

Bill No. 92
2017

By-law No. L.- _____

A By-law to provide for the licensing, regulating and governing of vehicles for hire, including cabs, accessible cabs, limousines, private vehicles for hire and accessible vehicles for hire, owners and brokers.

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, prescribe vehicle, operational and reporting standards to be imposed on licensees as being 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:

VEHICLE FOR HIRE BY-LAW

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| PART 1 | DEFINITIONS |

1.1 For the purpose of this By-law:

“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, Private Vehicle for Hire or an Accessible Private Vehicle for Hire;

“Accessible Cab Driver” means a Licensed Cab Driver whose Licence has been endorsed by the Licence Manager to permit them to drive an Accessible Cab;

“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;

“Accessible Cab Priority List” means the list of Applicants for Accessible Cab Owner Licences maintained by the Licence Manager in accordance with this By-law;

“Accessible Vehicle” means an Accessible Cab or an Accessible Private Vehicle for Hire or both as the context requires;

“Accessible Private Vehicle for Hire” means a Private Vehicle for Hire 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 Cab, Accessible Cab or a Limousine;

“Accessible Private Vehicle for Hire Driver” means a Licensed Vehicle for Hire Driver whose Licence has been endorsed by the Licence Manager to permit them to drive an Accessible Vehicle for Hire;

“Accessible Private Vehicle for Hire Owner” means a person who holds an Accessible Private Vehicle for Hire Owner Licence and corresponding Owner Plate;

“Applicant” means a person applying for a licence under this By-law;

“Broker” means any person who accepts Orders for or Dispatches a Vehicle for Hire and includes a Transportation Network Company.

“Brokerage” means the business of a Broker and shall be deemed to include the premises where the business is carried on;

“Cab” means a motor vehicle that is available for or providing a Conveyance Service, but does not include a Limousine, Private Vehicle for Hire or an Accessible Private Vehicle for Hire;

“Cab Driver” means a person who holds a Cab Driver Licence;

“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;

“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;

“Cab Priority List” means the list of Applicants for Cab Owner Licences maintained by the Licence Manager in accordance with this By-law;

“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;

“City” means The Corporation of the City of London;

“City Clerk” means the City Clerk of The Corporation of the City of London or a person delegated by them for the purpose of this By-law.

“City Plated Vehicle” means a Cab, Accessible Cab, Limousine, Private Vehicle for Hire or Accessible Private Vehicle for Hire that has an Owner Plate;

“Class A Accessible Cab Owner” means a person who holds a Class A Cab Owner Licence and corresponding Owner Plate;

“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;

“Class B Accessible Cab Owner” means a person who holds a Class B Cab Owner Licence and corresponding Owner Plate;

“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;

“Class B Cab Owner” means a person who holds a Class B Cab Owner Licence and corresponding Owner Plate;

“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;

“Conveyance Service” means conveying one or more persons in exchange for a fee or other consideration;

“Council” means the Municipal Council of The Corporation of the City of London;

“Dispatch” means the sending of a Vehicle for Hire to a location for the purpose of offering or providing transportation to a Passenger, and includes but is not limited to:

- (i) receiving telephone or radio calls from prospective Passengers and directing a person operating a Vehicle for Hire to attend at the Passenger’s requested location;
- (ii) offering or operating any part of a mobile application or other electronic service that receives requests for transportation services from prospective Passengers and connects such requests to a person operating a Vehicle for Hire; or
- (iii) any other action that results in a Passenger and Vehicle for Hire being in the same place at the same time for the purpose of providing the Passenger with Vehicle for Hire services, regardless of whether the Vehicle for Hire services are actually provided to the Passenger.

“Driver” means the individual who has care and control of a Cab, Accessible Cab, Limousine, Private Vehicle for Hire or Accessible Private Vehicle;

“Enforcement Officer” means a Municipal Law Enforcement Officer appointed by the Council or a police officer with the London Police Services;

“Fare” means the amount charged to a Passenger for transportation provided in a Vehicle for Hire;

“Fleet” means one or more City Plated Vehicles being Dispatched by a Broker;

“General Broker” means a Broker that Dispatches Cabs, Accessible Cabs or Limousines;

“Hearings Officer” means a Hearings Officer appointed under the City’s Hearings Officer By-law A.-6653-121 as amended;

“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 their Cab, but does not include permitting a Driver to drive a Cab for one regular shift when the Cab is returned to the Owner at the end of the shift;

“Licence” means a licence issued under this By-law;

“Licensed” means licensed under this By-law;

“Licence Manager” means the Chief Municipal Law Enforcement Officer of the City and includes their delegates;

“Licensee” means any person licensed under this By-law;

“Limousine” means Limousine (Executive), Limousine (Stretch), or Limousine (Classic);

“Limousine Driver” means a person who holds a Limousine Driver Licence;

“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), Private Vehicle for Hire or Accessible Private Vehicle for Hire;

“Limousine (Executive)” means a luxury motor vehicle of a wheelbase size smaller than a stretch limousine manufactured to carry up to seven (7) passengers, excluding the driver, and approved by the Licence Manager;

“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), Private Vehicle for Hire or Accessible Private Vehicle for Hire;

“Limousine Owner” means a person who holds a Limousine (Executive), Limousine (Stretch) or Limousine (Classic) Owner Licence and corresponding Owner Plate;

“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;

“Low Emission Vehicle” means a motor vehicle that is a hybrid vehicle or a vehicle powered by electricity;

“Municipality” means the land within the geographic limit of the City of London;

“Operate” means to drive a Cab, Accessible Cab, Limousine, Private Vehicle for Hire or Accessible Private Vehicle for Hire while it is available for or providing a Conveyance Service and operating shall have the corresponding meaning;

“Order” means a request for a motor vehicle to provide a Conveyance Service;

“Owner” means the person who holds a Cab Owner Licence, Accessible Cab Owner Licence, a Limousine Owner Licence, Private Vehicle for Hire Owner Licence or Accessible Private Vehicle for Hire Licence Owner Licence;

“Owner Plate” means vehicle licence identification issued to the Owner under this By-law corresponding to their Owner Licence;

“Passenger” means any individual, not including the Driver, seated in a Cab, Accessible Cab, Limousine, Private Vehicle for Hire or Accessible Private Vehicle for Hire and includes a person engaging or attempting to engage a Cab, Accessible Cab, Limousine, Private Vehicle for Hire or Accessible Private Vehicle for Hire to provide a Conveyance Service;

“Plated” means to have the Owner Plate affixed to the Vehicle for Hire for which it was issued;

“Police Record Check” means a criminal information report that is a result of a search of the local police records where the applicant resides and the national databases maintained by the Canadian Police Information Centre; or alternatively, a third party police record check with a grading of Pass, Fail or Concern.

“Private Vehicle for Hire” means a motor vehicle that is available for or providing a conveyance service but does not include a Cab, Accessible Cab or Limousine;

“Private Vehicle for Hire Owner” means a person who holds a Private Vehicle for Hire Owner Licence and corresponding Owner Plate.

“Private Vehicle for Hire Driver” means a person who holds a Private Vehicle for Hire Driver Licence;

“Safety Standards Certificate” means a safety standards certificate issued under the *Highway Traffic Act*;

“Transportation Network Company” means a person that Dispatches only by offering or operating any part of a mobile application or other electronic service that receives requests for transportation services from prospective passengers and connects such requests to a person operating a Vehicle for Hire;

“Transportation Network Company Broker” means a Broker that Dispatches Private Vehicles for Hire or Accessible Private Vehicles for Hire;

“Trip” means each journey in a Vehicle for Hire commencing when a passenger enters the vehicle, continuing for the period that the vehicle is occupied, and ending when all passengers exit the vehicle;

“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 and includes without limitation a Cab, Accessible Cab, Limousine, Private Vehicle for Hire and Accessible Private Vehicle for Hire;

“Vehicle for Hire Driver” means a person who holds a Cab, Accessible Cab, Limousine, Private Vehicle for Hire or Accessible Private Vehicle for Hire Driver Licence.

PART 2 PROHIBITIONS

2.1 No person shall:

- (a) own or Operate a Vehicle for Hire without being licensed under this By-law;
- (b) Dispatch a Vehicle for Hire 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 licence issued under this By-law is under suspension;
- (e) act as a Broker while their licence issued under this By-law is under suspension;
- (f) advertise the use of a Vehicle for Hire without an Owner or a Broker licence 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;
- (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; designated driver services for which a designated driver drives the customer in the customer's vehicle to at least one destination; or
- (h) courtesy vehicles in association with motor vehicle repair shops where a customer is driven to a predetermined destination.

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 them by this By-law and without limitation may:

- (a) receive and process all applications for all licences 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 APPLICATION FOR LICENCES 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, telephone number and email address 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 “5” 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 thirty (30) 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, provincial or federal departments or agencies as the Licence Manager deems necessary including but not limited to:
- (a) the London Police Services;
 - (b) the Chief Municipal Law Enforcement Officer of the City;
 - (c) the Ministry of Transportation.

PART 6 ISSUANCE OF LICENCES

- 6.1 Every licence shall be electronic or 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 “5” of this By-law;

(b) the Applicant or Licensee shall pay all fees and fines owed by the Applicant or Licensee to the City; and

(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 Vehicle for Hire Driver Licence may be issued for a term of 3, 6, 9, 12 or 24 months with the term commencing on the day it is issued and ending on the day set out on the face of the Licence.
- 6.5 All Cab Owner, Accessible Cab Owner and Limousine Owner Licences and Broker Licences shall expire on October 31st each year.
- 6.6 A Private Vehicle for Hire or Accessible Private Vehicle for Hire Owner Licence may be issued for a term of 3, 6, 9, 12 or 24 months with the term commencing on the day it is issued and ending on the day set out on the face of the Licence.
- 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 Parts 10, 11 and 12 of this By-law.
- 6.10 All 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 as set out in Part 8 of this By-law.
- 6.12 The following classes of Licences 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) Drivers – Schedule “1”
 - i) Vehicle for Hire Driver
 - ii) Accessible Vehicle for Hire Driver
 - b) Owners – Schedule “2”
 - i) Class A Cab Owner
 - ii) Class B Cab Owner
 - iii) Class A Accessible Owner
 - iv) Class B Accessible Owner
 - v) Limousine Owner
 - vi) Private Vehicle for Hire Owner
 - vii) Accessible Private Vehicle for Hire Owner
 - c) Brokers – Schedule “3”
 - i) General Broker

- ii) Transportation Network Company Broker

PART 7 NOTIFICATION OF CHANGE OF INFORMATION

- 7.1 When a Licensee changes their 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 NUMBER OF CAB AND ACCESSIBLE CAB OWNER LICENCES

- 8.1 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.-129-51 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.
- 8.2 A limitation is imposed on the number of Accessible Cab Owner Licences at the ratio of one Licence for every 18 Cab Owner Licences.
- 8.3 Nothing in this By-law shall be construed as preventing an Owner from converting a Cab Owner Licence to an Accessible Cab Owner Licence. An Accessible Cab Owner Licence shall not be converted to a Cab Owner Licence.
- 8.4 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 8.1(a) and (b) of this By-law warrants the issuance of new Cab Owner Licences and Accessible Cab Owner Licences. If warranted, the new Licences shall be issued upon review of the population figures being available from Statistics Canada and in the order from the Cab Priority List or the Accessible Cab Priority List.

PART 9 CAB PRIORITY LIST AND ACCESSIBLE CAB PRIORITY LIST

- 9.1 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 Licences 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 February 28th, 2017 shall have their name placed on the Cab Priority List or Accessible Cab Priority List and maintain their order;
 - (b) on or after March 1, 2017, a person may have their name added to the Cab Priority List or Accessible Cab Priority List by providing to the Licence Manager a completed application in a form as prescribed by the Licence Manager together with the prescribed fee as set out in Schedule "5";
 - (c) in order to remain on the Cab Priority List or the Accessible Cab Priority List, a person must submit an application as prescribed by the Licence Manager together with the applicable fee on or before November 1st each year. Where no such application is

received, the person's name will be removed from the Cab Priority List or Accessible Cab Priority List

- (d) where a person's name has been placed on a Cab Priority List or Accessible Cab Priority List, it is their responsibility to provide the Licence Manager with any change to their contact information.
 - (e) no person shall hold more than one position on the Cab Priority List or Accessible Cab Priority List at any one time;
 - (f) once a person receives a Cab Owner Licence or Accessible Cab Owner Licence by means of the Cab Priority List, Accessible Cab Priority List or by a transfer, the Licence Manager shall remove that person's name from the Cab Priority List or Accessible Cab Priority List.
- 9.2 When a Cab Owner Licence or Accessible Cab Owner Licence becomes available for issuance, the Licence Manager shall send a letter to the person whose name is at the top of the Cab Priority List or Accessible Cab Priority List by first class prepaid mail requesting that they, 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) submit an Application for such Licence; and
 - (b) pay the required fee.
- 9.3 Every newly Licensed Cab Owner or Accessible Cab Owner shall place their Cab or Accessible Cab in operation within 45 days from the date the Cab Owner Licence or Accessible Cab Owner Licence is granted, failing which the Cab Owner Licence or Accessible Cab Owner Licence shall be returned to the Licence Manager who may proceed to issue the Cab Owner Licence or Accessible Cab Owner Licence to another eligible Applicant on the Cab Priority List or Accessible Cab Priority List.
- 9.4 When a Cab Owner Licence or Accessible Cab Owner Licence is issued or denied to a person on the Cab Priority List or Accessible Cab Priority List, that person's name shall be removed from the Cab Priority List or Accessible Cab Priority List by the Licence Manager and all other names below shall be moved forward one position.
- 9.5 No person, by virtue of the submission of an Application for a Cab Owner Licence or Accessible Cab Owner Licence or by virtue of the placing of their name on the Cab Priority List or Accessible Cab Priority List, shall obtain a vested right to a Cab Owner Licence or Accessible Cab Owner Licence, or to remain on the Cab Priority List or Accessible Cab Priority List.
- 9.6 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 persons on the Cab Priority List or Accessible Priority List or purge or eliminate the Cab Priority List or Accessible Priority List.
- 9.7 The Cab Priority List or Accessible Priority List shall not oblige the City to issue a Licence to any person on it, regardless of their position on the list. The Cab Priority List and Accessible Cab Priority List shall not give any person a vested interest in a Cab Owner Licence or Accessible Cab Owner Licence and its use shall be solely for establishing the order of priority of persons seeking a Cab Owner Licence or Accessible Cab Owner Licence
- 9.8 The Licence Manager shall remove the name of an individual from the Cab Priority List immediately upon learning of their death.
- 9.9 The Cab Priority List shall be available for inspection by the public during normal business hours at the office of the Licence Manager.

PART 10 LEASING OF CABS

- 10.1 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.
- 10.2 Notwithstanding subsection 10.1 of this By-law, a Cab Owner holding a Class A Cab Owner Licence may lease their Cab provided that;
- (a) the lessee is Licensed as a Vehicle for Hire Driver, Owner or Broker;
 - (b) under the terms of the Lease, the Cab Owner provides a 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 is responsible for the maintenance of and insurance on the Cab;
 - (d) the Lease is for one Cab and expires upon the sale, replacement or other disposition of the Cab;
 - (e) the 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.
- 10.3 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 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.
- 10.4 No person shall sub-lease or purport to sub-lease a Cab that is the subject of a Lease.
- 10.5 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 that is the subject of a Lease.
- 10.6 No person shall be a party to a Lease or purported Lease of a Cab to which the Owner is not the lessor.
- 10.7 Every Cab Owner shall notify the Licence Manager in writing of the expiration or other sooner termination of any Lease to which they are a party within 10 days of the expiration of the termination of the said Lease.
- 10.8 No Cab Owner shall enter into or be a party to more than one Lease at any one time with respect to any one Cab.

PART 11 TRANSFER OF CAB AND ACCESSIBLE CAB OWNER LICENCES

- 11.1 Class A Cab Owner and Class A Accessible Cab Owner Licences are transferable, provided that:
- (a) the transferee is a Licensed Vehicle for Hire Driver;
 - (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
 - (e) all fees required under this By-law are paid.
- 11.2 Class B Cab Owner Licences and Class B Accessible Cab Owner Licences the corresponding Owner Plates numbered 1000 or greater shall not be transferred.

PART 12 TRANSFER OF CAB OWNER AND ACCESSIBLE CAB OWNER LICENCES BY ESTATE

- 12.1 Within 30 days following the death of an individual holding a Class A Cab Owner or Class A 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.
- 12.2 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.
- 12.3 On the death of an individual holding one or more Class A Cab Owner or Class A Accessible Cab Owner Licences:
- (a) the executor or administrator of the individual's estate may continue to hold any Class A Cab Owner or Class A 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 Class A Cab Owner or Class A Accessible Cab Owner Licence to anyone currently Licensed as a Vehicle for Hire Driver;
 - (c) after the year following the date of death, the executor or administrator of the individual's estate may continue to hold one Class A Cab Owner or Class A Accessible Cab Owner Licence, if they meet all of the requirements for holding such Owner Licence under this By-law; and
 - (d) after one year following the date of death, all Class A Cab or Class A Accessible Cab Owner Licences that have not been transferred in accordance with subsections 12.3(b) or 12.3(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.

- 12.4 Notwithstanding subsection 12.3(d) of this By-law, if the executor or administrator of the individual's estate has not transferred all Class A Cab or Class A Accessible Cab Owner Licences in accordance with subsections 12.3 (b) or 12.3 (c), they 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 1 year period in subsection 12.3 (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 13 POWERS OF LICENCE MANAGER

- 13.1 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.
- 13.2 The Licence Manager shall issue a licence or renew a licence where the requirements or conditions of this By-law have been met.
- 13.3 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 their 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), VIII (Offences Against the Person and Reputation) 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 or any partner, officer or director has been convicted of an indictable offence under any Statue 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 9 or more demerit points within a three year period.
- 13.4 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.
- 13.5 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.
- 13.6 Where the Licence Manager has made a decision under section 13.5 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 regular mail to the address of the corporation's registered head office.
- 13.7 The written notice to be given under section 13.6 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) business days after the notice in section 13.6 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.
- 13.8 Where no appeal is filed within the required time period, the decision of the Licence Manager shall be final.
- 13.9 Despite section 13.7 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.
- 13.10 In addition to any other power, duty or function prescribed by this By-law, the Licence Manager may make regulations under this By-law including:
- (a) prescribing the form of any information required to be provided to the Licence Manager under this By-law;
 - (b) prescribing the format and content of any forms or other documents required under this By-law;
 - (c) prescribing standards for Vehicles for Hire including without limitation to:

- (i) classes of vehicles that may be used as Limousines (Executive);
 - (ii) standards related to the condition of Vehicles for Hire;
 - (iii) colours and or markings for Vehicles for Hire, including without limitation to roof or top lights;
 - (iv) standards related to advertising on the exterior or interior of Vehicles for Hire;
 - (v) standards for Cab Meters;
 - (vi) standards for camera systems required under this By-law;
- (d) prescribing operational standards for Vehicles for Hire Drivers including without limitation to:
- (i) standards for the display of Fares and Licences;
 - (ii) customer service standards;
 - (iii) driver training standards;
- (e) prescribing standards for the form and content of records required to be kept by Brokers under Schedule 3 of this By-law.

13.11 The City Clerk shall maintain a record of all regulations prescribed by the Licence Manager under this By-law. The record of all regulations shall be available for public inspection at the office of the Licence Manager and the office of the City Clerk during normal business hours.

PART 14 HEARINGS BEFORE THE HEARINGS OFFICER

- 14.1 The power and authority to conduct hearings of appeals under this By-law are hereby delegated to the Hearings Officer.
- 14.2 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.
- 14.3 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.
- 14.4 The decision of the Hearings Officer is final.

PART 15 INSPECTIONS

- 15.1 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.
- 15.2 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 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 them within 48 hours.
- 15.3 Notification of an inspection or an order made under section 15 of this By-law shall be served on an Owner:

- (a) personally;
- (b) by email 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 or email to the last known facsimile number or email address of a Broker associated with the Owner.

15.4 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.

15.5 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, or does not comply with any requirement of this By-law or any regulation as prescribed by the Licence Manager either 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;
- (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 with the Licence Manager a Safety Standards Certificate after the date of the order.

15.6 An 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 their Licence should be suspended, revoked or have conditions imposed on it.

15.7 For the purpose of section 15.6, 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.

- 15.8 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.
- 15.9 Once the repairs to the vehicle have been effected, the Owner or Driver shall provide the Enforcement Officer with a current Safety Standards Certificate and the Enforcement Officer shall inspect the Vehicle for Hire.
- 15.10 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, they 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 the Licence Manager immediately.

PART 16 FARES

- 16.1 No person shall charge an amount for a Trip other than the Fare as set out in Schedule "4".
- 16.2 Notwithstanding section 16.1 of this By-law, a Vehicle for Hire Driver 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.
- 16.3 Notwithstanding section 16.1, 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 "4" of this By-law provided that:
- (a) the amount charged is for a Trip between fixed points;
 - (b) the amount charged is a fixed amount based on an agreement between the Broker and a Passenger or group of passengers for a Conveyance Service.

PART 17 LICENCE AND OTHER FEES

- 17.1 The annual Licence fees and all other fees to be paid to the City under this By-law shall be as listed in Schedule "5" of this By-law.

PART 18 PENALTY

- 18.1 Any person who contravenes any provision of this By-law, including any Schedule attached hereto, is guilty of an offence.
- 18.2 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.
- 18.3 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.

- 18.4 Despite section 18.3 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.
- 18.5 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 19 GENERAL

- 19.1 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.
- 19.2 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.
- 19.3 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 20 MISCELLANEOUS

- 20.1 Any Licence that was issued under the provisions of By-law L.-129-51 and any amendments thereto and that is valid on February 28, 2017 shall be deemed to have been issued under this By-law and will be valid until such Licence is revoked or until it expires as shown on the face of the Licence or if not shown on the face of the Licence, on October 31, 2017.
- 20.2 By-law L.-129-51 and any amendments thereto are hereby repealed.
- 20.3 This By-law may be referred to as the "Vehicle for Hire By-law".
- 20.4 This By-law shall come into force and effect on April 4, 2017.

PASSED in Open Council on February 14, 2017

Matt Brown
Mayor

Catharine Saunders
City Clerk

First Reading –February 14, 2017
Second Reading – February 14, 2017
Third Reading – February 14, 2017

SCHEDULE 1 – VEHICLE FOR HIRE DRIVERS

LICENCE APPLICATIONS, DRIVER'S DUTIES, DRIVER'S PROHIBITIONS

1.0 LICENCE APPLICATIONS

- 1.1 Every Applicant for a Vehicle for Hire Driver Licence or a renewal thereof, or alternatively, a Broker acting on the behalf of the Applicant shall:
- a) submit to the Licence Manager a complete application form for such Licence;
 - b) submit to the Licence Manager documentation showing proof of Canadian Citizenship, Landed Immigrant Status, or a Work Permit to work as a driver issued by the Government of Canada;
 - c) submit to the Licence Manager a valid Class G driver's licence issued by the Province of Ontario which is in good standing according to the records of the Ministry of Transportation;
 - d) submit to the Licence Manager proof that they are at least 18 years of age;
 - e) submit to the Licence Manager a Police Record Check dated no later than 60 days prior to the application for a Licence;
 - f) submit to the Licence Manager a Ministry of Transportation driver's abstract dated no later than 60 days prior to the application for a Licence;
 - g) submit to the Licence Manager the name of the Licensed Broker with whom they are affiliated.

Accessible Vehicle for Hire Driver

- 1.2 In addition to the requirements of Section 1.1 of this Schedule, every Applicant for an Accessible Vehicle for Hire Driver Licence in the first instance shall satisfactorily complete a sensitivity course approved by the Licence Manager pertaining to the transportation of persons with disabilities.

2.0 DRIVER'S DUTIES

- 2.1 Every Vehicle for Hire Driver shall:
- a) carry their driver's licence issued under the *Highway Traffic Act*, and their Licence while operating a Vehicle for Hire;
 - b) comply with all operational standards for Vehicles for Hire Drivers as prescribed by the Licence Manager under this By-law;
 - c) report immediately to the Licence Manager if they are charged or convicted with any offence under the *Criminal Code of Canada*, the *Narcotic Control Act*, the *Food and Drugs Act*, the *Controlled Drugs and Substances Act* or the *Highway Traffic Act*;
 - d) report immediately to the Licence Manager if their driver's licence issued under the *Highway Traffic Act* is cancelled, suspended or revoked or if their driver's licence has expired, and surrender immediately their Licence to the Licence Manager;
 - e) unless their Vehicle for Hire has been previously engaged, provide a Conveyance Service to any person, irrespective of the requested destination, refusing only if the Driver is concerned for their personal safety;
 - f) make available the number of the Owner Plate and the name of the Fleet that the Vehicle for Hire belongs to in an accessible format to Passengers who are persons with disabilities.

Accessible Vehicle for Hire Driver

- 2.2 In addition to all of the requirements set out in section 2.1 of this Schedule, every Accessible Vehicle for Hire Driver shall:
- a) ensure that all wheelchairs being transported within the Accessible Vehicle are securely fastened so as to prevent them from moving when the Accessible Vehicle is in motion;
 - b) ensure that the Accessible Vehicle:
 - (i) is equipped with an extra tire, wheel and jack ready for use for that Accessible Vehicle;
 - (ii) is equipped with wheelchair tie downs;
 - (iii) is in compliance with the Canadian Standards Association's Standard D409-M84 and all other applicable federal and provincial legislation including without limitation to O. Reg 1990 629 under the *Highway Traffic Act*;
 - (iv) is equipped with a first aid kit;
 - (v) is equipped with a dry chemical fire extinguisher having an effective total rating of at least 4-Bc and weighing 2.27 kilograms; and
 - (vi) is equipped with operable air-conditioning and heating;
 - c) give priority for Conveyance Services for persons with disabilities over persons without disabilities.

Cab and Accessible Cab Drivers

- 2.3 In addition to all of the requirements set out in section 2.1 of this Schedule, every Cab or or Accessible Cab Driver shall, where a Passenger is paying a Fare as calculated by a Cab Meter, engage the Cab Meter at the start of the Trip and keep it running throughout the Trip; noting that the driver has discretion to disengage the Cab Meter during periods of traffic disruption.

3.0 DRIVER'S PROHIBITIONS

- 3.1 No Vehicle for Hire Driver shall:
- a) smoke inside a Vehicle for Hire;
 - b) operate a Vehicle for Hire whose owner is not licensed under this By-law;
 - c) Operate a Vehicle for Hire without the number of the Owner Plate and the name of the Fleet it belongs to displayed on the rear bumper of the Vehicle for Hire in accordance with subsection 2.6 (c) and 2.7 (i) of Schedule "2" of this By-law;
 - d) Operate a Vehicle for Hire when the Driver has been on duty for more than 14 hours within a 24 hour period, without first taking 10 hours off duty. Within the 14 hour on duty period, a maximum of 12 hours may be consecutive on duty time;
 - e) Operate a Vehicle for Hire that does not comply with the operational standards as set out in the regulations as prescribed by the Licence Manager.
 - f) Operate a Vehicle for Hire without insurance as required under subsection 1.2 (d) of Schedule "2" of this By-law;
 - g) Operate a Cab or Accessible Cab when the Cab Meter has not been adjusted in accordance with the fares in Schedule "4" of this By-law;

- h) Operate a Vehicle for Hire without it being equipped with an operating camera system in accordance with subsection 2.1 (b) of Schedule "2" to this By-law.

- 3.2 No Private Vehicle for Hire Driver or Accessible Private Vehicle for Hire Driver shall provide a Conveyance Service without such service being arranged through a mobile application or other electronic service that receives requests for transportation services from passengers and connects such requests to a person operating a Vehicle for Hire.

- 3.3 No Private Vehicle for Hire Driver or Accessible Private Vehicle for Hire Driver shall accept payment of a Fare other than through a mobile payment application or other electronic service that receives requests for transportation services from passengers and connects such requests to a person operating a Vehicle for Hire.

- 3.4 No Private Vehicle for Hire Driver or Accessible Private Vehicle for Hire Driver shall provide a Conveyance Service without the request for such service being Dispatched by a Licensed Transportation Network Company Broker.

SCHEDULE 2 – VEHICLE FOR HIRE OWNERS

CLASS A CAB
CLASS B CAB
CLASS A ACCESSIBLE CAB
CLASS B ACCESSIBLE CAB
LIMOUSINE (EXECUTIVE, CLASSIC & STRETCH)
PRIVATE VEHICLE FOR HIRE
ACCESSIBLE PRIVATE VEHICLE FOR HIRE

LICENCE APPLICATIONS, VEHICLE REQUIREMENTS, OWNER DUTIES, OWNER PROHIBITIONS

1.0 LICENCE APPLICATIONS

- 1.1 A person who is the owner of more than one Vehicle for Hire shall take out a separate Licence and Owner Plate for each vehicle.
- 1.2 Every Applicant, or alternatively, a Broker acting on the behalf of the Applicant 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, or alternatively, submit an application electronically;
 - 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, or alternatively, submit an application electronically;
 - 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, or alternatively, submit an application electronically;
 - d) file with the 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 their name or leased by them;
 - 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
 - e) 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 all standards for Vehicles for Hire prescribed by the Licence Manager under this By-law, if requested by the Licence Manager.

Class A Cab Owner, Class B Cab Owner and Accessible Cab Owner

- 1.3 In addition to all of the requirements set out in section 1.1 of this Schedule, every Applicant for a Cab Owner Licence or Accessible Cab Owner Licence or any renewal thereof, shall file with the Licence Manager 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 its letterhead stating that the Cab Meter is properly sealed and registers accurately.

2.0 VEHICLE REQUIREMENTS

2.1 Every Owner shall ensure that their Vehicle for Hire:

- a) has a seating capacity of not more than 10 individuals;
- b) has 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 at all hours of the day or night;
 - iii) that is capable of recording forward facing images of the road as seen by the driver;
 - 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, noting that forward facing images may be downloaded by a Licensed Broker only for the purposes of accident investigations; and
- c) meets all standards for Vehicles for Hire prescribed by the Licence Manager under this By-law;

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

2.3 No motor vehicle more than 8 (eight) years old may be Plated as a Vehicle for Hire under this By-law.

2.4 No Low Emission Vehicle more than nine (9) years old may be plated as a Vehicle for Hire under this By-law. No motor vehicle more than nine (9) years old may be plated as an Accessible Vehicle for Hire under this By-law.

2.5 Sections 2.2 and 2.3 do not apply to a Limousine (Classic).

Class A Cab Owner, Class B Cab Owners

2.6 In addition to all of the requirements set out in section 2.1 of this Schedule, every Cab Owner shall ensure that their Cab has:

- a) the Owner Plate issued for the Cab securely affixed to its right rear trunk;
- b) a fully-operational Cab Meter for registering distance travelled, waiting time, and computing Fares;
- c) has displayed on the rear bumper of the Vehicle for Hire the number of the Owner Plate issued for the Vehicle for Hire 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.

Accessible Cab Owners

2.7 In addition to all of the requirements set out in section 2.1 of this Schedule, every Accessible Cab Owner shall ensure that their Accessible Cab:

- a) has the Owner Plate issued for the Accessible Cab securely affixed to its right rear trunk;
- b) has a fully-operational Cab Meter for registering distance travelled, waiting time, and computing Fares;

- c) is equipped with an extra tire, wheel and jack ready for use for that Accessible Cab;
- d) is equipped with wheelchair tie downs;
- e) is equipped with a first aid kit;
- f) is equipped with a dry chemical fire extinguisher having an effective total rating of at least 4-B c and weighing 2.27 kilograms;
- g) is equipped with operable air-conditioning and heating;
- h) 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*; and
- i) has displayed on the rear bumper of the Vehicle for Hire the number of the Owner Plate issued for the Vehicle for Hire 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.

Limousine Owners

In addition to all of the requirements set out in section 2.1 of this Schedule, every Limousine Owner shall ensure that their Limousine has the Owner Plate issued for the Limousine securely affixed to its right rear trunk.

OWNER'S DUTIES

3.1 Every Owner shall:

- a) keep at all times in their Vehicle for Hire, the original or a photocopy of the original of each of the following documents:
 - (i) the current Vehicle for Hire Owner Licence;
 - (ii) a current Ministry of Transportation passenger motor vehicle permit issued for their Vehicle for Hire;
 - (iii) valid certificate of insurance for the Vehicle for Hire obtained in accordance with the requirements of this By-law.
- b) repair all of their Vehicle for Hire's mechanical defects immediately when reported by a Driver, the Licence Manager or an Enforcement Officer;
- c) submit their Vehicle for Hire 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;
- d) maintain insurance on their Vehicle for Hire as required under subsection 1.2(d) of this Schedule;
- e) 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;
- f) ensure that their Vehicle for Hire complies with all regulations as prescribed by the Licence Manager under this By-law; and
- g) ensure that every Driver or lessee or every other person involved in the operation of the Vehicle for Hire complies with all of the requirements of this By-law.

Cab and Accessible Cab Owners

- 3.2 In addition to all of the requirements set out in section 3.1 of this Schedule, every Cab Owner and Accessible Cab Owner shall:
- a) submit the Cab Meter for testing, inspection and sealing by such person as the Licence Manager directs at any time; and
 - b) 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.

Class B Cab Owners

- 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 their 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 31st; and
 - b) if the Owner is a partnership, each partner shall drive their 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 31st.
- 3.4 Notwithstanding section 3.3 of this Schedule, the Licence Manager may exempt a Class B Cab Owner from the minimum hours of operation required if, on account of illness, injury or other medical disability, they have been unable to meet the requirements of that subsection, if they file 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 they did meet the requirements of section 3.3 of this Schedule before the onset of their medical disability.

OWNER'S PROHIBITIONS

- 4.1 No Owner shall:
- a) Operate or permit their Vehicle for Hire to be Operated without an Owner Plate;
 - b) permit any person to Operate their Vehicle for Hire without that person being Licensed as a Vehicle for Hire Driver under this By-law;
 - c) permit their 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 to Operate the Owner's Vehicle for Hire when the Driver has been on duty for more than 14 hours within a 24 hour period without first taking 10 hours off duty. Within the 14 hour on duty period, a maximum of 12 hours may be consecutive on duty time;
 - e) Operate or permit their Vehicle for Hire to be Operated with mechanical defects;
 - f) Operate or permit their Vehicle for Hire to be Operated in affiliation with a Broker who is not licensed under this By-law;
 - g) Operate or permit their Vehicle for Hire to be Operated without insurance as required under subsection 1.2(d) of this Schedule;
 - h) Operate or permit their Vehicle for Hire to be Operated when it is not in compliance with any regulation as prescribed by the Licence Manager under this By-law;
 - i) Operate or permit a Vehicle for Hire that does not comply with the operational standards as set out in the regulations as prescribed by the Licence Manager.

Cab and Accessible Cab Owners

4.2 No Cab Owner or Accessible Cab Owner shall:

- a) fail to maintain their Cab or Accessible Cab in operation for a period of at least 120 successive days;
- b) permit a person to Operate their Cab or Accessible Cab when the Cab Meter is out of order or defective in any way.

SCHEDULE 3 - BROKERS

GENERAL BROKER
TRANSPORTATION NETWORK COMPANY BROKER

LICENCE APPLICATIONS, BROKER'S DUTIES, BROKER'S PROHIBITIONS

1.0 LICENCE APPLICATIONS AND RENEWALS

- 1.1 Every Applicant for a Broker Licence shall:
- a) if the Applicant is an individual, complete a written application for such Licence;
 - b) if the Applicant is a partnership, have a partner 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 complete a written application for such Licence; and
 - d) file with Licence Manager proof that the Applicant has a system for receiving Orders and Dispatching Vehicles for Hire.

2.0 BROKER'S DUTIES

- 2.1 Every Broker shall:
- a) keep a record of all Vehicles for Hire associated with the Broker including: the make, model and VIN for each vehicle, the Owner's name and contact information, and a copy of the Owner's Licence;
 - b) ensure that every Driver or Owner in association with the Broker complies with all provisions of this By-law, including being Licensed;
 - c) maintain an accurate record for at least 6 months, of all Orders for each Vehicle for Hire including the following information:
 - (i) the Owner Licence number;
 - (ii) the Driver's name and Driver Licence number;
 - (iii) the date and time of Dispatch;
 - (iv) the address to which the vehicle is Dispatched;
 - (v) the time of arrival at pick up for all Trips;
 - (vi) the time of arrival at the destination for all Trips;
 - (vii) the fare charged for all Trips; and
 - (viii) geographic routing of all Trips taken for a period of at least 30 days;
 - d) comply with all regulations for the form and content of records as prescribed by the Licence Manager under this By-law;
 - e) carry on the Brokerage 24 hours a day, 7 days of the week for each week during the term of the Broker Licence;
 - f) upon request, inform a passenger of the anticipated length of time for a vehicle to arrive at the pick-up location;
 - g) notify the Licence Manager within 72 hours of any addition to or deletion of a Vehicle for Hire from the Fleet;

- h) when Dispatching Accessible Cabs or Accessible Private Vehicles for Hire:
 - (i) give priority for Conveyance Services for persons with disabilities over persons without disabilities; and
 - (ii) record the number of Trips each Accessible Cab or Accessible Private Vehicle for Hire has made for persons with disabilities and persons without disabilities;
- i) ensure that each Vehicle for Hire that it Dispatches is equipped to accept credit card and debit card payments; and
- j) ensure that each Vehicle for Hire that it Dispatches is equipped with a fully functioning global positioning system that is approved by the Licence Manager.

2.2 In addition to all the requirements in section 2.1 of this By-law, every Transportation Network Company shall remit to the City the per trip fee referenced in Schedule “5” on a monthly basis, such remittance shall be made to the City by the 15th of the month following the month to which the remittance relates, and upon request shall provide the Licence Manager with record establishing the basis of the calculation of the said per trip charges.

3.0 BROKER’S PROHIBITIONS

3.1 No Licensed Broker shall:

- a) Dispatch any Driver who is not Licensed;
- b) Dispatch any person who is operating a Vehicle for Hire whose owner is not Licensed;
- c) charge or receive payment for a Trip through a mobile payment application or other electronic service that receives requests for transportation services from Passengers and connects such requests to a person operating a Vehicle for Hire without:
 - (i) communicating to the Passenger clearly and transparently prior to the start of the Trip the full amount to be charged to the Passenger; and
 - (ii) receiving from the Passenger acceptance of the full amount to be charged for the Trip prior to the start of the Trip;
- d) charge or receive payment for a Trip through a mobile payment application or other electronic service that receives requests for transportation services from Passengers and connects such requests to a person operating a Vehicle for Hire for an amount other than as communicated to and accepted by the Passenger prior to the start of the Trip;
- e) Dispatch a Vehicle for Hire that does not comply with the operational standards as set out in the regulations as prescribed by the Licence Manager.

3.2 No Licensed Transportation Network Company Broker shall Dispatch a Cab, Accessible Cab or Limousine.

SCHEDULE 4 – FARES

1.0 FARES

- 1.1 All Fares as set out in this Schedule “4” are inclusive of H.S.T.
- 1.2 An additional fee may be charged where payment of the Fare is made by debit card or credit card.

2.0 ANNUAL RATE ADJUSTMENT

- 2.1 Commencing on October 1, 2017 and every year thereafter on October 1st, the rates set out in sections 3.2(a) and 4.1 in this shall be adjusted by an amount equal to the Ontario CPI for the month of June calculated as follows:

base rate = rate + (rate x CPI%)

new rate = base rate rounded up to the highest \$0.10

Provided that in each year the rate to be multiplied by the CPI in the above noted formula shall be the base rate from the previous year before it is rounded up to the highest \$0.10. The following examples are provided for the purpose of clarity:

Example 1:

Year 1: rate = \$3.50 and CPI = 3% $\$3.50 + (\$3.50 \times 3\%) = \$3.61$ (base rate) base rate rounded up to the highest \$0.10 = \$3.70 (new rate) new rate = \$3.70

Year 2: CPI = 2% $\$3.61 + (\$3.61 \times 2\%) = \$3.68$ (base rate) base rate rounded up to the highest \$0.10 = \$ 3.70 new rate= \$3.70

Example 2:

Year 1: rate = \$3.50 and CPI = 1% $\$3.50 + (\$3.50 \times 1\%) = \$ 3.54$ (base rate) base rate rounded up to the highest \$0.10 = \$3.60 new rate = \$3.60

Year 2: CPI = 2% $\$3.54 + (\$3.54 \times 2\%) = \$3.61$ (base rate) base rate rounded up to the highest \$0.10 = \$3.70 new rate = \$3.70 1.2

- 2.2 The Licence Manager shall calculate any changes to the rates as provided in subsection 2.1.
- 2.3 A record of such rates shall be maintained by the City Clerk and such record shall be available for public inspection at the office of the Licence Manager and the office of the City Clerk during normal business hours.

3.0 CAB AND ACCESSIBLE CAB FARES

- 3.1 The permitted fares for Cabs and Accessible Cabs operating within the Municipality shall be as set out in this Part.

Option 1 - Meter Fare

- 3.2 (a) \$3.50 for up to the first 57 metres or for up to the first 11 seconds while travelling 17 kilometres per hour or less, or a combination thereof;
- (b) \$0.25 for each additional 130 metres or part thereof;
- (c) \$0.25 each additional 26 seconds of time while the Cab or Accessible Cab is on a Trip, travelling at a speed of 17 kilometres per hour or less.
- 3.3 A 10% discount on the tariff will be given, on a 24-hour per day basis, to students and senior citizens. The discount is calculated on the highest full dollar registered on the Cab Meter.
- 3.4 The Fare shall be calculated from the time of pickup of the first Passenger to the time of the discharge of the last Passenger.

Option 2 - APP Fare

- 3.5 Where payment for a Trip is charged or received through a mobile payment application or other electronic service that receives requests for transportation services from Passengers and connects such requests to a person operating a Cab or Accessible Cab the permitted fare shall not be less than \$3.50 per Trip.

4.0 LIMOUSINE FARES

4.1 The permitted fares for Limousines operating within the Municipality shall be as set out in this Part.

Option 1 – Zone Fare Structure

4.2 The permitted fares for Limousines (Executive) operating within the Municipality shall be calculated as travelled zones by the most expeditious route.

| Zones | General Rate | Senior/Student Rate |
|--------------|---------------------|----------------------------|
| 1 | \$10.25 | \$9.50 |
| 2 | \$10.25 | \$9.50 |
| 3 | \$13.00 | \$11.75 |
| 4 | \$16.00 | \$14.75 |
| 5 | \$19.25 | \$17.75 |
| 6 | \$23.00 | \$21.00 |
| 7 | \$25.75 | \$23.25 |
| 8 | \$29.50 | \$26.75 |
| 9 | \$32.75 | \$29.75 |
| 10 | \$36.00 | \$32.75 |
| 11 | \$39.25 | \$35.50 |
| 12 | \$42.50 | \$38.50 |
| 13 | \$46.25 | \$42.00 |
| 14 | \$48.75 | \$44.25 |

Option 2 – Hourly Fare

4.3 The permitted fares for Limousine (Executive) operating within the Municipality shall be as follows:

- a) a minimum fare of \$43.00 for the first hour or part thereof, and thereafter,
- b) a minimum fare of \$43.00 per hour.

Option 3 – APP Fare

4.4 Where payment for a Trip is charged or received through a mobile payment application or other electronic service that receives requests for transportation services from Passengers and connects such requests to a person operating a Limousine (Executive) the permitted fare shall not be less than \$10.25 general rate or \$9.50 senior/student rate per Trip.

LIMOUSINE (STRETCH) AND LIMOUSINE (CLASSIC) FARES

4.5 The permitted fares for Limousine (Stretch) and Limousine (Classic) operating within the Municipality shall be as follows:

- a) a minimum fare of \$70.00 for the first hour of part thereof, and thereafter,
- b) a minimum fare of \$70.00 per hour.

5.0 PRIVATE VEHICLES FOR HIRE AND ACCESSIBLE PRIVATE VEHICLES – APP FARE

5.1 The permitted fares for Private Vehicles for Hire and Accessible Private Vehicles for Hire operating within the Municipality shall be as set out in this Part.

5.2 Payment for a Trip may only be charged and received through a mobile payment application or other electronic service that receives requests for transportation services

from Passengers and connects such requests to a person operating a Private Vehicle for Hire or an Accessible Private Vehicle for Hire.

- 5.3 The permitted Fare for a Private Vehicle for Hire or an Accessible Vehicle for Hire shall not be less than \$3.50 per Trip.

SCHEDULE 5 - FEES

5.1 Licence fees identified in this By-law are non-refundable.

5.2 Each fee listed below shall be charged by the City in each particular instance.

| CATEGORY | FEE PLUS APPLICABLE TAXES |
|---|---|
| Driver Licence - Cab, Accessible Cab, Limousine, Private Vehicle for Hire, Accessible Private Vehicle for Hire | \$10 per month* |
| Owner Licence - Class A & Class B Cab, Limousine, Class A & Class B Accessible Cab | \$750 per year |
| Owner Licence - Private Vehicle for Hire, Accessible Private Vehicle for Hire | \$0 |
| General Broker Licence | \$400 per year |
| Transportation Network Company 1-100 vehicles 101-500 vehicles 501-1000 vehicles 1000 plus vehicles | \$5 000 plus \$0.11c per Trip \$10 000 plus \$0.11c per Trip \$15 000 plus \$0.11c per Trip \$50 000 plus \$0.11c per Trip |
| Replacement of Owner Plate or Driver Licence Replacement | \$35 |
| Vehicle-Broker Affiliation Change | \$210 |
| Owner Licence Transfer (includes Estate Transfer) | \$750 |
| Vehicle Substitution/Replacement | \$210 |
| Cab or Accessible Cab Priority List | \$25 one-time fee |
| Request for Appeal of Decision of Licence Manager | \$300 |

* Application Administration Fee of \$25 for second and subsequent short-term licences (less than 24 months) for Vehicle for Hire Driver Licences.