



By-Law 50-2003

Taxicab Licensing By-Law

Consolidation of By-Law 50-2003

Amended by By-Laws 58-2003, 106-2003, 118-2003, 15-2004, 110-2004, 149-2004, 89-2005, 96-2005, 24-2006, 1-2007, 103-2008, 116-2008, 78-2010, 147-2011, 33-2014 and 111-2015.

Note: This consolidation is prepared for convenience only.

For accurate reference, the original by-laws should be reviewed.

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Table of Contents

Section 1: Short Title	1
Section 2: Interpretation and Enforcement	1
2.1 Scope	1
2.2 Severability	1
2.3 Compliance with Other By-Laws and Regulations	2
2.4 Gender and Number	2
2.5 Headings	2
2.6 Numbering System	2
2.7 And/Or	2
2.8 References to Legislation	2
2.9 Defined Terms	3
2.10 Effective Date	3
2.11 Repeal of Existing By-Law	3
2.12 Schedules	3
Section 3: Definitions	3
Section 4: Administration	8
4.1 Role of The City Clerk	8
4.2 Submission of Licence Application	8
4.3 Licence Renewal Applications	9
4.4 Issuance of Licences	9
4.5 Term of Licences	9
4.6 Plate Replacement	10
4.7 Disqualifications	10
4.8 Taxicab Tarrif	11
Section 5: General Licensing Requirments	11
5.1 General	11

Section 6: Taxicab Driver Licence Requirements.....	11
6.2 Obtaining a Licence	11
6.3 Testing/Training	12
6.4 Driver Duties	12
6.5 Driver Restrictions.....	16
6.6 Miscellaneous	19
Section 7: Taxicab Owner Licence Requirements.....	19
7.1 Obtaining A Licence.....	19
7.2 Plate Issuance Eligibility List.....	22
7.3 Owner Duties	23
7.4 Vehicle Registration	26
7.5 Model Year Restrictions	27
7.5 Vehicle Standards	28
7.7 Taxicab Owner Restrictions	29
7.8 Transfer of Owner Plates	32
7.9 Operation/Transfer of Owner Plates by an Estate.....	33
Section 8: Taxicab Broker Licence Requirements.....	34
8.1 Taxicab Broker Duties.....	34
8.2 Taxicab Broker Restrictions	35
8.3 Obtaining a Licence	35
Section 9: Refusal / Revocation / Suspension / Appeals.....	35
Section 10: General Procedures	38
10.1 Right of Inspection of Licenced Premises.....	38
10.2 Notification of Change of Information.....	40
10.3 Limitation of Number of Taxicab Owner Licences Issued	40
Section 11: Offences / Penalties	41

Licence Fees (Schedule 1).....	42
Taxicab Tariff (Schedule 2)	44
Taxicab Passenger Rights and Responsibilities (Schedule 3)	45
Explanation of Reasons for Licensing (Schedule 4).....	47

**By-Law 50-2003****of The Corporation of the City of Oshawa**

being a by-law to license, regulate and govern the businesses of brokers, owners and drivers of taxicabs in the City of Oshawa

Recitals:

(a) Whereas subsection 150(1) 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;

(b) And whereas the Council of the City of Oshawa considers it desirable and necessary to license, regulate and govern owners and drivers of taxicabs and the business of taxicab brokers for the purposes of health and safety, consumer protection and nuisance control and an explanation as to the reason why the municipality is licensing these businesses and how these reasons relate to the stated purposes is contained in Schedule 4 attached to this By-law;

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

Section 1: Short Title

1.1 This By-law may be cited as the "Taxicab Licensing By-Law".

Section 2: Interpretation and Enforcement**2.1 Scope**

2.1.1 This By-law applies throughout the City of Oshawa.

2.2 Severability

2.2.1 If any provision or part of a provision of this By-law is declared by any court or tribunal of competent jurisdiction to be illegal or inoperative, in whole or in part, or inoperative in particular circumstances, the balance of the By-law, or its application in other circumstances, shall not be affected and shall continue to be in full force and effect.

2.3 Compliance with Other By-Laws and Regulations

2.3.1 This By-law shall not be construed to reduce or mitigate any restrictions or regulations lawfully imposed by the City or by any governmental authority having jurisdiction to make such restrictions or regulations.

2.3.2 If there is a conflict between a provision in this By-law and a provision of any other City by-law, the provision that establishes the highest standard to protect the health, safety and welfare of the general public shall apply.

2.4 Gender and Number

2.4.1 In this By-law, unless the contrary intention is indicated, words used in singular shall include the plural and words used in the male gender shall include the female gender and vice versa.

2.5 Headings

2.5.1 The headings of sections, subsections and articles in this By-law are inserted for ease of reference only and do not affect the interpretation of this By-law. Language within parentheses do form a part of this By-law.

2.6 Numbering System

2.6.1 The numbering system for sections, articles and sentences for this By-law is explained as follows:

Each “section” is numbered with an Arabic numeral. The second Arabic numeral following the first (separated by a decimal) describes the “subsection”. The third Arabic numeral (where one appears) following the second (separated by a decimal) describes the “article.” Clauses, lists of items, provisions or requirements within subsections or articles are defined by alphabetic characters enclosed by parentheses.

2.7 And/Or

2.7.1 The word “and” is an inclusive conjunction, the use of which indicates that all items or phrases in the subsection, article, or list in which it appears are permitted or required, as the case may be. The word “or” is an alternate conjunction, the use of which indicates that alternate or optional items or phrases in the subsection, article or list in which it appears are permitted or required, as the case may be; however, notwithstanding the foregoing, where the context permits, the word “or” may also be an inclusive conjunction having the same meaning as the word “and”.

2.8 References to Legislation

2.8.1 All references in this By-law to names of Acts of the Legislature are, unless otherwise noted, references to the Revised Statutes of Ontario, 1990 edition. Similarly, all references in this By-law to names of Regulations are, unless otherwise noted, references to the Revised Regulations of Ontario, 1990 edition. All references to Acts

of the Legislature, Regulations and By-laws include applicable amendments, including successor Acts, Regulations and By-laws.

2.9 Defined Terms

2.9.1 Wherever the first letter of a term set out in the text of this By-law is capitalized, save for the first letter of terms which begin a sentence, section, subsection or article (unless that term is defined by this By-law) the term shall have the meaning set out for it in section 3 and shall include the plural, past and future tense, with the necessary modification in interpretation required by the context. Wherever the first letter of a term set out in this By-law appears in lower case, it shall be deemed to have the meaning ordinarily attributed to it in the English language.

2.10 Effective Date

2.10.1 Except as otherwise provided in this subsection, this By-law comes into force on the date of its final passing.

2.10.2 Article 7.6.1, paragraphs (b) and (c) shall come into force prior to December 15, 2003. (118-2003)

2.10.3 Articles 7.7.1 (a), 7.7.3 and 7.7.4 shall come into force on May 1, 2004.

2.10.4 Article 6.5.1, paragraph (w) shall come into force on June 1, 2004.

2.10.5 Subject to the following, Schedule 2 to this By-Law shall come into force on June 1, 2003. Prior to June 1, 2003, where a taxicab has not had its Taxicab Meter adjusted and sealed by the City Clerk to reflect the rates set-out in Schedule 2, the Taxicab Drivers of such Taxicabs shall (subject to article 6.5.1, paragraphs p, q and r) charge a Tariff in accordance with Schedule A to By-Law 102-2000. Where a Taxicab has had its Taxicab Meter adjusted and sealed by the City Clerk to reflect the rates set-out in Schedule 2 prior to June 1, 2003, the Taxicab Drivers of such Taxicabs shall (subject to Article 6.5.1, paragraphs p, q and r) charge Tariffs contained in Schedule 2. (58-2003)

2.11 Repeal of Existing By-Law

2.11.1 By-laws 102-2000 and 17-2001 are hereby repealed.

2.12 Schedules

2.12.1 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 3: Definitions

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

“Accessible Driver” means a Driver whose Taxicab Driver Licence has been endorsed by the City Clerk to permit the Driver to drive an Accessible Taxicab in the City of Oshawa; (149-2004)

“Accessible Taxicab” means a Taxicab 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; (149-2004)

“Accessible Taxicab Owner” means a Taxicab Owner who has been issued an Accessible Plate; (149-2004)

“Accessible Plate” means a metal number plate issued to a Taxicab Owner Licensee designated by a number preceded by the letter “A”. (149-2004)

“Affiliated” means the entering into of an agreement between a Taxicab Owner and a Taxicab Broker for the provision of Dispatch services and Affiliated and Affiliation have corresponding meanings.

“Applicant” means a Person applying for a Licence, in the first instance or a renewal unless the context otherwise requires, under this By-law;

“By-law Enforcement Officer” means any Person appointed by the City to enforce its by-laws;

“CIR” means a Criminal Information Report containing the results of a search of the Canadian Police Information Centre which includes a list of all criminal convictions for which a pardon has not been received, all outstanding criminal charges, the results of a vulnerable sector search and a statement that the applicant holds a valid Ontario Driver Licence; (149-2004)

“City” means the geographical area under the jurisdiction of the Corporation of the City of Oshawa, or to the municipal corporation, as the context requires;

“City Clerk” means the Person appointed by By-law of the City as the City Clerk, and his or her deputies and designates, and includes the City’s Director, Municipal Law Enforcement and Licensing Services, and the City’s Manager, Licensing and Support Services; (147-2011)

“Committee” means the Committee of Council to which Council has delegated the responsibility of handling licensing matters (110-2004)

“Council” means the municipal council of the City;

“Director” means the City’s Director, Municipal Law Enforcement and Licensing Services; (33-2014)

“Disability” means

- (a) any degree of physical disability, infirmity, malformation or disfigurement that is caused by bodily injury, birth defect or illness and,

without limiting the generality of the foregoing, includes diabetes mellitus, epilepsy, a brain injury, any degree of paralysis, amputation, lack of physical co-ordination, blindness or visual impediment, deafness or hearing impediment, muteness or speech impediment, or physical reliance on a guide dog or other animal or on a wheelchair or other remedial appliance or device,

- (b) a condition of mental impairment or a developmental disability,
- (c) a learning disability, or a dysfunction in one or more of the processes involved in understanding or using symbols or spoken language,
- (d) a mental disorder, or
- (e) an injury or disability for which benefits were claimed or received under the insurance plan established under the Workplace Safety and Insurance Act, 1997;

“Disabled Passenger” means a Passenger who is a Disabled Person;

“Disabled Person” means a Person who has a mobility impairment affecting an individual’s ability to walk, climb stairs, sit or stand, which may be caused by age, injury, disease or by characteristics acquired before birth;

“Dispatch” means the communication of an order or information in any manner between a Taxicab Broker (or his, her or its employees, contractors or agents) and a Taxicab Driver;

“Dispatcher” means a Person who is in the employ of (or working under a contract with) a Taxicab Broker and whose duties include accepting orders for Taxicab service and/or dispatching those orders to Taxicab Drivers;

“Driver” means any Person who drives or operates a Taxicab, but does not include a licensed Designated Driver as defined in the Licensing By-law 120-2005;

(111-2015)

“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;

(149-2004)

“Fare” means the amount charged to a Person for a Trip, together with any additional charges computed in accordance with Schedule 2 to this By-law;

“Global Positioning System” means a device that is linked to a base computer, receives navigational signals from satellites, instantaneously calculates the precise latitude and longitude of each taxicab and is displayed and monitored as a moving point on city street grids on the base computer screen;

(24-2006)

“Grossly Unclean Person” means any Person covered in an amount of dirt and/or other material so excessive that if transported by the Driver the state of the Person could leave the interior of the Taxicab in an unclean state;

“**Hearings Officer**” is as defined in Hearings Officer By-law 26-2008, as amended;
(33-2014)

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

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

“**Licensee**” means any Person Licensed under this By-law;

“**Limousine**” means a Motor Vehicle which is kept for use for hire for the conveyance of passengers solely on an hourly, daily or weekly basis, which does not contain a Taximeter or two-way radio (or similar device) and which has a wheelbase of not less than 2900 millimetres;

“**Maintenance Log**” means a series of written information relating to the repair of a Taxicab including the Vehicle Information Number of the Taxicab, its Owner Plate number, make, model and year of the Taxicab, the nature of the repair, the date of the repair, the name of the person performing the repair, and confirmation that the owner of the Taxicab was notified of the repair;

“**Mechanical Defect**” means damage to, or failure of a part, component or feature of, a Motor Vehicle.

“**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*;

“**Operate**” when used in reference to a Taxicab includes to drive the said Vehicle and to make it available to the public in service as a Taxicab and Operated and Operation have corresponding meanings;

“**Order**” means a request for Taxicab service received by a Taxicab Broker;

“**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; (149-2004)

“**Passenger**” means any Person other than the Driver seated in a Taxicab and includes a Person engaging or attempting to engage the services of a Taxicab;

“**Person**” means an individual, association, firm, partnership, corporation, trust, organization, trustee, or agent, and 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 Clerk;

“**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 Clerk; (149-2004)

“Standard Plate” means a metal number plate originally issued under 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; (149-2004)

“Tariff Card” means a card issued by the City Clerk for display in a Taxicab which contains the tariffs then in force, and such other information as the City Clerk may from time to time direct; (147-2011)

“Taxicab” includes 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 Oshawa Transit Commission or under licence under The Public Vehicles Act, an ambulance, a funeral hearse, a Motor Vehicle operated by Handi Transit Incorporated, a Motor Vehicle operated by a licensed Designated Driver pursuant to the Licensing By-law 120-2005, as amended, or 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); (111-2005)

“Taxicab Broker” means any Person who carries on the business of accepting orders for Taxicabs and dispatching Taxicabs in any manner, but does not include a licensed Designated Driving Broker as defined in the Licensing By-law 120-2005; (111-2015)

“Taxicab Meter” means a measuring device approved by the City Clerk 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;

“Trip” means the distance and time traveled or the distance and time to be traveled, measured from the time and point at which the Passenger first enters the Taxicab or when the Taxicab Meter is first engaged, whichever comes first, to the time and point at which the Passenger finally leaves the Taxicab or the Taxicab Meter is disengaged whichever comes last;

“Trip Sheet” means the written record of the details of each Trip, but not including the distance traveled, in a form as prescribed by the City Clerk from time to time; and

“**Vehicle**” means a Motor Vehicle.

Section 4: Administration

4.1 Role of The City Clerk

- (a) The City Clerk shall:
- (b) receive and process all applications for Licences and for renewal of Licences to be issued under this By-law;
- (c) issue Licences to and renew Licences for Persons who meet the requirements of this By-law; (33-2014)
- (d) enforce the provisions of this By-law;
- (e) generally perform all the administrative functions conferred upon him or her by this By-law.

4.1.2 An application for a Licence or renewal of a Licence shall be completed on the forms provided by the City Clerk.

4.2 Submission of Licence Application

4.2.1 A completed application for a Licence or for renewal of a Licence shall be delivered to the City Clerk and shall be accompanied by:

- (a) the fee in the appropriate amount as set out in Schedule 1 to this By-law;
- (b) an original CIR supplied directly from any police force in Ontario to the City Clerk dated within 30 days of submission of the CIR to the City Clerk; (149-2004)
- (c) three passport size photographs of the Applicant taken not more than six (6) months prior to the date of Licence application; and
- (d) if the Applicant is a corporation, a copy of the incorporating document, a Certificate of Status showing that the corporation is validly in existence at the time of the application and a list of all of the shareholders certified as true, correct and complete by a Notary Public for the Province of Ontario who has examined the corporate records. Where corporations are listed as shareholders, all natural persons owning shares in one or more corporations who have or will have an interest directly or indirectly in a Licence, must also be listed.

4.2.1.1 Where an applicant for any licence issued under this By-law has, earlier in the same calendar year, submitted a valid CIR in accordance with Article 4.2.1 (b) for any other licence, the applicant shall be excused from having to file an additional CIR in support of one or more subsequent licence applications made in that same calendar year. (1-2007)

4.2.2 Where a change occurs to the list of shareholders, directors or officers of a corporate Licensee, including those of its corporate shareholders, from that previously supplied to the City Clerk, the Licensee shall file the current information within five business days of the change, together with copies of the appropriate extracts of the corporate records evidencing same, certified as true copies by a Notary Public for the Province of Ontario.

4.2.3 All Licence applications, including those for renewals of a Licence, made by an Applicant who is:

- (a) a natural person, shall be signed in the presence of the City Clerk with proof of identity, otherwise the signature of the Applicant must be notarized;
- (b) a corporation, shall be signed in the presence of the City Clerk by an officer or director of the corporation with proof of identity, otherwise the signature of the officer or director must be notarized.

4.3 Licence Renewal Applications

4.3.1 Every application for renewal of a Licence shall be delivered in accordance with the requirements of subsection 4.2 before the expiry date of the Licence as set out in subsection 4.5.

4.4 Issuance of Licences

4.4.1 When an application for a Licence or for a renewal of a Licence is made in accordance with the provisions of this By-law and the Applicant meets all the requirements of this By-law the City Clerk may:

- (a) for a Taxicab Owner, issue a Taxicab Owner Licence and an Owner Plate;
- (b) for a Taxicab Broker issue a Taxicab Broker Licence; and
- (c) for a Driver, issue a Taxicab Driver Licence

all of which shall set out the expiry date of the Licence in accordance with subsection 4.5 and the Applicant shall thereby be Licensed. (33-2014)

4.4.2 In addition to every requirement imposed by this By-law, every Licence issued under this By-law is issued subject to the condition that all Federal and Provincial laws and City by-laws, including this By-law, are complied with in the operation of the business so Licensed.

4.5 Term of Licences

4.5.1 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 thirty-first (31st) day of March next occurring after issuance or renewal. (149-2004)

4.5.2 Taxicab Broker Licence issued or renewed under this By-law shall be valid for a period of one (1) year effective from the date of issuance. (1-2007)

4.5.2.1 Every Driver Licence issued or renewed under this By-law shall be valid for a period of two (2) years effective from the date of issuance. (1-2007)

4.5.3 Every Accessible Taxicab Owner Licence and Accessible Plate issued or renewed under this By-law shall be held by the licensees at the pleasure of Council and may be revoked by the City, without cause, following a period of 7 years from the date of issuance, and upon their revocation, shall revert to the City without compensation therefore. Nothing in this paragraph shall prevent Council from revoking any Accessible Taxicab Owner Licence and Accessible Plates, at any time, for cause. (149-2004)

4.6 Plate Replacement

4.6.1 When an Owner Plate is defaced, destroyed or lost, the Owner Plate holder shall apply to the City Clerk for a replacement and shall pay the appropriate fee under Schedule 1 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 City Clerk shall issue a replacement.

4.7 Disqualifications

4.7.1 The City Clerk shall refuse to issue a Licence under this By-law to any Person if:

- (a) that Person 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. (89-2005)
- (b) that Person 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 Council; and
- (f) the Applicant fails to successfully complete any testing, training, educational or awareness program required by the City Clerk.

4.7.2 The City Clerk may exercise his or her discretion to refuse an Application for a Licence, where the applicant has been convicted of a criminal offence other than those set out in article 4.7.1 (a) or an offence under the *Controlled Drugs and Substances Act* (Canada).

4.8 Taxicab Tarrif

4.8.1 The Tariffs established by Schedule 2 shall automatically 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.

(106-2003)

Section 5: General Licensing Requirments

5.1 General

5.1.1 No Person shall Operate a Taxicab unless they are Licensed as a Driver under this By-law.

5.1.1.1 No Person shall Operate a Taxicab for which an Accessible Plate has been issued unless they are an Accessible Driver (149-2004)

5.1.2 No Person shall act as or be a Taxicab Owner unless they are Licensed as a Taxicab Owner for that Taxicab and have been issued an Owner Plate for that Taxicab under this By-law.

5.1.3 No Person shall act as or be a Taxicab Broker unless they are Licensed as a Taxicab Broker under this By-law.

5.1.4 No Person shall publish or cause to be published any representation that they are Licensed under this By-law, or hold themselves out as being Licensed under this By-law if they are not.

5.1.5 Persons who operate Vehicles owned or leased by Handi Transit Incorporated are hereby exempt from the requirements of this By-law, but only in connection with the operation of the said Vehicles.

5.1.6 Where an Applicant or Licensee receives a service as listed in Schedule 1, they shall pay the fee provided therein for that service.

Section 6: Taxicab Driver Licence Requirements

6.2 Obtaining a Licence

6.2.1 Every Applicant for a Taxicab Driver Licence shall:

- (1) In addition to the requirements of section 4, submit to the City Clerk,
 - (a) a certificate prepared by a duly qualified medical practitioner which states that the Applicant is physically and mentally capable of performing the duties of a Taxicab Driver and is free from communicable diseases;

(b) 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 Communications; and

(c) an Ontario Driver's record from the Ministry of Transportation (Driver's Abstract) dated not prior to 30 days before the date of Licence application;

and

(2) speak, read and write the English language.

6.3 Testing/Training

6.3.1 Every Applicant for a Driver Licence shall successfully complete a Taxicab Driver Training and Testing Program approved by the City Clerk, at the Driver's own expense, within a timeframe as required by the City Clerk. The City Clerk may, in his or her discretion, waive this requirement where the Applicant has successfully completed such a Program within five (5) years immediately preceding the date of the Licence application or successfully completes a written test in English set by the City Clerk and receives a mark of at least seventy-five percent (75%) and the City Clerk has received no complaints regarding the Applicant's conduct or performance.

6.3.2 Every Applicant or Licensee requested by the City Clerk to attend any additional testing, training, educational or awareness program shall attend such testing or program at the appointed date, time and place, at his or her own expense.

6.3.3 Where a complaint has been received by the City Clerk relating to a Licensed Driver's conduct or performance, the City Clerk may require the Licensee to successfully complete a further written test approved and set by the City Clerk as well as attend an interview and successfully complete a Taxicab Driver Training and Testing Program approved by him or her.

6.3.4 Every Applicant for an Accessible Driver endorsement may be required by the City Clerk to successfully complete an Accessible Taxicab Driver Training and Testing Program approved by the City Clerk, at the Driver's own expense, within a timeframe as required by the City Clerk, prior to receiving an Accessible Driver endorsement on his/her Taxicab Driver Licence. (149-2004)

6.4 Driver Duties

6.4.1 Every Driver shall:

(a) before commencing the Operation of a Taxicab, examine the Taxicab for Mechanical Defects or interior or exterior damage to the Taxicab and shall report forthwith any defects or damage found to the Taxicab Owner;

- (b) upon completion of the Operation of the Taxicab, examine the Taxicab as provided in paragraph (a) and shall report all defects in the Taxicab and all accidents to the Taxicab Owner;
- (c) carry the Driver Licence issued under this By-law and his/her Ontario drivers' licence with them at all times when operating a Taxicab;
- (d) at all times while operating the Taxicab, display the current Tariff Card and Driver Licence, each in a form, location and manner as the City Clerk may from time to time direct; (147-2011)
- (d.1) 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;(147-2011)
- (e) be civil, courteous, and refrain from using profanity, and offer to assist a Passenger when it is evident that the Passenger is a Disabled Person, is elderly, or is in need of assistance;
- (f) give a Passenger a receipt on a form approved by the City Clerk showing the Driver's name, the Owner Plate number for the Taxicab, the date and time of the trip, place of pick up, place of discharge and the Fare charged when requested or whenever there is a dispute over the Fare;
- (g) subject to article 6.4.1.1, paragraph (m) of article 6.4.1, paragraph (f) of article 6.5.1, and paragraph (i) of article 8.1.1, and except when there is a previous Order or engagement, serve the first Person requiring the service of the Taxicab at any place within the City, at any time by day or night, except when the Person:
 - i) refuses to give their destination, or
 - ii) is in the possession of an animal other than a medical aid animal, or
 - iii) has not paid a previous Fare or cancellation fee, or
 - iv) is, in the opinion of the Driver, unable or unwilling to pay the Fare and has been unable or unwilling to satisfy the driver that he has the funds to pay the Fare, or
 - v) is a Grossly Unclean Person (149-2004)
- (h) punctually keep all appointments, and shall not make any appointments if a previous engagement would prevent them from fulfilling it;
- (i) take due care of all property delivered or entrusted to them for conveyance or safekeeping, and immediately upon the termination of any hiring engagement shall examine the interior of the Taxicab for any

property lost or left therein, and all property or money left in the Taxicab shall be forthwith delivered over to the Person owning the property or money and if the owner of the property or money cannot at once be found, the Driver shall deliver the property or money to the nearest police station with all the information in their possession regarding the property or money;

- (j) when a Passenger enters a Taxicab and gives the Driver the desired destination, take the most direct available route to the destination desired unless the Passenger designates otherwise;
- (k) make a Trip Sheet of all Trips made by the Taxicab during each period of continuous operation (shift) and shall submit a copy of it to the City Clerk, upon request. The Trip Sheet shall be updated after each Trip and shall contain the following minimum information:
 - i) the name of the Driver, the date and the Owner Plate number,
 - ii) the time, location and destination of every Trip made,
 - iii) the amount of the Fare collected for each Trip, and
 - iv) confirmation of compliance with paragraph (a) of article 6.4.1, together with findings of any defects or damage. (149-2004)
- (l) retain all Trip Sheets for at least three (3) months and make them available for inspection at the request of a By-law Enforcement Officer or the City Clerk;
- (m) only enter a Taxicab Stand by taking the position at the end of any line formed by the Taxicabs already on the Taxicab Stand;
- (n) while waiting at a Taxicab Stand or at any public place:
 - i) not obstruct or interfere in any way with the normal use of the Taxicab Stand or public place, or interfere with the surrounding traffic patterns;
 - ii) not make any loud noise or disturbance;
 - iii) not wash the Taxicab;
 - iv) not make repairs to the Taxicab, unless the repairs are immediately necessary;
- (o) subject to paragraph (p), engage the Taxicab Meter at the commencement of the Trip when the Passenger enters the Taxicab and keep it engaged throughout the Trip;
- (p) be allowed to engage the Taxicab Meter before the Passenger enters the Taxicab only after the Taxicab Driver has notified the Passenger of

the arrival and has waited a reasonable time after the due time of the Order;

- (q) at the conclusion of the Trip, place the Taxicab Meter in the time off status and after payment place it in the vacant status;
- (r) keep in the Taxicab a current street guide for the City and the surrounding vicinity;
- (s) turn off any radio, tape player or any other sound-producing mechanical device in the Taxicab and turn down the volume on the two-way radio upon being requested so to do by any Passenger, and having done so leave such devices in the off position or, if a two-way radio, turned down until termination of the Trip with that Passenger;
- (t) on becoming aware that he or she has accidentally activated the emergency lights, immediately notify his/her Dispatcher of the accidental activation and pull over to the side of the road, as soon as it is reasonably safe to do so, and deactivate the emergency lights;
- (u) produce for the inspection of the City Clerk or a By-law Enforcement Officer, on request, the Maintenance Log for the Taxicab; and
- (v) securely fasten all Disabled Passengers, wheelchairs and any other Passenger aids, including batteries, so that they are prevented from moving while the Taxicab is in motion.
- (w) record all defects examined as provided in paragraphs (a) and (b), and record when, and to whom, the defects were reported on a Driver Taxicab Examination Log, in a form as prescribed by the City Clerk,
(149-2004)

6.4.1.1 Every Driver, when operating a Taxicab for which an Accessible Plate has been issued, shall provide priority service to Disabled Persons at all times, regardless of prior requests for service from persons who are not Disabled Persons; (149-2004)

6.4.2 A Driver shall not Operate a Taxicab unless it:

- (a) is equipped with an extra tire, wheel and jack ready for use for that Taxicab;
- (b) is equipped with a Taxicab Meter;
- (c) meets the standards for the Issue of a Safety Standard Certificate of mechanical fitness;
- (d) as to its interior, including the trunk, is:
 - i) free of all dust, dirt, grease, oil, adhesive resin and any other item which can be transferred onto the person, clothing or possessions of a Passenger;

- ii) free of all waste paper, cans, garbage or any other item not intrinsic to the Operation of the vehicle,
 - iii) free of noxious substances,
 - iv) free of tears and cigarette burns in the upholstery
 - v) dry, and
 - vi) in good repair; and
- (e) as to its exterior:
- i) free of all dust, dirt, grease, oil, adhesive resin and any other item which can be transferred onto the person, clothing or possessions of a Passenger, except water or snow,
 - ii) is in good repair,
 - iii) is free from exterior body damage,
 - iv) has a well maintained exterior paint finish, and
 - v) has four matching hubcaps.

6.4.3 Every Driver and Every Taxicab Owner Licensed under this By-law shall, on request of the City Clerk or a By-law Enforcement Officer, produce his or her Licence and such other documentation as is requested upon an inspection.

6.4.4 Every Driver who is charged or convicted with an offence under the *Criminal Code of Canada* (Canada), the *Controlled Drugs and Substances Act* (Canada) or the *Highway Traffic Act* shall, within seven (7) calendar days of being so charged or convicted, report that fact to the City Clerk.

6.4.5 The City Clerk may, at any time if he or she believes it may be in the public interest, require a Driver to provide a certificate prepared by a duly qualified medical practitioner attesting as to whether or not the Driver is fit and able to Operate a Taxicab.

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

6.5 Driver Restrictions

6.5.1 No Driver shall:

- (a) drive a Taxicab unless they are,
 - i) well-groomed,

- ii) neat and clean in personal appearance, and
 - iii) dressed in pants (but not jeans or sweatpants) or skirt, shirt or blouse with a collar and shoes, all free from obvious wear or damage;
- (b) carry in any Taxicab a greater number of Passengers than is set out in the manufacturer's rating of seating capacity for such Taxicab;
 - (c) Operate a Taxicab with luggage or any object placed in, hung on or attached to the Taxicab or in such a manner as will obstruct the Driver's view of the highway;
 - (d) take or consume any intoxicants or take, consume or have in their possession any alcohol, or drugs prohibited by the Controlled Drugs and Substances Act (Canada) while they are Operating a Taxicab;
 - (e) use any Tariff Card, other than that obtained from the City Clerk;
 - (f) take on any additional Passengers after the Taxicab has departed with one or more Passengers from any one starting point except under the following circumstances:
 - i) when done at the request of a Passenger already in the Taxicab;
 - ii) in an emergency situation;
 - iii) when Operating a Taxicab which is being used exclusively for the transportation of children to and from school;
 - iv) when Operating a Taxicab which is being used pursuant to a prearranged contract for transportation of Disabled Passengers.
 - (g) drive a Taxicab with Mechanical Defects of which they are aware;
 - (h) drive a Taxicab whose Taxicab Owner does not have a Taxicab Owner Licence and Owner Plate registered under this By-law for that Taxicab;
 - (i) permit a Passenger to stand in the Taxicab while the Taxicab is in motion;
 - (j) Operate a Taxicab for more than twelve (12) hours in any period of twenty-four (24) hours, or for any period which is more than five (5) consecutive hours at any time without a break of not less than twenty (20) consecutive minutes;
 - (k) Operate a Taxicab when the Taxicab Meter has not been adjusted in accordance with the existing current tariffs in Schedule 2 or when the Operation of the Taxicab Meter has not been approved by the City Clerk;

- (l) Operate a Taxicab when the Taxicab Meter does not operate properly;
- (m) Operate a Taxicab when the Taxicab Meter seal is not affixed or improperly affixed;
- (n) Operate a Taxicab without,
 - i) an Owner Plate,
 - ii) side numbers,
 - iii) properly functioning emergency lights as required in subsection 7.6; and
 - iv) a properly functioning roof light;
- (o) induce any Person to engage his or her Taxicab by any misleading or deceiving statement or representation to that Person;
- (p) publish or use any tariff or demand or receive a Fare other than as calculated in accordance with Schedule 2, except pursuant to a written contract for taxicab services between a Taxicab Owner and another Person to extend for a period of nine months or more, at an agreed Fare, rate or charge;
- (q) except for a tip, gratuity or credit card service charge, recover or receive any Fare or charge from any Passenger or Persons who had demanded his or her services which is greater than the Fare or charge permitted by this By-law, except pursuant to a written contract for taxicab services between a Taxicab Owner and another Person to extend for a period of nine months or more, at an agreed Fare, rate or charge;
- (r) recover or receive any Fare or charge from any Passenger in respect of whom the Driver has refused or neglected to comply with clause 6.4.1(d.1) of this By-law, except pursuant to a written contract for taxicab services between a Taxicab Owner and another Person to extend for a period of nine months or more, at an agreed Fare, rate or charge; (147-2011)
- (s) make any charge for time lost through defects or inefficiency of the Taxicab or the errors of the Driver;
- (t) make any charge for the time elapsed due to early arrival of the Taxicab in response to a call for the Taxicab to arrive at a fixed time;
- (u) Operate a Taxicab for which there is no proof of current insurance;
- (v) use or permit to be used a two-way radio or monitoring device in the Taxicab which enables the transmission and/or reception of any

frequency of a Taxicab Broker Licensed under this By-law with whom he or she is not Affiliated;

- (w) smoke in a Taxicab;
- (x) use any radio system or telephone system to speak to anyone other than a Dispatcher while a Passenger is in the Taxicab;
- (y) speak in an obscene, foul, boisterous, racist, loud, threatening or abusive manner to any Person, including a Dispatcher, while Operating a Taxicab;
- (z) transport a child under the age of twelve years old in the front seat of the Taxicab, without first disengaging the front seat passenger air bag;
- (aa) knowingly activate the emergency lights on a Taxicab except where, on reasonable grounds, he or she believes that a threat exists of:
 - (i) harm to any person; or
 - (ii) damage to, or loss of, any property.
- (bb) Operate a Taxicab without there being displayed and maintained in good, legible condition, a true copy of Schedule 3 to this By-law in an area of the Taxicab as approved by the City Clerk; or
- (cc) Operate a Taxicab for the purpose of transporting Passengers who are confined to a wheelchair unless the Taxicab is an Accessible Taxicab; and (149-2004)
- (dd) Transport Passengers who are confined to a wheelchair in a Taxicab unless that Driver is an Accessible Driver. (149-2004)

6.6 Miscellaneous

6.6.1 No Driver shall be required to accept any Order or request for service when the expenditure of money by the Driver is required on behalf of the Passenger.

Section 7: Taxicab Owner Licence Requirements

7.1 Obtaining A Licence

7.1.1 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.

7.1.2 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) provide proof in a form acceptable to the City Clerk of compliance with article 7.1.3;

- (b) submit to the City Clerk, a current passenger 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:
 - i) said permit shall be issued in the name of the Applicant where the Owner Plate is an Executive Plate; and
 - ii) as of May 1, 2004, said permit shall be issued in the name of the Applicant where the Owner Plate is a Standard Plate; (15-2004)
- (c) submit and file with the City Clerk a copy of the current Ontario Standard Automobile Insurance policy for the Vehicle 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 one million dollars (\$1,000,000.00);
- (d) 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;
- (e) pay the applicable fees set out in Schedule 1 to this By-law;
- (f) pay all fines, penalties, judgments and any other amounts, including awards of legal costs and disbursements, owing to the City, including outstanding property taxes where such amounts outstanding are \$10,000 or more; (96-2005)
- (g) submit the Motor Vehicle to which the Owner Plate will be attached for inspection and registration by the City Clerk; and
- (h) meet the requirements of this By-law relating to Vehicle standards.

7.1.2.1 Every person to whom an Accessible Taxicab Owner Licence and Accessible Plate is to be issued, immediately prior to the issuance of that Licence and Plate, shall provide the City Clerk 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 successor.

(149-2004)

7.1.3 No Person shall be:

- (a) issued a Taxicab Owner Licence;
- (b) have their name placed on the Plate Issuance Eligibility List; or
- (c) have their name maintained on the Plate Issuance Eligibility List unless they have, for an average of at least thirty-five (35) hours per week during at least forty-four (44) weeks per year, been:

- i) licensed as a driver of taxicabs under this By-law or the by-law of any other municipality;
- ii) licensed as an owner of taxicabs under this By-law or the by-law of any other municipality;
- iii) licensed as a broker of taxicabs under this By-law or the by-law of any other municipality;
- iv) employed by a broker of taxicabs licensed under this By-law or the by-law of any other municipality; or
- v) a combination of any of (i) through (iv)

for the 2 (two) years immediately preceding the date of application for a Taxicab Owner Licence, for the 2 (two) 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.

7.1.3.1 Notwithstanding anything to the contrary in article 7.1.3 or this By-law, the City Clerk may, at the direction of City Council, issue six (6) Accessible Taxicab Owner Licences and Accessible Plates to whomsoever directed by City Council, without regard to the Plate Issuance Eligibility List and notwithstanding that the issuance of these Licences and Plates may cause the maximums established by article 10.3.1 to be exceeded. (149-2004)

7.1.4 Where on account of Disability, a Person has become unable to drive a taxicab or continue employment with a broker of taxicabs and that Person:

- (a) immediately prior to the occurrence or onset of the disability did comply with article 7.1.3, at least in part, by virtue of compliance with subparagraph (i) or (iv) thereof; and
- (b) files with the City Clerk as soon as physically possible, a current doctor's certificate confirming the disability, and, if applicable, the date by which the Disability ended

that Person shall be deemed to have complied with article 7.1.3, notwithstanding their continued inability to drive or be employed, throughout the period of Disability.

7.1.5 When a Taxicab Owner ceases to have a current valid Ontario Standard Automobile Insurance Policy in good standing and properly endorsed in accordance with the requirements of this section, his, her or its Taxicab Owner Licence shall be deemed to be suspended as of the date on which such policy ceased to be in effect, and the said Licence shall only be reinstated on there being delivered to the City Clerk, written proof of insurance in accordance with the provisions of this By-law within sixty (60) days from the date of the deemed suspension.

7.1.6 Where a Licence has been deemed to be suspended under article 7.1.5, and where no written proof of insurance in accordance with the provisions of this By-law is

filed with the City Clerk within sixty (60) days from the date of the deemed suspension, that Licence and the Owner Plate shall be deemed to have been cancelled.

7.1.7 When a Taxicab Owner cancels their current insurance before the expiry date of the policy, they must produce a certificate of newly acquired insurance.

7.1.8 Every Taxicab Owner shall file with the City Clerk at least five (5) working days prior to the expiry date of any current insurance policy all insurance renewal policies or certificates of insurance in accordance with the insurance requirements of this By-law.

7.2 Plate Issuance Eligibility List

7.2.1 The City Clerk 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 article 7.2.5, and the City Clerk may, subject to the provisions of this By-law, issue a Taxicab Owner Licence and Executive Plate as they become available in accordance with subsection 10.3, to those individuals in the order in which their names appear on the Plate Issuance Eligibility List.

7.2.2 No Person, by virtue of the submission of an application for a Taxicab Owner Licence and 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 Council 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.

7.2.3 When a completed application for a Taxicab Owner Licence is received by the City Clerk and the Applicant meets all the requirements of this By-law and the attached Schedules but a Licence cannot be issued because of the limitation on the number of Taxicab Owner Licences and Owner Plates set out in subsection 10.3, the Applicant's name shall be placed at the end of the Plate Issuance Eligibility List by the City Clerk if the Applicant provides proof in a form acceptable to the City Clerk of compliance with article 7.1.3.

7.2.4 No Person shall hold more than one position on the Plate Issuance Eligibility List at any one time.

7.2.5 Those Persons whose names appeared on the previous Priority Waiting List under By-law 102-2000 shall, if they continuously comply at all times with all of the requirements of this section, have their names placed and maintained on the Plate Issuance Eligibility List in the order in which they appeared on the said Priority Waiting List and in priority to all Applicants under this By-law.

7.2.6 The Plate Issuance Eligibility List shall be available for inspection during normal business hours at the office of the City Clerk.

7.2.7 The City Clerk 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 City Clerk to not comply with this By-law shall be notified by registered letter mail to his her or its last known address that their name is to be removed from the Plate Issuance Eligibility List and that Person may appeal this decision to the Hearings Officer within fourteen (14) days following the date of mailing of the notice, whether actually received or not, by the City Clerk. (33-2014)

7.2.8 Each Person whose name appears on the Plate Issuance Eligibility List shall complete a statutory declaration in a form as required by the City Clerk 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 Clerk within thirty (30) days following the date of mailing of a notice by registered letter mail to his her or its last known address, whether actually received or not, in which the Clerk notifies that it is required.

7.2.9 Persons who fail to comply with article 7.2.8 shall have their names removed from the Plate Issuance Eligibility List without further notice.

7.2.10 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 List by the City Clerk and all other names below that of the said Person's shall be moved forward one position.

7.2.11 Where the City Clerk has removed a Person's name from the Plate Issuance Eligibility List pursuant to article 7.2.7, and an appeal to the removal of the name has been received by the City Clerk, the City Clerk 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 City Clerk shall note beside that name on the Plate Issuance Eligibility List that an appeal has been received and the City Clerk shall not issue any Taxicab Owner Licences 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 Owner Plates to be issued would not have gone to the affected Person due to their position on the Plate Issuance Eligibility List. (33-2014)

7.2.12 When a Taxicab Owner Licence and Owner Plate is approved for issuance, the Applicant shall, within one month of the date of notification of such approval by the City Clerk, register a Taxicab to that Owner Plate and affix the Owner Plate to that Taxicab, failing which, that Applicant shall not be issued the Taxicab Owner Licence and Owner Plate, their name shall be removed from the Plate Issuance Eligibility List, and the City Clerk may proceed to issue the Taxicab Owner Licence and Owner Plate to another eligible Applicant in accordance with this By-law.

7.3 Owner Duties

7.3.1 Every Taxicab Owner shall:

- (a) keep at all times in the Taxicab for which they are the owner, the original or a photostatted copy of the original of each of the following documents:
 - i) the current Ontario Ministry of Transportation Passenger Motor Vehicle Permit issued for that Taxicab;
 - ii) the current Taxicab Owner Licence issued under this By-law; and
 - iii) the certificate of liability insurance for the Taxicab;
 - iv) a current, unaltered, unmutated Driver Taxicab Examination Log showing all defects recorded by all Driver's of that Taxicab within the immediately preceding three (3) months. (149-2004)
- (b) maintain each Taxicab registered under this By-law in operation not less than thirty-five (35) hours per week at all times. Taxicabs may not comply with this requirement for a period of up to eight (8) weeks, consecutive or intermittently, in one (1) licence year without violating this requirement. The City Clerk may grant one extension only of the eight (8) week period upon application in writing, stating reasons for the request, to the City Clerk prior to the end of the initial eight (8) week period. (33-2014)
- (c) employ or use only the services of Drivers who are licensed by the Ontario Ministry of Transportation for the particular class of the Vehicle being Operated as a Taxicab and who are Licensed under this By-law;
- (d) provide the City Clerk and, where applicable, any Taxicab Broker with whom they are Affiliated, with the names of all Drivers who are permitted to Operate the Taxicab;
- (e) Intentionally deleted; (149-2004)
- (f) repair any Mechanical Defect(s) in the Taxicab reported to them by a Driver, the City Clerk or a By-law Enforcement Officer;
- (g) notify the City Clerk when a Taxicab is not expected to be Operated for more than five (5) consecutive days, together with the reason, within seventy-two (72) hours of the Taxicab Owner becoming aware of the reason it will not be Operated and, upon being Operated again, provide the City Clerk with a Safety Standard Certificate issued under the Highway Traffic Act forthwith, at the discretion of the City Clerk, where the reason for not being in Operation was a Mechanical Defect or damage to the Taxicab;
- (h) have in or on the Taxicab, as required:
 - i) the Owner Plate firmly affixed to the rear bumper of the Taxicab or at a location and manner approved by the City Clerk; (147-2011)

- ii) 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 City Clerk. Where the Taxicab is a spare Taxicab, to be used in accordance with article 7.4.4, the number displayed on that Taxicab shall be one approved by the City Clerk and preceded by the letter "S"; (149-2004)
 - iii) affixed in a location approved by the City Clerk, the current Tariff Card in a form as the City Clerk may from time to time direct; (147-2011)
 - iv) a Taxicab Meter of the type approved by the City Clerk and sealed by the City Clerk and mounted in a position approved by the City Clerk so that it is clearly visible to the Passengers in the front and rear seat of the Taxicab;
 - v) an electrically illuminated roof sign which is securely attached to the top of the Taxicab in a manner approved by the City Clerk; and
 - vi) 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;
- (i) register his, her or its corporate colours or emblems, if he, she or it is not Affiliated with a Taxicab Broker, with the City Clerk;
 - (j) upon receipt of a notice of inspection by the City Clerk, 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 the inspection;
 - (k) display and maintain in good, legible condition a true copy of the Taxicab Passenger Rights and Responsibilities (Schedule 3) in an area of the Taxicab as approved by the City Clerk;
 - (l) maintain in the Taxicab a current Maintenance Log of all maintenance and repairs performed on the Taxicab within the immediately preceding six (6) months; and
 - (m) 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;

- 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; and
- iii) maintain the vehicle generally to allow for its safe operation.

7.3.1.1 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 article 6.4.1.1 of this By-law. (149-2004)

7.4 Vehicle Registration

7.4.1 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 City Clerk under this By-law during normal business hours and it shall not be used until the inspection has taken place and the approval given.

7.4.2 When the Taxicab Owner meets all the requirements of this By-law, the City Clerk shall register it as a Taxicab for the Owner Plate that is affixed to it.

7.4.3 Where a Taxicab Owner wishes to change the Motor Vehicle which is registered as a Taxicab for an Owner Plate, he, she or it shall submit the new Motor Vehicle for inspection under this subsection and, upon registration of the new Motor Vehicle, shall pay the fee prescribed under Schedule 1.

7.4.4 Notwithstanding the provisions of article 7.4.1, article 7.4.3, paragraph (d) of article 7.7.1, and article 7.7.4, 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 28 consecutive days, affix an Owner Plate to a Vehicle for which that same Owner Plate is not registered where:

- (a) that Vehicle has been registered by the City Clerk as a spare Taxicab for the current year by a Broker Affiliated with that Owner, or by the Owner;
- (b) that Vehicle has met all of the requirements under this By-law;
- (c) a valid Safety Standard Certificate not more than six months old for that Vehicle is on file with the City Clerk and the Vehicle has passed the most recent semi-annual inspection by the City Clerk;

- (d) the Owner shall report the use of a spare Taxicab to the City Clerk 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, 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 City Clerk 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 Vehicle is equipped with a Taxicab Meter of the type approved by the City Clerk and sealed by the City Clerk and mounted in a position approved by the City Clerk 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 Taxicab.
(149-2004)

7.5 Model Year Restrictions

7.5.1 No Motor Vehicle more than seven (7) years old may be registered for the first time as a Taxicab under this By-law.

7.5.2 No Motor Vehicle more than ten (10) years old shall be used as a Taxicab in the City.

7.5.3 For the purpose of this By-law the age of a Motor Vehicle shall be determined from January 1st of the model year of said Motor Vehicle.

7.5.4 The requirements of articles 7.5.1 and 7.5.2 shall not apply to a Motor Vehicle to which a Standard Plate is affixed provided that the following requirements have been satisfied:

- (a) any Motor Vehicle from model year 1990 or older shall not be used as a Taxicab in the City after October 1, 2003, and may be replaced with a Motor Vehicle with a model year 1991 or newer, in which case the requirements of paragraphs (b) through (d) shall apply to that Motor Vehicle;
- (b) any Motor Vehicle from model years 1991 through and including 1993 shall not be used as a Taxicab in the City after October 1, 2004, and may be replaced with a Motor Vehicle with a model year 1994 or newer, in which case the requirements of paragraphs (c) and (d) shall apply to that Motor Vehicle;

- (c) any Motor Vehicle from model years 1994 through and including 1996 shall not be used as a Taxicab in the City after October 1, 2005, and may be replaced with a Motor Vehicle with a model year 1997 or newer, in which case the requirements of paragraph (d) shall apply to that Motor Vehicle; and
- (d) Commencing on October 1, 2006, the requirements of articles 7.5.1 and 7.5.2 shall apply to a Motor Vehicle to which a Standard Plate is affixed.

7.6 Vehicle Standards

7.6.1 Every Taxicab Owner Licensed as such under this By-law shall cause his, her or its Taxicab used in the City to conform, at all times, to the following standards:

- (a) Every Taxicab registered for the first time on or after October 1, 2003 shall:
 - i) be a four (4) door sedan or wagon with two rear passenger doors and a rear seat width of at least 137 centimetres from inside door to inside door or be a van equipped with four side doors; and
 - ii) be equipped with functioning air conditioning and heater; and
 - iii) be equipped with clear untinted glass windows, except such tint as installed by the original manufacturer of the Vehicle.
- (b) Every Taxicab shall be equipped with two (2) emergency lights conforming to the following standards:
 - i) equipped with an intermittent flasher to continuously flash until reset or disengaged;
 - ii) amber in colour;
 - iii) minimum of 5 centimetres in diameter;
 - iv) shock resistant;
 - v) wired on a circuit independent from all other equipment in or on the Taxicab;
 - vi) visible, upon activation, from the front and rear of the Taxicab from a distance no less than 15 metres during daylight and evening hours;
 - vii) 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

- viii) situated such that the lights, when activated, are not visible to occupants of the Taxicab.
- (c) Every Taxicab shall be equipped with:
- i) a silent activation switch to activate the emergency lights located as approved by the City Clerk; (149-2004)
 - ii) 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;
 - iii) 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
 - iv) an emergency alert system incorporated with a two-way radio system as approved by the City Clerk.
- (d) Subsections 7.6.1(b) and (c) shall not apply where every taxicab is equipped with:
- i) a Global Positioning System for monitoring the position of the taxicab at all times; and,
 - ii) a driver emergency switch connected to the Global Positioning System situated in a convenient but discreet location within the taxicab. (24-2006)
- (e) Every Taxicab shall be equipped with either of the following devices which shall be installed to the satisfaction of the City's Director, Municipal Law Enforcement and Licensing Services: (103-2008)
- i) a shield that will prevent a Passenger from accessing the space occupied by the Driver; or
 - ii) a security camera that accurately records the interior of the Taxicab at all times that a Passenger is within the Taxicab. (103-2008)

7.7 Taxicab Owner Restrictions

7.7.1 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 By-law;
- (b) Operate or permit a Taxicab for which he, she or it has 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 usable trunk capacity such that the Taxicab is incapable of being able to accommodate a wheelchair, walker or similar device used to aid Disabled Passengers;
- (f) permit the Taxicab for which he, she or it has been issued an Owner Plate to be Operated without a heater in working condition and without an air conditioning system in working condition;
- (g) use on the Taxicab for which he, she or it has been issued an Owner Plate any emblem, decal, roof sign or other markings which are the same colour or similar to any distinctive emblem, decal, roof sign or other marking being used by any Taxicab Broker with whom they are not Affiliated;
- (h) Operate a Taxicab for which he, she or it has been issued an Owner Plate in Affiliation with a Taxicab Broker who is not Licensed under this By-law;
- (i) display any sign, emblem, decal, ornament or advertisement on or in a Taxicab for which he, she or it has been issued an Owner Plate except in accordance with the City's Sign By-law 72-96 and Licensing By-law 100-2000, as they may be amended from time to time, or their successors;
- (j) Operate or permit a Taxicab for which he, she or it has been issued an Owner Plate to be Operated unless the Taxicab Meter has been tested and sealed by the City Clerk or a By-law Enforcement Officer;
- (k) 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;
- (l) cause, permit or maintain any window surface in a Taxicab for which he, she or it has been issued an Owner Plate to be coated with any coloured spray or other coloured, tinted or reflective material, except such tint as installed by the original manufacturer of the Vehicle; or
- (m) Operate or permit a Taxicab for which he, she or it has been issued an Owner Plate to be Operated without four (4) identical hubcaps.
- (n) permit a Taxicab for which he, she or it has been issued an Accessible Plate to be Operated by any Person who is not an Accessible Driver;

- (o) permit the transportation in a Taxicab of Passengers who are confined to a wheelchair, unless that Taxicab is an Accessible Taxicab; and (149-2004)
- (p) permit the transportation of Passengers who are confined to a wheelchair by Drivers who are not Accessible Drivers. (149-2004)

7.7.2 Notwithstanding anything to the contrary in articles 6.5.1, paragraphs (l) or (m), 7.3.1, paragraph (h)(iv) and 7.7.1, paragraph (j), when the City Clerk 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 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 City Clerk 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.

7.7.3 Notwithstanding anything to the contrary in this By-law, no Person shall, at any time, lease or rent an Owner Plate issued to him, her or it under this By-law to any other Person. Nothing in this Article shall prevent a Driver from assuming care and control of a Taxicab to which an Owner Plate is both registered and affixed for a shift.

7.7.4 Notwithstanding anything to the contrary in this By-law, no Person shall, at any time, permit an Owner Plate issued to him, her or it under this By-law to be affixed to or displayed on a 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. (149-2004)

7.7.5 No Taxicab Owner shall operate or permit a Taxicab for which he, she or it has been issued an Owner Plate to be Operated unless it: (24-2006)

- (a) is equipped with an extra tire, wheel and jack ready for use for that Taxicab;
- (b) is equipped with a Taxicab Meter;
- (c) meets the standards for the Issue of a Safety Standard Certificate of mechanical fitness;

- (d) as to its interior, including the trunk, is:
 - i) free of all dust, dirt, grease, oil, adhesive resin and any other item which can be transferred onto the person, clothing or possessions of a Passenger;
 - ii) free of all waste paper, cans, garbage or any other item not intrinsic to the Operation of the vehicle,
 - iii) free of noxious substances,
 - iv) free of tears and cigarette burns in the upholstery,
 - v) dry, and
 - vi) in good repair; and
- (e) as to its exterior:
 - i) free of all dust, dirt, grease, oil, adhesive resin and any other item which can be transferred onto the person, clothing or possessions of a Passenger, except water or snow,
 - ii) is in good repair
 - iii) is free from exterior body damage,
 - iv) has a well maintained exterior paint finish, and
 - v) has four matching hubcaps.

7.8 Transfer of Owner Plates

7.8.1 No Person may transfer, give, assign 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 or convey any right, title or interest in the said Licence is void and of no effect.

7.8.2 Those Persons to whom a Standard Plate has been issued are hereby exempt from article 7.8.1 with respect to the transfer of a Standard Plate, but subject to articles 7.8.3 and 7.8.4.

7.8.3 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 City Clerk;
- (b) the transferee has paid the fee set out in Schedule 1 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.

7.8.4 When a transfer of a Standard Plate is approved by the City Clerk, 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.

7.9 Operation/Transfer of Owner Plates by an Estate

7.9.1 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 City Clerk:

- (a) Proof of death of the natural person; and
- (b) Proof of the Executor's or Administrator's capacity. (149-2004)

7.9.2 On the death of a natural person to whom one or more Owner Plates have been issued, the Executor or Administrator 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.

7.9.3 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 City Clerk forthwith thereafter.

7.9.4 Those Persons to whom a Standard Plate has been issued are hereby exempt from articles 7.9.2 and 7.9.3, but subject to articles 7.9.5, 7.9.6 and 7.9.7.

7.9.5 On the death of a natural person to whom one or more Standard Plates have been issued, the Executor or Administrator 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.

7.9.6 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 Council and Council may, in its discretion which discretion shall be exercised upon the grounds contained in subsection 9.2, 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 Council prescribes.

7.9.7 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 or cannot transfer the

interests of the Estate 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 Council pursuant to Article 7.9.6, 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 8: Taxicab Broker Licence Requirements

8.1 Taxicab Broker Duties

8.1.1 Every Taxicab Broker shall:

- (a) maintain an office within the City from which the taxicab brokerage business is conducted which provides adequate telephone, radio and Dispatch facilities and off-street parking;
- (b) require all Taxicab Owners who have entered into an Affiliation with him, her or it for the provision of taxicab brokerage services to use the same design and colour scheme of roof sign which shall include the name of the Taxicab Broker or the business name under which the Taxicab Broker operates, and shall produce and file a sample of the roof sign with the City Clerk;
- (c) make or cause to be made a daily inspection of all Taxicabs Operated in Affiliation with him, her or it on that day, prior to such Operation, ensuring that they are clean, properly equipped and identified, as required by this By-law;
- (d) keep a record of each Taxicab Dispatched on a Trip, the time and date of receipt and Dispatch of the Order, and the pickup location, and shall retain the records for a period of at least six months;
- (e) upon request, inform any Person requesting taxi service of the anticipated length of time required for a Taxicab to arrive at the pickup location;
- (f) when volume of business is such that service will be delayed to any Person requesting taxi service, the Taxicab Broker shall inform the Person of the approximate time of the delay before accepting the Order;
- (g) Dispatch a Taxicab to any Person requesting service within the City unless the Person requesting service has not paid for a previous Trip;
- (h) carry on business only in the name in which he, she or it is Licensed;
- (i) where the Taxicab Broker dispatches to Taxicabs for which an Accessible Plate has been issued, and service is requested by a Disabled Person, provide priority service for such Person, but subject to prior requests for service by other Disabled Persons; (149-2004)

- (j) where service requested is for a Disabled Passenger 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;
- (k) shall promptly investigate any complaint brought to his, her or its attention by the City Clerk against any Driver or Taxicab Owner and shall report his, her or its findings to the City Clerk and any action taken; and
- (l) register his, her or its corporate colours or emblems with the City Clerk.

8.2 Taxicab Broker Restrictions

8.2.1 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;
- (b) possess or use (either in the brokerage office, garage or anywhere else on the premises) or have anywhere in their possession a scanner or radio that is capable of monitoring a Taxicab Broker's radio frequency other than their own;
- (c) accept Orders for, or in any way Dispatch or direct Orders to a Taxicab if the Taxicab Owner or Driver of the said Taxicab is not Licensed under this By-law;
- (d) permit any Person to use obscene, boisterous, loud, threatening, abusive, foul or racist language in the course of transmitting or receiving messages or Orders on any radio system or telephone system used in conjunction with the brokerage; or
- (e) use colours or emblems except those registered to the Taxicab Broker with the City Clerk.

8.3 Obtaining a Licence

8.3.1 Every Applicant for a Taxicab Broker Licence and every Taxicab Broker Licensee shall, in addition to the requirements of section 4, submit to the City Clerk, if so requested, a copy of a current agreement constituting an Affiliation with at least one Taxicab Owner. (149-2004)

8.3.2 It is a condition of each Taxicab Broker Licence that the Licensee shall, at all times, maintain an Affiliation with at least one Taxicab Owner. (149-2004)

Section 9: Refusal / Revocation / Suspension / Appeals

9.1 No Person shall enjoy a vested right in or to a Licence or Owner Plate or Accessible Driver endorsement or to the continuance of a Licence or Owner Plate or

Accessible Driver endorsement and, upon issuance, renewal, cancellation, or suspension, the Licence and Owner Plate remains the property of the City and the City Clerk may, refuse to issue or renew or may suspend, revoke or cancel any Licence or Owner Plate issued under this By-law, or revoke any Accessible Driver endorsement, or may issue a Licence or Owner Plate or Accessible Driver endorsement subject to conditions, in the City Clerk's discretion. (33-2014)

9.2 The exercise of the discretion of the City Clerk pursuant to this section shall be based on: (33-2014)

- (a) the breach by an Applicant or Licensee or shareholder 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 (Canada) and the Controlled Drugs and Substances Act (Canada) or the fact of outstanding charges existing under any of the foregoing;
- (b) the failure of an Applicant or Licensee or shareholder 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 Owner Plate, or the transfer of an Owner Plate;
- (d) the Applicant or Licensee or shareholder 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 or shareholder 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 By-law;
- (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 or shareholder 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 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 Council;
- (l) the Applicant or Licensee fails to successfully complete any testing, training, educational or awareness program required by the City Clerk; or
- (m) upon the grounds that the conduct of any Person, including the officers, directors, employees or agents or shareholders 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.

9.3 Where the City Clerk refuses to issue a Licence or suspends or revokes a Licence, the Director may, on the Director's initiative or on application by the Applicant, issue the Licence, exempt the Applicant from any part of this By-law and 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 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 prescribed by subsection 10.3. (33-2014)

9.4 Where any Person is affected by a decision of the City Clerk or a By-law Enforcement Officer under this By-law (including the issuance of an order issued under article 10.1.9) or whose Licence(s)/Owner Plate(s) is/are subject to a deemed cancellation pursuant to articles 7.1.6 or 7.9.7, but not 10.1.13, such person may appeal the decision or cancellation to the Hearings Officer within fourteen (14) days of the date of the order, decision or cancellation (as the case may be) by providing a letter to the City Clerk stating the fact of the appeal and the reasons therefor together the fee prescribed by Schedule 1 for the hearing of an appeal and, until such time as the Hearings Officer disposes of the appeal, the decision or cancellation shall be stayed. (33-2014)

9.5 The Hearings Officer shall not make a decision under this section without first affording the affected Person an opportunity to be heard. (33-2014)

9.6 Intentionally deleted. (33-2014)

9.7 Intentionally deleted. (33-2014)

9.8 Intentionally deleted. (33-2014)

9.9 Intentionally deleted. (33-2014)

9.10 Notice of the decision of the Hearings Officer may be given by mailing a copy thereof by registered letter mail to the Person or Applicant at his, her or its last known address and, upon such mailing, the Hearings Officer's decision shall take effect, whether the notice is actually received or not. (33-2014)

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

9.12 When a Licence or Owner Plate has been revoked, cancelled or suspended, the holder of the Licence shall return the Licence and if applicable, Owner Plate, to the City Clerk within twenty-four (24) hours of service of written notice of the decision or other event causing revocation, cancellation or suspension and the City Clerk may enter upon the business premises or into the Taxicabs of the Licensee for the purpose of receiving, taking or removing the said Licence or Owner Plate. (33-2014)

9.13 When a Person has had their Licence or Owner Plate revoked, cancelled or suspended under this By-law they shall not refuse to deliver up or in any way obstruct or prevent the City Clerk or a By-law Enforcement Officer from obtaining the Licence or Owner Plate.

Section 10: General Procedures

10.1 Right of Inspection of Licenced Premises

10.1.1 The City Clerk shall carryout a minimum of two random and two scheduled inspections of Taxicabs annually, one of which shall be immediately prior to issuance or renewal of a Taxicab Owner Licence.

10.1.2 The City Clerk or a By-law Enforcement Officer may require at any time that a Taxicab Owner or Driver submit their Taxicab for inspection at an appointed place. Notification of a required inspection may be made:

- (a) by personally serving it on the Taxicab Owner;
- (b) by registered letter mail to the last known address of the Taxicab Owner, whether actually received or not;
- (c) by personally serving it on a Driver Operating the Taxicab; or
- (d) by serving it on a Broker Affiliated with the Taxicab Owner by leaving a copy with a person who appears to be in control of the premises of the Broker, or by facsimile to a facsimile number of the Broker on file with the City Clerk.

10.1.3 The City Clerk or a By-law Enforcement Officer may at any time a Taxicab is not engaged in the actual transportation of Passengers enter upon and inspect the Taxicab of any Licensee, or Taxicab being Operated by a Licensee, to ensure that the provisions of this By-law are being complied with.

10.1.4 Every Taxicab Owner shall submit or cause their Taxicab to be submitted for inspection when required to do so by the City Clerk or a By-law Enforcement Officer.

10.1.5 Every Driver shall submit the Taxicab being Operated by them for inspection when required to do so by the City Clerk or a By-law Enforcement Officer.

10.1.6 No Driver shall refuse to permit a random inspection of a Taxicab under his or her control, at such times as the Taxicab is not engaged in the actual transportation of Passengers, by the City Clerk or a By-law Enforcement Officer. Nothing in this article will prevent the removal of any Person's personal property from a Taxicab prior to an inspection.

10.1.7 No Person shall prevent, hinder or interfere or attempt to prevent, hinder or interfere with an inspection of a Taxicab by the City Clerk or a By-law Enforcement Officer.

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

10.1.9 Where the City Clerk or a By-law Enforcement Officer finds that a Taxicab does not comply with any standard or requirement of this By-law, he or she may make an order to the Owner of that Taxicab:

- (a) stating the Owner Plate number of the Taxicab;
- (b) giving reasonable particulars of the repairs 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 Taxicab Owner Licence and Owner Plate which is registered to that Taxicab shall be deemed to be suspended; and
- (d) indicating the final date for giving notice of appeal from the order.

10.1.10 An order made under this section shall be served on the Taxicab Owner:

- (a) personally;
- (b) by registered letter mail to the last known address of the Taxicab Owner, whether actually received or not;
- (c) by personally serving it on a Driver Operating the Taxicab; or
- (d) by serving it on a Broker Affiliated with the Taxicab Owner by leaving a copy with a person who appears to be in control of the premises of the Broker, or by facsimile to a facsimile number of the Broker on file with the City Clerk.

10.1.11 An order that is not appealed within the time referred to in subsection 9.4 shall be deemed to be confirmed.

10.1.12 If an order of the City Clerk or a By-law Enforcement Officer under this subsection (as deemed confirmed or as confirmed or modified by the Hearings Officer) is not complied with in the time provided for in that order, the Taxicab Owner Licence and Owner Plate in respect of that Taxicab 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 City Clerk, satisfactory evidence of compliance within sixty (60) days from the date of the deemed suspension. (33-2014)

10.1.13 Where a Licence and Owner Plate has been deemed to be suspended under this subsection, and where no satisfactory evidence of compliance with the order is filed with the City Clerk within sixty (60) days from the date of the deemed suspension, that Licence and the Owner Plate shall be deemed to have been cancelled.

10.1.14 Where the City Clerk or a By-law Enforcement 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, he or she 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 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 City Clerk and the Taxicab Meter has been resealed.

10.1.15 Where he or she believes it is in the public interest, the City Clerk may demand that a Taxicab Owner file a Safety Standard Certificate issued under the *Highway Traffic Act* for any Taxicab owned by him, her or it dated not prior to the date of demand and may suspend a Taxicab Owner Licence and Owner Plate until the Certificate has been filed.

10.1.16 Where the City Clerk demands a Safety Standard Certificate pursuant to article 10.1.15, the Taxicab Owner shall provide it forthwith.

10.2 Notification of Change of Information

10.2.1 A licensee shall carry on business in the City in the name which is set out on the Licence and shall not carry on business in the City in any other name unless they have first notified the City Clerk and complied with article 10.2.2.

10.2.2 When a licensee changes their name or address or any information relating to their Licence, they shall notify the City Clerk within forty-eight (48) hours of the change of address or any other information relating to their Licence and shall return the Licence immediately to the City Clerk for amendment.

10.3 Limitation of Number of Taxicab Owner Licences Issued

10.3.1 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; but the number of Taxicab Owner Licences and Owner Plates may be lesser in the discretion of Council and may be established by resolution from time to time. For the purposes of this article, 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-year actuals).

10.3.2 The City Clerk may annually issue new Taxicab Owner Licences and Owner Plates within three months of the annual population statistics from Statistics Canada (annual estimates and the five-year actuals) if warranted in accordance with article 10.3.1, subject to contrary direction of Council.

10.3.3 All Standard Plates that are revoked, cancelled, or surrendered shall, on their return to the City Clerk, be removed from circulation and shall not be reissued under this By-law.

10.3.4 Executive Plates shall be the only Owner Plates issued from the Plate Issuance Eligibility List.

10.3.5 The City Clerk may issue up to seven (7) Taxicab Owner Licences and Executive Plates in the year 2003 notwithstanding that the issuance of these licences may cause the maximums established by article 10.3.1 to be exceeded.

10.3.6 Delegation (33-2014)

10.3.7 It is Council's opinion that the delegations in this By-law to the City Clerk and to the Hearings Officers are of a minor nature. In forming this opinion, Council has had regard to the number of people, the size of the geographic area and the time period affected by the exercise of each delegated power. (33-2014)

Section 11: Offences / Penalties

11.1 Every Person who contravenes any of the provisions of this By-law, and every director or officer of a corporation who concurs in such contravention by the corporation, is guilty of an offence and on conviction is liable to a fine not exceeding \$25,000 or to imprisonment for a term not exceeding one year, or to both.

11.2 Where a corporation is convicted of an offence under subsection 11.1, the maximum penalty that may be imposed on the corporation is \$50,000 and not as provided in that subsection.

By-law read a first, second and third time and finally passed this 13th day of May, 2003.

Mayor

City Clerk

Schedule 1 to By-Law 50-2003

Licence Fees

1. Licence	Annual Fee
(a) Taxicab Owner Licence	\$ 250.00 (116-2008)
(b) Taxicab Broker Licence	\$ 250.00 (116-2008)
(c) Taxicab Driver Licence (valid for 2 years)	\$ 150.00 (116-2008)
2. Transfers	Fee
(a) Transfer of Standard Plate	\$ 1,000.00
3. Other Services	Fees
(a) Driver examination fee per sitting	not set
(b) Filing a letter of appeal to Committee	\$ 75.00
(c) Replacement fee for driver photo identification card and driver licence	\$ 10.00
(d) Replacement fee for Owner Plate	\$ 25.00
(e) Replacement fee for each tariff card	\$ 10.00
(f) Change of Registered Vehicle	\$100.00
(f.1) Annual Registration of a Spare Taxicab	\$100.00 (149-2004)
(g) Re-inspection fee without Taxicab Meter	\$ 20.00
(h) Re-inspection fee with Taxicab Meter	\$ 35.00
(i) In addition to the fee for an Owner Licence, an annual levy shall be paid by each Taxicab Owner for use of Taxicab Stands in accordance with the following formula:	

$$\frac{M \times D \times H \times R}{L}$$

L

Where:

“M” = the number of parking meters removed to permit operation of Taxicab Stands in Oshawa;

“D” = the number of days in a year when metered on-street parking is chargeable as provided pursuant to Oshawa By-law 79-99, as amended or its successors;

“H” = the number of hours per day when metered on-street parking is chargeable as provided pursuant to Oshawa By-law 79-99, as amended or its successors;

“R” = the hourly rate for on-street parking meters as provided for in Oshawa By-law 79-99, as amended or its successors; and

“L” = the total number of Owner Licences issued by the City in the previous calendar year.

Schedule 2 to By-Law 50-2003

Taxicab Tariff (Inclusive Of H.S.T.) (78-2010)

Distance

For the initial 132 metres or part thereof: \$3.75 (78-2010)

For each additional 132 metres or part thereof: \$0.25 (78-2010)

Waiting Time

For each 33.1 seconds of waiting time while engaged: \$0.25 (78-2010)

Packages, Luggages, Etc.

For each package or piece of luggage handled

by Driver in excess of four (4) pieces: \$0.30

Wheelchairs, walkers, etc.: free

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 (149-2004)

Schedule 3 to By-Law 50-2003



Taxicab Passenger Rights and Responsibilities

Oshawa Taxicab Passengers are Entitled to a **professional driver who:**

- Is licensed by the City of Oshawa and prominently displays his/her Taxicab Driver Licence inside the taxicab;
- Is knowledgeable and knows the major routes and destinations in the City;
- Is well-groomed, neat and clean in personal appearance, and dressed in pants (no jeans or sweatpants) or skirt, shirt or blouse with a collar and shoes, all free from obvious wear or damage;
- Speaks, reads and understands English;
- Is courteous and provides assistance;
- Provides a safe ride;
- Knows and obeys City by-laws and all traffic laws;
- Offers a silent ride if desired;
- Takes the most direct route to the destination unless otherwise directed by the passenger;
- Is physically able to assist passengers into the vehicle and to assist them with their belongings;
- Keeps the interior of his/her taxicab clean and free of debris; and
- Issues a receipt upon request noting the date and time of the trip, place of pick up, place of discharge, Taxicab Licence number, Provincial Plate number and the fare charges and paid.

Oshawa Taxicab Passengers are Entitled to a **quality taxicab:**

- In good mechanical and physical condition;
- With a properly calibrated and sealed taximeter;
- With a clean exterior, passenger area and trunk;

- Is heated or air conditioned on demand;
- With easy access to seatbelts; and
- With a smoke-free environment.
- Oshawa **taxicab passengers** are **responsible for**:
- Not eating, drinking or smoking inside the taxicab;
- Not interfering with the taxicab driver in the conduct of his/her duties;
- Any damage caused to the taxicab; and
- Paying the required fare

Customer compliments and/or complaints may be directed to the City's Licensing Information Line at (905) 436-5649 or by e-mail at Taxibylaw@oshawa.ca.

Schedule 4 to By-Law 50-2003

Explanation of Reasons for Licensing

The Council of the City of Oshawa considers it necessary and desirable to license, regulate and govern the businesses of owners and drivers of taxicabs and the business of taxicab brokers for the following reasons:

Health and Safety

The City of Oshawa has chosen to licence, regulate and govern Taxicab Owners and Drivers and Taxicab Brokers to enhance and encourage safe maintenance and operational practices for Drivers and Owners, ensure experienced and qualified Drivers are providing services, supply passengers with Drivers who have proven themselves to be trustworthy to care for their belongings and their person, and ensure accountability of industry participants for health and safety issues.

This reason relates to health and safety as the licensing, regulating and governing provisions aim to protect the health of passengers and those members of the public using the streets in the City of Oshawa by ensuring safe operation of taxicabs, providing for safety mechanisms to protect Drivers, and ensuring the safety of passengers and other users of the public streets in Oshawa.

Consumer Protection

The City of Oshawa has chosen to licence, regulate and govern Taxicab Owners and Drivers and Taxicab Brokers to enhance and encourage equal, fair and courteous treatment of passengers, Drivers, Owners and Brokers, protect the property of passengers, ensure competence of Owners and Drivers in providing Taxicab services, promote accountability, ensure consistency in the application of fares, and support proper and good business practices.

This reason relates to consumer protection as the licensing, regulating and governing provisions aim to prevent, mitigate or redress losses or harm to, or practices which might negatively impact on, Passengers, Drivers, Owners and Brokers.

Nuisance Control

The City of Oshawa has chosen to licence, regulate and govern Taxicab Owners and Drivers and Taxicab Brokers to promote professional behaviour, fair dealing amongst participants in the industry, ensure courteous treatment, and limit or mitigate unsightliness, unnecessary noise, nuisance or disruption for passengers, Drivers, Owners, Brokers and the general public.

This reason relates to nuisance control as the licensing, regulating and governing provisions aim to limit conditions which might reasonably disturb or cause interference to the participants in the industry, the Passengers and the general public.