

To: Corporate Services Committee

From: Beverly Hendry, Commissioner,
Corporate Services Department

Report Number: CORP-17-41

Date of Report: September 7, 2017

Date of Meeting: September 11, 2017

Subject: Proposed Amendments to Designated Driving Services
Standards in Licensing By-law 120-2005

File: D-2200

1.0 Purpose

This report recommends amendments to standards in Schedule “N” of Licensing By-law 120-2005 (“Licensing By-law”) respecting Designated Driving (D.D.) services.

2.0 Recommendation

That the Corporate Services Committee recommend to City Council:

1. That Licensing By-law 120-2005 as amended, be further amended as detailed in Section 5.2 of report CORP-17-41 “Proposed Amendments to Designated Driving Services Standards in Licensing By-law 120-2005” respecting Designated Driving services standards; and,
2. That the notice provisions of By-law 147-2007 be waived for the technical amendments.

3.0 Executive Summary

Not applicable

4.0 Input From Other Sources

The following were consulted in the preparation of this report:

- Designated Driving Brokers and Drivers
- Legal Services

5.0 Analysis

5.1 Background

The D.D. regulatory regime has been in effect since January 2, 2017 and since its implementation, the regulatory regime has been effective in addressing health and safety and consumer protection. Nevertheless, a review of the regulatory framework has identified a number of amendments which would enhance the City’s ability to address its regulatory objectives and for the D.D. Industry to better meet their customers’ needs. This report proposes several amendments to D.D. standards in the Licensing By-law.

5.2 Proposed Amendments to D.D. Standards

Staff reviewed all standards respecting the operation of D.D.s in the City of Oshawa. The review was similarly informed by ongoing feedback from the D.D. Industry and consulting the D.D. Industry through the Transportation Network Company (T.N.C.) online survey as well as at the T.N.C. facilitated meeting for the D.D. Industry on June 26, 2017. Staff are proposing the following recommendations detailed in **Table 1**.

Table 1 Existing versus Proposed Standards for D.D. Services

#	Existing Standards	Proposed Standards
1	<p>Transporting passengers requirement</p> <p>Section 2(e) (iii) of Schedule “N” requires that, prior to providing D.D. services, all Designated Drivers must ensure that only the Registered Motor Vehicle Owner and any passengers who arrived in the Registered Motor Vehicle Owner’s vehicle at the location from which it is proposed to provide Designated Driving Services are to be conveyed in that Motor Vehicle.</p>	<p>It is recommended that this requirement be removed for the following reasons:</p> <ul style="list-style-type: none"> • there are examples where exceptions to Section 2(e) (iii) may be appropriate; for instance, picking up a family member from another licensed establishment prior to going home. • the likelihood of individuals soliciting rides for others is low considering staff have not received complaints regarding this practice
2	<p>Definition of “Designated Driving Services”</p> <p>The Business Licensing By-law defines Designated Driving Services as “the transportation of an impaired Registered Motor Vehicle Owner and their passengers, where applicable, in the Registered Motor Vehicle Owner’s vehicle from a licensed establishment or social engagement within the City to one or more residences for payment of a salary, a fee or for any other consideration.”</p> <p>The current standards seek to scope the</p>	<p>It is recommended that the Licensing By-law be amended to permit the transportation of a client and their passenger(s) in the client’s car from any place within the City to another place including, but not limited to:</p> <ul style="list-style-type: none"> • a medical appointment to a home/hotel • a medical appointment to a pharmacy • a restaurant to a bar • a bar or club to a bank • a wedding to a home/hotel • a house/office party to a home/hotel • a grocery store to a home/hotel • Oshawa GO Train Station to a

#	Existing Standards	Proposed Standards
	<p>provision of D.D. services to its “traditional” form in that a D.D. service transports an impaired client from a social engagement or licensed establishment back to the client’s residence. Examples include, but are not limited to, transporting the impaired client from:</p> <ul style="list-style-type: none"> • a restaurant to a home/hotel • a bar or club to a home/hotel • a wedding to a home/hotel • a house party to a home/hotel • an office party to a home/hotel <p>The current standards seek to prohibit D.D. Brokers/Drivers from offering other services regardless of the client being impaired, in the client’s vehicle to:</p> <ul style="list-style-type: none"> • Run errands (grocery shopping, medical appointments, etc.) • the airport • the bar • a wedding 	<p>home/hotel</p> <p>Staff have determined that D.D. services are inherently different from those provided by the Taxicab Industry and that simplifying the regulatory framework for D.D.s would be more efficient and effective from an administration and enforcement perspective.</p>
3	<p>D.D. Markings on D.D. Support Vehicles Section 5 (b) of Schedule “N” requires the D.D. Support Vehicle to:</p> <p>“display markings, contact, and licensing information for the Designated Driving Broker with whom the Designated Driver is affiliated on the exterior of the Motor Vehicle in an area approved by the Director”</p>	<p>Staff have determined that the displaying of markings, contact, and licensing information is most effective if:</p> <ul style="list-style-type: none"> • the licensing information is of a design approved by the Director; • the decal is of a size and format approved by the Director; and • the decal is placed on the interior of the rear window of the D.D. Support Vehicle in an area that does not obstruct the view of the Support Vehicle Driver. <p>It is recommended that the wording be amended to reflect the standards detailed above.</p>

6.0 Financial Implications

There are no financial implications directly related to the recommendation in this report.

7.0 Relationship to the Oshawa Strategic Plan

The recommendations in this report respond to the Oshawa Strategic Plan Goal of 4.2: Accountable Leadership: Deliberate Community Engagement, and Develop and Leverage Relationships.



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