



TO:	CHAIR AND MEMBERS, COMMUNITY AND PROTECTIVE SERVICES COMMITTEE MEETING ON MARCH 18, 2012
FROM:	JAMES P. BARBER CITY SOLICITOR
SUBJECT	LONDON TAXICAB OWNERS' AND DRIVERS' GROUP INC. APPLICATION TO THE ONTARIO SUPERIOR COURT OF JUSTICE

RECOMMENDATION

That, on the recommendation of the City Solicitor, the Decision of the Ontario Superior Court of Justice dismissing the application of London Taxicab Owners' and Drivers' Group Inc. concerning By-law L.-129-51, the Taxi and Limousine Licensing By-law, **BE RECEIVED.**

PREVIOUS REPORTS PERTINENT TO THIS MATTER

- Report of the Director of Building Controls and Chief Building Official to the Environment and Transportation Committee at its meeting held on April 26, 2010
- Report of the Director of Building Controls and Chief Building Official to the Environment and Transportation Committee at its meeting held on June 7, 2010
- Report of the Director of Building Controls and Chief Building Official to the Community and Neighbourhoods Committee at its meeting held on June 12, 2011
- Report of the Director of Building Controls and Chief Building Official to the Community and Neighbourhoods Committee at its meeting held on July 19, 2011
- Report of the Director of Building Controls and Chief Building Official to the Community and Neighbourhoods Committee at its meeting held on October 18, 2011
- Report of the Director of Building Controls and Chief Building Official to the Community and Neighbourhoods Committee at its meeting held on November 29, 2011
- Report of the Director of Building Controls and Chief Building Official to the Community and Neighbourhoods Committee at its meeting held on January 24, 2012
- Confidential Report of the City Solicitor to the Public Safety Committee at its meeting held on June 19, 2012
- Confidential Report of the Solicitor II to the Public Safety Committee at its meeting held on July 17, 2012

BACKGROUND

On Friday, June 15, 2010, the Taxicab Owners' and Drivers' Group Inc. (the "Applicant") commenced an Application Record, seeking certain declarations and an order quashing By-law L.-129-51, the Taxi and Limousine Licensing By-law (the "By-law").

On June 29, 2012, the Ontario Superior Court of Justice dismissed a motion by the Applicant for an injunction to stay the implementation of the By-law pending the hearing of the main Application. The Court heard argument on the main Application on October 26, 2012.

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On March 8, 2013, the Ontario Court of Justice released its decision on the main Application, a copy of which is attached as Appendix "A", dismissing the Application. The Court found in paragraphs 53-62 of the Decision that:

- a) the *Municipal Act, 2001* "permits the City to differentiate between taxicabs and limousines on any basis it considers appropriate as a matter of policy";
- b) there was a long and extensive public consultation and investigation and the industry, including the Applicant, were involved in the process;
- c) "City staff conducted a review of taxicab and limousine tariffs to ascertain whether the 15% fare differential was being observed";
- d) "the business of the taxicab industry and its concerns were prominent for the Committee and Council"; and
- e) "[T]here is no evidence that City Council was motivated by improper considerations in deciding as it did".

In paragraph 61 of the Decision, the Court said:

In my view, the City acted with candour and frankness in the process, engaged in a lengthy public consultative process with stakeholders, received submissions and exercised due diligence in arriving at its decision, all hallmarks of a good faith exercise of its powers.

PREPARED BY:	RECOMMENDED BY:
JANICE L. PAGE SOLICITOR	JAMES P. BARBER CITY SOLICITOR

Encl.