

SCHEDULE "D" - CAB AND ACCESSIBLE CAB OWNER

LICENCE APPLICATIONS, DUTIES, PROHIBITIONS

1.0 LICENCE APPLICATIONS AND RENEWALS

1.1 A person who is the owner of more than one Cab or Accessible Cab shall take out a separate Licence and Owner Plate for each Cab and Accessible Cab to be Plated and Operated or permitted to be Operated as a Cab or Accessible Cab.

1.2 Every Applicant for a Class A Cab Owner Licence or a Class A Accessible Cab Owner Licence or a renewal thereof shall:

- (a) if the Applicant is an individual, attend at the office of the Licence Manager in person and complete a written application for such Licence;
- (b) if the Applicant is partnership, have a partner attend at the office of the Licence Manager in person and complete a written application for such Licence;
- (c) if the Applicant is a corporation, have an officer or director of the corporation having signing authority attend at the office of the Licence Manager in person and complete a written application for such Licence;
- (d) if the Applicant is an individual, hold for a Cab Owner Licence a valid Cab Driver Licence or for an Accessible Cab Owner Licence a valid Accessible Cab Driver Licence;
- (e) if the Applicant is a partnership, have each partner hold for a Cab Owner Licence a valid Cab Driver Licence or for an Accessible Cab Owner Licence a valid Accessible Cab Driver Licence;
- (f) if the Applicant is a corporation, have an officer of the corporation hold for a Cab Owner Licence a valid Cab Driver Licence or for an Accessible Cab Owner Licence a valid Accessible Cab Driver Licence;
- (g) if the Applicant is a partnership, have each partner submit to the Licence Manager a CIR from the London Police Services dated not later than 60 days prior to the application for a Licence;
- (h) If the Applicant is a corporation have each director submit to the Licence Manager a CIR from the London Police Services dated not later than 60 days prior to the application for a Licence;
- (i) file with Licence Manager:
 - (i) proof that the vehicle to be Plated has a current motor vehicle permit that is in good standing issued under the *Highway Traffic Act* and is either registered in his or her name or leased by him or her;
 - (ii) proof of insurance in respect of the vehicle to be Plated indemnifying and protecting the Owner and the public, including Passengers, in the amount of \$2,000,000.00, which insurance shall be satisfactory to the Licence Manager who shall be notified in writing at least 60 days prior to the date of its cancellation or expiry;
 - (iii) a Safety Standards Certificate issued within the previous 60 days with respect to the vehicle to be Plated; and
 - (iv) a certificate of accuracy with respect to the Cab Meter installed in the vehicle to be Plated, dated not later than 30 days prior to the application for a Licence, by a qualified and authorized representative of the manufacturer of the Cab Meter on his or her letterhead stating that the Cab Meter is properly sealed and registers accurately;

- (j) submit for inspection and approval by the Licence Manager the vehicle that is to be Plated that meets all of the requirements of this Schedule; and
- (k) comply with all of the provisions of this By-law.

1.3 In addition to the requirements of section 1.2 of this Schedule every Applicant for a Class A Accessible Cab Owner Licence or any renewal thereof shall be a Licensed Cab Owner.

1.4 Every Applicant for a Class B Cab Owner Licence or Class B Accessible Cab Owner Licence or any renewal thereof shall:

- (a) if the Applicant is an individual, attend at the office of the Licence Manager in person and complete a written application for such Licence;
- (b) if the Applicant is partnership, have a partner attend at the office of the Licence Manager in person and complete a written application for such Licence;
- (c) if the Applicant is an individual, hold for a Cab Owner Licence a valid Cab Driver Licence or for an Accessible Cab Owner Licence a valid Accessible Cab Driver Licence;
- (d) if the Applicant is a partnership, have each partner hold for a Cab Owner Licence a valid Cab Driver Licence or for an Accessible Cab Owner Licence a valid Accessible Cab Driver Licence;
- (e) if the Applicant is a partnership, have each partner submit to the Licence Manager a CIR from the London Police Services dated not later than 60 days prior to the application for a Licence;
- (f) file with Licence Manager:
 - (i) proof that the vehicle to be Plated has a current motor vehicle permit that is in good standing issued under the *Highway Traffic Act* and is either registered in his or her name or leased by him or her;
 - (ii) proof of insurance in respect of the vehicle to be Plated indemnifying and protecting the Owner and the public, including Passengers, in the amount of \$2,000,000.00, which insurance shall be satisfactory to the Licence Manager who shall be notified in writing at least 60 days prior to the date of its cancellation or expiry;
 - (iii) a Safety Standards Certificate issued within the previous 60 days with respect to the vehicle to be Plated; and
 - (iv) a certificate of accuracy with respect to the Cab Meter installed in the vehicle to be Plated dated not later than 30 days prior to the application for a Licence, by a qualified and authorized representative of the manufacturer of the Cab Meter on his or her letterhead stating that the Cab Meter is properly sealed and registers accurately;
- (g) submit for inspection and approval by the Licence Manager the vehicle that is to be Plated that meets all of the requirements of this Schedule;
- (h) in the case of a Class B Accessible Cab Owner Licence, file with the Licence Manager proof satisfactory to the Licence Manager, that the Applicant is affiliated with a Licensed Broker; and
- (i) comply with all of the provisions of this By-law.

1.5 An Applicant shall not be eligible for a Class B Cab Owner Licence or a Class B Accessible Cab Owner Licence if:

- (a) the Applicant is a corporation;

- (b) the Applicant is an individual that holds a Cab Owner Licence or an Accessible Cab Owner Licence;
- (c) the Applicant is a partnership that holds a Cab Owner Licence or an Accessible Cab Owner Licence;
- (d) the Applicant is an officer, director or a shareholder in a corporation that holds a Cab Owner Licence or an Accessible Cab Owner Licence; or
- (e) the Applicant is a partner in a partnership that holds a Cab Owner Licence or an Accessible Cab Owner Licence.

2.0 VEHICLE REQUIREMENTS

2.1 Every Owner shall ensure that his or her Cab or Accessible Cab has:

- (a) a seating capacity of not less than 5 and not more than 10 individuals;
- (b) 4 doors including 2 rear passenger doors;
- (c) an illuminated electric sign securely affixed to the top of the Cab or Accessible Cab and connected to the Cab Meter so as to be lit from dusk to dawn when the Cab is not providing a Conveyance Service and indicating that that the vehicle is a Cab or Accessible Cab and the name of the Fleet it belongs to;
- (d) 2 exterior emergency lights in a location approved by the Licence Manager that:
 - (i) have an intermittent flasher to continuously flash until reset or disengaged and a silent activation switch within easy reach of the Driver; and
 - (ii) are amber in colour, at least 5 centimetres in diameter, shock resistant, wired on an independent circuit, upon activation visible from the front and rear of the Cab or Accessible Cab at a distance of not less than 15 metres but not visible to any individual in the Cab or Accessible Cab, and installed at and facing toward the front and the back of the Cab;
- (e) have a City issued 911 Bumper Sticker affixed in proximity to the rear emergency light;
- (f) a Cab Meter for registering distance traveled, waiting time and for computing Fares that is;
 - (i) illuminated between dusk and dawn;
 - (ii) clearly visible to Passengers;
 - (ii) adjusted in accordance with the tariffs in Schedule "I" of this By-law;
 - (iv) used only when the seal is intact;
 - (v) used for not longer than one year without retesting, re-inspection and resealing; and
 - (vi) kept in good working condition at all times;
- (g) a fully-operational security camera system;
 - (i) that has been approved by the Licence Manager;
 - (ii) that is capable of recording images of persons in the Cab or Accessible Cab at all hours of the day or night;
 - (iii) with access to the information recorded by the camera system limited to an Enforcement Officer to access the information for law enforcement purposes only; and
 - (iv) commencing October 1, 2012, that shall be capable of recording forward images of the roadway as seen by the Driver while the vehicle is in operation;
- (h) a decal or sign satisfactory to the Licence Manager installed in a location approved by the Licence Manager indicating that photographic images of the passengers are being recorded;
- (i) the number of the Owner Plate issued for the Cab or Accessible Cab displayed on the exterior sides of both front doors and right rear trunk hood in contrasting colours at least 8 centimetres high;

- (j) displayed on the rear bumper of the Cab or Accessible Cab the number of the Owner Plate issued for the Cab or Accessible Cab and the name of the Fleet it belongs to in text that is high colour-contrasted with its background in order to assist with visual recognition, has the appearance of solid characters and is consistently shaped, coloured and positioned with other vehicles in the Fleet;
- (k) the Owner Plate issued for the Cab or Accessible Cab securely affixed to its right rear trunk;
- (l) a colour scheme approved by the Licence Manager; and,
- (m) a windshield and any windows to the direct left or right of the driver's seat that are clear glass or lightly tinted, provided that the light tint is non-reflective and is not darker than 35% visible light transmission.

2.2 In addition to the requirements of section 2.1 of this Schedule, every Accessible Cab Owner shall ensure that his or her Accessible Cab:

- (a) is equipped with an extra tire, wheel and jack ready for use for that Accessible Cab;
- (b) is equipped with wheelchair tie downs;
- (c) is equipped with a first aid kit;
- (d) is equipped with a dry chemical fire extinguisher having an effective total rating of at least 4-B c and weighing 2.27 kilograms;
- (e) is equipped with operable air-conditioning and heating; and
- (f) is in compliance with the Canadian Standards Association's Standard D409-M84 and all other federal and provincial legislation including without limitation to O. Reg 1990 629 under the *Highway Traffic Act*.

2.3 For the purpose of this By-law the age of any motor vehicle shall be determined by counting the model year as the first year.

2.4 No motor vehicle more than seven (7) years old and no Low Emission Vehicle more than eight (8) years old may be plated as a Cab under this By-law. No motor vehicle more than eight(8) years old may be plated as an Accessible Cab under this By-law.

2.5 No motor vehicle more than three (3) years old may be Plated for the first time as a Cab or an Accessible Cab under this By-law.

3.0 OWNER'S DUTIES

3.1 Every Licensed Cab Owner or Accessible Cab Owner shall:

- (a) keep at all times in the Cab or Accessible Cab for which the Cab Owner Licence or Accessible Cab Owner Licence was issued, the original or a photocopy of the original of each of the following documents:
 - (i) the current Cab Owner Licence or Accessible Cab Owner Licence;
 - (ii) a current Ministry of Transportation passenger motor vehicle permit issued for the Cab or Accessible Cab;
 - (iii) the certificate of insurance for the Cab or Accessible Cab obtained in accordance with the requirements of this By-law.
- (b) maintain the Cab or Accessible Cab in good condition at all times and without limitation every Cab Owner or Accessible Cab Owner shall:
 - (i) maintain all drive train components, the engine, transmission, suspension and braking system in accordance with Ontario Regulation 611 of the *Highway Traffic Act*, as amended from time to time;
 - (ii) maintain all factory and after-market parts such as lamps, latches, seats, body parts, windows, heater and defroster systems free of defects or damage and in complete operational order; and

- (iii) maintain the vehicle generally to allow for its safe operation;
- (c) repair all of the Cab's or Accessible Cab's mechanical defects immediately when reported by a Driver, the Licence Manager or an Enforcement Officer;
- (d) keep in the Cab or Accessible Cab a Maintenance Log recording all maintenance and repairs performed on the Cab or Accessible Cab within the preceding 12 months;
- (e) maintain the interior and exterior of his or her Cab or Accessible Cab in a clean and tidy condition, including maintain the interior:
 - (i) free from all dust, dirt, grease, oil, adhesive resin and any other item which can be transferred on to the person, clothing or possessions of a Passenger;
 - (ii) free of all waste paper, cans, garbage or any other item not intrinsic to the Operation of the Cab or Accessible Cab;
 - (iii) free of noxious substances;
 - (iv) free of excess wear including tears and cigarette burns in the upholstery;
 - (v) in a dry condition;
 - (vi) in good repair;
 - (vii) with working seat belts;
 - (viii) with side windows that open and close;
 - (ix) with every seat securely mounted maintaining its position and adjustment;
 - (x) with a working dome light that will activate automatically when the vehicle doors open;

and maintain the exterior:

 - (xi) free from all dust, dirt, grease, oil, adhesive resin and any other item which can be transferred on the person, clothing or possessions of a Passenger, except water or snow;
 - (xii) in good repair;
 - (xiii) free from exterior body damage;
 - (xiv) with no missing or removed fender, grill or molding;
 - (xv) with securely closing doors and trunk lid;
 - (xvi) with all handles and catches in good repair;
 - (xvii) with the paint or finish in good repair; and
 - (xviii) with four matching hubcaps or wheels;
- (f) submit each Cab or Accessible Cab for a safety inspection annually by a motor vehicle inspection mechanic at a motor vehicle inspection station as defined by the *Highway Traffic Act* and at other times as requested to do so by the Licence Manager or an Enforcement Officer;
- (g) submit the Cab Meter for testing, inspection and sealing by such person as the Licence Manager directs at any time;
- (h) submit on or before October 31st of each year a certificate of accuracy satisfactory to the Licence Manager for any Cab Meter for testing, inspection and sealing completed between October 1st and October 31st of that year;
- (i) maintain insurance on his or her Cab or Accessible Cab as required under subsection 1.2(i) or 1.4(f) of this Schedule;
- (j) file with the Licence Manager at least 5 days prior to the expiry date of any current insurance policy an insurance renewal policy or certificate of insurance;
- (k) ensure that every Driver or lessee and every other person involved in the operation of his or her Cab or Accessible Cab complies with all of the requirements of this By-law;
- (l) know at all times the identity of any person having custody of or control over his or her Cab or Accessible Cab; and
- (m) make available the number of the Owner Plate and the name of the Fleet that the Cab or Accessible Cab belongs to in an accessible format to Passengers who are Persons with Disabilities.

3.2 In addition to all of the requirements set out in section 3.1 of this Schedule, every Accessible Cab Owner shall:

- (a) ensure that the Driver of his or her Accessible Cab keeps an accurate record of the number of Trips made for Persons with Disabilities and for persons without Disabilities on his or her Trip Sheets;
- (b) ensure that the Driver of his or her Accessible Cab records the total number of Trips made for Persons with Disabilities and for Persons without Disabilities from the Trip Sheets for each month; and
- (c) ensure that the Driver of his or her Accessible Cab gives priority for providing Conveyance Service to Persons with Disabilities over persons without disabilities.

3.3 In addition to all of the requirements set out in section 3.1 of this Schedule, every Class B Cab Owner shall:

- (a) Operate his or her Cab on a full-time basis for a minimum of 35 hours a week for 40 weeks for the period of November 1 to October 31; and
- (b) if the Applicant is a partnership, each partner shall drive his or her Cab on a full-time basis for a minimum of 35 hours a week for 40 weeks for the period of November 1 to October 31.

3.4 In addition to all of the requirements set out in sections 3.1 and 3.2 of this Schedule, every Class B Accessible Cab Owner shall:

- (a) ensure that all Drivers in his or her Accessible Cab are affiliated with the same Broker as the Class B Accessible Cab Owner;
- (b) maintain an affiliation with a Broker as required under subsection 1.4(h) of this Schedule;
- (c) notify the Licence Manager in writing of any change of his or her affiliation with a Broker within 5 days of any such change;
- (d) Operate his or her Accessible Cab on a full-time basis for a minimum of 35 hours a week for 40 weeks for the period of November 1 to October 31; and
- (e) if the Applicant is a partnership, each partner shall operate his or her Accessible Cab on a full-time basis for a minimum of 35 hours a week for 40 weeks for the period of November 1 to October 31.

3.5 Notwithstanding subsections 3.4(d) and (e) of this Schedule, the Licence Manager may exempt a Class B Accessible Cab Owner from the minimum hours of operation required if, on account of illness, injury or other medical disability, he or she has been unable to meet the requirements of that subsection, if he or she files with the Licence Manager a statutory declaration so stating, together with supporting documentation including a medical certificate from a physician certified to practice in Ontario and such other evidence as the Licence Manager may require and the statutory declaration shall also state that he or she did meet the requirements of subsections 3.4(d) and (e) of this Schedule before the onset of his or her medical disability.

- (a)

4.0 OWNER'S PROHIBITIONS

4.1 No Cab Owner or Accessible Cab Owner, shall:

- (a) permit any person to Operate his or her Cab without that person being Licensed as a Cab Driver under this By-law;
- (b) permit any person to Operate his or her Accessible Cab unless that person is Licensed as an Accessible Driver under this By-law;
- (c) permit his or her Owner Plate to be used with respect to any other vehicle other than the vehicle for which the Owner Plate was issued;

- (d) require or permit a Driver of the Owner's Cab or Accessible Cab, to work when that person's ability to perform his or her duties is impaired by fatigue, illness or otherwise;
- (e) require or permit a Driver to Operate the Owner's Cab or Accessible Cab when the Driver has been on duty for more than 12 hours within a 24 hour period without first taking 8 consecutive hours off duty;
- (f) Operate, cause or permit his or her Cab or Accessible Cab to be Operated with mechanical defects;
- (g) Operate or permit his or her Cab or Accessible Cab to be Operated, without an Owner Plate;
- (h) put any name, address or telephone number or identification other than that of the Broker with whom the Owner is affiliated, on his or her Cab or Accessible Cab;
- (i) Operate or permit his or her Cab or Accessible Cab to be Operated in affiliation with a Broker who is not licensed under this By-law;
- (j) display or permit the display of any advertisement on the Cab or Accessible Cab except one permanently attached exterior advertising sign not exceeding 36 cm x 51 cm (14" X 20") in size on each of the side panels of the front doors of the Cab or Accessible Cab and on the rear trunk lid of the Cab or Accessible Cab, such sign relating solely to the vehicle for hire business of the Owner, or affiliated Broker;
- (k) permit a person to Operate his or her Cab or Accessible Cab when the Cab Meter is out of order or defective in any way;
- (l) use or permit to be used on his or her Cab or Accessible Cab a colour scheme that is not approved by the Licence Manager or simulates a colour scheme used by another Broker;
- (m) use or permit to be used in his or her Cab or Accessible Cab a scanning device or more than one two-way radio communication system and one cellular telephone; and
- (n) fail to maintain his or her Cab or Accessible Cab in operation for a period of at least 120 successive days.

5.0 NUMBER OF CAB AND ACCESSIBLE CAB OWNER LICENCES

5.1 A limitation is imposed on the issuance of Cab Owner Licences at whichever number is greater:

- (a) the number of licences issued under By-law No. L-126-256 immediately before its repeal; or,
- (b) a ratio of one Licence for each 1,100 residents of the City, the total number of residents of the City to be determined annually from the latest revised population figures available from Statistics Canada.

5.2 A limitation is imposed on the number of Accessible Cab Owner Licences at the ratio of one Licence for every 18 Cab Owner Licences.

5.3 Nothing in this By-law shall be construed as preventing an Owner from converting a Cab Owner Licence to an Accessible Cab Owner Licence.

5.4 To regulate the distribution of available Cab Owner Licences and Accessible Cab Owner Licences, the Licence Manager shall issue new Cab Owner Licences and Accessible Cab Owner Licences only at such times as the formula referred to in subsection 5.1(a) and (b) of this Schedule warrants the issuance of new Cab Owner Licences and Accessible Cab Owner Licences. If warranted, the new Licences shall be issued within 3 months of the population figures being available from Statistic Canada, in order from the Cab Priority List or the Accessible Cab Priority List.

5.5 Notwithstanding any provisions of this By-law, no individual corporation or group of corporations having a common shareholder or part Owner with a total of more than 50% of the shares of ownership shall have more than 35% of the total number of Cab Owner Licences.

6.0 CAB PRIORITY LIST AND ACCESSIBLE CAB PRIORITY LIST

6.1 The Licence Manager shall establish and maintain a Cab Priority List and an Accessible Cab Priority List to be used in determining the priority for issuing new Cab Owner and Accessible Cab Owner Licences, using the following criteria:

- (a) applicants that are on the Cab Priority List or the Accessible Cab Priority List on or before June 30, 2012 shall have their name placed on the Cab Priority List or the Accessible Cab Priority List and maintain their order;
- (b) when an Application for a Cab Owner Licence or an Accessible Cab Owner Licence is submitted to the Licence Manager after July 1, 2012 and the Applicant meets all of the requirements in subsections 1.4 (a) to (e) inclusive, 1.5 and 6.8 of this Schedule, but a Cab Owner Licence or an Accessible Cab Owner Licence cannot be issued because of the limitation on the number of Cab Owner Licences or Accessible Cab Owner Licences set out in subsection 5.1(a) and (b) of this Schedule, the Applicant's name shall be placed at the end of the Accessible Cab Priority List by the Licence Manager;
- (c) no person shall hold more than one position on either the Cab Priority List or the Accessible Cab Priority List at any one time;
- (d) no person shall have their name on or hold a position on both the Cab Priority List and the Accessible Priority List at any one time;
- (e) once a person receives a Cab or an Accessible Cab Owner Licence either by means of the Cab or Accessible Cab Priority List or by other means, such as a transfer, the Person is no longer eligible to receive a Cab or Accessible Cab Owner Licence by means of the Cab or Accessible Cab Priority List;
- (f) no Person who has been issued a Licence from the Cab or Accessible Cab Priority List may re-enter his or her name on the Cab or Accessible Cab Priority List; and
- (g) if the Applicant whose name appears on the Cab or Accessible Cab Priority List is:
 - (i) an individual, then he or she; or
 - (ii) a partnership, then each partner
 shall complete a statutory declaration attesting to his or her continued eligibility to remain on the Cab or Accessible Cab Priority List within 30 days following the date the Licence Manager mails, by registered mail to the Applicant's last known address, a notice requiring the statutory declaration and any persons who fails to complete the statutory declaration shall have their name removed from the Cab or Accessible Cab Priority List without further notice.

6.2 When a Cab or Accessible Cab Owner Licence becomes available for issuance, the Licence Manager shall send a letter to the Applicant whose name is at the top of the Cab or Accessible Cab Priority List, whichever is applicable, by first class prepaid mail requesting that he or she, or each partner if the Applicant is a partnership, attend at the office of the Licence Manager within 45 days of the date of the letter to;

- (a) in the case of an Accessible Cab Owner Licence file with the Licence Manager proof of completion of an Accessible Cab Training Course approved by the Licence Manager, and, subsequently, complete a written examination administered by the Licence Manager with:
 - (i) a minimum grade of 75% for a first attempt; or
 - (ii) a minimum grade of 85% for all subsequent attempts;
- (b) submit an Application for such Licence in accordance with subsections 1.4 and 1.5 of this Schedule; and
- (c) pay the required fee.

6.3 Every newly Licensed Cab or Accessible Cab Owner shall place his or her Cab or Accessible Cab in operation within 45 days from the date the Cab or Accessible Cab Owner Licence is granted, failing which the Cab or Accessible Cab Owner Licence shall be returned to

the Licence Manager who may proceed to issue the Cab or Accessible Cab Owner Licence to another eligible Applicant on the Cab or Accessible Cab Priority List.

6.4 When a Cab or Accessible Cab Owner Licence is issued or denied to an Applicant on the Cab or Accessible Cab Priority List, the name of that Applicant shall be removed from the applicable Cab or Accessible Cab Priority List by the Licence Manager and all other names below shall be moved forward one position.

6.5 No Person, by virtue of the submission of an Application for a Cab or Accessible Cab Owner Licence or by virtue of the placing of his or her name on the Cab or Accessible Cab Priority List shall obtain a vested right to a Cab or Accessible Cab Owner Licence, or to remain on the Cab or Accessible Cab Priority List.

6.6 The City may at any time amend or repeal this By-law and any successor By-laws and place further or additional requirements or restrictions on such persons at any time or to purge or eliminate the Cab or Accessible Cab Priority List.

6.7 The Cab or Accessible Cab Priority List shall not oblige the City to issue a Licence to any person on it, regardless of he or she being at the top or the earliest entry. The Cab or Accessible Cab Priority List shall not give such person a vested interest in a Cab or Accessible Cab Owner Licence and its use shall be solely for establishing the order of priority of persons seeking a Cab or Accessible Cab Owner Licence.

6.8 An Applicant's name shall be placed on the Cab or Accessible Cab Priority List by the Licence Manager if where the Applicant is an individual, the individual, or where the Applicant is a partnership, a partner:

- (a) has been Licensed as a Cab Driver for at least 2 years and Operating a Cab at least 35 hours a week for 40 weeks in each of the two years prior to the date that his or her Application for a Cab Owner Licence is filed with the Licence Manager together with a statutory declaration confirming this;
- (b) holds his or her Cab Driver Licence in good standing with no outstanding charges or convictions under this By-law; and
- (c) has not held, either directly or indirectly, a Cab Owner Licence or an Accessible Cab Owner Licence during the 5 years prior to the date that his or her Application for a Cab or Accessible Cab Owner Licence is filed with the Licence Manager.

6.9 Notwithstanding subsection 6.8 of this Schedule, when an Applicant's name has been added to the Cab or Accessible Cab Priority List, the Applicant's name shall remain on the Cab or Accessible Cab Priority List if where he or she is an individual, the individual, or where the Applicant is a partnership, a partner:

- (a) continues to drive a Cab for an average of at least 35 hours a week for 40 weeks each year or he or she works at a Licensed Brokerage, as a Dispatcher, a Broker general manager, telephone operator or mechanic and has worked in that capacity, or any combination thereof, for an average of at least 35 hours a week for 40 weeks each year and has filed a statutory declaration with the Licence Manager confirming this;
- (b) renews his or her Application annually, signing a statutory declaration and paying a fee as required by the Licence Manager; and
- (c) continues not to have held, either directly or indirectly, a Cab an or an Accessible Cab Owner Licence.

6.10 Notwithstanding subsection 6.9 of this Schedule, when an Applicant, (either an individual, or a partner if the Applicant is a partnership), has, on account of illness, injury or other medical disability, been unable to meet the requirements of that subsection, the Applicant's name may remain on the Cab or Accessible Cab Priority List if he or she files with the Licence Manager a statutory declaration so stating, together with supporting documentation including a medical certificate from a physician certified to practice in Ontario and such other evidence as the Licence Manager may require and the statutory declaration shall also state that the Applicant did meet the requirements of subsection 6.9 before the onset of his or her medical disability.

6.11 Notwithstanding subsection 6.9 of this Schedule, when an Applicant's name has been on the Cab or Accessible Cab Priority List for 4 years or more, his or her name may remain on the Cab or Accessible Cab Priority List while he or she if the Applicant is an individual, or a partner

if the Applicant is a partnership, attends, on a full-time basis, an Ontario Government accredited educational institution, provided such attendance is for no more than 2 years and the Applicant gives written notification to the Licence Manager of his or her intention to enroll within 60 days of enrolment and proof of enrolment.

6.12 When a person fails to meet the requirements of section 6.0 of this Schedule, the Licence Manager shall remove his or her name from the Cab or Accessible Cab Priority List.

6.13 When a person acquires, by transfer or otherwise, a Cab Owner Licence or Accessible Cab Owner Licence, or an interest of any kind, directly or indirectly, in a Cab Owner Licence or Accessible Cab Owner Licence, or becomes a shareholder or partner or acquires some other interest in a partnership or corporation having an interest in Cab Owner Licence or Accessible Cab Owner Licence, the Licence Manager shall remove his or her name from the Cab or Accessible Cab Priority List.

6.14 The Licence Manager shall remove the name of an individual from the Cab or Accessible Cab Priority List immediately upon learning of his or her death.

6.15 The Licence Manager shall review the Cab and Accessible Cab Priority List at regular intervals, but in any case not less than once annually, to determine that those persons listed on it remain in compliance with the requirements of this By-law.

6.16 Any person whose name is on the Cab or Accessible Cab Priority List and who is determined by the Licence Manager not to comply with the requirements of section 6 of this Schedule shall be notified by registered letter mail to his or her last known address on file with the Licence Manager that his or her name is to be removed from the Cab or Accessible Cab Priority List and the person may appeal this removal by requesting a hearing before the Hearings Officer by filing with the City Clerk a notice of appeal in writing within 14 days following the date of mailing the registered letter, whether the registered letter is received or not. 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.

6.17 When a request for a hearing before a Hearings Officer has been made in accordance with subsection 6.16 of this Schedule, the Licence Manager shall:

- (a) not remove the name of the person appealing from the Cab or Accessible Cab Priority List until the Hearings Officer has issued a final decision;
- (b) note beside the name on the Cab or Accessible Cab Priority List that an appeal has been requested; and
- (c) not issue any Cab or Accessible Cab Owner Licences until such time as the Hearings Officer has disposed of all outstanding appeals, unless the Cab or Accessible Cab Owner Licence is not issued due to the Cab or Accessible Cab Priority List.

6.18 The Cab and Accessible Cab Priority List shall be available for inspection by the public during normal business hours at the office of the Licence Manager.