

## **The Corporation of the City Of Guelph**

### **By-law Number (2018)-20272**

A By-law to amend By-law Number (2009) - 18855, as amended, being a By-law respecting the licensing of Businesses operating within the City of Guelph, specifically to amend the provisions relating to Taxicabs and to add provisions for Vehicle for Hire. (Amends Schedules C, D and 16 and adds Schedule 17)

**Whereas** the City of Guelph passed By-law Number (2009)-18855, being a By-law respecting the licensing of Businesses operating within the City of Guelph, on September 28, 2009;

**And whereas** certain amendments have been made to By-law Number (2009) - 18855;

**And whereas** Schedule "C" to By-law Number (2009)-18855, as amended, comprises a table setting out the inspection, application and renewal fees required for the types of Businesses;

**And whereas** Schedule "D" to By-law Number (2009)-18855, as amended, comprises a table setting out the enforcement portions of the application and renewal fees for the types of Businesses;

**And whereas** Schedule 16 to By-law Number (2009)-18855, as amended, comprises provisions applicable to Taxicabs;

**And whereas** the City wishes to further amend By-law Number (2009)-18855 as amended, by adding Schedule 17 comprising of provisions applicable to Vehicle for Hire;

**And whereas** the City wishes to further amend By-law Number (2009)-18855 to make amendments to Schedules "C", "D" and 6 in respect of Taxicabs and Vehicles for Hire;

**Therefore the Council of the Corporation of the City of Guelph enacts as follows:**

1. That Schedule "C" of By-law Number (2009)-18855, as amended, is further amended by adding the following entry to the table:

**Table 1**

<b>Schedule #</b>	<b>Business</b>	<b>Fees</b>
		<b>Inspection/Application/Renewal</b>
16	Taxicabs	\$0/\$250/\$150
	Taxi Drivers	\$0/\$100/\$75

17	Vehicle for Hire	\$7,253 + \$0.11/trip +\$0.07/trip
	Class "A" -100+ Vehicles	
	Class"B"- 25-99 Vehicles	\$2,469 + \$0.11/trip +\$0.07/trip
	Class"C"- 1-24 Vehicles	\$807 + \$0.11/trip +\$0.07/trip
	Limousines	\$0/\$250/\$150
	Limousine Driver	\$0/\$100/\$75

1. That Schedule "D" to By-law Number (2009)-18855, as amended, is further amended by adding the following entry to the table:

**Table 2**

<b>Application Fee Schedule #</b>	<b>Business</b>	<b>Enforcement Portion of Fees Application/Renewal</b>
16	Taxicabs	\$28/\$35
17	Vehicle for Hire	\$28/\$35

2. That By-law Number (2009)-18855, as amended, is further amended by making the amendments to Schedule 16 attached hereto as Schedule "A".
3. That By-law Number (2009)-18855, as amended, is further amended by adding the Schedule 17 (Vehicle for Hire) attached hereto as Schedule "B".
4. This by-law shall come into force and take effect immediately.

**Passed this Twenty-Third day of April, 2018.**

Original signed by:

Cam Guthrie – Mayor

Stephen O'Brien – City Clerk

## **Schedule "A"**

### **Being new Schedule 16 to City of Guelph By-law (2009)-18855**

#### **Taxicab**

The provisions of this Schedule shall apply in respect of Taxicabs.

#### **Interpretation**

1. In addition to the terms defined in Section 1 of this By-law, the following terms shall have the corresponding meanings:
  - a) Accessible Taxicab - means a class of Taxicab which is constructed or modified to permit the loading, transporting and unloading of an individual in a wheelchair or similar appliance or device used to assist an individual with a Disability;
  - b) Disability - means any degree of physical disability, infirmity, malformation or disfigurement that is caused by bodily injury, birth defect or illness and, without limiting the generality of the foregoing, includes diabetes mellitus, epilepsy, brain injury, any degree of paralysis, amputation, lack of physical co-ordination, blindness or visual impediment, deafness or hearing impediment, muteness or speech impediment, or physical reliance on a guide dog or other animal or on a wheelchair or other remedial appliance or device;
  - c) Tariff Card - means a card setting out the current rates as set out in Appendix "A" from time to time;
  - d) Taxicab Driver - means any individual who drives a Taxicab;
  - e) Taxicab Owner - means any Person who owns a Taxicab, and includes any Person who has possession or control of a Taxicab under an installment-purchase agreement, a hire- purchase agreement, or a lease agreement lasting at least one year;
  - f) Regular Taxicab - means a class of Taxicab which is neither an Accessible Taxicab nor a Vehicle for Hire (as defined in another Schedule to this By-law);
  - g) Spare Taxicab - means an additional regular taxicab that the owner of a regular taxicab owns which meets the criteria of this By-law but cannot be placed on the road until the other regular taxicab is removed. This is also applicable to accessible taxi cabs.
  - h) Taxicab - means any motor vehicle having, at the time of manufacture, a normal seating capacity for nine or fewer passengers, used to convey individuals for a fee or other compensation, but does not include a special transportation vehicle licensed under a By- law of the City or under the Ontario Highway Transport Board, a bus, an

ambulance, a funeral hearse, or a motor vehicle conveying passengers from any point within the City to an airport situated outside of the City and bearing a valid and subsisting plate or permit issued under the applicable legislation; and

- i) Taxicab Decal - means a decal provided by the City which shows that the applicable Taxicab is the subject of a Taxicab Owner Business Licence under this Schedule.
2. In the event of any discrepancy or contradiction between the provisions of this Schedule 16 and the Business Licence By-Law, the provisions which provide the greatest protection for the public will prevail.

### **Special duties and powers of the Issuer of Licences under this Schedule**

3. The Issuer of Licences shall carry out the following:
- a) Have supervision over all Persons licensed under this Schedule, together with the equipment used by them, all in accordance with this Schedule;
  - b) Report to the Appeals Committee in respect of the performance of his or her duties when so requested by the Appeals Committee;
  - c) Make all necessary inquiries concerning each application for a Business Licence under this Schedule, to ensure compliance with the law and with this By-law, in order to protect the public;
  - d) If he or she refuses to approve an Applicant for a Taxicab Driver Business Licence, then he or she shall advise the Applicant that the Applicant may appeal the refusal to the Appeals Committee;
  - e) Upon an appeal being filed with the Appeals Committee by an Applicant who has been refused a Business Licence under this Schedule or by a Taxicab Owner or Taxicab Driver whose Business Licence under this Schedule has been suspended or revoked, the Issuer of Licences shall submit a report to the Appeals Committee with documentation supporting his or her decision to refuse, suspend or revoke;
  - f) Keep a record of each Business Licence issued by him or her under this Schedule, which record shall contain the name and address of the Licensee, the fee paid, and the date of issuance of the Business Licence, and, if applicable, the number of vehicles of the Licensee;
  - g) Submit to the Appeals Committee, for its information, a list of all Taxicab Driver Business Licences issued or denied by him or her under this Schedule;

- h) Provide to each licensed Taxicab Owner, when that Owner's Taxicab Owner Business Licence is issued or renewed in respect of a Taxicab, a Tariff Card and a Taxicab Decal for such Taxicab;
- i) Provide to each licensed Driver, when that Driver's Taxicab Driver Business Licence is issued or renewed, a photo Taxicab Driver Business Licence;
- j) Ascertain by inspection and by inquiry from time to time, whether Licensees under this Schedule continue to comply with the law and with this By-law; and
- k) At any time, for just cause, suspend or revoke a Business Licence issued to any Person under this Schedule, and notify the Licensee that the Licensee may appeal this decision to the Appeals Committee.

#### **Business Licences under this Schedule**

- 4. Every Business Licence issued under this Schedule will be in force for a period of up to one year, and will expire in each year on the 30th day of April, unless earlier revoked or suspended.
- 5. A Business Licence issued pursuant to this Schedule which is not renewed for twenty-four months will not thereafter be renewed. The previous Licensee may submit a new application if such previous Licensee wishes to become relicensed.

#### **Business Licences under this Schedule – Taxicab Owners**

- 6. No Taxicab Owner shall use or operate or permit to be used or operated, any Taxicab of the Owner without a current Taxicab Owner Business Licence issued for that Taxicab and the corresponding Taxicab Decal and Tariff Card attached to the Taxicab.
- 7. An Applicant who wishes to obtain a Taxicab Owner Business Licence shall meet the following requirements:
  - a) Complete an application for a Taxicab Owner Business Licence;
  - b) Pay the fees under this By-law;
  - c) Comply with all the applicable requirements of this By-law;
  - d) A policy of insurance issued by a company authorized to issue indemnity insurance policies in the Province of Ontario; such policy will insure the applicant in the amount of at least three-million dollars (\$3,000,000.00) and the policy will include Public Liability and Property Damage exclusive of costs and interest, against liability for damages resulting from injury to or death of one or more individuals and Property Damage in any one accident;

- e) Satisfy the Issuer of Licences that such applicant is employed by or is the owner or lessee of premises within the geographic limits of the City for the operation of a Taxicab business; the premises will have restroom facilities for the convenience of the customers and employees and will be fully accessible to individuals with Disabilities; and
  - f) Employ a staff of licensed Taxicab Drivers sufficient in number to enable service in transporting passengers at all times of the day and night.
8. The following procedure applies to the selection of applications for new Taxicab Owner Business Licences for Regular Taxicabs:
- a) In this Section, "Regular Licence" means a Taxicab Owner Business Licence in respect of a Regular Taxicab;
  - b) The total number of Regular Licences is restricted as follows:
    - i. As of May 1, 2018, this total is 100, and
    - ii. On May 1 of each year after 2018, the City shall make two new Regular Licences available;
  - c) Persons may apply for any available Regular Licences by submitting their applications;
  - d) On May 2 each year the Issuer of Licences shall determine whether any application for a Regular Licence was received on May1:
    - i. If no such application was received, then the Issuer of Licences shall repeat this process on each subsequent day until all the available Regular Licences have been issued,
    - ii. If the number of applications received was less than or equal to the number of available Regular Licences, then the Issuer of Licences may (subject to all requirements of this Schedule) issue Regular Licences in respect of such applications, and
    - iii. If the number of applications received was greater than the number of available Regular Licences, then the Issuer of Licences shall follow the prioritization process set out below and issue Regular Licences in respect of the successful applications;
  - e) If Regular Licences remain available after the foregoing procedure in respect of May2, then the Issuer of Licences shall repeat the foregoing procedure each following day until all available Regular Licences have been issued;
  - f) The prioritization process is as follows:

- i. A Taxicab Owner who already holds a Taxicab Owner Business Licence in respect of an Accessible Taxicab that has been operating for the previous twelve months, has priority for one of the available new Regular Licences,
  - ii. If the number of applications from Taxicab Owners who already hold Taxicab Owner Business Licences in respect of Accessible Taxicabs that have been operating for the previous twelve months was greater than the number of available Regular Licences, then the Issuer of Licences shall randomly select from the applications the number equal to the number of available Regular Licences, and
  - iii. If one or more available Regular Licences remain available after the foregoing, then the Issuer of Licences shall randomly select from the remaining applications the number of applications equal to the number of remaining available Regular Licences, if sufficient such applications remain.
9. When the Issuer of Licences issues or renews a Taxicab Owner Business Licence, he or she shall provide the Taxicab Owner with a Taxicab Decal and a Tariff Card for the current year. The Taxicab Owner shall install the Taxicab Decal inside the vehicle, on the windshield, at the bottom, on the driver's side, and shall install the Tariff Card so it will be clearly visible to every passenger.
10. No Taxicab Owner shall transfer, or permit the transfer of, any Taxicab Owner Business Licence, any Taxicab Decal or any Tariff Card from one Taxicab to another without the prior written approval of the Issuer of Licences.
11. Every Taxicab Owner who sells or disposes of a Taxicab shall, within six days after such sale or disposal, give notice in writing of such sale or disposal to the Issuer of Licences, and may, on application to the Issuer of Licences, be authorized to transfer the Taxicab Owner Business Licence, the Taxicab Decal and the Tariff Card to another motor vehicle to replace the motor vehicle sold or disposed of. If such authorization is not given, the Taxicab Owner shall immediately return the Taxicab Owner Business Licence, the Taxicab Decal and the Tariff Card to the Issuer of Licences.
12. The Issuer of Licences may replace a Taxicab Decal or Tariff Card issued pursuant to this Schedule if it has been defaced, lost or destroyed, upon receipt of a satisfactory explanation of the reason for such defacing, loss or destruction and upon payment of the required replacement fee.
13. Every Taxicab Owner shall return that Owner's Taxicab Owner Business Licence, Taxicab Decal and Tariff Card provided under this Schedule to the Issuer of Licences upon request by the Issuer of Licences.

14. A Taxicab Owner may own and operate both Regular Taxicabs and Accessible Taxicabs as long as that Taxicab Owner complies with all applicable provisions of this Schedule.
15. There is no limit on the number of Taxicab Owner Business Licences that may be issued in respect of Accessible Taxicabs.
16. Every Taxicab Owner Business Licence issued under this Schedule for an Accessible Taxicab shall include the word "Accessible" and no Person shall use, or permit to be used, such Taxicab Owner Business Licence for any purpose, or in any way, other than in compliance with the provisions of this Schedule in respect of Accessible Taxicabs.

### **Business Licences under this Schedule – Taxicab Drivers**

17. An Applicant who wishes to obtain a Taxicab Driver Business Licence must meet the following requirements:
  - a) Have a current, valid and non-probationary Class "G" or equivalent driver's licence issued by the Ministry of Transportation of Ontario;
  - b) Undergo a criminal records check and upon request, provide proof of a record that is acceptable to the City;
  - c) Receive a Ministry of Transportation of Ontario driver's record that is satisfactory and upon request, provide proof to the City;
  - d) Receive a letter of employment from a Taxicab Owner proving employment with that Taxicab Owner and upon request, provide proof to the City;
  - e) Pay the fees prescribed by this By-law;
  - f) Not have any outstanding criminal charges pending before the courts;
  - g) Comply with all the applicable requirements of this By-law; and
  - h) For an Accessible Taxicab Driver Business Licence, possess a certificate of completion of a Wheelchair Securement and Occupant Restraint System Training Program with respect to the handling, safety restraint, transportation, care and safety of passengers with Disabilities and upon request, provide proof to the City.
18. An Applicant may be denied a Taxicab Driver Business Licence under this By-law if he or she has:
  - a) In the past, breached any provision of this By-law as a Licensee under this By-law;
  - b) Been convicted or found guilty under the Criminal Code of Canada, the Highway Traffic Act or the Controlled Drugs and Substances Act for

any offence that suggests a concern for public safety, and has not received a pardon for such offence;

- c) A record of driving offences that suggests a risk to the public;
- d) A medical history which may affect the safe operation of a Taxicab thereby compromising public safety; or
- e) Not been honest in filling out the application form.

19. The Issuer of Licences may replace a photo Taxicab Driver Business Licence issued pursuant to this By-Law which is defaced, lost or destroyed, upon receipt of a satisfactory explanation of the reason for such defacing, loss or destruction and upon payment of the required replacement fee.

### **Physical Requirements for Taxicabs**

20. As part of an application for a Taxicab Owner Business Licence in respect of a motor vehicle, the Applicant shall submit proof that the motor vehicle satisfies all the physical requirements of Taxicabs specified in this Schedule.

21. The physical requirements for Taxicabs include:

- a) Comprising a vehicle body not smaller than a four-door sedan model or a four-door van model, with the tailgate on a van counting as a door;
- b) Bearing the number plates issued by the Ministry of Transportation of Ontario for the motor vehicle;
- c) Containing a taximeter which:
  - i. Registers and records distances travelled, trips and units,
  - ii. Computes fares for distance and time, and
  - iii. Is attached to the motor vehicle in a location and manner that is approved by the Issuer of Licences and in plain view of passengers;
- d) Bearing an electric sign, as approved by the Issuer of Licences, secured to the motor vehicle's roof; and
- e) Bearing the identification number of the Taxicab permanently affixed at the rear, to the right lower corner of the trunk, in text that is high colour contrasted with its background, with the appearance of solid characters, each in a size of at least 3 inches by 1.5 inches.

22. Before a licence is issued under this By-law in respect of any vehicle, the applicant shall provide to the Issuer of Licences a valid Safety Standard Certificate certifying that such vehicle is in a safe condition to be operated on a highway as defined in the Highway Traffic Act. This provision is not

applicable to the initial licensing of a new motor vehicle purchased from a dealer of new motor vehicles.

23. Every Owner of an Accessible Taxicab shall provide a certificate of proof that it complies with the applicable Regulations under the Highway Traffic Act and amendments thereto, and with the Canadian Standards Association standard D409-M84, and all other pertinent federal and provincial requirements as may be established and in force from time to time.

### **Obligations of Licenced Taxicab Owners**

24. No licensed Taxicab Owner shall:

- a) Permit to be carried in the Taxicab more individuals (including the Taxicab Driver) than the seating capacity rating by the motor vehicle's manufacturer;
- b) Permit to be carried in the Accessible Taxicab more individuals (including the Taxicab Driver) than the capacity recommended by the Ministry of Transportation of Ontario;
- c) Permit smoking in the Taxicab contrary to the Smoke-Free Ontario Act, 2017;
- d) Permit any Taxicab Driver to drive the Taxicab for more than fourteen hours within any consecutive twenty-four hour period;
- e) Solicit any person to use the Taxicab;
- f) Demand any rate, fare or charge greater than as permitted under this Schedule, unless a passenger is transported out of the City pursuant to a written contract;
- g) Demand any fare or charge for:
- h) Time lost for any defect or inefficiency of the Taxicab,
- i) Incompetence of the Taxicab Driver, or
- j) Time consumed for the arrival of the Taxicab in response to a call in advance of the arrival time requested by the Person calling; or
- k) Refuse a request for a ride by an individual accompanied by a service animal;
- l) Operate, or allow to be operated, any Taxicab that does not satisfy all the physical requirements for Taxicabs specified in this Schedule;
- m) Operate, or allow to be operated, a Taxicab unless and until its taximeter has been tested and sealed by the Issuer of Licences; or

- n) Operate, or allow to be operated, a Taxicab when such taximeter has been changed, repaired, altered, tampered with, adjusted, or transferred to a different Taxicab unless and until such taximeter has been subsequently retested and resealed by the Issuer of Licences.

25. Every licensed Taxicab Owner shall:

- a) Offer exclusive priority to requests made by or on behalf of individuals with Disabilities requesting Accessible Taxicab service, at any time of the day or night and at any place within the City;
- b) Serve the first Person requiring Taxicab service within the City, provided that the Taxicab Owner may refuse a request from any Person whose previous fare remains unpaid;
- c) Immediately deliver to Guelph Police Service any property lost or left in the Taxicab, together with all information regarding its recovery;
- d) Permit Persons to choose, without interference or interruption, whether to engage the Taxicab Owner's Taxicab;
- e) Keep a current list of every Taxicab Driver's home address at the Taxicab Owner's office;
- f) Notify the Issuer of Licences in writing of the termination of any Taxicab Driver within seven days after the date of such termination;
- g) Keep for two years, in the Taxicab Owner's office or within the vehicle, and provide to the Issuer of Licences upon request, a record in electronic format, for each fare, of:
  - h) The date, time, origin and destination of each trip,
  - i) The name of the Taxicab Driver,
  - j) The Taxicab number, and
  - k) Any other available information about the fare;
- l) Keep in force and renewed, the Insurance required for obtaining the Taxicab Owner Business Licence; and
- m) Ensure that the taximeter in the Taxicab is:
  - n) Illuminated between dusk and dawn,
  - o) Adjusted in accordance with the tariff prescribed in Appendix "A" as amended from time to time,
  - p) Used only when the seal thereon is intact and not used longer than twelve months without retesting and resealing,

- q) Kept in good working order at all times and not used when defective in any way,
- r) Tested in any ways and by any means prescribed by the Issuer of Licences to verify that it is accurate to within five metres more or five metres less per measured kilometre at a tire pressure recommended by the tire manufacturer, and
- s) Submitted when requested by the Issuer of Licences for testing, inspection and sealing; and
- t) If the Taxicab is equipped with a camera system, provide notice of the presence of the camera by means of signage that is clearly visible to the public both outside and inside the Taxicab.
- u) Pay the fees prescribed by this By-law;

### **Obligations of Licenced Taxicab Drivers**

26.No licensed Taxicab Driver shall:

- a) Carry in the Taxicab more individuals (including the Taxicab Driver) than the seating capacity rating by the motor vehicle's manufacturer;
- b) Carry in the Accessible Taxicab more individuals (including the Taxicab Driver) than the capacity recommended by the Ministry of Transportation of Ontario;
- c) Smoke or permit smoking in the Taxicab contrary to the Smoke-Free Ontario Act, 2017;
- d) Drive the Taxicab for more than fourteen hours within any consecutive twenty-four hour period;
- e) Solicit any Person to use the Taxicab;
- f) Demand any rate, fare or charge greater than as permitted under this Schedule, unless a passenger is transported out of the City pursuant to a written contract;
- g) Demand any fare or charge for:
  - i. Time lost for any defect or inefficiency of the Taxicab,
  - ii. Incompetence of the Taxicab Driver, or
  - iii. Time consumed for the arrival of the Taxicab in response to a call in advance of the arrival time requested by the Person calling;
- h) Refuse a request for a ride by an individual accompanied by a service animal;

- i) Operate the Taxicab if it does not satisfy all the physical requirements of Taxicabs specified in this Schedule;
- j) Pick up en route any additional passenger after the Taxicab has departed with one or more passengers from any starting point, unless the Person who originally engaged the Taxicab desires such additional passenger to be picked up; or
- k) Operate any Taxicab if he or she fails to maintain a current, valid and non-probationary Class "G" or equivalent driver's licence issued by the Ministry of Transportation of Ontario.

27. Every licensed Taxicab Driver shall:

- a) Offer exclusive priority to requests made by or on behalf of individuals with Disabilities requesting Accessible Taxicab service, at any time of the day or night and at any place within the City;
- b) Serve the first Person requiring Taxicab service within the City, provided that the Taxicab Driver may refuse a request from any Person whose previous fare remains unpaid;
- c) Immediately deliver to Guelph Police Service any property lost or left in the Taxicab, together with all information regarding its recovery;
- d) Permit Persons to choose, without interference or interruption, whether to engage the Taxicab Driver's Taxicab;
- e) Carry on his or her person his or her current photo Taxicab Driver Business Licence provided by the Issuer of Licences and, while driving the Taxicab, produce such photo Taxicab Driver Business Licence and permit any police officer or passenger to view it upon request;
- f) Drive by the most direct route to any destination, unless otherwise directed by the passenger;
- g) When a passenger enters the taxicab, immediately activate the taximeter leave it activated throughout the trip, and, at the conclusion of the trip, upon being paid, deactivate the taximeter;
- h) When carrying a fare who requires the accompaniment or assistance of another individual, treat both individuals as a single fare;
- i) When carrying two or more unrelated fares, who are in agreement to share the service of the Taxicab from a common point of origin to the same point of destination, ensure that each fare shares an equal portion of the amount showing on the meter upon arrival at the point of destination, unless the two or more unrelated fares agree otherwise; and

- j) When carrying two or more unrelated fares, who are in agreement to share the service of the Taxicab from a common point of origin to two or more destinations, treat each stop to discharge a passenger as the end of one trip and the commencement of a new trip, and at the end of such trip, clear the taximeter and restart it for the subsequent trip.

## **Rates**

### **Regular Taxicabs and Accessible Taxicabs**

By Distance:

For the pickup: \$3.00

For each additional one twenty-fourth of a kilometre or part thereof: \$0.10

By Time:

Every 11 seconds: \$0.125

Being equivalent to an hourly rate of: \$32.00

## **Schedule "B"**

### **Being new Schedule 17 to City of Guelph By-law (2009)-18855**

#### **Vehicle for Hire**

The provisions of this Schedule shall apply in respect of Vehicles for Hire.

#### **Interpretation**

1. In addition to the terms defined in Section 1 of this By-law, the following terms shall have the corresponding meanings:
2.
  - a. Driver – means an individual who, in affiliation with a Vehicle for Hire Business, transports Passengers in a Vehicle for Hire;
  - b. Driver Identification Card – means a physical or electronic form containing the following information:
    - i. The first and last name and photograph of the Driver,
    - ii. The make, model and licence plate number of the Vehicle for Hire operated by the Driver, and
    - iii. The name and contact information of the Vehicle for Hire Business;
  - c. Electronic Platform – includes any electronic-based software, cellphone, or other technological service which permits passengers to obtain transportation;
  - d. Limousine - includes a sedan, stretch, luxury or classic motor vehicle;
  - e. Passenger - means an individual transported by a Driver in a Vehicle for Hire in affiliation with a Vehicle for Hire Business;
  - f. Street Hail - means an appeal for transportation made in person by means of any sound, word, sign, signal, or gesture, and not by means of any Electronic Platform;
  - g. Vehicle for Hire - means a vehicle which provides transportation for a Vehicle for Hire Business, and includes a Limousine;
  - h. Vehicle for Hire Business - means a Business which, through an Electronic Platform, arranges transportation of Passengers by Drivers in Vehicles for Hire, within the City for compensation, but does not include:
    - i. Any Taxicab Business,
    - ii. Any bus transportation service or Business,

- iii. Any carpooling arrangement as defined in the Public Vehicles Act, or
- iv. Any emergency vehicle service; and
- v. VEHICLE FOR HIRE IDENTIFIER – means a decal, in a form approved by the Issuer of Licences, which displays the name and/or logo of a Vehicle for Hire Business.

### **Special Obligations of Issuer of Licences**

- 2. The Issuer of Licences shall ensure that all funds collected for accessibility under this Schedule are provided monthly to the Accessibility Advisory Committee to be used in a grant program for those needing accessibility modifications to their vehicles, including Taxicabs.

### **Business Licences under this Schedule - General**

- 3. No Person shall carry on a Vehicle for Hire Business within the City unless such Person holds a current Vehicle for Hire Business Licence issued pursuant to this Schedule.
- 4. Every Person who wishes to operate a Vehicle for Hire Business in the City shall apply for a Vehicle for Hire Business Licence under this By-law.
- 5. Beyond the information and material required elsewhere in this By-law from Applicants for Business Licences, an Applicant for an initial, as well as for a renewal, Vehicle for Hire Business Licence shall also submit the following information and material:
  - a) Proof of data security measures that the Applicant has in place to protect the personal information of Drivers and Passengers affiliated with the Business;
  - b) Proof of the insurance required under this Schedule;
  - c) Proof of the number of Vehicles for Hire available to the Applicant in the City;
  - d) Such other special information and material as the Issuer of Licences may specify; and
  - e) Payment of all applicable fees required under this By-law, including:
    - i. The basic licensing amount, and
    - ii. All fees based on the number of rides provided per month.

### **Vehicle for Hire Business Licensees - Prohibitions**

- 6. No Vehicle for Hire Business Licensee shall:

- a) Breach any applicable prohibition or obligation of Licensees under this By-law; or
- b) Permit any of its Drivers to breach any prohibition or obligation of Drivers under this Schedule.

## **Vehicle for Hire Business Licensees - Obligations**

### **Electronic Platform**

- 7. Every Vehicle for Hire Business Licensee shall have an Electronic Platform and shall ensure that its Electronic Platform is able to:
  - a) At the time when transportation is being arranged, provide to the Person requesting the transportation, all the following:
    - i. The name and contact information of the Vehicle for Hire Business Licensee,
    - ii. The first name and photograph of the Driver who will provide the transportation,
    - iii. The make, model and licence plate number of the Vehicle for Hire that will provide the transportation,
    - iv. Any special surcharge that will be applicable for the transportation,
    - v. An estimate of the total cost of the transportation, and
    - vi. The current location of the Vehicle for Hire;
  - b) Permit a Person to accept or refuse arranged transportation before it begins and to record such acceptance or refusal;
  - c) Provide a secure payment mechanism;
  - d) Provide a printed or electronic receipt to the Passenger at the end of the transportation that includes information confirming the:
    - i. Fare rate and/or surcharges,
    - ii. Total amount paid,
    - iii. Date and time of pickup,
    - iv. Locations where the Passenger was picked up and dropped off, and
    - v. First name of the Driver; and

- vi. Provide a link where the Passenger may rate or provide comments upon the Vehicle for Hire and the Driver.
8. Every Vehicle for Hire Business Licensee shall make available to the public on its Electronic Platform, and by any other means of its choice, the following information:
  - a) The insurance coverage required to be maintained by itself and by each Driver;
  - b) The transportation services offered by its Drivers;
  - c) The applicable screening process for Drivers and Vehicles for Hire;
  - d) That Drivers may provide only transportation services that are prearranged using the Electronic Platform of the Vehicle for Hire Business Licensee, and cannot accept Street Hails or pick up Passengers at Taxicab stands; and
  - e) That Drivers cannot accept cash payment for transportation.

### **Drivers**

9. Every Vehicle for Hire Business Licensee shall issue to each of its Drivers a current Driver Identification Card.
10. Every Vehicle for Hire Business Licensee shall issue to each of its Drivers a current Vehicle for Hire Identifier.
11. Every Vehicle for Hire Business Licensee shall keep, in readily accessible format, a current list of all its affiliated Drivers and Vehicles for Hire that includes:
  12. The full name and address of each Driver; and
  13. The make, model and licence plate number of each Vehicle for Hire.
14. Every Vehicle for Hire Business Licensee shall ensure that each Driver meets the following requirements prior to commencing as a Driver and at all times when providing transportation services:
  - a) Is at least 18 years of age;
  - b) Has a valid class "G" licence; and
  - c) Has been advised of, and consents to, the foregoing personal information being submitted to the Issuer of Licences for the purpose of auditing compliance with this Schedule.

15. Every twelve months, every Vehicle for Hire Business Licensee shall obtain a criminal record check less than 90 days old, and a driving record abstract less than 30 days old, for each Driver and:

- a) Review those records;
- b) Ensure that the Driver does not have any outstanding criminal charges;
- c) Acting reasonably, determine whether the Driver is suitable for providing transportation services; and
- d) Terminate the relationship with any Driver who is not suitable for providing transportation services.
- e) Every Vehicle for Hire Business Licensee shall ensure that every Driver with whom it is affiliated complies with all Driver obligations set out in this Schedule.

16. Every Vehicle for Hire Business Licensee shall terminate its affiliation with a Driver if the Driver fails to satisfy any of the obligations under this Schedule, or if the Issuer of Licenses notifies the Licensee that the Driver has acted in a manner that is adverse to the public interest or public safety. Upon such termination, the Vehicle for Hire Business Licensee shall ensure that such former Driver no longer has access as a Driver to the Licensee's Electronic Platform.

## **Records**

17. Every Vehicle for Hire Business Licensee shall create, and maintain for two years, records of the following information

- a) The total number of transportation trips provided per year;
- b) The total number of Drivers providing transportation per year;
- c) The total number of Vehicles for Hire providing transportation per year; and
- d) The Driver and Vehicle for Hire information corresponding with each requested transportation trip, including the:
  - i. Full name of the Driver,
  - ii. Licence plate number of the Vehicle for Hire,
  - iii. Date, time and duration of the transportation trip,
  - iv. Rounded locations where each Passenger was picked up and dropped off, and

- v. Hours and minutes spent by the Vehicle for Hire in transporting each Passenger, including time spent en route to pick up the Passenger.
18. The Licensee shall make the foregoing records available electronically to the Issuer of Licences within a reasonable time as agreed upon after any request in writing.
19. The Licensee shall keep all records in respect of each Driver for 2 years after the Driver ceases to be affiliated with the Licensee.

## **Insurance**

20. Every Vehicle for Hire Business Licensee shall obtain, and maintain at all times during the provision of transportation services, and provide satisfactory proof to the Issuer of Licences of, insurance coverage as follows:
- a) In the amount of at least three-million dollars (\$3,000,000.00) including Public Liability and Property Damage exclusive of costs and interest;
  - b) Is from an insurer authorized to issue indemnity insurance policies in the Province of Ontario;
  - c) Including coverage against liability for damages resulting from injury to or death of one or more persons and Property Damage in any one incident that includes:
    - i. Contingent employers' liability; personal injury,
    - ii. Broad form property damage; occurrence property damage, and
    - iii. Employees as additional insured, and cross liability and severability of interest provision;
  - d) Is in the name of the Vehicle for Hire Business Licensee;
  - e) Names the City as an additional insured;
  - f) Contains Non-Owned Automobile Insurance, issued by a company authorized to issue indemnity insurance policies in the Province of Ontario, with limits of not less than three million dollars (\$3,000,000.00) inclusive, per occurrence for public liability, bodily injury, death and damage to property;
  - g) The NPCF 6TN Permission to Carry Paying Passengers for a Transportation Network endorsement, or an equivalent endorsement acceptable to the Issuer of Licence, included within an Automobile Liability Insurance policy maintained on behalf of every Driver; and

- h) Contains an endorsement requiring the insurer to provide the City with at least 30 days of prior written notice of any cancellation or variation to the policy.
21. Every Vehicle for Hire Business Licensee shall provide the Issuer of Licences with proof that each Vehicle for Hire affiliated with the Licensee is covered by insurance as required under this Schedule.
22. If a Vehicle for Hire Business Licensee fails to comply with the insurance requirements of this Schedule, then the Issuer of Licences may suspend the Licensee's Licence until such time as the Licensee proves, to the satisfaction of the Issuer of Licences, that the Licensee is again in full compliance.

### **Number of Vehicles for Hire**

23. If the number of Vehicles for Hire of a Vehicle for Hire Business Licensee increases, then the Licensee shall so notify the Issuer of Licences. If the number increases so that a new fee category applies, then the Licensee shall immediately so notify the Issuer of Licences and shall pay the corresponding fee increase within two business days after such notification.

### **Drivers - Prohibitions**

24. No individual shall hold himself or herself out as a Driver unless he or she:
- a) Has been authorized by a Vehicle for Hire Business Licensee to act as a Driver for that Licensee; and
  - b) Possesses a current Driver Identification Card issued by that Vehicle for Hire Business Licensee.
25. No Driver shall request payment of any charge other than as permitted under this Schedule.
26. No Driver shall refuse a request for a ride by an individual accompanied by a service animal.
27. No Driver shall:
- a) Pick up any Passenger in response to a Street Hail;
  - b) Operate a Vehicle for Hire that resembles a Taxicab in any way, such as by bearing external advertising or any roof-sign;
  - c) Operate a Vehicle for Hire without the insurance required under this Schedule;
  - d) Accept payment by cash for any transportation arranged by the Vehicle for Hire Business Licensee;

- e) Use any method for connecting Passengers with transportation other than the Electronic Platform in accordance with this Schedule and as approved by the Issuer of Licences;
- f) Permit any individual to smoke in a Vehicle for Hire while it is being used for transportation arranged by the Vehicle for Hire Business Licensee; or
- g) Permit any Vehicle for Hire used for transportation arranged by the Vehicle for Hire Business to carry more individuals, including the Driver, than recommended by the Ministry of Transportation of Ontario.

### **Drivers - Obligations**

28. Every Driver shall:

- a) Immediately deliver to the passenger any property lost or left in the Vehicle for Hire;
- b) Keep his or her Driver Identification Card in the Vehicle for Hire at all times when he or she is providing transportation for the Vehicle for Hire Business Licensee;
- c) Upon demand by the Issuer of Licences, or any Officer, immediately produce:
  - i. His or her Driver Identification Card,
  - ii. Proof of insurance as required under this Schedule, and
  - iii. Any other relevant information pertaining to him or her or to operation of the Vehicle for Hire;
- d) Upon demand by the issuer of Licences, or any Officer, submit the Vehicle for Hire for inspection at such time and place as specified by the Issuer of Licences or the Officer;
- e) Install the Vehicle for Hire Identifier, provided by the Vehicle for Hire Business Licensee, in the front bottom of the driver's side of the windshield on the Vehicle for Hire in such a way that it is clearly visible from the exterior; and
- f) Keep the Vehicle for Hire Identifier in its required location whenever he or she is providing transportation.

29. Every Driver shall ensure that his or her Vehicle for Hire, at all times when providing a transportation service:

- a) Is no more than 10 years old; and

- b) Has a valid and current Ontario Ministry of Transportation Safety Standards Certificate, prior to commencement of use as a vehicle for hire vehicle, and then annually thereafter.