 46,315km increase from September 17, 2024, to December 2, 2024.
- b. Cape Travels Van #2 had a 39,325km increase from September 17, 2024, to December 2, 2024.

[Exhibit C-2, pp. 1-5]

[19] Motor Carrier Inspectors Ingraham-Phillips and Craig MacNeil also testified at the hearing. Inspector MacNeil's affidavit was also filed in this matter.

[20] Vansh Chopra and Dev Chopra also testified at the hearing. They are brothers who operated Cape Travels. The company was originally owned by Dev Chopra but was transferred by him to his brother Vansh Chopra.

[21] Cape Travels filed the affidavits of Vansh Chopra and Karan Sedha with the Board in advance of the hearing. These affidavits did not appear to be sworn as required under the *Notaries and Commissioners Act*, RSNS 1989, c. 312, as they were deposed online to an Ontario notary public while Vansh Chopra and Mr. Sedha were in Nova Scotia.

[22] Mr. Sedha did not appear at the hearing for cross-examination. As described later in this decision, the Board assigned little or no weight to Mr. Sedha's affidavit. Nevertheless, he acknowledged in his affidavit that he was driving Cape Travels' vehicle on December 2, 2024, when it was stopped by Inspector Ingraham-Phillips. He admitted having prior "tickets" and thought this stop "might cause more trouble on my driver's license". He said he was not aware of his suspension.

[23] In his affidavit, Vansh Chopra did not refer to any of the facts surrounding Inspector Ingraham-Phillips' highway stop of the Cape Travels vehicle near St. Peter's, Nova Scotia on December 2, 2024. Further, he did not refer to any of the facts surrounding the inspection of the vehicle or the interactions with the motor carrier inspectors or RCMP officers at Midway Motors in Middle River, Nova Scotia. He said that Cape Travels was

aware they were not supposed to use the vans for any commercial purpose because the vehicles were not fully inspected during the relevant times up to and including December 2, 2024. He noted that leading up to that date, they used the vans for personal use for various trips across Canada, including trips with his parents to various tourist locations in the country.

[24] During his testimony at the hearing, Vansh Chopra was asked by Board Counsel and the Board about the highway stop at St. Peter's, Nova Scotia on December 2, 2024, and the interactions with the motor carrier inspectors and RCMP officers at Midway Motors in Middle River. As described in more detail in the Board's findings later in this Decision, Vansh Chopra was evasive about his refusal to provide the name of the driver of the vehicle to the RCMP officer when he was called from Midway Motors on December 2, 2024, and later when requested to provide the name by Inspector Ingraham-Phillips on December 2 and 3, 2024. Consistent with the events outlined in Inspector Ingraham-Phillips' affidavit, Vansh Chopra's responses in his oral testimony ranged from refusing to say who was driving; to saying he was trying to call the "driver" to ascertain what happened; to saying that Mr. Sedha was the driver; to saying that Mr. Sedha was asleep in the van's front seat at the time it was stopped and someone else was driving. However, he acknowledged on questions from the Board that he did provide the vehicle to Mr. Sedha on December 1, 2024, so Mr. Sedha could visit a friend in Antigonish. Mr. Chopra also confirmed that Mr. Sedha was instructed to bring the vehicle to Midway Motors in Middle River, Nova Scotia, on December 2, 2024, so that it could be inspected by the motor carrier inspectors, as previously scheduled.

6.0 ANALYSIS AND FINDINGS

6.1 Burden of proof and defences

[25] When a matter comes before the Board for a show cause hearing, it falls to the Board to determine if the *Motor Carrier Act, Regulations*, or terms of the license were violated. The alleged violations are regulatory offences and fall into the category of “strict liability” offences. This means that the regulating authority does not have to prove any intention, only that the act or omission occurred, which resulted in the offence. If the Board finds, on the balance of probabilities, that an offence occurred, the only defence available to the Licensee is the defence of due diligence.

[26] The Licensee in this matter can avoid penalty if it can satisfy the Board that it took all reasonable steps to prevent the violations from occurring, or the Licensee had an “honest but mistaken belief” that, if true, would render the act innocent (*R. v. Sault Ste. Marie*, 1978 CanLII 11 (SCC)). The Licensee has the burden to establish this defence.

6.2 Operating vehicle with an unlicensed driver or while the driver’s license suspended

[27] The *Governor in Council Public Passenger Motor Carrier Act Regulations*, N.S. Reg 284/92, include requirements for commercial vehicle drivers which restate the requirement in the *Motor Vehicle Act* (s. 64) that CV drivers must hold a Class 4 license.

26A (1) A driver shall

- (a) when requested by an inspector to act pursuant to these regulations, give the inspector all reasonable assistance within the driver’s power to enable an inspector to carry out the inspector’s duties;
- (b) hold a Class 4 driver’s license or higher class of license, in accordance with the *Motor Vehicle Act*; and
- (c) supply the owner or operator of the commercial vehicle to be driven by the driver a certified copy of an abstract of the driving record of the driver, prior to being employed by the owner or operator and annually thereafter.

[28] Inspector Ingraham-Phillips' affidavit noted that the RCMP issued Mr. Sedha a summary offence ticket for driving while the privilege of holding a driver's license had been suspended. Inspector Ingraham-Phillips' testimony at the hearing was consistent with his written evidence on this issue:

32. Next, the RCMP officer ran Karan Sedha's license and discovered that it was currently suspended, and that Karan Sedha also had several outstanding tickets.

33. The RCMP officers next reviewed the surveillance video at Midway Motors to determine who was driving Cape Travels Van #1 when it arrived at Midway Motors earlier that day.

34. Shortly before 2:00pm on December 2, 2024, and after reviewing the surveillance video, the RCMP charged Karan Sedha with driving with a suspended license. The RCMP permitted me to photograph the ticket for my records.

[Exhibit C-2, p. 4]

The ticket issued to Mr. Sedha was attached to Inspector Ingraham-Phillips' affidavit as Exhibit "C". It alleges "On or about December 2, 2024, at 01:54 pm, Sedha, Karan [Address] at or near Cabot Trail, Middle River, County: Victoria, NS, did unlawfully commit the offence of: Driving motor vehicle while privilege of obtaining license suspended." [Exhibit C-2, Exhibit "C"]

[29] The Licensee submitted an affidavit of Mr. Sedha [Exhibit C-4]. Mr. Sedha did not appear for questioning at the hearing. The Board considered his affidavit of limited evidentiary value, particularly where the statements were self-serving or contradicted by other sworn testimony. Mr. Sedha's affidavit stated that he was informed his driver's license was suspended after providing it to the RCMP officer at Midway Motors. Mr. Sedha said he was not aware of the suspension. He said that Vansh Chopra and his father, who was in attendance at the inspection point, were left "in a shock" on learning of his suspended license.

[30] The evidence that Mr. Sedha was driving Cape Travels Van #1 while his license was suspended is not contested. However, Vansh Chopra and Dev Chopra say that they were not aware Mr. Sedha's driver's license was suspended. They say Mr. Sedha himself did not know that his license was suspended. Mr. Sedha's affidavit also says he was unaware.

[31] The Board finds that Vansh Chopra and Dev Chopra's testimony about their knowledge and awareness of Mr. Sedha's actions on the day of the incidents were not reliable or credible. As noted earlier, Vansh Chopra did not cooperate with the RCMP officer about the name of the driver, and later gave conflicting versions to Inspector Ingraham-Phillips about whether Mr. Sedha was driving the vehicle. Furthermore, as stated, the Board gave Mr. Sedha's affidavit minimal weight when it did not align with the testimony of other witnesses, because he did not appear for cross-examination. However, on the issue of Mr. Sedha's suspended license, Mr. Chopra's testimony was that he believed Mr. Sedha had a valid Class 4 license and would not have allowed him to take the van otherwise. Mr. Sedha's affidavit does align with this part of Mr. Chopra's testimony. However, the Board notes that Vansh Chopra provided no evidence that he performed any due diligence or made any reasonable inquiries about Mr. Sedha's driver licensing status prior to allowing him to take the licensed vehicle. If Mr. Sedha had possessed a valid license as Mr. Chopra believed he had, there would have been no violation on this issue.

[32] Vansh Chopra acknowledged at the hearing that he should have required Mr. Sedha to produce his Class 4 license and a driving record. He was aware of the statutory requirement that a commercial vehicle driver hold that license. Mr. Chopra

authorized Mr. Sedha to drive the Licensee's vehicle, with visible company branding, purportedly on a personal errand and then to obtain a required inspection on December 2, 2024. He allowed Mr. Sedha to fulfil this regulatory requirement with the licensed vehicle without verifying that he had a valid license to drive it. These are the minimal steps that the Board would expect a Licensee to take before allowing a driver access to a licensed commercial vehicle.

[33] In this case, the Board finds that Cape Travels did not take any reasonable steps to prevent the violation of a driver operating one of its commercial vehicles without a valid license.

[34] For the second branch of the defence, the only evidence before the Board is that Vansh Chopra believed Mr. Sedha had a valid Class 4 license, despite his license having been suspended at an unknown time prior to the date of this incident. Mr. Chopra told the Board that he asked his father to check Mr. Sedha's license. The Board heard no evidence that Vansh Chopra made any inquiries whatsoever about Mr. Sedha's driving history or past tickets, despite knowing he was required to have a valid Class 4 license. For the "honest but mistaken belief of fact" defence to be successful in this case, the Licensee must show on a balance of probabilities that it "did not know and could not reasonably have known" about the suspended license. The evidence before the Board is not sufficient for the Board to find that Cape Travels "could not reasonably have known" about Mr. Sedha's past tickets and the resulting suspension of his license.

6.3 Resisting or willfully obstructing a motor carrier inspector

[35] Section 34(2) of the *Motor Carrier Act* authorizes appointed inspectors to enforce the provisions of the *Motor Carrier Act* and *Regulations*. Inspectors are explicitly authorized to stop a vehicle, detain a driver, and require inspection for the purpose of

determining whether there is a violation. A person must not resist or willfully obstruct an inspector in the execution of their duties or the exercise of their powers under the *Motor Carrier Act* or *Regulations*, or they are guilty of an offence. Section 35(2) states:

Power to stop vehicle and require inspection

35 (2) A person who resists or willfully obstructs an inspector in the execution of his power under this Act or the regulations is guilty of an offence against this Act and liable to the penalties prescribed by Section 37.

[36] In addition, s. 42C of the *Board Public Passenger Motor Carrier Act Regulations* includes requirements for owners or operators of commercial vehicles. An owner operator must, “when requested by an inspector to act pursuant to these regulations, give the inspector all reasonable assistance within its power to enable the inspector to carry out the inspector’s duties.” (s. 42C(10)).

[37] The Board finds that the charge of resisting or obstructing an inspector in the execution of their power is exemplified by two incidents. First, the failure of the driver of Cape Travels Van #1 to remain at the scene after Inspector Ingraham-Phillips conducted the stop, as he was authorized to do under the *Motor Carrier Act*. Second, Mr. Chopra’s answers to direct questions from Inspector Ingraham-Phillips about who was authorized to drive Cape Travels Van #1 on December 2, 2024, which the Board finds, based on the evidence, were either deliberately evasive or untruthful.

[38] The Board accepts the evidence of Inspector Ingraham-Phillips that the driver of the Cape Travels Van #1 initially pulled over when he activated his truck’s emergency lights, but later fled as Mr. Ingraham-Phillips approached the van, pulling back onto the highway and passing other vehicles. Mr. Sedha admitted in his affidavit that he saw the emergency lights of the compliance officer’s vehicle indicating for vehicles to pull over:

5. ... Assuming I could possibly get into trouble because of my past tickets and this pullover might cause more trouble on my driver's license, I got panicked as soon as the officer came down from his vehicle. Thus, I escaped from the situation as soon as possible.

[Exhibit C-4, p. 1]

[39] The Licensee is responsible for the actions of its employees. The Board finds that Mr. Chopra knew that he had authorized Mr. Sedha to drive Cape Travels Van #1 on the morning of December 2, 2024, and that his intended route was from Antigonish to drop the vehicle off at Midway Motors on behalf of the Licensee. He admitted to speaking with Mr. Sedha earlier in the morning.

[40] After Mr. Chopra refused to disclose the name of the driver to the RCMP officer during their phone call at Midway Motors, Officer Ingraham-Phillips conducted his own investigation into the actions of the driver of the Cape Travels van and the Licensee. He contacted Mr. Chopra to try to obtain more information to assist in that investigation and was not able to get a direct answer to his questions. Mr. Chopra explained his reticence to disclose Mr. Sedha's name to Mr. Ingraham-Phillips based on Mr. Sedha's emotional crisis. As in the case of *Stock Transportation*, 2017 NSUARB 175, the Board finds that failure to provide the requested information constitutes resistance, contrary to s. 35(2). These incidents prove an offence. However, as described more fully in the following section, the Board also finds that Mr. Chopra provided false or misleading information to an inspector in his phone call of the afternoon of December 2, 2024, where he continued to maintain that Mr. Sedha was not driving the commercial vehicle. He then appeared to later admit that Mr. Sedha was in possession of the van earlier in the day, at the time it fled the stop. However, in a phone call the next day, Mr. Chopra again wrongfully informed Inspector Ingraham-Phillips that Mr. Sedha was not the driver, and was asleep at the time of the attempted traffic stop [Exhibit C-2, para. 39].

[41] The Board finds that, by this conduct, the Licensee willfully obstructed an Inspector in the execution of his duties and in the exercise of his powers contrary to s. 25(2) of the *Motor Carrier Act*.

6.4 Failure to provide name of driver when requested by a peace officer

[42] When Inspector Ingraham-Phillips stopped Cape Travels Van #1 he was unable to visually identify its driver and could not confirm if there was or was not a second person in the van. In Exhibit C-2 he detailed three conversations where Vansh Chopra failed to identify the driver of Van #1, once to the RCMP and twice to himself:

1) December 2, 2024, 1:30pm or thereafter

30. In my presence [at Midway Motors], one RCMP officer had the father of Vansh Chopra call his son on speaker phone. On the call, Vansh Chopra would not provide the name or any other information regarding who was driving Cape Travels Van #1 earlier in the day.

31. The RCMP officer explained to Vansh Chopra that Cape Travels Van #1 would be impounded if Vansh Chopra did not cooperate. The call with Vansh Chopra ended and the RCMP ordered Cape Travels Van #1 be towed and impounded."

2) December 2, 2024, 3:22pm

36. ... I called and spoke with Vansh Chopra:

a. I identified myself as a motor carrier inspector and asked who was driving Cape Travels Van #1 that fled from my stop that morning.

b. Vansh Chopra said the driver had gone back to Halifax and did not provide a name. I informed Mr. Chopra that if he did not provide the driver's information soon then there would be a summary offence ticket issued.

c. Mr. Chopra then identified Karan Sedha as the driver of Cape Travels Van #1 at the time it fled the stop that morning.

3) December 3, 2024, 2:59pm

39. ...I reached Vansh Chopra on the phone after getting no answer earlier that day. I asked him for information on the driver of the Van #1 that fled my stop. Vansh Chopra informed me that he was having trouble contacting the driver. Vansh Chopra then informed me that Karan Sedha was asleep and not the driver of Cape Travels Van #1 at the time of the stop.

[Exhibit C-2, pp. 3-4]

[43] The phone conversation at Midway Motors (1:30 pm call) was discussed during the hearing with Inspector Ingraham-Phillips confirming the information presented in his affidavit. He said Mr. Sedha was not present for the 1:30 pm call with the RCMP Officer. He stated that the RCMP Officer asked “multiple” times who was driving and that Vansh Chopra simply said he did not know, never mentioned Mr. Sedha by name, or stated who had been driving or authorized to drive. The RCMP Officer warned Mr. Chopra that he was wasting his time. Inspector MacNeil was present at Midway Motors and was in the “general area” of the conversation. He could not hear the full conversation but confirmed that Mr. Sedha was not present for the call. He testified that he heard the RCMP Officer tell Mr. Chopra that he was wasting his time.

[44] Under cross-examination and questioning by the Board, Vansh Chopra had difficulty distinguishing between the three conversations and their exact timelines. He stated he was not clear which conversation involved the RCMP officer versus the Inspector. He acknowledged that he asked Mr. Sedha to drive Van #1 from Antigonish to Midway Motors on December 2, 2024, and had instructed him to not have anyone else in the van. On the same day, Mr. Chopra's father and a driver were headed from Sydney to Midway Motors in Van #2.

[45] Vansh Chopra spoke to Mr. Sedha by phone at 8 am on the morning of December 2, 2024. The Board observes this would be approximately the same time that Inspector Ingraham-Phillips stopped Mr. Sedha and reported that he “could see the driver of the van talking on the cell phone”. Mr. Chopra, however, said that his conversation was a short phone call Mr. Sedha made to check in and there was no mention of being stopped, or of anyone else being in the van.

[46] Vansh Chopra was questioned repeatedly about the three conversations and what he told the RCMP Officer as to who was driving the van. He insisted that the statement that he refused to provide the name or other information on the driver to the officer was not correct. According to Mr. Chopra, Mr. Sedha was a party to the phone call and had said that he was not driving but asleep. He said he told the officer he had provided the van to Mr. Sedha. He agreed that he had not provided the name of the driver to the officer but claimed that he did not know who was driving. He admitted that he did not question Mr. Sedha during the call as to why there was someone else in the van when he had been instructed not to have anyone else in the van.

[47] Under questioning, Mr. Chopra also acknowledged that he told Inspector Ingraham-Phillips during the December 3 phone call (conversation #3) that Mr. Sedha was not the driver but was asleep in the van and someone else was driving. He said that once he learned this information was incorrect, he did not inform the inspector of the error.

6.4.1 Findings

[48] Inspector Ingraham-Phillips was a credible witness, providing concise, clear answers. Inspector MacNeil was able to corroborate two elements of the 1:30 pm conversation: the absence of Mr. Sedha and the RCMP Officer's statement that his time was being wasted by Vansh Chopra's refusal to name the driver. By contrast, Vansh Chopra and Dev Chopra were unclear on many specifics and the Board spent considerable time trying to seek clarification of their answers. Some responses remained vague or inconsistent despite repeated questioning. The Board considers that the testimony of Inspector Ingraham-Phillips was credible, both due to its consistency and the corroboration that Inspector MacNeil was able to offer. The Board accepts the evidence provided by Inspectors Ingraham-Phillips and MacNeil and it rejects the evidence of the

Licensee's witnesses on this issue. As noted earlier, Vansh Chopra failed to provide the driver's name to the RCMP officer and gave different versions of the facts to the Inspector, including his statement that Mr. Sedha was not driving and was asleep in the front seat, after he had told the Inspector a day earlier that Mr. Sedha was driving.

[49] The Board notes that s. 258(1) of the *Motor Vehicle Act* requires that if there is a violation of that *Act* the registered owner of a vehicle is to supply a peace officer "with the name and address of the person in charge of the vehicle at the time of such violation" upon request, within 48 hours of the request. The Board notes that the *Motor Vehicle Act* specifies the "person in charge" of the vehicle. In this case, Vansh Chopra authorized Mr. Sedha to operate the vehicle, placing him in charge. Vansh Chopra is the owner of Cape Travels and had a responsibility under the *Act* to inform both the RCMP Officer and Inspector Ingraham-Phillips that Mr. Sedha had been placed in charge of the vehicle. On three occasions this information was requested of Mr. Chopra by a peace officer, including multiple requests by the RCMP Officer during the 1:30 pm call. The Board accepts that Mr. Chopra failed to provide this information either initially or within the 48 hour period. Mr. Chopra, by his own admission at the hearing, did not attempt to correct the erroneous answer that he had provided to Inspector Ingraham-Phillips during the December 3 conversation (i.e., that Mr. Sedha was not driving, but was asleep). As such, the Board finds Cape Travels in violation of s. 258 (1) of the *Motor Vehicle Act*.

[50] Section 258 (6) provides a defence to a violation of the *Motor Vehicle Act* if the vehicle was operated without the "knowledge or consent" of the owner or the person who had the vehicle with the consent of the owner. Regardless, there is no credible evidence of a second driver being in the van in addition to Mr. Sedha (in fact, Mr. Sedha

said in his affidavit that he was the driver). Even if there had been, Mr. Chopra would remain responsible for identifying Mr. Sedha as the individual “in charge” of the vehicle, which he failed to do to the RCMP officer and the Inspector, and he remained evasive on this point at the hearing.

6.5 Conducting trips with uninspected commercial vehicle

[51] While he was at Midway Motors, Inspector Ingraham-Phillips inspected the mileage on Vans #1 and #2. According to his affidavit this showed that:

- a. On December 2, 2024, Van #1 had an odometer reading of 235,218 km, this was 46,315 km more than the km on the September 17, 2024, lease date and 9,329 km more than on November 7, 2024, which was the date of the last failed motor vehicle inspection.
- b. On December 2, 2024, Van #2 had an odometer reading of 193,131 km, which was 39,325 km more than the km on the September 17, 2024, lease date and 3,090 km more than on November 7, 2024, which was the date of the failed motor vehicle inspection.

[52] Cape Travels acquired its license in June of 2023. It leased Vans #1 and #2 on September 17, 2024, and applied to have them on their CV License on October 28, 2024. Operation of the vehicles requires a valid motor vehicle inspection which was not done until November 7, 2024, which both vehicles failed. Between November 7 and December 2, 2024, neither vehicle was permitted to be used for commercial purposes due to a failed motor vehicle inspection. Inspector Ingraham-Phillips stated that Vansh Chopra’s father told him that Van #1 had been “limited to family use prior to December 2, 2024”.

[53] In addition, Board Counsel produced social media posts dated in the months prior to December 2, 2024, where either Cape Travels or Vansh Chopra advertised Halifax to Sydney shuttles. Vansh Chopra stated he saw Cape Travels as a broker, gaining commissions for other drivers. Further, it was “just marketing”, that could engage future clients. Dev Chopra stated that being:

... a broker when you are not able to drive is not a bad thing, I think. Being just a broker when we are not able to drive and we are not able to earn. We have to fill up our stomachs. I think the commission-based thing is the best thing we can do. That's legal.

[Soundfile, March 27, 2025]

6.5.1 Findings

[54] There is evidence to suggest that Cape Travels may have been operating with uninspected vehicles. That evidence includes the large increase in kilometres on the odometer while the vehicles were not permitted to operate for commercial purposes; the advertising for Cape Travels on the internet and social media; and the fact that Mr. Sedha was stopped on the highway heading in the direction of Sydney, well past the turnoff for Midway Motors, and several hours before that appointment. In each of these cases, explanations were provided by the Licensee. In the case of the high kilometrage, they asserted that the vehicles were used for personal matters including trips to Edmonton, Kelowna and two trips to Kitchener, Ontario, and for moving Dev Chopra from Sydney to Halifax. They stated that while traveling they stayed with family and used cash and hence could provide no receipts or other evidence of their trip. Nor did they produce any travel photos.

[55] Vansh and Dev Chopra said the advertising on the internet was simply done to help solicit business for other drivers and was done on commission. Cape Travels provided a list of clients that it referred to Shuttle 24, another driver service.

[56] While the Board is not fully convinced by these explanations, there is no direct evidence that Cape Travels was operating its business and offering trips with unlicensed vehicles. There is no testimony of such activity from witnesses such as passengers. Nor was Cape Travels observed conducting trips by Inspectors. As such, the Board is unable to conclude, on the balance of probabilities, that trips were being conducted with unlicensed vehicles.

[57] Cape Travels admitted to falsely advertising its services on social media using their name and business logo, even though their vehicles were not properly inspected. It is unfortunate the Licensee chose to mislead potential clients by doing so, but that is a matter outside the scope of this proceeding.

6.6 Disposition - suspension

[58] The Board has the authority to cancel or suspend a license if the operator has operated in contravention of the *Motor Carrier Act* and *Regulations*, or the terms and conditions of the license:

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.

[59] The Board reviewed the principles that apply in considering what actions to take under s. 19 in cases where a licensee has committed offences under the legislation. In *SeeSight Tours*, 2025 NSUARB 28 (M11416), a matter also involving a Commercial Vehicle License holder, the Board stated that the principles of general and specific deterrence apply:

[39] 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.

[40] 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.

[SeeSight Tours, 2025 NSUARB 28]

[60] Board Counsel did not make any submissions on what penalty, if any, the Board should apply in this matter. Cape Travels submitted that no penalty should be imposed.

[61] The Licensee's circumstances must also be considered. This is Cape Travels' first disciplinary matter. However, the Board notes that Cape Travels has only held its Commercial Vehicle License since June 2023. Further, by their own admission at the hearing, they have not operated under the license during extended periods since that time, in part because they were securing vehicles and having them inspected by the Motor Carrier Division to be placed in operation. Thus, the Board considers that Cape Travels was still an inexperienced operator.

[62] Further, the Board is mindful that the cancellation or any suspension of the license would have a significant financial impact on Cape Travels. Vansh Chopra testified at the hearing that they had difficulties having vehicles inspected and placed in operation, so it was imperative on their part to continue receiving revenues from booked trips to remain financially viable.

[63] As noted above, the principles of specific and general deterrence apply in deciding whether the Board should cancel or suspend the license under s. 19 of the *Motor*

Carrier Act. It is important that this carrier, and other carriers in the industry, recognize the need to comply with the province's safety and regulatory requirements. The Licensee must also take responsibility for its actions and failure to comply with these requirements.

[64] Finally, the Board notes that it was the driver of the vehicle who committed the actual offences of driving while his license was suspended and fleeing from the motor carrier inspector after he had stopped the vehicle, thereby resisting or willfully obstructing a motor carrier inspector contrary to s. 35(2) of the *Motor Carrier Act*. While the driver may face the consequences of his actions in the courts, the operators of Cape Travels must take responsibility for failing to exercise due diligence to ensure that the driver was properly licensed.

[65] Further, the Board concluded earlier in this decision that Cape Travels' owner failed to provide the name of the driver of the vehicle when requested to do so by a peace officer, contrary to s. 258 of the *Motor Vehicle Act* and also willfully obstructed the inspector in the execution of his duties. Initially, the Cape Travels' owner, Vansh Chopra, refused to provide the name of the driver to the RCMP officer, then he refused to provide the name to the motor carrier inspector, who is also a peace officer. While he did provide Mr. Sedha's name at one point to the Inspector, Mr. Chopra later said that Mr. Sedha was asleep in the van and was not the driver. His evasiveness continued at the Board hearing during questioning by Board Counsel and the Board. These actions are wholly inappropriate and represent a willful disregard of lawful requests by peace officers, including a motor carrier inspector attempting to ensure compliance by the Licensee with the province's statutory and regulatory requirements.

[66] 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 requirements, the Board finds that Cape Travels' Commercial Vehicle License shall be suspended until January 1, 2026.

7.0 CONCLUSION

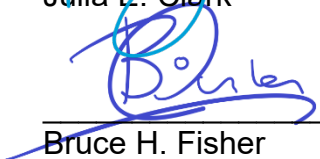
[67] After having considered the evidence and the submissions of the parties, the factors set out in s. 13 of the *Motor Carrier Act*, and the nature of the violations, the Board finds that Commercial Vehicle License Number CV03459 issued to 15048923 Canada Inc., operating as Cape Travels, is suspended until January 1, 2026, effective immediately.

[68] An Order will issue accordingly.

DATED at Halifax, Nova Scotia, this 4th day of July 2025.



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Julia E. Clark

Bruce H. Fisher