



**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 of a licence to operate public motor buses throughout the Province of New Brunswick, as an irregular service.

(Matter No. 568)

December 7, 2023

**Matter 568 – Takeoff Shuttles Limited**

**IN THE MATTER OF** an application by Takeoff Shuttles Limited for approval of a licence to operate public motor buses throughout the Province of New Brunswick, as an irregular service.

(Matter No. 568)

**NEW BRUNSWICK ENERGY AND UTILITIES BOARD (Board):**

Vice-Chairperson: Stephanie Wilson

Members: Heather Black

Christopher Stewart

**APPLICANT:**

Takeoff Shuttles Limited

**OPPOSITION:**

No notice of objection was received in connection with this application

## Matter 568 – Takeoff Shuttles Limited

### A. Introduction

- [1] On October 17, 2023, Takeoff Shuttles Limited (Takeoff or Applicant) filed an application with supporting evidence with the Board (Application) to operate a charter bus service . 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] In a decision dated September 5, 2023, the Board granted Takeoff a public motor bus licence with the authority to provide scheduled service only. Takeoff’s fares, route and schedule were subsequently approved by the Board in a decision dated September 28, 2023, following a public hearing.
- [3] On October 17, 2023, Takeoff wrote to the Board advising that it was not meeting its passenger projections and sought permission to discontinue its scheduled service operation. The Board considered this application in Matter 564 on October 26, 2023, and issued an order granting the discontinuance of service, effective immediately.
- [4] The Applicant has applied for the following authority to be added to its 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.
- [5] Pursuant to subsection 4(2) of the Act, the Board determined that the Application would be reviewed on December 5, 2023 (Review Date). The Applicant was advised of the Review Date in a letter dated October 25, 2023. A notice of application for a motor carrier licence was published in *The Royal Gazette* on November 8, 2023.
- [6] 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.

## **Matter 568 – Takeoff Shuttles Limited**

### **B. Granting of the Application**

[7] 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.

[8] 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**

[9] 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.

[10] 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**

[11] The Board is satisfied that the requirements of the Act and Regulation have been met.

[12] The Board approves the Application as requested. Takeoff’s public motor bus licence is therefore amended to allow it to operate a public motor bus as a charter operation, 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.

[13] Prior to the issuance of the amended licence, the following conditions need to be satisfied:

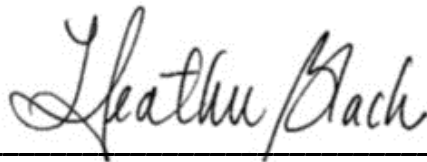
1. The prescribed fees as required by the Regulation have been paid; and
2. Such additional documentation as required by Board staff.

Dated in Saint John, New Brunswick this 7<sup>th</sup> day of December, 2023.



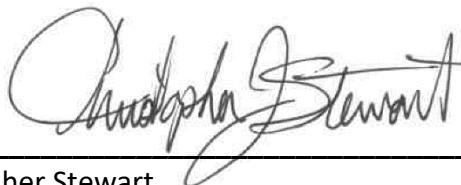
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Stephanie Wilson  
Vice-Chairperson



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Heather Black  
Member



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Christopher Stewart  
Member