

From: Paul Bigioni
Director, Corporate Services & City Solicitor

Subject: Vehicle for Hire By-law
- Follow up on Staff Consultations with Uber
- File: L-2330-001-20

Recommendation:

1. That Report BYL 01-20 regarding the attached Vehicle for Hire By-law be received;
 2. That Council enact the Vehicle for Hire By-law attached to this Report (Attachment No. 1); and,
 3. That the appropriate City of Pickering officials be authorized to take the necessary actions as indicated in this Report.
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Executive Summary: As directed by Resolution No. 188/19, City staff have engaged in additional consultation with Uber representatives regarding the Vehicle for Hire By-law. Further to those consultations, staff have finalized revisions to the draft Vehicle for Hire By-law (Attachment No. 1).

Staff have also consulted with representatives from Lyft, another ride sharing service. Lyft did not object to the draft by-law or the fees specified in it.

It must be noted that information provided by Uber regarding the annual number of trips in Pickering on its platform did not include any supporting data. Lyft refused to provide even a verbal confirmation of the number of trips in Pickering booked through the Lyft platform.

The revised draft by-law (Attachment No. 1) provides for a \$20,000 annual license fee together with a 30 cent per trip fee and a 7 cent per trip accessible service supplement.

Financial Implications: Staff have reviewed the fee structure in the draft by-law, taking into account the comments provided by both Uber and Lyft.

The fee structure recommended by City staff for Personal Transportation Companies (“PTC’s”) with over 100 drivers per year is a \$20,000 annual license fee together with a 30 cent per trip fee and a 7 cent per trip accessible service supplement. These are the same fees as charged by Toronto, Brampton and Mississauga.

The estimated total annual revenue from PTC licensing (including Uber and Lyft), would be \$172,000 plus \$30,800 collected in relation to the accessible service supplement.

Based upon the information provided by Uber, it is anticipated that this fee structure will enable the City to recover its costs of administering and enforcing the new by-law as it applies to PTC's. This fee structure will be reviewed by staff on an annual basis and adjusted, if necessary, to reflect the City's actual costs.

Discussion: As directed by Council, staff and Uber representatives have engaged in additional discussions regarding the draft by-law and, in particular, the fees specified therein. Staff requested data from Uber on December 17, 2019 to get a clear picture of its operations in Pickering. Uber provided a response to staff on February 4, 2020, however, Uber did not include the detailed trip data that had been requested by City staff. Despite repeated requests for data for the first three quarters of 2019 (December 4, 2019, December 17, 2019, and February 7, 2020), Uber failed to provide the requested information. During a conference call with Uber representatives on February 12, 2020, Uber stated that the information will not be provided until a by-law is in place requiring its disclosure.

On December 4, 2019, Uber did advise City staff verbally of the monthly number of Pickering trips on its platform. On February 4, 2020, Uber provided staff with a different number for its monthly trips. City staff have no choice but to rely on these numbers as the basis for the fee recommendations in this Report. Please note that the difference in the trip numbers provided by Uber may reflect changes in the volume of its business in Pickering over time. Please also note that these numbers are not disclosed in this public Report, as they constitute commercial information belonging to Uber.

Uber contends that the proposed 30 cent per trip fee (plus 7 cent per trip accessible service supplement) will impact the affordability of its service and reduce demand. Uber has proposed a 15 cent per trip fee with a flat accessible service supplement of \$10,000.00. Staff regard the 22 cent difference to be a minimal incremental cost on a per trip basis, regardless of whether or not it is passed on to consumers. The 30 cent per trip fee proposed by City staff remains consistent with other municipalities. The same fee has not deterred usage in other municipalities. By way of example if an Uber trip costs a consumer \$10.00, the 22 cent difference in the per trip fees represents a 0.22% cost increase. Staff remain of the view that the fixed fee of \$20,000.00 plus a 30 cent per trip fee and a 7 cent per trip accessible service supplement is reasonable and will have little impact on consumers.

Uber proposed three alternate fee structures, all of which would have significantly increased the fixed annual license fee and reduced the per trip fees. Lyft has expressed its opposition to a higher fixed license fee.

A higher fixed annual fee would act as a barrier to the entry of new competing ride sharing services into Pickering. Among economists, it is widely recognized that barriers to the entry of new competitors tend to stifle competition, limit consumer choice and increase prices. If more of the total license fees are charged on a per trip basis, then the cost to a PTC will be more scaled to the size of its business. This creates a fairer market environment. It levels the playing field.

Uber has also advised that despite the provisions in the by-law requiring PTC vehicles to be submitted for inspection at no charge to the City, based on the structure of their software platform,

the City will be required to pay a \$5.00 trip cancellation fee for every inspection it conducts. Staff confirm that this is paid in other municipalities which conduct inspections. Uber's position is that licensing fees are expected to compensate for this additional cost. This cost is unlikely to be material, but if it is, staff will propose fee increases to cover it.

The attached by-law requires that a vehicle identifier be displayed on all Personal Transportation Vehicles while they are in operation. Uber has not clearly committed to removing drivers from the platform who fail to meet this requirement. Regrettably, this will lead to more work for City staff to enforce the requirement, as additional time will be required for inspections to monitor and lay charges for non-compliance.

Part of the implementation process for the Vehicle for Hire By-law will include an ongoing review of the changes effected and the impact on customers and industry participants. Staff will return to Council with recommendations to amend the by-law where deemed necessary, to ensure that it serves its intended purposes, and that all necessary data is being collected to enable enforcement.

The City of Pickering is experiencing significant growth and development in many areas, including the Pickering Casino Resort, the new City Centre, and Universal City. To ensure that the Vehicle for Hire industry evolves to meet the changing needs of the City's residents and visitors, the City must have adequate resources to administer the licensing requirements, monitor drivers and vehicles, improve accessible service and address issues through education and enforcement. The provisions and fees proposed in the attached Vehicle for Hire By-law will provide those resources.

Attachments:

1. Revised Draft Vehicle for Hire By-law

Prepared By:

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Approved/Endorsed By:

Paul Bigioni
Director, Corporate Services & City Solicitor

KT:kt

Recommended for the consideration
of Pickering City Council



Feb. 19, 2020

Tony Prevedel, P.Eng.
Chief Administrative Officer

The Corporation of the City of Pickering

By-law No. 7739/20

Being a by-law to license, regulate and govern vehicles for hire within the City of Pickering.

Whereas, section 151 of the *Municipal Act, 2001* provides that a local municipality may license, regulate and govern any business wholly or partly carried on within the municipality;

Whereas section 156 of the *Municipal Act, 2001*, provides further authority for the licensing regulating and governing of the owners and drivers of taxicabs;

Whereas the City of Pickering wishes to license, regulate and govern vehicle for hire businesses within the City; and

Now therefore the Council of the Corporation of the City of Pickering enacts as follows:

PART I – INTERPRETATION

Definitions

1 In this by-law,

“**accessible service**” means a vehicle for hire that is used for the provision of either taxicab or transportation services to persons with disabilities;

“**accessible service supplement**” means a surcharge to be paid by all vehicle for hire license holders that do not provide accessible services;

“**accessible taxicab**” has the same meaning as in section 1 of R.R.O. 1990, Regulation 629;

“**accessible taxicab driver**” means a taxicab driver who operates an accessible taxicab that is primarily used to provide accessible service;

“**accessible taxicab plate licence**” means a licence issued by the City to permit the operation of a specific vehicle as an accessible taxicab;

“**accessible taxicab plate licensee**” means a person to whom an accessible taxicab plate licence has been issued;

“**affiliated**” means a person registered with a PTC or under contract to a brokerage and “**affiliation**” has a corresponding meaning;

“**applicant**” means a person applying for a licence or a renewal of a licence and “**application**” has a corresponding meaning;

“**authorized vehicle inspection station**” means a place designated by the City to conduct vehicle safety inspections;

“**auxiliary service**” means a pre-arranged service calculated at an hourly rate that, in addition to transportation, provides additional support and assistance to the customer such as door-to-door accompaniment, attending appointments, assisting with purchases or other special needs services;

“**auxiliary service vehicle**” means a vehicle involved in providing auxiliary service as defined by this by-law;

“**broker**” means any person who carries on the business of accepting orders for, or dispatching in any manner to, two or more licensed taxicabs and “**brokerage**” has a corresponding meaning;

“**brokerage licence**” means a licence issued by the City to permit the operation of a brokerage;

“**CIR**” means a Criminal Information Report containing the results of a search of the Canadian Police Information Centre that includes a list of all criminal convictions for which a pardon has not been received;

“**City**” means the geographical area of The City of Pickering or the Corporation of the City of Pickering, as the context requires;

“**City plate licence**” means a licence issued by the City to permit the operation of an approved vehicle as a taxicab;

“**City plate licensee**” means a person to whom a City plate licence has been issued;

“**clean air cab**” means a taxicab that is a hybrid vehicle, or a vehicle that is powered by propane, natural gas, bio-fuel, or electricity;

“**Council**” means the Council of the City;

“**Designated Driver Service**” means the transportation of a vehicle owner and that person’s passengers, if any, in the vehicle owner’s vehicle from any place in the City to any other place for payment of a fee;

“**Disabled person**” has the same meaning as in the Ontarians with Disabilities Act S.O. 2001 C.32 section 2(1).;

“**dispatch**” means to communicate orders or other information in any manner between a broker and a driver;

“dispatcher” means a person who is in the employ of, or working under a contract with, a broker and whose duties include accepting orders and/or dispatching those orders to taxicab drivers;

“driver’s abstract” means a Driver Record Search issued by the Ministry of Transportation;

“fare” means the total amount charged to a person for a trip in accordance with Schedule 2;

“facilitate” includes, but is not limited to, advertising, offering, operating, receiving, relaying, authorizing, enabling, communicating or providing;

“fender numbers” means permanent lettering representing the taxicab plate number of at least 15 cm in height, in a contrasting colour to the vehicle and affixed on both front fenders in a location approved by the City;

“good condition” means all equipment is functional, there is no damage to the interior or exterior, there is a well-maintained paint finish, the vehicle is clean both inside and out, there are no warning lights on indicating service issues that need to be addressed, and the vehicle has four matching rims or hub caps;

“identification card” means information in written or accessible electronic form providing the following:

- (1) the first name and photograph of the PTC Driver;
- (2) the make, model and licence plate number of the PTC Vehicle(s) used by the PTC Driver
- (3) the name and contact information of the PTC; and
- (4) the Insurance policy coverage for the PTC Vehicle.

“industry participants” means personal transportation companies, PTC Drivers, taxicab plate owners, taxicab drivers, dispatchers, taxicab plate licensees, lessees and taxicab brokers;

“issued” means issued or renewed by the City under this by-law and

“issuance” has a corresponding meaning;

“lease” means an agreement between a taxicab plate owner and a taxicab driver under which the plate owner authorizes the taxicab driver to use a taxicab plate for a fee;

“lessee” means a taxicab driver who has entered into a lease;

“licence” means any licence of any kind issued pursuant to this by-law;

“licensed” means licensed under this by-law;

“licensing officer” means a City employee who has been delegated the task of issuing licenses in relation to the requirements of this by-law;

“limousine” means a vehicle that is kept or used for hire for the conveyance of persons solely on an hourly, daily or weekly basis, with a minimum fee or charge of not less than fifty dollars for a single conveyance, that does not contain a taxicab meter, roof light or two-way radio (or similar device);

“mechanical defect” means damage to, or failure of a part, component or feature of, a vehicle;

“model year” means the year of the vehicle noted on the Ontario Motor Vehicle Registration for the vehicle;

“officer” means a municipal law enforcement officer employed by the City, or a police officer pursuant to subsection 42(1)(h) of the *Police Services Act*;

“operate”, when used in reference to a vehicle for hire, includes driving a taxicab or PTC Vehicle and making it available to the public in service as a taxicab or for transportation service in relation to a PTC Vehicle and includes when the PTC Driver is logged into or otherwise accessing the PTC platform, and **“operation”** has a corresponding meaning;

“order”, except where the term is used in Parts XII and XIV, means a request for taxicab service received by a broker or a driver or a PTC Vehicle through the PTC platform;

“passenger” means any person other than the driver seated in a taxicab or PTC Vehicle or any person engaging or attempting to engage the services of a PTC Vehicle or taxicab;

“person” means an individual, association, firm, partnership, corporation, trust, organization, trustee, or agent, and includes the heirs, executors or legal representatives of the person;

“Personal Transportation Company” and “PTC” each means a Person that, in any manner, facilitates transportation services using a Platform to connect a Passenger with a PTC Driver or a PTC Vehicle;

“Personal Transportation Company Driver” means a Person registered or affiliated with a PTC that transports a Passenger using a PTC Platform and may also be referred to as a “PTC Driver”;

“Personal Transportation Company Identifier” means a sign, including a decal, displaying the logo or name of the PTC, in a form approved by the City and may also be referred to as a “PTC Identifier”;

“Personal Transportation Company Licence” means a Licence issued under this By-law to a PTC and may also be referred to as a “PTC Licence”;

“Personal Transportation Company Vehicle” means a Motor Vehicle used by a PTC Driver to provide transportation services to a Passenger using the PTC Platform and may also be referred to as a “PTC Vehicle”;

“platform” means any software, technology, or service, including a smartphone application which permits passengers to obtain and pay for transportation;

“registered owner” means the owner of a vehicle according to the records maintained by the Registrar of Motor Vehicles for the Province of Ontario;

“roof light” means an electronically illuminated roof sign that is securely attached to the top of the taxicab in a manner approved by the City that works in conjunction with the taxicab meter so that it is not illuminated when the meter is engaged and is illuminated when the head lights are on and the meter is in a vacant status;

“service animal” means an animal trained by a recognized school for service as a guide dog for the blind or visually impaired, a guide dog for the deaf or hearing impaired, or a special skills dog for other persons with a disability and includes an animal used in therapy, registered with a recognized organization for that purpose;

“solicit” means to appeal for a passenger by sound, words, signs or gestures directed at any person, but does not include communication over a PTC platform;

“street hail” means to appeal for a ride by a person using sounds, words, signs or gestures directed at a taxicab or PTC Driver, but does not include communication over a PTC platform;

“tariff card” means a card issued by the City that shows the current fares as set out in Schedule 2;

“taxicab” means any vehicle used for hire in the conveyance of persons from a place within the City to any point inside or outside of the City, but does not include a bus operated by Durham Region Transit or under license under the *Public Vehicles Act*, a PTC vehicle, an auxiliary service vehicle, a vehicle used by a Designated Driver Service, an ambulance, a funeral hearse, a limousine or a vehicle described in subsection 156(2) of the *Municipal Act, 2001*;

“taxicab driver” means a person licensed to operate a taxicab;

“taxicab driver’s licence” means a licence issued by the City to permit an individual to operate a taxicab;

“taxicab meter” means a measuring device approved by the City and used in a taxicab to calculate a fare;

“taxicab plate” means a metal plate bearing the taxicab plate number assigned by the City;

“taxicab plate licence” means a taxicab plate owner licence, City plate licence, and/or, accessible taxicab plate licence as the context requires;

“taxicab plate licensee” means a person to whom a taxicab plate licence has been issued;

“taxicab plate eligibility list” means the list of applicants for a City plate licence maintained by the City;

“taxicab plate owner” means a person who is the owner of a taxicab plate according to City records;

“taxicab plate owner licence” means a licence issued by the City to a taxicab plate owner to permit the operation of a specific vehicle as a taxicab;

“taxicab plate owner licensee” means a person to whom a taxicab plate owner licence has been issued;

“transportation service” means a trip arranged through a platform commencing when a passenger enters the PTC Vehicle, continuing for the period that the PTC Vehicle is continuously occupied, and ending when all passengers exit the PTC vehicle;

“trip” means the distance and time traveled or the distance and time to be traveled, measured from the time and point at which the passenger first enters the taxicab or when the taxicab meter is first engaged, to the time and point at which the passenger finally leaves the taxicab or the taxicab meter is disengaged;

“trip sheet” means a record of the details of all trips made by a taxicab during each period of continuous operation (each shift) containing,

- (a) the name of the driver, the date and the taxicab plate number;
- (b) the time, location and destination of every trip made; and
- (c) the amount of the fare collected for each trip

“vehicle” includes an automobile or any other device for the transportation of persons or goods propelled or driven otherwise than by muscular power, but does not include the cars of electric or steam railways or other motor vehicles running only upon rails, or a motorized snow vehicle, traction engine, farm tractor, self propelled implement of husbandry or road building machine within the meaning of the *Highway Traffic Act*,

“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 taxicab and a PTC Vehicle;

“Vehicle for Hire Advisory Committee” or “VHAC” means the advisory committee delegated to hear appeals under this by-law and make recommendations to Council regarding the regulation of the vehicle for hire industry;

2 The following Schedules are attached to and form part of this by-law:

Schedule 1 - Fees

Schedule 2 - Tariffs/Rates

Schedule 3 Taxicab Passenger Rights and Responsibilities

3 Unless otherwise specified, references in this by-law to Parts, sections, subsections, clauses and Schedules are references to Parts, sections, subsections, clauses and Schedules in this by-law.

4 If a court of competent jurisdiction declares any section, or any part of any section, of this by-law to be invalid, or to be of no force or effect, it is the intention of the City that every other provision of this by-law be applied and enforced in accordance with its terms to the extent possible according to law.

5 References in this by-law to any statute or statutory provision include references to that statute or statutory provision as it may from time to time be amended, extended or re-enacted.

6 This by-law shall be read with all changes in gender or number as the context requires.

PART II - PURPOSES

7 The City considers it necessary to license, regulate and govern industry participants for the following health and safety purposes:

- (a) to enhance and encourage safe maintenance and operational practices;
- (b) to ensure that only experienced, qualified and trustworthy industry participants are providing services; and
- (c) to promote accountability of industry participants for health and safety issues.

8 The City considers it necessary to license, regulate and govern industry participants for the following consumer protection purposes:

- (a) to enhance and encourage equal, fair and courteous treatment amongst industry participants and users of vehicle for hire services;
- (b) to ensure consistency in the application of fares; and
- (c) to promote accountability of industry participants for consumer protection.

PART III – APPLICATIONS

Submission of Applications – All Applicants

- 9 Applications shall be completed and submitted on forms provided by the City.
- 10 When submitting an application, every applicant shall provide all information requested by the City including supporting documentation satisfactory to the City.
- 11 Every application shall be submitted with the applicable licence fee specified in Schedule 1.
- 12 Receipt of an application and a licence fee by the City shall not represent approval of the application nor shall it obligate the City to issue a licence.
- 13 If an applicant is a partnership, the applicant shall file with the application a statutory declaration signed by all members of the partnership stating,
 - (a) the full name of every partner and their address of ordinary residence;
 - (b) the name or names under which the partnership carries on or intends to carry on business;
 - (c) that the persons named are the only partners of the partnership; and
 - (d) the mailing address for the partnership.
- 14 Every corporation applying for a licence shall file with the application a copy of the corporation's articles of incorporation or other incorporating documents and a statutory declaration stating,
 - (a) the full name of every shareholder and their address of ordinary residence (unless the applicant is a publicly traded corporation);
 - (b) the full name of every director and their address of ordinary residence;
 - (c) the name or names under which the corporation carries on or intends to carry on business; and
 - (d) the mailing address for the corporation.

Issuance of Licenses

- 15 A licensing officer may issue a licence to an applicant only where all of the information and documents that the applicant is required to provide under this by-law have been provided and verified, and the licence fee has been paid.

Disqualifications

- 16 A licensing officer shall refuse to issue a licence if,
- (a) the applicant has been convicted within the past ten years of an offence, for which a pardon has not been granted, under Part III (Firearms and Weapons), Part V (Sexual Offences, Public Morals and Disorderly Conduct), Part VIII (Offences Against the Person and Reputation) or Part IX (Offences Against Rights of Property) of the *Criminal Code of Canada* or for the offence of Careless Driving or Stunt Driving under the *Highway Traffic Act*;
 - (b) the applicant has submitted false information in support of the application;
 - (c) the issuance of the licence would contravene any of the provisions of this by-law;
 - (d) the application is for a City plate licence which, if issued, would exceed the maximum number of City plate licenses permitted under this by-law;
 - (e) the applicant fails to successfully complete any testing, training, educational or awareness program required by the City; or
 - (f) the licensing officer has reasonable grounds to believe that the applicant will not operate in accordance with the law or with honesty and integrity.
- 17 A licensing officer may refuse to issue a licence if the applicant has failed to pay fines imposed for previous convictions relating to contraventions of any municipal by-laws.
- 18 The licensing officer may include in consideration of subsection 16 (f), whether the applicant has permitted a PTC driver to access the PTC platform where a criminal reference check discloses an outstanding criminal conviction, or any record of offence that is less than ten (10) years and relevant to the nature of the services of a PTC Driver, or any record of offence that directly affects the PTC Driver's ability to competently and responsibly carry on the services of a PTC Driver, including but not limited to: an offence under the *Criminal Code*, the *Narcotics Control Act*, the *Cannabis Act* or the *Food and Drug Act*.
- 19 The licensing officer may refuse to issue a licence where the applicant has been convicted of a criminal offence other than those set out in clause 16(a), an offence under the *Cannabis Act*, or an offence under the *Controlled Drugs and Substances Act* (Canada).

PART IV – TAXICAB DRIVER’S LICENSES

Obtaining a Licence

- 20 In addition to the requirements of Part III, every applicant for a taxicab driver’s licence shall submit to the City,
- (a) a current valid Class 'G' (minimum) driver’s licence issued by the Province of Ontario which is in good standing according to the records of the Ministry of Transportation;
 - (b) a driver’s abstract dated within 30 days of the date of application; and
 - (c) an original CIR dated within 30 days of the date of application.
- 21 Every applicant for a taxicab driver’s licence shall pose for an identification photograph as part of the taxicab driver’s licence issued by the City.

Testing and Training

- 22 Every applicant for a taxicab driver’s licence shall successfully complete a taxicab driver training and testing program approved by the City, at the driver’s expense, within a timeframe specified by the City.
- 23 The City may waive the requirement of section 22 for renewing applicants, provided they have previously completed a taxicab driver training and testing program approved by the City.
- 24 Where the City has concerns regarding a driver’s conduct or performance as a result of a complaint or otherwise, the City may require such driver to appear before the Vehicle for Hire Advisory Committee and/or attend a testing and training program at the driver’s expense.

Term of Taxicab Driver’s Licence

- 25 Every taxicab driver’s licence shall be valid for a period of two years from the date of issuance.

Taxicab Driver Duties

- 26 Every taxicab driver shall,
- (a) give a passenger a receipt in a form approved by the City showing the driver’s name, the taxicab plate number, the date and time of the trip, place of pick up, place of discharge and the fare charged when requested and whenever there is a dispute over the fare;

- (b) subject to section 27, and except when there is a previous order or engagement, serve the first person requiring the service of the taxicab at any place within the City, at any time of day or night, unless the person,
 - (i) refuses to give their destination;
 - (ii) is in the possession of an animal other than a service animal;
 - (iii) has not paid a previous fare;
 - (iv) is, in the opinion of the driver, unable or unwilling to pay the fare and has been unable or unwilling to satisfy the driver that he has the funds to pay the fare;
 - (v) is an individual covered in an amount of dirt or other material so excessive that if such individual is transported the interior of the taxicab would be left in an unclean state;
 - (vi) is intoxicated or disorderly;
 - (vii) is eating or drinking any food or beverage;
 - (viii) is a person under the age of 12 years who is not accompanied by an adult, or has not had the trip arranged by an adult;
 - (ix) refuses to wear a seat belt; or
 - (x) is intending to smoke or vape in the vehicle.
- (c) take the most direct available route to the passenger's desired destination unless the passenger requests otherwise;
- (d) prepare trip sheets and retain all trip sheets for at least three (3) months and make them available for inspection at the request of the City;
- (e) be civil, courteous, refrain from using profanity, and offer to assist any passenger when it is evident that the passenger is a disabled person or is in need of assistance;
- (f) subject to paragraph (g), engage the taxicab meter only when the passenger enters the taxicab and keep it engaged throughout the trip;
- (g) be allowed to engage the taxicab meter before the passenger enters the taxicab only after the driver has notified the passenger of the arrival and has waited a reasonable time after the due time of the order;
- (h) securely fasten all physically disabled persons, wheelchairs and any other passenger aids, including batteries, so that they are prevented from moving while the taxicab is in motion; and

- (i) carry on his person a valid Ontario Driver's License, a valid taxicab driver's licence, a certificate of insurance and a copy of the vehicle ownership and provide to an officer upon request.
- 27 When operating an accessible taxicab, every driver shall provide priority service to disabled persons at all times, regardless of prior requests for service from persons who are not disabled persons.
- 28 Every driver who has been convicted of an offence described in clause 16(a) shall, within five (5) calendar days of being so convicted, report that fact to the City.
- 29 The City may at any time, require a driver to provide a CIR or a driver's abstract.

Taxicab Driver Restrictions

- 30 a) No person shall operate a taxicab unless he has been issued a taxicab driver's licence.
- b) No person shall permit a vehicle to be operated as a taxicab by anyone other than a taxicab driver.
- 31 No person shall charge a fare or fee to carry passengers or offer to carry passengers for a fare or fee unless the vehicle used or to be used has a valid City Plate Licence, Taxicab Plate Licence, or Accessible Taxicab Plate Licence affixed to it.
- 32 No taxicab driver shall operate a taxicab without a taxicab plate affixed to the rear of the vehicle and a taxicab plate licence for the vehicle.
- 33 No taxicab driver shall operate a taxicab unless it complies with all of the vehicle requirements set out in Part XI.
- 34 No taxicab driver shall operate a taxicab with mechanical defects.
- 35 No taxicab driver shall display any sign, emblem, decal, ornament or advertisement on or in a taxicab except as approved by the City.
- 36 No taxicab driver shall operate a taxicab unless the current tariff card and the Passenger Rights and Responsibilities set out in Schedule 3 are affixed to the rear of the front seat or otherwise located so that they are plainly visible to passengers in the back seat.
- 37 No taxicab driver shall operate a taxicab with a greater number of passengers than seatbelts are available for.
- 38 No taxicab driver shall operate a taxicab for more than twelve (12) hours in any period of twenty-four (24) hours, or for any period which is more than five (5) consecutive hours at any time without a break of not less than twenty (20) consecutive minutes.

- 39 (1) In this section, “written contract” means written contract for taxicab services between a taxicab plate licensee and another person for a period of six months or more, at an agreed rate or charge.
- (2) No taxicab driver shall recover or receive any rate or charge from any passenger or persons who made use of his services which is greater than the fare set out in Schedule 2, other than a tip, gratuity or credit card service charge or pursuant to a written contract.
- 40 No taxicab driver shall,
- (a) take or consume any intoxicants or take, consume or have in their possession any alcohol, cannabis, or drugs prohibited by the *Controlled Drugs and Substances Act* (Canada) while they are operating a taxicab;
- (b) smoke or allow or permit the smoking of any equipment or product including but not limited to cigar, cigarette, pipe, hookah or any other lit smoking product or vaping product, whether lit by flame or battery powered;
- (c) use any tariff card other than that obtained from the City; or
- (d) speak in an obscene, foul, boisterous, racist, loud, threatening or abusive manner to any person, including a dispatcher, while operating a taxicab.
- 41 When a taxicab driver uses a taxicab for transportation of passengers for no gain or reward or the taxicab is being tested or inspected, the taxicab driver shall remove the roof light from the taxicab and place the taxicab meter in a non-recording position.
- 42 If the taxicab driver and the passenger agree before the start of the trip to a flat rate, the taxicab meter must, in any event, be in a recording position for the duration of the trip.

PART V - TAXICAB PLATE LICENSES

Obtaining a Licence

- 43 In addition to the requirements of Part III, every applicant for a taxicab plate licence shall,
- (a) submit a copy of the current Ontario Ministry of Transportation Motor Vehicle permit for the vehicle to which the taxicab plate will be attached in good standing with the plate portion endorsed with a plate owner’s or a lessee’s name;
- (b) submit a copy of the current Ontario Standard Automobile Insurance policy for the vehicle to which the taxicab plate will be attached, which provides that the City shall be given at least fifteen (15) days’ notice in

writing, prior to cancellation, expiration or change in the amount of the policy and shall provide insurance in respect of any one accident a third party liability limit of at least two million dollars (\$2,000,000.00);

- (c) submit a current Safety Standard Certificate issued by an authorized vehicle inspection station for the vehicle to which the taxicab plate will be attached;
- (d) pay all fines, penalties, judgments and any other amounts, including awards of legal costs and disbursements, owing to the City; and
- (e) submit the vehicle to which the taxicab plate is to be attached for inspection and registration by the City.

Term of Taxicab Plate Licence

- 44 Every taxicab plate licence shall be valid up to and including December 31st in the year for which it was issued.

Taxicab Plate Licensee Duties

- 45 Every taxicab plate licensee shall file with the City at least five (5) working days prior to the expiry date of any current insurance policy all insurance renewal policies or certificates of insurance evidencing continued compliance with the requirements of clause 43(b).
- 46 Every taxicab plate licensee shall,
- (a) at all times keep copies of the following in the taxicab:
 - (i) the current Ontario Ministry of Transportation passenger motor vehicle permit issued for that taxicab;
 - (ii) the current taxicab plate licence;
 - (iii) the certificate of liability insurance for the taxicab;
 - (b) employ or use only the services of licensed taxicab drivers;
 - (c) provide the City and, where applicable, any broker with whom they are affiliated, with the names of all taxicab drivers who are permitted to operate the taxicab;
 - (d) repair any mechanical defects in the taxicab reported to them by a taxicab driver or the City;
 - (e) upon receipt of a notice of inspection from the City, obtain a current Safety Standard Certificate issued by an authorized vehicle inspection station and make the taxicab available for inspection at the appointed time and place specified in the notice; and

- (f) ensure a current tariff card and the Passenger Rights and Responsibilities set out in Schedule 3 are affixed to the rear of the front seat or otherwise located so that they are plainly visible to passengers in the back seat.
- 47 Every taxicab plate licensee shall provide accessible taxicab service, or pay an accessible service supplement as outlined in Schedule 1.
- 48 (1) Every taxicab plate licensee shall maintain the taxicab in good condition at all times.
- (2) Without limiting the generality of subsection (1), every taxicab plate licensee shall maintain all drive train components (including the engine, transmission, suspension and braking system) in accordance with the standards of Ontario Regulation 611 and maintain all factory and after-market parts free of defects or damage.

Taxicab Plate Licensee Restrictions

- 49 No person shall permit a vehicle to be operated as a taxicab without a taxicab plate affixed to the rear of the vehicle and a taxicab plate licence for the vehicle.
- 50 No person shall publish or cause to be published any representation that he is licensed or hold himself out as being licensed if he is not licensed.
- 51 No taxicab plate licensee shall permit a taxicab to be operated unless it complies with all of the vehicle requirements set out in Part XI.
- 52 No taxicab plate licensee shall permit a taxicab to be operated with mechanical defects.
- 53 No taxicab plate licensee shall permit a taxicab to be operated with any sign, emblem, decal, ornament or advertisement displayed on or in a taxicab except as approved by the City.
- 54 No taxicab plate licensee shall permit a taxicab to be operated unless the current tariff card and the Passenger Rights and Responsibilities set out in Schedule 3 are affixed to the rear of the front seat or otherwise located so that they are plainly visible to passengers in the back seat.
- 55 No taxicab plate licensee shall permit a taxicab to be operated in affiliation with a broker who is not licensed.

Vehicle Registration

- 56 Prior to using any vehicle as a taxicab, every taxicab plate licensee shall submit the vehicle to the City for inspection and registration.
- 57 No vehicle shall be registered as a taxicab unless it meets all of the requirements of Part XI.

- 58 Where a taxicab plate licensee wishes to change the vehicle to which the taxicab plate is affixed, he shall submit the new vehicle for inspection and, upon registration of the new vehicle, shall pay the fee set out in Schedule 1.

Limitation on Number of Licenses

- 59 The City recognizes a total of seventy-eight (78) taxicab plate licences as having been issued under By-law No. 6702/06, three (3) of which are accessible taxicab plates.
- 60 (1) The total number of taxicab plate licenses issued at any given time shall not exceed 78 or the number established by the ratio of one licence for each 2,500 residents of the City, whichever is greater.
- (2) For the purposes of subsection (1), the number of residents of the City shall be as determined by the latest revised population figures available from Statistics Canada.
- (3) The City may issue new City plate licenses within three months of receipt of the population statistics from Statistics Canada if warranted under subsection (1).

PART VI – PLATE OWNERS

Transfer of Plate Ownership

- 61 No taxicab plate owner shall transfer, sell or otherwise dispose of a taxicab plate without the approval of the City.
- 62 The City shall not approve the transfer or sale of a taxicab plate unless the taxicab plate owner,
- (a) attends in person accompanied by the purchaser to complete and file with the City a plate ownership transfer form and declaration;
 - (b) provides a fully executed contract of sale for the taxicab plate;
 - (c) returns to the City the taxicab plate that is being transferred; and
 - (d) pays the fee set out in Schedule 1.
- 63 The transfer of at least 51 percent of the voting shares of a corporation that is a Taxicab Plate Owner constitutes a transfer for the purposes of sections 61 and 62.

Operation/Transfer of a Plate by an Estate

- 64 Within ninety (90) days following the death of a natural person who is a taxicab plate owner, the executor or administrator of the estate shall file with the City proof of death of the natural person and proof of the executor's or administrator's capacity.
- 65 The executor or administrator may continue to hold the deceased's plate(s) for a period of up to one (1) year following the date of death and may operate a taxicab or permit a taxicab to be operated with the deceased's plate(s) attached provided all of the requirements of this by-law are complied with during such time.
- 66 (1) Where the executor or administrator cannot transfer the deceased's plate(s) within one (1) year following the date of death, the executor or administrator may apply to the VHAC to permit the executor or administrator to continue to operate the taxicab or permit the taxicab to be operated with the deceased's plate(s) attached for such further period of time as the VHAC deems appropriate.
- (2) If the executor or administrator does not or cannot transfer the deceased's plate(s) within one (1) year following the date of death, or within such further period of time as prescribed by the VHAC pursuant to subsection (1), whichever is later, the deceased's plate(s) shall be deemed to be cancelled and shall be returned to the City.

Leases of Taxicab Plates

- 67 (1) No taxicab plate owner shall permit its taxicab plate to be used for a taxicab that the taxicab plate owner does not own except under the authority of a lease that meets the requirements of this section.
- (2) Copies of all leases shall be filed with the City.
- (3) Leases shall be for a period of not less than one (1) year and not more than three (3) years.
- 68 No lessee shall operate a taxicab except under the authority of a lease that meets the requirements of section 67.
- 69 No lessee may sublease a taxicab plate.

PART VII – CITY PLATES

Obtaining a Licence

- 70 In addition to the requirements of Part III and Part V, every applicant for a City plate licence shall meet the requirements of this Part.
- 71 All taxicab plates issued to City plate licensees shall remain the property of the City.
- 72 All City Plates must be operated as accessible taxicabs and affixed to an accessible taxicab vehicle.
- 73 Notwithstanding any other provision of this by-law, City plate licenses shall not be transferred, leased or otherwise disposed of by the City plate licensee.
- 74 City plate licenses may only be used by City plate licensees and one alternate taxicab driver whose name has been provided to the City in advance of any such use.

Plate Eligibility List

- 75 The City shall maintain a plate eligibility list that contains the names of applicants for a City plate licence in the order of the receipt of their application.
- 76 No person, by virtue of the submission of an application for a City plate licence or by virtue of the placing of his name on the plate eligibility list, shall obtain a vested right to a City plate licence, or to remain on the plate eligibility list.
- 77 The City shall issue City plate licenses as they become available to persons in the order in which their names appear on the plate eligibility list.
- 78 (1) No applicant for a City plate licence shall have his name placed or maintained on the plate eligibility list unless the applicant has,
- (a) a taxicab driver's licence or a similar licence by another municipality; or
 - (b) a taxicab plate licence or a similar licence by another municipality.
- (2) When a person whose name appears on the plate eligibility list changes his name, address or contact information, he shall notify the City in writing within five (5) days of the change.
- (3) All persons whose names appeared on the plate eligibility list maintained under By-law 6702/06 shall have their names maintained on the plate eligibility list if they meet the requirements of subsection (1).

- (4) The City shall review the plate eligibility list annually to determine whether those persons listed on it continue to comply with the requirements of subsection (1).
 - (5)
 - (a) Every person whose name appears on the plate eligibility list shall be required to renew their application annually, within the timeframe and in the form specified by the City, and pay the applicable fee as set out in Schedule (1).
 - (b) Persons who fail to comply with clause (a) shall have their names removed from the plate eligibility list.
 - (6) Any person whose name is on the plate eligibility list and who no longer complies with subsection (1) shall have his name removed from the plate eligibility list.
 - (7) The City shall give notice to any person whose name is removed from the plate eligibility list.
- 79 No person shall hold more than one position on the plate eligibility list at any one time.

Registration

- 80 When a City plate licence is approved, the applicant shall, within 30 days of the date of notification of such approval, register an accessible taxicab to that taxicab plate and affix the taxicab plate to that accessible taxicab, failing which, the applicant shall not be issued the City plate licence, the applicant's name shall be removed from the plate eligibility list, and the City may proceed to issue the City plate licence to another eligible applicant.

Death of City Plate Licensee

- 81 In the event of the death of a City Plate Licensee, the City Plate shall be returned to the City for distribution to the next person on the Taxicab Plate Eligibility List.

PART VIII – ADDITIONAL ACCESSIBLE TAXICABS

Obtaining a Licence

- 82 In addition to the requirements of Part III and Part V, applicants for additional accessible taxicab plate licenses shall meet the requirements of this Part.
- 83
 - (a) Notwithstanding sections 59 and 60, Council may issue additional accessible taxicab plate licenses as may be required to meet accessible service demands.
 - (b) All Accessible Taxicab Plates must be operated as accessible taxicabs and affixed to an accessible taxicab vehicle.

- 84 All plates issued to accessible taxicab plate licensees under this by-law shall remain the property of the City. Accessible taxicab plates issued under By-law 6702/06 shall remain the property of the taxicab plate licensee, provided such licensee complies with the provisions of this by-law.
- 85 (a) Accessible taxicab plates are held by accessible taxicab plate licensees at the pleasure of Council and may be revoked by the City, should the requirements for accessible taxicab service or vehicle standards not be complied with. Upon revocation, the accessible taxicab plate shall revert to the City without compensation to the accessible taxicab plate licensee.
- (b) Accessible taxicab plates are held by accessible taxicab plate licensees at the pleasure of Council and may be revoked by the City, without cause, following a period of five (5) years from the date of issuance, and upon revocation, shall revert to the City without compensation to the accessible taxicab plate licensee.
- 86 Accessible taxicab plate licenses may only be used by Accessible taxicab plate licensees and two alternate taxicab drivers whose names have been provided to the City in advance of any such use.
- 87 In addition to the requirements of Part III and Part V, prior to the issuance of an accessible taxicab plate licence, the applicant shall provide the City with a current Safety Standard Certificate issued by an authorized vehicle inspection station showing that the vehicle to which the accessible taxicab plate will be attached meets the requirements for an accessible taxicab as set out in Ontario Regulation 629.
- 88 Every accessible taxicab driver shall submit proof of training satisfactory to the City, to confirm their ability to securely fasten all physically disabled persons, wheelchairs and any other passenger aids, including batteries, so that they are prevented from moving while the taxicab is in motion.

Accessible Taxicab Plate Licensee Duty

- 89 Every accessible taxicab plate licensee shall ensure that the taxicab is in compliance with Ontario Regulation 629 at all times during operation of that taxicab.
- 90 Every accessible taxicab plate licensee shall provide a minimum accessible taxicab service of forty (40) hours per week, fifty (50) weeks per year.
- 91 Every accessible taxicab plate licensee shall ensure that the accessible taxicab driver has submitted proof of training satisfactory to the City, to confirm their ability to securely fasten all physically disabled persons, wheelchairs and any other passenger aids, including batteries, so that they are prevented from moving while the taxicab is in motion.

Accessible Taxicab Restrictions

- 92 a) No person shall operate, or permit to be operated, a vehicle as an accessible taxicab without a taxicab plate affixed to the rear of the vehicle and a taxicab plate licence for the vehicle.
- b) Notwithstanding any other provision of this by-law, accessible taxicab plate licenses shall not be transferred, leased or otherwise disposed of by the accessible taxicab plate licensee.

Accessible Taxicab Incentive Program

- 93 a) The City will establish and implement an Accessible Taxicab Incentive Program funded through the Accessible Service Supplement to ensure that adequate accessible taxicab services are available.
- b) The Accessible Taxicab Incentive Program may include, but is not limited to:
- i) requirements for grant or incentive eligibility;
 - ii) criteria for receiving any incentive or grant;
 - iii) the amount and frequency of the disbursement of any incentive or grant, including pro-rated or discretionary amounts;
 - iv) sanctions, including reductions in the amount of any incentive or grant for non-compliance with the conditions of the program; and
 - v) reporting or auditing requirements for brokerages, PTCs, and Taxicab Plate Licensees

PART IX - BROKERAGE LICENSES**Obtaining a Licence**

- 94 In addition to the requirements of Part III, every applicant for a brokerage licence shall submit to the City evidence of an affiliation with at least two taxicab plate licensees and/or lessees.

Term of Licence

- 95 Every brokerage licence shall be valid up to and including December 31st in the year for which it was issued.

Broker Duties

96 Every broker shall,

- (a) provide the City with a list, showing in numerical order by taxicab plate number, the name of every driver operating any taxicab with which he has entered into an arrangement for the provision of taxicab brokerage services;
- (b) notify the City within ten (10) days of any additions to or deletions from the list provided under subsection (a);
- (c) prepare and retain for a period of at least one year a record of the time and date of each dispatch, the driver to whom the order was dispatched, the taxicab plate number, the pickup location and the destination;
- (d) carry on the brokerage twenty-four (24) hours a day;
- (e) ensure all taxicabs dispatched by a brokerage bear either a roof light or decals approved by the City identifying the taxicab's affiliation with the brokerage;
- (f) upon request, inform any person requesting taxicab service of the anticipated length of time required for a taxicab to arrive at the pickup location;
- (g) when volume of business is such that service will be delayed to any person requesting taxicab service, inform the person of the approximate time of the delay before accepting the order;
- (h) dispatch a taxicab to any person requesting service within the City unless the person requesting service has not paid for a previous trip;
- (i) carry on business only in the name in which the broker is licensed;
- (j) provide accessible taxicab services, with a ratio of at least 10% of the affiliated taxicabs in their fleet, (any fleet of less than 10 taxicabs must provide 1 accessible taxicab) or pay an accessible service supplement;
- (k) where the broker provides accessible taxicab service, provide proof of driver training on proper methods to securely fasten all wheelchairs, scooters, and any other passenger aids, including batteries, so that they are prevented from moving while the taxicab is in motion;
- (l) where the broker dispatches to accessible taxicabs, provide accessible taxicab service 24 hours per day;
- (m) where the broker dispatches to accessible taxicabs, and service is requested by a disabled person, provide priority service for such person;

- (n) promptly investigate any complaint brought to the broker's attention by an officer against any taxicab driver or taxicab plate licensee and report the findings to the officer and any action taken;
- (o) at the request of an officer, not dispatch calls to any taxicab until further notification;
- (p) within 48 hours of a request from an officer, provide a record showing the number of taxicabs available for service on any particular day, the time(s) when each taxicab was available for service, and the calls dispatched to each taxicab;
- (q) employ or use only the services of a taxicab plate licensee or a taxicab driver; and
- (r) maintain an affiliation with at least two taxicab plate licensees and/or lessees.

Broker Restrictions

- 97 No broker shall,
- (a) dispatch to an unlicensed taxicab or an unlicensed driver;
 - (b) dispatch to a vehicle that does not comply with the requirements of Part XI;
 - (c) dispatch to a taxicab which is not on the list provided under clause 96(a), and;
 - (d) dispatch to a taxicab that has been ordered removed from service, until authorized by the City.
- 98 No person shall carry on business as a broker in the City unless he has been issued a brokerage licence.

Part X - Personal Transportation Companies

Licence Application Requirements

- 99 In addition to the requirements of Part III, an application for a new PTC Licence or a renewal of a PTC Licence shall be accompanied by:
- (1) if the Applicant is a corporation, proof that it is legally entitled to operate in Ontario, including but not limited to:
 - (a) a copy of the incorporating documents;

- (b) a copy of the last initial notice/notice of change which has been filed with the appropriate government department; and
 - (c) a Certificate of Status issued by the applicable provincial or federal government authority.
- (2) the address and contact information of the PTC's registered business address in the Province of Ontario, which is not a post office box, to which the City may send during business hours any notice or documentation or communication that may be required under this By-law and at which the Applicant or the Applicant's agent will accept receipt of such notice, documentation or communication together with the name, telephone, and email contact information for the person authorized to receive and respond on behalf of the PTC to any and all communications from the City relating to the PTC's licence or the PTC's conduct of its business;
- (3) a PTC Identifier for approval by the City;
- (4) evidence satisfactory to the City that there are data security measures in place to protect the personal data collected by the PTC relating to passengers and PTC Drivers;
- (5) documentation demonstrating that the platform used:
 - (a) provides to the passenger requesting the transportation service, at the time the transportation service is arranged:
 - (i) the PTC name and contact information;
 - (ii) the first and last name and a photograph of the PTC Driver;
 - (iii) the make, model and licence plate of the PTC vehicle;
 - (iv) the surcharge, if any;
 - (v) the total cost; and
 - (vi) the current location of the PTC Vehicle;
 - (b) provides a link to rate or comment on the PTC Driver and PTC Vehicle.
 - (c) provides a process allowing the passenger to accept or refuse the transportation service prior to it commencing and keeps a record of such acceptance or refusal;
 - (d) provides a secure payment mechanism;

- (e) provides a printed or electronic receipt to the passenger at the end of the transportation service that includes the following information:
 - (i) the fee and any surcharges;
 - (ii) total amount paid;
 - (iii) date and time of pickup;
 - (iv) locations of pick up and drop off; and
 - (v) the first and last name of the PTC Driver;
 - (f) incorporates a global positioning system (GPS) in which all Transportation Services are recorded; and
 - (g) is accessible for persons with disabilities.
- (6) a list of every affiliated PTC Driver and PTC Vehicle that has operated in the City in the previous 3 months, in a readily accessible format that includes:
- (i) the full name and address of every PTC Driver; and
 - (ii) the make, model and licence plate of every PTC Vehicle;
- (7) proof of the insurance required under this Part to the satisfaction of the City;
- (8) payment of the appropriate Licence Fee as set out in Schedule 1 of the By-Law;
- (9) an outline of the training program provided to PTC Drivers prior to accessing the platform, and
- (10) any other information required by the City.
- 100 Every PTC shall make available to the public on its Platform, and by any other means of its choice, the following information:
- (1) the insurance coverage required to be maintained by the PTC on behalf of its PTC Drivers;
 - (2) the Transportation Services offered by PTC Drivers;
 - (3) the applicable screening process for PTC Drivers and PTC Vehicles;
 - (4) a link to rate or comment on the PTC Driver and PTC Vehicle;

- (5) that PTC Drivers can only provide transportation services that are prearranged using the platform of the PTC and not accept street hails or pick up fares at taxi stands; and
- (6) that PTC Drivers cannot accept cash payment for transportation services.

Insurance

For purposes of this Part, the following insurance requirements shall apply:

- 101 (1) Every PTC shall provide proof of commercial general liability insurance against all claims for personal injury including bodily injury resulting in death, and property damage with an inclusive limit of not less than five million (\$5,000,000.00) per occurrence insuring him or her against liability imposed by law for any loss or damage resulting from the carrying on of the business to which the licence relates.
 - (2) The commercial general Liability policy in subsection 101(1) shall be in the name of the PTC and the City of Pickering shall be included as an additional insured.
 - (3) Every PTC shall obtain and maintain on behalf of every PTC Driver, at all times during the provision of transportation services, Automobile Liability Insurance for owned, non-owned, or leased PTC Vehicles, with limits of not less than Two Million Dollars (\$2,000,000.00) exclusive of costs and interest, per occurrence for bodily injury, death, and loss or damage to property occurring while in the post-acceptance period. The Automobile Liability Insurance shall include the IPCF 6TN *Permission to Carry Paying Passengers for a Transportation Network* endorsement or an equivalent endorsement acceptable to the City.
 - (4) The insurance coverage required under subsection 101(1) and (3) shall include a provision that requires the Insurer to provide the City with no less than 10 days prior written notice of any cancellation or variation to the policy.
- 102 The certificate of insurance issued in respect of the policy in Section 101(1) and (3) shall be provided to the City prior to the issuance of the licence in the form of proof acceptable to the City.
 - 103 Every PTC shall keep such records of the PTC Driver's insurance coverage for a period of 3 years after the PTC Driver ceases to be affiliated with the PTC.
 - 104 Every PTC shall produce proof of any PTC Driver's insurance coverage to the City upon demand.

- 105 The City may suspend the PTC licence if the PTC fails to comply with this Part until such time as the PTC provides proof of insurance coverage to the satisfaction of the City.
- 106 The PTC shall provide the City with such information as the City shall require, from time to time upon demand, to demonstrate that this Part is being complied with.

PTC Restrictions

In addition to any other provisions of this By-Law, for purposes of this Part:

- 107 No person shall facilitate transportation services unless authorized to do so by a licence issued pursuant to this By-law.
- 108 No person shall permit, accept, or condone street hails for a ride with a PTC Driver or in a PTC Vehicle, whether on the street or at a taxi stand or in any other manner at any other location.
- 109 No person shall solicit or condone the solicitation of a passenger by a PTC Driver or PTC Vehicle, whether on the street or at a taxi stand or in any other manner at any other location.
- 110 No person shall facilitate a transportation service that does not comply with this by-law.
- 111 No person shall obstruct the City's use of a platform to ensure compliance with this By-law, including, but not limited to the creation and use of accounts as either a passenger or PTC Driver.
- 112 No person shall permit a PTC Driver or a PTC Vehicle to provide transportation services if the PTC Driver does not have the insurance required under this by-law.
- 113 No person shall permit payment by cash for a transportation service.
- 114 No person shall smoke or allow or permit the smoking of any equipment or product including but not limited to cigar, cigarette, pipe, hookah or any other lit smoking product or vaping product, whether lit by flame or battery powered, in a PTC Vehicle while it is providing transportation services.

PTC Driver Duties

- 115 No person shall hold himself or herself out as a PTC Driver unless he or she has been authorized by a PTC to act as a PTC Driver.

- 116 No PTC Driver shall refuse a request for transportation service by an individual accompanied by a service animal.
- 117 No PTC Driver or PTC Vehicle shall provide transportation services unless they hold a valid identification card issued by a PTC as required under section 134 of this by-law.
- 118 No PTC Driver shall permit any PTC Vehicle to carry more passengers than there are seatbelts available for.
- 119 Every PTC and PTC Driver shall ensure that a valid identification card required under section 134 of this by-law is:
- (1) in the PTC Vehicle at all times when transportation services affiliated with the PTC are offered or provided; and
 - (2) is produced immediately upon demand of an Officer.
- 120 Every PTC Driver shall produce on demand of an Officer, the following documents:
- (1) the PTC Driver's identification card;
 - (2) proof of valid insurance that meets the requirements of this By-law; and
 - (3) any other information pertaining to the PTC Driver or the operation of the PTC Vehicle as requested by the Officer.
- 121 Upon demand by an officer, every PTC Driver shall submit the PTC Vehicle for inspection at a time and place as specified by the officer, with no fees or charges applied to the City.
- 122 Every PTC Driver shall ensure that a PTC Vehicle meets the following requirements at all times when providing a transportation service:
- (1) the PTC Vehicle has a valid Ontario Ministry of Transportation Motor Vehicle permit, prior to commencement of use as a PTC Vehicle, and annually thereafter;
 - (2) the PTC Vehicle has a valid and current Ontario Ministry of Transportation Safety Standards Certificate, prior to commencement of use as a PTC Vehicle, and then annually thereafter; and
 - (3) the PTC Vehicle complies with all of the vehicle requirements set out in Part XI.

PTC Duties

- 123 Every PTC shall ensure that the City's use of the platform as either a passenger or PTC Driver will not be obstructed and will not be subject to fees.
- 124 Every PTC shall keep an up-to-date list of every registered or affiliated PTC Driver and PTC Vehicle authorized to provide service in the City in a readily accessible format that includes, but is not limited to:
- (1) the full name and address of every PTC Driver; and
 - (2) the make, model and licence plate of every PTC Vehicle.
- 125 Every PTC shall ensure that, prior to commencing as a PTC Driver and at all times when providing transportation services, a registered PTC Driver:
- (1) is at least 18 years of age;
 - (2) has a valid G licence or higher;
 - (3) has completed the associated PTC driver training program; and
 - (4) has been advised and consents in writing to their personal information being provided to the City for the purposes of administering and enforcing this by-law.
- 126 (1) Every PTC shall require a CIR and driver's abstract to be submitted by the PTC Driver prior to providing transportation services and annually thereafter, for as long as the PTC Driver is registered or affiliated with the PTC.
- (2) Every PTC shall obtain a CIR and a driver's abstract for each PTC Driver as follows:
- (a) the driver's abstract should be no older than 30 days from the date the PTC Driver applied for affiliation with the PTC.
 - (b) the CIR should be no older than 30 days from the date the driver applied for affiliation with the PTC.
- (3) Every PTC shall ensure that no PTC Driver shall be provided access to the platform if the CIR exceeds the thresholds found in Section 16 – Disqualifications for a licence under this By-law.
- 127 For the purposes of complying with sections 125 and 126, a PTC holding a valid licence may, on behalf of a PTC Driver using its platform, submit and maintain the required documents.

- 128 No PTC shall impose any mandatory arbitration clause on PTC Drivers or Passengers whose transportation services are facilitated by the PTC.
- 129 Every PTC shall ensure there is a dispute resolution process for dealing with any complaints regarding fees, customer service, or any other issues arising from the provision of transportation services.
- 130 No PTC shall require that the law of any jurisdiction other than Ontario be applied in relation to the use of the relevant PTC platform in the City by PTC Drivers or passengers.
- 131 No PTC shall permit a PTC Driver's access to the platform immediately upon being notified by the City that a PTC Driver has acted in a manner that is adverse to the public interest, public safety or upon discovering that a PTC Driver is not insured under section 101 (3) for so long as required by the City.
- 132 (1) Every PTC shall provide the City with such information as required to demonstrate that section 125 and 126 are being complied with.
- (2) Every PTC shall ensure that all affiliated PTC Drivers have an ongoing duty to disclose:
- (a) any charges listed in section 16,
 - (b) any suspension of their Ontario Driver's license,
 - (c) any change in insurance, and
 - (d) any accidents while operating as a PTC vehicle.
- 133 Every PTC shall ensure that a PTC Vehicle meets the following requirements at all times when providing a transportation service:
- (1) the PTC Vehicle has a valid Ontario Ministry of Transportation Motor Vehicle permit, prior to commencement of use as a PTC Vehicle, and annually thereafter;
 - (2) the PTC Vehicle, has a valid and current Ontario Ministry of Transportation Safety Standards Certificate, prior to commencement of use as a PTC Vehicle, and then annually thereafter;
 - (3) the PTC Vehicle complies with all vehicle requirements set out in Part XI;
- 134 Every PTC shall issue to every affiliated PTC Driver an identification card in written or accessible electronic form providing the following information:
- (1) the first and last name and photograph of the PTC Driver;
 - (2) the make, model and licence plate number of the PTC Vehicle(s) used by the PTC Driver

- (3) the name and contact information of the PTC; and
 - (4) the Insurance policy coverage for the PTC Vehicle.
- 135 Every PTC shall keep copies of the documents and information required under this Part for 3 years.
- 136 Every PTC shall make available to the City the records or information required in this Part within forty-eight (48) hours following a written demand by the City.
- 137 The City may refuse to grant or renew and may revoke or suspend a PTC Licence if the PTC fails to comply with any provision of this By-Law.
- 138 (1) Every PTC shall submit to the City each quarter: supporting documentation, including the date, time, driver name, vehicle plate, start and end point of each transportation service, in a format acceptable to the City, and applicable fees as listed in Schedule1, in relation to per transportation service fees .
- (2) Every PTC that does not provide accessible transportation services will pay an accessible service supplement as outlined in Schedule 1.
- 139 Every PTC shall, where the transportation service requested requires an accessible vehicle, and the PTC is not able to provide such transportation service, direct the person to an accessible taxicab service.

PART XI - VEHICLE REQUIREMENTS

Vehicle Standards

- 140 Every taxicab and PTC vehicle shall:
- (a) be no more than ten (10) years old according to its model year;
 - (b) meet the standards for the issuance of a Safety Standard Certificate of mechanical fitness;
 - (c) be clean, and in good repair as to its interior and exterior, and
 - (d) have a heater and air conditioning system in proper working condition.
- 141 In addition to section 140, every taxicab shall be equipped with:
- (a) fender numbers, and properly functioning roof light;
 - (b) a taxicab meter that,
 - (i) has been calibrated to reflect the current fares;
 - (ii) is in proper working order; and

- (iii) has been tested and approved by an officer and mounted in a position so that it is clearly visible to passengers in the front and back seats of the taxicab.
- 142 In addition to section 140, every PTC vehicle shall have the PTC Identifier displayed in the location approved by the City.
- 143 All taxicab equipment shall be of a type approved by the City and shall be installed in locations approved by an officer.
- 144 Notwithstanding section 140 (a), a taxicab plate licensee or taxicab plate owner may apply for an extension of up to 2 years on the vehicle model year for a taxicab that is currently operating, provided the appropriate fee outlined in Schedule 1 is paid, the taxicab meets the remaining vehicle standards required in sections 140, 141, and 143, and the vehicle is inspected and approved by an officer.

PART XII – INSPECTIONS and ORDERS

Rights of Inspection

- 145 The City shall inspect all taxicabs annually.
- 146 An officer may, at any time when a taxicab or PTC Vehicle is not engaged in the transportation of passengers, enter and inspect the vehicle.
- 147 Every taxicab plate licensee, lessee or driver or PTC Driver shall submit or cause his vehicle to be submitted for inspection when required to do so by an officer.
- 148 An officer may require that a taxicab plate licensee, lessee or driver or PTC Driver submit his vehicle for inspection at an appointed time and place provided notice of the required inspection is given.
- 149 (1) An officer may require from any person the production of any licence, permit, trip sheet or any other document or electronic record in order to ensure compliance with this by-law.
- (2) An officer may remove any of the documents referred to in subsection (1) for the purpose of photocopying provided a receipt is given and the documents are returned within forty-eight (48) hours of removal.
- 150 No person shall prevent, hinder or interfere or attempt to prevent, hinder or interfere with an inspection of a vehicle for hire by an officer or the collection of information by an officer.
- 151 Any person operating a taxicab or providing transportation services with a PTC Vehicle shall provide identification in the form of an Ontario Driver's License to an officer upon request.

Orders

- 152 Where an officer finds that a taxicab or PTC Vehicle does not comply with any of the vehicle requirements set out in Part XI, he may order the taxicab plate licensee, driver and/or lessee of the taxicab, or the PTC Driver to remedy the non-compliance.
- 153 All orders shall provide,
- (a) the taxicab plate number of the taxicab, or the license plate number of the PTC vehicle;
 - (b) reasonable particulars of the non-compliance;
 - (c) the date by which the non-compliance must be remedied; and
 - (d) the final date for appealing the order.
- 154 All orders shall be served in the manner set out in section 198.
- 155 (1) If an order is not complied with by the date specified, the taxicab plate licence in respect of that taxicab shall be suspended and shall only be reinstated if the City receives satisfactory evidence of compliance.
- (2) If an order is not complied with by the date specified, the PTC shall be directed to prohibit the PTC Driver's access to the platform and shall only reinstate if the City receives satisfactory evidence of compliance.
- 156 No person shall fail to comply with an order.

Unsafe Vehicles

- 157 (1) Where a taxicab is in a condition that poses a danger to the health or safety of the public, including but not limited to, body damage with sharp edges, holes in the floorboards, unserviceable tires, doors not closing properly, wire protruding from the seat or any other mechanical defect that would render the motor vehicle unsafe, an officer may take custody of the taxicab plate affixed to the taxicab and order that the taxicab be immediately removed from service.
- (2) If an order has been issued pursuant to subsection (1), no person shall operate or permit the operation of that taxicab until the danger has been removed, and the taxicab has been inspected by an officer.
- 158 Where a PTC Vehicle is deemed to be mechanically unsafe, including but not limited to body damage with sharp edges, holes in the floorboards, unserviceable tires, doors not closing properly, wire protruding from the seat or any other mechanical defect that would render the motor vehicle unsafe, the PTC shall be directed to prohibit the PTC Driver's access to the platform and shall only

reinstate once the danger has been removed and the PTC Vehicle has been inspected by an officer confirming compliance.

PART XIII – SUSPENSIONS, CANCELLATIONS and REVOCATIONS

Taxicab Driver's Licenses

- 159 An officer may suspend a taxicab driver's licence if the driver fails to comply with any provision of this by-law and require the driver to appear before the Vehicle for Hire Advisory Committee to review re-instatement of the license.
- 160 (1) When a taxicab driver has had his Ontario Driver's Licence suspended, cancelled or revoked, the taxicab driver shall immediately report that fact to the City and the taxicab driver's licence shall be deemed to be suspended as of the date of such suspension, cancellation or revocation.
- (2) A taxicab driver's licence that has been suspended under subsection (1) shall not be reinstated unless the City receives written confirmation that the Ontario Driver's Licence has been reinstated.
- (3) If the City does not receive written confirmation that the Ontario Driver's Licence has been reinstated within sixty (60) days from the date of the suspension, the taxicab driver's licence shall be revoked.

Taxicab Plate Licenses

- 161 An officer may suspend or revoke a taxicab plate licence if the taxicab plate licensee fails to comply with any provision of this by-law and such non-compliance is not remedied within seven (7) days following notice from the City specifying the particulars of the non-compliance.
- 162 (1) When a taxicab plate licensee ceases to have a current valid Ontario Standard Automobile Insurance Policy in good standing, his taxicab plate licence shall be suspended as of the date on which such policy ceased to be in effect.
- (2) A taxicab plate licence that has been suspended under subsection (1) shall not be reinstated unless the City receives written confirmation that the insurance required by clause 43(b) is in place.
- (3) If the City does not receive written confirmation that the necessary insurance is in place within sixty (60) days from the date of the suspension, the taxicab plate licence shall be revoked.
- 163 (1) An officer may demand that a taxicab plate licensee or lessee file a current Safety Standard Certificate issued by an authorized vehicle inspection station for any taxicab registered to him, dated not prior to the

date of demand and may suspend a taxicab plate licence until the certificate has been filed.

- (2) Where the officer demands a Safety Standard Certificate pursuant to subsection (1), the taxicab plate licensee or lessee shall provide it within (3) three days.
- (3) Where a taxicab plate licence has been suspended under subsection (1), and where no certificate is filed with the City within sixty (60) days from the date of the suspension, the taxicab plate licence shall be revoked.

Brokers

- 164 An officer may suspend or revoke a brokerage licence if the broker fails to comply with any provision of this by-law and such non-compliance is not remedied within seven (7) days following notice from the City specifying the particulars of the non-compliance.

General

- 165 (1) When a taxicab driver's licence, taxicab plate licence or brokerage licence has been suspended, cancelled or revoked, the holder of the licence shall return it and, if applicable, the taxicab plate to the City within forty-eight (48) hours of the suspension, cancellation or revocation.
- (2) An officer may enter upon any business premises or into the taxicab of any licensee whose licence has been suspended, cancelled or revoked for the purpose of removing the licence and, if applicable, the taxicab plate.
- 166 No person shall refuse to deliver or in any way obstruct or prevent an officer from obtaining a licence that has been suspended, cancelled or revoked.
- 167 No person shall operate a taxicab or permit the operation of a taxicab by a driver whose taxicab driver's licence has been suspended, cancelled or revoked.
- 168 No person shall operate a taxicab or permit the operation of a taxicab in respect of which the taxicab plate licence has been suspended, cancelled or revoked.
- 169 No person shall operate a brokerage in respect of which the brokerage licence has been suspended, cancelled or revoked.
- 170 No person shall provide transportation services where the PTC has been required under this by-law to remove access to the platform for that PTC Driver.

PART XIV – APPEALS

Appeal Rights

- 171 Any Applicant may appeal the City's refusal to issue a licence.

- 172 A person whose name has been removed from the plate eligibility list pursuant to section 78(5)(b) may appeal that decision.
- 173 A taxicab driver whose taxicab driver's licence has been suspended or revoked pursuant to section 159 may appeal that decision.
- 174 A taxicab plate licensee whose taxicab plate licence has been suspended or revoked pursuant to section 161 may appeal that decision.

Filing of Appeal

- 175 All appeals must be submitted to the City within fourteen (14) days of the date of the decision or order being appealed.
- 176 All appeals shall be in writing and shall include,
- (a) the reason(s) for the appeal;
 - (b) an identification of the appellant and any other party;
 - (c) the name of any agent, representative or lawyer representing the applicant;
 - (d) the municipal addresses, telephone numbers, and email addresses for each person identified in clauses (b) and (c); and
 - (e) the appeal fee set out in Schedule 1.

Hearing

- 177 The Vehicle for Hire Advisory Committee shall hear all appeals under this by-law.
- 178 Upon receipt of an appeal, the City shall, as soon as is practicable, notify the appellant and all other parties of the date, time and location of the hearing.
- 179 All hearings before the Vehicle for Hire Advisory Committee shall be conducted in accordance with Terms of Reference approved by Council.
- 180 If an appellant fails to appear at a hearing, the decision or order appealed shall be deemed to be in full force and effect as if no appeal had been filed.

Vehicle for Hire Advisory Committee Powers

- 181 On an appeal, the VHAC may make any decision that the officer could have made and may make its decision subject to such conditions as it considers advisable.
- 182 When making its decision on an appeal, the VHAC shall have regard to the following matters (where applicable):
- (a) the purposes of this by-law as set out in Part II;

- (b) the matters set out in section 16;
 - (c) the appellant's record of complying or not complying with any of the provisions of this by-law or any condition imposed on a licence;
 - (d) the results of any testing, training, educational or awareness program completed or not completed by the appellant; and
 - (e) any other thing or matter relevant to the appellant's ability to hold a licence.
- 183 The decision of the VHAC on an appeal shall be final and binding.
- 184 Notice of the decision of the VHAC shall be given to the appellant and any other person present at the hearing.
- 185 The VHAC's decision shall take effect on the day that it is made.

PART XV - OFFENCES / PENALTIES

- 186 (1) Every person who contravenes any provision of this by-law, and every director or officer of a corporation who concurs in such contravention by the corporation, is guilty of an offence and, subject to subsection (2), upon conviction is liable to a fine not exceeding \$25,000.
- (2) Where a corporation is convicted of an offence under subsection (1), the maximum penalty that may be imposed on the corporation is \$100,000.
- 187 No person shall make a false or intentionally misleading statement of fact, statutory declaration, application or other document required by this by-law.
- 188 No person shall prevent, hinder or obstruct or attempt to prevent, hinder or obstruct an officer in the enforcement of this By-law.
- 189 Where an officer has reasonable grounds to believe that an offence has been committed by a person, the officer may require the name, address, and proof of identity of that person, and no person shall fail to provide the requested information.

PART XVI - GENERAL

Plate Replacement

- 190 When a taxicab plate is defaced, destroyed or lost, the taxicab plate licensee shall apply to the City for a replacement and shall pay the appropriate fee under Schedule 1 within 14 calendar days of the damage, loss or destruction.

- 191 Where the taxicab plate is lost or destroyed, the taxicab plate licensee shall file a police report detailing the circumstances of the loss or destruction and the City shall issue a replacement plate.

Compliance with Other Laws

- 192 In addition to every other requirement imposed by this by-law, every licence is issued subject to the condition that all federal, provincial and municipal laws, by-laws, rules, regulations, orders, approvals, permits, standards, and all other governmental requirements applicable to the operation of the business so licensed must be complied with.

Changes

- 193 When a licensee changes his name or address or any information relating to his licence, he shall notify the City within forty-eight (48) hours of the change.
- 194 Where there is to be a change in the composition of a licensed partnership, the proposed change must be registered with the City.
- 195 Where there is to be a change in the composition or the controlling interest of a licensed corporation, the proposed change must be registered with the City.

Fees

- 196 Persons receiving a service listed in Schedule 1 shall pay the fee set out in Schedule 1 for that service.

Fare Adjustments

- 197 The fares set out in Schedule 2 shall be reviewed as needed by the Vehicle for Hire Advisory Committee to determine whether to recommend a change to Council.

Notice

- 198 Any notice required to be given under this by-law or any order served under Part XII shall be in writing and shall be sufficiently given or served if delivered in person or sent by registered mail to the last address on file with the City.
- 199 Each notice given or order served shall be deemed to have been received on the day it was delivered or on the third business day after it was mailed, as the case may be, whether or not it is actually received.

Repeal

- 200 By-law No. 6702/06 is repealed.

Short Title

201 This by-law may be cited as the Vehicle for Hire Licensing By-law.

Effective Date

202 This by-law shall come into effect on March 1, 2020.

By-law passed this 24 day of February, 2020.

David Ryan, Mayor

Susan Cassel, City Clerk

SCHEDULE 1**FEEES****Taxicab Licence Fees**

Taxicab Plate owner licence (one year)	\$ 250.00
Brokerage licence (one year)	150.00
Taxicab driver's licence (two years)	100.00
Plate owner licence – clean air cab (one year)	125.00
City plate licence (one year)	1,000.00
Accessible Taxicab Plate (private)	125.00
Accessible Taxicab Plate (one year City owned)	1,000.00

Personal Transportation Company Fees

1 – 25 Drivers (one year)	\$3,000.00
25-99 Drivers (one year)	\$9,500.00
Greater than 100 Drivers (one year)	\$20,000/year

Additional per transportation service fee (payable quarterly) 30 cents

Other Fees

Transfer of taxicab plate ownership	\$ 500.00
Filing an appeal	250.00
Replacement of taxicab driver's licence	20.00
Replacement of each tariff card/Passenger Rights and Responsibilities	10.00
Change of registered vehicle	100.00
Re-inspection without taxicab meter	25.00
Re-inspection with taxicab meter	50.00
Lease filing	50.00
Late Cancellation/No Show for Inspection	50.00
Plate eligibility list application (every year)	75.00
Extension of Vehicle Model Year (per year of extension)	125.00

Accessible Service Supplement:

Taxicab Plate Licence (annually)	\$75.00
Brokerage (annually)	\$2,500.00
PTC (payable quarterly, per transportation service)	7 cents

SCHEDULE 2**TARIFFS/FARES**

- | | | |
|----|--|--------------------|
| 1. | For the first one-eighth kilometer or part thereof | \$3.15 (incl. HST) |
| 2. | For each additional one-eighth kilometer or part thereof | \$0.25 (incl. HST) |
| 3. | For waiting time while under engagement, per minute | \$0.40 (incl. HST) |

SCHEDULE 3

Taxicab Passengers Rights and Responsibilities

Taxicab passengers in Pickering are entitled to a professional driver who,

- is licensed by the City of Pickering and prominently displays his/her taxicab driver licence inside the taxicab;
- knows the major routes and destinations in the City;
- is well-groomed, neat and clean in personal appearance;
- is courteous and provides assistance;
- provides a safe ride;
- knows and obeys all City by-laws and all traffic laws;
- offers a silent ride if desired;
- takes the most direct route to the destination unless otherwise directed by the passenger;
- keeps the interior of the taxicab clean and free of debris; and
- issues a receipt upon request noting the date and time of the trip, place of pick up, place of discharge, taxicab plate number, driver name, Provincial plate number and the fare paid.

Taxicab passengers in Pickering are entitled to a quality taxicab,

- in good mechanical and physical condition;
- with a properly calibrated and sealed taxicab meter;
- with a clean exterior, passenger area and trunk;
- that is heated or air conditioned on demand; and
- that is smoke-free.

Taxicab passengers in Pickering,

- cannot eat, drink or smoke inside the taxicab;
- cannot interfere with the taxicab driver in the conduct of his/her duties;
- are responsible for any damage caused to the taxicab; and
- are required to pay the required fare.