



NEW BRUNSWICK
ENERGY & UTILITIES BOARD

COMMISSION DE L'ÉNERGIE ET DES SERVICES PUBLICS
NOUVEAU-BRUNSWICK

DECISION

IN THE MATTER OF an application by Mathieu Landry o/a Elevation Limo Bus for approval of a licence to operate public motor buses throughout the Province of New Brunswick, as an irregular service.

(Matter No. 556)

June 6, 2023

NEW BRUNSWICK ENERGY AND UTILITIES BOARD

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(Matter No. 556)

NEW BRUNSWICK ENERGY AND UTILITIES BOARD (Board):

Vice-Chairperson: Stephanie Wilson

Members: John Herron

Christopher Stewart

APPLICANT:

Mathieu Landry o/a Elevation Limo Bus

OPPOSITION:

No notice of objection was received in connection with this application.

A. Introduction

- [1] On April 25, 2023, Mathieu Landry o/a Elevation Limo Bus (Applicant) filed an application for a public motor bus licence with supporting evidence (Application) with the Board. The Application is filed pursuant to subsection 4(1) of the *Motor Carrier Act*, R.S.N.B. 1973, c. M-16 (Act) and the *General Regulation – Motor Carrier Act*, N.B. Reg. 84-301 (Regulation).
- [2] The Applicant has applied for the following licence:
- For the carriage of passengers and their baggage as a charter operation only, to, from and between all points in the Province of New Brunswick with the right to extend into other jurisdictions authorized thereby and the reverse thereof.
- [3] Pursuant to subsection 4(2) of the Act, the Board determined that the Application would be reviewed on June 6, 2023 (Review Date). The Applicant was advised of the Review Date on May 19, 2023. A notice of application for a motor carrier licence was published in *The Royal Gazette* on May 10, 2023.
- [4] Any person wishing to object to the granting of the Application was required to file with the Board a notice of objection at least seven days prior to the Review Date. The Board did not receive any notice of objection.

B. Granting of the Application

- [5] The Board is required to grant an application in the circumstances described in subsection 4(5) of the Act, which provides:

4(5) The Board shall grant an application at the meeting referred to in paragraph (2)(a), if

(a) no objection has been filed with the Board and served on the applicant in accordance with subsection (3),

(b) all objections under subsection (3) have been dismissed pursuant to subsection (4), or

(c) all objections under subsection (3) have been withdrawn

and, in the opinion of the Board, there are no sufficient and probable grounds to believe that the granting of the application would likely be detrimental to the interests of the users of public transportation services, to provincial economic or

social development, or to intraprovincial, interprovincial or international commerce.

- [6] While the Board is satisfied that the circumstances set out in subsection 4(5) of the Act have been met, the requirements of subsection 6(1) of the Act and section 52 of the Regulation must also be considered. These requirements are considered in the following section.

C. Insurance Requirements

- [7] A motor carrier licence cannot be issued unless the circumstances described in subsection 6(1) of the Act and section 52 of the Regulation are satisfied.
- [8] A certificate of insurance (MC-110 – Insurance Certificate) from an insurer was filed with the Board, which certifies that the insurance requirements prescribed by the Regulation have been satisfied. The Board is satisfied that the prescribed insurance requirements have been met.

D. Conclusion

- [9] The Board is satisfied that the requirements of the Act and Regulation have been met.
- [10] The Board approves the Application as requested. The Applicant is therefore licensed to operate a public motor bus as a charter operation only, to, from and between all points in the Province of New Brunswick with the right to extend into other jurisdictions authorized thereby and the reverse thereof.
- [11] Prior to the issuance of the licence and plates, the following conditions need to be satisfied:
1. The prescribed fees as required by the Regulation have been paid; and
 2. Such additional documentation as required by Board staff.

Dated in Saint John, New Brunswick this 6th day of June, 2023.



Stephanie Wilson
Vice-Chairperson



John Herron
Member



Christopher Stewart
Member