

Vehicle for Hire By-law By-law No. 2016-272

A by-law of the City of Ottawa to provide for the regulating, licensing, and governing of vehicles-for-hire in the City of Ottawa, being taxicabs, taxicab drivers, taxicab plate holders, taxicab brokers, limousine services and Private Transportation Companies, and to repeal By-law No. 2012-258 and Schedule 10 of By-law No. 2002-189.

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Prepared by By-law & Regulatory Services

WHEREAS pursuant to paragraphs 6, 8, and 11 of Subsection 10(2) of the Municipal Act, 2001, S.O. 2001, Chap. 25, as amended, a municipality may pass by-laws 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 by-laws 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 licenses respecting that matter;

AND WHEREAS Section 151 of the Municipal Act, 2001 authorizes a municipality to license, regulate and govern any business carried out wholly or partly within the municipality, and Section 10(2) of the Act also authorizes the City to pass by-laws 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 City Council has determined that it is appropriate and desirable to license taxicabs, taxicab drivers, taxicab plate holders, taxicab brokers, limousine services 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 City of Ottawa;

THEREFORE the Council of the City of Ottawa enacts as follows:

PART I ADMINISTRATION

DEFINITIONS

1.

In this by-law,

“Accessible Priority List” means the list of eligible persons maintained by the Chief License Inspector in accordance with the provisions of this by-law;

“accessible taxicab” means a taxicab,

- a) that is used for the provision of taxicab service to persons with disabilities;
- b) that is subject to federal and provincial legislation applicable to the transportation of persons with disabilities; and
- c) that has been issued an accessible taxi plate;

“accessible taxicab driver” means an individual licensed to drive or operate an accessible taxicab for the provision of taxicab service;

“accessible taxicab driver license” means a license issued to an accessible taxicab driver pursuant to the by-law;

“Accessible Taxicab Training Course” means the accessible taxicab training course approved by the Chief License Inspector;

“accessible taxi plate holder” means a person to whom an accessible taxi plate holder license and accompanying taxi plate have been issued pursuant to this by-law;

“app” means any software or application or telecommunications platform used by a taxicab broker to connect passengers with taxicab drivers;

“applicant” means a person applying for a license or for the renewal of a license pursuant this by-law;

“auxiliary service”, for the purposes of Part III of this by-law, means a pre-arranged passenger ground transportation service that, in addition to transportation, provides to the customer personal service such as additional support and assistance, including door-to-door accompaniment or other special needs services;

“auxiliary service vehicle”, for the purposes of Part III of this by-law, means a vehicle involved in providing auxiliary service in accordance with this by-law;

“book-in” means to communicate with the taxicab broker with respect to his or her availability at the beginning of the shift and availability throughout the shift to accept fares and “booked-in” has a similar meaning;

“Chief License Inspector” means the Chief of By-law & Regulatory Services, in the Emergency and Protective Services Department of the City of Ottawa, or an authorized representative;

“Chief of Police” means the Chief of Police of the Ottawa Police Service or an authorized representative;

“City” means the City of Ottawa as constituted on January 1, 2001, under the City of Ottawa Act, 1999, S.O. 1999, c. 14, schedule. E, as amended;

“City Clerk and Solicitor” means the City Clerk and Solicitor of the City, or an authorized representative;

“City Treasurer” means the City Treasurer of the City, or an authorized representative;

“civilly” means with politeness in speech and behaviour;

“classic, vintage or specialty vehicle”, for the purposes of Part III of this by-law, means a passenger motor vehicle that is not used as the owner’s primary mode of transportation and is characterized by the vehicle’s original or restored condition and special value based on its age, value, collectable nature, performance, or rareness, and includes a vehicle which age exceeds 25 years;

“Council” means the Council of the City;

“courteously” means respectfully and having consideration of others;

“decal” means the sticker provided by the Chief License Inspector;

“dispatch” means the act or service of sending or directing a taxicab, by electronic or any other means, to a person or persons who have requested taxicab service but does not include a request made directly to a taxicab driver;

“fare”, for the purposes of Part II of this by-law, means the charge or fee for taxicab service as displayed on a taximeter;

“General Manager, Emergency and Protective Services Department” means the General Manager of the Emergency and Protective Services Department of the City, or an authorized representative.

“Highway Traffic Act” means the Highway Traffic Act, R.S.O. 1990, c. H.8, as amended, and includes any Regulation passed under it;

“his or her taxicab”, when used in reference to a taxicab driver, means the taxicab being driven by the particular driver;

“license” means a license issued under this by-law;

“License and Property Standards Committee” means the License and Property Standards Committee established by Council for the purposes of hearing applications and appeals relating to licenses and property standards;

“licensee” means a person holding a license in accordance with this by-law;

“limousine” means a passenger motor vehicle that has a seating capacity of not more than nine (9) persons, excluding the driver, and that is used for hire for the purpose of transporting persons, and includes a luxury vehicle, a stretch vehicle, a classic, vintage or specialty vehicle, and an auxiliary service vehicle, but excludes a station wagon, a vehicle designed to accommodate seating for more than ten (10) persons, a vehicle equipped with a taximeter or a PTC Vehicle;

“limousine service” means a business providing pre-arranged passenger ground transportation services for compensation from a point in the City of Ottawa to any point within or beyond the City of Ottawa, utilizing a limousine;

“low emission vehicle” means a motor vehicle that is a hybrid vehicle or a vehicle that is powered by propane, natural gas or electricity;

“luxury vehicle” means an unaltered passenger motor vehicle meeting the Motor Vehicle Safety Act standards and having a designed seating capacity of not less than four (4) and not more than nine (9) persons, excluding the driver, belonging to the luxury, high performance and full-size models of Audi, BMW, Cadillac, Infinity, Jaguar, Land Rover, Lexus, Lincoln, Mercedes or other makes approved by the Chief License Inspector, with a minimum of four (4) doors, carpeted flooring, tinted power windows, power locks, a stereo system, climate control, a leather or superior quality upholstered interior, and deluxe wheels and wheel covers, and that is not equipped with a taximeter or a roof sign, and does not include a standard taxicab, an accessible taxicab, a stretch vehicle, a classic, vintage or specialty vehicle, or an auxiliary service vehicle;

“motor vehicle” means a motor vehicle as defined in the Highway Traffic Act;

“motor vehicle mechanic” means a person who is registered as a motor vehicle inspection mechanic pursuant to the Highway Traffic Act;

“Motor Vehicle Safety Act” means the federal Motor Vehicle Safety Act, S.C.1993, c.16, as amended, and any Regulation passed under it, or any successor legislation thereto;

“Municipal Act, 2001” means the Municipal Act, 2001, S.O. 2001, c.25, as amended, and includes any Regulation passed under it;

“Municipal Law Enforcement Officer” means a person appointed by Council to enforce the provisions of this by-law and who may be referred to as an Inspector or Officer;

“Notice of Election” means the form approved by the Chief License Inspector outlining options available with respect to attendance at the Accessible Taxicab Training Course;

“passenger” means an individual in a vehicle-for-hire other than the driver;

“person” includes an individual, a corporation, a partnership, and an association, and includes a licensee or an applicant for a license under this by-law as the context requires;

“person with a disability” means a person who has a persistent physical, mental, psychiatric or sensory impairment, or a person with an injury causing mobility impairment;

"police officer" means a Chief of police or any other police officer, but does not include a special constable, a municipal law enforcement officer or an auxiliary member of a police force;

“Police Services Act” means the Police Services Act, R.S.O. 1990, c. P.15, as amended, and includes any Regulation passed under it;

“primary driver” means the driver who operates the taxicab fifty percent (50%) of the time or more;

“Private Transportation Company” means any person that offers, facilitates, or operates prearranged transportation services for compensation, from a point in the City of Ottawa to any point within or beyond the City of Ottawa, using any software or application or telecommunications platform or digital network to connect passengers with PTC Drivers, excluding a licensed taxicab using an app, and may also be referred to as “PTC” for the purposes of this by-law;

“proof of good repair” means a safety standards certificate issued within thirty (30) days of the motor vehicle inspection or, in the case of a new motor vehicle obtained directly from an automotive sales or leasing establishment, a certificate issued within ninety (90) days of the motor vehicle registration;

“proof of ownership” means,

- i. a current motor vehicle registration for each motor vehicle to be used as a limousine issued pursuant to the Highway Traffic Act in the name of the applicant for a limousine service license, or
- ii. a signed copy of a leasing agreement in the name of the applicant for the limousine service license for each motor vehicle to be used as a limousine;

“protective shield” means a complete barrier installed between the front and rear seats of a motor vehicle that prevents physical contact between the driver and a rear seat passenger, and that is designed to meet the requirements of:

- a) the Highway Traffic Act with respect to the use of the vehicle’s seat belts and driver clear vision to the rear of the motor vehicle by its mirrors; and
- b) the Motor Vehicle Safety Act;

“Provincial Offences Act” means the Provincial Offences Act, R.S.O. 1990, c.P.33, as amended, and any Regulation passed under it;

“PTC Driver” means an individual who is affiliated with a Private Transportation Company to transport passengers for compensation using a PTC Vehicle; and,

“PTC license” means a license issued to a Private Transportation Company under this by-law; and,

“PTC Vehicle” means a motor vehicle with a capacity to carry a maximum of six (6) passengers, plus the driver, that is used by a PTC Driver to provide transportation services that are offered or facilitated by the Private Transportation Company;

“request for accessible taxicab service” means any request for accessible taxicab service made by a person with a disability and “requested accessible taxicab service” has a similar meaning;

“Safety Standards Certificate” means a certificate issued pursuant to the Highway Traffic Act;

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

“standard taxicab” means a taxicab in respect of which an original taxi plate was issued prior to January 1, 2004 with the license and includes any replacement plate issued for the original taxi plate regardless of when such replacement plate is issued;

“standard taxicab driver” means an individual licensed to drive or operate a standard taxicab for the provision of taxicab service;

“standard taxicab driver license” means a license issued by the City to a standard taxicab driver pursuant to this by-law;

“standard taxi plate holder” means a person to whom a standard taxi plate holder license and accompanying taxi plate have been issued pursuant to this by-law;

“stretch vehicle” means a passenger motor vehicle that is altered by a certified modifier to elongate the passenger compartment, suspension and other vehicle components, that meets the requirements of the Motor Vehicle Safety Act and that has been designed for a seating capacity of at least seven (7) persons, but not more than nine (9) persons, excluding the driver;

“tariff” means the rate for calculating a fare permitted by the City to be charged to a passenger in accordance with Schedule “B” to this by-law;

“tariff card” means the card issued by the City setting out the tariff permitted to be charged to a passenger in accordance with Schedule “A” to this by-law;

“taxi plate” means the numbered metal plate issued by the City to be affixed to the taxicab;

“taxicab” means a motor vehicle with seating capacity of a maximum of six (6) passengers, plus the driver, that is intended to be used or is actually used for hire for the purpose of transporting a person for compensation and includes an accessible taxicab and a standard taxicab, but does not include a limousine or a PTC Vehicle;

“taxicab broker” means a person who accepts calls in any manner for the dispatch of taxicabs and which taxicabs are not owned by that person or that person’s immediate family or employer;

“taxicab broker license” means a license issued by the City to a taxicab broker pursuant to this by-law;

“taxicab driver union” means Unifor, the Union, Canada, or any successor thereto;

“taxicab service” means the transportation of a passenger by taxicab from a point in the City of Ottawa to any point within or beyond the City of Ottawa;

“taxicab stand” means an area or zone designated as an exclusive stopping place for taxicabs at which a passenger may enter or exit a taxicab;

“taximeter” means a mechanical or electronic device that,

- a) is operated by a power drive cable attached to the transmission of the taxicab,

- b) measures mechanically the distance travelled and computes the fare to be charged, and
- c) contains a timing device to compute that portion of the fare to be charged for waiting time;

“temporary limousine” means a limousine registered with the Chief License Inspector in accordance with the provisions of this by-law to temporarily increase the number of vehicles available;

“to provide” when used in relation to vehicle-for-hire services includes to furnish, perform, solicit or give such services and “providing” or “provision” have corresponding meanings;

“trip”, for purposes of Part II and Part III of this by-law only, means the distance and time traveled measured from the time and location at which the passenger enters the vehicle-for-hire until the time the passenger exits from the vehicle-for-hire at the final destination;

“vehicle-for-hire” means a motor vehicle that is used by a person to offer, facilitate or operate a transportation service of a passenger for compensation, and may include a taxicab, limousine or PTC Vehicle.

INTERPRETATION

2.

- 1) This by-law includes the Schedules annexed hereto and the Schedules are hereby declared to form part of this by-law.
- 2) This by-law is gender-neutral and, accordingly, any reference to one gender includes the other.
- 3) References to items in the plural include the singular, as applicable, unless used with a number modifying the term.
- 4) It is declared that if any section, subsection or part thereof be declared by any Court of Law to be bad, illegal or ultra vires, such section, subsection part or parts shall be deemed to be severable and all parts hereof are declared to be separate and independent and enacted as such.
- 5) Headings are inserted for convenience of reference purposes only, form no part of this by-law and shall not affect in any way the meaning or interpretation of the provisions of this by-law.

- 6) Upon the expiration of the time prescribed for the doing of any act or the taking of any proceeding, the Chief License Inspector and the License and Property Standards Committee are divested of all jurisdiction to deal with the application and the times prescribed shall not be enlarged or abridged or attempted to be enlarged or abridged by any of them.
- 7) Where notice is sent by registered mail, the date of service on the applicant is the date of the next workday following the date of mailing.
- 8) Where any expression of time occurs or where any hour or other period of time is stated the time referred to shall be standard time, provided however, if what is known as “daylight saving time” has been generally adopted in the City for any period of the year, under any statute, order-in-council, by-law, resolution or proclamation, whether the same is effective in law or not, such time shall be the time referred to during such period in any reference to time in this by-law.

LICENSE REQUIRED

3.

There shall be taken out by every:

- 1) Standard taxicab driver;
- 2) Accessible taxicab driver;
- 3) Standard taxicab plate holder
- 4) Accessible taxicab plate holder
- 5) Taxicab broker
- 6) Limousine service
- 7) Auxiliary service; and,
- 8) Private Transportation Company

a license under this by-law authorizing them respectively to carry on business in the City.

4.

No person shall carry on or engage in a business using a vehicle-for-hire without having first procured a license to do so under this by-law.

APPLICATIONS AND ISSUANCE

5.

- 1) The following types of applications for the issuance of a license may be made:
 - a) An original license, and
 - b) The renewal of a license.
- 2) On the application for an original license, or the renewal of a license, respecting any of the businesses set out in Section 3, the applicant shall,
 - a) complete the prescribed forms required by this by-law,
 - b) furnish to the City such information as the City may direct to be furnished,
 - c) if a corporation, file a copy of its letters of incorporation or other incorporating document, duly certified by the proper government official or department, together with an annual return which contains a list of all shareholders of the corporation,
 - d) if a partnership, provide the name and address of each member of the partnership as well as the name under which they carry on or intend to carry on business, and
 - e) file the completed application with payment in full, in accordance with the City of Ottawa Policies and Procedures for Cash Handling issued by the City Treasurer, of the processing fee, the late fee, if applicable, and the license fee as set out in Section 8.
- 3) With respect to the payment required by clause (e) of subsection (2),
 - a) The processing fee payment and the late fee are non-refundable in whole or in part, and
 - b) The license fee payment shall,
 - i. if the license is granted, be applied toward the payment of the license fee for the license period in respect of which the license is issued, and
 - ii. if the license is not granted, returned to the applicant in accordance with Section 156.
- 4) In the event of a licensee not renewing the license on or before its expiration, the licensee may renew the license by making application therefor up to and including the thirtieth day after the expiration of the license shall pay, at the time of issuance of the license, the license fee and the late fee set out in Section 8.

- 5) In the event of a licensee not renewing the license on or before the thirtieth day after its expiration, the licensee ceases to be a licensee and shall apply for an original license and shall pay at the time of issuance of the license the license fee and the late fee set out in Section 8.

CONDITIONS FOR ISSUANCE OF A LICENSE

6.

- 1) An applicant for an original license or for the renewal of a license, is, subject to the provisions of this by-law, entitled to be issued the license, except where:
 - a) The applicant has not,
 - i. Completed the prescribed application forms,
 - ii. Delivered with the application payment in full of the processing fee, the late fee, if applicable, and the license fee as set out in Section 8 to be paid in respect of such license, or
 - iii. Complied with the license requirements set out in this by-law for the applicable business,
 - b) the conduct of the applicant 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) there are reasonable grounds for belief that the carrying on of the business by the applicant has resulted, or will result, in a breach of this by-law or any other law, or
 - d) there are reasonable grounds for belief that the carrying on of the business may be adverse to the public interest.
- 2) Where two or more persons carry on or engage in partnership in any of the businesses set out in Section 3, the license shall be issued in the name of one partner only, but when the application for license is made, the name and address of each member of the partnership shall be set out therein as well as the name under which they carry on or intend to carry on business.
- 3) In respect of Part II and Part III only, the licensee or another member of the partnership may apply in writing to the Chief License Inspector to change the named licensee to another member of the partnership, and provide proof of the members of the partnership; and the application shall be considered to be a transfer.

- 4) Every person who purchases a business from a licensee licensed under Parts II and III of this By-law shall apply for a transfer of the license in accordance with the applicable transfer requirements of this by-law.
- 5) Despite any other provision of this by-law, no license shall be issued or renewed under this by-law if the applicant or licensee has any unpaid fines imposed under the Provincial Offences Act.

NOTICE OF ISSUANCE OF A LICENSE

7.

If the provisions of this by-law have been complied with and the issuance of the license has been approved by the Chief License Inspector, he or she may issue the license personally or send it by ordinary mail to the applicant at the address shown on the application.

FEES

8.

- 1) The fees shall be as set out in Schedule "A" to this by-law.
- 2) The license fee shall be the amount set out in Column 2 of Schedule "A" opposite the description of the license set out in Column 1 of Schedule "A".
- 3) Where an original application for a license is filed after the expiry of the first six months of the license period, the applicant shall pay at the time of issuance of the license one-half of the license fee set out in Schedule "A".
- 4) Where a licensee fails to comply with this by-law or fails to produce the vehicle for a scheduled inspection, and the Chief License Inspector re-schedules the inspection, the licensee shall pay the re-inspection fee set out in Schedule "A".

LICENSE PERIOD

9.

Every license issued by the Chief License Inspector shall, unless it is expressed to be for a shorter or longer period of time, be for one (1) year and shall expire in each year on the date set out in Column 3 of Schedule "A" opposite the description of the license set out in Column 1 of Schedule "A".

LICENSE CERTIFICATE

10.

- 1) The license Certificate may be the invoice and shall be numbered and include:
 - a) The name of the licensee,
 - b) The business of the licensee,
 - c) The address of the business,
 - d) The category of the business license,
 - e) The date of expiration of the license,
 - f) The make, model, serial number and motor vehicle registration number issued under the Highway Traffic Act, if applicable.
- 2) Where an original license has been lost or destroyed, the Chief License Inspector, upon receipt of an affidavit to that effect, furnished by the original holder thereof or by some person having personal knowledge of the loss or destruction of the license, may issue a duplicate license to the licensee upon payment of the fee set out in Section 8.

ISSUANCE OF A LICENSE

11.

Upon issuance of a license, the Chief License Inspector shall furnish to the licensee the license certificate or such other items as set out in this by-law for the applicable business.

GENERAL REQUIREMENTS FOR INSURANCE

12.

- 1) Every proof of insurance required pursuant to the provisions of this by-law shall be kept in force by the licensee for the period for which the license is in effect inclusive of any renewal period.
- 2) No licensee who is required to file proof of insurance with the Chief License Inspector shall fail to maintain in force and to renew the same in a timely manner and to pay the premium due for the insurance.
- 3) The Chief License Inspector shall, upon receipt of notice that a policy of insurance is to expire on a stated date, notify the licensee that unless further proof of insurance is filed

on or before that day, his or her license will be suspended coincidentally with the expiration of the policy of insurance.

- 4) If a licensee fails to file proof of insurance as required by subsection (3), the Chief License Inspector shall immediately transmit a report to the License and Property Standards Committee which may consider the status of the license in accordance with the provisions of this by-law.

PART II

TAXICABS, TAXICAB DRIVERS, TAXICAB PLATE HOLDERS, AND TAXICAB BROKERS

GENERAL REQUIREMENTS

PROVISION OF TAXICAB SERVICE

13.

No person shall drive or operate a taxicab for the purpose of providing taxicab service unless the person is the holder of a current taxicab driver license.

14.

No person shall provide taxicab service unless the motor vehicle used for the provision of such service has a current taxi plate affixed to the motor vehicle with such plate bearing a validation sticker for the current licensing year.

15.

No person who is licensed as a taxi plate holder shall permit his or her taxi plate to be affixed to a motor vehicle other than the motor vehicle for which the plate was issued.

16.

No person shall dispatch taxicabs within the City of Ottawa unless the person is the holder of a valid taxicab broker license.

17.

No licensed standard taxicab driver shall drive or operate an accessible taxicab for the purpose of providing taxicab service.

PAYMENT OF FARE

18.

No person who requests taxicab service shall refuse to pay the charges as provided in Schedule "B" for taxicab services provided when requested to do so by the accessible or standard taxicab driver.

LICENSE REQUIREMENTS

STANDARD TAXICAB DRIVER LICENSE REQUIREMENTS

19.

- 1) No applicant for a standard taxicab driver license shall be issued a license unless and until the applicant has provided the Chief License Inspector with the following:
 - a) a completed application for a taxicab driver license;
 - b) satisfactory proof that the applicant is eighteen (18) years of age or more;
 - c) a current valid Class G driver's license issued by the Province of Ontario pursuant to the Highway Traffic Act or a current valid driver's license of the appropriate class issued by the Province of Quebec;
 - d) original documents from the issuing agency outlining the results of investigations related to the applicant for a Police Record Check for persons seeking employment to serve the vulnerable sector of the population dated less than ninety (90) days prior to the date of the application for a license;
 - e) an acceptable Statement of Driving Record issued within thirty (30) days prior to the application by the Ontario Ministry of Transportation or the Québec Contrôle du Transport Routier;
 - f) on or after September 1, 2006, a Certificate confirming that he or she has successfully completed the Accessible Taxicab Training Course within two (2) years immediately preceding the application;
 - g) a declaration signed by the applicant confirming that he or she does not have any current outstanding criminal charges or warrants pending before any courts;

- h) the name and address of the taxi plate holder who will be the business affiliate or employer of the applicant; and,
 - i) the fees set out in Schedule "A" to this by-law.
- 2) Despite clause (i) of subsection (1), where an original application for a standard taxicab driver license is filed after the expiry of the first six months of the license period, the applicant shall pay one-half of the license fee set out in Schedule "A".
 - 3) Upon issuance of a standard taxicab driver license, the Chief License Inspector shall furnish to the licensee the license certificate.

STANDARD TAXICAB DRIVER LICENSE – CONDITIONS OF RENEWAL

20.

- 1) A standard taxicab driver license issued pursuant to this by-law shall be valid for a period not exceeding one (1) year and shall expire on the date set out in Schedule "A".
- 2) A standard taxicab driver license may be renewed upon the standard taxicab driver providing the following information to the Chief License Inspector prior to the expiry date of his or her current taxicab driver license:
 - a) a completed renewal application for a standard taxicab driver license;
 - b) all information to be submitted pursuant to Section 19 save and except the information required by clauses (a), (b) and (f) of subsection (1); and,
 - c) the renewal fee and late fee, if applicable, as set out in Schedule "A" to this by-law.

21.

Despite clause (b) of subsection 20(2), the information required by clause (d) of subsection 19(1);

- a) shall only be required every three (3) years for a renewal; and
- b) shall be considered valid if it is dated no more than one hundred and eighty (180) days prior to the date of the license renewal.

22.

- 1) In the event of a standard taxicab driver licensee not renewing the license on or before its expiration, the standard taxicab driver licensee may renew the license by making application therefor as provided in Section 20 up to and including the thirtieth day after

the expiration of the license and shall pay at the time of the issuance of the standard taxicab driver license the license fee and the late fee as set out in Schedule "A".

- 2) In the event the standard taxicab driver license is not renewed on or before the thirtieth day after its expiration, the standard taxicab driver licensee ceases to be a licensee.

ACCESSIBLE TAXICAB DRIVER LICENSE REQUIREMENTS AND RENEWAL CONDITIONS

23.

- 1) The provisions of Section 19 shall apply to the applicant for an accessible taxicab driver license, save and except Section 19(1)(i), the fees.
- 2) In addition to the requirements of subsection (1), no applicant for an accessible taxicab driver license shall be issued a license unless the applicant files a Certificate confirming that he or she has successfully completed the Accessible Taxicab Training Course within two (2) years immediately preceding the application.
- 3) Upon issuance of an accessible taxicab driver license, the Chief License Inspector shall furnish to the licensee the license certificate.

24.

The provisions of Sections 20, 21 and 22 shall apply to an application by an accessible taxicab driver licensee to renew an accessible taxicab driver license, save and except Section 20(2)(c), the fees.

STANDARD TAXI PLATE HOLDER LICENSES CONTINUED

25.

- 1) All standard taxi plate holder licenses issued or continued under By-law No. 2005-481, as amended, and By-law 2012-258, as amended, are hereby continued and are subject to this by-law.
- 2) No new standard taxi plate holder licenses shall be issued under this by-law and all taxi plate holder licenses to be issued under this by-law shall be accessible taxi plate holder licenses.

STANDARD TAXI PLATES PREVIOUSLY ISSUED

26.

- 1) Any standard taxi plate issued or continued by the Chief License Inspector under By-law 2005-481 or By-law 2012-258 shall be affixed to the motor vehicle for which it was issued and the taxi plate shall have a validation sticker issued by the Chief License Inspector bearing the current taxi licensing year.
- 2) All standard taxi plates issued or continued under By-law No. 2005-481 or By-law 2012-258 shall be and remain the sole and exclusive property of the City at all times, and shall be returned to the City or removed whenever required to do so by the Chief License Inspector.

CONDITIONS OF RENEWAL – STANDARD TAXI PLATE HOLDER LICENSE

27.

- 1) Any standard taxi plate holder license previously issued or continued by the City shall be valid for a period not exceeding one (1) year and shall expire on the expiry date set out in Schedule “A” to this by-law.
- 2) A standard taxi plate holder license may be renewed upon the standard taxi plate holder licensee providing to the Chief License Inspector prior to the expiry date of his or her existing standard taxi plate holder license the following information:
 - a) a completed renewal application form for a standard taxi plate holder license;
 - b) if a corporation, copies of the letters of incorporation or other incorporating documents, duly certified by the proper government official or department, together with an annual return which contains a list of all shareholders of the corporation;
 - c) if a partnership, the names and addresses of each member of the partnership as well as the name under which the partnership intends to carry on business;
 - d) proof of insurance in accordance with Section 84;
 - e) a current valid motor vehicle permit issued pursuant to the Highway Traffic Act with respect to the motor vehicle upon which the taxi plate holder shall affix the taxi plate;
 - f) a valid taxicab driver license, if an individual, the renewal fee and late fee; and,
 - g) if applicable, the fee as set out in Schedule “A” to this by-law.

28.

- 1) In the event of a standard taxi plate holder licensee not renewing the license on or before its expiration, the standard taxi plate holder licensee may renew the license by making application therefor as provided in Section 27 up to and including the thirtieth day after the expiration of the license and shall pay at the time of the issuance of the standard taxi plate holder license the license fee and the late fee as set out in Schedule "A".
- 2) In the event the standard taxi plate holder license is not renewed on or before the thirtieth day after its expiration, the standard taxi plate holder licensee ceases to be a licensee and the plate shall be forfeited and returned immediately to the Chief License Inspector who may offer the plate as an accessible plate holder license to the persons on the Accessible Priority List in order of priority.
- 3) If the standard taxi plate holder licensee has not made application for renewal by the thirtieth day after expiration of the license, the Chief License Inspector shall provide written notice to the licensee by registered mail to the last known address of the licensee.
- 4) The notice shall contain information regarding the last date for renewal and notification that if the licensee fails to renew by the thirtieth day after expiration of the license, the standard taxi plate holder licensee ceases to be a licensee and the taxi plate is forfeited.

**ACCESSIBLE TAXI PLATE HOLDER LICENSES ISSUANCE
AND RENEWAL CONDITIONS**

29.

- 1) No accessible taxi plate holder license shall be issued or renewed issued unless the applicant or licensee, as the case may be, has provided the Chief License Inspector with the following information:
 - a) a completed application for a taxi plate holder license;
 - b) proof that the applicant is not less than eighteen (18) years of age, where the applicant is an individual;
 - c) if a corporation, file copies of the letters of incorporation or other incorporating documents, duly certified by the proper government official or department, together with an annual return which contains a list of all shareholders of the corporation;

- d) if a partnership, provide the names and addresses of each member of the partnership as well as the name under which the partnership intends to carry on business;
 - e) proof that the applicant holds a valid accessible taxicab driver license issued by the City, where the applicant is an individual;
 - f) proof of insurance in accordance with the requirements of Section 84 of this by-law;
 - g) proof that the motor vehicle in respect of which the taxi plate holder license is applied for complies with the vehicle standards set out in Sections 80 and 81, as applicable;
 - h) a current Ontario Ministry of Transportation Safety Standards Certificate for the motor vehicle for which the taxi plate holder license is applied, or proof of another alternative and equivalent vehicle safety verification process that is acceptable to the Chief License Inspector;
 - i) proof that the applicant is the holder of a current valid motor vehicle permit issued pursuant to the Highway Traffic Act for the motor vehicle for which the taxi plate holder license is applied or the applicant has provided a signed copy of a leasing agreement for the provision of a motor vehicle as provided for in Section 79;
 - j) the vehicle identification number (“VIN”) of the motor vehicle for which the taxi plate holder license is applied and to which the applicant shall affix the taxi plate; and,
 - k) the fee set out in Schedule “A” to this by-law; and
- 2) In addition to subsection (1), the applicant or licensee shall meet the requirements of 85, taxicab inspections, as applicable and shall also provide proof that the motor vehicle meets the federal and provincial requirements applicable to the transportation of persons with a disability and that the applicant holds a valid accessible taxicab driver license.

30.

The provisions of Section 28 apply with necessary modifications to the renewal of an accessible taxi plate holder license.

31.

For those accessible taxi plate holder licenses issued after October 1, 2007, the applicant for the license or licensee as a condition of issuance or renewal, whichever is applicable, shall affiliate with a taxicab broker that has a minimum fleet size of twenty-

five (25) taxicabs and shall provide evidence of such affiliation to the Chief License Inspector prior to the issuance or renewal of the accessible taxi plate holder license, whichever is applicable.

32.

For those accessible taxi plate holder licenses issued prior to October 1, 2007, the licensee shall affiliate with a taxicab broker that has a minimum fleet size of twenty-five (25) taxicabs within ninety (90) days from the date the last accessible taxi plate holder license is issued under the provisions of subsection 34(2).

ISSUANCE OF ACCESSIBLE TAXI PLATES

33.

- 1) A separate accessible taxi plate holder license shall be obtained for each accessible taxicab to be provided pursuant to this by-law.
- 2) Upon issuance of an accessible taxi plate holder license, the Chief License Inspector shall furnish to the licensee the license certificate, the accessible taxi plate and the validation sticker bearing the current taxi licensing year.
- 3) A taxi plate issued by the Chief License Inspector pursuant to subsection (2) shall be affixed to the motor vehicle indicated on the application form and the taxi plate shall have a validation sticker issued by the Chief License Inspector bearing the current taxi licensing year.
- 4) All accessible taxi plates shall be and remain the sole and exclusive property of the City at all times, and shall be returned to the City or removed whenever required to do so by the Chief License Inspector.

NUMBER OF STANDARD AND ACCESSIBLE TAXI PLATE HOLDER LICENSES

34.

- 1) The maximum number of standard taxi plate holder licenses and accessible taxi plate holder licenses shall not, at any time, exceed one (1) license for every eight hundred and six (806) residents.
- 2) Subject to subsection (1), the Chief License Inspector is authorized to issue the accessible taxi plate holder licenses designated for issuance to persons on the Accessible Priority List that qualify for such licenses in accordance with this by-law.

- 3) The Chief License Inspector shall notify those persons selected from the Accessible Priority List of their eligibility for issuance of an accessible taxi plate holder license.
- 4) Those persons selected in accordance with subsection (2) shall notify the Chief License Inspector within thirty (30) days of receipt of the notice from the Chief License Inspector of their acceptance or rejection of the selection.
- 5) The notices to be provided in subsections (2) and (3) shall be in writing and sent by registered mail.
- 6) Those persons on the Accessible Priority List who are eligible for these accessible taxi plate holder licenses and indicate their acceptance of the selection shall have twelve (12) months to qualify for the license in accordance with this by-law from the date of receipt by the Chief License Inspector of the notice indicating acceptance.
- 7) Priority for the accessible taxi plate holder licenses issued pursuant to subsection (2) in each year shall be given to standard taxi plate holder licensees who apply to convert to an accessible taxi plate holder license pursuant to the provisions of Section 75.

APPLICATION FOR TAXICAB BROKER LICENSE

35.

- 1) No applicant for a taxicab broker license shall be issued a license unless the applicant has provided the Chief License Inspector with the following:
 - a) a completed application for a taxicab broker license;
 - b) proof that the applicant is at least eighteen (18) years of age, where the applicant is an individual;
 - c) if a corporation, file copies of the letters of incorporation or other incorporating documents, duly certified by the proper government official or department, together with an annual return which contains a list of all shareholders of the corporation;
 - d) if a partnership, provide the names and addresses of each member of the partnership as well as the name under which the partnership intends to carry on business;
 - e) the municipal address from which the applicant will be providing dispatching services; and,
 - f) proof of insurance in accordance with the requirements of Section 84 of this by-law;
 - g) the fee set out in Schedule "A" to this by-law.

- 2) Upon issuance of a taxicab broker license, the Chief License Inspector shall furnish to the licensee the license certificate.
- 3) Despite clause (g) of subsection (1), where an original application for a taxicab broker license is filed after the expiry of the first six months of the license period, the applicant shall pay one-half of the license fee set out in Schedule "A".

CONDITIONS OF RENEWAL OF A TAXI BROKER LICENSE

36.

- 1) A taxicab broker license issued by the City shall be valid for a period not exceeding one (1) year and shall expire on the expiry date set out in Schedule "A" to this by-law.
- 2) A taxicab broker license may be renewed by the City upon the licensed taxicab broker providing to the Chief License Inspector, prior to the expiry date of his or her current taxicab broker license:
 - a) a completed renewal application for a taxicab broker license;
 - b) proof of compliance with the requirement to maintain a permanent office for conducting dispatch service;
 - c) proof of insurance in accordance with the requirements of Section 84 of this by-law;
 - d) the renewal fee and late fee, if applicable, as set out in Schedule "A" to this by-law.

37.

- 1) In the event of a taxicab broker licensee not renewing the license on or before its expiration, the licensee may renew the license by making application therefor as provided in Section 36 up to and including the thirtieth day after the expiration of the license and shall pay at the time of the issuance of the license the license fee and the late fee as set out in Schedule "A".
- 2) In the event the license is not renewed on or before the thirtieth day after its expiration, the taxicab broker licensee ceases to be a licensee.

REGULATIONS

STANDARD AND ACCESSIBLE TAXICAB DRIVER REGULATIONS

38.

No licensed standard taxicab driver or licensed accessible taxicab driver, while engaged in the provision of taxicab service, shall fail to,

- 1) carry his or her license on his or her person or in his or her taxicab;
- 2) produce for inspection his or her license when requested to do so by a Municipal Law Enforcement Officer;
- 3) be neat and clean in personal appearance and well-dressed;
- 4) behave civilly and courteously at all times;
- 5) carry in his or her taxicab only the number of passengers or less as set out in the manufacturer's rating of seating capacity;
- 6) place luggage or any object in, on or attached to the taxicab in a manner so as not to obstruct the taxicab driver's view of the highway;
- 7) use the current tariff card obtained from the Chief License Inspector;
- 8) charge a passenger any fare other than the one calculated in accordance with the current tariff card issued by the City, except as provided for in this by-law;
- 9) charge only a single fare for each trip;
- 10) accept as payment for the fare, any one or a combination of Canadian currency, United States currency or any other acceptable method of payment;
- 11) calculate the conversion to Canadian currency if United States currency is tendered by the passenger in payment of the fare on the basis of the current rate of exchange as disclosed by a chartered bank or financial institution on the date that the currency is tendered by the passenger;
- 12) accept debit/credit card payments;
- 13) ensure the current taxicab driver identification card issued by the City is prominently displayed in the vehicle so as to be readable under daytime and night time conditions by any passenger inside the vehicle;
- 14) ensure that the current tariff card issued by the City is prominently displayed in the taxicab at all times so that it is readable under daytime and night time conditions;

- 15) provide taxicab service with the taximeter in operation;
- 16) take the most direct route possible to the requested destination unless directed otherwise by the passenger;
- 17) keep all appointments and engagements punctually;
- 18) deliver all property, goods or money left in error by any passenger in the taxicab within twenty-four (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 or money to the office of the taxicab broker that dispatched the request for taxicab service immediately;
- 19) examine the taxicab for any visible or audible mechanical defects and interior or exterior damage each day before commencing the operation of the taxicab;
- 20) report any known defects in the taxicab or damage occasioned in the taxicab forthwith to the owner of the taxicab;
- 21) ensure that the taxicab which he or she is driving is maintained,
 - a) in a clean condition as to its exterior;
 - b) in a clean, dry and odour-free condition as to its interior;
 - c) free of articles or debris left by passengers after each trip; and
 - d) free of personal property of the taxicab driver not required in the conduct of ordinary driving duties;
- 22) ensure that the roof sign provided by the taxi plate holder is securely affixed to the roof of the taxicab provided that the roof sign may be removed when the taxicab is used for personal use;
- 23) ensure that the roof sign is illuminated one-half hour before sunset until one-half hour after sunrise while the taxicab is available for hire;
- 24) ensure that the illumination in the roof sign is immediately extinguished when,
 - a) the taxicab is engaged for service,
 - b) the taximeter is engaged,
 - c) the taxicab is en route to a pre-arranged appointment or dispatched fare, or
 - d) the taxicab is otherwise not available for service;
- 25) provide to a passenger, if requested, a receipt showing:
 - a) the name and signature of the taxicab driver;
 - b) the taxicab driver's number;
 - c) the taxi plate number for the taxicab;

- d) the date and time of the trip;
 - e) the points of origin and destination of the trip;
 - f) the cost of the trip, indicating the Goods and Services Tax (GST) included in the fare;
- 26) take a position at the back of any line formed by taxicabs already in a taxicab stand upon entering the taxicab stand;
- 27) open the trunk of the taxicab for a passenger and assist in the loading and unloading of articles;
- 28) open the door of the taxicab for any person requesting taxicab service;
- 29) be sufficiently close to the taxicab to have it under constant observation while parked in a taxicab stand or public place while waiting for hire;
- 30) personally advise a person with a disability that the taxicab has arrived; and,
- 31) identify himself or herself to a person who is blind.

39.

No licensed standard taxicab driver or licensed accessible taxicab driver shall operate a taxicab unless it is equipped with a security camera in accordance with Section 67.

40.

- 1) For those taxicabs with accessible and standard taxi plate holder licenses issued prior to October 1, 2007, no licensed accessible taxicab driver or licensed standard taxicab driver shall operate a taxicab that is not equipped with a rear sensor in accordance with subsection 86(4).
- 2) For those taxicabs with accessible taxi plate holder licenses issued after October 1, 2007, no licensed accessible taxicab driver shall operate a taxicab that is not equipped with a rear sensor in accordance with Section 62.

41.

Where a person with a disability has requested accessible taxicab service, no licensed accessible taxicab driver shall fail to,

- 1) bring the accessible taxicab as close as lawfully possible to the building's accessible entrance or such other entrance as directed by the person;
- 2) take appropriate measures to notify the person of the arrival of the taxicab including ringing a residence and waiting at least three (3) minutes for a response;

- 3) accompany the person to and from the immediate interior of the building;
- 4) provide support and carry items for the person;
- 5) carefully fasten the passenger seat belt;
- 6) secure the person's mobility aids in accordance with the vehicle and equipment specifications;
- 7) politely inquire and address the person's needs and concerns before assisting the person into the accessible taxicab and commencing the accessible taxicab service; and,
- 8) request and wait for paramedic services if the person develops a need for medical attention during the trip if a friend or family member is not present.

42.

No licensed accessible taxicab driver shall wear or use artificial scents in the accessible taxicab whether or not the accessible taxicab is in service.

43.

- 1) No licensed accessible taxicab driver shall fail to,
 - a) pre-arrange or pre-book return trips for accessible taxicab service when so requested; and,
 - b) take all necessary action to ensure the return trip is provided by informing the taxicab broker and dispatcher of the details of the return trip.
- 2) Failure of a licensed accessible taxicab driver to pre-arrange or pre-book return trips in accordance with subsection (1) shall be deemed as a refusal to provide accessible taxicab service.

44.

- 1) No licensed accessible taxicab driver shall fail to book-in with the taxicab broker at all times when the accessible taxicab is in service.
- 2) No licensed accessible taxicab driver shall provide regular or accessible taxicab service when he or she is not booked-in with the taxicab broker.

45.

No licensed accessible taxicab driver shall fail to provide accessible taxicab service on a priority basis to any person with a disability who requests such service, provided that:

- a) the person with a disability to whom the accessible taxicab service is to be provided is registered with Para Transpo or with a community support agency and provides proof of such registration; and,
- b) the fare for the trip shall be the amount shown on the taxi meter.

46.

No licensed accessible taxicab driver shall fail to ensure that the accessible taxicab with which he or she provides accessible taxicab service is configured at all times to transport a minimum of one standard motorized wheelchair or scooter without having to reconfigure vehicle equipment or remove passenger seats to accommodate such wheelchair or scooter.

47.

No licensed accessible taxicab driver shall operate an accessible taxicab to which an accessible taxi plate holder license issued after October 1, 2007 is affixed where such accessible taxicab is not equipped with a rear sensor in accordance with Section 62.

48.

No licensed standard taxicab driver or licensed accessible taxicab driver shall:

- 1) operate the taxicab for the provision of taxicab service when the seal affixed to the taximeter is not intact;
- 2) charge a passenger for the cost of proceeding to an establishment for change or for waiting time while a passenger obtains change when the difference between the amount tendered in payment for the fare and the sum due is twenty dollars (\$20.00) or less;
- 3) engage the taximeter accordingly until the trip commences;
- 4) charge for time lost arising from defects in or inefficient operation of the taxicab or incompetence in driving;
- 5) charge for time consumed in providing taxicab service to a person who has not made an appointment for taxicab service in advance until the passenger and the taxicab driver are seated in the taxicab;
- 6) obstruct or interfere with,
 - a) the use of any taxicab stand,
 - b) the use of a public place, or
 - c) the surrounding traffic patterns, while waiting in a taxicab or at a taxicab stand or at any public parking place;

- 7) refuse to provide taxicab service, except as provided in Sections 49 and 50, to
 - a) the first individual requesting taxicab service; or
 - b) a person with a disability when accompanied by a service animal;
- 8) induce any person to engage a taxicab through any misleading or deceiving statements or representations to that person concerning:
 - a) the location of any destination named by that person;
 - b) the approximate distance to any destination named by that person; or
 - c) the approximate fare for the proposed trip;
- 9) take, consume, be under the influence of or have in his or her possession any alcohol, drugs or other intoxicants;
- 10) operate a standard taxicab or an accessible taxicab unless the camera system is fully functioning;
- 11) operate a standard taxicab or an accessible taxicab unless the decal stating that the photographic images of the passengers are being recorded is installed in the taxicab in accordance with Section 67; or,
- 12) relay a dispatched call from a taxicab broker for the pick-up of a passenger to a third person.

49.

Despite any other provision of this by-law, a licensed standard taxicab driver or a licensed accessible taxicab driver shall be entitled to refuse to provide taxicab service to any person requesting the services of his or her taxicab, if:

- a) the taxicab is already engaged in providing taxicab service;
- b) the person requesting taxicab service has not paid the fare for a previous trip;
- c) the person requesting taxicab service refuses to pay in a form of remuneration as provided in this by-law;
- d) the person requesting taxicab service refuses to disclose the final destination for the trip upon entering the taxicab;
- e) the person requesting taxicab service asks the taxicab driver to drive him or her to a destination that the taxicab driver believes to be unsafe;
- f) the person requesting taxicab service has an excessive number of packages or personal articles that will not fit safely in the taxicab;

- g) the person requesting taxicab service seeks to be accompanied by a number of passengers which exceeds the number of seat belt assemblies available for passengers;
- h) the person requesting service is unreasonably obnoxious or abusive; or,
- i) the person requesting taxicab service is accompanied by an animal that is not a service animal.

50.

A licensed standard taxicab or a licensed accessible taxicab driver operating a taxicab equipped with a protective shield may:

- a) refuse taxicab services where the size of the group of passengers seeking taxicab service would require one or more passengers to be seated in front of the protective shield, and
- b) refuse taxicab services for a person or persons who are unwilling to sit in the rear of the taxicab.

51.

- 1) Where a licensed standard taxicab driver or a licensed accessible taxicab driver refuses to provide taxicab service to a person or persons pursuant to Sections 49 and 50 of this by-law, the taxicab driver shall immediately record in writing the reasons for his or her refusal and shall retain the record for a period of thirty (30) days.
- 2) The record retained pursuant to subsection (1) shall be produced for inspection immediately upon request by the Chief License Inspector.

STANDARD AND ACCESSIBLE TAXI PLATE HOLDER REQUIREMENTS

52.

No licensed standard taxi plate holder or licensed accessible taxi plate holder shall fail to:

- 1) securely affix the taxi plate with the validation sticker bearing the current taxi licensing year to the right side of the rear of the taxicab for which it was issued in a location that is visible in daytime or night time conditions;
- 2) ensure that the taxi plate remains securely affixed to the taxicab and that it is clearly visible to any person behind the taxicab;

- 3) ensure that, at all times, the original or a photocopy of the following information is kept in the taxicab to which the corresponding taxi plate is affixed:
 - a) the current valid Province of Ontario motor vehicle permit issued for that motor vehicle;
 - b) the standard taxi plate holder license or the accessible taxi plate holder license, as applicable; and
 - c) the certificate of insurance confirming that the taxi plate holder has obtained insurance coverage in accordance with Section 84 of this by-law;
- 4) ensure that any person operating the taxicab upon which the taxi plate is affixed holds a current standard taxi cab driver license or an accessible taxicab driver license, as applicable;
- 5) ensure that the taxicab upon which the standard taxi plate holder's taxi plate or accessible taxi plate holder's taxi plate is affixed complies in all respects with the taxicab vehicle standards set out in Sections 78 and 79, as applicable;
- 6) inspect the taxicab upon which the taxi plate is affixed within twenty-four (24) hours of being notified or otherwise becoming aware of any defect in or of an accident involving a taxicab in order to ensure it continues to meet all taxicab vehicle standards set out in Sections 78 and 79, as applicable;
- 7) maintain a record of the names, addresses and taxicab driver license identification numbers of all standard taxicab drivers and accessible taxicab drivers operating the taxicab upon which the standard taxi plate holder's taxi plate or the accessible taxi plate holder's taxi plate is affixed including the dates and times during which each taxicab driver provided taxicab service;
- 8) immediately produce the record maintained pursuant to subsection (7) upon request by the Chief License Inspector;
- 9) ensure that the taxicab upon which the standard taxi plate holder's plate or the accessible taxi plate holder's plate is affixed is equipped with the following:
 - a) the current taxicab driver identification card issued by the City prominently displayed in the taxicab so that it is readable under daytime and night time conditions by any passenger in the taxicab, and
 - b) the current tariff card issued by the City prominently displayed in the taxicab so that it is readable under daytime and night time conditions by any passenger in the taxicab.

53.

No licensed standard taxi plate holder or licensed accessible taxi plate holder shall fail to ensure that his or her taxicab:

- 1) has an encased body equipped with at least three (3) passenger doors;
- 2) is maintained in a good state of repair;
- 3) has no interior or exterior damage;
- 4) is maintained in a clean condition as to its exterior;
- 5) is maintained in a clean, dry and odour-free condition as to its interior;
- 6) is equipped to accept debit and credit card payments;
- 7) contains signage to notify passengers of the availability of the debit and credit card method of payment;
- 8) is free of all personal property left by previous passengers;
- 9) is free of the personal effects of the taxicab driver or any other person, not required in the conduct of ordinary driving duties;
- 10) has an operative heating and cooling system capable of supplying sufficient heat or cool air, as the season requires, for the comfort of passengers;
- 11) subject to clause (12), is equipped with at least five (5) serviceable tires one of which shall be available as a spare and each of which complies with the Highway Traffic Act; and,
- 12) is equipped with four (4) matching hub caps or wheel covers.

54.

No licensed standard taxi plate holder or accessible taxi plate holder shall fail to permanently affix the identifying number that is on the taxi plate to each front fender in an area between the top of the wheel well and the upper front door panel in reflective characters that are not less than ten (10 cm) centimetres in height in a colour that contrasts with the vehicle's colour and that are in 600 Arial font.

55.

No licensed standard taxi plate holder or licensed accessible taxi plate holder shall fail to permanently affix the identification number that is on the taxi plate near all rear passenger door handles of a replacement vehicle in reflective characters not less than

fifteen centimetres (15cm) in height in a colour that contrasts with the vehicle's colour and in 600 Arial font, and Section 54 shall not apply to such replacement vehicles.

56.

No licensed standard taxi plate holder or accessible taxi plate holder shall fail to display a copy of the Rights and Responsibilities of Taxi Drivers and Taxi Passengers, appended as Schedule "C" to this by-law, in a prominent location in the taxicab so that it is readable under daytime and night time conditions by any passenger in the taxicab.

57.

No licensed standard taxi plate holder or accessible taxi plate holder shall fail to ensure that his or her taxicab is equipped with a roof sign that:

- 1) is securely affixed to the roof of the taxicab;
- 2) is electric;
- 3) displays the taxicab broker affiliation with visible lettering and colour coding;
- 4) is affixed with the same identifying number that is on the taxi plate affixed to the taxicab so that the number faces the front and rear of the taxicab in characters measuring five (5 cm) centimetres so as to be readable in daytime and night time conditions;
- 5) is connected to the taximeter in such a manner that the illumination of the roof sign is automatically extinguished when the taximeter is engaged and illuminated when the taxicab is available for hire; and
- 6) is illuminated one-half hour before sunset to one-half hour after sunrise when the taxicab is available for hire.

58.

- 1) No licensed standard taxi plate holder or licensed accessible plate holder shall equip a taxicab with a propane or natural gas tank unless the propane or natural gas tank has been installed and certified by a licensed, certified gas fitter and complies in all respects with applicable provincial regulations.
- 2) Upon request of the Chief License Inspector, the licensed standard taxi plate holder or the licensed accessible plate holder shall produce for inspection a certificate of installation with respect to a taxicab equipped with a propane or natural gas tank.

59.

- 1) No licensed standard taxi plate holder or licensed accessible taxi plate holder shall fail to ensure that the taxicab is equipped with a taximeter that:
 - a) is attached to the taxicab in such a position that the fare computed thereon is visible from any seated position in the taxicab;
 - b) is clearly illuminated so as to be visible to passengers in the taxicab;
 - c) is maintained in good working condition at all times;
 - d) is sealed with a seal approved and installed by the City;
 - e) is used only when the seal is intact;
 - f) is submitted for inspection and testing upon request of the Chief License Inspector to ensure compliance with the current tariff; and
 - g) is tested and sealed by the City before being put into service where the taximeter has been replaced, repaired, altered, adjusted or broken.
- 2) In addition to the requirements of clause 59(1)(f), no licensed standard taxi plate holder or licensed accessible taxi plate holder shall fail to ensure that the taxicab upon which their taxi plate is affixed is also submitted semi-annually for testing and re-sealing of the taximeter at an appointed time and place when notified to do so by the Chief License Inspector.

60.

No licensed accessible taxi plate holder shall fail to ensure that the taxicab upon which the licensee's taxi plate is affixed is in service a minimum of ten (10) hours a day, five (5) days a week except where the accessible taxicab is being serviced for valid mechanical reasons.

61.

- 1) No licensed accessible taxi plate holder shall fail to provide accessible taxicab service on a priority basis to any person with a disability who requests such service.
- 2) A licensed accessible taxi plate holder is deemed to have failed to provide accessible taxicab service on a priority basis when one or more of the licensed accessible taxicab drivers operating the taxicab upon which the licensee's taxi plate is affixed fails to provide accessible taxicab service on more than one occasion within a six (6) month period.

62.

For those accessible taxi plate holder licenses issued after October 1, 2007, no licensed accessible taxi plate holder shall fail to ensure that the accessible taxicab is equipped with a fully-functioning rear sensor that is capable of detecting a person or object located behind the vehicle and is designed to alert the driver of such person or object when backing up the vehicle.

63.

No licensed accessible taxi plate holder shall fail to ensure that the accessible taxicab upon which the licensee's taxi plate is affixed is configured at all times to transport a minimum of one standard motorized wheelchair or scooter without having to reconfigure vehicle equipment or remove passenger seats to accommodate such wheelchair or scooter.

64.

- 1) No licensed accessible taxi plate holder shall fail to ensure that the accessible taxicab upon which the licensee's taxi plate is affixed has not been modified either temporarily or permanently from the condition of the taxicab as approved by the Chief License Inspector at the last scheduled inspection.
- 2) For the purposes of this section, placement of any obstruction such as an additional passenger seat shall be deemed to be a modification.

65.

All licensed standard taxi plate holders and accessible taxi plate holders may designate an unlimited number of licensed taxicab drivers to provide taxicab service.

66.

No licensed standard taxi plate holder or licensed accessible taxi plate holder shall fail to ensure that any person operating the taxicab upon which the licensee's taxi plate is affixed provides taxicab service in accordance with this by-law.

CAMERA SYSTEM

67.

- 1) No licensed standard taxi plate holder or licensed accessible taxi plate holder shall fail to provide and maintain a fully functioning camera system in each taxicab to which the license applies.
- 2) The camera system referred to in subsection (1) shall meet the minimum standards prescribed by the Chief License Inspector and shall be capable of recording images of persons in taxicabs such that access is limited to law enforcement personnel authorized by the Chief License Inspector for law enforcement purposes.
- 3) No licensed standard taxi plate holder or licensed accessible taxi plate holder shall operate or permit his, her or its taxicab to be operated unless it is equipped in accordance with subsection (2).
- 4) No licensed standard taxi plate holder or licensed accessible taxi plate holder shall fail to install a decal in a prominent location in his, her or its taxicab stating that photographic images of the passengers are being recorded.
- 5) No licensed standard taxi plate holder or licensed accessible taxi plate holder shall operate or permit his, her or its taxicab to be operated without the decal installed in accordance with subsection (4).

REQUIREMENTS OF A TAXICAB BROKER LICENSEE

68.

No licensed taxicab broker shall fail to:

- 1) maintain a permanent office from which the dispatching of taxicabs is conducted;
- 2) provide a list of all taxi plate holders with whom the taxicab broker has entered into any form of arrangement to provide taxicab dispatch service upon request of the Chief License Inspector;
- 3) provide or ensure that taxicab dispatch service is provided twenty-four (24) hours per day, seven (7) days per week to persons requesting taxicab service;
- 4) accept requests for taxicab service by telephone;
- 5) ensure that every taxicab dispatched on a trip is equipped to accept credit and debit card payments;
- 6) ensure where taxicab dispatch service is provided on behalf of the taxicab broker by a person other than the taxicab broker or his or her or its employee, that such person is:

- a) also a taxicab broker licensed under this by-law; and
 - b) directed to inform persons requesting taxicab service that a taxicab affiliated with another broker will be responding to their request for taxicab service;
- 7) maintain and produce a detailed record of every standard and accessible taxicab service request for a period of not less than three (3) years following the conclusion of the trip, which record shall include:
- a) the date and time of each request for taxicab service;
 - b) commencement point and destination point of each trip;
 - c) the time of arrival at pick-up;
 - d) the time of arrival at the destination;
 - e) the driver name and license number; and
 - f) the taxi plate number for each taxicab dispatched for each trip;
 - g) the annual total number of trips requested and fulfilled, and requested and not fulfilled, with the reason for cancellation of the trip;
- 8) provide the records maintained in accordance with clause (6) immediately upon request by a Municipal Law Enforcement Officer or Police Officer;
- 9) inform an individual requesting taxicab service of any potential delay in providing such taxicab service prior to accepting a request for taxicab service;
- 10) take reasonable steps to ensure that his, her or its employees behave civilly and courteously in the performance of their duties;
- 11) provide or make available to all taxicab drivers a United States currency conversion table on a daily basis;
- 12) ensure that a request for accessible taxicab service from or for a person with a disability shall be dispatched on a priority basis to the next available accessible taxicab located nearest the location of the request for service, and,
- 13) refer a request for accessible taxicab service to another taxi broker who can immediately provide the requested accessible taxicab service where such service cannot be immediately provided.

69.

No licensed taxicab broker shall permit any individual, other than a taxicab driver licensed under this by-law, to operate a taxicab displaying identifying marks or signs suggesting that such a taxicab is affiliated with another broker.

70.

No licensed taxicab broker shall dispatch a taxicab where the taxi plate holder associated with the particular taxicab is not currently licensed under this by-law.

71.

No licensed taxicab broker with a fleet size of 25 taxicabs or more shall fail to maintain a minimum percentage of the fleet as accessible taxicabs in accordance with Schedule "E".

72.

- 1) No licensed taxicab broker with a fleet size of 25 to 99 taxicabs shall fail to ensure that a minimum of one (1) on-demand accessible taxicab is in service at all times.
- 2) No licensed taxicab broker with a fleet size of 100 to 249 taxicabs shall fail to ensure that a minimum of two (2) on-demand accessible taxicabs are in service at all times.
- 3) No licensed taxicab broker with a fleet more than 250 taxicabs shall fail to ensure that a minimum of three (3) on-demand accessible taxicabs are in service at all times.
- 4) Accessible taxicabs providing accessible taxicab service as part of service agreements shall not be considered to be providing on-demand accessible taxicab service.

73.

Despite Sections 71 and 72, the Chief License Inspector is authorized to waive the minimum percentage of accessible taxicabs in the fleet or the minimum number of accessible taxicabs or both subject to the following conditions:

- a) the applicant has requested a waiver in writing and has provided satisfactory justification to the Chief License Inspector for the failure to comply with Sections 71 or 72 or both;
- b) the waiver is valid only for a period not exceeding thirty (30) days from the date of the request; and
- c) the accessible taxicab is unavailable for valid mechanical reasons that result in the accessible taxicab not being roadworthy and the mechanical reasons are provided in writing by a licensed mechanic to the Chief License Inspector or the accessible taxicab is on order and has not yet been received.

74.

- 1) No licensed taxicab broker shall fail to notify the Chief License Inspector, within twenty-four (24) hours, of any incident where there is reasonable cause to believe that,
 - a) a licensed accessible taxicab driver has refused to provide accessible taxicab service; or
 - b) a licensed accessible taxicab driver has failed to book-in with the taxicab broker in accordance with Section 44.

75.

No licensed taxicab broker shall fail to dispatch an accessible taxicab on a priority basis to a person with a disability who requests such service.

76.

No licensed taxicab broker shall fail to ensure that the accessible taxicabs within his or her fleet are configured at all times to transport a minimum of one standard motorized wheelchair or scooter without having to reconfigure vehicle equipment or remove passenger seats to accommodate such wheelchair or scooter.

MOTOR VEHICLE LEASING AGREEMENTS

77.

An applicant for a standard taxi plate holder license or an accessible taxi plate holder license or for renewal of a license may, in lieu of purchasing a motor vehicle for use as a taxicab, obtain a motor vehicle by a leasing agreement provided that the leasing agreement for the motor vehicle to be used with the applicable taxi plate holder license:

- a) is with the holder of the current motor vehicle permit issued pursuant to the Highway Traffic Act,
- b) specifies as a minimum requirement,
 - i. the date of execution of the leasing agreement,
 - ii. the name and address of the lessee and lessor,
 - iii. the make, model, serial number and year of the vehicle,
 - iv. the motor vehicle permit plate number issued pursuant to the Highway Traffic Act,
 - v. the Ottawa taxi plate number and year, where applicable,

- vi. the term and expiry date of the leasing agreement,
 - vii. the lessee has the right to possession and control of the vehicle, under specified terms and conditions,
 - viii. the consideration; and,
 - ix. the signature of the lessee, the lessor and the witnesses thereto; and
- c) is filed with the Chief License Inspector.

TAXICAB VEHICLE STANDARDS

78.

The following motor vehicle standards apply to standard taxicabs and accessible taxicabs:

- a) the motor vehicle shall have air conditioning and heat,
- b) every safety equipment and comfort system for passengers shall be functioning,
- c) the motor vehicle shall be capable of seating at least five (5) and no more than seven (7) individuals including the driver,
- d) no motor vehicle shall be used as a taxicab unless at the time of the fall inspection:
 - i. it is less than ten (10) model years old, if it is for use as a standard taxicab or an accessible taxicab;
 - ii. it is less than ten (10) model years old, if it is a low emission vehicle for use as a standard taxicab or an accessible taxicab other than a London Black Taxicab;
 - iii. it is less than fourteen (14) model years old, if it is a London Black Taxicab.

79.

No licensed standard taxi plate holder or licensed accessible taxi plate holder shall replace his or her taxicab with a replacement motor vehicle unless the replacement motor vehicle is less than five (5) model years old at the time the application is made to replace the taxicab.

80.

For the purpose of calculating the age of the motor vehicles as prescribed in clause 78(d) and Section 79, the model year of the vehicle is not included in the calculation.

81.

In clause 78(d), the expression “fall inspection” means the second regularly scheduled mechanical inspection conducted pursuant to Section 83.

GLOBAL POSITIONING SYSTEM – ACCESSIBLE TAXICABS

82.

- 1) Every accessible taxi plate holder licensee shall provide and maintain a fully functioning global positioning system in each taxicab for which he, she or it holds a license.
- 2) The global positioning system referred to in subsection (1) shall,
 - a) be approved by the Chief License Inspector,
 - b) be capable of tracking and locating the position of the accessible taxicab,
 - c) include a vehicle location system, and
 - d) be equipped with an emergency call button.
- 3) No licensed accessible taxi plate holder shall operate or permit his, her or its taxicab to be operated unless it is equipped in accordance with subsection (2).
- 4) No licensed accessible taxicab driver shall operate an accessible taxicab unless the global positioning system is fully functioning.
- 5) No licensed taxicab broker shall fail to ensure that all equipment and systems related to the monitoring of the global positioning system in every accessible taxicab is fully operational at all times when the accessible taxicab is in service and that such equipment shall:
 - a) be connected to the taximeter and be capable of tracking and locating the geographic location of every accessible taxicab at all times when the accessible taxicab is in service;
 - b) be capable of tracking and recording the arrival time at a pick-up site, the arrival time at the destination, the length of time of the trip and the trip route; and
 - c) be capable of receiving a distress call from accessible taxicabs upon activation of the in-vehicle emergency button.

TAXICAB INSPECTIONS

83.

- 1) Every licensed standard taxi plate holder and every licensed accessible taxi plate holder shall ensure that his or her taxicab is submitted for an inspection, including inspections at safety lanes, at an appointed time and place when notified to do so by the Chief License Inspector, as follows:
 - a) once a year during the Fall for a taxicab that is five (5) model years of age or less; and,
 - b) once during the Fall and once during the Spring for a taxicab that is older than five (5) model years.
- 2) At the time of an inspection, the licensed standard taxi plate holder, licensed accessible taxi plate holder or authorized agent, as applicable, shall provide the following documentation to the Chief License Inspector or Municipal Law Enforcement Officer conducting the inspection:
 - a) a current valid Ontario Ministry of Transportation Safety Standards Certificate;
 - b) a copy of any work order or other documentation issued by a licensed garage in the processing or granting of the above-noted Safety Standards Certificate;
 - c) the standard taxi plate holder license or accessible taxi plate holder license, as applicable;
 - d) a certificate of insurance confirming that the licensed standard taxi plate holder or licensed accessible taxi plate holder, as applicable, continues to maintain insurance coverage in accordance with the requirements of Section 84 of this by-law;
 - e) the current valid Ontario Ministry of Transportation motor vehicle permit with respect to the taxicab under inspection; and,
 - f) a current valid certificate of installation where the taxicab under inspection is equipped with a propane or natural gas tank.
- 3) If the inspection results in the taxicab being found to be in an unsafe condition, the Chief License Inspector,
 - a) shall require the taxicab to be placed in a safe condition, and
 - b) may suspend the license.
- 4) No person shall obstruct, hinder, or otherwise interfere with any of the inspections undertaken pursuant to this Section.

INDEMNIFICATION AND INSURANCE

84.

- 1) Every licensed standard taxi plate holder, accessible taxi plate holder, and taxi broker agrees to indemnify and save harmless the City of Ottawa, its employees and agents from any and all claims, demands, causes or action costs or damages howsoever caused that the City may suffer, incur or be liable for resulting from the issuance of a License under this By-law 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 employees, directors or agents.
- 2) Every licensed standard taxicab plate holder and every licensed accessible taxicab plate holder shall maintain on file with the City of Ottawa a certificate of insurance for each of his or her taxicabs identifying and confirming the following minimum insurance requirements:
 - a) Commercial General Liability insurance subject to limits of not less than Five Million Dollars (\$5,000,000.00) 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. Such policy shall be in the name of the Taxi Plate Holder and the City of Ottawa shall be named as an additional insured; and,
 - b) Automobile Liability Insurance for owned/leased licensed vehicles with limits of not less than Two Million Dollars (\$2,000,000.00) 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 (\$2,000,000.00) per occurrence; and,
 - d) an endorsement to provide that the City of Ottawa shall receive at no less than thirty (30) days prior written notice from the insurer of any cancellation; and,
 - e) confirmation that insurance coverage includes each taxicab driver who operates the taxicab to which the taxi plate holder's plate is affixed.

- 3) Every licensed Taxicab Broker shall maintain on file with the City of Ottawa a certificate of insurance identifying and confirming the following minimum insurance requirements:
 - a) Commercial General Liability insurance subject to limits of not less than Five Million Dollars (\$5,000,000.00) 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. Such policy shall be in the name of the Taxicab Broker and the City of Ottawa shall be named as an additional insured; and,
 - b) Non-Owned Automobile insurance with limits of not less than Two Million Dollars (\$2,000,000.00) per occurrence; and,
 - c) an endorsement to provide that the City of Ottawa shall receive no less than thirty (30) days prior written notice from the insurer of any cancellation.
- 4) Despite subsections (1) and (2), the City Clerk and Solicitor is authorized to approve alternative and equivalent insurance coverage.

85.

No licensed standard taxi plate holder, licensed accessible taxi plate holder or licensed taxicab broker shall fail to maintain the minimum insurance coverage set out in Section 84 at all times during the license period.

REPLACEMENT VEHICLES

86.

- 1) Every licensed standard taxi plate holder and every licensed accessible taxi plate holder who replaces his or her taxicab shall apply to the Chief License Inspector to change the taxicab with respect to which the taxi plate holder license is designated and shall, at the time of the replacement application comply with clauses (d), (e), (f) and (g) of Section 27, clauses (e) to (k) inclusive of Section 29, and Sections 59, 78, 79 and 83, as applicable.
- 2) Upon the Chief License Inspector being furnished with satisfactory proof that the applicant has complied with the requirements of subsection (1) and has paid the fee set out in Schedule "A" to this by-law, the Chief License Inspector shall change vehicle with respect to which the taxi plate holder license is designated.

- 3) No licensed standard taxi plate holder or licensed accessible taxi plate holder shall affix the taxi plate to the proposed replacement vehicle until the Chief License Inspector provides authorization to do so.
- 4) No licensed standard taxicab plate holder or license accessible taxi plate holder shall fail to ensure that any replacement vehicle that, in the opinion of the Chief License Inspector is a van or van-like in appearance, is equipped with a fully-functioning rear sensor that is capable of detecting a person or object located behind the vehicle and is designed to alert the driver of such person or object when backing up the vehicle.

SEALING OF TAXIMETER AND TARIFF

87.

The Chief License Inspector shall seal or reseal the taximeter by, lacing a wire through the hole in the base bracket bolt head, through the eyelets on the taximeter and threaded through a seal in such a manner that it prevents the removal of the outer cover.

88.

The tariff is hereby established as provided by and set out in Schedule "B".

89.

- 1) Taximeter rates shall not be adjusted more than once a year.
- 2) The date of the meter rate adjustment, if any, shall be October 1st.
- 3) Applications for adjustment to the taxi meter rate shall be submitted to the Chief License Inspector on or before June 1st of the year in which the adjustment is to take effect.
- 4) If no application for a taximeter adjustment is received by the Chief License Inspector on or before June 1st, there shall be no consideration of a taxi meter adjustment until June 1st of the following year.
- 5) The amount of the adjustment shall not exceed the percentage annual increment in the Taxi Cost Index ("TCI") as set out in Schedule "D" from April 30th of the previous year to April 30th of the current year that the rate is to take effect.
- 6) Consideration shall be given to a taximeter rate adjustment only upon application from a licensed driver or a certified union or association representing licensed drivers.

90.

Despite Sections 88 and 89, where an app is used by the taxi broker to connect passengers with standard or accessible taxicab drivers and their taxicabs, a fare equal to or less than the tariff, as set out in Schedule “B”, including the prescribed maximum surcharge based on the taxicab type and service, and fee for cancellation of the trip at the door, may be charged provided that the said app:

- a) at the time of the arranging of the trip, discloses to the passenger requesting the taxicab service the applicable rate being charged for the trip,
- b) includes a process by which the passenger accepts or refuses the taxicab service prior to the trip commencing and keeping a record of such acceptance or refusal;
- c) provides the amount owed by the passenger for the trip;
- d) provides a receipt to the passenger at the end of the trip, or shortly thereafter, that includes information pursuant to Section 38(25) of this by-law, and the total amount paid for the trip.

ACCESSIBLE TRAINING COURSE

91.

- 1) When a person on the Accessible Priority List is selected for issuance of an accessible taxi plate holder license by reason of such person’s position on the Accessible Priority List, the Chief License Inspector shall notify such person of such selection by a notice in writing sent by registered mail to such person’s last known address on file with the By-law & Regulatory Services Branch of the City.
- 2) This notice shall include the date of the next available Accessible Taxicab Training Course and a Notice of Election.

92.

- 1) A person on the Accessible Priority List who is selected for the issuance of an accessible taxi plate holder license by reason of such person’s position on the Accessible Priority List shall within 30 days of the notice:
 - a) elect to attend the next available Accessible Taxicab Training Course, or
 - b) elect to defer attendance to the next available Accessible Taxicab Training Course, or
 - c) elect not to attend the Accessible Taxicab Training Course, by completing a Notice of Election and filing it with the Chief License Inspector.

- 2) A person who fails to file the Notice of Election within 30 days shall be deemed to have elected to defer attendance to the next available Accessible Taxicab Training Course.
- 3) A person who has elected to defer attendance at the Accessible Taxicab Training course shall retain his or her position on the Accessible Priority List unless such person has deferred attendance more than twice, in which case such person shall be re-positioned at the bottom of the Accessible Priority List.
- 4) A person who has elected not to attend the Accessible Taxicab Training Course shall be re-positioned at the bottom of the Accessible Priority List.
- 5) A person who elects to attend the next available Accessible Taxicab Training Course shall register with the Accessible Taxicab Training Course provider.
- 6) A person who elects to attend the next available Accessible Taxicab Training Course but does not register for the said course or does not meet the minimum attendance requirement of the said course shall be deemed to have elected to defer attendance at the Accessible Taxicab Training Course until the next available Accessible Taxicab Training Course.
- 7) Despite this Section, an individual with no less than 10 years' experience as a licensed standard taxicab driver in the City of Ottawa and whose standard taxicab driver's license has lapsed shall not be required to attend or complete the Accessible Training Course in order to apply for a new Accessible Taxicab driver's license.

93.

- 1) A person on the Accessible Priority List who fails the Accessible Taxicab Training Course shall retain his or her position on the Accessible Priority List and may re-attend at the next available Accessible Taxicab Training Course or if eligible to do so may re-take the Accessible Taxicab Training Course examinations at the next available Accessible Taxicab Training Course.
- 2) Despite subsection (1), a person on the Accessible Priority List who fails the Accessible Taxicab Training Course more than once, or who does not re-attend at the said Course or re-take the examinations, shall be re-positioned to the bottom of the Accessible Priority List.

ACCESSIBLE PRIORITY LIST

ESTABLISHMENT OF LIST

94.

The Accessible Priority List, as administered under By-law No. 2005-581 and By-law No. 2012-258, and as it exists on the date this by-law, is in full force and effect is carried over and becomes the Accessible Priority List.

MAINTENANCE OF LIST

95.

- 1) The Chief License Inspector shall keep the Accessible Priority List and this list shall be open and accessible to the public and subject to all other conditions and qualifications set out in this by-law.
- 2) When accessible taxi plate holder licenses are to be issued, priority is to be established by the order of the Accessible Priority List and thereafter continued by order of seniority of application.
- 3) Subject to subsection (4), every person applying to be placed on the Accessible Priority List shall at the time of application pay the prescribed fee as set out in Schedule "A" and file with the Chief License Inspector, the following information:
 - a) the name and address of the applicant, and
 - b) the standard taxicab driver license number.
- 4) A person applying to be placed on the Accessible Priority List is only entitled to be placed on the list once at any one time, and may not be a standard or accessible taxi plate holder.
- 5) Every person on the Accessible Priority List shall on or before April 30th in every year thereafter file with the Chief License Inspector a request for renewal setting out the name and address of the person and the taxi driver license number and pay the prescribed renewal fee as set out in Schedule "A".
- 6) A person on the Accessible Priority List ceases to continue to be eligible for an accessible taxi plate holder license and shall be struck off the Accessible Priority List if at any time thereafter but before an accessible taxicab holder license has been issued:
 - a) the person's taxi driver license lapses or is revoked,

- b) the person fails to file with the Chief License Inspector any of the prescribed information on an annual basis, or
 - c) the person fails to pay the prescribed fees as set out in Schedule "A" annually.
- 7) A person who has been struck off the Accessible Priority List shall be notified forthwith by the Chief License Inspector by letter addressed to the person at the last address of record furnished by the person to the By-law & Regulatory Services Branch of the City.
 - 8) A person who is struck off the Accessible Priority List may within fourteen (14) days of receipt of the notice apply in writing for a review by the License and Property Standards Committee of such action by filing a request with the Chief License Inspector, and the procedures related to a hearing before the License and Property Standards Committee will apply.
 - 9) A qualified person on the Accessible Priority List has ninety (90) days to successfully complete the Accessible Taxicab Training Course, comply with all other provisions of this by-law pertaining to the operation of a taxicab and commence operating his or her accessible taxicab.
 - 10) Despite subsection (9), a qualified person on the Accessible Priority List may apply to the License and Property Standards Committee prior to the expiry of the ninety (90) day period for an extension of that period which extension shall not be granted unless the persons satisfies the License Committee that his or her failure to comply fully with the commencement date is the result of illness, injury or parental leave.
 - 11) A qualified person on the Accessible Priority List who successfully completes the Accessible Taxicab Training Course but who fails to commence operating his or her accessible taxicab within the ninety (90) day period shall have his or her accessible taxi plate holder license revoked by the Chief License Inspector.
 - 12) A qualified person on the Accessible Priority List who fails to obtain an extension of this time period in accordance with subsection (10) shall have his or her eligibility for an accessible taxi plate holder license revoked by the Chief License Inspector.

TRANSFER OF STANDARD TAXICAB DRIVER, ACCESSIBLE TAXICAB DRIVER AND BROKER LICENSES

96.

- 1) No standard taxicab driver license shall be transferred.
- 2) No accessible taxicab driver license shall be transferred.
- 3) No taxicab broker license shall be transferred.

TRANSFER OF STANDARD TAXI PLATE HOLDER LICENSE

97.

- 1) No application for the transfer of a standard taxi plate holder license shall be processed unless and until the person to whom the license is to be transferred has satisfied the Chief License Inspector that the proposed transferee is in compliance with subsection (2) hereof.
- 2) The proposed transferee shall provide the Chief License Inspector with the following:
 - a) a completed application for the transfer of the standard taxi plate holder license;
 - b) proof that the proposed transferee complies with the provisions of the by-law as if the proposed transferee was an original applicant by providing the information required by Section 29;
 - c) the license transfer fee as set out in Schedule "A";
 - d) a duly executed copy of the written sale agreement between the proposed transferor and the proposed transferee containing the details of their dealings in respect of such taxicab, equipment, taximeter, good will, if any, and any other thing included in the sale agreement; and,
 - e) two (2) affidavits, one made by the proposed transferor and the other made by the proposed transferee setting out the true consideration for the taxicab, equipment, taximeter, good will, if any, and any other thing included in the sale agreement.
- 3) When the Chief License Inspector has been satisfied of the compliance of the proposed transferee with subsections (1) and (2), the Chief License Inspector shall notify the proposed transferee to arrange for the motor vehicle to be submitted for inspection in order to confirm that the motor vehicle complies with all vehicle standards for standard taxicabs set out in the by-law.
- 4) When the Chief License Inspector has inspected and confirmed that the motor vehicle complies with all vehicle standards for taxicabs set out in the by-law, the Chief License Inspector shall give notice to the proposed transferor and to the proposed transferee of the approval of the transfer.
- 5) The proposed transferor in receipt of such notice shall forthwith file the taxi plate with the Chief License Inspector, and a license shall not be issued to the transferee until such taxi plate is filed.

TRANSFER OF ACCESSIBLE TAXI PLATE HOLDER LICENSE

98.

- 1) Subject to Section 100, for accessible taxi plate holder licenses issued prior to September 30, 2016, no licensed accessible taxi plate holder shall transfer the license for five (5) years after the date of issuance of the original accessible taxi plate holder license or the date of a transfer authorized under this by-law.
- 2) Accessible taxi plate holder licenses issued after September 30, 2016 are not transferable.
- 3) No application for the transfer of an accessible taxi plate holder license shall be processed unless and until:
 - a) the transferor has held the accessible taxi plate license for more than five (5) years after the date of issuance of the original accessible taxi plate holder license, or the date of a transfer authorized under this by-law; and,
 - b) the person to whom the license is to be transferred has satisfied the Chief License Inspector that the proposed transferee is in compliance with subsection (3) hereof.
- 4) The proposed transferee has provided the Chief License Inspector with the following:
 - a) a completed application for the transfer of the accessible taxi plate holder license;
 - b) proof that the proposed transferee complies with the provisions of the by-law as if the proposed transferee was an original applicant by providing the information required by Section 29;
 - c) the license transfer fee as set out in Schedule "A";
 - d) a duly executed copy of the written sale agreement between the proposed transferor and the proposed transferee containing the details of their dealings in respect of such taxicab, equipment, taximeter, good will, if any, and any other thing included in the sale agreement; and,
 - e) two (2) affidavits, one made by the proposed transferor and the other made by the proposed transferee setting out the true consideration for the taxicab, equipment, taximeter, good will, if any, and any other thing included in the sale agreement.
- 5) When the Chief License Inspector has been satisfied of the compliance of the proposed transferee with subsections (2) and (3), the Chief License Inspector shall notify the proposed transferee to arrange for the motor vehicle to be submitted for inspection in

order to confirm that the motor vehicle complies with all vehicle standards for accessible taxicabs set out in the by-law.

- 6) When the Chief License Inspector has inspected and confirmed that the motor vehicle complies with all vehicle standards for accessible taxicabs set out in the by-law, the Chief License Inspector shall give notice to the proposed transferor and to the proposed transferee of the approval of the transfer.
- 7) The proposed transferor in receipt of such notice shall forthwith file the taxi plate with the Chief License Inspector, and a license shall not be issued to the transferee until such taxi plate is filed.

DEATH OF TAXI PLATE HOLDER

99.

- 1) In the event of the death of the holder of a standard taxi plate license or an accessible taxi plate holder license, the heirs, executors, administrators, successors or assigns or other legal representatives shall have a period of twelve (12) months within which to arrange for the transfer of the license without the license being revoked, provided that:
 - a) the death of the licensee was reported to the Chief License Inspector, and
 - b) an original or notarized copy of the licensee's death certificate was filed with the Chief License Inspector, within sixty (60) calendar days of the death of the licensee.
- 2) If the license expires within the aforesaid period of twelve (12) months, the heirs, executors, administrators, successors or assigns or other legal representatives may renew the license on the condition that it will expire on the termination of the aforesaid period of twelve (12) months.
- 3) In the event that the transfer of the license is arranged pursuant to subsection (1), the Chief License Inspector shall transfer the license upon being provided with satisfactory proof that the person to whom the transfer is to be made shall comply with the requirements of this by-law as if the person was an original applicant.
- 4) When the legal spouse or child of a deceased holder of a standard taxi plate license or an accessible taxi plate holder license applies for the transfer of the deceased's standard taxi plate holders license or accessible taxi plate holder license pursuant to subsection (1), and provided that the legal spouse or child is the heir to the deceased's standard taxi plate holders license or accessible taxi plate holder license in respect of the standard taxi plate holders business or accessible taxi plate holders business, the provisions of clauses (d) and (e) of subsection 97(2) do not apply to the standard taxi

plate holder transfer and the provisions of clauses (d) and (e) of subsection 98(4) do not apply to the accessible taxi plate holder transfer.

CONVERSION OF STANDARD TAXI PLATE HOLDER LICENSE TO ACCESSIBLE TAXI PLATE HOLDER LICENSE

100.

- 1) A holder of a standard taxi plate license may apply for the conversion of such license to an accessible taxi plate holder license upon filing an application with the Chief License Inspector.
- 2) No application for the conversion of a standard taxi plate holder license to an accessible taxi plate holder license shall be processed unless and until the Chief License Inspector is satisfied that the proposed licensee will be in compliance with Section 78 and Section 79 as it relates to vehicle standards for accessible taxicabs.
- 3) There shall be no fee for the conversion of the license pursuant to this section.
- 4) When a standard taxi plate holder license has been converted to an accessible taxi plate holder license pursuant to this section, no conversion back to a standard taxi plate holder license shall be permitted and the conversion shall be permanent.
- 5) Section 97 shall apply to an accessible taxi plate holder license converted from a standard taxi plate holder license.
- 6) An accessible taxi plate holder license converted from a standard taxi plate holder license under this Section after September 30, 2016 shall not be transferable.

OPERATION OF ACCESSIBLE TAXI

101.

No holder of an accessible taxi plate holder license shall permit any licensed accessible taxicab driver to drive his or her taxicab on a shift basis, unless the holder of the accessible taxi plate license:

- a) keeps and maintains a list of every taxicab driver driving his or her accessible taxicab;
- b) produces the list for inspection on request by the Chief License Inspector or Municipal Law Enforcement Officer; and
- c) ensures that each driver of his or her accessible taxicab gives priority to requests for accessible taxicab service from persons with a disability.

PART III LIMOUSINES

LICENSE REQUIRED

102.

- 1) Every owner or operator of a business that provides limousine service within the City shall be deemed to carry on or be engaged in such business from a point in the City of Ottawa to any point within or beyond the City of Ottawa, and the provisions of this by-law shall apply to the said owner or operator.
- 2) Subsection (1) does not apply to the owner or operator of a limousine service where the principal business occurs outside the City and from time to time the limousine service may be required to drop off passengers at the MacDonald-Cartier Airport.

103.

A separate license shall be obtained in respect of each limousine service.

SERVICE TO BE PROVIDED

104.

- 1) No owner or operator of a limousine service shall provide limousine service unless the service provided is,
 - a) by pre-arrangement, reserved in advance by at least two (2) hours,
 - b) for a minimum rate of charge, exclusive of GST, of not less than,
 - i. Seventy-five Dollars (\$75.00) for the first ninety (90) minutes or part thereof, and
 - ii. Fifty Dollars (\$50.00) for each hour after the initial 90 minutes, and
 - c) with a limousine as defined in this by-law.
- 2) The hourly rate described in clause (b) paragraph (ii) may be divided into quarters charged at a rate of Twelve Dollars and Fifty cents (\$12.50) for each fifteen (15) minutes or part thereof.
- 3) Paragraph (b) of subsection (1) and subsection (2) shall not apply to an auxiliary service.
- 4) Paragraph (a) of subsection (1) shall not apply,

- e) to a limousine service engagement commencing at the Macdonald-Cartier Airport, or
 - f) to a limousine service engagement provided by a licensed limousine service pursuant to an agreement that,
 - i. is at least one (1) month in duration,
 - ii. is with a business corporation or government agency, and
 - iii. is filed in advance of the commencement of the term of the agreement with the Chief License Inspector.
- 5) No person shall use a motor vehicle as a limousine unless:
- a) it has an encased automobile body having at least four (4) doors, and a seating capacity for not more than nine (9) persons, excluding the driver; and,
 - b) it is provided with at least three (3) of the following options:
 - i. a glass partition separating the rear and front seats,
 - ii. a television,
 - iii. a stereo system in the passenger compartment that the passenger can control,
 - iv. a cellular telephone for passenger use,
 - v. Wi-Fi,
 - vi. a refrigerator,
 - vii. a work desk or table.
- 6) Subsection (5) shall not apply to a classic, vintage or specialty vehicle when used by a licensed limousine service or to an auxiliary service vehicle.

CONDITIONS FOR ISSUANCE OF A LIMOUSINE SERVICE LICENSE

105.

- 1) No license shall be issued to an owner or operator of a limousine service unless:
 - a) the applicant is at least eighteen (18) years of age;
 - b) the applicant has filed a complete list of business or trade names used in the limousine service and the respective addresses and telephone numbers;
 - c) the applicant has provided a complete list of the names, telephone numbers, addresses and a copy of a driver's licence issued by the Ministry of

Transportation or an equivalent, and has obtained and maintained an annual acceptable Statement of Driving Record and an annual acceptable Police Records Check for Service with the Vulnerable Sector for every limousine driver employed by or affiliated with the limousine service, to be made available for inspection by the Chief License Inspector;

- d) the applicant has provided the original documents, dated less than 60 days prior to the date of the application for a license, from the appropriate agency outlining the results of investigations related to the applicant for a Police Records Check for the Service with the Vulnerable Sector;
 - e) the applicant has filed proof of ownership for each limousine operated in the limousine service;
 - f) the applicant has filed proof of insurance in accordance with the requirements of Section 126 for each motor vehicle to be used in the limousine service;
 - g) the applicant has filed proof of good repair in respect of each motor vehicle to be used in the limousine service; and
 - h) the applicant has paid the fees as set out in Schedule "A" of this by-law;
- 2) No motor vehicle shall be used in a limousine service unless at the time of annual license renewal set out in Schedule "A", it is less than ten (10) model years old;
 - 3) For the purpose of calculating the age of the motor vehicles as prescribed in subsection (2), the model year of the vehicle is not included in the calculation.
 - 4) Subsections (2) and (3) shall not apply to a classic, vintage or specialty vehicle.

106.

- 1) Every licensed limousine service operator shall ensure that the vehicles used in his or her limousine service are inspected by the Chief License Inspector and in accordance with Section 125 as follows:
 - a) once a year during the license renewal period prior to the expiry date as set out in Schedule "A" for a vehicle that is five (5) model years of age or less; and,
 - b) once during the license renewal period prior to the expiry date as set out in Schedule "A" and once during the Spring of the following calendar year for a vehicle that is older than five (5) model years.
- 2) At the time of an inspection by the Chief License Inspector, the licensed limousine service operator or authorized agent shall provide the following documentation to the Chief License Inspector:

- a) a current valid Ontario Ministry of Transportation Safety Standards Certificate or proof of another alternative and equivalent vehicle safety verification process acceptable to the Chief License Inspector;
 - b) a copy of any work order or other documentation issued by a licensed garage in the processing or granting of the above-noted Safety Standards Certificate;
 - c) the limousine service license, as applicable;
 - d) a certificate of insurance confirming that the licensed limousine service operator continues to maintain insurance coverage in accordance with the requirements of Section 126 of this by-law; and,
 - e) the current valid Ontario Ministry of Transportation motor vehicle permit with respect to the limousine service vehicle under inspection;
- 3) If the inspection required by subsection (1) results in the limousine service vehicle being found to be in an unsafe condition, the Chief License Inspector,
- a) shall require the vehicle to be placed in a safe condition, and
 - b) may suspend the license.
- 4) No person shall obstruct, hinder, or otherwise interfere with any of the inspections undertaken pursuant to this Section.
- 5) This Section shall be applicable to each limousine operated, provided or used in the limousine business regardless of whether or not proof of good repair has been filed.

107.

Sections 105(1)(e), 105(1)(f), 105(1)(g), 105(2), 105(3) and Section 106 shall not apply to an auxiliary service where the driver is providing personal chauffeur services through which the passenger is conveyed in his or her own vehicle.

LEASING AGREEMENTS

108.

An owner or operator of a limousine service may, in lieu of purchasing a motor vehicle for use as a limousine, obtain a motor vehicle by a leasing agreement provided that the leasing agreement for the motor vehicle to be used as the limousine:

- a) is with the holder of the current motor vehicle registration issued pursuant to the Highway Traffic Act,
- b) specifies as a minimum requirement,

- i. the date of execution of the leasing agreement,
 - ii. the name and address of the lessee and the lessor,
 - iii. the make, model, serial number and year of vehicle,
 - iv. the motor vehicle permit plate number issued pursuant to the Highway Traffic Act,
 - v. the term and expiry date of the leasing agreement,
 - vi. that the lessee has the right to possession and control of the vehicle, under specified terms and conditions,
 - vii. the consideration, and
 - viii. the signatures of the lessee, the lessor, and the witness thereto, and
- c) is filed by providing a copy of the leasing agreement to the Chief License Inspector.

109.

Every licensee shall notify the Chief License Inspector in writing of the termination of the leasing agreement for the motor vehicle registered to his or her limousine service at least ten (10) days prior to the termination of the leasing agreement.

ISSUANCE OF LICENSE

110.

Upon issuance of a limousine service license, the Chief License Inspector shall furnish to the licensee with a license certificate.

111.

Every licensee shall ensure that a copy of the certificate furnished pursuant to Section 110 is kept within each limousine at all times.

GENERAL REGULATIONS

112.

No licensee shall place a taximeter in a limousine.

113.

No person shall operate a taxicab as a limousine.

114.

No licensee shall operate a limousine service under a business or trade name not on file with the Chief License Inspector.

115.

Every licensee shall ensure that each limousine driver in the limousine service possesses a valid driver's license of the appropriate class issued pursuant to the Highway Traffic Act other than a Class G1 or Class G2 Driver's license or a valid driver's license of the appropriate class issued by the Province of Quebec, to operate a limousine.

116.

No licensee shall permit a limousine to be used in the business unless the limousine is,

- a) in a clean condition as to its interior and exterior,
- b) in good repair as to its interior and exterior,
- c) dry as to its interior,
- d) free from mechanical defects,
- e) in fit condition for the purpose for which the vehicle is used to be driven, and
- f) in safe driving condition.

117.

- 1) Every licensee shall, upon termination of any hiring or other engagement of the limousine, ensure that the driver searches the limousine for any property lost or left therein and turns such property over to the licensee.
- 2) The licensee shall make all reasonable efforts to contact the owner and return any lost or left property over to the owner of said property.

118.

- 1) No person shall drive passengers in a limousine, unless the limousine has a copy of a valid certificate referred to in Section 110.
- 2) No person shall provide transportation services in a limousine unless he or she is employed by or affiliated with a licensed limousine service and meets the requirements of this by-law.

119.

Every licensee shall maintain an up-to-date list of limousine drivers employed by or associated with the limousine service.

120.

Every licensee shall immediately produce the list of limousine drivers referred to in Section 105 when so requested by a Municipal Law Enforcement Officer or Chief of Police.

TRIP SHEET

121.

Every licensee shall ensure that each driver of a limousine shall have a trip sheet in the vehicle at all times evidencing that the vehicle is in service.

122.

- 1) Every licensee shall ensure that the trip sheet contains the following information:
 - a) the date of the engagement,
 - b) the name of the driver of the limousine,
 - c) the name of the engaging person or organization,
 - d) the service being provided and the corresponding rate being charged,
 - e) the intended destination,
 - f) the starting time and length of time for which the vehicle has been reserved, and
 - g) the time at the conclusion of the engagement.
- 2) The information described in subsection (1) shall be recorded on the trip sheet at the termination of each engagement.

123.

Every licensee shall keep the trip sheets for a period of one year.

124.

Every licensee shall produce the trip sheets for inspection when so requested by a Municipal Law Enforcement Officer or Chief of Police.

INDEMNIFICATION

125.

Every licensed limousine service agrees to indemnify and save harmless the City of Ottawa, its employees and agents from any and all claims, demands, causes or action costs or damages howsoever caused that the City may suffer, incur or be liable for resulting from the issuance of a License under this By-law 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 employees, directors or agents.

INSURANCE

126.

- 1) Every limousine service licensee shall maintain on file with the City of Ottawa a certificate of insurance for each of his or her limousines identifying and confirming the following minimum insurance requirements:
 - a) Commercial General Liability insurance subject to limits of not less than Five Million Dollars (\$5,000,000.00) 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. Such policy shall be in the name of the limousine service licensee and the City of Ottawa shall be named as an additional insured; and
 - b) Automobile Liability Insurance for owned/leased licensed vehicles with limits of not less than Two Million Dollars (\$2,000,000.00) 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 (\$2,000,000.00) per occurrence; and
 - d) an endorsement to provide that the City of Ottawa shall receive at no less than thirty (30) days prior written notice from the insurer of any cancellation; and,

- e) confirmation that insurance coverage includes each driver of a limousine used for the licensed limousine service.
- 2) Despite subsection (1), the City Clerk and Solicitor may approve alternative and equivalent insurance coverage.
- 3) No licensed limousine service shall fail to maintain the minimum insurance coverage set out in subsection (1) at all times during the license period.

TEMPORARY LIMOUSINES

127.

Despite Section 110, a licensee may apply to register additional limousines as temporary limousines on the license certificate in order to provide increased limousine service for a period of time not to exceed ten (10) days from the proposed effective date of registration subject to the following conditions:

- a) a request for temporary limousines shall be presented to the Chief License Inspector at least fourteen (14) days prior to the proposed effective date of the registration;
- b) the applicant is the holder of a valid limousine service license issued by the municipality;
- c) the applicant has filed the appropriate application and paid the fees as set out in Schedule "A" of the by-law;
- d) the applicant has identified on the application the times and dates for which the temporary limousines will be used; and
- e) the applicant has provided the following information for each limousine to be registered:
 - i. the make and model of the motor vehicle,
 - ii. the Vehicle Identification Number,
 - iii. the licence plate number issued by the Ontario Ministry of Transportation or its equivalent,
 - iv. proof of insurance demonstrating coverage in accordance with Section 126,
 - v. a copy of the limousine license issued by another licensing authority or a copy of the lease agreement from an automotive leasing establishment licensed pursuant to this by-law if the vehicle is not licensed as a limousine, and
 - vi. proof of good repair obtained within the 12 months prior to the application.

128.

Upon approval of the request and registration of the temporary limousines, the Chief License Inspector shall furnish to the licensee, a registration certificate upon which shall be indicated the dates the registration is valid and a list of the temporary limousines authorized to operate under the limousine service license.

129.

Every licensee shall ensure that the registration certificate is available for inspection by the Chief License Inspector at all times.

LICENSE TRANSFERS

130.

A limousine service license issued pursuant to this by-law may be transferred subject to the provisions of Part III of this by-law.

131.

- 1) When a person applies for a transfer of a limousine service license, the person to whom the license is to be transferred shall comply with the provisions of this by-law as if he or she was an original applicant under this by-law.
- 2) When the person to whom the limousine service license is to be transferred has furnished satisfactory proof to the Chief License Inspector that he or she meets the requirements of this Part for issuance of a license and that such transfer is not prohibited by any other provision of this by-law, the Chief License Inspector shall issue a license to the transferee upon receipt of the transfer fee set out in Schedule "A" which license certificate shall comply with the provisions of Section 10.
- 3) Where the licensee dies during the currency of the license, the license may be transferred and the provisions of subsections (1) and (2) apply.
- 4) Every person who replaces the motor vehicle for which the license was issued shall apply for a transfer of the license from the one (1) motor vehicle to the replacement motor vehicle and shall, where applicable:
 - a) file,
 - i. proof of insurance, and
 - ii. a safety standards certificate, and

- b) exhibit the Ontario Motor Vehicle Registration Permit for the replacement vehicle, and the Chief License Inspector, upon being furnished with satisfactory proof that the motor vehicle meets the requirements of this by-law shall transfer the license upon receipt of the transfer fee set out in Schedule "A".

PART IV PRIVATE TRANSPORTATION COMPANY

LICENSE REQUIRED

132.

- 1) Every person who owns or operates a Private Transportation Company shall obtain a PTC license under this By-law.
- 2) A PTC License issued under this By-law is not transferable.

EXEMPTIONS

133.

This Part does not apply to:

- a) taxicab services dispatched by a licensed taxicab broker, and taxicab services provided by a licensed taxi plate holder or a licensed taxicab driver, under this By-law;
- b) limousine services provided by a licensed limousine service provider under this By-law; and,
- c) a passenger transportation system provided by the City of Ottawa such as the public transit services known as OC Transpo and ParaTranspo.

CONDITIONS FOR ISSUANCE OF PTC LICENSE

134.

The Chief License Inspector shall only issue a PTC License under this by-law if the applicant:

- a) has provided proof that the applicant is at least eighteen (18) years of age, if the applicant is an individual;
- b) has provided proof that the corporation is legally entitled to conduct business in Ontario, if the applicant is a corporation, including but not limited to:

- i. letters of incorporation or other incorporating documents, duly certified by the proper government official or department of the Province of Ontario or of the Government of Canada; and,
 - ii. a certified copy of an annual return which contains a list of all shareholders of the corporation,
- c) has provided the names and addresses of each member of the partnership as well as the name under which the partnership intends to carry on business, if the applicant is a partnership,
- d) has provided a duly completed application form prescribed by the Chief License Inspector for a PTC license;
- e) has paid the licensing fee prescribed in Schedule "A";
- f) has provided the address and contact information of a place of business in Ontario, which is not a post office box, to which the City may send during business hours any notice or documentation or communication that may be required under this By-law and at which the applicant or the applicant's agent will accept receipt of such notice, documentation or communication;
- g) has provided proof of insurance of the insurance required under this Part, to the satisfaction of the City Clerk and Solicitor; and
- h) has provided any other information required by the Chief License Inspector for the purposes of issuance of a PTC License.

CONDITIONS FOR RENEWAL OF PTC LICENSE

135.

- 1) A PTC license issued by the Chief License Inspector is valid for a period of one (1) year and expires on the expiry date set out in Schedule "A".
- 2) A PTC License may be renewed by the Chief License Inspector upon the provision by the Licensee, prior to the expiry of the License, of the following:
 - a) a duly completed renewal application as prescribed by the Chief License Inspector;
 - b) proof of insurance of the insurance required under this Part;
 - c) payment of the renewal fee prescribed in Schedule "A"; and,
 - d) any other information required by the Chief License Inspector for the purposes of renewal of a PTC license.

REQUIREMENTS RELATING TO PTC

COMMUNICATIONS TO PASSENGERS

136.

Any software or application or telecommunications platform or digital network used or facilitated by a Private Transportation Company to connect passengers with PTC Drivers must:

- a) at the time of the arranging of the trip, disclose to the passenger requesting the transportation service:
 - i. the first name and photograph of the PTC Driver who will provide the transportation service;
 - ii. a description of the make, model, colour and License plate of the PTC Vehicle that will be used to provide the transportation service;
 - iii. the applicable rate being charged for the trip,
 - iv. the surcharge for the trip, if any;
 - v. an estimate of the total cost of the trip, if requested by the passenger;
 - vi. allow the passenger to track the location and route of the PTC Vehicle providing the transportation service; and
 - vii. provide the ability for the passenger to rate the PTC Driver and PTC Vehicle used to provide the transportation service.
- b) include a process by which the passenger accepts or refuses the transportation service prior to the trip commencing and keeping a record of such acceptance or refusal;
- c) provide a secure payment mechanism for the trip;
- d) provide a print or electronic receipt to the passenger at the end of the trip or shortly thereafter that includes information confirming:
 - i. the rate and surcharge, if any, charged for the trip;
 - ii. the total amount paid for the trip;
 - iii. the date and time of the trip;
 - iv. the destination(s) of origin and the final destination(s) of the trip;
 - v. the total time and total distance of the trip;
 - vi. the first name of the PTC Driver who provided the transportation service; and,

- vii. the make, model and License plate number of the PTC Vehicle used to provide the transportation service.

137.

No Private Transportation Company shall fail to make available to the public, in an easily accessible format on its software or application or telecommunications platform or digital network and by any other means of its choice, information about:

- a) the insurance coverage required to be maintained by the PTC and by PTC Drivers under this By-law, including the amount and type of the insurance coverage, and the parties and properties insured;
- b) information about the transportation services offered by PTC Drivers;
- c) the applicable screening process for PTC Drivers and PTC Vehicles; and,
- d) notification that PTC Drivers are prohibited from soliciting, accepting requests for transportation services that are not prearranged using the software or application or telecommunications platform or digital network of the PTC with which the PTC Driver is affiliated, including accepting street hails or picking up fares at taxi stands.

DATA ON TRIPS

138.

- 1) No Private Transportation Company shall fail to create and maintain records of the following information in a format accessible by the Chief License Inspector, for a period of not less than 3 years following the conclusion of the trip:
 - a) the total number of trips requested and fulfilled, and requested and not fulfilled, annually;
 - b) for each trip provided by a PTC Driver, the date and time of the trip requested and fulfilled with its geographic start point and endpoint, such as 3 digit postal code or nearest intersection location;
 - c) for each trip requested and not fulfilled, the reason for the cancellation of the trip, and geographic start point, such as 3 digit postal code, if available; and,
 - d) the PTC Driver and PTC Vehicle information corresponding with each requested trip, including:
 - i. the full name of the PTC Driver,
 - ii. the License plate number of the PTC Vehicle,
 - iii. the date, time and duration of the trip, and,

- iv. the hours and minutes spent by the PTC Vehicle, and, transporting the passenger(s), including time spent en route to pick up the passenger(s).
- 2) No Private Transportation Company shall fail to make available to the Chief License Inspector the records or information required pursuant to subsection (1) within 48 hours following a request by the Chief License Inspector.

INDEMNIFICATION AND INSURANCE

139.

Every Private Transportation Company agrees to indemnify and save harmless the City of Ottawa, its employees and agents from any and all claims, demands, causes or action costs or damages howsoever caused that the City may suffer, incur or be liable for resulting from the issuance of a License under this By-law or from the performance or non-performance of the Private Transportation Company under this By-law whether or not such performance or non-performance arises with or without negligence on the part of the Private Transportation Company, its employees, directors or agents.

140.

- 1) Every Private Transportation Company shall obtain and maintain while licensed under this By-law the following minimum insurance requirements:
 - a) Commercial General Liability insurance subject to limits of not less than Five Million Dollars (\$5,000,000.00) inclusive per occurrence for bodily injury, death and damage to property including loss of use, that includes: 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, and cross liability and severability of interest provision;
 - b) such Commercial General Liability policy shall be in the name of the Private Transportation Company and the City of Ottawa shall be named as an additional insured;
 - c) the Private Transportation Company shall also obtain Non-Owned Automobile insurance with limits of not less than Two Million Dollars (\$2,000,000.00) per occurrence; and,
 - d) the insurance required under clauses (a) and (c) shall contain an endorsement to provide that the City of Ottawa no less than 30 days prior written notice from the insurer of any cancellation; and,

- 2) The City Clerk and Solicitor is authorized to approve alternative and equivalent insurance requirements to those in subsection (1).

IDENTIFICATION CARD

141.

- 1) A Private Transportation Company shall issue to every PTC Driver that meets the requirements of this By-law and that is affiliated with the PTC a current and up-to-date identification card in written or accessible electronic form bearing the following information:
 - a) the first and last name and photograph of the PTC Driver;
 - b) the make, model, colour, and license plate number of the PTC Vehicle used by the PTC Driver, and,
 - c) the name and contact information of the Private Transportation Company with which the PTC Driver is affiliated.
- 2) Every Private Transportation Company and PTC Driver shall not fail to ensure that the identification card required under subsection (1):
 - a) is in the PTC Vehicle at all times when transportation services are offered or provided by a PTC Driver affiliated with the Private Transportation Company, and,
 - b) is produced immediately upon request of a Municipal Law Enforcement Officer or police officer.

CLI ACCESS TO PLATFORM

142.

- 1) Every Private Transportation Company shall provide to the Chief License Inspector direct access to its software, application, or telecommunications platform or digital network used to provide the transportation service for the purposes of allowing the Chief License Inspector to inspect and investigate, in real time, compliance with this By-law and to determine the location of any PTC Vehicle providing transportation services affiliated with the PTC.
- 2) No Private Transportation Company shall interfere with or hamper the Chief License Inspector's inspection or investigation.

REQUIREMENTS RELATING TO PTC DRIVER

143.

- 1) Every Private Transportation Company shall ensure that a PTC Driver meets the following requirements at all times when providing transportation services using a PTC Vehicle:
 - a) holds a valid and current unrestricted Class G driver's license issued by the Province of Ontario pursuant to the Highway Traffic Act, or a current and valid driver's License of the appropriate class issued by the Province of Quebec;
 - b) has provided to the PTC original documents from the issuing agency outlining acceptable results of investigations related to the applicant for a Police Record Check for persons seeking employment to serve the vulnerable sector of the population, dated less than 90 days prior to the date of commencement as a PTC Driver;
 - c) has provided to the PTC an acceptable Statement of Driving Record dated within thirty (30) days prior to commencement as a PTC Driver and then annually thereafter, issued by the Ministry of Transportation of Ontario or the Contrôle de Transport Routier (Quebec); and,
 - d) prior to commencement as a PTC Driver and then annually thereafter, provision of a signed declaration confirming that he or she does not have any outstanding criminal charges or warrants pending before any courts.
- 2) For the purposes of clauses (b) and (c) of subsection (1), an acceptable result shall be one that meets the guidelines provided to the PTC by the Chief License Inspector, who may modify the guidelines from time to time.
- 3) Every Private Transportation Company shall keep copies of the documents and information required to under clauses (b), (c) and (d) of subsection (1) for a period of not less than 3 years after the Individual ceases to be affiliated with the PTC.

144.

- 1) Every Private Transportation Company shall ensure that every PTC Driver obtains and maintains, at all times during the provision of transportation services using a PTC Vehicle, Automobile Liability Insurance for owned vehicles with limits of not less than Two Million Dollars (\$2,000,000.00) inclusive per occurrence for bodily injury, death and damage to property.
- 2) The Automobile Liability Insurance required by subsection (1) shall include The NPCF 6TN – Permission to Carry Paying Passengers for Transportation Network Company endorsement, or an equivalent endorsement or insurance acceptable to the City Clerk

and Solicitor, and the insurance coverage may be obtained by the PTC Driver, the PTC with which the PTC Driver is affiliated, or any combination of the two acceptable to the City Clerk and Solicitor, provided that if the PTC Driver fails to obtain the required coverage, or the coverage lapses, such coverage must be maintained by the affiliated PTC.

- 3) The insurance coverage required by this Section shall include a provision whereby the City of Ottawa will be provided with no less than 30 days prior notice of any cancellation or variation to the policy.
- 4) No Private Transportation Company shall fail to obtain proof of insurance from every PTC Driver evidencing compliance with the requirements of subsections (1) and (2) prior affiliation of the PTC Driver, and on an annual basis thereafter, and shall keep such records for a period of Not less than 3 years after the individual ceases to be affiliated with the PTC.

145.

No Private Transportation Company shall fail to provide the Chief License Inspector every 3 months following the issuance of the license or on another schedule to be determined by the Chief License Inspector, with an up-to-date list in an accessible format of every affiliated PTC Driver and PTC Vehicle that includes:

- a) the full name and address of every PTC Driver;
- b) the make, model, colour and license plate of every PTC Vehicle; and,
- c) confirmation that the PTC Driver meets the requirements of subsection 143(1) and of subsections 144(1) and 144(2).

146.

No Private Transportation Company shall fail to make available to the Chief License Inspector the records or information required pursuant to Sections 143, 144 and 145 within 48 hours following a request by the Chief License Inspector.

REQUIREMENTS RELATING TO PTC VEHICLE

147.

- 1) Every Private Transportation Company shall ensure that a PTC Vehicle meets the following requirements in respect of a PTC Vehicle at all times when providing the transportation service:

- a) the PTC Vehicle is the subject of a valid and current Ontario Ministry of Transportation Safety Standards Certificate, or an alternative and equivalent vehicle safety verification process that is acceptable to the Chief License Inspector, prior to commencement of use as a PTC Vehicle, and then annually thereafter if the vehicle is 5 years old or less, or biannually thereafter if the vehicle is more than 5 years old;
 - b) the PTC Vehicle is the subject of a valid motor vehicle permit issued pursuant to the Highway Traffic Act prior to commencement of use as a PTC Vehicle and annually thereafter; and,
 - c) the PTC Vehicle is less than 10 model years old (not including the year of the vehicle).
- 2) Every Private Transportation Company shall obtain and maintain records required under subsection (1) for a period of not less than 3 years after the PTC Vehicle is no longer used to provide the transportation service.
 - 3) No Private Transportation Company shall fail to make available to the Chief License Inspector the records required to be kept under subsection (2) within 48 hours following a request of the Chief License Inspector.

PROHIBITIONS

148.

- 1) No person shall publish or cause to be published or make any representation that the person is authorized to provide services as a PTC Driver if they are not so authorized under this by-law.
- 2) No PTC Driver shall solicit or accept requests for transportation services that are not prearranged using the software or application or telecommunications platform or digital network of any PTC with which the PTC Driver is affiliated, including street hails or picking up fares at taxi stands.
- 3) No Private Transportation Company shall offer or facilitate prearranged transportation service for compensation using any software or application or telecommunications platform or digital network to connect any passenger with a driver or with a vehicle that do not meet the requirements of this by-law.
- 4) No PTC Driver shall provide transportation services unless he or she is affiliated with a licensed PTC.
- 5) No PTC Driver shall provide transportation services affiliated with the PTC if the PTC Driver does not have the insurance required under this By-law.

- 6) No Private Transportation Company shall permit and no PTC Driver shall accept payment by cash for a transportation service facilitated by the Private Transportation Company.

PART V

POWERS OF LICENSE AND PROPERTY STANDARDS COMMITTEE

149.

The Committee Coordinator of the License and Property Standards Committee is the person so designated by the General Manager, Emergency and Protective Services Department.

150.

The License and Property Standards Committee shall meet regularly at date and time to be agreed to by the Chief License Inspector and the Chair of the Committee.

151.

A special meeting may be summoned at such a time and date as requested by the Chief License Inspector or at the call of the Chair of the License and Property Standards Committee.

152.

Three (3) members of the License and Property Standards Committee constitute a quorum.

153.

- 1) The License and Property Standards Committee is authorized to administer the provisions of this by-law.
- 2) The License and Property Standards Committee is authorized to make the final decision in respect of the revocation, suspension or reinstatement of any license issued or the imposition of conditions on any licensee.
- 3) The License and Property Standards Committee, after a hearing, may revoke any or each of the licenses held by a licensee for cause and without limiting the generality of the foregoing for:

- a) a breach of the law,
 - b) anything which may be in any way adverse to the public interest,
 - c) the belief that the person will not carry on or engage in the business in accordance with the law or with honesty and integrity,
 - d) any other matter which the License and Property Standards Committee is authorized by law to consider, or
 - e) any violation of the provisions of this by-law.
- 4) The License and Property Standards Committee may suspend a license for cause for any period that is less than the unexpired part of the period for which it was issued in lieu of revocation as provided in subsection (3).
 - 5) The License and Property Standards Committee may impose conditions as a requirement of obtaining, continuing to hold or renewing the license, including special conditions.

PART IV

POWERS OF CHIEF LICENSE INSPECTOR

154.

- 1) The Chief License Inspector is authorized to administer the provisions of this by-law on behalf of the City, including enforcement, together with such other Municipal Law Enforcement Powers as may be necessary.
- 2) In addition to any other powers conferred on the Chief License Inspector pursuant to this by-law, the Chief License Inspector is authorized to impose any condition on a license to be issued or renewed under this by-law as she or he deems necessary to ensure the safety of public or of property, or for consumer protection.
- 3) In addition to subsection (1), the Chief License Inspector and such other Municipal Law Enforcement Officers are appointed by by-law of the City as Municipal Law Enforcement Officers pursuant to Section 15 of the Police Services Act.
- 4) The Chief License Inspector may report to the License and Property Standards Committee any breaches by the licensee of this by-law with a request to consider the status of the license.
- 5) The Chief License Inspector may suspend any license in an emergency situation for the time and subject to the conditions set out in Section 167.
- 6) The Chief License Inspector is authorized to rectify minor administrative oversights in respect of a license or license application.

INSPECTION POWERS

155.

- 1) In respect of any business and person licensed under this by-law, the Chief License Inspector is hereby authorized to:
 - a) inspect:
 - i. as much of any place or premise as is used for the carrying on of the business being licensed or for which an application has been submitted under this by-law,
 - ii. any books, records or other documents of or relating to any such business, or
 - iii. each motor vehicle operated, provided or used in the business,
 - b) require that each motor vehicle operated, provided or used in the business be submitted for inspection , and
 - c) ensure that each licensee produces his or her motor vehicle for inspection at the time and place designated by the Chief License Inspector.
- 2) Upon the demand of the Chief License Inspector, the driver of any class of motor vehicle that is regulated under this by-law shall surrender for reasonable inspection, his or her driver's license or vehicle permit.
- 3) If an inspection required by the Chief License Inspector under subsection (1) results in a motor vehicle being found to be in an unsafe condition, the Chief License Inspector shall require the motor vehicle to be placed in a safe condition, and may suspend the license.
- 4) This Section shall be applicable to each motor vehicle operated, provided, or used in a business licensed under this by-law regardless of whether or not proof of good repair of the vehicle is required or has been filed.
- 5) No person shall obstruct, hinder or otherwise interfere with any of the inspections referred to in this section.

PART VII REFUSAL, REVOCATION AND SUSPENSION OF A LICENSE

REFUSAL OF ISSUANCE OF LICENSE

156.

- 1) The Chief License Inspector shall refuse to issue to the applicant the license applied for if the conditions for issuance of an original license or of a renewal of a license under this by-law have not been met.
- 2) The Chief License Inspector shall give the applicant notice of the refusal to issue the license applied for in writing, said notice to be served personally or by registered mail to the applicant at the address shown on the application.
- 3) The Chief License Inspector shall return the license fee paid at the time of the application in respect of such license after the expiration of fourteen (14) days of having served the notice provided that an application for review of the refusal to issue the license has not been filed.

APPLICATION FOR REVIEW OF REFUSAL TO ISSUE

157.

An applicant in receipt of a notice of refusal given pursuant to Section 156 may, within fourteen (14) days of having been served the notice, apply in writing for a review of the refusal to issue the license applied for by filing the request for a review with the Chief License Inspector, and the provisions of Sections 149 to 153 inclusive shall apply.

REPORT FOR REVIEW OF STATUS OF LICENSE

158.

The Chief License Inspector may report to the License and Property Standards Committee any breaches by the licensee of this by-law with a request to consider the status of the license.

DATE OF REVIEW HEARING

159.

The Chief License Inspector,

- a) upon receipt of the application referred to in Section 157, or
- b) upon reporting to the License and Property Standards Committee as set out in Section 154,

shall determine a date with the Committee Coordinator of the License and Property Standards Committee for the review hearing by the License and Property Standards Committee which shall be at least fourteen (14) days hence.

NOTICE OF REVIEW HEARING

160.

Upon determination of the review hearing date, the Chief License Inspector shall give notice in writing to the applicant or licensee, said notice to:

- a) include a statement,
 - i. as to the time, date, place and purpose of the review hearing, and
 - ii. that, if the applicant does not attend the review hearing, the License and Property Standards Committee may proceed in the absence of the applicant or licensee and the applicant or licensee will not be entitled to any further notice,
- b) be served personally or by registered mail to the applicant or licensee at the address last on file with the Chief License Inspector, and
- c) where the good character, propriety of conduct or competence of a licensee is an issue, contain reasonable information of any allegations with respect thereto.

HEARING

161.

- 1) The License and Property Standards Committee shall hold the review hearing at the time, place and date set out in the notice referred to in Section 160.
- 2) The applicant or licensee may be represented at the review hearing by counsel, and the applicant or licensee or the counsel shall have the right to adduce evidence, submit

argument in support of the application for a license or the status quo of the license and cross-examine witnesses adverse in interest.

- 3) The City shall be represented at the review hearing by either the Chief License Inspector or the City Solicitor, who is entitled to adduce evidence and submit arguments in reply to evidence and argument on behalf of the applicant or licensee.
- 4) At the review hearing, the onus shall be upon the applicant or licensee to show cause why,
 - a) the license applied for should be granted,
 - b) the license should not be suspended or revoked, or
 - c) conditions should not be imposed on the license.
- 5) All review hearings shall be public hearings unless the applicant or licensee requests that the hearing be held in camera and the License and Property Standards Committee may approve the request by a simple majority in accordance with the *Statutory Powers Procedure Act*, R.S.O. 1990, Chap. S.22, as amended.
- 6) The License and Property Standards Committee's decision shall be final and binding.

LICENSE AND PROPERTY STANDARDS COMMITTEE DECISION

162.

The License and Property Standards Committee shall give its decision in writing to the Chief License Inspector within seven (7) business days of the date of the completion of the review hearing.

WAIVER OF HEARING

163.

Despite any of the provisions of this by-law, where the licensee has waived such hearing or compliance, any proceedings may be disposed of by a decision of the License and Property Standards Committee given,

- a) without a hearing, or
- b) without compliance with any other requirements of the *Statutory Powers Procedure Act*, R.S.O. 1990, Chap. S.22, as amended, or of this by-law incorporating such requirements.

IMPLEMENTATION OF LICENSE AND PROPERTY STANDARDS COMMITTEE DECISION

164.

- 1) The Chief License Inspector shall notify the applicant or licensee of the decision by serving a copy personally or by registered mail to:
 - a) the applicant or licensee at the address shown on the application, or last on file with the Chief License Inspector, or
 - b) the counsel or agent of the applicant or licensee, if any, at the address as stated to the License and Property Standards Committee.
- 2) If the decision rendered is to grant the applicant the license applied for, the license shall be issued.
- 3) If the decision is to suspend or revoke the license, the licensee shall within twenty-four (24) hours of service of notice by registered mail, or immediately if the notice is personally served, return the license to the Chief License Inspector, and the Chief License Inspector shall have access to any premises or other property of the licensee for the purpose of receiving or taking the same.
- 4) If the decision is to impose conditions on the license, the licensee shall within twenty-four (24) hours of service of notice by registered mail, or immediately if the notice is personally served, advise the Chief License Inspector as to his or her acceptance of the conditions.
- 5) Prior to suspending a license, the Chief License Inspector shall provide the licensee with the reasons for the suspension either orally or in writing and an opportunity to respond to them.
- 6) The Chief License Inspector will be advised immediately of all summary suspensions.
- 7) The License and Property Standards Committee will be advised on a quarterly basis of all suspension actions initiated summarily.
- 8) The suspension of a license pursuant to this section is lifted after the expiration of two (2) weeks from the date of suspension or after the first meeting of the License and Property Standards Committee after the suspension, whichever occurs first.

165.

No licensee shall operate or carry on the business for which the license was issued while the license is under suspension.

LICENSE SUSPENSION OR REVOCATION

166.

In addition to any other penalty imposed under this by-law, a license issued under the authority of this by-law may be suspended or revoked upon such grounds and in accordance with such procedural provisions as are set out in this by-law.

167.

- 1) With respect to the temporary suspension of a license, summary suspensions may be for a minimum period of twenty-four (24) hours and for a maximum period of fourteen (14) days; if the violation has been corrected after the twenty-four (24) hour period, the license may be reinstated.
- 2) Summary suspensions may be initiated by the Chief License Inspector or Municipal Law Enforcement Officer in any situation that has resulted or may reasonably be expected to result in an emergency situation and without limiting the generality of the foregoing, these situations may include:
 - a) where the licensee has breached any law,
 - b) where the licensee has done anything that is in any way adverse to the public interest,
 - c) where a motor vehicle used in the licensed business is deemed to be mechanically unsafe, including but not limited to body damage with sharp edges, holes in the floor boards, unserviceable tires, doors not closing properly, wire protruding from the seat or any other mechanical defect that would render the motor vehicle unsafe,
 - d) where a cheque is returned marked "NSF" for the payment of a license fee and in such cases, the license shall be suspended until the license fee is paid,
 - e) where an inspection has been performed on a motor vehicle for transfer of a license and the licensee fails to effect the transfer, the license shall be suspended should the operator carry on business with the replacement vehicle,
 - f) where a leasing agreement has expired and the lessee has failed to renew it, the license may be suspended if the lessor continues to work while the licensing agreement is expired, or
 - g) where a licensee's insurance has expired and he or she continues to carry on business for which the license was issued, the license shall be suspended.

- 3) Prior to suspending a license, the Chief License Inspector shall provide the licensee with the reasons for the suspension either orally or in writing and an opportunity to respond to them.
- 4) The Chief License Inspector will be advised immediately of all summary suspensions.
- 5) The License and Property Standards Committee will be advised on a quarterly basis of all suspension actions initiated summarily.
- 6) The suspension of a license pursuant to this section is lifted after the expiration of two (2) weeks from the date of suspension or after the first meeting of the License and Property Standards Committee after the suspension, whichever occurs first.

168.

Where a license has been suspended or revoked, no person shall refuse to deliver the license to the Chief License Inspector or shall in any way prevent or hinder the Chief License Inspector from receiving or taking same.

169.

No licensee shall operate or carry on the business for which the license was issued while the license is under suspension.

PART VIII GENERAL REGULATIONS

NOTIFICATION OF CERTAIN EVENTS

170.

- 1) Every licensee shall notify or cause to be notified the Chief License Inspector in writing within seven (7) days of the happening of the following events:
 - a) any change in the licensee's address or telephone number,
 - b) sale, transfer or termination of the business,
 - c) retirement,
 - d) in the situation where the licensee provided the name and address of his or her business affiliate or employer, any change in the named business affiliate or employer, or

- e) any change of address, telephone number or Ontario License Plate Number of a motor vehicle that is registered with the Ontario Ministry of Transportation and any change of motor vehicle ownership and appropriate insurance endorsement.
- 2) In the case of the death of the licensee, the person administering the estate should notify or cause to be notified the Chief License Inspector in writing.

LICENSE AVAILABILITY, FALSE INFORMATION, SUBJECT TO LAWS

171.

- 1) Subject to subsection (3), every person obtaining a license under this by-law shall carry the said license upon his or her person.
- 2) Every licensee shall, when so requested by the Chief License Inspector, produce the license for inspection.

172.

No person shall give false or incorrect information for the purposes of obtaining a license.

173.

All licensees must comply with all applicable Federal and Provincial laws and regulations, and municipal by-laws.

PROPERTY OF THE CITY

174.

Licenses issued under this by-law are the property of the City and no person shall enjoy a vested right in the continuance of a license.

DUTY TO COMPLY

175.

Every person applying for or holding a license under this by-law shall, in such application or in carrying on or engaging in the business in respect of which the license is issued, observe, comply with and be governed by this by-law.

EMPLOYEES ACTS

176.

Every licensee shall be responsible for the act or acts of any of his or her employees or any person associated with the licensee in the carrying on of any of the businesses authorized by his or her license in the same manner and to the same extent as though such act or acts were done by the licensee.

CONDITIONAL LICENSES

177.

- 1) Every licensee shall comply with every condition imposed upon the license.
- 2) Every licensee who fails to comply with subsection (1) is guilty of an offence.

PART IX OFFENCES AND PENALTIES

OFFENCES AND FINES

178.

Every person who contravenes any of the provisions of this by-law is guilty of an offence.

179.

- 1) Every person who is convicted of an offence under this by-law is liable to a minimum fine not exceeding \$500 and to a maximum fine not exceeding \$100,000, pursuant to subsections 429(1) and (3) of the Municipal Act, 2001.
- 2) A person who is convicted of an offence under this by-law is liable, for each day or part of a day that the offence continues, to a minimum fine of \$500 and a maximum fine of \$10,000, and the total of all daily fines for the offence is not limited to \$100,000 as provided for in subsection 429(3), paragraph 2, of the Municipal Act, 2001.

PROHIBITION ORDER

180.

When a person has been convicted of an offence under this by-law,

- a) the Ontario Court of Justice, or
 - b) any court of competent jurisdiction thereafter
- may, in addition to any other penalty imposed on the person convicted, make an order prohibiting the continuation or repetition of the offence by the person convicted.

PART X

REPEAL AND TRANSITIONAL PROVISIONS

181.

- 1) By-law No. 2012-258 entitled “A By-law of the City of Ottawa respecting the licensing, regulating and governing of taxicabs, taxicab drivers, taxi plate holders and taxicab brokers in the regulated area of the City of Ottawa and to repeal By-law No. 2005-481”, as amended, is repealed.
- 2) All licenses issued pursuant to said By-law 2012-258 shall be deemed to be issued under this by-law, during the period for which they have been issued, and remain in full force and effect until the expiry date set out in Schedule “A” unless for some other reason than the repeal of the by-laws they are forfeited or revoked.
- 3) The repeal of said By-law 2012-258 shall not affect any offence committed against the provisions of the said By-law or any penalty incurred in respect thereof or any investigative proceedings thereunder.

182.

- 1) Schedule 10, Relating to Limousine Services, of By-law 2002-189 entitled “A by-law of the City of Ottawa respecting the licensing, regulating, and governing of certain businesses”, as amended, is repealed.
- 2) The following definitions in Section 1 of By-law 2002-189 entitled “A by-law of the City of Ottawa respecting the licensing, regulating, and governing of certain businesses”, as amended, are repealed: “classic, vintage or specialty vehicle”, “limousine”, “luxury vehicle”, “limousine service”, “motor vehicle mechanic”, “MSVA”, “taximeter”, “stretch vehicle”, and “temporary limousine”.
- 3) Subsection 9(10) of the said By-law 2002-189 is repealed.

- 4) The following descriptions, and associated fees and expiry dates, in Schedule “A” of the said By-law 2002-189 are repealed: Limousines Service, owner/operator, for each limousine, for each temporary limousine registered.
- 5) All licenses issued pursuant to said Schedule 10 of By-law 2002-189 shall be deemed to be issued under this by-law, during the period for which they have been issued, and remain in full force and effect until the expiry date set out in Schedule “A” unless for some other reason than the repeal of the by-laws they are forfeited or revoked.
- 6) The repeal of said Schedule 10 of By-law 2002-189 shall not affect any offence committed against the provisions of the said By-law or any penalty incurred in respect thereof or any investigative proceedings thereunder.

EFFECTIVE DATE

183.

This by-law shall come into force and take effect on September 30, 2016.

SHORT TITLE

184.

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

ENACTED AND PASSED this 31st day of August, 2016.

CITY CLERK

MAYOR

SCHEDULE "A" FEES

Column 1 <u>Description</u>	Column 2 <u>Fee in \$</u>	Column 3 <u>Expiry Date</u> (as applicable)	
Application Processing Fees(for all licenses)			
-for original licence	55.00		
-for renewal of licence	55.00		
<u>TAXICABS</u>			
License Fees Initial Application	Standard Taxicab Driver*	96.00	April 30
	Accessible Taxicab Driver*	00.00	April 30
	Taxi Plate Holder – Standard Taxicab	545.00	April 30
	Taxi Plate Holder – Accessible Taxicab	545.00	April 30
	Taxicab Broker – 1 to 24 taxicabs	807.00	April 30
	Taxicab Broker – 25 to 99 taxicabs	2,469.00	April 30
	Taxicab Broker – 100 and more taxicabs	7,253.00	April 30
* Fees shown for standard and accessible taxicab driver licenses take effect January 1, 2017. Fees effective until December 31, 2016 are \$170 for each license.			

Column 1 <u>Description</u>	Column 2 <u>Fee in \$</u>	Column 3 <u>Expiry Date</u> (as applicable)	
Standard or Accessible Taxicab Driver having no less than 10 years' experience as a licensed taxicab driver in the City of Ottawa, whose license has lapsed and who wishes to re-apply for a new license (in addition to all other fees)	300.00		
Where an initial application is filed after the expiry of the first 6 months of the licence period, the applicant shall pay at the time of issuance of the licence one-half of the license fee.			
Renewal Application	Standard Taxicab Driver *	96.00	April 30
	Accessible Taxicab Driver *	00.00	April 30
	Taxi Plate Holder – Standard Taxicab	545.00	April 30
	Taxi Plate Holder – Accessible Taxicab	545.00	April 30
	Taxicab Broker – 1 to 24 taxicabs	807.00	April 30
	Taxicab Broker – 25 to 99 taxicabs	2,469.00	April 30
	Taxicab Broker – 100 and more taxicabs	7,253.00	April 30

Column 1 <u>Description</u>	Column 2 <u>Fee in \$</u>	Column 3 <u>Expiry Date</u> (as applicable)	
<i>* Fees shown for standard and accessible taxicab driver licenses take effect January 1, 2017. Fees effective until December 31, 2016 are \$170 for each license.</i>			
Where an initial application is filed after the expiry of the first 6 months of the licence period, the applicant shall pay at the time of issuance of the licence one-half of the license fee.			
Late Fee (in addition to licence fee)	Taxicab Driver and Taxicab Broker	50.00	
	Taxi Plate Holder – Standard and Accessible	100.00	
Licence Transfer Fees	Taxi Plate Holder to Taxi Plate Holder	4,033.00	
	Taxi Plate Holder – license transfer fee from deceased taxicab owner to legal spouse or child within 12 months of death of licensee	300.00	
	Per plate, upon death of plate holder with two (2) or more plates to be transferred	3,800.00	

Column 1 <u>Description</u>		Column 2 <u>Fee in \$</u>	Column 3 <u>Expiry Date</u> (as applicable)
	Vehicle to Replacement Vehicle	50.00	
Replacement or Duplicate Fees	License Plate	30.00	
	License Certificate	20.00	
	Change to Certificate	10.00	
	Photo Identification	20.00	
	Tariff Card	10.00	
Inspection Fee per Vehicle	Meter Check after initial check	50.00	
	Vehicle Re-inspection	50.00	
Addition to Priority List		50.00	
Renewal Fee for Priority List		50.00	

LIMOUSINES

Column 1 <u>Description</u>	Column 2 <u>Fee in \$</u>	Column 3 <u>Expiry Date</u>
Limousine Service operator	941.00	August 31
For each vehicle *	545.00	August 31

Column 1 <u>Description</u>	Column 2 <u>Fee in \$</u>	Column 3 <u>Expiry Date</u>
For each temporary limousine registered	58.00	As indicated on Certificate
License Transfer Fee -change of named licensee	50.00	
-licensee changing premises location	100.00	
-change of named licensee to another member of partnership	50.00	
-replacement vehicle	50.00	
<i>* The additional limousine vehicle fee shall not apply to auxiliary service vehicles</i>		

PRIVATE TRANSPORTATION COMPANIES (PTC)

Column 1 <u>Description</u>	Column 2 <u>Fee in \$</u>	Column 3 <u>Expiry Date</u>
PTC – 1 to 24 affiliated vehicles	\$807.00 + \$.11/trip	September 30
PTC – 25 to 99 affiliated vehicles	\$2,469.00 + \$.11/trip	September 30
PTC – 100 or more affiliated vehicles	\$7,253.00 + \$.11/trip	September 30

SCHEDULE "B" TAXICAB TARIFF

- | | MAXIMUM FARE |
|---|----------------------------------|
| 1) One to six Passengers | |
| For the first 150 metres or part thereof..... | \$3.45 |
| For each additional 86 metres or part thereof..... | \$0.16 |
| For each twenty-four (24) seconds waiting time or
part thereof while under engagement..... | \$0.16 |
| 2) Where an app is used to arrange a trip and the customer has been given notice of the
fees prior to accepting the service | |
| Surcharge based on vehicle type and service..... | up to \$15.00* |
| Cancellation of the trip at the door..... | \$5.00 |
| <i>*Surcharge shall not apply to a person who requires an accessible vehicle for purposes
of a wheelchair, mobility aid or mobility assistive device</i> | |
| 3) Baggage: | Per Item |
| Brief case, hand baggage, grocery bag,
parcel or carton of comparable size (over 4 items)..... | \$0.25
(not to exceed \$3.00) |
| Wheelchair,
Mobility aids,
Mobility assistive devices..... | No charge |
| Trunks and other bulky items not referred to herein,
the tariff shall be agreed upon between the Driver
and the Passenger(s) before commencement of the
trip, but shall not exceed \$10.00 | |
| 4) Cleaning of Taxicab..... | \$50.00 |
| 5) Debit/Credit Card Transaction Fee..... | No charge |

SCHEDULE “C”

RIGHTS AND RESPONSIBILITIES FOR TAXI DRIVERS AND TAXI PASSENGERS

Taxi passengers have a RIGHT to:

- A professional driver
- Direct the driver on the route to be taken by choosing a preferred route to any destination in the Ottawa/National Capital Region
- Have the heater, air-conditioner and radio on or off
- Be accompanied by a service animal
- Use valid credit card as displayed in the cab
- Be given a receipt for the trip
- See the driver’s name, photo and identification number prominently displayed
- See the metered fare
- A free ride if the meter is not “on” or functioning
- An effective customer complaints process

Taxi passengers have a RESPONSIBILITY to:

- Pay correct fare including any listed fees
- Wear a seatbelt
- Not request the driver to exceed the number of passengers permitted to be carried in the taxi
- Not smoke or drink in the taxicab
- Not expect the taxi to carry animals without the agreement of the taxi driver

SCHEDULE "D"

TAXI COST INDEX

BASIS FOR TAXI METER RATE ADJUSTMENTS

<u>Component</u>	<u>Series</u>	<u>% of Index</u>
1) Stand Rent, Licenses, Union Dues, Other	CPI Ottawa; All-items	9.9%
2) Insurance	CPI Ontario; Automotive vehicle insurance premiums	6.2%
3) Fuel	CPI Ontario : Gasoline	23.0%
4) Routine Repairs and Maintenance	CPI Ontario : Automotive vehicle parts, maintenance and repairs	6.8%
5) Amortized cost of vehicle, Radio and Equipment	CPI Ontario; Purchase of automotive vehicles	3.4%
6) Earnings-all drivers	Ontario; Average hourly wage rate; Full-time employees; Transportation and Warehousing	50.7%
	TOTAL	100%

SCHEDULE "E"**MINIMUM PERCENTAGES OF ACCESSIBLE TAXICABS IN
TAXI FLEETS OVER 25 TAXIS**

Fleet Size	Effective Date	
	Minimum % January 1, 2009	Minimum % January 1, 2010
Fleet Size of 25 to 99 taxis	10%	15%
Fleet Size of 100 to 249 taxis	10%	15%
Fleet Size of 250 plus	10%	15%

BY-LAW NO. 2016 - 272

A by-law of the City of Ottawa to provide for the regulating, licensing, and governing of vehicles-for-hire in the City of Ottawa, being taxicabs, taxicab drivers, taxicab plate holders, taxicab brokers, limousine services and Private Transportation Companies, and to repeal By-law No. 2012-258 and Schedule 10 of By-law No. 2002-189.

Enacted by City Council at its meeting of August 31, 2016.

CIH/VB

COUNCIL AUTHORITY

City Council April 13, 2016

Agenda Item 3

(CPSC Report 12)