



## Consolidated By-law 31-2022 of The Corporation of the City of Oshawa

This consolidated by-law is made available for information and convenience purposes only. For accuracy, By-law 31-2022 along with amending By-laws 42-2022 and 42-2024 should be reviewed.

Being a by-law to license, regulate and govern Vehicle-for-Hire Services and Designated Driving Services in the City of Oshawa.

Whereas section 151 of the *Municipal Act, 2001*, S.O. 2001, c.25, as amended, provides that a local municipality may license, regulate and govern any business wholly or partly carried on within the municipality even if the business is being carried on from a location outside the municipality; and,

Whereas the Council of the City of Oshawa considers it desirable and necessary to license, regulate and govern Vehicle-for-Hire businesses and drivers, in addition to Designated Driver Brokers and drivers, for the purposes of health and safety, nuisance control, and consumer protection;

Therefore the Council of the Corporation of the City of Oshawa enacts as follows:

### Section 1: Definitions

1.1 For the purpose of interpreting the provisions set forth in this By-law, the following definitions shall apply:

**“Accessible Plate”** means a metal number plate issued to a Taxicab Owner Licensee designated by a number preceded by the letter “A”.

**“Accessible Motor Vehicle”** means a Motor Vehicle originally constructed or subsequently modified to permit the loading, transportation and offloading of persons confined to a wheelchair and which Motor Vehicle complies with Ontario Regulation 629, as amended.

**“App”** means an application that can be downloaded onto or accessed on a mobile phone, tablet and/or other digital electronic device to connect Passengers with a T.N.C. Driver.

**“Applicant”** means a Person seeking a Licence, renewal of a Licence, and/or a Person whose Licence is being considered for revocation or suspension.

**“City”** means the geographical area within the City of Oshawa, or the Corporation of the City of Oshawa, as the context requires.

**“City Licensed Driver”** – means a driver who is Licensed to drive a Motor Vehicle in accordance with this By-law, including Taxicab Drivers, Limousine Drivers, and Designated Drivers.

**“Designated Driver”** means any Person who operates a Motor Vehicle owned by another Person for the purposes of providing Designated Driving Services.

**“Designated Driving Broker”** means any Person who accepts or communicates orders or information in any way related to the provision of Designated Driving Services by a Designated Driver to another Person.

**“Designated Driving Services”** means the transportation of a Motor Vehicle owned by another Person and that Person’s passengers, if any, by a Designated Driver from any place in the City to any other place for payment of a salary, fee or for any other consideration.

**“Designated Driver Support Vehicle”** means a Motor Vehicle operated by a Designated Driver for the purposes of assisting another Designated Driver in the provision of Designated Driving Services.

**“Director”** means the City’s Director, Municipal Law Enforcement and Licensing Services including their designate.

**“Executive Plate”** means a metal number plate issued to a Taxicab Owner Licensee designated by a number of 200 or greater, but not including Accessible Plates.

**“Hearings Officer”** means a person who is a Hearings Officer as defined in the City’s Hearings Officer By-law 26-2008, as amended.

**“Licence”** means any licence issued by the City under this By-law.

**“Licensed”** means Licensed under this By-law.

**“Licensee”** means any Person who is Licensed under this By-law.

**“Limousine”** means a Motor Vehicle which is kept for use for hire for the pre-arranged conveyance of Passengers solely on an hourly, daily or weekly basis, which does not contain a Taxicab Meter or two-way radio (or similar device).

**“Limousine Driver”** means any Person who drives a Limousine.

**“Limousine Owner”** means any Person who is a Registered Owner of a Limousine.

**“Motor 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, R.S.O. 1990, c. H.8 (“Highway Traffic Act”).

**“Officer”** means a Municipal Law Enforcement Officer appointed to enforce the By-laws of the City.

**“Owner Plate”** means a metal number plate issued to a Taxicab Owner Licensee under this By-law and includes Executive Plates, Standard Plates and Accessible Plates unless otherwise stated.

**“Passenger”** means any Person seated in a Motor Vehicle other than the driver.

**“Person”** means an individual, association, firm, partnership, corporation, trust, organization, trustee, agent, and/or the heirs, executors or legal representatives of the Person to whom the context can apply according to law.

**“Plate Issuance Eligibility List”** means a list of Applicants for a Taxicab Owner Licence and Owner Plate maintained by the City.

**“Registered Owner”** means the Person shown to be the owner of a Motor Vehicle according to the records maintained by the Registrar of Motor Vehicles for the Province of Ontario and includes a lessee of a Motor Vehicle pursuant to a written lease contract, a copy of which contract is filed with the City.

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

**“Standard Plate”** means a metal number plate originally issued under the City’s By-laws 102-2000, 90-95 or their predecessors and outstanding on the date of the passage of this By-law, including the Special Wheelchair Accessible Owner Licences issued under section 13 of By-law 102-2000 and outstanding on the date of the passage of this By-law, which plates are designated by the numbers 1 through 199, but not including Accessible Plates.

**“Street Hail”** means any appeal to pick-up Passengers by any Person using sounds, words, signs, or gestures.

**“Tariff Card”** means a card issued by the City for display in a Taxicab which contains the tariffs then in force, and such other information as the City may from time to time direct.

**“Taxicab”** means any Motor Vehicle used for hire in the conveyance of Persons from place to place within the City to any point inside or outside that area, but does not include a bus operated by Durham Region Transit or under licence under The Public Vehicles Act, R.S.O. 1990, c. P.54, an ambulance, a funeral hearse, a Motor Vehicle operated by a licensed Vehicle-for-Hire Driver providing Designated Driving Services, a Transportation Network Company Vehicle, a Limousine or a Motor Vehicle used for hire in the conveyance of Persons from within the City to an airport owned and operated by the Crown in right of Canada situate outside that area if the Motor Vehicle bears a valid and subsisting plate issued in respect of such airport under The Government Airport Concession Operations Regulations made under the Department of Transport Act (Canada).

**“Taxicab Broker”** means any Person who carries on the business of accepting orders for Taxicabs and dispatching Taxicabs in any manner.

**“Taxicab Driver”** means any Person who drives a Taxicab.

**“Taxicab Meter”** means a measuring device approved by the City and used in a Taxicab to calculate the rate payable for a Trip.

**“Taxicab Owner”** means the Person to whom the plate portion of the permit issued under the Highway Traffic Act for any Taxicab is issued.

**“Taxicab Stand”** means the area set aside and designated by the City to be used by a Taxicab while it is waiting for or picking up goods or Passengers.

**“Transportation Network Company” or “T.N.C.”** means any Person who carries on the business of offering, accepting, and/or facilitating prearranged transportation services exclusively through an App that matches Passengers requesting transportation to T.N.C. Drivers who accept and provide transportation to the requesting Passengers for a fee using a T.N.C. Vehicle.

**“Transportation Network Company Driver” or “T.N.C. Driver”** means a Person authorized by a T.N.C. to transport passengers in a T.N.C. Vehicle.

**“Transportation Network Company Vehicle” or “T.N.C. Vehicle”** means a Motor Vehicle that is operated by a T.N.C. Driver, which is used to provide transportation services to passengers for a fee, but does not include Taxicabs, Limousines, or Motor Vehicles used for Designated Driving Services under this By-law.

**“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 Motor Vehicle or when the service being provided is first engaged, whichever comes first, to the time and point at which the Passenger finally leaves the Motor Vehicle or the service being provided is disengaged, whichever comes last.

**“Trip Log”** means a paper or electronic record containing the details of Trips taken in a Motor Vehicle.

**“Vehicle-for-Hire”** means a Motor Vehicle that is conveying or available for conveying one or more persons in exchange for a fee or other consideration and includes without limitation a Taxicab, Limousine, and Transportation Network Company Vehicle, Designated Driver Support Vehicle but does not include a Motor Vehicle conveying passengers as part of a Designated Driving Service and a motor vehicle that is used in the provision of carpooling as defined under the Public Vehicles Act, R.S.O. 1990, c. P.54.

**“Vehicle-for-Hire Driver”** means a Person who drives a Vehicle-for-Hire.

## **Section 2: Licences Issued Under This By-law**

2.1 The following Licences are authorized and may be issued by the City under this By-law:

- a) Taxicab Broker;
- b) Taxicab Owner;
- c) Limousine Owner;
- d) Designated Driving Broker;
- e) Transportation Network Company;
- f) City Licensed Driver.

2.2 No Person shall, either directly or indirectly, provide any service or carry on any activities, either for profit or not, for which a Licence in subsection 2.1 of this By-law is required, unless they have obtained and maintained in good standing the requisite Licence from the City.

## **Section 3: Prohibitions**

3.1 No Person shall fail to comply with any provision or standard of this By-law.

3.2 No Person shall fail to comply with an order issued pursuant to this By-law.

3.3 No Person (with the exception of T.N.C. Drivers) shall operate a Vehicle-for-Hire or provide Designated Driving Services in the City without a Licence.

3.4 No Person shall operate a Vehicle-for-Hire with a suspended or revoked Licence.

3.5 No Person shall advertise or promote a service for which they are not Licensed to provide pursuant to this By-law.

3.6 No Person shall obstruct or hinder an Officer or City staff from performing their duty under this By-law.

3.7 Except for a City Licensed Driver operating a Taxicab, no Vehicle-for-Hire shall:

- a) be equipped with a Taxicab Meter;
- b) be equipped with a two way radio or other similar audio device used for the purpose of dispatching;
- c) use or permit the use of the words “Taxi”, “Taxicab” and/or any other word or words that indicate or could reasonably be interpreted to indicate that the Motor Vehicle is a Taxicab; or
- d) accept Street Hails (with an exception for any Person licensed as a Designated Driving Broker) or solicit business in a Taxicab stand.

3.8 Every Person employing the use of a roof light or roof sign (“roof light”) on their Vehicle-for-Hire shall at all times ensure:

- a) that the length and width of the roof light is no greater than the length and width of the roof of the Vehicle-for-Hire the roof light is affixed to;

- b) that the roof light does not encroach on any part of the Motor Vehicle outside the area of the roof of the Vehicle-for-Hire;
- c) that the roof light complies with all applicable municipal by-laws and all applicable provincial and federal laws. That, with the exception a Licensed Taxicab, the roof light shall not display the words "Taxi", "Cab", "Taxicab" and/or any other words that may indicate the Motor Vehicle is providing a Licensed Taxicab service pursuant to this By-law; and
- d) that the roof light is not displayed on the Vehicle-for-Hire when the Motor Vehicle is not being used to provide a Licensed transportation service.

3.9 No Person shall Operate a Taxicab for which an Accessible Plate has been issued unless they have taken a training course approved by the Director.

3.10 No Person shall Operate a T.N.C. Vehicle unless they are authorized to do so by a Licensed T.N.C.

3.11 No Person shall advertise and/or carry on a trade governed by this By-law under any name other than the one endorsed on the Licence issued by the City.

#### **Section 4: General Application Requirements for All Applicants**

4.1 Licences issued pursuant to this By-law are conditional on compliance by the Licensee with all municipal by-laws and all applicable provincial and federal laws.

4.2 An agent, trustee or representative of Persons carrying on a trade in the City for which a Licence is required shall also be personally liable for the compliance of their principal, beneficiary or Persons they represent in connection with this By-law.

4.3 Applications for a Licence under this By-law shall be completed and submitted on the requisite forms provided by the City.

4.4 When submitting an application for a Licence under this By-law, every Applicant shall provide all information requested by the City including supporting documentation which is satisfactory to the City.

4.5 The Director may prescribe any information to be given therein and other necessary papers to be completed or submitted by an Applicant in conjunction with their application for a Licence.

4.6 The Director may require an Applicant to provide any information which the City believes is necessary, including but not limited to their name, address, telephone number, and e-mail address.

4.7 The Director, in their sole discretion, may require an Applicant to provide affidavits in support of their application.

4.8 Proof of insurance is required to be submitted by an Applicant at the time of their application, in accordance with this By-law, and the proof of insurance must be to the satisfaction of the Director, who may require additional types of insurance coverage or higher limits of insurance coverage.

4.9 A partnership, corporation, association or combination thereof, shall be considered as a single Applicant for any one trade at one place of business.

4.10 On any application by a partnership, the names and addresses of all partners shall be supplied with the application form. If a Licence is issued, it shall be in the name under which business is carried on by the partnership.

4.11 On any application by a corporation they shall supply the names and addresses of the officers and directors of the corporation.

- 4.12 A completed application for a Licence, Plate, or renewal of a Licence or Plate shall be submitted to the Director and shall be accompanied by:
- a) the fee(s) in the appropriate amount as set out in City's General Fees and Charges By-law 13-2003, as amended;
  - b) an original Criminal Record and Judicial Matters Check ("C.R.J.M.C.") supplied directly from any police force in Ontario to the Director dated within thirty (30) days of submission of the C.R.J.M.C. to the Director;
  - c) the following if the Applicant is a corporation:
    - i) a copy of the corporation's articles of incorporation or other incorporating documents, and any Ontario Master Business Licence if applicable;
    - ii) a Certificate of Status showing that the corporation is validly in existence at the time of the application;
    - iii) the full name of every director and/or officer and their address of ordinary residence;
    - iv) the name or names under which the corporation carries on or intends to carry on their business; and
    - v) the mailing address for the corporation.
- 4.13 Where an Applicant for any Licence issued under this By-law has, earlier in the same calendar year, submitted a valid C.R.J.M.C. in accordance with subsection 4.12 for any other Licence, the Applicant shall be excused from having to file an additional C.R.J.M.C. in support of one or more subsequent Licence applications made in that same calendar year.
- 4.14 All Licence applications, including those for renewals of a Licence, made by an Applicant who is natural person, must provide proof of identity.
- 4.15 All Licence applications, including those for renewals of a Licence, made by an Applicant who is a corporation, must provide proof of identity of an officer or director of the corporation.
- 4.16 The Director may, at their sole discretion, initiate an investigation performed by City staff, which the Director deems relevant to an Applicant's application for a Licence.
- 4.17 The Director may refuse to accept an Application and/or issue a Licence to an Applicant under this By-law, and/or may grant a Licence to an Applicant while imposing any conditions on the Applicant that the Director sees fit as a condition of obtaining, continuing to hold, or renewing the Licence, if an investigation of an Applicant discloses and/or concludes any of the following:
- a) the Applicant's premises or place of trade are the object of an order to comply made under any of the City's by-laws, and/or are the object of an order made under Building Code Act, S.O. 1992, c. 23 and its regulations and/or are non-compliant with the City's Zoning By-law 60-94, as amended or any parking requirements;
  - b) the Applicant's premises or place of business requires corrective action pursuant to an order of the Medical Officer of Health to ensure the safety or health of the public;
  - c) the Applicant's premises or place of business requires corrective action pursuant to an order of the Fire Chief to ensure fire safety;
  - d) the Applicant is incompetent in a manner that affects the safety, health and/or welfare of the public;
  - e) the Applicant has been found to have discriminated against a member of the public contrary to The Human Rights Code or any human rights legislation;
  - f) the Applicant is indebted to the City in respect of fines, administrative penalties, judgments and/or any other amounts owing, including awards of legal costs and disbursements, outstanding property taxes owing to the City, late payment charges owing to the City against all properties owned by the Applicant in any capacity (legally, beneficially or otherwise), and, where the Applicant is a corporation, against all properties owned by an officer of the Applicant,

- g) the Applicant is in breach of any municipal by-law and/or any applicable provincial or federal laws; or
- h) the Applicant has been convicted of a criminal offence other than those set out in Parts V, VIII, or IX of the Criminal Code of Canada, R.S.C. 1985 c. C-46, as amended, and/or have been convicted of an offence under the Controlled Drugs and Substances Act of Canada.

4.18 The Director shall refuse to issue or renew a Licence to an Applicant under this By-law if:

- a) the Applicant has been convicted of an offence, for which a pardon has not been granted, pursuant to any one or more of Parts V (Sexual Offences), VIII (Offences Against Persons), or IX (Offences Against Property) of the Criminal Code of Canada, R.S.C. 1985 c. C-46, as amended;
- b) the Applicant has submitted false information filed in support of a Licence or Licence renewal application;
- c) the issuance of the Licence or renewal of the Licence would contravene any of the provisions of this By-law;
- d) the Applicant is carrying on activities that are, or will be, if the Applicant is Licensed, in contravention of this By-law;
- e) the application is for a Taxicab Owner Licence and the Licence and Owner Plates, if issued, would exceed the maximum number of Licences and Owner Plates permitted by the City;
- f) the Applicant fails to successfully complete any testing, training, educational or awareness program required by the Director; or
- g) the Applicant's current driver's record shows six (6) or more demerit points.

4.19 Every application for renewal of a Licence shall be delivered in accordance with the requirements of this section of the By-law, before the expiry date of the Licence.

4.20 The Director may issue a replacement Licence or Plate if they are satisfied that the original has been lost or stolen, subject to the applicable fee set out in the General Fees and Charges By-law 13-2003, as amended.

### **Section 5: Term of Licence**

- 5.1 Every Taxicab Owner Licence issued or renewed under this By-law shall be valid for a period of not longer than one (1) year, effective up to and including the thirtieth (30th) day of April next occurring after issuance or renewal. (42-2024)
- 5.2 All Licences issued or renewed pursuant to this By-law, except for Taxicab Owner Licences, shall be valid for a period of one (1) year effective from the date of issuance.

### **Section 6: Licence and Plate Fees**

- 6.1 The fee for obtaining a Licence and/or Plate, and for renewal of a Licence and/or Plate, shall be paid as set out in the City's General Fees and Charges By-law 13-2003, as amended.

### **Section 7: Posting Licences**

- 7.1 Where a Licensee carries on business or trade from a fixed place of business, the Licensee shall post the Licence obtained under this By-law in a conspicuous place at such fixed place of business and every person so Licensed shall, when requested by any person authorized by the City, produce the Licence to the City for inspection.

- 7.2 Where a Licensee travels from place to place to perform their trade in accordance with this By-law, they shall carry their Licence with them when engaged in the trade for which the Licence is issued and every Person so licensed shall, when so requested by any person authorized by the City, produce the Licence to the City for inspection.
- 7.3 Where a Licensee is issued a plate obtained under this By-law bearing an identifying number, the Licensee shall securely affix the plate to the rear bumper of the Motor Vehicle for which it was issued, at a location and manner approved by the Director.

### **Section 8: Reporting Changes**

- 8.1 Each Applicant or, where a Licence has been issued, each Licensee, shall advise the Director of any change in any information previously provided to the City, by providing to the Director notice of such change within fifteen (15) days of the date of such change.
- 8.2 Where a change occurs to the list of directors and/or officers of a corporate Licensee, which was previously supplied to the City, the Licensee shall file the current information within fifteen (15) days of the change, together with copies of the appropriate extracts of the corporate records evidencing same.

### **Section 9: No Vested Right**

- 9.1 All Licences and Plates issued or renewed under this By-law shall be held by the Licensees at the pleasure of the City, and shall at all times remain the property of the City.
- 9.2 No Person shall enjoy a vested right in the continuance of a Licence or Plate.
- 9.3 Upon the revocation, surrender, and/or expiry of the term, the Licence and/or Plate shall revert to the City without any compensation to the Licensee.
- 9.4 No Licence or Plate issued or renewed by the City under this By-law has any monetary value or worth beyond the applicable fees paid to the City each year for same.

### **Section 10: Revocations, Terminations, Suspensions and Exemptions**

- 10.1 The Director may refuse to issue or renew, suspend, revoke or terminate any Licence or Owner Plate issued under this By-law, or revoke any accessible driver endorsement, and/or may issue a Licence or Owner Plate or accessible driver endorsement subject to conditions, in the Director's sole discretion.
- 10.2 The Director may exercise their discretion pursuant to subsection 10.1 on the basis of any of the following:
- a) the breach by an Applicant or Licensee of a corporate Applicant or Licensee of any by-law of the City, including this By-law, or any statute or regulation of the Province of Ontario or any statute or regulation of the Country of Canada, including without limitation the Criminal Code and the Controlled Drugs and Substances Act, or outstanding charges existing under any of the foregoing;
  - b) the failure of an Applicant or Licensee of a corporate Applicant or Licensee to meet, at any time, any of the requirements of this By-law or any conditions imposed on a Licence;
  - c) the submission of false information filed in support of an application for, or renewal of, a Licence or plate, or the transfer of a plate.
  - d) the Applicant or Licensee of a corporate Applicant or Licensee is incompetent in a manner that affects the safety, health or welfare of the public;



- e) the Applicant or Licensee of a corporate Applicant or Licensee has been found to have discriminated against a member of the public contrary to the Human Rights Code in connection with the operation of a business for which a Licence is required under this Bylaw;
- f) the protection of the health or safety of any Person;
- g) the control or abatement of nuisance;
- h) the protection of consumers;
- i) the issuance of the Licence or renewal of the Licence would be contrary to the public interest or would contravene any of the provisions of this By-law;
- j) the Applicant or Licensee of a corporate Applicant or Licensee is carrying on activities that are, or will be, if the Applicant is Licensed, in contravention of this By-law;
- k) the Applicant or Licensee fails to successfully complete any testing, training, educational or awareness program required by the Director; or
- l) upon the grounds that the conduct of any Person, including the officers, directors, employees or agents of a corporation, affords reasonable cause to believe that the Licensee will not carry on or engage in the business in accordance with the law or with honesty and integrity.

10.3 Where the Director refuses to issue a Licence or suspends or revokes a Licence, the Director may, on the Director's initiative or upon an application or appeal by a Person, issue and/or restore the Licence, and/or exempt the Applicant from any part of this By-law, and/or may impose such conditions as the Director determines are appropriate where the Director is satisfied that the issuing of the Licence, the granting of an exemption, and/or the imposition of conditions, as the case may be, will maintain the general intent and purpose of the this By-law. Nothing in this subsection permits the Director to issue a Licence or to grant an exemption that would result in the number of Licences exceeding the maximum number of Taxicab Plates prescribed by this By-law.

10.4 Any Person may make an application to the Director for an exemption from part of this By-law. Upon receipt of that Person's application and payment of the required fee as set out in the General Fees and Charges By-law 13-2003, the Director may exempt any Person from all or any part of this By-law where the Director is satisfied that the granting of the exemption would maintain the general intent and purpose of this By-law. Nothing in this subsection permits the Director to issue a Licence or to grant an exemption that would result in the number of Licences exceeding the maximum number of Taxicab Plates prescribed by this By-law.

10.5 The Director may impose such conditions as the Director determines are appropriate in relation to an exemption granted by the Director.

10.6 Any Licence or Owner Plate issued under this By-law may be cancelled by the Director at any time upon the written request of the Licensee.

10.7 When a Licence and/or Owner Plate has been revoked, cancelled and/or suspended, the holder of the Licence shall return the Licence and/or Owner Plate, to the Director within twenty-four (24) hours of receiving service of written notice of the decision or other event causing revocation, cancellation and/or suspension, and the Director may enter upon the business premises and/or into the Taxicabs of the Licensee for the purpose of receiving, taking and/or removing the said Licence and/or Owner Plate.

10.8 When a Person has had their Licence and/or Owner Plate revoked, cancelled and/or suspended under this By-law, they shall not refuse to surrender the Licence and/or Owner Plate, or in any way obstruct or prevent the Director or an Officer from obtaining the Licence and/or Owner Plate.

10.9 The Director is authorized to revoke a Licence and/or Owner Plate if it was issued in error, was issued based on false information, or if the Licensee fails to comply with a term or condition applicable to their Licence or any provision of this By-law, subject to the right of the Licensee to request a review of the decision by a Hearings Officer.

### **Section 11: Hearing by Hearings Officer**

11.1 Where any Person is affected by a decision of the Director or an order issued by an Officer under this By-law, such person may appeal the decision to a City Hearings Officer within ten (10) days after the notice date of the order, decision and/or cancellation (as the case may be), by providing a letter to the Director stating the facts they are relying on for their appeal and the reasons why they believe an appeal should be granted, together with any applicable fees as prescribed in the City's General Fees and Charges By-law 13-2003, as amended, for the hearing of an appeal.

11.2 An appeal to a City Hearings Officer does not operate as a stay of the decision or the order.

11.3 A Person's right to appeal a decision of the Director or an order issued by an Officer under this By-law, expires after the tenth (10<sup>th</sup>) day after notice of the decision or the order has been given to the Person. If a Person has not submitted their appeal to the City with all required information and documentation, and/or if the Person has not paid the required appeal fee(s) as prescribed in the City's General Fees and Charges By-law 13-2003, as amended, by the tenth (10<sup>th</sup>) day after notice of the decision or the order has been given to the Person, the decision becomes final and is not subject to review including review by any Court.

11.4 The Person who has appealed a decision or order shall be given no fewer than seven (7) days notice of the date, time and place of the hearing of the appeal.

11.5 The Hearings Officer may decide to confirm, revoke, or modify the decision or order.

11.6 The Hearings Officer may revoke, suspend, impose any conditions upon, and/or refuse to issue or renew any Licence and/or Owner Plate to any Person under this By-law.

11.7 The Hearings Officer may grant an exemption to the Person from all or any part of this By-law where the Hearings Officer is satisfied that granting an exemption would maintain the general intent and purpose of the this By-law.

11.8 The decision of a Hearings Officer and any condition(s) imposed by the Hearings Officer in relation to a Licence and/or Owner Plate, is final and not subject to review.

11.9 The Statutory Powers Procedure Act, R.S.O. 1990, c. S.22 and the Hearings Officer By-law 26-2008, as amended, apply to any hearing conducted pursuant to this section.

11.10 Notice of the decision of the Hearings Officer may be given to the Person who submitted the appeal by mailing a copy of the decision to their last known address, or by emailing a copy to the Person's last known email address. The notice shall be effective pursuant to subsection 12.1 of this By-law, and the Hearings Officer's decision shall take effect whether or not the notice is actually received.

11.11 Where the Person fails to appear at the time and place scheduled for a hearing of the appeal, the Person's appeal shall be deemed to be dismissed and the Person shall pay to the City an administrative fee as established by the General Fees and Charges By-law 13-2003, as amended. (42-2024)

## **Section 12: Notices and Orders**

12.1 Any notice or order given pursuant to this By-law must be given in writing, and is effective as follows:

- a) on the date a copy is placed on or affixed in any manner to a Person's Motor Vehicle;
- b) on the date a copy is personally delivered to the Person to whom it is addressed;
- c) on the third (3rd) day after a copy is sent by registered mail or by regular lettermail to the Person's last known address;
- d) upon confirmation of the successful transmission of a copy by facsimile transmission to the Person's last known facsimile transmission number;
- e) upon sending a copy by e-mail transmission to the Person's last known e-mail address; or
- f) upon a copy being posted on the door of any building or structure on the Person's property or, where no building or structure exists, on a stake erected by the Officer on the Person's property.

## **Section 13: Taxicab Plate Limits and Plate Issuance Eligibility List**

13.1 A Person who is the owner of more than one Taxicab shall take out a separate Licence and Owner Plate for each Taxicab operated or permitted or allowed to be operated in the City by that Person.

13.2 Every person to whom an Accessible Plate is to be issued, immediately prior to the issuance of that Plate, shall provide the Director with such evidence as prescribed by him or her showing that the Taxicab to be registered under this By-law for that Accessible Plate meets the requirements of Ontario Regulation 629, as amended, or its successive legislation.

13.3 No Person shall be issued a Taxicab Owner Licence, have their name placed on the Plate Issuance Eligibility List, and/or have their name maintained on the Plate Issuance Eligibility List unless that Person has, for at least forty-four (44) weeks per year, been:

- a) City Licensed Driver operating a Taxicab under this By-law, the City's former Taxicab By-law, or the by-law of any other municipality;
- b) Licensed as a Taxicab Owner under this By-law, the City's former Taxicab By-law, or the by-law of any other municipality;
- c) Licensed as a Taxicab Broker under this By-law, the City's former Taxicab By-law, or the by-law of any other municipality;
- d) employed by a Taxicab Broker licensed under this By-law, the City's former Taxicab By-law, or the by-law of any other municipality; or
- e) a combination of any of (a) through (d).

for the two (2) years immediately preceding the date of application for a Taxicab Owner Licence, for the two (2) years immediately preceding the placement of their name on the Plate Issuance Eligibility List, or continuously since the placement of their name on the Plate Issuance Eligibility List, respectively.

13.4 The total number of Taxicab Owner Licences and Owner Plates issued at any given time shall not exceed the number established by the ratio of one Licence for each 1,500 residents of Oshawa, excluding Accessible Plates which are not subject to this ratio. The number of Taxicab Owner Licences and Owner Plates may be less than this ratio, if Council, in its sole discretion, establishes a lower ratio through a resolution from time to time. For the purposes of this subsection, the number of residents of the City shall be as determined by the latest revised population figures available from Statistics Canada (annual estimates and the five (5) year actuals).

- 13.5 The Director may annually issue new Taxicab Owner Licences and Owner Plates within three (3) months of the annual population statistics from Statistics Canada (annual estimates and the five-year actuals) if warranted in accordance with the preceding subsection, subject to contrary direction of Council.
- 13.6 All Standard Plates that are revoked, cancelled, and/or surrendered shall, on their return to the Director, be removed from circulation and shall not be reissued under this By-law.
- 13.7 Executive Plates shall be the only Owner Plates issued from the Plate Issuance Eligibility List.
- 13.8 Where on account of disability, a Person has become unable to drive a Taxicab or continue employment with a Taxicab Broker, that Person shall be deemed to be in compliance with subsection 13.3 of this By-law, notwithstanding their continued inability to drive or be employed throughout the period of disability, provided that the Person:
- a) immediately prior to the occurrence or onset of the disability did comply with the provisions of this By-law, specifically subsection 13.3.; and
  - b) files with the Director as soon as physically possible, a current doctor's certificate confirming the disability and their inability to drive a Taxicab or continue employment with a Taxicab Broker; and
  - c) files with the Director as soon as physically possible, a current doctor's certificate confirming they are able to now drive a Taxicab, and/or continue employment with a Taxicab Broker.
- 13.9 The Director shall maintain a Plate Issuance Eligibility List which shall contain the names of Applicants for a Taxicab Owner Licence in the order of the receipt of their application, subject to section 13 of this By-law, and the Director may, subject to the provisions of this By-law, issue a Taxicab Owner Licence and Executive Plate as they become available in accordance with this By-law, to those Persons in the order in which their names appear on the Plate Issuance Eligibility List.
- 13.10 No Person, by virtue of the submission of an application for a Taxicab Owner Licence and/or Owner Plate, or by virtue of the placing of their name on the Plate Issuance Eligibility List, shall obtain a vested right to a Taxicab Owner Licence and/or Owner Plate, or to remain on the Plate Issuance Eligibility List at any time and the City reserves the right to amend or repeal this By-law and any successor By-laws and to place further or additional requirements or restrictions on such Applicants or Persons at any time and from time to time, or to purge or eliminate the Plate Issuance Eligibility List at any time or from time to time.
- 13.11 When a completed application for a Taxicab Owner Licence is received by the Director and the Applicant meets all the requirements of this By-law, but a Licence cannot be issued because of the limitation on the number of Taxicab Owner Licences and Owner Plates set out in subsection 13.4, the Applicant's name shall be placed at the end of the Plate Issuance Eligibility List by the Director if the Applicant provides proof in a form acceptable to the Director of compliance with the requirements set out in this By-law.
- 13.12 No Person shall hold more than one position on the Plate Issuance Eligibility List at any one time.
- 13.13 The Plate Issuance Eligibility List shall be available for inspection during normal business hours at the office of the Director.

- 13.14 The Director shall review the Plate Issuance Eligibility List at regular intervals, but in any case not less than once annually, to determine that those listed on it continue to remain in compliance with the requirements of this By-law and any Person whose name is on the Plate Issuance Eligibility List and who appears to the Director to not comply with this By-law shall be notified by the Director that their name is to be removed from the Plate Issuance Eligibility List. That Person may appeal this decision to the Hearings Officer within ten (10) days following the date that notice of the Director's decision was effected, whether notice was actually received or not.
- 13.15 Each Person whose name appears on the Plate Issuance Eligibility List shall complete a statutory declaration in a form as required by the Director attesting to their continued eligibility to remain on the Plate Issuance Eligibility List in accordance with the requirements of this By-law, as they may be amended from time to time, and shall provide an original copy to the City within thirty (30) days following the date of the notice sent by the City which notifies the Person that it is required.
- 13.16 Persons who fail to comply with the provisions of this By-law shall have their names removed from the Plate Issuance Eligibility List without further notice.
- 13.17 When a Taxicab Owner Licence and Owner Plate is issued to a Person whose name is on the Plate Issuance Eligibility List, the name of that Person shall be removed from the Plate Issuance Eligibility List by the Director, and all other names below the said Person's name shall be moved forward one position.
- 13.18 Notwithstanding subsection 11.2, where the Director has removed a Person's name from the Plate Issuance Eligibility List and an appeal to the removal of the name has been received by the Director, the Director shall not remove that name from the Plate Issuance Eligibility List until such time as the Hearings Officer has disposed of the appeal and the Director shall note beside that name on the Plate Issuance Eligibility List that an appeal has been received and the Director shall not issue any Taxicab Owner Licences and/or Owner Plates under this By-law until such time as the Hearings Officer has disposed of all outstanding appeals unless the Taxicab Owner Licences and/or Owner Plates to be issued would not have gone to the affected Person due to their position on the Plate Issuance Eligibility List.
- 13.19 When a Taxicab Owner Licence and/or Owner Plate is approved for issuance, the Person receiving same shall, within one month of the date of notification of such approval by the Director, register a Taxicab to that Owner Plate and affix the Owner Plate to that Taxicab, failing which, that Person shall not be issued the Taxicab Owner Licence and/or Owner Plate, their name shall be removed from the Plate Issuance Eligibility List, and the Director may proceed to issue the Taxicab Owner Licence and Owner Plate to another eligible Person in accordance with this By-law.

#### **Section 14: Vehicle Registration**

- 14.1 Every Taxicab Owner, before using the Taxicab to which an Owner Plate will be affixed, shall submit the Taxicab for inspection and registration by the Director under this By-law during normal business hours and it shall not be used until the inspection has taken place and the approval has been given.
- 14.2 When the Taxicab Owner meets all the requirements of this By-law, the Director shall register it as a Taxicab for the Owner Plate that is affixed to it.
- 14.3 Where a Taxicab Owner wishes to change the Motor Vehicle which is registered as a Taxicab for an Owner Plate, that Person shall submit the new Motor Vehicle for inspection under this subsection and, upon registration of the new Motor Vehicle, shall pay the applicable fees as required by the City.

14.4 Where a Taxicab cannot be operated because of a mechanical defect or damage to the Taxicab, a Taxicab Owner may, for a temporary period not exceeding twenty-eight (28) consecutive days, affix an Owner Plate to a Motor Vehicle for which that same Owner Plate is not registered where:

- a) that Motor Vehicle has been registered by the Director as a spare Taxicab for the current year by a Broker Affiliated with that Owner, or by the Owner;
- b) that Motor Vehicle has met all of the requirements under this By-law;
- c) a valid Safety Standard Certificate not more than six (6) months old for that Motor Vehicle is on file with the Director and the Vehicle has passed the most recent annual inspection by the Director;
- d) the Owner shall report the use of a spare Taxicab to the Director immediately upon commencement of its use and shall include in the notification which Taxicab it is replacing and confirm that the Owner Plate of the replaced Taxicab has been affixed to the spare Taxicab. For certainty, reporting of use may be done by depositing written notification in the City Hall after hours mail deposit box, sending an email to the City's Licensing Division, and/or by facsimile transmission to the Licensing Division if the spare Taxicab is used when City Hall is not open for business;
- e) the Owner shall report the return to service of the replaced Taxicab to the Director immediately upon recommencement of its use and confirm that the Owner Plate has been reaffixed to the formerly replaced Taxicab and that the spare Taxicab is no longer being used;
- f) that Motor Vehicle is equipped with a Taxicab Meter of the type approved by the Director and sealed by the Director and mounted in a position approved by the Director so that it is clearly visible to the Passengers in the front and rear seat of the Taxicab; and
- g) where the Owner Plate to be affixed to a spare Taxicab is an Accessible Plate, the spare Taxicab must be an Accessible Motor Vehicle.

### **Section 15: Transfer of Owner Plates**

15.1 No Person may transfer, give, assign and/or convey any right, title or interest in a Taxicab Owner Licence or Owner Plate to any Person whatsoever and any instrument which purports to transfer, give, assign and/or convey any right, title or interest in the said Licence is void and of no effect.

15.2 Those Persons to whom a Standard Plate has been issued are hereby exempt from subsection 15.1 with respect to the transfer of a Standard Plate, but subject to subsections 15.3 and 15.4.

15.3 No Person who has been issued a Standard Plate shall transfer, give, assign or convey any right, title or interest in the said Plate to any Person whatsoever except in accordance with the following:

- a) the transferor has completed an application to transfer document in a form as required by the Director;
- b) the transferee has paid the applicable fee to the City for the transfer; and
- c) the transferee has applied for a Taxicab Owner Licence and meets all of the requirements of a Taxicab Owner under this By-law and will be issued a Taxicab Owner Licence under this By-law at the time of the transfer.

15.4 When a transfer of a Standard Plate is approved by the Director, the transferee must submit the Vehicle to which the Standard Plate will be affixed for inspection and registration in accordance with the requirements of this By-law before a Taxicab Owner Licence is issued and a Standard Plate is permitted to be transferred.

15.5 Within ninety (90) days following the death of a natural person to whom one or more Owner Plates have been issued, the executor or administrator of the estate of the natural person shall file the following with the Director:

- a) proof of death of the natural person; and
- b) proof of the executor's or administrator's appointment or naming.

15.6 On the death of a natural person to whom one or more Owner Plates have been issued, the executor or administrator of that natural person's estate may continue to Operate or cause or permit a Taxicab to which the Owner Plate is attached to be Operated for a period of up to three (3) months following the date of death of the said natural person, provided they comply with all of the requirements of this By-law.

15.7 Upon the expiry of three (3) months following the date of death of a natural person to whom one or more Owner Plates have been issued, the Taxicab Owner Licence and the Owner Plate shall be deemed to be cancelled and they shall then be returned to the Director forthwith thereafter.

15.8 Those Persons to whom a Standard Plate has been issued are hereby exempt from subsections 15.6 and 15.7, but subject to subsections 15.9, 15.10 and 15.11.

15.9 On the death of a natural person to whom one or more Standard Plates have been issued, the executor or administrator of that natural person's estate may continue to hold the interest in the said Plates for a period of up to one (1) year following the date of death of the natural person, and may operate or cause or permit a Taxicab to which the Standard Plates are attached to be operated provided they comply with all of the requirements of this By-law during that time.

15.10 Where the executor or administrator of the estate of a natural person to whom one or more Standard Plates have been issued cannot transfer every such Standard Plate within one (1) year following the date of death of the natural person, the executor or administrator may apply to the City who may, in its discretion, permit the executor or administrator to continue to operate or cause or permit a Taxicab to which the Standard Plates are attached for such further time as the City prescribes.

15.11 In the event that the executor or administrator of the estate of a natural person to whom one or more Standard Plates have been issued does not and/or cannot transfer the interests in every such Standard Plate within one (1) year following the date of death of the natural person, or within such further time as prescribed by the City pursuant to subsection 15.10, whichever is later, all of the Taxicab Owner Licences and Standard Plates remaining untransferred at the expiry of that time shall be deemed to be cancelled.

## **Section 16: Plate Replacement**

16.1 When an Owner Plate is defaced, destroyed and/or lost, the Owner Plate holder shall apply to the Director for a replacement and shall pay the appropriate fee under City's General Fees and Charges By-law 13-2003, as amended, and, where the Owner Plate is lost or destroyed, shall file a police report detailing the circumstances of the loss or destruction and, subject to the terms of this By-law, the Director shall issue a replacement.

## **Section 17: General Operating Standards**

17.1 All Persons with Licences must ensure that they maintain adequate insurance, to the satisfaction of the Director, at all times while they hold a Licence.

17.2 No Motor Vehicle more than twelve (12) years old shall be used as a Vehicle-for-Hire (excluding Designated Driver Support Vehicles) in the City. For the purpose of this By-law the age of a Motor Vehicle shall be determined from December 31 of the model year of said Motor Vehicle. Motor Vehicles used as a Vehicle-for-Hire (excluding Designated Driver Support Vehicles) must satisfy the following conditions:

- a) For Motor Vehicles with model years up to ten (10) years old, a Safety Standards Certificate and City inspection is required prior to the issuance or renewal of a Taxicab Owner Licence.
- b) For Motor Vehicles with model years greater than ten (10) years old and less than twelve (12) years old, a Safety Standards Certificate and City inspection is required prior to the issuance or renewal of a Taxicab Owner Licence. Further, an additional Safety Standards Certificate and City Inspection is required six (6) months after the issuance or renewal of a Taxicab Owner Licence for said Motor Vehicles.

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### **Section 18: Fares and Tariffs**

18.1 Passenger fares for Taxicabs shall be calculated for each Trip in accordance with the City approved rates set out in in Schedule “A” of this By-law.

18.2 Notwithstanding subsection 18.1, City Licensed Drivers operating a Taxicab may choose to offer a discount to Passengers on the fare for a Trip in accordance with the following provisions:

- a) A discount on a Trip’s fare is optional and is not mandatory;
- b) A discount can be applied to any Passenger at the City Licensed Driver operating a Taxicab’s discretion;
- c) The Taxicab Meter must be on and used for the duration of the Trip, and the fare charged to the Passenger must not be higher than the fare calculated by the Taxicab Meter;
- d) Harmonized Sales Tax (H.S.T.) must be included in the agreed discounted fare and not added afterwards; and
- e) City Licensed Drivers operating a Taxicab are prohibited from offering discounts to Passengers already seated inside another Taxicab.

18.3 The rates established by Schedule “A” of this By-law may be increased prior to October 1st of each year by the consumer price index (annual change) for ‘All Items’ for the immediately preceding calendar year over the year prior for the City of Toronto, as calculated by Statistics Canada, rounded to the nearest five (5) cent increment.

18.4 Passenger fares for T.N.C.s, Designated Driver Brokers, and Limousine Owners shall be determined and communicated to the Passenger prior to a Trip, and shall be calculated based on the rates set by, or negotiated with, each T.N.C., Designated Driver Broker, and/or Limousine Owner.

18.5 Notwithstanding subsection 18.4, T.N.C.s, Designated Driver Brokers, and Limousine Owners may choose to offer a discount to Passengers on the fare for a Trip in accordance with the following provisions:

- c) A discount on a Trip’s fare is optional and is not mandatory;
- d) A discount can be applied to any Passenger at the discretion of the T.N.C.s, Designated Driver Brokers, and Limousine Owners; and
- e) Harmonized Sales Tax (H.S.T.) must be included in the agreed discounted fare and not added afterwards.



18.6 Vehicle-for-Hire Drivers may charge a Passenger a cleaning fee for a Trip where that Passenger has excessively dirtied the Vehicle-for-Hire to the point that it requires cleaning before new Passengers can use the Vehicle-for-Hire. (42-2022)

### **Section 19: City Licensed Driver Requirements**

19.1 In addition to the general Licence application requirements found in this By-law, all City Licensed Drivers and Applicants must comply with the requirements found in this section.

19.2 Current City Licensed Drivers must apply to the City to renew their Licence annually should they wish to continue to operate as a City Licensed Driver.

19.3 When submitting an application to obtain or renew a Licence to be a City Licensed Driver, an Applicant must hold a current valid Class 'G' (minimum) drivers licence issued by the Province of Ontario which is in good standing according to the records of the Ministry of Transportation, and must provide proof of same to the satisfaction of the City. An Applicant must also provide the City with an Ontario driver's record from the Ministry of Transportation (Driver's Abstract) dated not prior to thirty (30) days before the date of the Applicant's Licence application.

19.4 City Licensed Driver Applicants must submit to the City a C.R.J.M.C. that is dated within thirty (30) days of the date of the Applicant's application.

19.5 No Person shall be Licensed by the Director if that Person has been convicted of a criminal offence, for which a pardon has not been granted, pursuant to any one or more of Parts V (Sexual Offences), VIII (Offences Against Persons) or IX (Offences Against Property) of the Criminal Code of Canada R.S.C. 1985 c. C46, as amended, or if the Person's current driver's record shows six (6) or more demerit points. The Director may revoke a Person's Licence at any time if they fail to comply with this subsection.

19.6 Every Applicant for a City Licensed Driver Licence shall provide the City with a digital or non-digital passport-sized photograph of themselves with a clear and unobstructed view of their face, that has been taken within the last thirty (30) days, if approved.

19.7 Every Applicant for an accessible driver endorsement are required by the Director to successfully complete a training program as approved by the Director, at the Applicant's own expense, within a timeframe as required by the Director, prior to receiving an accessible driver endorsement on their Licence.

### **Section 20: Vehicle-for-Hire Driver Operating Standards**

20.1 In addition to all other applicable operating standards in this By-law, Vehicle-for-Hire Drivers must comply with the standards contained within this section.

20.2 When operating an Accessible Motor Vehicle, every Vehicle-for-Hire Driver shall provide priority service to persons using wheelchairs at all times, regardless of prior requests for service.

20.3 Every Vehicle-for-Hire Driver shall:

- a) before commencing operation of their Motor Vehicle, examine the Motor Vehicle for mechanical defects or interior or exterior damage, and shall report forthwith any defects or damage found to the Registered Owner of the Motor Vehicle, and keep a record of the date and to whom it was reported;
- b) upon completion of the operation of their Motor Vehicle, examine the Motor Vehicle as provided in subsection 20.3 (a) and shall report all defects in the Motor Vehicle and all accidents to the Registered Owner of the Motor Vehicle, and keep a record of the date and to whom it was reported;

- c) carry any Licence issued under this By-law and their Ontario drivers' licence with them at all times when operating a Motor Vehicle;
- d) at all times while operating the Motor Vehicle, display their Licence, where applicable, in a location and manner as the Director may from time to time direct;
- e) give each Passenger a receipt, either physical or electronic, in a format approved by the Director, which includes the driver's name, the Owner Plate number for the Taxicab (if applicable), the date and time of the Trip, place of pick up, place of discharge and the fare charged, unless the Passenger instructs the driver that they do not wish to receive a receipt;
- f) if operating a Taxicab, display the Tariff Card in a location and manner as the Director may from time to time direct, and provide to a Passenger forthwith upon the Passenger's request the original Tariff Card for the Passenger's inspection including inspection by means of reading by touch the Tariff's Card's Braille print;
- g) maintain a paper or electronic Trip Log made by the driver during each period of continuous operation (shift). The Trip Log shall be updated after each Trip and shall contain the following minimum information:
  - i) the name of the driver;
  - ii) the date;
  - iii) the Owner Plate number (if applicable);
  - iv) the time, origin, and destination of every Trip made; and
  - v) the amount of Fare and any charges collected for each Trip;
- h) retain all Trip Logs for at least three (3) months and make them available and produce them for inspection at the request of an Officer and/or the Director; and
- i) immediately produce for inspection their Licence and/or any such other documentation if requested by the Director or an Officer.

20.4 Every City Licensed Driver operating a Taxicab shall:

- a) engage the Taxicab Meter at the commencement of the Trip when the Passenger enters the Taxicab and keep it engaged throughout the Trip until the Passenger has reached their destination; and
- b) at the conclusion of the Trip, place the Taxicab Meter in the time off status and after payment place it in the vacant status.

20.5 All Vehicle-for-Hire Drivers operating Accessible Motor Vehicles shall securely fasten all Passenger's wheelchairs and/or any other Passenger aids, including batteries, if applicable, so that they are prevented from moving while the Motor Vehicle is in motion.

20.6 When a City Licensed Driver has had their drivers' licence issued under the Highway Traffic Act cancelled, suspended or revoked, or where that licence has expired, that Person shall immediately report this fact to the Director and the Licence issued under this By-law shall be deemed to be suspended as of the date of cancellation, suspension or revocation of the Highway Traffic Act licence.

20.7 No Vehicle-for-Hire Driver shall:

- a) drive a Motor Vehicle with mechanical defects of which they are aware;
- b) drive a Motor Vehicle and transport passengers without having the necessary Licences and/or Plates as required by this By-law;
- c) operate a Motor Vehicle for which there is no proof of current insurance; or
- d) except for a tip, gratuity and/or credit card service charge, recover and/or receive any Fare or charge from any Passengers or Persons which is greater than the Fare or charge permitted by this By-law.

20.8 No City Licensed Driver operating a Taxicab shall:

- a) operate a Taxicab when the Taxicab Meter has not been adjusted in accordance with the existing current tariffs in Schedule "A" or when the operation of the Taxicab Meter has not been approved by the Director;
- b) operate a Taxicab when the Taxicab Meter does not operate properly;
- c) operate a Taxicab when the Taxicab Meter seal is not affixed or improperly affixed;
- d) operate a Taxicab without:
  - i) an Owner Plate on the Motor Vehicle
  - ii) side numbers displayed on the Motor Vehicle;
  - iii) properly functioning emergency lights; and
  - iv) a properly functioning roof light;
- e) knowingly activate the emergency lights on a Taxicab except where, on reasonable grounds, they believe that a threat exists of:
  - i) harm to any person; or
  - ii) damage to, or loss of, any property;
- f) make any charge for the time elapsed due to early arrival in response to a call for the driver to arrive at a fixed time.

20.9 No Vehicle-for-Hire Driver shall be required to accept any request for service when the expenditure of money by the driver is required on behalf of the Passenger.

### **Section 21: Taxicab Broker and Taxicab Owner Application Requirements**

21.1 In addition to the general Licence application requirements found in this By-law, the following requirements in this section also apply.

21.2 Every Applicant for a Taxicab Owner Licence or Taxicab Broker Licence are subject to the following insurance requirements:

- a) An Applicant for a Taxicab Owner Licence must obtain an Ontario Standard Automobile Insurance policy for every Motor Vehicle for which the Applicant is the owner and the policy shall be endorsed to provide that the Director will be given at least fifteen (15) days notice in writing prior to cancellation, expiration or change in the amount of the policy, and the policy should insure in respect to any one accident a third party liability limit of at least \$2,000,000.00.
- b) An Applicant for a Taxicab Broker Licence must obtain a Commercial General Liability insurance policy that:
  - i) includes a limit of liability of not less than \$2,000,000.00 per accident or occurrence; and
  - ii) names the Taxicab Broker and/or owner(s) and the City as Additional Insured(s).

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21.3 All Taxicab Brokers/Companies must provide accessibility training as approved by the Director to its drivers who wish to be Accessible Motor Vehicle drivers.

21.4 Every Applicant for a Taxicab Broker Licence and every Taxicab Broker Licensee shall submit to the Director, if so requested, a copy of a current agreement constituting an affiliation with at least one (1) Taxicab Owner.

21.5 It is a condition of each Taxicab Broker Licence that the Licensee shall, at all times, maintain an affiliation with at least one (1) Taxicab Owner.

21.6 A Person who is the owner of more than one Taxicab shall take out a separate Licence and Owner Plate for each Taxicab operated or permitted or allowed to be operated in the City by that Person.

21.7 Every Applicant for a Taxicab Owner Licence and Owner Plate shall, immediately prior to the issuance of a Taxicab Owner Licence and Owner Plate:

- a) submit to the Director, a current Motor Vehicle permit which is in good standing and was issued by the Ministry of Transportation for the Motor Vehicle to which the Owner Plate will be attached, and the Motor Vehicle permit submitted must be in the name of the Applicant;
- b) submit and file with the Director a copy of the current valid Ontario Standard Automobile Insurance policy for the Motor Vehicle for which the Applicant is the owner, which must meet the requirements set out in subsection 21.2.
- c) submit and file a Safety Standard Certificate issued within the previous thirty-six (36) days of the date of application under the Highway Traffic Act for the Motor Vehicle to which the Owner Plate will be attached;
- d) submit the Motor Vehicle to which the Owner Plate will be attached for inspection and registration by the Director; and
- e) meet the requirements of this By-law relating to Motor Vehicle standards.

## **Section 22: Taxicab Owner Operating Standards**

22.1 In addition to the general operating standards noted above in this By-law, the following standards in this section also apply.

22.2 Every Taxicab Owner shall have in or on the Taxicab, as required:

- a) the Owner Plate firmly affixed to the rear bumper of the Taxicab or at a location and manner approved by the Director;
- b) the number of the Owner Plate registered for use with that Taxicab in numbers of at least ten (10) centimetres in height of a distinct contrasting colour to that of the Taxicab, affixed on both front fenders on the top rear of the fender not more than eight (8) centimetres below the top of the fender or otherwise in a location or manner approved by the Director. Where the Taxicab is a spare Taxicab, the number displayed on that Taxicab shall be one approved by the Director and preceded by the letter "S";
- c) affixed in a location approved by the Director, the current Tariff Card in a form as the Director may from time to time direct;
- d) a Taxicab Meter of the type approved by the Director and sealed by the Director and mounted in a position approved by the Director so that it is clearly visible to the Passengers in the front and rear seat of the Taxicab;
- e) an electrically illuminated roof light which is securely attached to the top of the Taxicab in a manner approved by the Director; and
- f) the name of the Taxicab Owner or the Taxicab Broker for that Taxicab on the front door of each side of the vehicle, in contrasting lettering at least ten (10) centimetres high and five (5) centimetres wide.

22.3 Every Taxicab Owner shall:

- a) employ or only use the services of drivers who are licensed by the Ontario Ministry of Transportation for the particular class of the Motor Vehicle being operated as a Taxicab and who are Licensed under this By-law;
- b) provide upon the request of the Director and, where applicable, any Taxicab Broker with whom they are affiliated, with the names of all drivers who are permitted to Operate the Taxicab; (42-2024)
- c) repair any mechanical defect(s) in the Taxicab reported to them by a driver, the Director, or an Officer;
- d) Upon receipt of a notice of inspection by the Director, shall attend, personally or by agent, with the Taxicab referred to in the said notice at the appointed time and place and shall bring a Safety Standard Certificate issued under the Highway Traffic Act and dated not more than thirty-six (36) days prior to the date of inspection;
- e) maintain in the Taxicab a current log of all maintenance and repairs performed on the Taxicab within the immediately preceding six (6) months; and
- f) maintain the Taxicab in good condition at all times. Without limitation, every Owner shall:

- i) maintain all drive train components (including the engine, transmission, suspension, braking system, etc.) in accordance with the standards of Ontario Regulation 611 (R.R.O. 1990), as may be amended from time to time, passed pursuant to the Highway Traffic Act; and
- ii) maintain all factory and after-market parts (such as lamps, latches, seats, body parts, windows, heater/defroster systems, etc.) free of defects or damage and in complete operational order.

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22.4 No Taxicab Owner shall:

- a) permit, in any manner, a Taxicab not owned by them to be operated under the authority of an Owner Plate issued to them under this Bylaw;
- b) operate or permit a Taxicab for which they have been issued an Owner Plate to be operated with mechanical defects of which they are aware;
- c) operate a Taxicab or permit a Taxicab to be operated without the Owner Plate for which that Taxicab is registered affixed thereto;
- d) operate a Taxicab or permit a Taxicab to be operated which is not registered under this By-law;
- e) operate a Taxicab or permit a Taxicab to be operated with a trunk capacity incapable of being able to accommodate a wheelchair, walker and/or similar device used to aid passengers who require them;
- f) permit the Taxicab for which they have been issued an Owner Plate to be operated without a heater in working condition and without an air conditioning system in working condition;
- g) operate a Taxicab for which they have been issued an Owner Plate in affiliation with a Taxicab Broker who is not Licensed under this By-law;
- h) display any sign, emblem, decal, ornament or advertisement on or in a Taxicab for which they have been issued an Owner Plate except in accordance with the City's Sign By-law 72-96.
- i) operate or permit a Taxicab for which they have been issued an Owner Plate to be operated unless the Taxicab Meter has been tested and sealed by the Director or an Officer;
- j) put any Taxicab into service without first having properly affixed to the Taxicab the Owner Plate issued under this By-law for that Taxicab, the roof light and the side numbers;
- k) permit a Taxicab for which they have been issued an Accessible Plate to be operated by any City Licensed Driver who do not have an accessible endorsement; or
- l) permit the transportation of Passengers who are confined to a wheelchair by a City Licensed Driver who does not have an accessible endorsement.

(42-2022)

22.5 Notwithstanding anything to the contrary in this By-law, when the Director is not available to test or seal a Taxicab Meter as required, the Taxicab Owner or Driver who has had a Taxicab Meter altered, repaired and/or replaced may operate the Taxicab in which the Taxicab Meter is installed for a period up to seventy-two (72) hours provided that:

- a) the Driver has in their possession a receipt for the repair or installation of the Taxicab Meter;
- b) the receipt is signed by the Person who made the repairs or installation, which Person is a Person who carries on the trade of repairing Taxicab Meters;
- c) the Director has been notified that the repair has been made; and
- d) the receipt sets out the date, time and nature of the repair or installation.

22.6 Notwithstanding anything to the contrary in this By-law, no Person shall, at any time, lease or rent an Owner Plate issued to them under this By-law to any other Person, unless authorized by the Director. Nothing in this subsection shall prevent a City Licensed Driver from assuming care and control of a Taxicab to which an Owner Plate is both registered and affixed for a shift. (42-2024)

22.7 Notwithstanding anything to the contrary in this By-law, no Person shall, at any time, permit an Owner Plate issued to them under this By-law to be affixed to or displayed on a Motor Vehicle where the permits issued by the Ontario Ministry of Transportation do not show that Person as the Registered Owner of the Vehicle and the owner of the provincial licence plate affixed to that Vehicle.

22.8 No Taxicab Owner shall operate or permit a Taxicab for which they have been issued an Owner Plate to be Operated unless it:

- a) is equipped with a Taxicab Meter; and
- b) meets the standards for the issue of a Safety Standard Certificate of mechanical fitness.

22.9 Every Owner of a Taxicab to which an Accessible Plate is affixed shall:

- a) ensure the Taxicab is in compliance with Ontario Regulation 629, as amended, at all times during operation of that Taxicab; and
- b) ensure that every driver of the Taxicab complies with the requirements of this By-law.

22.10 Every Taxicab shall be equipped with two (2) emergency lights conforming to the following standards:

- a) equipped with an intermittent flasher to continuously flash until reset or disengaged;
- b) amber in colour;
- c) minimum of 5 centimetres in diameter;
- d) shock resistant;
- e) wired on a circuit independent from all other equipment in or on the Taxicab;
- f) visible, upon activation, from the front and rear of the Taxicab from a distance no less than 15 metres during daylight and evening hours;
- g) installed at opposite ends (front and back) of the Taxicab with one located on the roof facing toward the front of the Taxicab and one located on the trunk or rear of the Taxicab, facing to the rear of the vehicle; and
- h) situated such that the lights, when activated, are not visible to occupants of the Taxicab.

22.11 Every Taxicab shall be equipped with:

- a) a silent activation switch to activate the emergency lights located as approved by the Director;
- b) an illuminated activation switch for the emergency lights located in the trunk of the Taxicab located out of plain view, and protected from accidental activation;
- c) a reset/disengage switch for the emergency lights located only in the trunk of the Taxicab, located out of plain view, that remains illuminated so long as the emergency lights are activated; and
- d) an emergency alert system incorporated with a two-way radio system as approved by the Director.

22.12 Subsections 22.10 and 22.11 shall not apply where a Taxicab is equipped with the following:

- a) a Global Positioning System for monitoring the position of the Taxicab at all times; and
- b) a driver emergency switch connected to the Global Positioning System situated in a convenient but discreet location within the Taxicab.

### **Section 23: Inspections and Orders**

23.1 The Director may, at any time, request information or documentation from a Person where they suspect that Person is not in compliance with any provision in this By-law, and that Person shall be required to provide the Director with the requested information or documentation forthwith.

23.2 The Director shall carryout an annual inspection of all Taxicabs, which shall take place prior to the issuance or renewal of a Taxicab Owner Licence.

23.3 Notwithstanding the above subsection, the Director or an Officer may require at any time that a Vehicle-for-Hire Driver or Designated Driving Brokerage submit their Vehicle-for-Hire or Designated Driver Support Vehicle for inspection at an appointed place if they have concerns about the safety or mechanical fitness of the Motor Vehicle.

23.4 The Director or an Officer may at any time a Vehicle-for-Hire is not engaged in the actual transportation of Passengers, enter upon and inspect the Vehicle-for-Hire to ensure that the provisions of this By-law are being complied with.

23.5 Every Registered Owner of a Vehicle-for-Hire and/or a Vehicle-for-Hire Driver shall submit or cause their Vehicle-for-Hire to be submitted for inspection when required to do so by the Director or an Officer.

23.6 No Driver shall refuse to permit a random inspection of a Taxicab under their control, at such times as the Taxicab is not engaged in the actual transportation of Passengers, by the Director or an Officer. Nothing in this subsection prevents the removal of any Person's personal property from a Taxicab prior to an inspection.

23.7 No Person shall prevent, hinder and/or interfere, or attempt to prevent, hinder and/or interfere, with an inspection of a Taxicab by the Director or an Officer.

23.8 Upon an inspection under this section, the Director or an Officer is entitled to request and have produced all relevant Licences and permits and to have access to any invoices, vouchers, appointment books, Trip Logs, maintenance logs, or like documents of the Licensee, including any documents required to be maintained under this By-law, and the Director or an Officer may remove any of the aforementioned documents for the purpose of photocopying same, provided a receipt is given to the Licensee and the documents are returned to the Licensee within forty-eight (48) hours of removal.

23.9 Where the Director or an Officer finds that a Motor Vehicle does not comply with any standard or requirement of this By-law, he or she may make an order to the Motor Vehicle owner:

- a) stating the Owner Plate number of the Taxicab if applicable;
- b) giving reasonable particulars of the corrections or repairs which need to be made;
- c) indicating the time for complying with the terms and conditions of the order and giving notice that, if the repair or clearance is not carried out within that time, the Licence and any applicable Owner Plate which is registered to that Motor Vehicle shall be deemed to be suspended; and
- d) indicating the final date for giving notice of appeal from the order.

- 23.10 An order made under this section shall be served on the Motor Vehicle owner in accordance with the notice provisions of this By-law. The City may alternatively personally serve the order on a driver operating the Motor Vehicle. The City may also alternatively serve the order on a Taxicab Broker affiliated with the Taxicab Owner by leaving a copy with a Person who appears to be in control of the premises of the Taxicab Broker, or by facsimile to a facsimile number of the Broker on file with the Director.
- 23.11 If an order of the Director or an Officer made under this section is not complied with in the time provided for in that order, the Licence and any applicable Owner Plate in respect of that Motor Vehicle shall be deemed to be suspended at 11:59 p.m. on the date on which compliance was required, and the said Licence shall only be reinstated on there being delivered to the Director, satisfactory evidence of compliance within sixty (60) days from the date of the deemed suspension.
- 23.12 An order under this section that is not appealed within the time referred to in section 11 of this By-law shall be deemed to be confirmed.
- 23.13 Where a Licence and any applicable Owner Plate have been deemed to be suspended under this section, and where no satisfactory evidence of compliance with the order is filed with the Director within sixty (60) days from the date of the deemed suspension, that Licence and applicable Owner Plate shall be deemed to have been cancelled.
- 23.14 Where the Director or an Officer finds that a Taxicab is being operated in contravention of any requirement of this By-law that, on reasonable grounds, is a danger to the health or safety of the public, they may take custody of the Owner Plate affixed to that Taxicab, cut the seal on the Taxicab Meter, order that the Taxicab be immediately removed from service, and/or may order the driver or Taxicab Owner to have the Taxicab towed to a place of repair or other private property, at the driver or Taxicab Owner's expense, and the Owner shall not operate or cause or permit the operation of that Taxicab until the contravention is remedied and the Taxicab has been inspected by the Director and the Taxicab Meter has been resealed.
- 23.15 Where they believe it is in the public interest, the Director may demand that the Registered Owner of the Motor Vehicle file a Safety Standard Certificate issued under the Highway Traffic Act for any Motor Vehicle owned by them, dated not prior to the date of demand and may suspend their Licence and any applicable Owner Plate until the Certificate has been filed.

#### **Section 24: Taxicab Broker Standards**

24.1 Every Taxicab Broker shall:

- a) make or cause to be made a daily inspection of all Taxicabs operated in affiliation with them on that day, prior to such operation, properly equipped and identified, as required by this By-law;
- b) keep a record of each Taxicab dispatched on a Trip, the time and date of receipt and dispatch of the Trip, and the pickup location, and shall retain the records for a period of at least twelve (12) months;
- c) carry on business only in the name in which they are Licensed;
- d) where the Taxicab Broker dispatches to Taxicabs for which an Accessible Plate has been issued, and service is requested by a Person using a wheelchair, provide priority service for such Person, but subject to prior requests for service by other Persons using a wheelchair;
- e) where service requested is for a Passenger using a wheelchair and the Taxicab Broker is unable to provide such service, direct the Person requesting such service to another Taxicab Broker or other party that can provide such service; and



- f) promptly investigate any complaint brought to their attention by the City against any driver or Taxicab Owner and shall report their findings to the Director along with any action which they have taken. (42-2022)

24.2 No Taxicab Broker shall:

- a) be permitted to have exclusive rights to any Taxicab Stand in the City or enter into or become a party to any exclusive concession agreement; or
- b) accept orders for, or in any way dispatch or direct orders to a Taxicab if the Taxicab Owner or City Licensed Driver is not Licensed under this By-law. (42-2022)

24.3 Every Taxicab Broker shall maintain a paper or electronic Trip Log of every service request received and filled for a period of not less than twelve (12) months following the conclusion of the service provided and which shall include:

- a) the City Licensed Driver and Taxicab information;
- b) commencement and destination point of each trip;
- c) the date and time of pick up and drop off;
- d) the fare charged; and
- e) in addition to the requirements above, the total number of trips requested and fulfilled for accessible services.

24.4 All records required to be maintained in accordance with this By-law shall be made available for audit within forty-eight (48) hours following notice of a request made by the Director for same.

### **Section 25: Transportation Network Company Application Requirements**

25.1 In addition to the general Licence application requirements found above in this By-law, Transportation Network Companies must meet the additional requirements found in this section.

25.2 Every Applicant for a Transportation Network Company Licence must obtain and carry an auto insurance product approved by the Financial Services Regulatory Authority of Ontario, which in their sole discretion is deemed adequate. (42-2024)

### **Section 26: Transportation Network Company Operating Standards**

26.1 In addition to the general operating standards found above in this By-law, Transportation Network Companies must meet the additional standards found in this section.

26.2 T.N.C.s shall ensure that all of their drivers are screened annually.

26.3 T.N.C.s shall ensure that their drivers submit a C.R.J.M.C. and Driver's Abstract prior to providing services under that T.N.C.

26.4 T.N.C.s shall ensure their drivers have not been convicted of a criminal offence as set out in Parts V, VIII, or IX of the Criminal Code of Canada, R.S.C. 1985 c. C-46, as amended, and/or have been convicted of an offence under the Controlled Drugs and Substances Act of Canada, or have six (6) or more demerit points on their current driver's record.

26.5 T.N.C.s must ensure that all Motor Vehicles operated under their company have submitted a passing Safety Standard Certificate on an annual basis and no vehicle may exceed ten (10) years of age from December 31<sup>st</sup> of the model year of said Motor Vehicle.

26.6 Where they believe it is in the public interest, the Director may demand that a T.N.C. file a Safety Standard Certificate for any Motor Vehicle operated by a driver for the company, dated not prior to the date of demand and may demand that the T.N.C. suspend the driver from providing services until the Safety Standard Certificate has been filed.

26.7 All T.N.C.s are responsible for the intake and review of documentation by Persons driving or wishing to drive under their company, to ensure compliance of each T.N.C. Driver and T.N.C. Vehicle. Documentation received by the T.N.C. for each T.N.C. Driver and T.N.C. Vehicle shall be retained for a period of two (2) years following the last day that a T.N.C. Driver or T.N.C. Vehicle is no longer providing transportation services for that T.N.C.

26.8 Every T.N.C. shall provide to the Director a list containing all T.N.C. Drivers who have picked up Passengers within the City at a frequency as determined by the Director.

26.9 A T.N.C. shall, upon request, create Passenger accounts for use by an Officer and/or the Director, to investigate compliance with this By-law, and the T.N.C. shall not obstruct, in any manner, the use of such accounts or the purposes for which they have been established.

26.10 All T.N.C.s shall provide the following information through their App and on their website:

- a) the screening process applied to T.N.C. Drivers and T.N.C. Vehicles;
- b) Information on the types of services available to passengers through the App and the distinctions between these types of service, if any; and
- c) a plain language explanation of their insurance coverage, including detailed information on how a Person may initiate an insurance claim against them.

26.11 Apps used by T.N.C.s shall:

- a) prior to arranging a Trip, disclose to the Passenger requesting transportation:
  - i) the T.N.C. Driver's name and a recent photograph that clearly shows the T.N.C. Driver's full face and facial features;
  - ii) the T.N.C. Vehicle's make, model, and licence plate number; and
  - iii) the estimated total fare and any surcharges, and confirmation of the amount to be paid by the Passenger once the trip is confirmed;
- b) show the location and route to be taken by the T.N.C. Driver and T.N.C. Vehicle that will be providing the requested service;
- c) provide a secure payment mechanism that Passengers can use; and
- d) create a log containing the Trip information that a Passenger can access or generate an electronic receipt of at the end of their Trip, or shortly thereafter, that includes the following information:
  - i) the total amount paid;
  - ii) the date and time of the Trip
  - iii) the pick up and drop off locations for the Trip; and
  - iv) information confirming the identity of the T.N.C. Driver and T.N.C. Vehicle.

26.12 T.N.C.s shall, upon request by the Director, provide to the City electronic Trip Logs containing Trip information and/or other such information as may be required by an Officer or the Director to audit and confirm the number of Trips originating within the City, to ensure the proper payment of fees by the T.N.C. to the City in accordance with the City's General Fees and Charges By-law 13-2003, as amended.

26.13 T.N.C.s must ensure that the T.N.C. Driver and their T.N.C. Vehicle have appropriate vehicle markings and decals which clearly indicate that they are providing transportation services under that T.N.C., and which must be displayed in an area on the T.N.C. Vehicle approved by the Director.

26.14 T.N.C.s must remit any and all information and/or data that may be requested by the Director pertaining to the T.N.C.s operations in the City, including T.N.C. Drivers and T.N.C. Vehicles, and the T.N.C. must provide the Director with that information and/or data within forty-eight (48) hours of the Director's request.

- 26.15 Where they believe it is in the public interest, the Director in their sole discretion may demand that a T.N.C. Driver be prohibited from providing Trips to Passengers within the City of Oshawa. If such a demand is made, the T.N.C. affiliated with that T.N.C. Driver shall comply with the City's demand and shall restrict the T.N.C. Driver's ability to pick up Passengers within the City of Oshawa until such time that the Director indicates their consent to do so.
- 26.16 T.N.C.s must pay the City a fee for each Trip by its affiliated T.N.C. Drivers originating from a pick up location within the City of Oshawa, in accordance with the City's General Fees and Charges By-law 13-2003, as amended.

### **Section 27: Designated Driver Broker Application Requirements**

- 27.1 In addition to the general Licence application requirements found above in this By-law, Designated Driver Brokers must meet the additional requirements found in this section.
- 27.2 Applicants for a Designated Driver Broker must obtain and carry a Commercial General Liability insurance policy that:
- a) includes a limit of liability of not less than \$2,000,000.00 per accident or occurrence;
  - b) names the Designated Driving Broker and/or owner(s) and the City as Additional Insured(s); and
  - c) The non-owned automobile liability under the commercial general liability insurance policy shall be in an amount of not less than \$1,000,000.00 per occurrence.
- 27.3 Designated Driver Brokers which are incorporated must provide sufficient proof of an Ontario Master Business Licence and/or articles of incorporation, to the Director.

### **Section 28: Designated Driver Broker Operating Standards**

- 28.1 In addition to the general operating standards found in this By-law, Designated Driving Broker must meet the additional standards found in this section.
- 28.2 Designated Driver Brokers shall ensure that all drivers who are affiliated with the Designated Driver Broker for dispatch services are appropriately insured and operate in accordance with the provisions established in this By-law.
- 28.3 Every Designated Driver Broker shall maintain an electronic record of every service request received and fulfilled for a period of not less than twelve (12) months following the conclusion of the Designated Driving Service provided, and shall include:
- a) information about the Designated Driver and Motor Vehicle information;
  - b) the pick up and drop off locations of each Trip;
  - c) the date and time of the pick up and drop off for the Trip;
  - d) the fare charged, and
  - e) in addition to the requirements above, in the case of requests for accessible service, the total number of Trips requested and fulfilled.
- 28.4 All records required to be maintained in accordance with this By-law shall be provided to the City upon a request by the Director within forty-eight (48) hours following the request.

### **Section 29: City Licensed Drivers Operating as Designated Drivers**

- 29.1 Every City Licensed Driver licensed under this By-law shall who is operating as a Designated Driver shall cause the Designated Driver Support Vehicle used in the provision of any services under this By-law to, at all times:
- a) be insured for how the Motor Vehicle is being used;

- b) display, in the manner as the Director may from time to time direct, markings, contact, and licensing information respecting the Designated Driver and the Designated Driver Broker with whom or which the Designated Driver is affiliated; and
- c) be well maintained and in good repair, and meet the standards for the issue of a Safety Standard Certificate of mechanical fitness.

29.2 City Licensed Drivers operating as Designated Drivers are prohibited from conveying Passengers in the Designated Driver Support Vehicle, with the exception of other Designated Drivers.

29.3 In addition to other requirements of this By-law, no Person shall operate as a Designated Driver except with a City Licensed Driver Licence issued pursuant to this By-law and except pursuant to the following conditions, each of which is a condition as a requirement of continuing to hold the Licence:

- a) the City Licensed Drivers operating as a Designated Driver driver's licence is maintained in good standing at all times;
- b) the City Licensed Driver operating as a Designated Driver is, at no time, convicted of an offence, for which a pardon has not been granted, pursuant to any one or more of Parts V (Sexual Offences), VIII (Offences Against Persons) or IX (Offences Against Property) of the Criminal Code of Canada, R.S.C. 1985 c. C-46, as amended;
- c) the City Licensed Driver operating as a Designated Driver maintains an agreement with a licensed Designated Driving Broker;
- d) the City Licensed Driver operating as a Designated Driver prominently displays their Licence, issued pursuant to this By-law, at all times when providing Designated Driving Services and produces it for inspection when requested to do so by a Passenger or by an Officer;
- e) immediately prior to each occasion on which they propose to operate a Registered Owner's Motor Vehicle, the City Licensed Driver operating as a Designated Driver shall have:
  - i) reviewed the necessary documents to satisfy themselves that the Motor Vehicle has a currently valid permit and is insured under a contract for automobile insurance;
  - ii) secured the consent of the Registered Owner of a Motor Vehicle to operate the Motor Vehicle;
  - iii) ensured that the number of individuals to be transported in the Registered Owner's Motor Vehicle does not exceed the number of available seatbelts and will otherwise be in compliance with applicable safety and highway traffic laws;
  - iv) secured the instructions of the Motor Vehicle's Registered Owner respecting the operation of the Motor Vehicle including, minimally, the residence(s) to which the Motor Vehicle is to be moved and the residence(s) to which the Registered Owner of the Motor Vehicle and any passengers are to be conveyed; and
  - v) struck an agreement with the Registered Owner of the Motor Vehicle respecting the Designated Driver's fee or other consideration for operating the Motor Vehicle;
- f) the Designated Driver shall not operate a Motor Vehicle in the provision of any Designated Driving Services under this By-law unless:
  - i) they act in accordance with all applicable laws, including this By-law;
  - ii) they act pursuant to the instructions provided by the Registered Owner of the Motor Vehicle pursuant to subsection 29.3(e)(iv) of this By-law;
  - iii) they maintain for a minimum of three (3) months, a paper or electronic Trip Log respecting all Designated Driving Services provided pursuant to this By-law; and

- iv) they do not charge any fee or other consideration for operating a Motor Vehicle that exceeds that to which is agreed pursuant to subsection 29.3(e)(v) of this By-law.

### **Section 30: Designated Driver Support Vehicle**

30.1 Every City Licensed Driver operating as a Designated Driver licensed as such under this By-law shall cause the Designated Driver Support Vehicle used in the provision of any services under this By-law to, at all times:

- a) be insured for how the Motor Vehicle is being used;
- b) display, in the manner as the Director may from time to time direct, markings, contact, and licensing information respecting the Designated Driver and the Designated Driving Broker with whom or which the Designated Driver is affiliated; and
- c) be well maintained and in good repair, and meet the standards for the issue of a Safety Standard Certificate of mechanical fitness.

### **Section 31: Limousine Owner Application Requirements**

31.1 In addition to the general Licence application requirements found in this By-law, Limousine Owners must meet the additional requirements found in this section.

31.2 Applicants for a Limousine Owner's Licence must apply for a renewal of the Licence annually, and must submit a valid Safety Standard Certificate with each application.

31.3 Limousine Owners who are incorporated must provide sufficient proof of an Ontario Master Business Licence and/or articles of incorporation, to the Director.

31.4 Applicants for a Limousine Owner's Licence must obtain an Ontario Standard Automobile Insurance policy for the Limousine(s) for which the Applicant is the owner and the policy shall be endorsed to provide that the City Clerk will be given at least fifteen (15) days notice in writing prior to cancellation, expiration or change in the amount of the policy and the policy should insure in respect to any one accident a third party liability limit of at least \$2,000,000.00.

### **Section 32: Limousine Owner Operating Standards**

32.1 In addition to the general operating standards found above in this By-law, Limousine Owners must meet the additional standards found in this section.

32.2 Every Limousine Owner shall:

- a) have the Limousine Plate issued by the Director securely affixed to the rear bumper of the Limousine at a location and manner approved by the Director;
- b) display a current and valid driver ID card on the interior of the Limousine so it is visible to all Passengers; and
- c) shall not operate under a business trade name that is not registered;
- d) provide a receipt to Passengers after every Trip.

32.3 Every Limousine Owner shall maintain a paper or electronic Trip Log for a period of not less than twelve (12) months following the conclusion of the service provided and which shall include:

- a) the information of the driver and Limousine;
- b) the pick up and drop off locations for each Trip;
- c) the date and time of pick up and drop off for each Trip;
- d) the fare charged, and
- e) in addition to the requirements above, in the case of request for accessible service, the total number of Trips requested and fulfilled.

32.4 All records of a Limousine Owner that are required to be maintained in accordance with this By-law shall be provided to the City upon a request by the Director within forty-eight (48) hours following the request.

32.5 As required by Ontario Regulation 191/11 made under the Accessibility for Ontarians with Disabilities Act, every Limousine Owner shall ensure that all affiliated Limousine Drivers have completed accessibility training as approved by the Director.

### **Section 33: Offences**

33.1 Each Person who contravenes any provision of this By-law is guilty of an offence for each day or part of a day that the contravention occurs or continues.

33.2 Each Person convicted of an offence contrary to a provision of this By-law in a proceeding commenced under the Provincial Offences Act, R.S.O. 1990, c. P.33, is liable to a fine of no less than \$500 and no more than \$100,000 for that offence. However, a special fine may exceed \$100,000.

33.3 In the case of a continuing offence, for each day or part of a day that the offence continues, a minimum fine shall not exceed \$500 and a maximum fine shall not exceed \$10,000. However, notwithstanding subsection 33.2, the total of all of the daily fines for the offence is not limited to \$100,000.

33.4 In the case of a multiple offence, for each offence included in the multiple offence, a minimum fine shall not exceed \$500 and a maximum fine shall not exceed \$10,000. However, notwithstanding subsection 33.2, the total of all fines for each included offence is not limited to \$100,000.

33.5 Where a Person is convicted of an offence of operating without a Licence required by this By-law, the Person is, in addition to any other fine or penalty, liable to a special fine not exceeding the gross revenues received by or on behalf of the Person during the period and in respect of the activity for which a Licence was required. This special fine is designed to eliminate or reduce any economic advantage or gain from contravening this By-law.

### **Section 34: Administrative Penalties**

34.1 Administrative Penalty Process By-law 63-2013 applies to each administrative penalty issued pursuant to this By-law.

34.2 Each Person who contravenes any provision of this By-law shall, upon issuance of a penalty notice in accordance with Administrative Penalty Process By-law 63-2013, be liable to pay to the City an administrative penalty. If a Person receives a penalty notice in accordance with the City's Administrative Penalty Process By-law for a contravention of the Vehicle-for-Hire By-law, and the Person has not received a penalty notice for the same contravention within one (1) calendar year or less, the Person shall be liable to pay to the City a tier one (1) administrative penalty amount for that contravention in the amount of \$250. If a Person receives an additional penalty notice for the same contravention of the Vehicle-for-Hire By-law within one (1) calendar year or less from the date of the penalty notice containing a tier one (1) administrative penalty amount, the Person shall be liable to pay to the City a tier two (2) administrative penalty amount for that contravention in the amount of \$375. If the Person receives a subsequent penalty notice for the same contravention of the Vehicle-for-Hire By-law within one (1) calendar year or less from the date of the penalty notice containing a tier two (2) administrative penalty amount, the Person shall be liable to pay to the City a tier three (3) administrative penalty amount for that contravention in the amount of \$500. If the Person receives any subsequent penalty notices for the same contravention of the Vehicle-for-Hire By-law one (1) calendar year or less from the date of the penalty notice containing a tier three (3) administrative penalty amount, the Person shall be liable to pay to the City a tier three (3) administrative penalty amount for that offence in the amount of \$500.

**Section 35: Delegation**

35.1 For the purpose of subsection 23.2(4) of the Municipal Act, 2001, S.O. 2001, c. 25, as amended, it is the opinion of Council that the powers delegated to the Hearings Officer and to the Director pursuant to this By-law are of a minor nature.

**Section 36: Severability**

36.1 In the event that any provisions of this By-law are deemed invalid or void, in whole or in part, by any court of competent jurisdiction, the remaining terms and provisions shall remain in full force and effect.

**Section 37: Conflict**

37.1 In the event that any provisions of this By-law are in conflict with the provisions of another City by-law, including but not limited to the Licensing By-law, this By-law shall take precedence and shall override the other by-laws.

**Section 38: Short Title**

38.1 This By-law may be referred to as the "Vehicle-for-Hire By-law".

**Section 39: Repeal of Taxi By-law**

39.1 By-law 50-2003, the Taxicab Licensing By-law, is hereby repealed.

**Section 40: Schedules**

40.1 All Schedules referred to in this By-law and attached to this By-law shall be deemed to be part of the By-law.

**Section 41: Effective Date**

41.1 This By-law shall come into full force and effect on the date of passage.

By-law passed this twenty-eighth day of March, 2022.

**Schedule "A" to the Vehicle-for-Hire By-law****Taxicab Tariff (Inclusive Of H.S.T.)****Distance**

For the initial 132 metres or part thereof:	\$3.90	(42-2024)
For each additional 128 metres or part thereof:	\$0.25	(42-2024)

**Waiting Time**

For each 33.1 seconds of waiting time while engaged:	\$0.25
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**Packages, Luggage, Etc.**

For each package or piece of luggage handled by Driver in excess of four (4) pieces:	\$0.30
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Wheelchairs, walkers, etc.:	free
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**Debit Charge**

For each transaction utilizing technology that allows the direct debiting of a Passenger's account with a financial institution for the payment of a Fare:	up to \$1.75
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**Clean Up Fee**

Passengers who excessively soil or damage the interior of a Taxicab may be required to pay a clean-up fee	Established by the Broker
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