

DECISION

2026 NSRAB 7
M12271

NOVA SCOTIA REGULATORY AND APPEALS BOARD

IN THE MATTER OF THE MOTOR VEHICLE TRANSPORT ACT

- and -

IN THE MATTER OF THE APPLICATION of THE PEI CAR RENTAL COMPANY INC.
for the issue of an Extra-Provincial Operating License

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

APPLICANT: THE PEI CAR RENTAL COMPANY INC.
Michael Commissio
Tolga Toprak
Ozlem Toprak

INTERVENORS: **COACH ATLANTIC TRANSPORTATION GROUP INC.**
Matthew Cassidy

TRI-MARITIME BUS NETWORK INC.

WARD L. MARKIE O/A MARKIE BUS TOURS

HEARING DATE: August 26 and October 30, 2025

DECISION DATE: January 12, 2026

DECISION: Application is denied.

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I SUMMARY

[1] The PEI Car Rental Company Inc. (Applicant) applied to the Board for an extra-provincial operating license under the *Motor Vehicle Transport Act*, RSC 1985, c 29 (3rd Supp) to operate two 56-passenger motor coaches and two 14-passenger minivans to offer a scheduled shuttle service between Charlottetown and the Halifax Stanfield International Airport (Halifax Airport). This shuttle will serve passengers from Prince Edward Island (PEI) and will be scheduled based on flight times. This service is to facilitate individuals and groups travelling to other destinations on flights departing from the Halifax Airport or to bring people arriving at the Halifax Airport to PEI.

[2] Coach Atlantic Transportation Group Inc. (Coach Atlantic), Tri-Maritime Bus Network Inc. (Tri-Maritime) and Markie Bus Tours (Markie Tours) objected to the application.

[3] The Board considered the evidence and submissions in the context of the test it applies to applications for an extra-provincial license. 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 sufficient need for the service that cannot be met by existing carriers. The application is denied.

II BACKGROUND

[5] On April 10, 2025, the Applicant applied to the Board for the extra-provincial license described above. A Notice of Application was advertised in the Royal Gazette on

June 18, 2025, posted on the Board's website and forwarded to licensed motor carriers by email, fax or mail.

[6] The hearing began on August 26, 2025. During the hearing, the Applicant referred to an audited forecast and business plan that it believed it filed with the Board but which the Board had not received. The hearing was adjourned to give the Applicant time to file the plan and for the objectors to provide any response. The hearing resumed, and concluded, on October 30, 2025.

[7] The Applicant was represented by Michael Comisso, and the Applicant's principals, Tolga and Ozlem Toprak. The objectors were represented by Matthew Cassidy, President of Coach Atlantic; Ryan Cassidy, Director of People & Processes for Tri-Maritime; and Ward L. Markie, owner of Markie Tours.

[8] During the hearing, the Applicant confirmed that it is not seeking approval for any regularly scheduled shuttle service between the Halifax Airport and PEI but is seeking approval to transport pre-arranged, private groups arriving and departing on specific flights at the Halifax Airport, to PEI and back.

[9] The Applicant proposes rates of \$2,550 + HST and \$2,750 + HST for one-way and return (same day) transportation, respectively, for each of the 56-passenger coaches, and \$1,050 + HST and \$1,350 + HST for one-way and return (same day), respectively, for each of the 14-passenger minivans.

[10] The Applicant's business is based in, and focused on, PEI. Many of its customers fly into and out of the Halifax 'Airport and it wants to be able to transport them to PEI and return them to the airport at the end of their trip. Because the proposed service will be tied to specific flights and all passengers will be booked for the same departure or

arrival times, the Applicant says it will be servicing a niche market that is not currently being served by existing carriers.

[11] The objectors say that there is no evidence of any significant demand for the proposed service and that any demand can be met by existing carriers.

III LAW

[12] Sections 5 and 6 of the federal *Motor Vehicle Transport Act* require regulatory authorities to administer applications for extra-provincial licenses under the same regulatory and administrative regime as provided for in the province. This means that the Board must determine an application for an extra-provincial operating license based on the requirements of the Nova Scotia *Motor Carrier Act*, RSNS 1989, c 292.

[13] The test the Board applies on this type of application 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.

[14] 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.

[15] 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. ...

[16] Objectors are expected to provide evidence to support that an application should not be granted. In *3259293 Nova Scotia Limited (Re)*, 2023 NSUARB 160, the Board found as follows:

[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

[17] The Applicant is incorporated under the *Companies Act (PEI)* and is based in PEI where it has been in business for over seven years and currently has a fleet of 138 cars, two 56-passenger, 2025 MCI J4500 motor coaches, and two 14-passenger, 2025 Mercedes Benz Sprinter minivans. The coaches and minivans were purchased new in 2025. Mr. Comisso testified that the Applicant operates throughout the United States and Canada, with licenses pending in Quebec and New Brunswick.

[18] The Applicant's principals, Tolga and Ozlem Toprak, have been in the motor carrier business for over 30 years. They are originally from Turkey and continue to be involved in a business in that country that has a fleet of approximately 130 buses and 100 cars. Mr. Comisso referred to them as having considerable experience and, as an example, said that they were commissioned to provide transportation services to the 2015 G20 Summit in Turkey.

[19] Mr. Comisso testified that the Applicant's business is solely focused on people going to and coming from PEI and that the extra-provincial license is needed to

allow the Applicant to pick up customers arriving at the Halifax Airport who are travelling to PEI and take them back to the airport at the end of their trip. In cross examination from Ryan Cassidy, Mr. Commissio confirmed that despite the reference in the application to a regularly scheduled shuttle service, the Applicant does not intend to run that type of service for individual passengers between PEI and the Halifax Airport.

[20] The Board issued a two-week temporary license to the Applicant on June 26, 2025, which allowed it to transport a group that arrived at the ALT Hotel at the Halifax Airport to PEI for various day trips and return them to the airport. They also transported a sports team with whom they have an ongoing agreement, dropping them off at the airport and returning them one week later. Mr. Toprak testified that the Applicant is currently in discussions with other sports organizations and groups.

[21] Mr. Commissio said that the Applicant does not have a specific client base but gets 9-10 calls per week related to coach services in general and 3-4 calls per week related to pick ups at the Halifax Airport for transportation to PEI. He said that in the time spanning the hearing of this application, between August 26 and October 30, 2025, the Applicant received approximately 20 calls (8 emails and 12 phone calls) about services which represented approximately \$80,000 in business that it had to turn away. However, he could not say whether the calls were from individuals or groups, what type of services the calls were for, and no details were provided to support the \$80,000.

[22] Mr. Commissio said that Halifax is the “main hub” for the Applicant’s customers because many people get to PEI by first flying into Halifax. Ms. Toprak testified that she also wants to be able to accommodate PEI customers who want to fly south in the winter, e.g., to Cuba or Cancun. She testified that the Applicant wants to be seen as

a boutique, luxury, charter company bringing a different approach to service by doing things no one else is doing. She referred to “Turkish hospitality” with which she is familiar, and, as an example, putting bottles of water on each seat which she did with car rentals.

[23] The Applicant filed a document titled, “Projected Financial Information – December 31, 2025, 2026 and 2027”. It contains financial projections for the Applicant for 2025-2027. Mr. Toprak testified that this document was prepared as part of the application for financing the purchase of the two new coaches and two new minivans and is based on his assumptions of expenses. The projections are for the Applicant’s entire business operation. They do not specifically address the financial viability of the services proposed in this application. Mr. Toprak was not able to explain what specific revenues were projected for the extra-provincial license or how many customers that license would serve.

[24] The projections show operating losses for the Applicant in April, May, November and December 2025, before returning to net positive earnings in January 2026 and continuing to the end of the forecast period in December 2027.

[25] In cross examination from Matthew Cassidy and Mr. Markie, Mr. Toprak was asked about the allowance of \$5,000 per year for maintenance, which they both believed was low for coaches. Mr. Toprak admitted that this estimate was prepared without considering the regulatory inspections required in Nova Scotia, but that even if the allowance was \$10,000 or \$15,000, that would not affect the financial viability of the Applicant.

[26] Matthew Cassidy and Mr. Markie also questioned Mr. Toprak on his proposed rate of \$2,550 per day for the 56-passenger motorcoaches. Mr. Cassidy referred to Coach Atlantic’s rates, which are \$1,475 – \$1,575 per day. Mr. Toprak said

that he is getting \$2,550 per day and noted that Mr. Markie quoted \$3,600 per day to his customers.

[27] The Applicant provided seven customer reviews of Tri-Maritime and Coach Atlantic between May 2024 and July 2025. These reviews refer to complaints about service including for trips between Port Hawkesbury and the Halifax Airport; Oxford to the Halifax Airport; Amherst to PEI; and Charlottetown to Moncton. None appear to relate to trips between the Halifax Airport and PEI. The Applicant provided no evidence in the form of letters, emails or other communications from current or prospective customers specific to its proposed service. There were no letters of support or testimonials from potential clients, groups or associations describing why the proposed service is needed and cannot be served by existing motor carriers.

[28] Coach Atlantic provided a spreadsheet showing the utilization of its premium motor coaches in 2024, which ranged from 61% in December to 93% in September, with an average of 78% for the year. The utilization of its seasonal fleet during the busy season from May to October 2024 ranged from 24% in May to 71% in September with an average of 43%. Matthew Cassidy testified that this data shows that Coach Atlantic has the capacity to serve any demand for the proposed service. He provided an example where Coach Atlantic received a call on September 16, 2025, for a coach to go from the Halifax Airport to PEI four days later and was able to meet that need despite the request coming at its busiest time of year. Coach Atlantic also provided a spreadsheet showing that it made a total of 24 trips between the Halifax Airport and PEI in 2024.

[29] Ryan Cassidy testified that Tri-Maritime does one line run per day, two on weekends, between the Halifax Airport and PEI. These are not tied to specific flights. He

testified that the company previously tried linking line runs to specific flights, but it was very difficult. Tri-Maritime provided a spreadsheet showing that in 2024 it took a total of 1,608 people from the Halifax Airport to PEI and 1,615 people from PEI to the Halifax Airport, and that there were no sellouts more than six hours in advance of departure. Mr. Cassidy also said that if there is a sellout, it is usually possible to add an additional bus to the route to accommodate the overflow passengers.

[30] Mr. Markie testified that he operates five buses and has a license to transport customers from the Halifax Airport to PEI and back. He doesn't offer a shuttle or a scheduled line run. In his opinion, the demand is not there. He said he could count the trips his company makes between the Halifax Airport and PEI on one hand. He said he could provide the service. He filed evidence showing the utilization of his motor coaches for 2024. He says that his "full coaches" were approximately 21-30% utilized and his "fifteen passenger van" was 12.6% utilized.

[31] The Applicant's closing submissions emphasized the Topraks' extensive experience in the motor carrier industry; the fact that the company purchased two new motor coaches and two new minivans in 2025, which it says shows financial stability; that there is public need because the Applicant receives calls/emails from individuals, groups/sports teams and community organizations requesting services constantly; and that granting the license will give customers options over existing carriers.

[32] Coach Atlantic says that suitable facilities already exist in the market; that the Applicant has not met its evidentiary burden of showing that there a public need for the proposed service, referring to Coach Atlantic's less-than-capacity utilization rates for 2024, the fact that it was able to meet demand for a Halifax Airport to PEI trip during peak

cruise season on short notice and the lack of documented evidence showing need. It also says that the Applicant's suggestion that it will offer "luxury" options distinct from existing carriers is inaccurate because Coach's current fleet includes recent-model luxury coaches equipped with premium amenities.

[33] Mr. Markie made similar submissions. He says there is no need for the proposed service, the Applicant offered no clear evidence of need, and the calls the Applicant received is not proof that customers couldn't find service from existing carriers. He says the financial projections are based on assumptions and are not meaningful evidence of demand and that the proposed service is not financially sustainable because the Applicant expects initial losses that it plans to cover with its car rental revenue. Mr. Markie referred to evidence from the objectors which shows that companies already licensed in Nova Scotia have the equipment, drivers and availability to meet any demand. He also said that the Applicant's interest in bringing "luxury" options is misplaced because companies like Coach Atlantic already run new coaches with modern amenities.

[34] Tri-Maritime says that the Board should not grant the application for the scheduled shuttle service because the Applicant confirmed it has no intention to operate that type of service.

Findings

[35] Although the application refers to a shuttle service, the Applicant confirmed that it has no intention to run that service. The Board therefore treats this application for an extra-provincial license only to operate two 56-passenger motor coaches and two 14-passenger minivans to transport pre-arranged, private groups arriving on specific flights at the Halifax Airport to Charlottetown, PEI, and back.

[36] The Board finds that the Applicant is fit, willing and able to provide the proposed service, especially given that its principals have over 30 years of experience in the motor carrier industry.

[37] The Applicant did not provide financial information specific to the proposed service, rather it provided financial projections for 2025-2027 for all the Applicant's operations. The projections demonstrate that, overall, the Applicant will be profitable with the proposed service starting in 2026 if the assumptions used in developing the projections are accurate. The Board is unable to make any specific findings on the financial viability of the proposed service itself.

[38] With respect to the critical requirement to demonstrate a need for the proposed service, there was testimony that the Applicant received calls for business that it had to turn away. Other than the number of calls received, no other information was provided including whether the calls were merely inquiries and whether they were from potential customers looking for the service proposed in this application, i.e., groups of people arriving or departing on the same flight looking for transportation between the Halifax Airport and PEI. None of the calls were documented. There were no letters of support or testimonials from potential clients, groups or associations describing why the proposed service is needed and cannot be served by existing carriers. Coach Atlantic and Markie Tours provided evidence of fleet utilization showing that both have the capacity to service any demand, in particular, the former which operates luxury coaches similar to those operated by the Applicant. 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 the objectors.

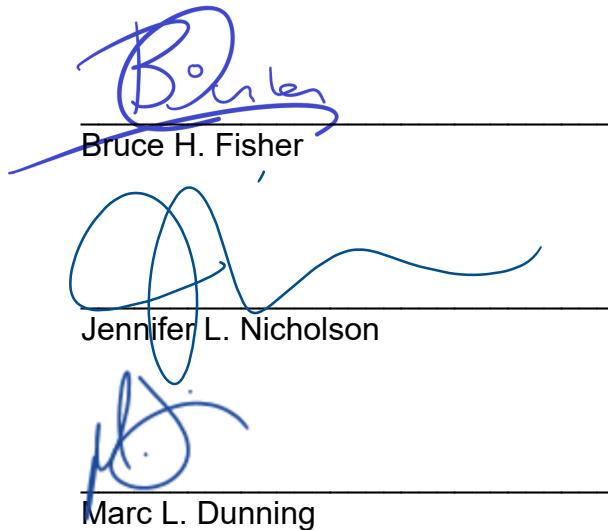
V CONCLUSION

[39] The Board has reviewed and considered the evidence and submissions in this matter. In applying the applicable law and the test developed by the Board under the provincial *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.

[40] An Order will issue accordingly.

[41] The Board notes that there is nothing preventing the Applicant from applying again with more fulsome evidence.

DATED at Halifax, Nova Scotia, this 12th day of January 2026.



Bruce H. Fisher

Jennifer L. Nicholson

Marc L. Dunning