

April 23, 2018

Chair & Members
Community & Protective Services Committee

Dear Councilors,

Re: Amendment to Uber By-law to clarify that it does not prohibit “reimbursement only” rides by disabled drivers

I attach relevant part of the City’s new “Uber By-law”. On its face it prohibits giving rides “in exchange for a fee or other consideration”. The only exception to this is for registered not for profit organizations who transport seniors or disabled people. A question has arisen as to whether volunteers who give rides are prohibited by the By-law from seeking reimbursement from passengers for their gas and reasonable expenses.

The fine for breaching the By-law is \$2,260.

There are disabled Londoners who want to volunteer by giving rides. But the By-law on its literal words puts them at risk of a huge fine – which they could never hope to pay on their modest disability benefits.

The medical community and the Ontario government strongly encourage disabled people to volunteer, if they are able. It gets them out of the house, away from focusing on their pain or illness. It also provides a sense of “giving back” to the community rather than feeling like a drain on society. Volunteering is extremely good for the health and quality of life of disabled Londoners. We believe that London City Council would feel the same way.

We are told by City staff that the By-law does not, in fact, prohibit “reimbursement-only” rides because the By-law is derived from the City’s authority, pursuant to the Ontario Municipal Act, to regulate businesses. Staff say that volunteers recovering reimbursement only are not operating a business, so the City has no legal authority to regulate them.

The problem is that because the fine is so large, and because the By-law doesn’t actually say that volunteers are excluded, this is a powerful deterrent to disabled volunteers – who cannot afford the risk of incurring a ruinous fine.

Market Tower, Suite 507 - 151 Dundas St., London, ON N6A 5R7 (519) 438.2890 Fax (519) 438.3145 nlslm.com

We would ask, therefore, that an amendment be added to the By-law to make it crystal clear that volunteers can give rides and recover their reasonable operating costs without concern. This will clear the way for these disabled volunteers.

We would suggest adding an Exception along the lines of that in the statutorily mandated Ontario Automobile Policy, which says:

1.8.1 General Exclusion

We don't consider the following as situations involving carrying paying passengers:

Reimbursing volunteer drivers for their reasonable driving expenses, including as, vehicle wear and tear and meals.

We would be very grateful if Council would add a similar Exception to the Uber By-law.

A key need is, for example, for rides to medical appointments, particularly where the patient is unable to travel by taxi after the appointment – such as due to having had a general anesthetic, such as colonoscopies. In those cases “for profit” rides apparently cost around \$70. Volunteers provide a badly needed affordable service to these patients.

It is not unexpected that new By-laws should be refined as time passes and this sort of amendment is no reflection on the By-law. It is just a sensible adjustment.

We appreciate the opportunity to raise this serious problem with you.

Yours truly,

Bonnie Quesnel
Board Chair

Jeff Schlemmer
Executive Director