

The Corporation of the Town of Lakeshore

By-Law 61-2020

Being a By-law to Licence and Regulate Vehicles for Hire

Whereas pursuant to paragraphs 6, 8, and 11 of subsection 11(2) of the *Municipal Act, 2001*, S.O. 2001, c. 25, a municipality may pass bylaws for the health, safety and well-being of persons, and for the protection of persons and property, including consumer protection, in addition to business licensing;

And whereas pursuant to subsection 8(3) of the *Municipal Act, 2001*, the bylaws of a municipality may regulate or prohibit regarding a certain matter, and may require a person to do certain things or provide for a system of licences respecting that matter;

And whereas section 151 of the *Municipal Act, 2001* authorizes a municipality to licence, regulate and govern any business carried out wholly or partly within the municipality, and section 11(2) of the Act also authorizes the Town to pass bylaws for the health, safety and well-being of persons and protection of persons and property including consumer protection;

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

And whereas Council has determined that it is appropriate and desirable to licence vehicles for hire, drivers brokers and private transportation companies for the purposes of ensuring the health and safety of both passengers and drivers, for the protection of persons and property and to ensure consumer protection, and to ensure that efficient Vehicle for Hire services are available to all persons within the Town of Lakeshore;

Therefore, the Council of The Corporation of the Town of Lakeshore enacts as follows:

Part 1 - Definitions

1. "Appeal Period" means within 20 days of receipt of notice of the decision being appealed;

in this by-law.

"Applicant" means a Person applying for a Licence under this by-law;

"Broker" means any Person who accepts Requests for Service or Dispatches a Vehicle for Hire;

"Brokerage" means the business of a Broker and shall be deemed to include the premises on which the business is conducted;

"Cab" means a motor vehicle that is available for or providing a Conveyance Service, but does not include a Limousine, or Private Vehicle for Hire, or a vehicle that is Operating under a Private Transportation Company that is Licenced by the Town;

"Cab Meter" means an independent self-contained measuring device approved by the Licence Issuer and used in a Cab to calculate, amongst other things, the rate payable for a Trip;

"Conveyance Service" means conveying one or more Persons in exchange for a Fare within the Town or from any point in the Town to any point outside the Town;

"Council" means the municipal council of the Town;

"Dispatch" means the sending of a Vehicle for Hire to a location for the purpose of offering or providing transportation to a Passenger, and includes but is not limited to:

- (a) receiving telephone or radio calls from prospective Passengers and directing a Person Operating a Vehicle for Hire to attend at the Passenger's requested location;
- (b) offering or Operating any part of a mobile application or other electronic service that receives requests for transportation services from prospective Passengers and connects such requests to a Person Operating a Vehicle for Hire; or
- (c) any other action that results in a Passenger and Vehicle for Hire being in the same place at the same time for the purpose of providing the Passenger with Vehicle for Hire services, regardless of whether the Vehicle for Hire services are actually provided to the Passenger.

"Driver" means the individual who has care and control of a Cab, Limousine, or Private Vehicle for Hire;

"Driver's Abstract" means a driver's record issued by the Ministry of Transportation for the Province of Ontario;

"Enforcement Officer" means a person appointed by Council as a By-law Compliance Officer, the Licence Issuer and members of the Ontario Provincial Police who are appointed as Provincial Offences Officers for the purpose of this by-law;

"Fare" means the amount charged to a Passenger for transportation provided in a Vehicle for Hire;

"Fleet" means one or more Plated Vehicles being Dispatched by a Broker;

"Hearing Committee" means the committee established by Council for the purposes of hearing applications and appeals made pursuant to municipal by-laws and where such a committee is not constituted then Hearing Committee means Council;

"*Highway Traffic Act*" shall mean the *Highway Traffic Act*, R.S.O. 1990, c. H. 8, and the regulations thereunder;

"Lease" means any contract, agreement, understanding or other arrangement whereby an Owner permits another Person to manage, Operate, control, have custody of, or otherwise employ their Cab, but does not include permitting a Driver to drive a Cab for one regular shift when the Cab is returned to the Owner at the end of the shift;

"Licence" means a Licence issued under this by-law and Licenced has a similar meaning;

"Licence Issuer" means the municipal clerk appointed by Council for the Town pursuant to the *Municipal Act, 2001*;

"Licencee" means any Person authorized by means of a Licence issued pursuant to this by-law;

"Limousine" means:

- (a) Limousine (Classic) a motor vehicle for which an historic permit has been issued under the *Highway Traffic Act* that is available for or providing a Conveyance Service, but does not include a Cab, Limousine (Executive), Limousine (Stretch), or Private Vehicle for Hire; or
- (b) Limousine (Executive) a luxury motor vehicle of a wheelbase size smaller than a stretch limousine manufactured to carry up to seven (7) Passengers, excluding the driver, and approved by the Licence Issuer; or
- (c) Limousine (Stretch) a luxury-class motor vehicle manufactured or modified with an extended wheel-base with a seating capacity for not more than 10 individuals that is available for or providing a Conveyance Service, but does not include a Cab, Limousine (Executive), Limousine (Classic), or Private Vehicle for Hire;

"Limousine Owner" means a Person who holds a Limousine Owner Licence and corresponding Owner Plate;

"Mechanical Defect" includes, but is not limited to, defects directly or indirectly related to any part or parts of a vehicle involving or affecting:

- (a) its brakes or braking system;
- (b) its steering system;
- (c) its suspension system;
- (d) its under body;
- (e) its exhaust system;
- (f) the condition of its tires;
- (g) its lighting;
- (h) its glass;
- (i) its seat belt Operation;
- (j) its wheelchair restraints, if applicable;
- (k) its heating system; or
- (l) the condition of the vehicle's body;

"Municipal Act, 2001" means the *Municipal Act, 2001*, S.O. 2001, c. 25;

"Operate" means to make available or drive a Vehicle for Hire for Conveyance Service;

"Owner" means the Person who is the registered owner of a Cab, Limousine, or Private Vehicle for Hire;

"Owner Plate" means the vehicle Licence identification issued to the Owner under this Bylaw corresponding to their Owner Licence;

"Passenger" means any individual, not including the Driver, seated in a Cab, Limousine, or Private Vehicle for Hire and includes a Person engaging or attempting to engage a Cab, Limousine, or Private Vehicle for Hire to provide a Conveyance Service;

"Person" means an individual, a corporation, a partnership or a joint venture and includes heirs, executors, administrators, successors and assigns of such;

"Plated" means to have the Owner Plate affixed to the Vehicle for Hire for which it was issued;

"Plated Vehicle" means a Cab, Limousine, or Private Vehicle for Hire that has an Owner Plate;

"Police Record Check" means a criminal information report that is a result of a search of the local police records where the Applicant resides and the national databases maintained by the Canadian Police Information Centre; or alternatively, a third party police record check with a grading of Pass, Fail or Concern;

"Private Transportation Company" or "PTC" means a Person that offers, Operates, or facilitates prearranged transportation services using a Private Transportation Company Platform that receives requests for transportation services from prospective Passengers and connects such requests to a PTC Driver;

“Private Transportation Company Driver” or “PTC Driver” means any person who is authorized to use a Private Transportation Company Platform to transport Passengers to provide Conveyance Services using a Private Transportation Company Vehicle;

“Private Transportation Company Identifier” means a sign, decal, emblem, or symbol displaying the logo or name of the Private Transportation Company through which a PTC Driver is providing Conveyance Services to Passengers;

“Private Transportation Company Platform” means any software or application or telecommunications platform to connect Passengers with PTC Drivers;

“Private Transportation Company Vehicle” or “PTC Vehicle” means a motor vehicle, other than a Cab, Limousine, or Private Vehicle for Hire, hired to provide Conveyance Services and is limited to vehicles Operating under a Private Transportation Company licensed under this by-law;

“Private Vehicle for Hire” means a motor vehicle that is available for or providing a Conveyance Service but does not include a Cab, Limousine, or a Private Transportation Company Vehicle;

“Provincial Driver’s Licence” means a Class G licence issued by the Ministry of Transportation for the Province of Ontario pursuant to the *Highway Traffic Act*;

“Request for Services” means a request for a motor vehicle to provide a Conveyance Service;

“Safety Standards Certificate” means a Safety Standards Certificate issued by an authorized mechanic licenced by the Province of Ontario and issued pursuant to the *Highway Traffic Act*;

“Town” means The Corporation of the Town of Lakeshore or the geographic area of the Town of Lakeshore, as the context suggests;

“Trip” means each journey in a Vehicle for Hire commencing when a Passenger enters the vehicle, continuing for the period that the vehicle is occupied, and ending when all Passengers exit the vehicle;

“User Fee By-law” means the Town’s bylaw passed pursuant to section 391 of the *Municipal Act, 2001*;

“Vehicle for Hire” means a motor vehicle that is conveying or available for conveying one or more Persons in exchange for a Fare, fee or other consideration and includes without limitation a Cab, Limousine, and Private Vehicle for Hire, but does not include a Private Transportation Company Vehicle; and

“VIN” means the vehicle identification number affixed to a vehicle by the manufacturer.

Part 2 - Licencing

2.1 Prohibitions

2.1.1 No Person shall:

- (a) own or Operate a Vehicle for Hire without being Licenced under this by-law;
- (b) own or Operate a Private Transportation Company Vehicle without being authorized to Operate by a Private Transportation Company that is licenced under this by-law;
- (c) Dispatch a Vehicle for Hire without being Licenced under this by-law;
- (d) own or Operate a Vehicle for Hire without a valid Owner Plate;

- (e) own or Operate a Private Transportation Company Vehicle without a Private Transportation Company Identifier affixed to the vehicle when Operating as a Private Transportation Company Vehicle;
- (f) Operate a Vehicle for Hire while their Licence issued under this by-law is under suspension;
- (g) Operate a Private Transportation Company Vehicle while the Private Transportation Company Licence is under suspension;
- (h) Operate a Private Transportation Company without being Licenced under this By-Law;
- (i) act as a Broker without being Licenced under this by-law;
- (j) act as a Broker while their Licence issued under this by-law is under suspension;
- (k) advertise the use of a Vehicle for Hire without an Owner or a Broker Licence issued under this by-law; or
- (l) publish or cause to be published any representation that they are Licenced under this by-law or hold themselves out as being Licenced under this by-law if they are not.

2.2 Application for Licences and Renewals

2.2.1 Every application for a Licence and renewal Licence shall be made to the Licence Issuer on the forms provided by the Licence Issuer. Without limitation, every application for a Licence or a renewal shall include:

- (a) the completed application form including, but not limited to:
 - i. if the Applicant is an individual, their name, date of birth, municipal address, telephone number and email address;
 - ii. if the Applicant is a partnership, the name, address and telephone number of each partner;
 - iii. if the Applicant is a corporation,
 - A. the name, address and telephone number of each director and officer;
 - B. the address of the head office in the Province of Ontario which shall not be a post office box and where the Town can send documentation, communication or information during business hours where the corporation will accept receipt of such items; and
 - C. name, telephone, and email contact information for the person authorized to receive and respond on behalf of the corporation to any and all communications from the Town relating to Licence or conduct;
- (b) a sworn statement certifying the accuracy, truthfulness and completeness of the application by the following, as applicable:
 - i. the Applicant, if applying as an individual, certifying the accuracy, truthfulness and completeness of the application;
 - ii. each partner, if the Applicant is a partnership, certifying the accuracy, truthfulness and completeness of the application; and

- iii. an officer of the corporation duly authorized for that purpose, if the Applicant is a corporation, certifying the accuracy, truthfulness and completeness of the application.

(c) The following information or documentation where applicable:

- i. if the Applicant is an individual, proof that the Applicant is at least 18 years of age;
- ii. if the Applicant is a partnership, a copy of the partnership agreement;
- iii. if the Applicant is a corporation,
 - A. the articles of incorporation or other incorporating documents certificated by the Province of Ontario or Government of Canada
 - B. certified copy of an annual return which contains a list of all of the directors and officers of the corporation; and
 - C. proof that the corporation is legally entitled to conduct business in Ontario;
- iv. payment of applicable fees as prescribed by the Town's User Fee by-law;
- v. proof of insurance as required by section 2.3; and
- vi. any other documentation, including affidavits, or information as may be required in any other part of this by-law or by the Licence Issuer in their sole discretion.

2.2.2 An application may be subject to investigations by, and comments or recommendations from, the municipal, provincial or federal departments or agencies as the Licence Issuer deems necessary including but not limited to any of the following:

- (a) the Ontario Provincial Police or such other police forces as may be deemed necessary by the Licence Issuer;
- (b) the Licence Issuer or an Enforcement Officer; and,
- (c) the Province of Ontario or any ministry or agency thereof.

2.3 Insurance Requirements

2.3.1 An Applicant shall provide proof of insurance acceptable to the Licence Issuer of the coverages required in section 2.3.2.

2.3.2 An Owner shall maintain throughout the term of the Licence, the following coverage:

- (a) Commercial General Liability insurance subject to limits of not less than Two Million Dollars inclusive per occurrence for bodily injury, death and damage to property including loss of use. The Commercial General Liability insurance shall include, but not be limited to blanket contractual liability, premises, property and operations liability, products and completed operations liability, contingent employers liability, personal injury, owners and contractors protective coverage, broad form property damage, occurrence property damage, employees as additional insured, cross liability and severability of interest provision;

- (b) Automobile Liability Insurance for owned/leased licenced vehicles with limits of not less than Two Million Dollars inclusive per occurrence for bodily injury, death and damage to property. The Automobile Liability insurance shall include the OPCF 6A – Permission to Carry Paying Passengers and OPCF 22 – Damage to Property of Passengers; and
 - (c) Non-owned Automobile insurance with limits of not less than Two Million Dollars per occurrence.
- 2.3.3 A Broker and Private Transportation Company shall maintain throughout the term of the Licence, the following coverage:
- (a) Commercial General Liability insurance subject to limits of not less than Five Million Dollars inclusive per occurrence for bodily injury, death and damage to property including loss of use. The Commercial General Liability insurance shall include, but not be limited to blanket contractual liability, premises, property and operations liability, products and completed operations liability, contingent employers liability, personal injury, owners and contractors protective coverage, broad form property damage, occurrence property damage, employees as additional insured, cross liability and severability of interest provision; and
 - (b) Automobile Liability Insurance for owned/leased licenced vehicles with limits of not less than Two Million Dollars inclusive per occurrence for bodily injury, death and damage to property. The Automobile Liability insurance shall include the OPCF 6A – Permission to Carry Paying Passengers and OPCF 22 – Damage to Property of Passengers.
- 2.3.4 Each policy of insurance required in section 2.3 shall be endorsed to the effect that the Town shall be given a minimum of 30 days' notice in writing of any cancellation, expiration or change in the amount of the policy which forms the subject of the Licence.
- 2.3.5 If the policy of insurance lapses, then the Licence for the Vehicle for Hire shall be deemed suspended until such time as further proof of insurance is filed.
- 2.4 Issuance of a Licence**
- 2.4.1 An Applicant for any Licence under this bylaw is entitled to be issued a Licence subject to the provisions of this by-law.
- 2.4.2 A Licence shall be in the form and manner as decided by the Licence Issuer and shall, without limitation, include on its face:
- (a) the Licence number;
 - (b) the name of each Licencee;
 - (c) the name of the business with whom a Licencee is employed or affiliated;
 - (d) the address of the business with whom a Licencee is employed or affiliated;
 - (e) the type of Licence;
 - (f) the date the Licence was issued and the date the Licence expires;
 - (g) where applicable, the make, model, VIN and motor vehicle registration number issued under the *Highway Traffic Act*; and,
 - (h) such other information as may be deemed appropriate by the Licence Issuer.

- 2.4.3 The Licence Issuer may refuse to issue, reinstate or renew a Licence or may suspend or revoke a Licence where the Licence Issuer has grounds to believe that:
- (a) the Applicant, the Licencee, or the application does not comply with the requirements of this by-law;
 - (b) the conduct of the Applicant or Licencee affords reasonable grounds for belief that the Applicant has not carried on, or will not carry on, his or her business in accordance with the law and with integrity and honesty;
 - (c) the carrying on of the business or activity by the Applicant or Licencee has resulted, or will result, in a breach of this bylaw or any other law;
 - (d) the carrying on of the business or activity may be adverse to the public interest;
 - (e) an application or other documents provided to the Licence Issuer by or on behalf of the Applicant or Licencee are false or contain a false statement;
 - (f) any information contained in the original application form or any other information provided to the Licence Issuer, has ceased to be accurate and the Licencee has not provided up-to-date accurate information to the Licence Issuer to allow the Licence Issuer to conclude that the Licence should continue;
 - (g) the Applicant or Licencee is not in compliance with any federal, provincial law or municipal by-law;
 - (h) the Applicant or Licencee or any partner, officer or director 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 the Person and Reputation) or IX (Offences Against Property) of the *Criminal Code of Canada*, R.S.C. 1985 c. C-46, or any other criminal convictions in the preceding five (5) years;
 - (i) the Applicant or Licencee or any partner, officer or director has been convicted of an indictable offence under any Statute of Canada, including but not limited to the *Criminal Code of Canada*, the *Narcotic Control Act*, the *Food and Drug Act*, and the *Controlled Drug and Substances Act* during the preceding five (5) years;
 - (j) the Applicant or Licencee has been convicted of any other criminal offence for which, in the opinion of the Licence Issuer, it would not be in the interest of public safety to issue a Licence;
 - (k) the Applicant or Licencee is currently under a prohibition order issued by a court within Canada that prohibits the Operation of a motor vehicle;
 - (l) the Applicant or Licencee does not have a valid Provincial Driver's Licence;
 - (m) the Applicant or Licencee has accumulated 9 or more demerit points under the *Highway Traffic Act* within a 3 year period;
 - (n) the Applicant is in default in payment of any fine arising from a conviction for an offence under a Town by-law; or
 - (o) the equipment, vehicles and other personal property used or kept for hire in connection with the carrying on of or engaging in the business Licenced hereunder are dangerous or unsafe.
- 2.4.4 Notwithstanding any other provision of this by-law, the Licence Issuer may impose terms and conditions on any Licence at issuance, renewal or any time during the

term of the Licence, including special conditions, as are necessary in the opinion of the Licence Issuer to give effect to this by-law.

2.5 Decision

- 2.5.1 Where the Licence Issuer has made a decision pursuant to section 2.4.3, the Licence Issuer shall issue written notice of that decision to the Applicant or Licencee by regular mail to the last known address of that Person and shall be deemed to have been given on the 3rd day after it is mailed. Service on a corporation can be effected by regular mail to the address of the corporation's registered head office.
- 2.5.2 The written notice to be given under section 2.5.1 shall:
- (a) set out the grounds for the decision;
 - (b) give reasonable particulars of the grounds;
 - (c) be signed by the Licence Issuer; and,
 - (d) state that the Applicant or Licencee is entitled to apply to appeal the decision of the Licence Issuer to the Hearing Committee within the Appeal Period.
- 2.5.3 An Applicant or Licencee wishing to appeal a decision of the Licence Issuer to the Hearing Committee shall apply to the Clerk in writing, setting out the grounds for their appeal, and pay the fee prescribed in the User Fee By-law.
- 2.5.4 Where no appeal is filed within the Appeal Period, the decision of the Licence Issuer shall be final.
- 2.5.5 If an appeal is filed after the termination of the Appeal Period, the Licence Issuer shall receive the written appeal and issue an administrative dismissal.
- 2.5.6 When disposing of the appeal, the Hearing Committee may make any decision regarding a Licence application, renewal, suspension or revocation that the Licence Issuer is authorized to do under this by-law.

2.6 Additional Terms and Conditions of Licence

- 2.6.1 Despite any provision of this bylaw, no Licence shall be issued, transferred, or renewed under this bylaw if the Applicant or Licencee has any unpaid fines imposed under the *Provincial Offences Act*.
- 2.6.2 A Licence issued under this by-law shall be valid only for the period of time for which it was issued. An application for a renewal shall be delivered to the Licence Issuer on or before the expiry date of the Licence being renewed.
- 2.6.3 A Licence may be issued for a term of 1 year commencing on the date it is issued and ending on May 1st of each year, except for the first Licence year which may be prorated at the discretion of the Licence Issuer.
- 2.6.4 The issuance of a Licence or renewal thereof under this by-law is not intended and shall not be construed as permission or consent by the Town for the Licencee to contravene or fail to observe or comply with any law of Canada, Ontario or any Town by-law.
- 2.6.5 Every Licence, at all times, is owned by and is the property of the Town and is valid only in respect of the Person named therein.
- 2.6.6 A Licencee agrees to indemnify and save harmless the Town, its elected and non-elected officials, employees and agents from any and all claims, demands, causes

or action costs or damages howsoever caused that the Town may suffer, incur or be liable for resulting from the issuance of a Licence or from the performance or non-performance of the respective licensee under this by-law whether or not such performance or non-performance arises with or without negligence on the part of the licensee, its elected and non-elected officials, employees, or agents.

2.6.7 No Person shall sell, purchase, Lease, mortgage, charge, assign, pledge, transfer, seize, distraint or otherwise deal with a Licence, including any right title or interest therein, issued under this by-law except in accordance with this by-law.

2.6.8 All fees paid pursuant to this by-law are non-refundable.

2.7 Renewal of Licence

2.7.1 A Licensee may apply for the renewal of their Licence prior to the expiry of the Licence.

2.7.2 A Licensee applying for renewal of a Licence shall provide such information, documentation, and proof as are required for a new Licence under this by-law.

2.8 Notification of Change of Information regarding Licence or Licensee

2.8.1 When a Licensee changes their name, address, affiliated Broker, employer or any other information relating to their Licence, the Licensee shall notify the Licence Issuer within 5 days after such change and if necessary, as determined by the Licence Issuer, the Licence shall be returned immediately to the Licence Issuer for amendment.

2.8.2 When the Licensee is a corporation and there is any change in the following information given on the application namely: the names and addresses of officers or directors, the location of the corporate head office, or ownership of shares, the Licensee shall report the change to the Licence Issuer within 5 days of the change and if necessary as determined by the Licence Issuer, the Licence shall be returned immediately to the Licence Issuer for amendment.

Part 3 - Licence Specific Requirements

3.1 Vehicle for Hire Drivers – Licence Applications and Renewals

3.1.1 In addition to the requirements in section 2.2, an Applicant for a Vehicle for Hire Driver Licence, or a renewal thereof, or alternatively, a Broker acting on the behalf of the Applicant shall:

- (a) submit to the Licence Issuer documentation showing proof of Canadian Citizenship, Landed Immigrant Status, or a Work Permit to work as a Driver issued by the Government of Canada;
- (b) submit to the Licence Issuer a valid Provincial Driver's Licence;
- (c) submit to the Licence Issuer proof that they are at least 18 years of age, which shall include a copy of a valid birth certificate or passport;
- (d) submit to the Licence Issuer a Police Record Check with every initial application for a Licence and every 3 years thereafter, that is dated no later than 60 days prior to the application for a Licence;
- (e) submit to the Licence Issuer with every application for renewal in the years that a Police Record Check is not required a sworn affidavit stating that the Police Record Check on file has not changed and that there are no new charges or convictions;
- (f) submit to the Licence Issuer a Driver's Abstract dated no later than 30 days prior to the application for a Licence; and,

- (g) submit to the Licence Issuer the name of the Licenced Broker with whom they are affiliated.

3.1.2 The Licence Issuer shall not issue a Licence to an Applicant for a Driver's Licence or to a Licencee applying for a renewal of a Driver's Licence if:

- (a) the Applicant or Licencee has a record of conviction in the last 5 years under the *Criminal Code*, R.S.C. 1985 c. C-46, including offences relating under the categories of Sexual Offences, Offences Against the Person and Reputation, Offences Against Property;
 - i. under the *Narcotics Control Act*;
 - ii. under the *Food and Drug Act*;
 - iii. under the *Controlled Drug and Substances Act*; or,
 - iv. other by-laws or statutes that, in the opinion of the Licence Issuer, it would not be in the interest of public safety;
- (b) the Applicant or Licencee has had their Provincial Driver's Licence issued under the *Highway Traffic Act* cancelled, revoked or suspended for any reason;
- (c) the Applicant or Licencee's Driver's Abstract shows 9 or more demerit points; or,
- (d) the Licence Issuer has reasonable grounds to believe that the vehicle being Operated by the Applicant or Licencee is unsafe.

3.2 Vehicle for Hire - Driver's Duties

3.2.1 Every Vehicle for Hire Driver shall:

- (a) carry their driver's licence issued under the *Highway Traffic Act*, and their Licence while Operating a Vehicle for Hire and have both ready to produce if requested by an Enforcement Officer or member of a police force;
- (b) have displayed in the interior of the Vehicle for Hire the driver's Licence as issued by the Licence Issuer and it shall be displayed so that it is clearly visible to any Passenger in the Vehicle for Hire;
- (c) provide Conveyance Service to the first Passenger requiring such service of the Vehicle for Hire. More than one party shall not be carried at the same time, except with the consent of the party first engaged with the Vehicle for Hire Driver;
- (d) take the Vehicle for Hire on the most direct traveled route from the point of pickup of the Passenger to the point of destination, unless otherwise directed by the Passenger;
- (e) present a clean appearance and act in an orderly, civil and courteous manner towards the Passenger and the public generally;
- (f) be punctual and keep all appointments;
- (g) upon request of any Passenger, give in writing, his/her name, the name, address, and telephone number of the Owner and the Broker, and the Licence number for the Vehicle being Operated;

- (h) not transport a child under the age of twelve (12) years old in the front seat of the Vehicle for Hire without first disengaging the front seat Passenger air bag;
- (i) upon being required to do so by the Licence Issuer or any Enforcement Officer provide information regarding the address of the house or place to or from which they have driven any Passenger with a description, name, and address of the Passenger, if known to the Vehicle for Hire Driver;
- (j) not be under the influence of any intoxicant or take, consume or have in his/her possession any intoxicant while Operating a Vehicle for Hire;
- (k) have the right to refuse a customer on the basis that the Vehicle for Hire Driver is concerned for his or her safety or that the Vehicle for Hire Driver has a reasonable belief that the customer may not be able to pay the Fare;
- (l) accept the currency of Canada or the United States as payment of a Fare and where United States currency is tendered, it must be paid based on the current rate of exchange as posted by a chartered bank or financial institution on the date that the currency is tendered by the Passenger;
- (m) accept cash and either debit or credit card payment for Fares;
- (n) report immediately to the Licence Issuer if they are charged with or convicted of any offence under the *Criminal Code of Canada*, the *Narcotic Control Act*, the *Food and Drugs Act*, the *Controlled Drugs and Substances Act* or the *Highway Traffic Act*;
- (o) report immediately to the Licence Issuer if their driver's licence issued under the *Highway Traffic Act* is cancelled, suspended or revoked or if their driver's licence has expired, and surrender immediately their Licence to the Licence Issuer;
- (p) deliver all property, goods or money left in error by a Passenger in the Vehicle for Hire within 24 hours to such Passenger or notify the Passenger where such property goods or money may be recovered, or if such Passenger is unknown, deliver the property, goods for money to the office of the Broker that dispatched the request for the Vehicle for Hire within 24 hours;
- (q) make available the number of the Owner Plate and the name of the Fleet that the Vehicle for Hire belongs to in an accessible format to Passengers who are Persons with disabilities.

3.3 Vehicle for Hire - Driver's Prohibitions

3.3.1 No Vehicle for Hire Driver shall:

- (a) smoke inside a Vehicle for Hire or allow another Person to smoke inside the Vehicle for Hire;
- (b) Operate a Vehicle for Hire whose owner is not Licenced under this by-law;
- (c) Operate a Vehicle for Hire without the number of the Owner Plate displayed on the rear trunk of the Vehicle for Hire in accordance with this by-law;
- (d) Operate a Vehicle for Hire that is not mechanically safe;
- (e) Operate a Vehicle for Hire without insurance as required by this by-law;
- (f) carry in their Vehicle for Hire more Passengers than those permitted by the manufacturer's rating of seating capacity;

- (g) charge a Passenger any Fare more than the one offered to and accepted by the Passenger;
- (h) charge more than one Fare for each trip; or
- (i) charge for lost time arising from defects in or inefficient Operation of the Vehicle for Hire or incompetence in driving.

3.4 Private Vehicle for Hire Drivers – Additional Prohibitions

3.4.1 In addition to the prohibitions in section 3.3, a Private Vehicle for Hire Driver shall not:

- (a) receive Requests for Service other than through electronic means or phone calls to one designated number and shall not be dispatched by a two-way radio;
- (b) display advertising bearing the words “taxicab” “taxi” or “cab” nor be equipped with a roof sign or meter; or
- (c) cruise for Fares or “stand” for Fares unless awaiting the completion of a prearranged engagement or accept or solicit Passengers without a prearranged engagement.

3.5 Vehicle for Hire - Driver’s Vehicle Requirements

3.5.1 Every Driver shall maintain the interior of his or her vehicle, while they are Operating it, in a clean and tidy condition, including:

- (a) free from all dust, dirt, grease, oil, adhesive resin and any other item that can be transferred on to a Person, or the clothing or possessions of a Passenger;
- (b) free of all waste paper, cans, garbage or any other debris;
- (c) free of noxious substances;
- (d) in good repair;
- (e) with working seat belts;
- (f) with side windows that open and close;
- (g) with every seat securely mounted, maintaining its position and adjustment; and
- (h) with a working dome light that will activate automatically when the vehicle doors open.

3.5.2 Every Driver shall maintain the exterior of his or her vehicle, while they are Operating it, in good condition including:

- (a) free from exterior body damage which impacts the safe Operation of the vehicle;
- (b) with securely closing doors and trunk lid; and
- (c) with all handles in good repair.

3.6 Vehicle for Hire Owners – Licence Applications and Renewals

- 3.6.1 A Person who is the owner of one or more Vehicles for Hire shall take out a separate Licence and Owner Plate for each vehicle.
- 3.6.2 In addition to the requirements in section 2.2, an Applicant for an Owner Plate shall:
- (a) file with the Licence Issuer proof that the vehicle to be Plated has a current motor vehicle permit that is in good standing issued under the *Highway Traffic Act* and is either registered in the Applicant's name or Leased by the Applicant;
 - (b) file with the Licence Issuer a Safety Standards Certificate issued within the previous 60 days with respect to the vehicle to be Plated; and,
 - (c) submit for inspection and approval by the Licence Issuer the vehicle that is to be Plated, if requested by the Licence Issuer.

3.7 Vehicle for Hire - Owner's Duties

- 3.7.1 An Owner shall:
- (a) keep at all times in their Vehicle for Hire, the original or a photocopy of the original of each of the following documents:
 - i. the current Vehicle for Hire Owner Licence;
 - ii. a current Ministry of Transportation passenger motor vehicle permit issued for the Vehicle for Hire; and
 - iii. a valid certificate of insurance for the Vehicle for Hire obtained in accordance with the requirements of this by-law.
 - (b) repair all of their Vehicle for Hire's mechanical defects immediately when reported by a Driver, the Licence Issuer or an Enforcement Officer;
 - (c) submit their Vehicle for Hire for a safety inspection annually by a motor vehicle inspection mechanic at a motor vehicle inspection station as defined by the *Highway Traffic Act* and at other times as requested to do so by the Licence Issuer or an Enforcement Officer;
 - (d) maintain the insurance on their Vehicle for Hire as required by this by-law;
 - (e) file with the Licence Issuer at least twenty days prior to the expiry date of any current insurance policy an insurance renewal policy or certificate of insurance;
 - (f) ensure that their Vehicle for Hire complies with all requirements as set out in this by-law; and
 - (g) ensure that every Driver or lessee or every other Person involved in the Operation of the Vehicle for Hire complies with all of the requirements of this by-law.

3.8 Vehicle for Hire - Owner Prohibitions

- 3.8.1 No Owner shall:
- (a) Operate or permit their Vehicle for Hire to be Operated without an Owner Plate;
 - (b) permit any Person to Operate their Vehicle for Hire for the purpose of Conveyance Services without that Person being Licenced as a Vehicle for Hire Driver under this by-law;

- (c) permit their Owner Plate to be used with respect to any other vehicle other than the vehicle for which the Owner Plate was issued;
- (d) Operate or permit their Vehicle for Hire to be Operated with mechanical defects;
- (e) Operate or permit their Vehicle for Hire to be Operated in affiliation with a Broker who is not Licenced under this by-law;
- (f) Operate or permit their Vehicle for Hire to be Operated without insurance as required under section 2.3.2; and
- (g) Operate or permit their Vehicle for Hire to be Operated when it is not in compliance with the requirements of this by-law.

3.9 Private Vehicle for Hire – Owner’s Prohibitions

3.9.1 A Private Vehicle for Hire Owner shall ensure that:

- (a) advertising is not displayed on the Private Vehicle for Hire bearing the words “taxicab”, “taxi”, or “cab”;
- (b) no roof sign is on the Private Vehicle for Hire;
- (c) no meter is used to calculate Fares;
- (d) no two-way radio is in the Private Vehicle for Hire;
- (e) the Private Vehicle for Hire Drivers do not cruise for Fares or “stand” for Fares unless awaiting the completion of a pre-arranged engagement and do not accept or solicit Passengers without a pre-arranged engagement.

3.10 Vehicle for Hire – Owner’s Vehicle Requirements

3.10.1 An Owner shall ensure that the interior of their Vehicle for Hire is maintained in a clean and tidy condition, including:

- (a) free from all dust, dirt, grease, oil, adhesive resin and any other item that can be transferred on to the Person, clothing or possessions of a Passenger;
- (b) free of all waste paper, cans, garbage or any other debris;
- (c) free of noxious substances;
- (d) in good repair;
- (e) with working seat belts;
- (f) with side windows that open and close;
- (g) with every seat securely mounted maintaining its position and adjustment; and
- (h) with a working dome light that will activate automatically when the vehicle doors open.

3.10.2 An Owner shall maintain the exterior of their Vehicle for Hire in good condition including:

- (a) free from exterior body damage which impacts the safe Operation of the vehicle;
- (b) with securely closing doors and trunk lid; and

(c) with all handles in good repair.

3.10.3 An Owner shall ensure that the Owner Plate issued for the Vehicle for Hire is securely affixed to its right rear trunk.

3.10.4 An Owner shall make available the number of the Owner Plate and the name of the Fleet that the Vehicle for Hire belongs to in an accessible format to Passengers who are Persons with disabilities.

3.10.5 In addition to the requirements of section 3.10.1 through and including 3.10.4, a Cab Owner shall ensure that their Cab:

(a) if utilizing a Cab Meter for its Conveyance Service, has a fully-Operational Cab Meter for registering distance travelled, waiting time, and computing Fares; and

(b) has a roof sign indicating the Vehicle for Hire is a Cab.

3.10.6 In addition to all the requirements set out in sections 3.10.1 to 3.10.4, a Limousine Owner shall ensure that their Limousine has the Owner Plate issued for the Limousine affixed to its right rear trunk.

3.11 Broker - Licence Applications and Renewals

3.11.1 In addition to the requirements in 2.2, an Applicant for a Broker Licence shall file with the Licence Issuer proof that the Applicant has a system for receiving Requests for Service and Dispatching Vehicles for Hire.

3.12 Broker Duties

3.12.1 A Broker shall:

(a) keep a record of all Vehicles for Hire associated with the Broker including the make, model and VIN for each vehicle, the Owner's name and contact information, and a copy of the Owner's Licence;

(b) ensure that every Driver or Owner in association with the Broker complies with all provisions of this by-law, including ensuring that the Driver or Owner is Licenced;

(c) maintain an accurate record for at least one year, of all Requests for Service for each Vehicle for Hire including the following information:

i. the Owner Licence number;

ii. the Driver's name and Driver Licence number;

iii. the date and time of Dispatch;

iv. the address to which the vehicle is Dispatched;

v. the time of arrival at pick up for all Trips;

vi. the time of arrival at the destination for all Trips; and

vii. the Fare charged for all Trips;

(d) upon request, inform a Passenger of the anticipated length of time for a vehicle to arrive at the pick-up location; and

(e) notify the Licence Issuer within 72 hours of any addition to or deletion of a Vehicle for Hire from the Fleet.

3.13 Broker's Prohibitions

3.13.1 No Broker shall:

- (a) Dispatch any Driver who is not Licenced;
- (b) Dispatch any Person who is Operating a Vehicle for Hire whose owner is not Licenced;
- (c) charge or receive payment for a Trip through a mobile payment application or other electronic service that receives Requests for Services from Passengers and connects such requests to a Person Operating a Vehicle for Hire for an amount other than as communicated to and accepted by the Passenger prior to the start of the Trip; or
- (d) Dispatch a Vehicle for Hire that does not comply with the requirements of this by-law.

3.14 Leasing of Cabs

3.14.1 No Person shall enter into or be party to any Lease or otherwise convey rights over a Cab Licence or Owner Plate or give or receive any consideration or remuneration therefore.

3.14.2 Notwithstanding section 3.14.1, a Cab Owner holding a valid Cab Owner Licence may Lease their Cab provided that:

- (a) the lessee is Licenced as a Vehicle for Hire Driver, Owner or Broker;
- (b) under the terms of the Lease, the Cab Owner provides a Cab that is Plated and otherwise meets all of the requirements of this by-law;
- (c) under the terms of the Lease, the Cab Owner is responsible for the maintenance of the Cab and insurance for the Cab;
- (d) the Lease is for one Cab and expires upon the sale, replacement or other disposition of the Cab;
- (e) the Cab Owner or a partner, if the Applicant is a partnership, or an officer or director, if the Applicant is a corporation, signs a statutory declaration stating that the Owner Plate will not be transferred during the term of the Lease;
- (f) the Lease is in writing and signed by the parties thereto;
- (g) a copy of the Lease is filed with the Licence Issuer; and
- (h) all fees required under this by-law are paid.

3.14.3 The written Lease may be in any form agreed to by the parties thereto, provided that it includes:

- (a) the date of its signing;
- (b) the names and business addresses of the parties thereto;
- (c) its effective date;
- (d) its termination date;
- (e) a full description of the Cab which is the subject of the Lease, including the VIN, the make, the model year, the Licence plate number and the number of the Owner Licence and Owner Plate;

(f) the parties' rights to early termination of the Lease; and

(g) the signatures of the parties and witnesses thereto.

3.14.4 No Person shall sub-lease or purport to sub-lease a Cab that is the subject of a Lease.

3.14.5 No Owner shall, by a term in a Lease or otherwise, permit any lessee or other Person to Lease or sub-lease or purport to Lease or sub-lease a Cab that is the subject of a Lease.

3.14.6 No Person shall be a party to a Lease or purported Lease of a Cab to which the Owner is not the lessor.

3.14.7 Every Cab Owner shall notify the Licence Issuer in writing of the expiration or termination of any Lease to which they are a party within 10 days of the expiration of the termination of said Lease.

3.14.8 No Cab Owner shall enter into or be a party to more than one Lease at any one time with respect to any one Cab.

3.15 Transfer of Cab Licences

3.15.1 A Cab Owner and Licences are transferrable, provided that:

(a) the transferee is a Licenced Vehicle for Hire Driver;

(b) the transferee, or a partner, if the transferee is a partnership, or an officer or director, if the transferee is a corporation, signs a statutory declaration as set out by the Licence Issuer;

(c) the transferor or a partner, if the transferor is a partnership, or an officer or director, if the transferor is a corporation, has completed a written application for such a transfer;

(d) the transferee meets all of the requirements of a Cab Owner, including submitting the Cab to which the Owner Plate will be affixed for inspection; and

(e) all fees required under this by-law are paid.

3.16 Transfer of Cab Owner Licences by Estate

3.16.1 Within 30 days following the death of an individual holding a Cab Owner Licence, the executor or administrator of the individual's estate shall file with the Licence Issuer:

(a) proof of death of the individual; and

(b) proof of the executor's or administrator's capacity.

3.16.2 On the death of an individual holding one or more Cab Owner Licences:

(a) the executor or administrator of the individual's estate may continue to hold any Cab Owner Licences for up to one year following the date of death, subject to all of the requirements of this by-law;

(b) during the year following the date of death, the executor or administrator of the individual's estate may transfer the Cab Owner Licence to anyone currently Licenced as a Vehicle for Hire Driver;

(c) after the year following the date of death, the executor or administrator of the individual's estate may continue to hold one Cab Owner Licence, if they meet all of the requirements for holding such Owner Licence under this by-law; and

- (d) after one year following the date of death, all Cab Licences that have not been transferred in accordance with sections 3.16.2(b) or 3.16.2(c) shall be revoked and returned to the Licence Issuer by the executor or administrator of the individual's estate immediately.

3.16.3 Notwithstanding section 3.16.2(d) of this by-law, if the executor or administrator of the individual's estate has not transferred all Cab Licences in accordance with section 3.16.2(b) or 3.16.2(c), they may request a hearing before the Hearing Committee to consider an extension of up to 2 years before revocation.

3.17 Private Transportation Company - Licence Applications and Renewals

3.17.1 In addition to the requirements in section 2.2, an Applicant wishing to carry on the business of a Private Transportation Company shall provide the Licence Issuer with the following:

- (a) evidence of a Private Transportation Company Identifier to be displayed on a Private Transportation Company Vehicle, that may be in a removable format, for approval by the Licence Issuer;
- (b) a list of all PTC Drivers authorized to use the Private Transportation Company Platform, which list shall include the following information in a searchable electronic database in a form satisfactory to the Licence Issuer:
 - i. confirmation that the PTC Driver is authorized to use the Private Transportation Company Platform;
 - ii. the full name, date of birth, address and phone number of the Private Transportation Company Driver; and
 - iii. the year, make, model, VIN and Ontario licence plate number of the Vehicle to be Operated as a Private Transportation Company Vehicle by a PTC Driver;
- (c) a sworn declaration confirming that all PTC Drivers have provided the following to the Private Transportation Company:
 - i. proof of a valid Provincial Driver's Licence;
 - ii. proof of being at least 18 years of age;
 - iii. proof of Canadian Citizenship or Landed Immigrant Status or a work permit to work as a Driver issued by the Government of Canada;
- (d) submit to the Licence Issuer:
 - i. confirmation that each PTC Driver's Driver's Abstract has been received and is dated no more than 30 days old;
 - ii. confirmation that that no PTC Driver is permitted to provide service for a Private Transportation Company where 9 or more demerit points is shown on a Driver's Abstract;
 - iii. proof of a Safety Standards Certificate dated not more than 60 days, for all vehicles associated with a Private Transportation Company; and,
 - iv. proof of automobile liability insurance required by the *Compulsory Automobile Insurance Act* and an endorsement or an automobile liability insurance form approved by the Financial Services Commission of Ontario for use by a PTC Driver and each policy of insurance shall be endorsed to the effect that the Town shall be given a minimum of 30 days' notice in writing of any cancellation, expiration

or change in the amount of the policy which forms the subject of the Licence;

- v. a summary of the findings of a Police Record Check for every PTC Driver, unless additional information is requested by the Licence Issuer, for every initial application for a Licence and every renewal thereafter and such Police Record Check must be dated no more than 1 year old for current PTC Drivers and no more than 30 days old for new PTC Drivers;
- vi. confirmation that no individual shall be permitted to provide Conveyance Services for the Private Transportation Company if the individual has been convicted of offences in the preceding 5 years or is being investigated for offences:
 - A. under the *Criminal Code*, R.S.C. 1985 c. C-46, including but not limited to offences in the categories of Sexual Offences, Offences Against the Person and Reputation, Offences Against Property;
 - B. under the *Narcotics Control Act*;
 - C. under the *Food and Drug Act*;
 - D. under the *Controlled Drug and Substances Act*; or,
 - E. other by-laws or statutes that, in the opinion of the Licence Issuer, it would not be in the interest of public safety.

3.18 Private Transportation Company Duties

3.18.1 A Private Transportation Company shall:

- (a) ensure that every PTC Driver authorized to use the Private Transportation Company Platform has submitted to the Private Transportation Company, all requirements listed herein prior to commencement as a PTC Driver and annually thereafter;
- (b) ensure that a PTC Driver has no access and is not authorized to use the Private Transportation Company Platform if:
 - i. the PTC Driver has a record of conviction in the last 5 years:
 - A. under the *Criminal Code*, R.S.C. 1985 c. C-46, including but not limited to Sexual Offences, Offences Against the Person and Reputation, Offences Against Property;
 - B. under the *Narcotics Control Act*;
 - C. under the *Food and Drug Act*;
 - D. under the *Controlled Drug and Substances Act*; or,
 - E. other by-laws or statutes that, in the opinion of the Licence Issuer, it would not be in the interest of public safety.
 - ii. the PTC Driver has had their driver's licence issued under the *Highway Traffic Act* cancelled, revoked or suspended for any reason;
 - iii. the Driver's Abstract shows 9 or more demerit points for the PTC Driver;

- iv. the Licence Issuer has reasonable grounds to believe that the vehicle being Operated by the PTC Driver is unsafe;
 - v. the Safety Standard Certificate relating to the Private Transportation Company vehicle is not renewed annually;
 - vi. the PTC Driver does not maintain insurance as described in section 3.17.1; or,
 - vii. the PTC Driver does not display the Private Transportation Company Identifier if Operating the Vehicle as a Private Transportation Company Vehicle;
- (c) notify the Licence Issuer when a PTC Driver is no longer authorized to access the Private Transportation Company Platform for any reason;
- (d) keep a current list of every PTC Driver authorized to access the Private Transportation Company Platform and of every Private Transportation Company Vehicle in a readily accessible electronic format that includes:
- i. the full name and address of every Private Transportation Company Driver;
 - ii. the make, model and licence plate of every Private Transportation Company Vehicle; and,
 - iii. Operational data such as background and driving record checks, vehicle inspection records, trip sheets, and proof of insurance;
- (e) ensure that driver training is provided to all Private Transportation Company Drivers specific to the use of the Private Transportation Company's Platform, the handling of Passengers, sensitivity towards diversity and accessibility and providing assistance to Passengers in need;
- (f) prior to the collection of any personal information, shall obtain a consent for such collection and potential disclosure to the Licence Issuer from any PTC Driver with whom it is affiliated in the Town;
- (g) retain all records respecting Conveyance Services offered, Operated or facilitated by it in the Town for a period of at least one year and produce to the Licence Issuer upon request any such records in electronic format within 14 days of the date of the request, including records required as part of random audits or investigations conducted by the Licence Issuer to evaluate compliance with this by-law;
- (h) not impose any mandatory arbitration clause on PTC Drivers or Passengers whose transportation is offered, Operated or facilitated by the Private Transportation Company, and further shall not require that the law of any jurisdiction other than Ontario be applied in relation to the use of the relevant Private Transportation Company Platform in the Town by PTC Drivers or Passengers;
- (i) set Fares based on market conditions to be charged to Passengers transported by PTC Drivers subject to the following conditions:
- i. the Fare for a trip shall be communicated to a potential Passenger clearly and transparently prior to the start of the trip;
 - ii. the PTC Driver shall not commence the trip until the Passenger has provided electronic acceptance of the Fare communicated in accordance with (i) above;

- iii. the PTC Driver shall charge the Passenger the communicated and accepted Fare in accordance with (l)(i) and (ii) above; and
 - iv. a Private Transportation Company shall ensure that a record is maintained of the Passenger's acceptance of the Fare provided;
- (j) provide Passengers with the following information prior to the start of a trip:
 - i. the vehicle make and model;
 - ii. the PTC Driver's first name;
 - iii. the Ontario licence plate number of the Private Transportation Company Vehicle; and,
 - iv. a photograph of the PTC Driver;
- (k) at the conclusion of every Trip provide, or require its PTC Driver to provide, the Passenger an electronic receipt containing at least the following information:
 - i. the Fare charged;
 - ii. the date and total time of the Trip;
 - iii. the start and end locations of the Trip; and,
 - iv. the PTC Driver name and Ontario licence plate number of the Private Transportation Company Vehicle;
- (l) that all PTC Drivers affix securely to the rear of the Private Transportation Company Vehicle a Private Transportation Company Identifier when Operating as a Private Transportation Company Vehicle;
- (m) not permit, encourage, or condone the acceptance of hails or the solicitation of Passengers by PTC Drivers, whether on the street or at a Cab stand or in any other manner or at any other location;
- (n) ensure that all PTC Drivers authorized to use its Private Transportation Company Platform have an ongoing duty to disclose:
 - i. any criminal charges relevant to the nature of the services of a Private Transportation Company Driver, or directly affect the Private Transportation Company Driver's ability to competently and responsibly carry on the services of a PTC Driver, including but not limited to a charge under the *Criminal Code*, the *Narcotics Control Act* or the *Food and Drug Act*;
 - ii. any suspension of their Provincial Driver's Licence;
 - iii. any change in insurance; and,
 - iv. any accidents while Operating as a Private Transportation Company Vehicle;
- (o) ensure there is a dispute resolution process for dealing with any complaints regarding fees, customer service, or any other issues arising from the Private Transportation Company Operation and such complaint records be made available to the Town or as requested by the Licence Issuer;
- (p) issue to all PTC Drivers, a current identification card in written or accessible electronic form bearing the following information:
 - i. the first and last name and photograph of the PTC Driver;

- ii. the make, model, and Ontario licence plate number of the Private Transportation Company Vehicle used by the PTC Driver; and,
 - iii. the name and contact information of the Private Transportation Company with which the PTC Driver is affiliated;
- (q) ensure that all PTC Drivers authorized to use the Private Transportation Company Platform have the identification card required in the Private Transportation Company Vehicle at all times when Operating; and
- (r) not offer or facilitate prearranged transportation service for compensation using a Private Transportation Company Platform to connect any Passenger with a PTC Driver or with a Private Transportation Company Vehicle that do not meet the requirements of this by-law.

3.18.2 No PTC Driver shall:

- (a) solicit or accept requests for Conveyance Services that are not prearranged using the Private Transportation Company Platform the Private Transportation Company Driver is authorized to use, including street hails or picking up Fares at Cab stands or in any other manner or at any other location;
- (b) accept payment directly from a Passenger;
- (c) fail to notify the Private Transportation Company in writing of any change in any of the information required by the Private Transportation Company prior to access to the Private Transportation Company Platform;
- (d) Operate a vehicle as a Private Transportation Company Vehicle unless the vehicle:
 - i. displays the Private Transportation Company Identifier when Operating as a Private Transportation Company Vehicle; and
 - ii. has no meter, roof light or markings that have the effect of making it look like a Cab or identify it as being available for hire;
- (e) provide Conveyance Services without maintaining accurate trip records which are to be made immediately available to the Licence Issuer or Enforcement Officer; or,
- (f) deviate from the shortest possible route to the destination requested by a Passenger as determined by GPS unless the Passenger designates another route.

Part 4 - Inspections

- 4.1 When required to do so by an Enforcement Officer, an Owner, Driver or PTC Driver shall submit their vehicle or cause their vehicle to be submitted for inspection to a place designated by the Licence Issuer or an Enforcement Officer:
- (a) immediately if the vehicle is in the presence of an Enforcement Officer; or
 - (b) within 24 hours of receipt of the request and a time set by the Enforcement Officer, if the vehicle is not in the presence of an Enforcement Officer.
- 4.2 Notification of an inspection or an order made under section 4.1 shall be served on an Owner:
- (a) Personally or by telephone;
 - (b) by email to the last known address of the Owner, whether actually received or not;

- (c) personally on the Driver Operating the Plated Vehicle;
 - (d) by leaving a copy with an individual at a Brokerage associated with the Owner;
or
 - (e) by facsimile or email to the last known facsimile number or email address of a Broker associated with the Owner.
- 4.3 An Enforcement Officer may require a Driver, an Owner or a PTC Driver to submit or cause to be submitted their vehicle for an inspection, including an inspection by a designated mechanic or a designated representative of the manufacturer of the Cab Meter, at a time and place specified by the Enforcement Officer to ensure compliance with this by-law.
- 4.4 When the Licence Issuer or an Enforcement Officer believes on reasonable grounds that a Plated Vehicle is being Operated such that it is a danger to the health or safety of the public, or does not comply with any requirement of this by-law may:
- (a) remove the Owner Plate;
 - (b) order the Driver to have the vehicle towed to a place of repair or other private property at the Driver's or the Owner's expense;
 - (c) order the Owner not to Operate or permit the Operation of the vehicle until the danger is remedied, the vehicle has been inspected by the Licence Issuer or an Enforcement Officer and, in the case of a Cab, the Cab Meter has been resealed; or
 - (d) order the Owner to file with the Licence Issuer a Safety Standards Certificate after the date of the order.
- 4.5 An Owner whose Vehicle for Hire is deemed unsafe or dangerous due to Mechanical Defect, may be required to attend before the Licence Issuer to determine whether or not their Licence should be suspended, revoked or have conditions imposed on the Licence.
- 4.6 When a Vehicle for Hire has been in an accident, the Owner shall:
- (a) immediately remove the vehicle from service;
 - (b) notify the Licence Issuer of the collision; and
 - (c) notify the Licence Issuer of the details of the vehicle's repairs, if any;
 - (d) provide to the Licence Issuer a current Safety Standards Certificate; and,
 - (e) if requested, present the Licence Issuer with the vehicle for inspection prior to returning the Vehicle for Hire to service.
- 4.7 Where an Enforcement Officer believes on reasonable grounds that a Plated Vehicle does not comply with the requirements of this by-law, they may order the Owner to bring it into compliance, and the order shall:
- (a) state the Owner Plate number of the vehicle;
 - (b) give reasonable particulars of any repairs to be made;
 - (c) indicate the time for compliance with the order;
 - (d) give notice that if the order is not complied with the Owner Licence may be suspended; and,

- (e) require that the Owner Plate be returned to the Licence Issuer immediately.

Part 5 - Fares

- 5.1 A Vehicle for Hire Owner and Vehicle for Hire Driver shall either post its rates in a manner that is clearly visible to any Passenger in the Cab or shall ensure that the Passenger is aware of the Fare to be charged before providing the service, including any charges for suitcases, boxes or bags carried with the Passenger or any other additional charge.
- 5.2 No Vehicle for Hire Owner or Vehicle for Hire Driver shall:
 - (a) charge a higher Fare or an additional fee for individuals with disabilities than for individuals without disabilities for the same Trip; or
 - (b) charge a fee for the storage of mobility aids or mobility assistive devices.
- 5.3 A PTC Driver payment for a Trip may only be charged and received through a mobile payment application or other electronic service that receives requests for transportation services from Passengers and connects such Requests for Service to a Person Operating a Private Transportation Company Vehicle.

Part 6 - Administration and Enforcement

- 6.1 The administration of this by-law is assigned to the Licence Issuer who shall generally perform all of the administrative functions conferred by this by-law and without limitation may:
 - (a) devise application forms and receive and process all applications for all Licences and renewals of Licences under this by-law;
 - (b) issue Licences in accordance with the provisions of this by-law;
 - (c) impose terms and conditions on Licences in accordance with this by-law;
 - (d) refuse to issue or renew a Licence or revoke or suspend a Licence in accordance with this by-law;
 - (e) charge fees in accordance with the Town's User Fee by-law for fees associated with this by-law;
 - (f) further delegate to employees of the Town powers delegated under this by-law; and
 - (g) collect personal information for the purpose of licencing and regulating Vehicles for Hire under the authority granted by this by-law.
- 6.2 An Enforcement Officer may enforce this by-law and take any steps to do so including, but not limited to:
 - (a) at any reasonable time, enter onto land for the purpose of carrying out an inspection for the purpose of determining compliance with this by-law or the *Municipal Act, 2001*;
 - (b) during an inspection, require production for inspection of documents or things relevant to the inspection and inspect and remove documents or things relevant to the inspection for the purpose of making copies or extracts and photograph such documents or things;
 - (c) during an inspection require information from any Person concerning a matter related to the inspection;
 - (d) during an inspection be accompanied by a Person or Persons who has relevant or expert knowledge in relation to this by-law or matters regulated by this by-law; and,

- (e) conduct or direct a person possessing the relevant or expert knowledge to conduct such examinations or take tests, samples or photographs as the Enforcement Officer believes necessary for the purposes of inspection.
- 6.3 In addition to any other provision of this by-law, and subject to the provisions of the *Municipal Act, 2001*, a provincial judge or justice of the peace may issue an order authorizing an Enforcement Officer and any Person under his or her direction to enter onto or into any premises, including a room or place actually being used as a dwelling for the purpose of carrying out an inspection to determine compliance with this by-law, a Licence issued under this by-law or an order made under section 431 of the *Municipal Act, 2001* in relation to the subject matter of this by-law.
- 6.4 No Person shall hinder or obstruct, or attempt to hinder or obstruct, any Person who is exercising a power or performing a duty under this by-law.
- 6.5 No Person shall refuse or neglect to produce for inspection any document or thing required by an Enforcement Officer pursuant to this by-law.

Part 7 - Offences

- 7.1 Any Person who contravenes any provision of this by-law, a condition to a Permit or an order issued pursuant to this by-law is guilty of an offence and subject to prosecution pursuant to the *Provincial Offences Act*. A Person found guilty shall be liable:
- (a) upon conviction, to a minimum fine of \$500 and a maximum fine of \$100,000 for a first conviction;
 - (b) for each subsequent conviction, a minimum fine of \$500 and a maximum fine of \$10,000 for each day that the offence continues; and,
 - (c) upon conviction for each multiple offence, for each offence included in the multiple offence, the minimum fine shall not exceed \$500 and the maximum fine shall not exceed \$10,000; however, the total of all fines for each included offence is not limited to \$100,000.
- 7.2 Any director or officer of a corporation who knowingly concurs in the contravention of this by-law, a condition to a Licence or an Order issued pursuant to this by-law is guilty of an offence and subject to prosecution pursuant to the *Provincial Offences Act* as described in section 7.1.
- 7.3 If this by-law is contravened and a conviction entered, in addition to any other remedy and to any penalty imposed by the by-law, the court in which the conviction has been entered and any court of competent jurisdiction thereafter may make an order:
- (a) prohibiting the continuation or repetition of the offence by the person convicted; and,
 - (b) require the person convicted to correct the contravention in the manner and within the period that the court considers appropriate.

Part 8 - Transition

- 8.1. Any Licence that was issued under the provisions of By-law LA017-LC-98 shall be deemed to be a Licence issued under this by-law and every such Licence, unless revoked, shall continue to be valid until its normal date of expiry.
- 8.2 Every act taken pursuant to the predecessor to this by-law shall, as necessary, be deemed to have been taken pursuant to this by-law and every such act may be carried to its conclusion pursuant to the authority granted by this by-law.

- 8.3 If an act has been validly commenced pursuant to the predecessor to this by-law and authority for such act does not exist pursuant to this by-law then such act may be continued to its conclusion and the portions of the predecessor to this by-law necessary to permit such act to be concluded shall be deemed to remain in effect for the purposes of bringing such act to a conclusion.

Part 9 – General

- 9.1 Nothing in this by-law shall serve to relieve any person from the obligation to comply with all other applicable law.

Short Title

- 9.2 This by-law may be referred to as the “Vehicle for Hire By-law”.

Application

- 9.3 This by-law shall not apply to:
- (a) a motor vehicle with a seating capacity of 11 or more individuals, including the driver;
 - (b) an ambulance or funeral hearse;
 - (c) a school bus as defined under the *Highway Traffic Act* that is Licenced under the *Public Vehicles Act* while it conveys students to and from school as defined under the *Highway Traffic Act*;
 - (d) a bus Operated under the *Public Vehicles Act* by a contractor providing services for the Town for conventional transit, accessible transit and inter-urban transit;
 - (e) any Person or corporation providing Conveyance Services of Persons including but not limited to senior citizens or Persons with Disabilities in accordance with an agreement with the Town;
 - (f) a motor vehicle used by not for profit organizations registered in the province of Ontario for the purposes of transporting senior citizens or Persons with Disabilities;
 - (g) a motor vehicle which provides transportation services for its employees, residents and customers including but not limited to nursing homes and retirement homes;
 - (h) designated driver services for which a designated driver drives the customer in the customer's vehicle to at least one destination;
 - (i) courtesy vehicles in association with motor vehicle repair shops where a customer is driven to a predetermined destination;
 - (j) an accessible Vehicle for Hire licensed by another municipality to provide Conveyance Services;
 - (k) Limousines licensed by another municipality to provide Conveyance Services; and,
 - (l) vehicles providing a shuttle service to airports.

Interpretation

- 9.4 If any court of competent jurisdiction finds any part or provision of this by-law is illegal, inoperative or invalid, whether in whole or in part, such provision shall be

deemed to be severable and shall not invalidate any of the other provisions of this by-law.

- 9.5 If there is a conflict between a provision of this by-law and a provision of any other by-law of the Town, then the more restrictive provision shall apply.
- 9.6 The inclusion of capitalized defined words and headings in this by-law are for ease of reference only. The headings do not form part of this by-law.
- 9.7 References in this by-law to words in the singular shall be deemed to include the plural and shall apply when used as a noun or verb.
- 9.8 Reference to any statute or by-law includes any amendment to that statute or by-law.


Repeal

- 9.9 By-law LA017-LC-98 is repealed.

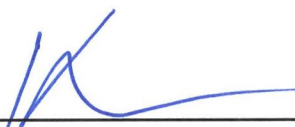
Effect

- 9.10 This by-law shall come into force and effect upon passage.

Read and passed in an open meeting of Council on September 22, 2020.



**Mayor
Tom Bain**



**Clerk
Kristen Newman**