



NEW BRUNSWICK
ENERGY & UTILITIES BOARD

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

DECISION

IN THE MATTER OF an application by
Takeoff Shuttles Limited for approval
for a public motor bus licence as a
scheduled service.

(Matter No. 560)

September 5, 2023

Matter 560 – Takeoff Shuttles Limited

IN THE MATTER OF an application by Takeoff Shuttles Limited for approval for a public motor bus licence as a scheduled service.

NEW BRUNSWICK ENERGY AND UTILITIES BOARD:

Vice-Chairperson

Stephanie Wilson

Members

John Patrick Herron

Christopher Stewart

APPLICANT:

Takeoff Shuttles Limited

OPPOSITION:

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

1 Introduction

- [1] On July 19, 2023, Takeoff Shuttles Limited (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 scheduled operation, from Mount Allison University to Moncton Flight College at YQM and return with the right to pick up and drop off passengers in the municipalities of Tantramar and Dieppe, with a 24-passenger, class-4 licence compliant mini-coach.
- [3] Pursuant to subsection 4(2) of the Act, the Board determined that the Application would be reviewed on September 5, 2023 (Review Date). A notice of application for a motor carrier licence was published in *The Royal Gazette* on August 9, 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.

2 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 - (c) all objections under subsection (3) have been withdrawn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.

3 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 finds that the certificate filed is satisfactory and that the prescribed insurance requirements have been met.

4 Conclusion

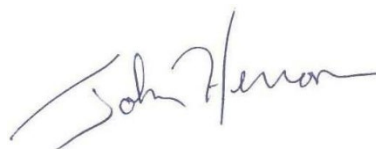
- [9] The Board has carefully considered the Application and is satisfied that the requirements of the Act and the Regulation have been met.
- [10] The Board approves the Application as requested. The Applicant is therefore licensed to operate a public motor bus as a scheduled service, as applied for.
- [11] Section 22 of the Act provides that “Every licensed motor carrier shall be deemed a public utility under part 3 of the *Energy and Utilities Board Act*.” The Board will hold a hearing at a later date to consider the approval of specific routes, schedules and fares with respect to the Applicant’s scheduled service.
- [12] 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.

Matter 560 – Takeoff Shuttles Limited

Dated in Saint John, New Brunswick, this 5th day of September 2023.



Stephanie Wilson



John Patrick Herron



Christopher Stewart