



# Memorandum

Corporate By-law Number BL 17/2018

**TO:** Office of the City Clerk **FILE:**

**FROM:** James Coady  
Development & Emergency Services - Licensing & Enforcement

**DATE:** 01/31/2018

**SUBJECT:** BL 17/2018 - To Regulate Vehicle for Hire and Designated Driver Services

**MEETING DATE:** City Council - 05/14/2018 (mm/dd/yyyy)

**By-law Description:** A By-law to provide for the Licensing and Regulation of Vehicles and Drivers providing Vehicle for Hire and Designated Driver Services for health and safety reasons and for consumer protection in the City of Thunder Bay, in the District of Thunder Bay.

**Authorization:** Report R 153/2017 (Licensing & Enforcement) - Committee of the Whole - December 11, 2017; Memo – Committee of the Whole – May 14, 2018.

**By-law Explanation:** The purpose of this By-law is to repeal and replace current Police Services Board By-laws PC5-2005 and PC6-2005 and amendments, regulating Taxi and Limousine Services with a Vehicle for Hire and Designated Driver By-law.. This new By-law will regulate the licensing of drivers and vehicles providing services included in the by-law for health and safety reasons and for consumer protection in the City of Thunder Bay, in the District of Thunder Bay.

**Schedules and Attachments:**

Schedule “A” to BL 17/2018 - Fees

**Amended/Repealed By-law Number(s):**



THE CORPORATION OF THE CITY OF THUNDER BAY  
BY-LAW NUMBER BL 17/2018

A By-law to provide for the Licensing and Regulation of Vehicles and Drivers providing Vehicle for Hire and Designated Driver Services for health and safety reasons and consumer protection in the City of Thunder Bay, in the District of Thunder Bay.

Recitals

1.
  - (a) Section 151 of the *Municipal Act*, 2001, S.O. 2001, c. 25, as amended, authorizes municipalities to license, regulate and govern any business carried on wholly or partly within the geographical area under their jurisdiction;
  - (b) Subsection 10(2) of the *Municipal Act*, 2001 authorizes municipalities to pass by-laws for the health, safety and well-being of persons, as well as for protection of persons and property, including consumer protection;
  - (c) Section 156 of the *Municipal Act*, 2001 provides further authority to licence, regulate and govern the owners and drivers of taxicabs;
  - (d) Council wishes to licence, regulate and govern brokers, owners and drivers providing vehicle for hire services and designated driver services with the purpose of promoting public safety, enhancing consumer protection, and fostering economic and social well-being within the City of Thunder Bay;
  - (e) Council does not wish to limit the number of vehicles for hire of any class in order to foster a competitive environment that will benefit consumers;
  - (f) Council wishes to facilitate the delivery of transportation to passengers for a fare, whether by allowing passengers to hail a vehicle or request transportation through a software application or other means that allow a passenger's request for a ride to be conveyed to a driver;
  - (g) Council wishes to ensure appropriate standards for the quality and availability of accessible transportation;

ACCORDINGLY, THE COUNCIL OF THE CORPORATION OF THE CITY OF THUNDER BAY ENACTS AS FOLLOWS:

1. **Definitions**

In this By-law,

- (1) “**Accessibility for Ontarians with Disabilities Act**” means the *Accessibility for Ontarians with Disabilities Act*, 2005, S.O. 2005, c. 11, as amended, or any successor

legislation;

- (2) “**Accessible Format**” includes, but is not limited to, information in large print, recorded audio and electronic format, braille and other formats usable by persons with disabilities;
- (3) “**Accessible Motor Vehicle**” means a Motor Vehicle equipped to provide transportation to persons using mobility aids in accordance with R.R.O. 1990, Reg. 629, made under the *Highway Traffic Act* and all applicable vehicle standards published by the Canadian Standards Association;
- (4) “**Accessible Taxicab**” means a Motor Vehicle licensed under this By-law as a Taxicab that is an Accessible Motor Vehicle.
- (5) “**Auxiliary Services Vehicle**” means a Motor Vehicle that, in addition to transportation, provides to the customer personal service such as additional support and assistance, including door-to-door accompaniment or other special needs services;
- (6) “**Auxiliary Services Vehicle Business License**” means a license issued by the Licensing Manager pursuant to this By-law;
- (7) “**Auxiliary Services Vehicle Driver’s License**” means a license issued by the Licensing Manager pursuant to this By-law;
- (8) “**Auxiliary Services Vehicle License**” means a license issued by the Licensing Manager pursuant to this By-law;
- (9) “**Auxiliary Taxicab**” means a Motor Vehicle that provides Pre-Arranged Service to Passengers for a fee and is booked through a software application or a website or other technology that connects Passengers and drivers but does not include a Taxicab, a Limousine or an Auxiliary Services Vehicle;
- (10) “**Auxiliary Taxicab Broker License**” means a license issued by the Licensing Manager pursuant to this By-law;
- (11) “**Auxiliary Taxicab Driver’s License**” means a license issued by the Licensing Manager pursuant to this By-law;
- (12) “**Auxiliary Taxicab License**” means a license issued by the Licensing Manager pursuant to this By-law;
- (13) “**Broker**” means any Person who operates, or is required to be licensed, as a Vehicle for Hire Broker under this By-law;
- (14) “**Business Day**” means Monday to Friday inclusive, except for statutory and civic holidays;
- (15) “**City**” means the Corporation of the City of Thunder Bay or the geographical area

under its jurisdiction, as the context permits;

- (16) “**Council of the City of Thunder Bay**” means the elected municipal council for the City;
- (17) “**Committee**” means the Vehicle for Hire and Designated Driver Service Licensing Committee established under this By-law;
- (18) “**Controlled Drugs and Substances Act**” means the *Controlled Drugs and Substances Act* S.C. 1996, c. 19, as amended, or any successor legislation;
- (19) “**Criminal Code**” means the *Criminal Code*, R.S.C., 1985, c. C-46, as amended, or any successor legislation;
- (20) “**Demerit Point**” is to be defined by reference to the *Highway Traffic Act*;
- (21) “**Designated Driver**” means any individual who operates a Motor Vehicle owned by another registered Motor Vehicle owner for the purposes of providing Designated Driver Service or any individual who operates a Designated Driver Support Vehicle, but does not include a driver while operating a Vehicle for Hire;
- (22) “**Designated Driver’s License**” means a license issued by the Licensing Manager pursuant to this By-law;
- (23) “**Designated Driver Service**” means the transportation of a registered Motor Vehicle owner or an individual in lawful possession of the registered owner’s Motor Vehicle and his Passengers for a fee or for any other consideration, where a registered Motor Vehicle owner or an individual in lawful possession of the vehicle is unable to operate it;
- (24) “**Designated Driver Service Provider**” means any Person who carries on a business of dispatching Designated Drivers to provide Designated Driver Service to another individual in any manner, including any Person offering or licensing a software application, website, or other technology that connects Passengers with Designated Drivers or is held out as being for the purpose of connecting Passengers with Designated Drivers;
- (25) “**Designated Driver Service Provider License**” means a license issued by the Licensing Manager pursuant to this By-law;
- (26) “**Designated Driver Support Vehicle**” means a Motor Vehicle operated for the purposes of assisting a Designated Driver in the provision of Designated Driver Service;
- (27) “**Dispatch**” means the act or service of sending or directing a Vehicle for Hire or a Designated Driver, by electronic or any other means, to an individual or individuals who have requested the service but does not include a request made directly to a Taxicab driver;

- (28) “**Driver’s License**” means a license issued under the authority of this By-Law which gives authority for the operation in the City of a Motor Vehicle of the type identified in the License and includes a Taxicab Driver’s License, an Auxiliary Taxicab Driver’s License, an Auxiliary Services Vehicle Driver’s License, a Designated Driver’s License and a Limousine Driver’s License;
- (29) “**Electronic Cigarettes Act**” means the *Electronic Cigarettes Act*, 2015, S.O. 2015, c. 7, Sched. 3, as amended, or any successor legislation;
- (30) “**Emergency Vehicle**” means a Motor Vehicle used for police duty, by a fire service, as an ambulance or for purposes relating to maintenance of a public utility;
- (31) “**General Manager**” means the General Manager, Development and Emergency Services of the City or his designate;
- (32) “**Guide Dog**” means a dog as defined in the *Blind Persons’ Rights Act*, R.S.O. 1990, c. B.7, as amended or successor legislation;
- (33) “**Hail Taxicab Service**” means a Taxicab service that is not pre-arranged by telephone, internet, on-line enabled application or other means through the Vehicle for Hire Broker or the Vehicle for Hire Business Licence holder and includes a Taxicab service that is arranged through a hail or flag by the Passenger or Passengers on a street, private property or at a Taxicab Stand;
- (34) “**Highway Traffic Act**” means the *Highway Traffic Act*, R.S.O. 1990, c. H.8, as amended, or any successor legislation;
- (35) “**Human Rights Code**” means the *Human Rights Code*, R.S.O. 1990, C. H-19, as amended, or any successor legislation;
- (36) “**Licence**” means any class of licence that the Licensing Manager is authorized to issue under this By-law.
- (37) “**Licensing Manager**” means the Manager of the Licensing and Enforcement Division of the Department of Development and Emergency Services of the City and includes his designates;
- (38) “**Limousine**” means a Vehicle for Hire for the transportation of Passengers at a flat rate by agreement, and includes a luxury Motor Vehicle, with four or more doors, which is not a station wagon, panel truck, bus or van and which is not equipped with a Taxicab Meter;
- (39) “**Limousine Broker License**” means a license issued by the Licensing Manager pursuant to this By-law;
- (40) “**Limousine Business License**” means a license issued by the Licensing Manager pursuant to this By-law;
- (41) “**Limousine Driver’s License**” means a license issued by the Licensing Manager

pursuant to this By-law;

- (42) “**Limousine License**” means a license issued by the Licensing Manager pursuant to this By-law;
- (43) “**Motor Vehicle**” means a motor vehicle as defined in the *Highway Traffic Act*;
- (44) “**Municipal Act, 2001**” means the *Municipal Act, 2001*, S.O. 2001, c. 25., as amended, or any successor legislation.
- (45) “**Municipal Law Enforcement Officer**” means a police officer of the Thunder Bay Police Service, a law enforcement officer or another individual duly appointed to enforce the By-laws of the City;
- (46) “**Ontario Ministry of Transportation Vehicle Inspection Report**” is to be defined by reference to R.R.O. 1990, Reg. 611 made under the *Highway Traffic Act*;
- (47) “**Passenger**” means any individual other than the driver seated in a Vehicle for Hire or in a Motor Vehicle operated by a Designated Driver, and includes an individual engaging or attempting to engage the services of a Vehicle for Hire or a Designated Driver;
- (48) “**Person**” includes an individual, a corporation, a partnership, as well as their heirs, executors, successors, assignees, administrators, and legal representatives;
- (49) “**Pre-Arranged Service**” means a Vehicle for Hire or a Designated Driver Service that is pre-arranged in advance by telephone, internet, on-line enabled application, or other means through the Vehicle for Hire Broker, Vehicle for Hire owner, Vehicle for Hire driver or Designated Driver Service Provider;
- (50) “**Safety Standard Certificate**” is to be defined by reference to R.R.O. 1990, Reg. 611 enacted under the *Highway Traffic Act*;
- (51) “**Service Animal**” means an animal accompanying an individual with a disability
  - (a) if it is readily apparent that the animal is used by the individual for reasons relating to his disability; or
  - (b) if the individual provides a letter from a registered health practitioner confirming that the individual requires the animal for reasons relating to the disability;
- (52) “**Shuttle**” means either:
  - (a) a Motor Vehicle operated without remuneration by a hotel or a hospitality business for the purpose of transporting guests from a transportation point, such as a bus station or an airport, to the hotel or the hospitality business and vice versa;
  - (b) a Motor Vehicle operated without remuneration by a hotel, a hospitality business or a medical service for the purpose of transporting individuals from

the hotel or the hospitality business to a hospital or a medical clinic and vice versa;

- (c) a Motor Vehicle operated without remuneration by an automobile repair or an automobile rental business for the purpose of transporting customers from the place of the automobile repair or automobile rental business to the place of their home or work or a pre-arranged location and vice versa;
  - (d) a Motor Vehicle operated without remuneration by a registered charity designated as a host of Operation Red Nose in the City;
- (53) “**Statutory Powers Procedure Act**” means the *Statutory Powers Procedure Act*, R.S.O. 1990, c. S.22 as amended, or any successor legislation;
- (54) “**Tariff Card**” means the card setting out the tariff to be charged to a Passenger;
- (55) “**Taxicab**” means a Motor Vehicle equipped with a Taxicab Meter that provides transportation services to Passengers based on the distance travelled and includes an Accessible Taxicab;
- (56) “**Taxicab Broker License**” means a license issued by the Licensing Manager pursuant to this By-law;
- (57) “**Taxicab Business License**” means a license issued by the Licensing Manager pursuant to this By-law;
- (58) “**Taxicab Driver’s License**” means a license issued by the Licensing Manager pursuant to this By-law;
- (59) “**Taxicab License**” means a license issued by the Licensing Manager pursuant to this By-law;
- (60) “**Taxicab Meter**” means a mechanical or electronic device used to measure time and distance for the purpose of calculating a fare;
- (61) “**Taxicab Stand**” means any location within the City where a taxicab stand sign has been posted or where a taxicab stand has been designated by By-law of the City or other body having lawful authority;
- (62) “**Vehicle for Hire**” means a Motor Vehicle used or offered for the transportation of at least one Passenger in return for a fee or other consideration, either wholly or partly within the City, and includes
- (a) an Auxiliary Services Vehicle;
  - (b) an Auxiliary Taxicab;
  - (c) a Limousine; and
  - (d) a Taxicab;

but does not include an Emergency Vehicle, a Shuttle, a Funeral Hearse, a Motor Vehicle operated by non-profit organizations for the purpose of transporting individuals with disabilities and Motor Vehicles operated by businesses without

remuneration for the purpose of transporting their own employees;

- (63) “**Vehicle for Hire Broker**” means any Person carrying on business in the City accepting advertising, or brokering requests for Vehicle for Hire service in any manner, including any Person offering or licensing a software application, website, or other technology that connects Passengers with Vehicle for Hire service or is held out as being for the purpose of connecting Passengers with Vehicle for Hire service, in relation to a Vehicle for Hire that is not owned by that Person, his immediate family, or his employer.
- (64) “**Vehicle for Hire Broker License**” means a license issued by the Licensing Manager pursuant to this By-law and includes an Auxiliary Taxicab Broker License, a Limousine Broker License, and a Taxicab Broker License;
- (65) “**Vehicle for Hire Business License**” means a license issued by the Licensing Manager pursuant to this By-law and includes an Auxiliary Services Vehicle Business License, a Limousine Business License and a Taxicab Business License;
- (66) “**Vehicle License**” means a license issued by the Licensing Manager pursuant to this By-law and includes an Auxiliary Taxicab License, an Auxiliary Services Vehicle License, a Limousine License and a Taxicab License;

## **Schedules**

- 2. This By-law includes the Schedule annexed hereto and Schedule “A” – Fees, is hereby declared to form part of this By-law.

## **PART 1**

### **VEHICLE OWNER LICENCES**

#### **Prohibition**

- 3. No owner of a Motor Vehicle shall cause or permit:
  - (1) the Motor Vehicle to be used as a Vehicle for Hire without first having obtained a Vehicle Licence for the owner’s Motor Vehicle from the Licensing Manager in accordance with this By-law;
  - (2) any individual to provide or attempt to provide Vehicle for Hire services with the owner’s Motor Vehicle unless such individual has a valid Driver’s Licence issued under this By-law.
- 4. (1) In addition to the requirements of Section 3, no owner of two (2) or more Motor Vehicles shall cause or permit such Motor Vehicles to be used as Vehicles for Hire without first having obtained a Vehicle for Hire Business Licence in accordance with this By-law.
  - (2) Notwithstanding Subsection 4(1), no owner of two (2) Motor Vehicles shall cause



or permit the Motor Vehicles to be used as Vehicles for Hire without first having obtained a Vehicle for Hire Business Licence in accordance with this By-law, unless at least one of the two Motor Vehicles is an Accessible Motor Vehicle.

### **Vehicle Licence Application**

5. Every Person who applies for a Vehicle Licence shall provide the Licensing Manager with the following, as applicable:

- (1) a completed Vehicle Licence application in the form prescribed by the Licensing Manager;
- (2) a fee in accordance with Schedule "A";
- (3) a copy of the applicant's birth certificate, passport, valid Province of Ontario driver's licence or valid Province of Ontario health card with a photograph of the applicant;
- (4) all current articles of incorporation for the Person and a copy of the last annual return filed;
- (5) a copy of the registered declaration of partnership;
- (6) the full names and contact information of all current officers, directors and five (5) largest shareholders;
- (7) the full names and contact information of all current partners;
- (8) all current documents showing the registered business name and business number of the applicant;
- (9) the make, model, vehicle identification number, production year and Ontario licence plate number for the owner's Motor Vehicle;
- (10) a valid Motor Vehicle permit in the owner's name for the Motor Vehicle issued by the Ministry of Transportation;
- (11) satisfactory evidence that the Motor Vehicle has passed all applicable safety inspections within the last thirty (30) days from the date of the application;
- (12) (a) a copy of the current automobile liability insurance for owned or leased Motor Vehicles with limits of not less than two million (\$2,000,000) dollars inclusive per occurrence for bodily injury, death and damage to property. The automobile liability insurance shall include the OPCF 6A - Permission to carry Paying Passengers and OPCF 22 - Damage to Property of Passengers, and  
(b) a copy of the current non-owned automobile insurance with limits of not less than two million (\$2,000,000) dollars per occurrence, where applicable,

which policy or policies shall be endorsed:

- (i) to provide the Licensing Manager at least ten (10) days' notice in writing prior to any cancellation; and
- (ii) to permit the operation of the Motor Vehicle for business purposes as a Vehicle for Hire.

6. A Vehicle Licence shall be issued only to an owner:

- (1) whose Motor Vehicle is, or is intended to be, operated through a Vehicle for Hire Broker who is licensed under this By-law; or
- (2) who has either obtained a Vehicle for Hire Business Licence or is exempt from obtaining such in accordance with this By-law.

## **Vehicle for Hire Business Licence**

7. Every Person who applies for a Vehicle for Hire Business Licence shall provide the Licensing Manager with the following, as applicable:
  - (1) a completed Vehicle for Hire Business Licence application in the form prescribed by the Licensing Manager;
  - (2) a copy of the applicant's birth certificate, passport, valid Province of Ontario driver's licence or valid Province of Ontario health card with a photograph of the applicant;
  - (3) all current articles of incorporation for the Person and a copy of the last annual return filed;
  - (4) a copy of the registered declaration of partnership;
  - (5) the full names and contact information of all current officers, directors and five (5) largest shareholders;
  - (6) the full names and contact information of all current partners;
  - (7) all current documents showing the registered business name and business number of the applicant;
  - (8) the full names of all drivers who are or will be employed or otherwise engaged by the applicant in its business;
  - (9) proof of commercial general liability insurance subject to limits of not less than five million (\$5,000,000) dollars inclusive per occurrence for bodily injury, death and damage to property including loss of use, and shall include a cross liability clause. Such policy shall be in the name of the Person applying for the Vehicle for Hire Business Licence and the City shall be named as an additional insured;
  - (10) a criminal record search from the Thunder Bay police service in regard to the applicant, all current officers, directors, five (5) largest shareholders, or all current partners of the applicant, as the case may be, dated within the last thirty (30) days from the date of the application; and
  - (11) a signed consent and authorization to release information, in the form prescribed by the Licensing Manager, authorizing the Licensing Manager to collect personal information pertaining to the applicant, all current officers, directors, five (5) largest shareholders, or all current partners of the applicant, as the case may be, including criminal or other offence records held by municipal, provincial or federal agencies.

## **Licence Classes**

8. The Licensing Manager shall issue a Vehicle Licence to an applicant who has satisfied the requirements of this By-law based on the appropriate Vehicle Licence class as set out in the following:
  - (1) an Auxiliary Taxicab Licence;
  - (2) an Auxiliary Services Vehicle Licence;
  - (3) a Limousine Licence; and
  - (4) a Taxicab Licence.
9. The Licensing Manager shall issue a Vehicle for Hire Business Licence to an applicant

who has satisfied the requirements of this By-law based on the appropriate Vehicle for Hire Business Licence class as set out in the following:

- (1) an Auxiliary Services Vehicle Business Licence;
- (2) a Limousine Business Licence; and
- (3) a Taxicab Business Licence.

### **General Vehicle Licence Holder Duties**

10. Every Person who holds a Vehicle Licence of any class shall:
  - (1) ensure at all times that the Vehicle for Hire is mechanically safe so as to meet the standards required for the issuance of a Province of Ontario Motor Vehicle Inspection Certificate;
  - (2) take all reasonable steps to ensure that each driver who operates the Vehicle for Hire complies with the requirements of this By-law;
  - (3) immediately report to the Licensing Manager any known contravention of this By-law, charge or conviction pursuant to the *Criminal Code*, *Controlled Drugs and Substances Act*, or the *Highway Traffic Act* or a Province of Ontario driver's licence suspension in connection with a person holding a Driver's Licence issued under this By-law who operates the Vehicle for Hire; and
  - (4) immediately report to the Licensing Manager any known Motor Vehicle accident that is reportable pursuant to the *Highway Traffic Act*, or personal injury, or cancellation of insurance involving the Vehicle for Hire.
11. In the event the owner replaces a Vehicle for Hire licensed under this By-law with another Motor Vehicle, the Vehicle Licence may be transferred to the replacement Motor Vehicle provided that:
  - (1) the owner applies to the Licensing Manager and meets the criteria as set out in Section 5 of this By-law, with necessary modification; and
  - (2) the owner pays the fee in accordance with Schedule "A" to this By-law.
12. No Person who holds a Vehicle Licence shall affix or permit any other Person to affix a Vehicle Licence to any Motor Vehicle other than the Motor Vehicle for which the Vehicle Licence was issued under this By-Law.

### **Specific Duties of Taxicab Licence Holders**

13. Every Person who holds a Taxicab Licence shall ensure at all times that the Taxicab is equipped with:
  - (1) an operational Taxicab Meter that is programmed to calculate fares;
  - (2) an illuminated top sign on the roof of the Taxicab that is capable of illuminating when the Taxicab is unoccupied by a Passenger;
  - (3) a Global Positioning System (GPS) device that sets out and records the location of the Taxicab; and
  - (4) a Dispatch system that allows communication between the driver and Taxicab Broker

or Taxicab owner, as the case may be.

14. Every Person who holds a Taxicab Licence shall visibly display in large print the name of their Taxicab Broker or Taxicab owner, as the case may be, and Taxicab Licence number:
  - (1) on the exterior of the Taxicab; and
  - (2) on the rear bumper of the Taxicab.

### **Specific Duties of Auxiliary Taxicab, Auxiliary Services Vehicle, and Limousine Licence Holders**

15. No Person who holds an Auxiliary Taxicab Licence, a Limousine Licence or an Auxiliary Services Vehicle Licence shall place or allow a top sign to be placed on the roof of the Motor Vehicles for which such Licences are issued.

### **Vehicle Licence Expiration**

16. Every Vehicle Licence shall expire one (1) year from the date when it is issued or renewed by the Licensing Manager.

### **General Vehicle for Hire Business Licence Holder Duties**

17. Every Person who holds a Vehicle for Hire Business Licence issued under this By-law shall:
  - (1) carry on business only in the name in which the business is licensed;
  - (2) have a telephone number, email address, website or on-line enabled application that is solely for the use of the business and customers who wish to make contact with the licensee;
  - (3) ensure that only Motor Vehicles licensed and drivers licensed under this By-law are employed or otherwise engaged in carrying on the business;
  - (4) have a suitable Dispatch and vehicle locator system that allows the licensee to communicate with and locate a Vehicle for Hire used in carrying on the business;
  - (5) keep an electronic record of every Vehicle for Hire dispatched on a trip, the date and time of dispatch, the place of pick-up and destination of such trip and shall retain such records for at least twelve (12) months following each trip;
  - (6) keep an electronic record of all Pre-Arranged Service showing that the Passenger accepted the fare or rate to be charged prior to the commencement of the Pre-Arranged Service and shall retain such records for at least twelve (12) months following each trip;
  - (7) upon request of the Licensing Manager, provide a list of all drivers who are employed or otherwise engaged by the licensee;
  - (8) ensure that each driver holding a Driver's Licence issued under this By-law who is employed or otherwise engaged by the licensee is trained in regard to the proper operation of a Vehicle for Hire and the provisions of this By-law;
  - (9) ensure that each driver who is employed or otherwise engaged by the licensee has

completed driver and sensitivity training, as approved by the Licensing Manager, that includes the following topics:

- (a) the safe operation of a Motor Vehicle, including safe operation during inclement weather;
  - (b) the proper response to an emergency situation, including a Passenger illness and Motor Vehicle accident;
  - (c) provision of service in a manner that respects the dignity and independence of individuals with disabilities and is in compliance with the *Accessibility for Ontarians with Disabilities Act*; and
  - (d) provision of services in a manner that is free from discrimination and is in compliance with the *Human Rights Code*;
- (10) ensure that each driver who is employed or otherwise engaged by the licensee and provides transportation services in an Accessible Motor Vehicle has completed accessibility training, as approved by the Licensing Manager;
  - (11) give priority to individuals using mobility aids when Dispatching Accessible Motor Vehicles;
  - (12) ensure that vehicle and driver identification information is available in an Accessible Format to any Passenger who requests that such information be provided in an Accessible Format;
  - (13) take all reasonable steps to ensure that each driver who is employed or otherwise engaged by the licensee complies with the requirements of this By-law;
  - (14) immediately report to the Licensing Manager any known contravention of this By-law by a driver who is employed or otherwise engaged by the licensee;
  - (15) immediately report to the Licensing Manager any known contravention of this By-law, charge or conviction pursuant to the *Criminal Code*, *Controlled Drugs and Substances Act*, or the *Highway Traffic Act* or a Province of Ontario driver's licence suspension in connection with a driver who is employed or otherwise engaged by the licensee;
  - (16) immediately report to the Licensing Manager any known Motor Vehicle accident that is reportable pursuant to the *Highway Traffic Act*, or personal injury, or cancellation of insurance involving a Vehicle for Hire owned by the licensee; and
  - (17) immediately report to the Licensing Manager if the licensee has terminated any driver who is employed or otherwise engaged by the licensee.

### **Specific Duties of Taxicab Business Licence Holders**

- 18. Every Taxicab Business Licence holder shall ensure that Dispatch service is provided twenty-four (24) hours per day, seven (7) days per week to Passengers requesting Taxicab and Accessible Taxicab service.
- 19. Every Taxicab Business Licence holder shall ensure that at least ten (10) percent of all Taxicabs used in carrying on the business are Accessible Motor Vehicles. For greater clarity, where a Taxicab Business Licence holder uses fewer than ten (10) Taxicabs in carrying on the business, at least one (1) Taxicab must be an Accessible Motor Vehicle. Where a Taxicab Business Licence holder uses more than ten (10) but fewer than twenty

(20) Taxicabs in carrying on the business, at least two (2) Taxicabs must be Accessible Motor Vehicles, and so on, with the number of Accessible Motor Vehicles being rounded up to the next multiple of ten (10) in the sequence. No less than one (1) Accessible Motor Vehicle must be in service at all times, twenty-four (24) hours per day, seven (7) days per week.

20. Every Taxicab Business Licence holder shall:

- (1) accept requests for service by telephone; and
- (2) ensure that every Taxicab dispatched on a trip is equipped to accept credit and debit card payments.

### **Specific Duties of Auxiliary Services Vehicle Business Licence Holders**

21. No Person who holds an Auxiliary Services Vehicle Business Licence shall in any advertisement made by him use or permit the use of the words “Taxi”, “Taxicab”, “Cab” or any other word or words which indicate or could be reasonably interpreted to indicate that any of his Auxiliary Services Vehicles is a Taxicab or is available for service as a Taxicab as defined in this By-law

### **Specific Duties of Limousine Business Licence Holders**

22. No Limousine Business Licence holder shall in any advertisement made by him use or permit the use of the words “Taxi”, “Taxicab”, “Cab” or any other word or words which indicate or could be reasonably interpreted to indicate that any of his Limousines is a Taxicab or is available for service as a Taxicab as defined in this By-law.

### **Licence Expiration**

23. Every Vehicle for Hire Business Licence shall expire three (3) years from the date when it is issued or renewed by the Licensing Manager.

## **PART 2**

### **VEHICLE FOR HIRE BROKER LICENCE**

#### **Prohibition**

24. No Person shall act as a Vehicle for Hire Broker without first having obtained a Vehicle for Hire Broker Licence from the Licensing Manager in accordance with this By-law.

#### **Broker Licence Application**

25. Every Person who applies for a Vehicle for Hire Broker Licence shall provide the

Licensing Manager with the following, as applicable:

- (1) a completed Vehicle for Hire Broker Licence application in the form prescribed by the Licensing Manager;
- (2) a copy of the applicant's birth certificate, passport, valid Province of Ontario driver's licence or valid Province of Ontario health card with the photograph of the applicant;
- (3) all current articles of incorporation for the Person and a copy of the last annual return filed;
- (4) a copy of the registered declaration of partnership;
- (5) the full names and contact information of all current officers, directors and five (5) largest shareholders;
- (6) the full names and contact information of all current partners;
- (7) all current documents showing the registered business name and business number of the applicant;
- (8) the full names of all drivers who use or will use the services of the applicant as their Broker;
- (9) proof of commercial general liability insurance subject to limits of not less than five million (\$5,000,000) dollars inclusive per occurrence for bodily injury, death and damage to property including loss of use and shall include a cross liability clause. Such policy shall be in the name of the Person applying for a Vehicle for Hire Broker Licence and the City shall be name as an additional insured;
- (10) a criminal record search from the Thunder Bay police service in regard to the applicant, all current officers, directors, five (5) largest shareholders, or all current partners of the applicant, as the case may be, dated within the last thirty (30) days from the date of the application; and
- (11) a signed consent and authorization to release information, in the form prescribed by the Licensing Manager, authorizing the Licensing Manager to collect personal information pertaining to the applicant, all current officers, directors, five (5) largest shareholders, or all current partners of the applicant, as the case may be, including criminal or other offence records held by municipal, provincial or federal agencies.

### **Licence Classes**

26. The Licensing Manager shall issue a Vehicle for Hire Broker Licence to an applicant that has satisfied the requirements of this By-law based on the appropriate Licence class as set out in the following:

- (1) an Auxiliary Taxicab Broker Licence to an applicant who will act as an Auxiliary Taxicab Broker for one or more Auxiliary Taxicabs and who has satisfied the requirements of this By-law;
- (2) a Limousine Broker Licence to an applicant who will act as a Limousine Broker for one or more Limousines and who has satisfied the requirements of this By-law; and
- (3) a Taxicab Broker Licence to an applicant who will act as a Taxicab Broker for one or more Taxicabs and who has satisfied the requirements of this By-law.

## General Vehicle for Hire Broker Duties

27. Every Vehicle for Hire Broker licensed under this By-law shall:

- (1) carry on business only in the name in which the Broker is licensed;
- (2) have a telephone number, email address, website or on-line enabled application that is solely for the use of the Broker and customers who wish to make contact with the Broker;
- (3) ensure that only Motor Vehicles licensed and drivers licensed under this By-law operate through the Broker;
- (4) have a suitable Dispatch or vehicle locator system that allows the Broker to communicate with and locate a Vehicle for Hire that operates through the Broker;
- (5) keep an electronic record of every Vehicle for Hire Dispatched on a trip, the date and time of Dispatch, the place of pick-up and destination of such trip and shall retain such records for at least twelve (12) months following each trip;
- (6) keep an electronic record of all Pre-Arranged Services showing that the Passenger accepted the fare or rate to be charged prior to the commencement of the Pre-Arranged Service and shall retain such records for at least twelve (12) months following each trip;
- (7) upon request of the Licensing Manager, provide a list of all Vehicles for Hire operating through the Broker and drivers with whom the Broker has entered into any form of arrangement to provide Dispatch service;
- (8) ensure that each driver who operates through the Broker is trained in regard to the proper operation of a Vehicle for Hire and the provisions of this By-law;
- (9) ensure that each driver who operates through the Broker has completed driver and sensitivity training, as approved by the Licensing Manager, that includes the following topics:
  - (a) the safe operation of a Motor Vehicle, including safe operation during inclement weather;
  - (b) the proper response to an emergency situation, including a Passenger illness and Motor Vehicle accident;
  - (c) provision of service in a manner that respects the dignity and independence of individuals with disabilities and is in compliance with the *Accessibility for Ontarians with Disabilities Act*; and
  - (d) provision of services in a manner that is free from discrimination and is in compliance with the *Human Rights Code*;
- (10) ensure that each driver who operates through the Broker and provides transportation services in an Accessible Motor Vehicle has completed accessibility training as approved by the Licensing Manager;
- (11) give priority to individuals using mobility aids when Dispatching Accessible Motor Vehicles;
- (12) ensure that vehicle and driver identification information is available in an Accessible Format to any Passenger who requests that such information be provided in an Accessible Format;
- (13) take all reasonable steps to ensure that each driver who operates through the Broker complies with the requirements of this By-law;
- (14) immediately report to the Licensing Manager any known contravention of this By-



- law by a driver who operates through the Broker;
- (15) immediately report to the Licensing Manager any known contravention of this By-law, charge or conviction pursuant to the *Criminal Code*, *Controlled Drugs and Substances Act*, or the *Highway Traffic Act* or a Province of Ontario driver's licence suspension in connection with a driver who operates through the Broker;
  - (16) immediately report to the Licensing Manager any known Motor Vehicle accident that is reportable pursuant to the *Highway Traffic Act*, or personal injury, or cancellation of insurance involving a Vehicle for Hire that operates through the Broker; and
  - (17) immediately report to the Licensing Manager if the Broker has terminated any driver who operates through the Broker.

### **Specific Duties of Taxicab and Auxiliary Taxicab Brokers**

28. Every Taxicab Broker and Auxiliary Taxicab Broker shall ensure that Dispatch service is provided twenty-four (24) hours per day, seven (7) days per week to Passengers requesting Taxicab, Accessible Taxicab or Auxiliary Taxicab service.

### **Specific Duties of Taxicab Brokers**

29. Every Taxicab Broker shall accept requests for service by telephone and ensure that every Taxicab Dispatched on a trip is equipped to accept credit and debit card payments.
30. Every Taxicab Broker shall ensure that at least ten (10) percent of all Taxicabs operated through the Broker are Accessible Taxicabs. For greater clarity, where ten (10) or fewer Taxicabs operate through the Broker, at least one (1) Taxicab must be an Accessible Taxicab. Where more than ten (10) but fewer than twenty (20) Taxicabs operate through the Broker, at least two (2) Taxicabs must be Accessible Taxicabs, and so on, with the number of Accessible Taxicabs being rounded up to the next multiple of ten (10) in the sequence. No less than one (1) Accessible Taxicab will be in service at all times, twenty-four (24) hours per day, seven (7) days per week.
31. Every Taxicab Broker shall ensure that a Tariff Card is available in an Accessible Format to any Passenger who requests that a Tariff Card be provided in an Accessible Format.

### **Specific Duties of Auxiliary Taxicab Brokers**

32. Every Auxiliary Taxicab Broker shall ensure that a printed or electronic receipt is provided to the Passenger at the conclusion of the trip that sets out the:
  - (a) rate charged and any other fee levied or charge made for the trip;
  - (b) total duration and distance of the trip;
  - (c) total amount paid for the trip;
  - (d) date and time the trip ended;
  - (e) location at which the trip started;
  - (f) location at which the trip ended; and
  - (g) driver's name and Motor Vehicle plate number.

33. No Auxiliary Taxicab Broker shall in any advertisement made by him use or permit the use of the words “Taxi”, “Taxicab”, “Cab” or any other word or words which indicate or could be reasonably interpreted to indicate that the Auxiliary Taxicab is a Taxicab or is available for service as a Taxicab as defined in this By-law.

### **Specific Duties of Limousine Brokers**

34. No Limousine Broker shall in any advertisement made by him use or permit the use of the words “Taxi”, “Taxicab”, “Cab” or any other word or words which indicate or could be reasonably interpreted to indicate that the Limousine is a Taxicab or is available for service as a Taxicab as defined in this By-law.

### **Licence Expiration**

35. Every Vehicle for Hire Broker Licence shall expire three (3) years from the date when it is issued or renewed by the Licensing Manager.

## **PART 3**

### **DESIGNATED DRIVER SERVICE PROVIDER LICENCE**

#### **Prohibition**

36. No Person shall Dispatch drivers to provide Designated Driver Service without first having obtained a Designated Driver Service Provider Licence from the Licensing Manager in accordance with this By-law.

#### **Licence Application**

37. Every Person who applies for a Designated Driver Service Provider Licence shall provide the Licensing Manager with the following, as applicable:
- (1) a completed Designated Driver Service Provider Licence application in the form prescribed by the Licensing Manager;
  - (2) a copy of the applicant’s birth certificate, passport, valid Province of Ontario driver’s licence or valid Province of Ontario health card with a photograph of the applicant;
  - (3) all current articles of incorporation for the Person and a copy of the last annual return filed;
  - (4) a copy of the registered declaration of partnership;
  - (5) the full names and contact information of all current officers, directors and five (5) largest shareholders;
  - (6) the full names and contact information of all current partners;
  - (7) all current documents showing the registered business name and business number of the applicant;
  - (8) the full names of all individuals who operate or will operate through the Designated Driver Service Provider;
  - (9) proof of commercial general liability insurance subject to limits of not less than five

- million (\$5,000,000) dollars inclusive per occurrence for bodily injury, death and damage to property including loss of use, and shall include a cross liability clause. Such policy shall be in the name of the Person applying for a Designated Driver Service Provider Licence and the city shall be named as an additional insured;
- (10) a criminal record search from the Thunder Bay police service in regard to the applicant, all current officers, directors, five (5) largest shareholders, or all current partners of the applicant, as the case may be, dated within the last thirty (30) days from the date of the application; and
  - (11) a signed consent and authorization to release information, in the form prescribed by the Licensing Manager, authorizing the Licensing Manager to collect personal information pertaining to the applicant, all current officers, directors, five (5) largest shareholders, or all current partners of the applicant, as the case may be, including criminal or other offence records held by municipal, provincial or federal agencies.

### **Licence Class**

38. The Licensing Manager shall issue a Designated Driver Service Provider Licence to an applicant that has satisfied the requirements of this By-law.

### **Designated Driver Service Provider Duties**

39. Every Person licensed under this By-law to provide Designated Driver Service shall:
  - (1) carry on business only in the name in which the business is licensed;
  - (2) have a telephone number, email address, website or on-line enabled application that is solely for the use of the licensee and customers who wish to make contact with the licensee;
  - (3) ensure that only drivers licensed under this By-law are employed or otherwise engaged by the licensee;
  - (4) have a suitable Dispatch and vehicle locator system that allows the licensee to communicate with and locate Designated Drivers and Designated Driver Support Vehicles operating through the licensee;
  - (5) keep an electronic record of every Designated Driver and Designated Driver Support Vehicle dispatched on a trip, the date and time of Dispatch, the place of pick-up and destination of the trip and shall retain such records for at least twelve (12) months following each trip;
  - (6) keep an electronic record of all Pre-Arranged Services showing that the Passenger accepted the fare or rate to be charged prior to the commencement of the Pre-Arranged Service and shall retain such records for at least twelve (12) months following each trip;
  - (7) upon request of the Licensing Manager, provide a list of all drivers who are employed or otherwise engaged by the licensee;
  - (8) ensure that each driver who is employed or otherwise engaged by the licensee is trained in regard to the provisions of this By-law;
  - (9) ensure that each driver who is employed or otherwise engaged by the licensee has completed driver and sensitivity training, as approved by the Licensing Manager, that includes the following topics:

- (a) the safe operation of a Motor Vehicle, including safe operation during inclement weather;
  - (b) the proper response to an emergency situation, including a Passenger illness and Motor Vehicle accident;
  - (c) provision of service in a manner that respects the dignity and independence of individuals with disabilities and is in compliance with the *Accessibility for Ontarians with Disabilities Act*; and
  - (d) provision of services in a manner that is free from discrimination and is in compliance with the *Human Rights Code*;
- (10) take all reasonable steps to ensure that each driver who is employed or otherwise engaged by the licensee complies with the requirements of this By-law;
  - (11) immediately report to the Licensing Manager any known contravention of this By-law by a driver who is employed or otherwise engaged by the licensee;
  - (12) immediately report to the Licensing Manager any known contravention of this By-law, charge or conviction pursuant to the *Criminal Code*, *Controlled Drugs and Substances Act*, or the *Highway Traffic Act* or a Province of Ontario driver's licence suspension in connection with a driver who is employed or otherwise engaged by the licensee;
  - (13) immediately report to the Licensing Manager any known Motor Vehicle accident that is reportable pursuant to the *Highway Traffic Act*, and includes a personal injury to the driver, Passenger or any third party which directly involves a driver who is employed or otherwise engaged by the licensee; and
  - (14) immediately report to the Licensing Manager if the licensee has terminated any driver who is employed or otherwise engaged by the licensee.

### **Licence Expiration**

- 40. Every Designated Driver Service Provider Licence shall expire three (3) years from the date when it is issued or renewed by the Licensing Manager.

## **PART 4**

### **DRIVER'S LICENCE**

#### **Prohibition**

- 41. No driver shall:
  - (1) provide or attempt to provide a Vehicle for Hire service or a Designated Driver Service without first having obtained a Driver's Licence from the Licensing Manager in accordance with this By-law;
  - (2) use or attempt to use a Motor Vehicle for a Vehicle for Hire service unless the Motor Vehicle has a Vehicle Licence issued by the Licensing Manager under this By-law;
  - or
  - (3) provide or attempt to provide a Vehicle for Hire service unless

- (a) the driver operates through a Broker licensed under Part 2 of this By-law; or
- (b) the driver is employed or otherwise engaged by
  - (i) a Person who holds a Licence issued under Part 1 of this By-law; or
  - (ii) a Person who is exempt from holding a Licence under Part 1 of this By-law.

### **Licence Application**

42. Every driver who applies for a Driver's Licence shall provide the Licensing Manager with the following:
- (1) the driver's name, address, telephone number and date of birth;
  - (2) a fee in accordance with Schedule "A";
  - (3) proof of a valid Province of Ontario driver's licence with at least two (2) years driving experience before applying for a Driver's Licence under this By-law;
  - (4) a criminal record search from the Thunder Bay police service and a Ministry of Transportation Driver's Abstract; and
  - (5) a true photograph of the driver's face for the purpose of creating a Driver's Licence under this By-law.

### **Licence Classes**

43. The Licensing Manager shall issue a Driver's Licence to an applicant that has satisfied the requirements of this By-law based on the appropriate Driver Licence class as set out in the following:
- (1) an Auxiliary Taxicab Driver's Licence;
  - (2) an Auxiliary Services Vehicle Driver's Licence;
  - (3) a Designated Driver's Licence;
  - (4) a Limousine Driver's Licence; and
  - (5) a Taxicab Driver's Licence.

### **General Driver Duties**

44. Every driver licensed under this By-law shall provide a Passenger, upon request, vehicle and driver identification information.
45. Every driver licensed under this By-law shall provide vehicle and driver identification information in an Accessible Format to any Passenger who requests that such information be provided in an Accessible Format.
46. No driver licensed under this By-law shall:
- (1) verbally solicit any individual for the purposes of providing a Vehicle for Hire or a Designated Driver Service;
  - (2) carry any Passenger other than the Passenger engaging the driver's services unless

- the Passenger is a driver-in-training;
- (3) in respect of any individual with a disability being accompanied by a Guide Dog or a Service Animal, by reason only of the presence of the Guide Dog or Service Animal refuse to serve the individual;
  - (4) smoke tobacco or permit tobacco to be smoked while providing a service under this By-law;
  - (5) consume or be under the influence of any alcohol while providing a service under this By-law;
  - (6) consume, possess or be under the influence of any controlled substance as defined in the *Controlled Drugs and Substances Act* while providing a service under this By-law; and
  - (7) use an electronic cigarette or permit the use of an electronic cigarette, as those terms are defined in the *Electronic Cigarettes Act* while providing a service under this By-law.

47. Every driver licensed under this By-law shall:

- (1) keep all appointments punctually;
- (2) take proper care of all baggage and other personal property delivered to him for conveyance;
- (3) deliver all property or money left by any Passenger to the Passenger or notify the Passenger where such property or money may be recovered, or if the contact information of the Passenger is unknown, deliver such property or money to the nearest police station;
- (4) give to the Municipal Law Enforcement Officer in the course of an investigation all information as to the Passenger or the address, house or place to or from which the driver has driven the Passenger;
- (5) take the most direct route possible to the requested destination unless specifically requested by the Passenger to take another route;
- (6) ensure that the Vehicle for Hire, which he or she is driving is maintained
  - (a) in a clean condition as to its exterior, and
  - (b) in a clean and dry condition as to its interior while in the driver's possession;
- (7) ensure that the interior of the Vehicle for Hire is free of any personal effects not required in the conduct of the driver's normal duties;
- (8) notify the Licensing Manager within twenty-four (24) hours of any charge or conviction relating to the driver pursuant to the *Highway Traffic Act* with all particulars relating to the charge or conviction;
- (9) provide the Licensing Manager, upon his demand, with a police criminal background check; and
- (10) notify the Licensing Manager within twenty-four (24) hours of any police investigation, charge or conviction relating to the driver pursuant to the *Criminal Code or the Controlled Drugs and Substances Act* with all particulars relating to the investigation, charge or conviction.

### **Specific Duties of Taxicab Drivers**

48. Every driver who provides Taxicab service shall ensure that:
- (1) his Taxicab Meter is fully operational and accurate;
  - (2) his Taxicab Meter is located where it is visible to all Passengers;
  - (3) the fee charged to the Passenger conforms to that indicated on the Taxicab Meter.
49. Where a Taxicab Meter is not accurate or fully operational or the Taxicab Meter seal is broken, as the case may be, the Taxicab driver shall immediately cease to provide any Taxicab service.
50. (1) No driver who provides Taxicab service shall turn on his Taxicab Meter before the Passenger occupies the Taxicab.
- (2) Despite Subsection 50(1) of this By-law, a driver who provides Taxicab service may turn on his Taxicab Meter before the Passenger has occupied the Taxicab if:
- (a) the Passenger has requested the Taxicab at a specific location at a specific time; or
  - (b) the driver who provides Taxicab service or Passenger is loading or unloading the Passenger's personal items, with the exception of mobility aids or mobility assistive devices, into or from the Taxicab.
51. Every driver who provides a Taxicab service shall:
- (1) display a Tariff Card in a location that is clearly visible to all Passengers;
  - (2) verbally advise a Passenger of the contents of the Tariff Card upon request; and
  - (3) shall provide a written or electronic receipt to the Passenger at the conclusion of the service that sets out all rates, fees and/or surcharges charged, total amount paid, date and time of the service, location of the commencement and conclusion of the service, and the total time and distance of the service.

### **Specific Duties of Accessible Taxicab Drivers**

52. Every driver who provides Taxicab service and who is operating an Accessible Taxicab shall:
- (1) give priority to individuals using mobility aids or mobility assistive devices;
  - (2) securely fasten all mobility aids or mobility assistive devices so that they do not move while the Accessible Taxicab is in motion;
  - (3) offer such assistance as required to facilitate the entry or exit of a Passenger with a physical disability into or out of the Accessible Taxicab; and
  - (4) confirm that the seatbelt of a Passenger with a physical disability is properly secured.

### **Specific Duties of Auxiliary Taxicab Drivers, Auxiliary Services Vehicle Drivers**

53. No driver operating an Auxiliary Taxicab or an Auxiliary Services Vehicle shall park or stop his Auxiliary Taxicab or Auxiliary Services Vehicle in any Taxicab Stand.

54. No driver operating an Auxiliary Taxicab or an Auxiliary Services Vehicle shall provide or attempt to provide a Hail Taxicab Service.
55. Every driver operating an Auxiliary Taxicab or an Auxiliary Services Vehicle and has provided a Pre-Arranged Service shall provide a written or electronic receipt to the Passenger at the conclusion of the Pre-Arranged Service that sets out all rates, fees and/or surcharges charged, total amount paid, date and time of the service, location of the commencement and conclusion of the service, and the total time and distance of the service.

### **Specific Duties of Limousine Drivers**

56. No driver operating a Limousine shall park or stop his Limousine in any Taxicab Stand.

### **Licence Expiration**

57. Every Driver's Licence that is issued or renewed for a term of ninety (90) days shall expire ninety (90) calendar days after the Licence is issued or renewed by the Licencing Manager.
58. Every Driver's Licence that is issued or renewed for a term of one (1) year shall expire one (1) year after the Licence is issued or renewed by the Licencing Manager.

## **PART 5**

### **VEHICLE STANDARDS**

#### **Condition of Vehicle for Hire**

59. No Person licensed under this By-law shall use as a Vehicle for Hire:
  - (1) a Motor Vehicle that is more than ten (10) years old; or
  - (2) a Motor Vehicle that shows more than four hundred thousand (400,000) kilometers on its odometer.
60. No Person licensed under this By-law shall cause or permit a Motor Vehicle to be operated as a Vehicle for Hire unless the Motor Vehicle is:
  - (1) equipped with an extra tire and wheel ready for use;
  - (2) equipped with seat belts plainly visible and accessible to Passengers;
  - (3) equipped with fully functioning air-conditioning and heating systems;
  - (4) equipped with four snow tires or all-weather tires from December 1 to April 30;
  - (5) clean and in good repair as to its exterior and interior; and
  - (6) free from mechanical defects.



## **Reporting**

61. (1) Every owner of a Vehicle for Hire licensed under this By-law shall submit to the Licensing Manager an Ontario Ministry of Transportation Vehicle Inspection Report or a Safety Standard Certificate in respect of all Vehicles for Hire licensed under this By-law twice annually:
- (a) once between January 1<sup>st</sup> and February 28<sup>th</sup>, and
  - (b) once between July 1<sup>st</sup> and August 31<sup>st</sup> of each year.
- (2) Documentation required under Subsection 61(1) shall be obtained by way of a successful inspection by a licensed mechanic at a provincially licenced Motor Vehicle inspection station.
- (3) Where the General Manager has designated a Person under Section 74 of this By-law, the documents referred to in Subsection 61(1) shall be submitted to the appropriate designee.

## **Vehicle for Hire Replacement and Disposal**

62. (1) Every Person licensed under this By-law who disposes of a Motor Vehicle or otherwise ceases to use a Motor Vehicle for the purposes permitted under this By-law and acquires another Motor Vehicle for the purposes permitted under this By-law, before using the new Motor Vehicle as a Vehicle for Hire shall comply with the requirements of Part 5 of this By-law.
- (2) Every Person licensed under this By-law who disposes of or otherwise ceases to use the Motor Vehicle as a Taxicab shall immediately remove from the said Motor Vehicle being disposed of all items which make the Motor Vehicle appear to the public to be a Taxicab, including the roof light, Taxi Meter, identifying decals and markings.

## **PART 6**

### **LICENSING PROCESS**

63. Within fifteen (15) Business Days of the receipt of a complete application for a Licence under this By-law, the Licensing Manager shall:
- (1) grant the application and issue or renew the Licence;
  - (2) deny the application and refuse to issue or renew the Licence; or
  - (3) issue or renew the Licence subject to terms and conditions.
64. Where the Licensing Manager refuses to issue or renew a Licence, issues or renews a Licence subject to terms and conditions, or suspends or revokes a Licence, the Licensing Manager shall provide the applicant or Licence holder with reasonable particulars of his

decision in writing.

65. Where the Licensing Manager refuses to issue or renew a Licence, issues or renews a Licence subject to terms and conditions or suspends or revokes a Licence, the applicant or Licence holder may appeal the decision of the Licensing Manager in accordance with Part 10 of this By-law.

### **Grounds for Denial, Suspension, Revocation and Special Conditions**

66. The Licensing Manager shall refuse to grant or renew, or shall suspend or revoke, any Licence issued under this By-law where in the sole discretion of the Licensing Manager
- (1) the application is incomplete;
  - (2) the applicant or licensee does not or no longer meets the requirements of this By-law;
  - (3) the applicant or the licensee or any of its officers, employees, agents, or affiliates:
    - (a) furnishes false information or misrepresents any fact or circumstance to a Municipal Law Enforcement Officer or the Licensing Manager;
    - (b) fails to pay a fine or obey any order issued by a court for a contravention of this By-law; or
    - (c) fails to pay any fee required by this By-law.
67. The Licensing Manager shall refuse to issue a Driver's Licence to any driver under the age of nineteen (19) years old.
68. The Licensing Manager shall refuse to issue or renew a Driver's Licence to, or shall suspend or revoke a Driver's Licence of, any driver who has:
- (1) an undertaking, recognizance, peace bond, probation order or other court or police issued document where the conditions prohibit the driver from providing transportation services to the public;
  - (2) been found guilty and convicted of any criminal offence, in the preceding twenty (20) years from the date of the application, where the term of incarceration imposed exceeded ten (10) years;
  - (3) been found guilty and convicted of any criminal offence, in the preceding ten (10) years from the date of the application, where the term of incarceration imposed was between two (2) and ten (10) years;
  - (4) been found guilty and convicted of any criminal offence, in the preceding five (5) years from the date of the application, where the term of incarceration imposed was less than two (2) years;
  - (5) been found guilty of any of the following offences, in the preceding five (5) years from the date of the application:
    - (a) careless driving;
    - (b) impaired driving;
    - (c) racing or stunt driving; or
    - (d) exceeding the speed limit by 50 km/hr or more;

- (6) accumulated nine (9) or more Demerit Points or three (3) or more convictions on his driving record abstract within three (3) years of the date of the application; or
  - (7) had his driver's licence, issued in any province or territory, suspended within one (1) year of the date of the application.
69. Subsections 68(2)-(4) shall not apply if the applicant or the driver licensed under this By-law, as the case may be, has received a pardon or record suspension for the offence from the Government of Canada.
70. In addition to any other penalty or remedy, the Licensing Manager may refuse to issue or renew, or may suspend or revoke, a Licence by reason of the ground that:
  - (1) the conduct of the Person applying for or holding a Licence, or where the Person is a corporation, that the conduct of any of the corporation's officers, directors, employees or agents, affords reasonable cause to believe that the Person will not carry on or engage in its business in accordance with the law or with honesty and integrity; or
  - (2) the issuance, renewal or continuation of a Licence affords reasonable cause to believe that the applicant, licensee or Motor Vehicle poses a danger to the health or safety of any individual or the public in general.
71. For greater clarity, "law" under Subsection 70(1) includes the laws and regulations of Canada and the Province of Ontario and the By-laws of the City, including this By-law.
72. Where reasonably appropriate, and as an alternative or in addition to refusing to issue or renew or revoke or suspend a Licence, the Licensing Manager may impose special conditions upon any applicant or licensee as a requirement of being issued or holding a Licence.

### **Licence Renewal**

73.
  - (1) All applicable provisions of this By-law shall apply with necessary modification to the renewal of a Licence.
  - (2) The fee for each renewal of a Licence shall be in accordance with Schedule "A" to this By-law.
  - (3) Every application for a renewal of a Licence must be delivered to the Licensing Manager, in full, before the Licence expires.
  - (4) Every Licence holder who applies for a renewal of a Licence shall provide the Licensing Manager with such information and documentation as required by the Licensing Manager.

### **Broker Issuance of Licenses - Designation**

74. The General Manager may, upon written request, designate any Person:

- (1) who holds a Taxicab Broker Licence and who provides Taxicab services exclusively through an on-line enabled application, to issue Taxicab Driver's Licences to applicants who will provide Taxicab services through the Taxicab Broker; or
  - (2) who holds an Auxiliary Taxicab Broker Licence and who provides Auxiliary Taxicab services exclusively through an online enabled application, to issue Auxiliary Taxicab Licences and Auxiliary Taxicab Driver's Licences to applicants that will provide Auxiliary Taxicab services through the Auxiliary Taxicab Broker.
75. Any Person who holds a Taxicab Broker Licence or an Auxiliary Taxicab Broker Licence that has been designated pursuant to Section 74 shall:
- (1) only issue Vehicle Licences or Driver's Licences to Persons that satisfy the requirements of this By-law;
  - (2) remit to the Licensing Manager the applicable fees for the Vehicle Licences and Driver's Licences in accordance with Schedule "A" to this By-law;
  - (3) immediately provide the Licensing Manager with an electronic copy of every Vehicle Licence and Driver's Licence after it has been issued; and
  - (4) immediately provide the Licensing Manager with such information and documentation as the Licensing Manager may request from time to time to confirm compliance with this By-law.
76. The General Manager may revoke any designation given under Section 74 on sixty (60) calendar days written notice to the designee or immediately if the designee fails to comply with any of the requirements of Section 75.
77. For greater clarity, the requirements, penalties, rights and remedies of this By-law shall apply in regard to Vehicle Licences and Driver's Licences issued by the designee in the same manner as if the Vehicle Licences and Driver's Licences had been issued directly by the Licensing Manager under this By-law.

## PART 7

### DISCRIMINATION

78. (1) No Person who holds a Licence shall discriminate against any person because of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, gender identity, gender expression, age, marital status, family status or disability in relation to the provision of a Vehicle For Hire or Designated Driver service or otherwise contravene the *Human Rights Code*.
- (2) Without limiting the generality of Subsection 78(1) of this By-law, no Person who holds a Licence shall offer or charge:
- (a) a higher fare or an additional fee for individuals with disabilities than for individuals without disabilities for the same trip; or
  - (b) a fee for the storage or transportation of mobility aids or mobility assistive devices, or otherwise contravene the *Accessibility for Ontarians with Disabilities Act*.

## **PART 8**

### **INSPECTIONS**

79. Every Person who is licensed under this By-law shall allow the Licensing Manager or Municipal Law Enforcement Officer, upon demand, to inspect any of the following items that are in the possession of the Person:
- (1) a Vehicle for Hire;
  - (2) a Taxicab Meter that is located in a Taxicab or was used for a Taxicab service;
  - (3) a written or electronic record for a Vehicle for Hire service or Designated Driver Service that is to be maintained pursuant to this By-law; and
  - (4) a Global Positioning System (GPS) recording that is to be maintained pursuant to this By-law.

## **PART 9**

### **COMPLAINTS**

80. Every Person holding a Vehicle for Hire Broker Licence or a Vehicle for Hire Business Licence shall:
- (1) maintain a customer complaint resolution process; and
  - (2) promptly investigate any complaint brought to his attention by a Passenger against any driver licensed under this By-law and shall report its findings and actions taken to the Passenger and the Licensing Manager.
81. Every individual who has used the services of a driver licensed under this By-law may file a complaint to the Licensing Manager in the form prescribed by the Licensing Manager.
82. Where a complaint has been received by the Licensing Manager, the Licensing Manager may require the licensee to do or refrain from doing anything that, in the sole discretion of the Licensing Manager, will bring a reasonable resolution to the complaint, as well as attend an interview and successfully complete a driver training or testing program as approved by the Licensing Manager.
83. The Licensing Manager shall investigate the complaint and shall:
- (1) dispose of the complaint;
  - (2) refer the complaint to the Committee; or
  - (3) consider any other penalty or remedy under this By-law.
84. Every Person licensed under this By-law shall maintain a list of all complaints received and, with respect to each complaint, the following information:
- (a) the name and Ontario driver's licence number of the driver involved;

- (b) the name of the individual from whom the complaint was received; and
- (c) a brief description of the allegations contained therein.

## **PART 10**

### **APPEALS**

#### **Appeal**

- 85. Any Person who wishes to dispute the Licensing Manager's decision in regard to a refusal to issue or renew a Licence, a revocation or suspension of a Licence, the imposition of a special condition on a Licence or a complaint may apply to the Licensing Manager within fifteen (15) Business Days of the date when the decision of the Licensing Manager is communicated to the Person with a request that the Committee review the Licensing Manager's decision. An application under this Section shall set out the relief sought and the grounds for the review and include a fee as set out in Schedule "A" to this By-law.
- 86. Where no appeal is filed within fifteen (15) Business Days of the date when the decision of the Licensing Manager is communicated to the Person, the decision of the Licensing Manager shall be final.
- 87. Within fifteen (15) business days of the receipt of the application for review under Section 85, the Licencing Manager shall provide notice of the hearing to the Person:
  - (1) specifying the time, place and purpose of the hearing of the Committee;
  - (2) informing the Person that he is entitled to attend the hearing, to present evidence, and to make submissions regarding the Licensing Manager's decision; and
  - (3) informing the Person that the Committee may proceed with the hearing in his absence.
- 88. A decision of the Licensing Manager in regard to any refusal to issue or renew a Licence, revocation or suspension of a Licence, imposition of a special condition on a Licence or a complaint shall be in full force and effect as of the date when the decision of the Licensing Manager is communicated to the Person.

#### **Hearings**

- 89. The Committee shall hold a hearing no later than thirty (30) Business Days from the date when the Licencing Manager has provided a notice of the hearing to the Person.
- 90. Sections 5 to 15 and 21 to 24 of the *Statutory Powers Procedure Act* shall apply to all hearings conducted by the Committee.
- 91. At the hearing, the onus shall be upon the Person to show cause why:

- (1) the Licence applied for should be issued or renewed;
  - (2) the issued License should not be suspended or revoked;
  - (3) conditions or special conditions should not be imposed on the License; or
  - (4) the complaint should be disposed of in a particular way.
92. All hearings shall be public hearings unless the Person, requests that the hearing be held in camera and the Committee approves the request by a simple majority.
93. When a hearing date has been set or fixed, and the Person having been provided with written notice pursuant to Section 87 of this By-law, and the Person fails to attend at the appointed time, place and date, the Committee may proceed in his absence and the Person will not be entitled to any further notice in the proceedings.
94. The Committee may uphold or vary the decision of the Licensing Manager, or make any decision that the Licensing Manager was entitled to make in the first instance.
95. At the conclusion of the hearing, the Committee may give its decision orally or reserve its decision, but, in any case, it shall provide its decision in writing, with reasons, within fifteen (15) Business Days of the hearing to the Person and the Licensing Manager.
96. The decision of the Committee is final.

### **Composition**

97. The Committee shall be composed of five members appointed by City Council in accordance with its policy for the appointment of citizens to committees and boards.

Members of the Committee shall be appointed for the term of Council of the City or until their successors are appointed by City Council. This Article shall come into force and effect as of December 1, 2018.

## **PART 11**

### **ORDER**

98. If the Licensing Manager is satisfied that a contravention of this By-law has occurred, the Licensing Manager may make an order requiring the Person who contravened this By-law or who caused or permitted the contravention to discontinue the contravening activity.
99. An order under Section 98 shall set out:
- (1) reasonable particulars of the contravention adequate to identify the contravention and the location where the contravention occurred; and
  - (2) the date by which there must be compliance with the order.

## **PART 12**

### **PENALTY**

100. Any Person who contravenes any provision of this By-law is guilty of an offence.
101. (1) Every Person who is convicted of an offence under this By-law is liable to a minimum fine of five hundred (\$500) dollars and to a maximum fine not exceeding one hundred thousand (\$100,000) dollars, pursuant to subsections 429(1) and (3) of the *Municipal Act, 2001*.
- (2) A Person who is convicted of an offence under this By-law is liable, for each day or part of a day that the offence continues, to a minimum fine of five hundred (\$500) dollars and a maximum fine of ten thousand (\$10,000) dollars, and the total of all daily fines for the offence is not limited to one hundred thousand (\$100,000) dollars as provided for in subsection 429(3), paragraph 2, of the *Municipal Act, 2001*.
102. If any section of 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 prohibiting the continuation or repetition of the offence by the Person convicted.

## **PART 13**

### **ADMINISTRATION AND ENFORCEMENT**

#### **Powers of the Licensing Manager**

103. The Licensing Manager shall have all necessary authority to administer this By-law.
104. Without limiting the generality of Section 103, The Licensing Manager shall:
- (1) enforce this By-law;
  - (2) receive and process all applications for Licences and for renewals of Licences;
  - (3) maintain records showing all applications received and Licences issued or renewed;
  - (4) issue, renew, revoke, suspend Licences and impose conditions on Licences;
  - (5) receive reports;
  - (6) prepare reports containing recommendations regarding the issuance, renewal, revocation, suspension, imposition of terms and conditions on any Licence;
  - (7) process complaints from the public and make recommendations to the Committee in respect of the complaints, where warranted;
  - (8) perform inspections under this By-law;
  - (9) provide secretarial services to the Committee;
  - (10) provide notice of and attend at the hearings of the Committee in order to present



- reports;
  - (11) prescribe necessary documentation and forms; and
  - (12) generally perform all the administrative functions conferred upon the Licensing Manager.
105. In addition to any other power, duty, or function prescribed by this By-law, the Licensing Manager may:
- (1) prescribe City contact information that must be displayed in Vehicles for Hire;
  - (2) prescribe forms for Motor Vehicle inspection and Taxicab Meter accuracy certificates;
  - (3) prescribe the form of Licenses issued under this By-law;
  - (4) prescribe requirements for photographs to be incorporated into Driver's Licenses issued under this By-law;
  - (5) approve Motor Vehicles or classes of Motor Vehicles as Limousines;
  - (6) carry out any inspection necessary to determine compliance with this By-law;
  - (7) delegate minor administrative functions; and
  - (8) require or approve any training pursuant to this By-law.
106. This By-law may be enforced by a Municipal Law Enforcement Officer.

## **Notice**

107. Any notice or document required to be provided by the Licensing Manager to the applicant or licensee under this By-law can be given:
- (1) by mailing a copy of the notice or document by prepaid ordinary mail post to the address of the applicant or licensee listed on the most recent application for a Licence;
  - (2) by mailing a copy of the notice or document by registered mail to the address of the applicant or licensee listed on the most recent application for a Licence;
  - (3) by delivering a copy of the notice or document personally to the applicant or licensee;
  - (4) by leaving a copy of the notice or document at the address of the applicant or licensee as listed on the most recent application for a Licence; or
  - (5) by leaving a copy of the notice or document at the business address of the applicant or licensee with an individual who appears to be in control or management of the place of business.
108. Any notice or document given under Subsection 107(1) and (2) of this By-law shall be deemed to have been given when deposited in a post office or public letter box and deemed to have been received on the fifth calendar day after mailing.
109. Any notice or document given under Subsection 107(3)-107(5) shall be deemed to have been given on the date of actual delivery on the person or at the address.

## **Interpretation**

110. If any section or sections of this By-law or parts thereof are found by any court to be illegal or beyond the power of Council of the City to enact, such section or sections or parts thereof shall be deemed to be severable and all other sections or parts of this By-law shall be deemed to be separate and independent therefrom and shall continue in full force and effect unless and until similarly found illegal.
111. Wherever the first letter of a term set out in the text of this By-law is capitalized, the term shall have the meaning set out for it in Section 1. Wherever the first letter of a term set out in this By-law appears in lower case, it shall be deemed to have the meaning ordinarily attributed to it in the English language;
112. In this By-law, unless the contrary intention is indicated, words used in the singular shall include the plural and words used in the male gender shall include the female gender, and vice versa;
113. All Schedules referred to in this By-law and attached to this By-law shall be deemed to be part of this By-law;
114. Nothing in this By-law relieves any Person from complying with any provision of any federal or provincial legislation or any other By-law of the City;
115. This By-law may be cited as the “Vehicle for Hire and Designated Driver By-law”.

## **Transitional Rules**

116. (1) By-Law PC5-2005 and By-law PC6-2005 shall be repealed effective on the 14<sup>th</sup> day of May 2018.  
(2) Notwithstanding Subsection 116(1), By-Law PC5-2005 and By-law PC6-2005 shall continue to apply to proceedings in respect of offences that occurred before its repeal.
117. Notwithstanding Section 116, all Licences issued under By-Law PC5-2005 and By-law PC6-2005, including any special conditions imposed on such Licences, that are in effect at the time the said By-laws are repealed, shall be deemed to be Licences as issued under this By-law, together with any such special conditions, and all the rules, requirements and regulations of this By-law shall apply with necessary modification.
118. All licenses issued pursuant to By-law PC5-2005 and By-law PC6-2005 notwithstanding their original expiration dates, shall remain valid for a period of one (1) year after By-law BL 17/2018 comes into force and effect.
119. **Force and Effect:** This By-law shall come into force and effect on the 14<sup>th</sup> day of May, 2018.

Enacted and passed this 14th day of May, A.D. 2018 as witnessed by the Seal of the Corporation and the hands of its proper Officers.

Rebecca Johnson

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Acting Mayor

Krista Power

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Deputy City Clerk