

DECISION

2026 NSRAB 10
M12337

NOVA SCOTIA REGULATORY AND APPEALS BOARD

IN THE MATTER OF THE MOTOR CARRIER ACT

- and -

IN THE MATTER OF THE MOTOR VEHICLE TRANSPORT ACT

- and -

IN THE MATTER OF THE APPLICATION of ISM GLOBAL GROUP LTD. O/A ISM'S ATLANTIC SHUTTLE for the issue of a Motor Carrier Licence and an Extra Provincial Operating Licence

BEFORE:

Bruce H. Fisher, MPA, CPA, Panel Chair
Jennifer L. Nicholson, CPA, CA, Member
Marc L. Dunning, P.Eng., LL.B., Member

APPLICANT:

ISM GLOBAL GROUP LTD. O/A ISM'S ATLANTIC SHUTTLE
Sandeep Kumar

OBJECTORS:

TRI-MARITIME BUS NETWORK INC.
Ryan Cassidy

HEARING DATE:

November 18, 2025

DECISION DATE:

January 13, 2026

DECISION:

Application is denied.

Table of Contents

I	SUMMARY	3
II	BACKGROUND.....	3
III	LAW.....	4
IV	EVIDENCE	8
V	CONCLUSION.....	13

I SUMMARY

[1] ISM Global Group Limited operating as ISM's Atlantic Shuttle (Applicant) applied to the Nova Scotia Regulatory and Appeals Board for a motor carrier licence and an extra-provincial operating licence for a 15-passenger van to provide daily passenger service between Moncton, New Brunswick and Halifax, Nova Scotia, and seasonal sightseeing tours of the Cabot Trail in Cape Breton.

[2] Tri-Maritime Bus Network Inc. (Tri-Maritime) objected to the application.

[3] The Board considered the evidence and submissions in the context of the test it applies to applications for a motor carrier licence and an extra-provincial operating licence. Among other things, the Applicant must generally show that there is a demand for the proposed service that cannot be met by existing carriers.

[4] The Board is not satisfied that the Applicant's evidence establishes that there is a need for the Moncton to Halifax daily service that cannot sufficiently be met by existing carriers and the seasonal sightseeing tours are not financially sustainable on their own. The application is denied.

II BACKGROUND

[5] A Notice of Application was advertised in the Royal Gazette on July 16, 2025, posted on the Board's website and forwarded to licenced motor carriers by email, fax or mail.

[6] The application was heard on November 18, 2025. The Applicant was represented by, Sandeep Kumar, Owner. Tri-Maritime was represented by Ryan Cassidy, Director of People & Processes.

[7] The proposed Moncton to Halifax service would leave daily from Moncton at 7:00 a.m., with two stops in New Brunswick, at the Moncton airport, and Sackville, and the remaining stops in Nova Scotia in Amherst, Oxford, Truro, the Halifax airport, the Dartmouth Ferry terminal, and arriving at a gas station near a bus terminal by the VIA rail station in Halifax at 10:35 a.m. The return trip would start later the same day from the same Halifax location at 5:30 p.m., with stops at the same locations as above, returning to Moncton at 9:10 p.m. This service would operate every day of the year. The Applicant proposes rates of \$50 + HST per person one-way (\$100 + HST return) with rates decreasing based on pick-up and drop-off location.

[8] The Applicant says there is a need for this service that is not being met by other providers. Tri-Maritime says it provides essentially the same service, there is no evidence of any significant demand for the proposed service, and it can meet any demand.

[9] The proposed Cabot Trail tours would be on Saturdays and Sundays from June to the end of October. They would originate from Moncton one week and Halifax the next week, leaving early in the morning and returning later the same day. They would cost \$150 + HST per person.

III LAW

[10] An application for a motor carrier licence in Nova Scotia is made under the provincial *Motor Carrier Act*, RSNS 1989, c 292 (*Motor Carrier Act*). An application for an extra-provincial operating licence is made under the federal *Motor Vehicle Transport Act*, RSC 1985, c 29 (3rd Supp) (*federal Act*). Sections 5 and 6 of the federal *Act* require the

Board to administer extra-provincial licences under the same regulatory and administrative regime as provided for in the province. This means that in Nova Scotia an application for a motor carrier licence and an extra-provincial operating licence is determined by the requirements of the provincial *Motor Carrier Act*.

[11] The test the Board usually applies on *Motor Carrier Act* applications is summarized in *Re Pengbo Fu o/a Pengbo's Shuttle*, 2020 NSUARB 87, aff'd 2020 NSCA 83, as follows:

[45] The *MC Act* provides the following guidance to the Board on matters it may consider:

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.

These apply equally to amendment applications, ss.12 and 19.

[46] Thus, in assessing an application, the Board considers, among other factors in s. 13, the public interest; the quality and permanence of service to be offered; general effect on other transportation services; and the sustainability of the industry including whether there is need for additional equipment in the area. In addressing whether there would be an excess of equipment under s. 13(a) above, the Board must consider whether there are vehicles currently licensed which could provide the services applied for. In other words, is there a need for the services and/or equipment sought by the Applicant?

[47] The *MC Act* requires the Board to balance, in each case, the various relevant issues and interests which may overlap and, at times, conflict.

...

[51] In each case, the applicant must prove to the Board that, after taking all factors into consideration, the Board should grant the application, *Molega Tours Limited*, 2013 NSUARB 243, para. 23.

[12] Section 51B of the *Public Passenger Motor Carrier Act Regulations*, NS Reg 283/92 (*Regulations*), made under the *Motor Carrier Act*, exempts a “commercial vehicle” from certain provisions of the *Act* and *Regulations* including Section 13 of the *Act* referred to above. A “commercial vehicle” is defined in s 2 of the *Regulations* as:

“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;

[13] Where Section 13 applies, the Board expects applicants to provide “cogent and tangible evidence” about how they intend to operate, their potential clientele including why they are not already being served by existing carriers, and the financial viability of the proposed business. As the Board explained in *Aisha Jardine o/a Black Shag Tours (Re)*, 2023 NSUARB 126:

[16] Where there are objections to an application, there is an obligation on the part of an applicant to provide cogent and tangible evidence supporting the need for the requested license. In this case, the request included a charter authority. Except for the general proposition that the applicant wanted to provide the services, there was no evidence that there was a need for the service that could not be met by existing carriers.

[17] Section 13 of the *MCA* provides guidance about what matters should be addressed in making an application to the Board for a new license, including evidence about the “fitness, willingness and ability” of the applicant to provide service of “quality and permanence”; the impact on other transport services; and whether approving the application would result in an excess of motor carrier equipment in the market.

[18] While it is up to an applicant to decide how the application is presented to the Board, it is reasonable to expect that an applicant would provide evidence about how it intends to operate and the potential clientele. Preferably this should be a written business

plan, but at a minimum at least some documentation is required to support the application. This might include:

- financial projections of forecasted revenues and expenses, including operating expenses such as salaries, fuel, insurance, repairs and maintenance, as well as expenses to purchase, lease, or finance the motor coach, bus, minibus, van or limousine to be used in the business;
- any financial analysis undertaken including projected ridership and breakeven points based on a few assumptions;
- the qualifications, training and experience of the applicant and key employees to manage and operate a safe and sustainable motor carrier business; and
- a marketing or sales plan about the target market, how the applicant intends to attract its clients, and more importantly, to demonstrate to the Board that this clientele is not already being served by the existing motor carrier industry. This type of evidence would generally include:
 1. letters and emails from potential clients who tried to hire existing carriers but were refused because the carriers were not available,
 2. letters or emails of support from potential clients that show there is a “niche” market that is not adequately served by existing carriers, and
 3. survey or market research that demonstrates the size of the market and demand for any increased service.

[19] The documentation should be filed in advance of the hearing. Depending on the sophistication of the business, the documentation should normally include, at the very least, a pro forma income statement supported by estimates or quotes from potential suppliers; diplomas, training certificates and résumés of the owner/operator and key employees; and letters of support and testimonials from potential clients, groups and associations describing why the new service is needed and cannot be served by existing motor carriers. Where the application is opposed, those who wrote letters of support may be required to appear at the hearing if required by the objectors and the Board.

[14] With respect to proving the need for a proposed service, evidence that is anecdotal, suggests limited inquiries, and lacks documentation will generally not be sufficient, as explained in *Southland Transportation Ltd. (Re)*, 2021 NSUARB 26:

[29] ... the Board does not consider the limited inquiries as to the potential services, or anecdotal evidence ... of the general and undocumented nature discussed in the evidence, without any documented instances indicating the requested services could not be provided by the existing licensed motor carrier fleet, establishes a need for such service. ...

[15] Objectors are expected to provide evidence to support their position that an application should not be granted. In 3259293 *Nova Scotia Limited (Re)*, 2023 NSUARB 160, the Board provided the following guidance:

[39] ... Where an applicant has provided substantial evidence to establish, on the balance of probabilities, if accepted, that an application should be granted, the Board expects an objector would provide evidence of sufficient quality to support the proposition that it should not.

...

[41] While it is up to objectors to determine how they present their case, having some verifiable evidence would be helpful in the Board's deliberations. While not necessarily applicable to every case, this could include:

- Utilization data about the vehicles authorized under an objector's license and whether in fact there was availability at a reasonably comparable price to address the applicant's lack of ability to meet demands with its existing fleet.
- Financial statements showing the profit or loss trends of an objector's motor carrier business.
- Documentation showing whether in fact the objector's business is in competition with the applicants. This could include promotional materials and the point of origin of the objector's tours.
- Survey, market research, or other verifiable evidence that demonstrates the market has reached a saturation point.

IV EVIDENCE

[16] Mr. Kumar testified that he is a mechanical engineer by profession and previously worked in the motor carrier industry in India where he drove a van transporting passengers between cities. He currently operates a delivery service in Amherst. He has no experience transporting passengers in Nova Scotia or conducting tours but said he has a clean 10-year driving history, is in the process of getting his Class 4 licence and will be taking additional training related to the proposed service.

[17] According to Mr. Kumar, there is a lack of daily, return transportation service between Moncton and Halifax and he wants to fill this gap. He said the proposed service will be used by students and people who want to come to Halifax for shopping and appointments and return to Moncton (or other drop-off locations along the way) the same day. He expects that 90% of people using his service will be same day return customers.

He said that the proposed service will complement Tri-Maritime's service because someone could use his service to go to Halifax and use Tri-Maritime to return, or vice versa.

[18] Mr. Kumar filed a two-page business plan [Exhibit I-4] setting out his objectives, services offered, target market, marketing strategy, operations plan and legal and regulatory requirements. The plan is in bullet format and contains no financial information. He testified that he carried out a financial analysis that considered expenses, including the cost of the van, insurance, maintenance, fuel and salaries, and revenue based on 70% capacity of the Moncton to Halifax service (10 return customers per day), which showed that he would make a profit and the business would be sustainable. He said these projections were based on having one 15-passenger van, although he admitted that in order to provide the Cabot Trail tours in the summer and have a back-up vehicle in the event of break-down, etc., a second van would be required. He believes he can achieve 70% capacity on the Moncton to Halifax service throughout the year given the increase in population post-2020. He has been approved for financing to purchase one 15-passenger van but has not purchased it yet. Mr. Kumar will be the driver of the van and will have one additional, fully qualified driver.

[19] A social media survey of the proposed Moncton to Halifax service was conducted through Facebook. Mr. Kumar said that he posted the survey in four local groups in Moncton, Amherst and Oxford. The survey included the following overview of the proposed service and the following question:

We're exploring the idea of launching a daily passenger shuttle between Moncton and Halifax, with convenient stops in Sackville, Amherst, Oxford, Truro, Halifax Airport, Dartmouth, and Halifax Bus Terminal.

Currently, there is no option for people to travel to Halifax and return to Moncton on the same day – making it difficult for students, workers, air travelers, and families to attend appointments, meetings, classes or flights.

Our proposed service would change that by:
Offering morning departures & same-day return trips
Providing faster service to Halifax Airport.
Supporting students, workers, commuters & families along the route:

Poll Question:

Would you use a reliable, affordable shuttle service between Moncton and Halifax if it were available?

Yes – This is much needed!
Yes – Especially for airport & student travel!
Maybe – Depends on pricing & schedule

[Exhibit I-11, p. 2]

[20] Mr. Kumar said that he received approximately 400 responses and the majority said they would use the proposed service. He also said he met with many people who said they would use the service.

[21] Mr. Cassidy testified about Tri-Maritime's daily run experience, which includes Moncton to Halifax. He described Moncton/Halifax as the main corridor in its network and the busiest route. He said that from 2012 to the beginning of the pandemic in 2020, Tri-Maritime operated its daily run service with departures from each of Moncton and Halifax three times per day - morning, midday and evening. This schedule was not financially sustainable because the morning and evening runs were used less frequently and the customer base was spread across three departure times.

[22] Post pandemic, Tri-Maritime initially offered only a midday line run and found that it retained 100% of its pre-pandemic ridership. In the last three to four years, the company has added morning and evening runs on Fridays and Sundays of long weekends and in the summer, which Mr. Cassidy said was done to monitor the market. When offering these additional departure times, Tri-Maritime found that 80% of its

ridership book the midday run and only 20% choose the morning or evening. Mr. Cassidy said that although same day return service is cheaper for customers, less than 10% of Tri-Maritime's customers opt for same day return service and he hasn't seen a large uptake in demand for that service.

[23] Mr. Cassidy says that Mr. Kumar is proposing a very similar service to what Tri-Maritime already offers, serving the same municipal units, with pick-ups and drop-offs in the same locations or locations close by, and with nearly identical pricing. He says that the Facebook survey doesn't prove demand and that Mr. Kumar's expectation of 70% capacity and 90% same day return customers is not realistic based on Tri-Maritime's experience.

[24] Mr. Cassidy also says that if the Applicant operates at 70% capacity, Tri-Maritime could lose 10 customers going from Moncton to Halifax and 10 customers returning from Halifax to Moncton, which, based on Tri-Maritime's rates, could reduce its revenue by approximately \$400,000 per year. He says that long-term, this amount of loss could be significant and may lead to service reductions in low population areas compromising the sustainability of its network.

[25] For the proposed Cabot Trail tours on Saturdays and Sundays from June to October, Mr. Kumar said the departure location will alternate between Moncton and Halifax on a weekly basis. He would leave in the early morning and arrive back late at night. The target market for this service is Nova Scotia residents who want to travel and see the Cabot Trail but cannot otherwise afford to do so.

Findings

[26] The Applicant is proposing to use a 15-passenger van for the service. This vehicle does not meet the definition of “commercial vehicle” in the *Regulations* and is not exempt from the provisions of the *Motor Carrier Act* for any other reason. The Board must therefore consider all of the factors in Section 13 of the *Motor Carrier Act*, including whether there is a need for the service that cannot be met by existing carriers.

[27] The Facebook survey suggests that approximately 400 people may use the daily Moncton/Halifax service, but the one question asked in the survey was general. No information on departure/arrival times or cost were provided, and survey participants were not asked important questions such as whether they would use the service one-way or return the same day and how often they would use the service. There were no letters of support or testimonials from potential clients explaining why the proposed service is needed and cannot be served by existing carriers. Tri-Maritime already operates a daily run service that includes the Moncton to Halifax corridor that is not fully utilized, suggesting that it can service more demand. With respect, the Board finds the Applicant’s evidence on the crucial factor of need to be too general and overall insufficient, especially considering the Board’s past decisions in *Black Shag* and *Southland Transportation*, and the evidence from Tri-Maritime’s experience over several years.

[28] The Board is also concerned about the financial viability of the proposed service. The Applicant filed no financial projections. Mr. Kumar testified that he carried out a financial analysis and determined that the business would be profitable if he achieved 70% capacity on the Moncton to Halifax service, but the analysis was not provided to the Board. He admitted that the analysis only included costs related to one

15-passenger van and that he would need a second van in order to be able to provide the seasonal Cabot Trail tours and a back-up if there was a break-down or other issue with the first van. Mr. Kumar provided no financial analysis for the seasonal tours but it was clear to the Board from his testimony that the tours were effectively an “add-on” service to the daily Moncton/Halifax service and that the tours would not be financially sustainable on their own. The Board is unable to find that the Moncton to Halifax daily run and the seasonal Cabot Trail tours, either together or individually, is financially viable because of the lack of financial information.

V CONCLUSION

[29] The Board has reviewed and considered the evidence and submissions in this matter. Applying the applicable law and the test developed by the Board under the *Motor Carrier Act*, it finds that, on a balance of probabilities, the Applicant has not shown that the facts support the granting of this application. The application is denied.

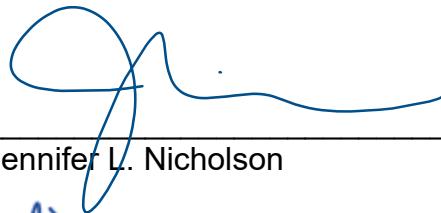
[30] An Order will issue accordingly.

[31] The Board notes that there is nothing preventing the Applicant from applying again with more fulsome evidence or from revising its approach and applying for a commercial licence.

DATED at Halifax, Nova Scotia, this 13th day of January 2026.



Bruce H. Fisher



Jennifer L. Nicholson



Marc L. Dunning