



VEHICLES FOR HIRE LICENSING BY-LAW

INDEX

- Part 1 - DEFINITIONS
- Part 2 - PROHIBITIONS
- Part 3 - APPLICATION OF BY-LAW – EXEMPTIONS
- Part 4 - ADMINISTRATION OF BY-LAW
- Part 5 - APPLICATIONS FOR LICENSES AND RENEWALS
- Part 6 - ISSUANCE OF LICENSES
- Part 7 - NOTIFICATION OF CHANGE OF INFORMATION
- Part 8 - LEASING OF CABS AND ACCESSIBLE CABS
- Part 9 - TRANSFER OF CAB AND ACCESSIBLE CAB OWNER LICENCES
- Part 10 - TRANSFER OF CAB AND ACCESSIBLE CAB OWNER LICENCES BY AN ESTATE
- Part 11 - POWERS OF LICENCE MANAGER
- Part 12 - HEARINGS BEFORE THE HEARINGS OFFICER
- Part 13 - ENFORCEMENT
- Part 14 - INSPECTIONS
- Part 15 - TARIFFS/FARES
- Part 16 - LICENCE AND OTHER FEES
- Part 17 - PENALTY
- Part 18 - GENERAL
- Part 19 - MISCELLANEOUS
- SCHEDULE “A-G” – REGULATIONS
- SCHEDULE “H” – FEES
- SCHEDULE “I” – TARIFFS/FARES
- SCHEDULE “J” – TRIP SHEET

Bill No.
2012

By-law No.

A by-law for the licensing, regulating and governing of drivers, owners and brokers of vehicles for hire.

Recitals:

WHEREAS subsection 5(3) of the *Municipal Act, 2001*, S.O. 2001, c.25, as amended, provides that a municipal power shall be exercised by by-law;

AND WHEREAS section 9 of the *Municipal Act, 2001* provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this or any other Act;

AND WHEREAS subsection 10(1) of the *Municipal Act, 2001* provides that a municipality may provide any service or thing that the municipality considers necessary or desirable for the public;

AND WHEREAS subsection 10(2) of the *Municipal Act, 2001* provides that a municipality may pass by-laws respecting: in paragraph 6, Health, safety and well-being of persons; in paragraph 7, Services and things that the municipality is authorized to provide under subsection (1); in paragraph 8, Protection of persons and property; in paragraph 11 Business Licensing;

AND WHEREAS subsection 151(1) of the *Municipal Act, 2001* provides that, without limiting sections 9 and 10 of the Act, a municipality may: provide for a system of licences with respect to a business and may;

- (a) prohibit the carrying on or engaging in the business without a licence;
- (b) refuse to grant a licence or to revoke or suspend a licence;
- (c) impose conditions as a requirement of obtaining, continuing to hold or renewing a licence;
- (d) impose special conditions on a business in a class that have not been imposed on all of the businesses in that class in order to obtain, continue to hold or renew a licence;
- (e) impose conditions, including special conditions, as a requirement of continuing to hold a licence at any time during the term of the licence;
- (f) license, regulate or govern real and personal property used for the business and the persons carrying it on or engaged in it; and,
- (g) require a person, subject to such conditions as the municipality considers appropriate, to pay an administrative penalty if the municipality is satisfied that the person has failed to comply with any part of a system of licences established by the municipality;

AND WHEREAS subsection 151(5) of the *Municipal Act, 2001* provides that subsection 151(1) applies with necessary modifications to a system of licences with respect to any activity, matter or thing for which a by-law may be passed under sections 9, 10 and 11 as if it were a system of licences with respect to a business;

AND WHEREAS subsection 156(1) of the *Municipal Act, 2001* provides that without limiting sections 9, 10 and 11, a local municipality, in a by-law under section 151 with respect to the owners and drivers of taxicabs, may:

- (a) establish the rates or fares to be charged for the conveyance of property or passengers either wholly within the municipality or from any point in the municipality to any point outside the municipality;
- (b) provide for the collection of the rates or fares charged for the conveyance; and
- (c) limit the number of taxicabs or any class of them;

AND WHEREAS the Council for the City of London considers it necessary and desirable for the public to regulate Vehicles for Hire for the purposes of health and safety, consumer protection and service quality to ensure an efficient Vehicle for Hire service is available to all persons

including the travelling public in the City of London and that such Vehicle for Hire service is provided in a manner that provides a safe environment for both passengers and drivers;

AND WHEREAS section 23.2 of the *Municipal Act, 2001* permits a municipality to delegate certain legislative and quasi-judicial powers;

AND WHEREAS Council for the City of London is of the opinion that the delegation of legislative powers under this by-law to the Licensing Manager and the Hearings Officer, including without limitation the power to issue and impose conditions on a licence, are powers of a minor nature having regard to the number of people, the size of geographic area and the time period affected by the exercise of the power in accordance with subsection 23.2(4) of the *Municipal Act, 2001*;

AND WHEREAS subsection 391(1) of the *Municipal Act, 2001* provides that a municipality may impose fees and charges on persons,

- (a) for services or activities provided or done by or on behalf of it;
- (b) for costs payable by it for services or activities provided or done by or on behalf of any other municipality or any local board; and,
- (c) for the use of its property including property under its control;

AND WHEREAS section 444 of the *Municipal Act, 2001* provides that the municipality may make an order requiring the person who contravened the by-law or who caused or permitted the contravention to discontinue the contravening activity, and any person who contravenes such an order is guilty of an offence;

AND WHEREAS it is deemed expedient to pass this by-law;

NOW THEREFORE The Council of The Corporation of the City of London hereby enacts as follows:

Part 1 DEFINITIONS

1.1 For the purpose of interpreting the provisions set forth in this By-law, the following definitions shall apply:

In this By-law:

- (a) **“Accessible Cab”** means a Cab that is wheelchair-accessible permitting the loading, transportation and off-loading of a person with a disability confined to a wheelchair, or other similar device, without transfer, and is available for or providing a Conveyance Service, but does not include a Limousine or Group Transportation Vehicle;
- (b) **“Accessible Cab Driver”** means a Licensed Cab Driver whose Licence has been endorsed by the Licence Manager to permit him or her to drive an Accessible Cab;
- (c) **“Accessible Cab Owner”** means a person who holds a Class A Accessible Cab Owner Licence and corresponding Owner Plate or a Class B Accessible Cab Owner Licence and corresponding Owner Plate;
- (d) **“Accessible Cab Priority List”** means the list of Applicant’s for Accessible Cab Owner Licences maintained by the Licence Manager in accordance with this By-law;
- (e) **“Applicant”** means a person applying for a licence under this By-law;
- (f) **“Broker”** means any person who accepts Orders for or Dispatches Vehicles for Hire that are owned by someone other than the person;
- (g) **“Brokerage”** means the business of a Broker and shall be deemed to include the premises where the business is carried on;
- (h) **“Cab”** means a motor vehicle that is available for or providing a Conveyance Service, but does not include a Limousine or Group Transportation Vehicle;
- (i) **“Cab Driver”** means a person who holds a Cab Driver Licence;

- (j) **“Cab Owner”** means a person who holds a Class A Cab Owner Licence and corresponding Owner Plate or a Class B Cab Owner Licence and corresponding Owner Plate;
- (k) **“Cab Meter”** means an independent self-contained measuring device approved by the Licence Manager and used in a Cab or Accessible Cab to calculate, amongst other things, the rate payable for a Trip;
- (l) **“Cab Priority List”** means the list of Applicants for Cab Owner Licences maintained by the Licence Manager in accordance with this By-law;
- (m) **“Cab Stand”** means the area set aside and designated by the City to be used by a Cab or an Accessible Cab while it is waiting for or picking up goods or Passengers;
- (n) **“CIR”** means a Criminal Information Report containing the result of a search of the Canadian Police Information Centre;
- (o) **“City”** means The Corporation of the City of London;
- (p) **“City Plated Vehicle”** means a Cab, Accessible Cab, Limousine or Group Transportation Vehicle that has an Owner Plate;
- (q) **“Class A Accessible Cab Owner Licence”** means an Accessible Cab Owner Licence issued in the first instance on or before October 31, 2004 with a corresponding Owner Plate numbered 100-999 inclusive;
- (r) **“Class B Accessible Cab Owner”** means a person who holds a Class B Accessible Cab Owner Licence and corresponding Owner Plate;
- (s) **“Class B Accessible Cab Owner Licence”** means an Accessible Cab Owner Licence issued in the first instance after October 31, 2008 or an Accessible Cab Owner Licence issued to a person from the Accessible Cab Priority List with the corresponding Owner Plate numbered 1000 or greater;
- (t) **“Class A Cab Owner Licence”** means a Cab Owner Licence issued in the first instance on or before October 31, 2004 with a corresponding Owner Plate numbered 100-999 inclusive;
- (u) **“Class B Cab Owner”** means a person who holds a Class B Cab Owner Licence and corresponding Owner Plate;
- (v) **“Class B Cab Owner Licence”** means a Cab Owner Licence issued in the first instance after October 31, 2004 or a Cab Owner Licence issued from the Cab Owner Priority List with the corresponding Owner Plate numbered 1000 or greater;
- (w) **“Conveyance Service”** means conveying one or more persons in exchange for a fee or other consideration;
- (x) **“Council”** means the Municipal Council of The Corporation of the City of London;
- (y) **“Director of Building Controls”** means the Chief Building Official as appointed by Council pursuant to the *Building Code Act*;
- (z) **“Dispatch”** means the communication of an Order or other information in any manner between a Broker and a Driver;
- (aa) **“Dispatcher”** means a person who is in the employ of or contracted by a Broker and whose duties include accepting Orders for a Conveyance Service or Dispatching Drivers;
- (bb) **“Driver”** means the individual who has care and control of a Cab, Accessible Cab, Limousine or Group Transportation Vehicle;
- (cc) **“Enforcement Officer”** means a Municipal Law Enforcement Officer appointed by the Council or a police officer with the London Police Services;
- (dd) **“Fare”** means:

- (i) in the case of Cabs or Accessible Cabs, the amount of money displayed on the Cab Meter at the termination of a Trip, calculated as set out in Schedule "I" of this By-law;
 - (ii) in the case of Limousines (Executive), the amount of money calculated for a Trip using the zone or hourly rate as set out in Schedule "I" of this By-law;
 - (iii) in the case of Limousines (Stretch) and Limousines (Classic), the amount of money calculated for a Trip using the hourly rate as set out in Schedule "I" of this By-law; or
 - (iv) in the case of Group Transportation Vehicles, the amount of money calculated for a Trip using the hourly rate as set out in Schedule "I" of this By-law;
- (ee) "**Fleet**" means one or more City Plated Vehicles being Dispatched by a Broker;
 - (ff) "**Grossly Unclean Individual**" means an individual covered in dirt or other material to such an extent that he or she is likely to leave the interior of a City Plated Vehicle in an unclean state;
 - (gg) "**Group Transportation Vehicle**" means a van, minivan, minibus or sports utility motor vehicle with a seating capacity for not less than 6 and not more than 10 individuals that is available for or providing a Conveyance Service, but does not include a Cab, Accessible Cab or Limousine;
 - (hh) "**Group Transportation Vehicle Driver**" means a person who holds a Group Transportation Vehicle Driver Licence;
 - (ii) "**Group Transportation Vehicle Owner**" means a person who holds a Group Transportation Vehicle Owner Licence and corresponding Owner Plate;
 - (jj) "**Hearings Officer**" means a Hearings Officer appointed under the City's Hearings Officer By-law A-6653-121 as amended;
 - (kk) "**Lease**" means any contract, agreement, understanding or other arrangement whereby an Owner permits another person to manage, operate, control, have custody of, or otherwise employ his or her Cab or Accessible Cab, but does not include permitting a Driver to drive a Cab or Accessible Cab for one regular shift when the Cab or Accessible Cab is returned to the Owner at the end of the shift;
 - (ll) "**Licence**" means a licence issued under this By-law;
 - (mm) "**Licensed**" means licensed under this By-law;
 - (nn) "**Licence Manager**" means the Director of Building Controls and includes her or his delegates;
 - (oo) "**Licensee**" means any person licensed under this By-law;
 - (pp) "**Limousine**" means Limousine (Executive), Limousine (Stretch), or Limousine (Classic);
 - (qq) "**Limousine Driver**" means a person who holds a Limousine Driver Licence;
 - (rr) "**Limousine (Executive)**" A luxury motor vehicle of a wheelbase size smaller than a stretch limousine manufactured to carry up to 5 passengers, excluding the driver, and approved by the Licence Manager based on a list of approved makes and models of luxury vehicles as defined by vehicle manufacturers industry standards that is available for or providing a Conveyance Service, but does not include a Cab, Accessible Cab, Limousine (Stretch), Limousine (Classic) or a Group Transportation Vehicle;
 - (ss) "**Limousine (Stretch)**" means a luxury-class motor vehicle manufactured or modified with an extended wheel-base with a seating capacity for not more than 10 individuals that is available for or providing a Conveyance Service, but does not include a Cab, Accessible Cab, Limousine (Executive), Limousine (Classic) or Group Transportation Vehicle;

- (tt) **“Limousine (Classic)”** means a motor vehicle for which an historic permit has been issued under the *Highway Traffic Act* that is available for or providing a Conveyance Service, but does not include a Cab, Accessible Cab, Limousine (Executive), Limousine (Stretch) or Group Transportation Vehicle;
- (uu) **“Limousine Owner”** means a person who holds a Limousine (Executive), Limousine (Stretch) or Limousine (Classic) Owner Licence and corresponding Owner Plate;
- (vv) **“Limousine Stand”** means the area set aside and designated by the City to be used by a Limousine while it is waiting for or picking up goods or Passengers;
- (ww) **“Low Emission Vehicle”** means a motor vehicle that is a hybrid vehicle or a vehicle powered by electricity;
- (xx) **“Maintenance Log”** means a written record of the repair of a motor vehicle, including the vehicle identification number, Ontario licence plate number, Owner Plate number, make, model and year, the nature and date of each repair, name of the person carrying out the repair and confirmation that the Owner was notified of it;
- (yy) **“Municipality”** means the land within the geographic limit of the City of London;
- (zz) **“Operate”** means to drive a Cab, Accessible Cab, Group Transportation Vehicle or Limousine while it is available for or providing a Conveyance Service and operating shall have the corresponding meaning;
- (aaa) **“Order”** means a request for a motor vehicle to provide a Conveyance Service;
- (bbb) **“Owner”** means the person who holds a Cab Owner Licence, Accessible Cab Owner Licence, a Limousine Owner Licence or a Group Transportation Vehicle Owner Licence;
- (ccc) **“Owner Plate”** means a metal number plate issued to the Owner under this By-law corresponding to his or her Owner Licence;
- (ddd) **“Passenger”** means any individual, not including the Driver, seated in a Cab, Accessible Cab, Group Transportation Vehicle or Limousine and includes a person engaging or attempting to engage a Cab, Accessible Cab, Group Transportation Vehicle or Limousine to provide a Conveyance Service;
- (eee) **“Persons with Disabilities”** means individuals with any degree of physical disability, infirmity, malformation or disfigurement caused by bodily injury, birth defect or illness and includes, but is not limited to:
- diabetes mellitus;
 - epilepsy;
 - a brain injury;
 - any degree of paralysis;
 - amputation;
 - lack of physical co-ordination;
 - blindness or visual impediment;
 - deafness or hearing impediment;
 - muteness or speech impediment;
 - physical reliance on a guide dog or other animal, or on a wheelchair or other remedial appliance or device;
 - a condition of mental impairment or a developmental disability;
 - a learning disability, or a dysfunction in one or more of the processes involved in understanding or using symbols or spoken language;
 - a mental disorder; or
 - an injury or disability for which benefits were claimed or received under the insurance plan established under the *Workplace Safety and Insurance Act, 1997*, or any successor legislation;
- (fff) **“Plated”** means to have the Owner Plate affixed to the Cab, Accessible Cab, Limousine or Group Transportation Vehicle for which it was issued;

- (ggg) **“Safety Standards Certificate”** means a safety standards certificate issued under the *Highway Traffic Act*;
- (hhh) **“Tariff Card”** means a card, showing the current tariff, issued by the Licence Manager for display in a motor vehicle;
- (iii) **“Trip”**
- (i) for a Cab or Accessible Cab means the distance and time traveled, measured from the place and time at which a Passenger first enters a Cab or Accessible Cab or when a Cab Meter is first engaged, whichever comes first, to the place and time at which the Passenger finally leaves the Cab or Accessible Cab or the Cab Meter is disengaged, whichever comes last;
 - (ii) for a Limousine (Executive) means the distance or time traveled, measured from the place or time at which a Passenger first enters a Limousine (Executive) to the place or time at which the Passenger finally leaves the Limousine (Executive); and
 - (iii) for a Limousine (Stretch), Limousine (Classic) or Group Transportation Vehicle means the time traveled, measured from the time at which a Passenger first enters a Limousine (Stretch), Limousine (Classic) or Group Transportation Vehicle to the time at which the Passenger finally leaves the Limousine (Stretch), Limousine (Classic) or Group Transportation Vehicle;
- (jjj) **“Trip Sheet”** means a written record of each Trip; and
- (kkk) **“Vehicle for Hire”** means a motor vehicle that is conveying or available for conveying one or more persons in exchange for a fee or other consideration.

Part 2 PROHIBITIONS

- 2.1 No person shall:
- (a) own or Operate a Vehicle for Hire without being licensed under this By-law;
 - (b) act as a Broker without being licensed under this By-law;
 - (c) own or Operate a Vehicle for Hire without a valid Owner Plate affixed to the Vehicle for Hire;
 - (d) Operate a Vehicle for Hire while their license issued under this By-law is under suspension;
 - (e) Operate as a Broker while their license issued under this By-law is under suspension;
 - (f) advertise the use of a Vehicle for Hire without an Owner or a Broker license issued under this By-law; or
 - (g) publish or cause to be published any representation that they are licensed under this By-law or hold themselves out as being licensed under this By-law if they are not.

Part 3 APPLICATION OF BY-LAW - EXEMPTIONS

- 3.1 This By-law shall not apply to:
- (a) a motor vehicle with a seating capacity of 11 or more individuals, including the driver;
 - (b) an ambulance or funeral hearse;
 - (c) a school bus as defined under the *Highway Traffic Act* that is licensed under the *Public Vehicles Act* while it conveys students to and from school as defined under the *Highway Traffic Act*;
 - (d) a bus operated under the *Public Vehicles Act* by the London Transit Commission;
 - (e) the London Community Transportation Brokerage;
 - (f) any person the London Transit Commission or the London Community Transportation Brokerage enters into an agreement with for the conveyance of senior citizens or Persons with Disabilities; or
 - (g) a motor vehicle used by not for profit organizations registered in the province of Ontario for the purposes of transporting senior citizens or Persons with Disabilities.

**Part 4
ADMINISTRATION OF BY-LAW**

4.1 The administration of this By-law is assigned to the Licence Manager who shall generally perform all of the administrative functions conferred upon him or her by this By-law and without limitation may:

- (a) receive and process all applications for all licenses and renewals of licences under this By-law;
- (b) issue licences in accordance with the provisions of this By-law;
- (c) impose terms and conditions on licences in accordance with this By-law; and,
- (d) refuse to issue or renew a licence or revoke or suspend a licence in accordance with this By-law.

**Part 5
APPLICATIONS FOR LICENSES AND RENEWALS**

5.1 Every application for a licence and renewal licence shall be made to the Licence Manager on the forms provided by the Licence Manager. Without limitation, every application for a licence or a renewal shall include the following information:

- (a) the name, date of birth, municipal address and telephone number of each Applicant;
- (b) if the Applicant is a partnership, the name, address and telephone number of each partner;
- (c) if the Applicant is a corporation, the address of its head office, the name, address and telephone number of each director and officer;
- (d) a sworn statement by the Applicant certifying the accuracy, truthfulness and completeness of the application;
- (e) if the Applicant is a partnership, a sworn statement by each partner certifying the accuracy, truthfulness and completeness of the application; and,
- (f) if the Applicant is a corporation, a sworn statement by an officer of the corporation duly authorized for that purpose certifying the accuracy, truthfulness and completeness of the application.

5.2 Every person applying for a licence or a renewal of a licence shall provide in full at the time the application is submitted all of the information requested on the application form as well as:

- (a) payment of the prescribed fee as set out in Schedule "H" of this By-law;
- (b) if the Applicant or Licensee is a corporation, a copy of the incorporating documentation, a copy of the last initial notice or notice of change which has been filed with the provincial or federal government and a Certificate of Status issued by the Ministry of Government and Consumer Services dated no later than fifteen (15) days prior to the date of the application;
- (c) if the Applicant or Licensee is a partnership, details of each partner's interest in the partnership; and,
- (d) any other documentation or information as may be required in any other part of this By-law, including any Schedule to this By-law, or by the Licence Manager.

5.3 The Licence Manager may require affidavits in support of an application for or a renewal of a licence.

5.4 Every application may be subject to investigations by and comments or recommendations from the municipal or provincial departments or agencies as the Licence Manager deems necessary including but not limited to:

- (a) the London Police Services;
- (b) the Manager of By-law Enforcement;
- (c) the Ministry of Transportation.

**Part 6
ISSUANCE OF LICENSES**

6.1 Every licence shall be in the form and manner as provided by the Licence Manager and shall, without limitation, include on its face:

- (a) the licence number;
- (b) the name of each Licensee; and
- (c) the date the licence was issued and the date it expires

6.2 Every licence that is issued for the first time, and every renewal thereof, is subject to the following conditions of obtaining, continuing to hold and renewing a licence all of which shall be performed and observed by the Applicant or the Licensee:

- (a) the Applicant or Licensee shall pay the prescribed fee as set out in Schedule "H" to this By-law;
- (b) the Applicant or Licensee shall pay all fees and fines owed by the Applicant or Licensee to the City;
- (c) the Applicant or Licensee shall meet all of the requirements of this By-law.

6.3 A licence issued under this By-law shall be valid only for the period of time for which it was issued. A licence issued under this By-law may be renewed provided the Applicant meets all of the requirements of this By-law. An application for a renewal shall be delivered to the Licence Manager on or before the expiry date of the licence being renewed.

6.4 (a) This section applies to:

- (i) Driver Licences that expire on October 31, 2012; and
 - (ii) Driver Licences to be issued in the first instance after July 1, 2012.
- (b) A Driver Licence may be issued for a term of not less than 13 months and not more than 24 months with the term of the Driver Licence commencing on the day it is issued and expiring on the last day of the month preceding the month in which the Applicant was born. For the purpose of determining the expiry date in this section, a part of a month shall count as a full month.

6.5 Where section 6.4 does not apply, a Driver Licence may be renewed for a term of 24 months with the term of the Driver Licence commencing on the 1st day of the month in which the Applicant was born and expiring on the last day of the month preceding the month in which the Applicant was born.

6.6 All Owner and Broker Licences shall expire on October 31st each year.

6.7 The issuance of a licence or renewal thereof under this By-law is not intended and shall not be construed as permission or consent by the City for the Licensee to contravene or fail to observe or comply with any law of Canada, Ontario or any By-law of the City.

6.8 Every licence, at all times, is owned by and is the property of the City and is valid only in respect of the person named therein.

6.9 No person shall sell, purchase, lease, mortgage, charge, assign, pledge, transfer, seize, distraint or otherwise deal with a Licence, including any right title or interest therein, issued under this By-law except in accordance with sections 8, 9 and 10 of this By-law.

6.10 Fees and inspection fees paid under this By-law are non-refundable.

6.11 A limitation is imposed on the issuance of Cab Owner Licences and Accessible Cab Owner Licences as set out in Schedule "D" of this By-law.

6.12 The following classes of Licenses may be issued under this By-law in accordance with the provisions of this By-law and the corresponding Schedules and every Applicant and Licensee shall comply with all of the provisions of this By-law and the corresponding Schedules:

- (a) Cab Driver and Accessible Cab Driver Licence – Schedule "A";
- (b) Limousine Driver – Schedule "B";
- (c) Group Transportation Vehicle Driver – Schedule "C";
- (d) Class A Cab Owner Licence; - Schedule "D";
- (e) Class A Accessible Cab Owner Licence – Schedule "D";
- (f) Class B Cab Owner Licence – Schedule "D";
- (g) Class B Accessible Cab Owner Licence – Schedule "D";
- (h) Limousine Owner Licence – Schedule "E";
- (i) Group Transportation Vehicle Owner Licence – Schedule "F"; and
- (j) Broker Licence – Schedule "G".

Part 7 NOTIFICATION OF CHANGE OF INFORMATION

7.1 When a Licensee changes his or her name, address, affiliated Broker, employer or any other information relating to their Licence, the Licensee shall notify the Licence Manager within 5 days after such change and if necessary, as determined by the Licence Manager, the Licence shall be returned immediately to the Licence Manager for amendment.

7.2 When the Licensee is a corporation and there is any change in the following information given on the application namely: the names and addresses of officers or directors, the location of the corporate head office, change of ownership of shares, the Licensee shall report the change to the Licence Manager within 5 days of the change and if necessary as determined by the Licence Manager, the Licence shall be returned immediately to the Licence Manager for amendment.

Part 8
LEASING OF CABS AND ACCESSIBLE CABS

8.1 No Person shall enter into or be party to any Lease or otherwise convey rights over a Cab Licence or Accessible Cab Licence or Owner Plate or give or receive any consideration or remuneration therefore.

8.2 Notwithstanding subsection 8.1 of this By-law, a Cab Owner holding a Class A Cab Owner Licence may lease his or her Cab and an Accessible Cab Owner holding a Class A Accessible Cab Owner Licence may lease his or her Accessible Cab, provided that;

- (a) the lessee is Licensed as a Driver, Owner or Broker;
- (b) under the terms of the Lease, the Cab Owner or Accessible Cab Owner provides a Cab or Accessible Cab that is Plated and otherwise meets all of the requirements of this By-law;
- (c) under the terms of the Lease, the Cab Owner or Accessible Cab Owner is responsible for the maintenance of and insurance on the Cab or Accessible Cab;
- (d) the Lease is for one Cab or one Accessible Cab and expires upon the sale, replacement or other disposition of the Cab or Accessible Cab;
- (e) the Cab Owner or Accessible Cab Owner or a partner, if the Applicant is a partnership, or an officer or director, if the Applicant is a corporation, signs a statutory declaration stating that the Owner Plate will not be transferred during the term of the Lease;
- (f) the Lease is in writing and signed by the parties thereto;
- (g) a copy of the Lease is filed with the Licence Manager; and
- (h) all fees required under this By-law are paid.

8.3 The written Lease may be in any form agreed to by the parties thereto, provided that it includes:

- (a) the date of its signing;
- (b) the names and business addresses of the parties thereto;
- (c) its effective date;
- (d) its termination date;
- (e) a full description of the Cab or Accessible Cab which is the subject of the Lease, including the vehicle identification number, the make, the model year, the licence plate number and the number of the Owner Licence and Owner Plate;
- (f) the parties' rights to early termination of the Lease; and
- (g) the signatures of the parties and witnesses thereto.

8.4 No person shall sub-lease or purport to sub-lease a Cab or Accessible Cab that is the subject of a Lease.

8.5 No Owner shall, by a term in a Lease or otherwise, permit any Lessee or other person to lease or sub-Lease or purport to lease or sub-lease a Cab or Accessible Cab that is the subject of a Lease.

8.6 No person shall be a party to a Lease or purported Lease of a Cab or Accessible Cab to which the Owner is not the lessor.

8.7 Every Cab Owner or Accessible Cab Owner shall notify the Licence Manager in writing of the expiration or other sooner termination of any Lease to which he or she is a party within 10 days of the expiration of the termination of the said Lease.

8.8 No Cab Owner or Accessible Cab Owner shall enter into or be a party to more than one Lease at any one time with respect to any one Cab or one Accessible Cab.

8.9 No Cab or Accessible Cab Driver shall lease:

- (a) more than a total of 2 Cabs and Accessible Cabs; or
- (b) one Cab or one Accessible Cab or a total of 2 Cabs and Accessible Cabs for more than a total of 10 years.

Part 9
TRANSFER OF CAB AND ACCESSIBLE CAB OWNER LICENCES

9.1 Class A Cab Owner Licences and Class A Accessible Cab Owner Licences are transferable, provided that:

- (a) the transferee meets the eligibility criteria as set out in this By-law for the Cab Priority List or Accessible Cab Priority List or holds a valid Cab Owner Licence or Accessible Cab Owner Licence;
- (b) the transferee, or a partner, if the transferee is a partnership, or an officer or director, if the transferee is a corporation, signs a statutory declaration as set out by the Licence Manager;
- (c) the transferor or a partner, if the transferor is a partnership, or an officer or director, if the transferor is a corporation, has completed a written application for such a transfer;
- (d) the transferee meets all of the requirements of a Cab Owner or Accessible Cab Owner under this By-law, including submitting the Cab or Accessible Cab to which the Owner Plate will be affixed for inspection, and will be issued a Cab Owner Licence or Accessible Cab Owner Licence at the time of the transfer;
- (e) if the Cab is an Accessible Cab, the transferee is an Accessible Cab Owner who will use the transferred Accessible Cab Owner Licence to provide an Accessible Cab Conveyance Service; and
- (f) all fees required under this By-law are paid.

9.2 Class B Cab Owner Licences and Class B Accessible Cab Owner Licences and the corresponding Owner Plates numbered 1000 or greater shall not be transferred.

Part 10
TRANSFER OF CAB AND ACCESSIBLE CAB OWNER LICENCES BY AN ESTATE

10.1 Within 30 days following the death of an individual holding a Cab Owner Licence or Accessible Cab Owner Licence, the executor or administrator of the individual's estate shall file with the Licence Manager:

- (a) proof of death of the individual; and
- (b) proof of the executor's or administrator's capacity.

10.2 Class B Cab Owner Licences and Class B Accessible Cab Owner Licences shall not be transferable and shall be returned to the Licence Manager within 30 days following the death of an individual holding such Licence.

10.3 On the death of an individual holding one or more Class A Cab Owner Licences or Class A Accessible Cab Owner Licences:

- (a) the executor or administrator of the individual's estate may continue to hold any Cab or Accessible Cab Owner Licences for up to one year following the date of death, subject to all of the requirements of this By-law;
- (b) during the year following the date of death, the executor or administrator of the individual's estate may transfer the Cab or Accessible Cab Owner Licences to anyone meeting the eligibility requirements of the Cab Priority List or currently Licensed as a Cab or Accessible Cab Owner;
- (c) after the year following the date of death, the executor or administrator of the individual's estate may continue to hold one Cab Owner Licence or one Accessible Cab Owner Licence, if he or she meets all of the requirements for holding such Owner Licence under this By-law; and
- (d) after one year following the date of death, all Cab and Accessible Cab Owner Licences that have not been transferred in accordance with subsections 10.3(b) or 10.3(c) of this By-law shall be revoked and returned to the Licence Manager by the executor or administrator of the individual's estate immediately.

10.4 Notwithstanding subsection 10.3(d) of this By-law, if the executor or administrator of the individual's estate has not transferred all Cab and Accessible Cab Owner Licences in accordance with subsections 10.3(b) or 10.3(c), he or she may request a hearing before a Hearings Officer to consider an extension of up to 2 years before revocation. A request for a hearing shall be made by filing with the City Clerk a notice of appeal in writing and the appeal fee as set out in this By-law prior to the expiration of the 2 year period in subsection 10.3(d) of this By-law. The notice of appeal must comply with the requirements as set out in Schedule 1 of the City's Hearings Officer By-law A.-6653-121, as amended.

Part 11 POWERS OF LICENCE MANAGER

11.1 The power and authority to refuse to issue or renew a licence, to cancel, revoke or suspend a licence, to impose terms and conditions, including special conditions, on a licence, or to exempt any person from all or part of this By-law are delegated to the Licence Manager.

11.2 The Licence Manager shall issue a licence or renew a licence where the requirements or conditions of this By-law have been met.

11.3 The Licence Manager may refuse to issue, refuse to renew or revoke or suspend a licence or impose a term or condition on a licence on the following grounds:

- (a) the conduct of the Applicant or Licensee, or any partner, officer, director, employee or agent of the Applicant or Licensee, affords reasonable cause to believe that the Applicant or Licensee will not carry on his or her business in accordance with the law or with honesty or integrity;
- (b) an Applicant or Licensee is carrying on activities that are in contravention of this By-law;
- (c) there are reasonable grounds to believe that an application or other documents provided to the Licence Manager by or on behalf of the Applicant or a Licensee contains a false statement;
- (d) any information contained in the original application form or any other information provided to the Licence Manager, has ceased to be accurate and the Licensee has not provided up-to-date accurate information to the Licence Manager to allow the Licence Manager to conclude that the Licence should continue;
- (e) an Applicant or Licensee does not meet, at any time, one or more of the requirements of this By-law or any conditions imposed on a Licence;
- (f) the Applicant or Licensee is not in compliance with any federal, provincial law or City By-law, including this By-law;
- (g) the Applicant or Licensee or any partner, officer or director has been convicted of an offence, for which a pardon has not been granted, pursuant to any one or more of Parts V (Sexual Offences), VII (Offences Against Persons) or IX (Offences Against Property) of the *Criminal Code of Canada*, R.S.C. 1985 c. C-46, as amended or any other criminal convictions in the preceding five (5) years;
- (h) the Applicant or Licensee has been convicted of an indictable offence under any Statute of Canada, including but not limited to the *Criminal Code of Canada*, the *Narcotic Control Act*, the *Food and Drug Act*, and the *Controlled Drug and Substances Act* during the preceding five (5) years;
- (i) the Applicant or Licensee has been convicted of any other criminal offence for which, in the opinion of the Licence Manager, it would not be in the interest of public safety to issue a licence;
- (j) the Applicant or Licensee is currently under a prohibition order issued in any court within Canada that prohibits the operation of a motor vehicle;
- (k) the Applicant or Licensee does not have a valid "G" Ontario Driver's Licence or equivalent or their driver's licence is under suspension; or
- (l) the Applicant or Licensee has accumulated 6 or more demerit points within a three year period.

11.4 Notwithstanding any other provision of this By-law, the Licence Manager may impose terms and conditions on any licence at issuance, renewal or any time during the term of the licence, including special conditions, as are necessary in the opinion of the Licence Manager to give effect to this By-law.

11.5 Where the Licence Manager is of the opinion that:

- (a) an application for a licence or renewal of a licence should be refused;
- (b) a reinstatement should not be made;
- (c) a licence should be revoked;
- (d) a licence should be suspended, or,

- (e) a term or condition of a licence should be imposed; the Licence Manager shall make that decision.

11.6 Where the Licence Manager has made a decision under subsection 11.5 of this By-law the Licence Manager's written notice of that decision shall be given to the Applicant or the Licensee by regular mail to the last known address of that person and shall be deemed to have been given on the 3rd day after it is mailed. Service on a corporation can be effected by registered mail to the address of the corporation's registered head office.

- 11.7 The written notice to be given under section 11.6 of this By-law shall:
- (a) set out the grounds for the decision;
 - (b) give reasonable particulars of the grounds;
 - (c) be signed by the Licence Manager; and,
 - (d) state that the Applicant or Licensee is entitled to a hearing by the Hearings Officer if the Applicant or Licensee files with the City Clerk a notice of appeal in writing and the appeal fee as set out in this By-law within ten (10) days after the notice in section 11.6 of this By-law is given. The notice of appeal must comply with the requirements as set out in Schedule 1 of the City's Hearings Officer By-law A-6653-121 as amended.

11.8 Where no appeal is filed within the required time period, the decision of the Licence Manager shall be final.

11.9 Despite section 11.7 of this By-law, where a Licence is voluntarily surrendered by the Licensee for revocation, the Licence Manager may revoke the Licence without notice to the Licensee.

Part 12 HEARINGS BEFORE THE HEARINGS OFFICER

12.1 The power and authority to conduct hearings of appeals under this By-law are hereby delegated to the Hearings Officer.

12.2 The provisions of the City's Hearings Officer By-law A-6653-121 as amended apply to all hearings conducted by the Hearings Officer under this By-law.

12.3 The Hearings Officer may uphold or vary the decision of the Licence Manager or make any decision that the Licence Manager was entitled to make in the first instance.

12.4 The decision of the Hearings Officer is final.

Part 13 ENFORCEMENT

13.1 This By-law may be enforced by an Enforcement Officer.

13.2 No person shall hinder or obstruct, or attempt to hinder or obstruct, any person who is exercising a power or performing a duty under this By-law, including carrying out an inspection.

13.3 No person shall fail to produce immediately his or her Licence or any other relevant documents required under this By-law when requested to do so by the Licence Manager or an Enforcement Officer.

Part 14 INSPECTIONS

14.1 Every Owner or Driver shall submit or cause to be submitted their City Plated Vehicle for inspection when required to do so by the Licence Manager or an Enforcement Officer to a place designated by the Licence Manager or an Enforcement Officer:

- (a) forthwith if the vehicle is in the presence of the Licence Manager, an Enforcement Officer or an Ontario Ministry of Transportation Inspector and the Vehicle is in Operation; or
- (b) within 24 hours of receipt of the request, at a time set by the Licence Manager or an Enforcement Officer, if the vehicle is not in the presence of the Licence Manager, an Enforcement Officer or an Ontario Ministry of Transportation Inspector.

14.2 Every Owner or Driver shall, upon the request of the Licence Manager or an Enforcement Officer during an inspection, produce all relevant licences, permits, invoices, vouchers, appointment books, Trip Sheets, Maintenance Logs or like documents and the Licence Manager or an Enforcement Officer may remove any of these documents for photocopying provided that the Owner or Driver is given a receipt and the documents are returned to him or her within 48 hours.

14.3 Notification of an inspection or an order made under section 14 of this By-law shall be served on an Owner:

- (a) personally;
- (b) by registered letter mail to the last known address of the Owner, whether actually received or not;
- (c) personally on the Driver Operating the City Plated Vehicle;
- (d) by leaving a copy with an individual at a Brokerage associated with the Owner; or
- (e) by facsimile to the last known facsimile number of a Broker associated with the Owner.

14.4 An Enforcement Officer may require a Driver or an Owner to submit or cause to be submitted their City Plated Vehicle for a random inspection, including an inspection by a designated mechanic or a designated representative of the manufacturer of the Cab Meter, at a time and place specified by the Enforcement Officer to ensure that the provisions of this By-law are being complied with.

14.5 When the Licence Manager or an Enforcement Officer believes on reasonable grounds that a City Plated Vehicle is being Operated such that it is a danger to the health or safety of the public, he or she may:

- (a) remove the Owner Plate;
- (b) order the Driver to have the vehicle towed to a place of repair or other private property at the Driver's or the Owner's expense; and
- (c) order the Owner not to Operate or permit the Operation of the vehicle until the danger is remedied, the vehicle has been inspected by the Licence Manager or an Enforcement Officer and, in the case of a Cab or Accessible Cab, the Cab Meter has been resealed; or
- (d) order the Owner to file a Safety Standards Certificate after the date of the order.

14.6 Every Owner whose Vehicle for Hire is deemed unsafe or dangerous due to mechanical defects, may be required to attend before the Licence Manager to determine whether or not his or her Licence should be suspended, revoked or have conditions imposed on it.

14.7 For the purpose of this subsection, mechanical defect includes, but is not limited to, mechanical defects directly or indirectly related to any part or parts of the vehicle involving or affecting:

- (a) its brakes or braking system;
- (b) its steering system;
- (c) its suspension system;
- (d) its under body;
- (e) its exhaust system;
- (f) the condition of its tires;
- (g) its lighting;
- (h) its glass;
- (i) its seat belt operation;
- (j) its wheelchair restraints, if applicable;
- (k) its heating system; or
- (l) the condition of the vehicle's body.

14.8 When the vehicle has been in an accident, the Owner shall:

- (a) immediately remove the vehicle from service; and
- (b) notify the Licence Manager of the collision; and
- (c) notify the Licence Manager of the details of the vehicle's repairs.

14.9 Once the repairs to the vehicle have been effected, the Owner or Driver shall provide the Enforcement Officer with a current safety standards certificate of motor vehicle fitness issued under the *Highway Traffic Act*, and the Enforcement Officer shall inspect the Vehicle for Hire.

14.10 When the Licence Manager or an Enforcement Officer believes on reasonable grounds that a City Plated Vehicle does not comply with the requirements of this By-law, he or she may order the Owner to bring it into compliance, and the order shall:

- (a) state the Owner Plate number of the vehicle;

- (b) give reasonable particulars of any repairs to be made;
- (c) indicate the time for compliance with the order;
- (d) give notice that if the order is not complied with the Owner Licence may be suspended; and
- (e) require that the Owner Plate be returned to Licence Manager immediately.

Part 15 TARIFFS/FARES

15.1 Every Driver, Owner or Broker shall charge a Fare for each Trip as set out in Schedule "I" of this By-law.

15.2 Every Cab or Accessible Cab Driver shall draw his or her Passenger's attention to the amount of the Fare on the Cab Meter at the conclusion of the Trip.

15.3 No Driver or Owner shall receive a Fare or charge from any person unless the current Tariff Card is on display in accordance with the provisions of this By-law.

15.4 Notwithstanding section 15.1 of this By-law, a Cab Owner or Accessible Cab Owner and a Passenger or other person may enter into an agreement for parcel handling at an agreed upon charge, provided that the charge shall not apply to luggage accompanying a Passenger on a Trip to or from a transportation terminal or for the storage or handling of mobility aids or mobility assistive devices accompanying a Passenger on a Trip.

15.5 All Fares as set out in Schedule "I" of this By-law are inclusive of H.S.T.

15.6 Notwithstanding section 15.1, a Cab Owner or Accessible Cab Owner or a Cab Driver or an Accessible Cab Driver may charge an amount for a Trip other than as set out in Schedule "I" of this By-law provided that:

- (a) the amount charged is for a Trip between fixed points;
- (b) the Cab Owner or Accessible Cab Owner or Cab Driver or Accessible Cab Driver is affiliated with a Broker; and
- (c) the amount charged is a fixed amount based on a written agreement for a term of not less than one year between the Broker with which the Cab Owner or Accessible Cab Owner or the Cab Driver or Accessible Cab Driver is affiliated and a corporation for a Conveyance Service of the employees of the corporation.

Part 16 LICENCE AND OTHER FEES

16.1 The annual Licence fees and all other fees to be paid to the City under this By-law shall be as listed in Schedule "H" of this By-law. The fees in Schedule "H" do not include H.S.T.

Part 17 PENALTY

17.1 Any person who contravenes any provision of this By-law, including any Schedule attached hereto, is guilty of an offence.

17.2 A director or officer of a corporation who knowingly concurs in the contravention of any provision of this By-law, including any Schedule attached hereto, is guilty of an offence.

17.3 A person convicted under this By-law is liable to a maximum fine of \$25,000.00 upon a first conviction and a maximum fine of \$50,000.00 for any subsequent conviction.

17.4 Despite subsection 17.3 where the person convicted is a corporation, the corporation is liable to a maximum fine of \$50,000.00 upon a first conviction and a maximum fine of \$100,000.00 for any subsequent conviction.

17.5 If this By-law is contravened and a conviction entered, in addition to any other remedy and to any penalty imposed by this By-law, the court in which the conviction has been entered and any court of competent jurisdiction thereafter may make an order,

- (a) prohibiting the continuation or repetition of the offence by the person convicted; and,
- (b) requiring the person convicted to correct the contravention in the manner and within the period that the court considers appropriate.

Part 18
GENERAL

18.1 If any provision or part of this By-law is declared by any court or tribunal of competent jurisdiction to be illegal or inoperative, in whole or in part, or inoperative in particular circumstances, the balance of the By-law, or its application in other circumstances, shall not be affected and shall continue to be in full force and effect.

18.2 If there is a conflict between a provision of this By-law and a provision of any other City By-law, then the more restrictive provision shall apply.

18.3 Unless otherwise stated, the requirements of the Schedules to this By-law shall be in addition to all other requirements of this By-law.

Part 19
MISCELLANEOUS

19.1 Any Licence that was issued under the provisions of By-law L.-126-256 and any amendments thereto and that is valid on June 30, 2012 shall be deemed to have been issued under this By-law and will be valid until such Licence is revoked or until it expires on October 31, 2012, whichever comes first.

19.2 By-law L.-126-256 and any amendments thereto are hereby repealed.

19.3 This By-law may be referred to as the "Vehicles for Hire Licensing By-law".

19.4 This By-law shall come into force and effect on July 1, 2012.

PASSED in Open Council , 2012.

Joe Fontana
Mayor

Catharine Saunders
City Clerk

First reading -
Second reading -
Third reading -

