



February 23, 2017



REVIEW DECISION Immediate Roadside Prohibition ("IRP") No.21-660782

Introduction

On February 05, 2017, a peace officer served you with a Notice of Driving Prohibition (the "Notice"). You applied to the Superintendent of Motor Vehicles for a review of your driving prohibition and I am delegated the authority to conduct this review.

Section 215.5(1) of the *Motor Vehicle Act* (the "Act") states that the burden of proof in a review is on the person on whom the Notice is served. What that means is that you have the obligation to submit evidence or to point to specific evidence provided by the officer to support the grounds for review that you are asserting in this review.

In reaching my decision, I have considered all information relevant to the grounds for review you selected on the application form that were provided to me by the time of the hearing.

At the beginning of the hearing your lawyer confirmed that they had received all of the disclosure documents before me. I have proceeded with the review based on that confirmation.

Issues

The issue in this review is:

- Were you not advised of your right to a second analysis?

Evidence and Analysis

Were you not advised of your right to request a second analysis?

You have satisfied me that the officer failed to advise you of your right to a second analysis.

Decision

As a result of my findings, I revoke your driving prohibition, monetary penalty, and vehicle impoundment, as required by s. 215.5(4) of the Act.

Ministry of Public
Safety and Solicitor
General

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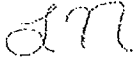
Telephone: (250) 387-7747
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You may resume driving after you have obtained a driver's licence from the Insurance Corporation of British Columbia. If you hold an Enhanced Driver's Licence, you must make an appointment to reapply for that licence.

Please note that this decision does not change any other prohibitions from driving or licensing requirements.

Please note that the corresponding vehicle impoundment is also revoked. The owner of the vehicle will be notified by separate letter that I am releasing the vehicle.



L. Nevile
Adjudicator

pc: Michael Bolton (by fax)
(604) 687-3022