

By-law 2016-145

A By-law of the City of Greater Sudbury for the Licensing, Regulating and Governing of Vehicles for Hire

Whereas section 151 of the Municipal Act, 2001, S.O. 2001, c. 25, as amended (the "*Municipal Act, 2001*") confers the power to a municipality to pass by-laws to create a system of licensing with respect to a business;

And whereas section 156(1) of the *Municipal Act, 2001* authorizes a municipality to pass a by-law to establish the rates or fares charged by owners and drivers of taxicabs, provide for the collection of the same and to limit the number of taxicabs or any class of them;

And whereas Council deems it desirable to provide a system of licensing, regulating, and governing vehicle for hire businesses - including taxicabs, limousine, shuttle and passenger transportation companies - including fixing the number of taxicabs;

Now therefore the Council of the City of Greater Sudbury hereby enacts as follows:

Part 1 - Terminology

Definitions

1. in this By-law:

"Accessible Taxi" means a motor vehicle that is both a Taxi and an Accessible Vehicle;

"Accessible Vehicle" has the meaning in Regulation 629, R.R.O. 190, made under the *Highway Traffic Act*, R.S.O. 1990, c. H.8;

"Application is Complete" means the application form is fully completed and signed in accordance with this By-law, all necessary documents have been filed, all applicable fees have been paid, all required tests or Inspections have been completed or the time for doing so or for remedying any deficiencies has expired;

"Broker" means any Person who holds a current and valid Vehicle for Hire Broker's Licence;

"Broker's Licence" means a licence issued under the authority of this By-law that gives authority to accept Calls in any manner for Vehicles for Hire that are owned by Persons other than the Broker, his or her immediate family or his or her employer and to subsequently dispatch such Vehicles for Hire in response to the Call;

"Business Day" means Monday to Friday inclusive, except for statutory and civic holidays;

"Call" includes a request, direction, submission for the services of a Vehicle for Hire, by or on behalf of a prospective passenger including by use of any software, application or telecommunications platform;

"City" means the municipal corporation of the City of Greater Sudbury or the geographic area of the City of Greater Sudbury, as the context requires;

“Driver” means a Person who holds a valid Driver’s Licence which authorizes the use, operation, care and control, of a corresponding identified Vehicle for Hire in accordance with this By-law and for greater certainty does not include a PTC Driver;

“Inspection” or “Inspect” includes without limitation a physical, visual or other examination, any form of test or inquiry, the right to enter a building or onto land to conduct the inspection and also includes the right to take photographs, including digital images and to make copies of documents;

“Licence” means a licence issued or renewed pursuant to this By-law which gives a person the authority to own or operate a Vehicle for Hire Company in the City or the authority to drive, operate or control a Vehicle for Hire in the City, as the context requires and the case may be;

“Licence Issuer” means the Manager of Security, By-law and Court Services for the City and includes an authorized designate;

“Limousine” means a motor vehicle as defined in the *Highway Traffic Act*, R.S.O. 1990, c. H.8;

- (a) which is hired by unit of time;
- (b) which is hired for the transportation exclusively for 1 passenger or group of passengers; and
- (c) for which a single charge is assessed and collected for the time hired;

“Officer”, means a person appointed by Council to enforce the provisions of this By-law, and includes the Licence Issuer and a duly sworn member of the Greater Sudbury Police Service;

“Owner” means a Person who holds a valid Owner’s Licence which authorizes the use and operation of a corresponding identified Vehicle for Hire in accordance with this By-law and for greater certainty does not include a PTC Licence;

“Person” includes an individual, a sole proprietor, sole proprietorship, partner, partnership, an unincorporated association, a trust and a corporation and includes a Licensee or an applicant under this By-law as the context requires;

“Private Transportation Company” means any Person that offers, facilitates or operates prearranged transportation services for compensation using any software or application or telecommunications platform to connect passengers with PTC Drivers;

“PTC” means Private Transportation Company as defined herein;

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

“PTC Vehicle” means a motor vehicle with a capacity to carry a maximum of 7 passengers including the Driver that is used by a PTC Driver to provide passenger transportation services that are offered or facilitated by the Private Transportation Company;

“Revocation” means the recalling and voiding of a Licence previously issued under this By-law and “revoke” and “revoked” have similar meaning as required by the context;

“Shuttle” means a motor vehicle as defined in the *Highway Traffic Act*, R.S.O. 1990, c. H.8:

- (a) which has a seating capacity of 7 passengers or more, inclusive of the driver;
- (b) which is used to provide transportation on demand to individuals or groups on a shared or multiple destination basis; and
- (c) for which separate charges are assessed and collected from each individual or group of individuals receiving services of the Shuttle;

but does not include vehicles operated by public transportation agencies of municipal, provincial, or federal governments;

“Suspension” means the temporary discontinuance of a Licence previously issued under this By-law and “suspend” and “suspended” have similar meaning as required by the context;

“Taxi” means a motor vehicle as defined in the *Highway Traffic Act*, R.S.O. 1990, c. H.8:

- (a) that has a seating capacity of not more than 7 passengers, inclusive of the driver;
- (b) that is intended to be used or is actually hired for the purpose of transporting 1 passenger or a group of passengers;
- (c) for which a fare or charge is levied or collected for the trip; and
- (d) includes an Accessible Taxi but does not include a Limousine, a Shuttle, or a PTC Vehicle;

“Taxi Tariff Card” is a card which meets the requirements of section 19 in Schedule “A” and sets out the fees identified in section 16 in Schedule “A” as the fees chargeable for Taxis owned by that Taxi Owner;

“User Fee By-law” means the City’s Miscellaneous User Fee By-law 2015-266 as amended or replaced from time to time;

“Vehicle for Hire” means:

- (a) a motor vehicle used or offered for the transportation of at least 1 passenger in return for a fee from any place within the City to a destination either within or outside of the City;
- (b) includes, but is not limited to, a Taxi, an Accessible Taxi, a Limousine, a Shuttle and a PTC Vehicle;
- (c) but does not include any vehicle or class of vehicle exempted under this By-law or by the Licence Issuer;

“V4H” means a Vehicle for Hire as the context requires and as defined herein;

“Vehicle for Hire Company” means a Person who has been issued an Owner’s Licence, a Broker’s Licence or a Private Transportation Company Licence issued under this By-law;

“Vehicle Plate” means the plate issued by the Licence Issuer to an Owner of a Vehicle for Hire vehicle to be affixed in accordance with this By-law to the vehicle identified in the Licence for which it was issued.

Interpretation

2.-(1) Whenever this By-law refers to a person or thing with reference to gender or the gender neutral, the intention is to read the By-law with the gender applicable to the circumstances.

(2) References to items in the singular include the plural, and references to items in the plural include the singular, as applicable.

(3) The words “include”, “including” and “includes” are not to be read as limiting the phrases or descriptions that precede them. Any examples provided are intended to be representative examples and not intended to be an exhaustive list.

(4) Headings are inserted for ease of reference only and are not to be used as interpretation aids.

(5) Specific references to laws in the By-law are printed in italic font and are meant to refer to the current laws applicable within the Province of Ontario as at the time the By-law was enacted, as they are amended from time to time.

(6) Any reference to periods of time, stated in numbers of days, shall be deemed applicable on the first Business Day after a Sunday or Statutory holiday if the expiration of the time period occurs on a Sunday or Statutory holiday.

(7) The obligations imposed by this By-law are in addition to obligations otherwise imposed by law or contract.

(8) Where this By-law provides metric and imperial units of measure, the metric unit of measure shall prevail. For convenience only, approximate imperial measurements have been provided in parentheses but are of no force or effect. The abbreviation “mm” stands for millimetres, “cm” stands for centimetres and “m” stands for metres.

(9) Nothing herein authorizes a contravention of the City’s Traffic and Parking By-law 2010-1, as amended or replaced.

(10) Terms with capitals shall be read with the meaning in section 1, and other words shall be given their ordinary meaning.

(11) Upon the expiration of time prescribed for the doing of an act, the Licence Issuer shall not deal with the application and the times prescribed within this By-law for the taking of action shall not be varied.

Severability / Conflict

3.-(1) If any section, subsection, part or parts of this By-law is 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.

(2) Nothing in this By-law relieves any person from complying with any provision of any Federal or Provincial legislation or any other By-law of the City.

(3) Where a provision of this By-law conflicts with the provisions of another By-law in force in the City, the provision that establishes the higher standard to protect the health, safety and welfare of the general public shall prevail.

Application

4.-(1) This By-law shall apply within the geographic limits of the City.

(2) This By-law applies to any owned and operated V4H, to all Owners, Private Transportation Companies and Drivers of said vehicles and all Persons operating as Brokers, within the City.

(3) Subsection 4(2) does not prohibit the use of a V4H without the use of the applicable Licence for a trip which ends in Sudbury, provided that said vehicle can legally operate in the municipality in which the conveyance begins.

(4) Nothing herein restricts limits or prevents conveyances which meet the requirements of subsection 156(2) of the *Municipal Act, 2001*.

Exemption

5. This By-law does not apply to passenger transportation systems provided by the City of Greater Sudbury such as the public transit services known as Sudbury Transit and Handi-Transit.

Administration / Delegation

6.-(1) The administration of this By-law is assigned to the Licence Issuer who is delegated the authority to:

- (a) make all decisions required of the Licence Issuer under this By-law;
- (b) perform all administrative functions, conduct all Inspections or investigations referred to herein and those incidental and necessary for the due administration and implementation of this By-law; and
- (c) establish and amend from time to time, such forms, tests and other documents, and such standards, protocols and procedures as the Licence Issuer may determine are required to implement and administer this By-law.

(2) The Licence Issuer may delegate the performance of any one or more of the Licence Issuer's functions under this By-law to one or more persons from time to time and may impose conditions upon such delegation, suspend or revoke any such delegation. The Licence Issuer may continue to exercise any function delegated during the delegation.

(3) Unless specifically provided to the contrary in this By-law, the decisions of the Licence Issuer are final and not subject to appeal.

Part 2 - Licensing Requirements

Licence Required

7.-(1) No Person shall own or operate a Vehicle for Hire Company without obtaining a corresponding Licence issued under this By-law of the type identified in Column B in the chart below corresponding to type and purpose of the vehicle identified in Column A.

| Column A V4H Type and Purpose | Column B Type of Licence |
|----------------------------------|---------------------------------|
| Accessible Taxi | Accessible Taxi Owner's Licence |
| Taxi | Taxi Owner's Licence |
| Limousine | Limousine Owner's Licence |
| Shuttle | Shuttle Owner's Licence |
| PTC vehicle | PTC Licence |

(2) No Person who holds a valid Owner's Licence shall authorize or permit any V4H to be operated or driven under the authority of that Owner's Licence except the vehicle identified in that Owner's Licence.

(3) No Person is entitled to have more than one vehicle identified in an Owner's Licence, however, nothing in this By-law limits any Person from applying for or holding more than one Owner's Licence.

Driver's Licence Required

8. No person shall drive a V4H in the City without obtaining in the corresponding Driver's Licence issued under this By-law of the type identified in Column C in the chart below and, except for a PTC Driver, the Driver has obtained the consent of the Owner who holds the Owner's Licence for that vehicle.

| Column A V4H Type and Purpose | Column B Type of Licence | Column C Type of Driver's Licence |
|----------------------------------|---------------------------------|---|
| Accessible Taxi | Accessible Taxi Owner's Licence | Accessible Taxi Driver's Licence |
| Taxi | Taxi Owner's Licence | Taxi Driver's Licence or Accessible Taxi Driver's Licence |
| Limousine | Limousine Owner's Licence | Limousine Driver's Licence |
| Shuttle | Shuttle Owner's Licence | Shuttle Driver's Licence |
| PTC vehicle | PTC Licence | PTC Driver's Licence |

Broker's Licence Required

9. Unless expressly provided to the contrary in this By-law, no person shall carry on the business of a Broker unless such person holds a current Broker's Licence issued under this

By-law. For clarity, an Owner who is dispatching their own vehicle directly or through an employee is not carrying on the business of a Broker.

Licence as City Property

10.-(1) Any V4H Licence and Vehicle Plate issued under this By-law remains at all times the property of the City, is personal to the holder thereof and shall be surrendered to the Licence Issuer in accordance to this By-law upon Suspension, Revocation or expiry of the Licence.

(2) A V4H Licence issued under this By-law is not transferrable to any Person.

(3) No person who holds a Licence shall lease, license, transfer or purport to lease, license or transfer to another Person any or all of the rights under a Licence issued under this By-law or in any way authorize any other Person to exercise any of the rights exercisable by the holder of a Licence under this By-law.

(4) Where a Licence holder acts contrary to subsection (3), the Licence shall be deemed to be revoked.

Part 3 - Conditions for Licence Applications

Applicant - Owner's Licence

11.-(1) Every applicant for an Owner's Licence or for a renewal of an Owner's Licence shall, in addition to complying with section 10, provide or file the following with the Licence Issuer as part of the application:

- (a) in the case of a corporation, evidence that the corporation is legally entitled to conduct business in Ontario, 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 the Government of Canada; and
 - (ii) a certified copy of an annual return which contains a list of all shareholders of the corporation;
- (b) 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 any notice or documentation or communication that may be required during business hours and at which the applicant or applicant's agent will accept receipt of such notice, documentation or communication;
- (c) a criminal record check dated within 30 days of the date that the Application is Complete:
 - (i) for the applicant, where the applicant is an individual; or
 - (ii) for the signing officer of the corporation who signed the application, where the applicant is a corporation; or
 - (iii) for the signing officer of the partnership who signed the application, where the applicant is a partnership;

- (d) Evidence that the vehicle, to be used as a V4H:
 - (i) is registered to the applicant in the records of the Ministry of Transportation; or
 - (ii) has been ordered by or on behalf of the applicant and will be on the road within 30 days of the date that the Application is Complete; or
 - (iii) is leased by the applicant from a firm or company carrying on the business of leasing vehicles;
- (e) Evidence that the vehicle to be used is a model year not more than ten (10) years prior to the year of application;
- (f) Evidence that the vehicle meets provincial safety standards in the form of a Safety Standards Certificate issued by a Licensed Motor Vehicle Inspection Station, and dated within 30 days prior to the date the Application is Complete. Where the Safety Standards Certificate has been issued by an individual or individuals employed by a Motor Vehicle Inspection Station that has, in the opinion of the Licence Issuer, repeatedly issued Certificates for vehicles found to be unsafe within 30 days of the issue of the Certificate, the Licence Issuer may reject the Safety Standards Certificate provided and require that a Safety Standards Certificate be secured from another issuer at the cost of the applicant and submitted as part of the application. In the case of a renewal, evidence of a Safety Standards Certificate issued and dated within 365 days prior to the date that that Application is Complete;
- (g) a certified copy of or a current certificate of insurance issued by an insurer licensed to operate in Ontario confirming the use of the vehicle and confirming the policy endorsement allowing the vehicle to be used to transport persons for compensation and in effect for the VFH, showing not less than Two Million Dollars (\$2,000,000) under an Ontario Automobile Policy, liability insurance against loss or damage resulting from bodily injury to or the death of one or more persons and/or from the loss or damage to property resulting from any one accident; providing for passenger hazard coverage of at least Two Million Dollars (\$2,000,000) and endorsed to the effect that the Licence Issuer will be given at least 30 days notice in writing of any cancellation, expiry or material changes in the policy;
- (h) The licensing fee prescribed in the User Fee By-law;
- (i) where the Owner intends to carry on business in a name other than the Owner's own name or intends to carry on business through a Broker, particulars of the proposed business name or the name of the Broker, as the case may be, and particulars of any Broker which the Owner intends to use to dispatch the identified vehicle;
- (j) in the case of an application for a Taxi Owner's Licence, evidence that the applicable vehicle has a maximum seating capacity of 7 passengers, inclusive of the Driver;

- (k) in the case of an application for a Shuttle Owner's Licence, evidence that the applicable vehicle has a seating capacity of 7 or more passengers, inclusive of the Driver; and
- (l) a Taxi Tariff Card.

Applicant – Private Transportation Company Licence

12.-(1) Every applicant for a PTC Licence or a renewal of a PTC Licence shall, in addition to complying with section 10, provide or file the following with the Licence Issuer, as part of the application:

- (a) if the applicant is an individual, proof that the applicant is at least 18 years of age;
- (b) in the case of a corporation, proof that the PTC is legally entitled to conduct business in Ontario, 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 the Government of Canada; and
 - (ii) a certified copy of an annual return which contains a list of all shareholders of the corporation;
- (c) in the case of a partnership, the names and addresses of each partner as well as the name under which the partnership intends to carry on business;
- (d) 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 any notice or documentation or communication that may be required during business hours and at which the applicant or applicant's agent will accept receipt of such notice, documentation or communication;
- (e) the licensing fee prescribed in the User Fee By-law;
- (f) a certified copy of or a current certificate of insurance obtained and maintained in effect for the PTC, showing the following minimum requirements:
 - (i) commercial general liability insurance subject to limits of not less than Two Million Dollars (\$2,000,000.00) 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; personal injury; occurrence property damage; employees as additional insured, and cross liability and severability of interest provisions;
 - (ii) such commercial general liability policy shall be in the name of the PTC and the City of Greater Sudbury shall be named as an additional insured;
 - (iii) the PTC shall also obtain Non-Owned Automobile insurance with limits of not less than Two Million Dollars (\$2,000,000.00) per occurrence; and
 - (iv) the insurance required under clauses (i) and (iii) shall contain an endorsement to provide that the City of Greater Sudbury receive no less

than 30 days prior written notice from the insurer of cancellation, expiry or material changes in the policy; and

- (g) any other information required by the Licence Issuer for the purpose of the applicant duly completing the application form for the issuance of a PTC Licence.

Applicant - Driver's Licence

13.-(1) Every applicant for a Driver's Licence or a renewal of a Driver's Licence, shall in addition to complying with section 10, provide or file the following with the Licence Issuer as part of the application:

- (a) a Vulnerable Sector Check, dated within 30 days prior to the date the Application is Complete, providing evidence of any conviction by indictment for any offence under the *Criminal Code*, R.S.C. 1985, c. C-46, or under any other federal statute, including without limitation, under the *Controlled Drugs and Substances Act*, S.C. 1996, c. 19, and the *Food and Drugs Act*, R.S.C. 1985, c. F-27, any criminal charges resulting in dispositions of 'withdrawn' or 'dismissed' police contacts relating to offences such as theft, weapons, sex offences or violent, harmful or threatening behavior where no charges were laid and all pardoned criminal convictions;
- (b) evidence the applicant holds a current valid driver's licence permitting the driving of the type of vehicle for the type of Licence applied for;
- (c) a Ministry of Transportation Drivers Abstract for the applicant, dated within 30 days prior to the date the Application is Complete;
- (d) a letter addressed to the Licence Issuer from an Owner who holds a valid Owner's Licence and dated within 30 days prior to the date the Application is Complete, stating the intention of that Owner to employ the applicant as a Driver of the vehicle Licensed under that Owner's Licence, in the event that the applicant receives a Driver's Licence for that type of vehicle;
- (e) the licensing fee prescribed in the User Fee By-law;
- (f) in the case of a Taxi Driver, an Accessible Taxi Driver, a Limousine Driver and a Shuttle Driver, a current photograph of the applicant, to be taken by the Licence Issuer; and
- (g) in the case of an Accessible Taxi Driver, additional evidence confirming that the applicant has successfully completed such training as is required to lawfully drive an Accessible Taxi.

(2) An applicant for a Driver's Licence or an applicant on the first renewal of a Driver's Licence may request in the application form that his or her licence expire on a specified date which is not his or her birthday, and thereafter for the purposes of determining the expiry date of the Driver's Licence, the date so chosen shall prevail rather than the birthday of the applicant. Having chosen an alternate date, no further change will be permitted.

Applicant - Broker's Licence

14. In addition to complying with section 10, every applicant for a Broker's Licence or a renewal of a Broker's Licence shall file or provide the following with the Licence Issuer as part of the application:

- (a) 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 any notice or documentation or communication that may be required during business hours and at which the applicant or applicant's agent will accept receipt of such notice, documentation or communication;
- (b) in the case of a partnership, the names and addresses of each partner as well as the name under which the partnership intends to carry on business;
- (c) in the case of a corporation, proof that the applicant is legally entitled to conduct business in Ontario, 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 the Government of Canada; and
 - (ii) a certified copy of an annual return which contains a list of all shareholders of the corporation;
- (d) the licensing fee prescribed in the User Fee By-law;
- (e) a certified copy of or a current certificate of insurance obtained and maintained in effect for the Broker, showing the following minimum requirements:
 - (i) commercial general liability insurance subject to limits of not less than Two Million Dollars (\$2,000,000.00) 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; personal injury; occurrence property damage; employees as additional insured, and cross liability and severability of interest provisions;
 - (ii) such commercial general liability policy shall be in the name of the Broker and the City of Greater Sudbury shall be named as an additional insured;
 - (iii) the Broker shall also obtain Non-Owned Automobile insurance with limits of not less than Two Million Dollars (\$2,000,000.00) per occurrence; and
 - (iv) the insurance required under clauses (i) and (iii) shall contain an endorsement to provide that the City of Greater Sudbury receive no less than 30 days prior written notice from the insurer of a cancellation, expiry or material changes in the policy;
- (f) a criminal record check dated within 30 days of the date of the submission of the application:
 - (i) for the applicant, where the applicant is an individual; or

- (ii) for the signing officer of the corporation who signed the application, in the case of a corporation; or
 - (iii) for the signing officer of a partnership who signed the application, in the case of a corporation;
- (g) a letter addressed to the Licence Issuer from each V4H Owner to whom the applicant will be providing the services of a Broker, confirming that:
- (i) in the event that the application is approved and the Broker's Licence issues, the applicant for the Broker's Licence is entitled to accept calls on behalf of the Owner and to dispatch the Owner's vehicle to such calls or to dispatch the call to the vehicle of another Owner, as the case may be;
 - (ii) the Owner is not a member of the immediate family of the applicant for the Broker's Licence; and
 - (iii) the Owner is not the employer of the applicant for the Broker's Licence.

Refund

15. No fees paid pursuant to an application for a Licence or renewal of a Licence shall be refunded for any reason.

Part 4 - Licence Issuance/Replacement/Re-Issuance/Expiry/Surrender

Conditions for the Issuance of Licences

16.-(1) Where an applicant for the issuance of a Licence or a renewal of a Licence has complied with the requirements of this By-law and where the issuance or renewal of the Licence is not otherwise prohibited, the Licence Issuer is authorized to and shall issue a Licence, in a form determined by the Licence Issuer.

(2) Every Broker's Licence and every Owner's Licence issued by the Licence Issuer shall specify particulars of:

- (a) the type of Licence;
- (b) the name of the Person to whom it is issued;
- (c) the effective date of the Licence;
- (d) the date on which the Licence will expire if not earlier terminated, or if not renewed;
- (e) the Licence number;
- (f) in the case of an Owner's Licence, the particulars of the vehicle to which the Licence relates; and
- (g) such conditions or provisions as the Licence Issuer determines to be appropriate in the circumstances to ensure public safety or consumer protection and such conditions shall be satisfied prior to the issuance or renewal of the Licence. In

each such case, the Licence Issuer shall give notice to the applicant of such conditions to which the Owner's or Broker's Licence is subject.

(3) Every Driver's Licence issued by the Licence Issuer shall set out:

- (a) the Licence number;
- (b) the name of the Driver;
- (c) a photograph of the Driver;
- (d) the name of the Owner for whom the Driver is authorized to act as a Driver;
- (e) the type of Licence; and
- (f) such conditions or provisions as the Licence Issuer determines to be appropriate in the circumstances to ensure public safety or consumer protection and such conditions shall be satisfied prior to the issuance or renewal of the Driver's Licence. In each such case, the Licence Issuer shall give notice to the applicant of such conditions to which the Driver's Licence is subject.

(4) Every PTC Licence or renewal of a PTC Licence shall set out:

- (a) the Licence number;
- (b) the type of Licence and the name of the Person to whom it is issued;
- (c) the effective date of the Licence;
- (d) the date on which the Licence will expire if not earlier terminated, or if not renewed; and
- (e) such conditions or provisions as the Licence Issuer determines to be appropriate in the circumstances to ensure public safety or consumer protection and such conditions shall be satisfied prior to the issuance or renewal of the PTC Licence. In each such case, the Licence Issuer shall give notice to the applicant of such conditions to which the PTC Licence is subject.

(5) The Licence Issuer issues a Licence by dating the Licence as of the date of issuance and signing the Licence.

(6) Every Licence issued or renewed is conditional upon:

- (a) such conditions as may be imposed upon issuance of the Licence; and
- (b) continuing compliance with the requirements of this By-law.

(7) Despite any provision in this By-law, no Licence shall be issued, renewed or replaced if the applicant or Licensee has any unpaid fees or charges owing to the City.

(8) Despite any provision in this By-law, no Licence shall be issued or renewed if the applicant or Licensee has any unpaid fines imposed under the *Provincial Offences Act*, R.S.O. 1990, c. P.33.

Deliverables

17. Upon issuance or renewal of a Licence described in Column A in the chart below, the Licence Issuer shall provide the Licensee the items identified on the corresponding line in Column B of the chart below:

| Column A Licence Issuance/Renewal | Column B Deliverable |
|--|---|
| Issuance of an Owner's Licence | <p>A Vehicle Plate, in a form established by the Licence Issuer, which is designed to be affixed to the V4H for which it was issued and which sets out the type of V4H for which it was issued and the Owner's Licence Number.</p> <p>A holder, suitable for holding the Driver's Licence of the Driver operating or in control of the vehicle, for attachment to the V4H to which the Owner's Licence applies.</p> |
| Renewal of an Owner's Licence | Renewal Sticker to affix to the Vehicle Plate |
| Issuance and Renewal of a Driver's Licence | An Identification card, in a form established by the Licence Issuer from time to time, which is designed to be inserted in a holder placed in the V4H to which the Driver is operating or in control of. |
| Issuance and Renewal of a PTC Driver's Licence | An identification decal card, in a form established by the Licence Issuer, which is designed to be placed in the V4H for which the PTC Driver is licensed and operating or in control of. |

Expiry of Licence/Extension of Licence

18.-(1) Unless renewed or revoked prior to expiry, every Owner's Licence, every Broker's Licence or PTC Licence issued under this By-law shall expire August 31st next following the issuance or renewal of the Licence.

(2) Unless renewed or revoked prior to expiry, a Driver's Licence issued under this By-law shall expire on the birthday of the Driver next following the issuance of the Licence or the renewal of the Licence or on an alternate date requested by the Driver pursuant to subsection 13(2).

(3) Where a new Licence is issued and will expire within 90 days after the date of issuance, the Licence Issuer may instead set the expiry date for the new Licence in the following year.

(4) A Licensee or Licence holder may apply for a renewal of a Licence prior to the date of expiry of the Licence.

(5) A Licence which has expired without renewal is deemed to be revoked and shall be surrendered by the person named in the expired Licence to the Licence Issuer for cancellation.

Surrender for Re-Issuance - Change in Vehicle or Owner

19.-(1) In the event that an Owner wishes to sell the V4H identified in the Owner's Licence and the purchaser of the V4H wishes to operate it as an Accessible Taxi, a Taxi, Limousine or Shuttle, as the case may be, then prior to any transfer:

- (a) the purchaser shall submit an application to the Licence Issuer for an Owner's Licence in accordance with this By-law for that vehicle; and
- (b) the vendor of the V4H shall:
 - (i) complete a request to surrender and re-issue the Owner's Licence to a named purchaser, in the form established by the Licence Issuer from time to time;
 - (ii) surrender the Owner's Licence to the Licence Issuer for cancellation and re-issuance in favour of the proposed purchaser; and
 - (iii) leave the Vehicle Plate affixed to the V4H identified in the Owner's Licence.

(2) Where an applicant for an Owner's Licence in the circumstances set out in subsection (1) otherwise qualifies for the issuance of an Owner's Licence, despite section 24, the Licence Issuer is authorized to re-issue the Owner's Licence using the same Licence number as the Licence surrendered and identifying the same V4H but with a new Owner.

(3) In the event that an Owner wishes to use a vehicle other than the vehicle identified in the Owner's Licence as a Taxi, Accessible Taxi, Shuttle or Limousine, the Owner shall:

- (a) submit a request to re-issue the Licence identifying the proposed replacement vehicle to be identified in the re-issued Licence, in the form established by the Licence Issuer, together with such documents or information as the Licence Issuer may require to ensure compliance with this By-law and pay the applicable prescribed fee;
- (b) make the proposed replacement vehicle available for Inspection;
- (c) surrender his or her Owner's Licence to the Licence Issuer for cancellation and re-issuance identifying the new V4H; and
- (d) in the event that the application is approved, remove the Vehicle Plate from the vehicle identified in the surrendered Owner's Licence and affix it to the V4H identified in the re-issued Owner's Licence.

(4) Any Licence re-issued under subsection (3) shall bear the same Licence number as the Licence surrendered and the same Owner's name but identify the replacement V4H.

(5) Where an application under subsection (1)(a) or subsection (3)(a) is refused and the Owner wishes to continue to operate the vehicle, the Owner may make a written request to the Licence Issuer within 7 days of the refusal, for the return of the Owner's Licence. The Licence Issuer may, where appropriate in the circumstances to do so, return the Owner's Licence to the Owner. Where no request is made in a timely fashion, the Owner's Licence is deemed to be Revoked and the Licence Issuer may cancel the Owner's Licence.

Replacement Licence / Vehicle Plate / Identification Decal Card - Lost, Defaced or Destroyed

20.-(1) Where a Licence or Vehicle Plate or identification decal card has been defaced, lost or destroyed, the Licence Issuer may issue a replacement upon:

- (a) submission of an application in writing in a form established by the Licence Issuer, signed by the holder of the Licence;
- (b) provision of evidence satisfactory to the Licence Issuer that the Licence or Vehicle Plate or identification decal card has been defaced, lost or destroyed;
- (c) payment of the applicable fee prescribed in the User Fee By-law; and
- (d) in the case of a Licence or Vehicle Plate which has been defaced, the surrender of the defaced Licence or Vehicle Plate to the Licence issuer.

(2) Despite subsection (1), a replacement Accessible Taxi Licence or replacement Accessible Taxi Vehicle Plate may be provided to the Accessible Taxi Owner without payment of a fee otherwise applicable.

Part 5 - Licence Suspension /Revocation / Refusal to Issue or Renew

Deemed Suspension - Death - Owner's Licence

21.-(1) Every Owner's Licence is deemed to be Suspended on the death of the Owner subject to the right of the Estate Trustee or next of kin of the deceased Owner under subsection 19(1) to apply to surrender the Owner's Licence for re-issuance to a purchaser of the V4H identified in the Owner's Licence.

(2) Where the Licence of a deceased Owner has not been surrendered for cancellation and no application under subsection 19(1) has been processed by the Licence Issuer within one year of the death of the Owner, the Owner's Licence shall be deemed Revoked and the Estate Trustee or next of kin of the Owner shall surrender the Owner's Licence and Vehicle Plate to the Licence Issuer.

(3) Where the Licence of the deceased Owner would otherwise expire during the period of Suspension under subsection (1), the Owner's Licence shall be deemed to be renewed without further action or payment of fees.

Deemed Revocation

22.-(1) Every Driver's Licence, every Broker's Licence issued to an individual or every PTC Licence issued to an individual, is deemed to be Revoked on the death of the Driver, Broker or individual Owner of a PTC, as the case may be, whether or not the Licence is surrendered for cancellation.

(2) Every Owner's Licence is deemed to be Revoked, whether or not the Licence and Vehicle Plate are surrendered for cancellation, upon the transfer of the vehicle to which the Licence relates, unless the transfer is in accordance with subsections 19(1) and 19(2).

Refuse to Issue or Renew, Right to Suspend or Revoke

23. The Licence Issuer shall refuse to issue a Licence or to renew a Licence under this By-law and may suspend or revoke a Licence if:

- (a) in the opinion of the Licence Issuer, the past conduct of the applicant, or in the case of a corporate applicant, the past conduct of the directors, officers, employees or agents, provides reasonable grounds for belief that:
 - (i) the applicant has not carried on or will not carry on, the trade, business or occupation for which the Licence is sought in accordance with law and with integrity and honesty; or
 - (ii) the carrying on of the trade, business or occupation by the applicant has infringed or would infringe, the rights of other members of the public, or has endangered, or would endanger, the health and safety of other members of the public; or
 - (iii) the carrying on of the trade, business or occupation by the applicant has resulted, or will result, in a breach of this By-law or any other municipal by-law, federal or provincial statute or regulation thereunder;
- (b) the applicant, or in the case of a corporate applicant, the authorized signing officer, does not meet the requirements of this By-law;
- (c) in the case of a Driver's Licence the applicant had, in the five years prior to the date of the application, a conviction by indictment for any offence under the *Criminal Code*, R.S.C. 1985, c. C-46, or under any other federal statutes and without limiting the generality of the foregoing, under the *Controlled Drugs and Substances Act*, S.C. 1996, c.19 and the *Food and Drugs Act*, R.S.C. 1985, c. F-27;
- (d) in the case of Owner's Licences, the Licence Issuer is not satisfied as a result of the Inspection or re-Inspection that the V4H meets the requirements of this By-law;
- (e) for all Owner's Licences, the Licence Issuer is not satisfied that the V4H identified in the Licence does not comply with or there are, in the opinion of the Licence Issuer, reasonable grounds to believe that the V4H will not comply with the requirements of this By-law or any other municipal by-law, or any federal or provincial statute or regulation thereunder;
- (f) in the case of a Taxi Owner's Licence, the Inspection or any re-Inspection determines that the taxi meter is not functioning accurately; or
- (g) in the case of an application for a Broker's Licence or Owner's Licence, the business location, where any vehicles may be stored when not in use, is neither compliant with the Zoning By-law nor a legal non-conforming use.

Additional Reasons to Refuse to Issue or Renew a Licence

24. In addition to the reasons in section 23, the Licence Issuer shall refuse to issue a Licence or to renew a Licence under this By-law:

- (a) if the Application is not Complete, 30 days after being submitted;
- (b) in the case of an application for a renewal of any Licence, any fee prescribed under the User Fee By-law, this By-law or a predecessor of this By-law or any fine resulting from a contravention of this By-law or a predecessor of this By-law remains outstanding;
- (c) in the case of an application for a Taxi Owner's Licence:
 - (i) issuing a new Licence would result in more than the maximum number of Taxi Owner's Licences being issued and in effect at any one time; or
 - (ii) there is a Licence available but there is a waitlist for a Taxi Owner's Licence maintained by the Licence Issuer and the application is not being made pursuant to subsection 19(1); or
- (d) for any other reason which the Licence Issuer considers to be sufficient reason to refuse to issue or to refuse to renew a Licence.

Additional Reasons to Suspend or Revoke a Licence

25. In addition to any other reasons provided for in this By-law, the Licence Issuer may Suspend or Revoke a Licence under this By-law if:

- (a) in the opinion of the Licence Issuer there is a material failure to comply with any requirement set out in this By-law harmful to:
 - (i) public safety; or
 - (ii) the quality of passenger services provided to the travelling public;
- (b) in the opinion of the Licence Issuer there has been a repeated failure to comply with one or more provisions of this By-law;
- (c) in the opinion of the Licence Issuer there is or has been a flagrant failure or refusal to comply with this By-law;
- (d) in the opinion of the Licence Issuer, the conduct of the holder of the Licence is or has been of a nature that is detrimental to the enforcement of the By-law, the safety of Officers or materially disrespectful of Officers;
- (e) there is a contravention of this By-law of a type for which Revocation or Suspension of a Licence is specifically provided for; or
- (f) for any other reason which the Licence Issuer considers to be a sufficient reason for the Revocation or Suspension.

Notice of Suspension, Revocation, Refusal to Issue or Renew

26. Where the Licence Issuer determines that a Licence should not be issued or renewed or should be Suspended or Revoked, the Licence Issuer shall give notice in accordance with section 27 to the applicant or Licence holder as the case may be of:

- (a) the decision and particulars of the reason for the refusal to issue or renew the Licence or to Suspend or Revoke the Licence;
- (b) any rights to request a hearing before the Hearing Committee, the process to do so, and the time limitation for submitting the request;
- (c) in the case of a Suspension or Revocation, the effective date of the Suspension or Revocation;
- (d) in the case of a Suspension, the period of time the Suspension will be in effect and where applicable, any conditions to be met during the suspension period for the Suspension to be terminated; and
- (e) such other information as the Licence Issuer considers appropriate in the circumstances.

Notice Requirements

27.-(1) Any notice to be given or required to be given by the Licence Issuer under this By-law may be given in writing, or may be given orally followed by a written confirmation of the oral notice mailed within 2 Business Days of the oral notice.

(2) Written notice or written confirmation of an oral notice may be served personally or served by registered mail mailed to the address for the applicant /Licence holder shown in the most recent application for a Licence or renewal, or such updated address as may have been provided by the applicant/Licence holder.

(3) Any oral notice shall be deemed to have been served on the date it is given, whether or not the written confirmation is sent in time or received by the applicant or Licence holder and any notice in writing shall be deemed to have been served on the date it is given if served by personal service, or on the fifth day after mailing if served by registered mail, whether or not it is actually received by the Person to whom it is addressed.

Guidelines for Suspensions and Revocations

28.-(1) The period of Suspension to be identified under paragraph 26(d) shall not exceed:

- (a) 7 days in the case of a Suspension of an Owner's Licence under paragraph 23(d);
- (b) 14 days in the case of a Suspension for a reason related to the health or safety of any person or property; or
- (c) 6 months in any other case.

(2) The Licence Issuer may terminate a Notice of Suspension or shorten the duration of the Suspension where:

- (a) any deficiency identified in the Notice of Suspension has been remedied to the satisfaction of the Licence Issuer; or
- (b) in the opinion of the Licence Issuer it is appropriate in the circumstances to do so.

(3) The Licence Issuer may extend the period of a Suspension issued pursuant to paragraph 23(d) where, in the opinion of the Licence Issuer, additional time is required to remediate the deficiencies identified in the notice and it is appropriate in the circumstances to provide such additional time.

(4) Where the period of Suspension exceeds the time remaining before the Licence expires, the Suspension shall not prevent the Licence holder from applying for a renewal of the Licence and where the Suspension is conditional upon compliance with specified conditions, the Licence Issuer may assess the application as if the conditions had been complied with. Any renewed Licence shall continue to be Suspended. Any Suspended Licence which is not renewed in a timely manner shall expire.

(5) The Licence Issuer may Revoke the Licence if, at the end of the Suspension period or any extended Suspension period any conditions imposed by the Licence Issuer have not been complied with.

(6) The Licence Issuer may Revoke a Licence during a period of Suspension.

Decision Final

29. The decision of the Licence Issuer to refuse to issue or renew a Licence or to Suspend or Revoke shall be final:

- (a) if there is no right of appeal under section 30; or
- (b) no appeal by way of request for a hearing compliant with subsection 31(1) is filed with the Licence Issuer.

Part 6 - Hearings

Right to a Hearing - Refusal to Issue or Renew a Licence

30.-(1) An applicant may request a hearing in accordance with the procedure in section 31, where the applicant was refused a Licence or refused a renewal of a Licence or whose Licence was Suspended or Revoked on the basis of the exercise of the Licence Issuer's discretion:

- (a) under subsection 23(1)(a), or 23(1)(e) in the case of any application for a Licence or renewal of a Licence or any Suspension or Revocation of a Licence;
- (b) under subsection 25 (a), (b), (c), (d) or (f) in the case of a Suspension or Revocation; and
- (c) under subsection 36(2)(b) of Schedule "A" to this By-law in the case of an application for a Temporary Airport Ambassador Taxi Licence.

(2) In addition to the reasons under subsection (1), an applicant for a Driver's Licence may request a hearing in accordance with the procedure in section 31 where the applicant was refused a Licence under subsection 24(d).

Hearings

31.-(1) Any Person entitled under this By-law to request a hearing before the Hearing Committee may apply in writing to the Licence Issuer for a hearing within 30 days of the

effective date of service of the Notice of the decision of the Licence Issuer that the hearing relates to.

(2) On receipt of a request for a hearing, the Licence Issuer shall review the request to determine if the request is timely and is based on grounds provided for in this By-law. If the Licence Issuer determines that the applicant:

- (a) is entitled to a hearing, the Licence Issuer shall refer the request to the City Clerk, and advise the applicant to surrender his or her Licence, and if applicable, Vehicle Plate to the Licence Issuer prior to the hearing; or
- (b) does not qualify for a hearing under this By-law, the Licence Issuer shall advise the applicant of his or her decision and the reason for the refusal.

(3) When asked to do so by the Licence Issuer, the City Clerk shall set a date, time and place for a hearing of the appeal before the Hearing Committee and give notice of same to the applicant.

(4) On the date and time scheduled for the hearing, or such later date as may be set or consented to by the Hearing Committee, the Hearing Committee may hear and view any evidence provided by the Licence Issuer and by the applicant and may:

- (a) uphold or deny a Suspension or Revocation of the Licence or the refusal to issue or renew a Licence on any grounds open to the Licence Issuer;
- (b) in the event that a Suspension of a Licence is upheld, increase or decrease the duration of the Suspension or impose conditions or change existing conditions for the termination of the Suspension; and
- (c) in the event that a Revocation of a Licence or refusal to issue a Licence or renewal of a Licence is overturned, impose conditions on issuance or renewal of the Licence.

(5) Upon the Hearing Committee reaching a decision, the City Clerk shall give notice of the decision in writing to the Licence holder and the Licence Issuer shall:

- (a) in the event that a Revocation or Suspension is not upheld, return the Licence to the Licence holder;
- (b) in the event that a Suspension was upheld, return the Licence to the Licence holder at the end of the Suspension period, provided any conditions imposed have been complied with;
- (c) in the event that a Revocation is upheld, cancel the Licence; and
- (d) in the event that a refusal to issue a Licence is not upheld, issue the Licence to the appellant as directed by the Hearing Committee.

Onus

32. The onus is on the applicant for a licence or the licence holder, as the case may be, to provide evidence to the satisfaction of the Licence Issuer that the person is entitled to the issuance or renewal of the Licence or to have the Suspension of a Licence terminated.

Part 7 - Additional Duties - City's Inspection, Recordkeeping & Notice Requirements

Licence Registry

33.-(1) The Licence Issuer shall maintain a register of Licences issued under this By-law. The register shall include: the type and number of Licence issued; the name of the person to whom the Licence was issued; in the case of an Owner's Licence, the identification of the vehicle to which the Licence applies; the date of issuance and of each renewal; the status of each Licence; in the case of a Taxi Owner's Licence, the fees set out in the most recently filed Taxi Tariff Card; the date of the last filing; and such other information as the Licence Issuer shall determine."

(2) The Licence Issuer shall update the register as information is available, in order to keep the register current at all times.

Arranging Inspections

34.-(1) The Licence Issuer may arrange to Inspect any V4H which is Licensed, subject to an application for a Licence or required to be Licensed under this By-law to be Inspected at any time, with or without notice and with or without cause.

(2) Where the Owner or Broker advises the Licence Issuer that the V4H cannot be produced for Inspection for any reason, the Owner or Broker shall advise the Licence Issuer of the location of the V4H and shall not move or allow the V4H to be removed from such location without prior written consent of the Licence Issuer.

(3) Where a PTC Driver advises the Licence Issuer that a PTC Vehicle cannot be produced for Inspection for any reason, the PTC Driver shall advise the Licence Issuer of the location of the PTC Vehicle and shall not move or allow the PTC Vehicle to be removed from such location without prior written consent of the Licence Issuer.

Vehicle Inspection

35.-(1) On an Inspection, including a re-Inspection of a V4H and payment of any applicable fee, the Licence Issuer may engage in or cause such other Inspection as may, in the opinion of the Licence Issuer, be required to determine if the V4H is in compliance with the requirements of this or any other By-law, or any applicable federal or provincial statute or regulation thereunder.

(2) Where in the opinion of the Licence Issuer, there is reason to be concerned regarding the safety of a V4H, the Licence Issuer may, despite the provision of a Safety Certificate require that the V4H undergo a mechanical Inspection at the cost of the Owner, which is conducted by an agent appointed by the Licence Issuer.

(3) In the event that a V4H does not pass an Inspection under this By-law, the applicant may correct the deficiencies identified by the Licence Issuer and schedule a re-Inspection, provided, however:

- (a) only one re-Inspection will be permitted as part of the application;
- (b) any re-Inspection must be completed within 7 days following the determination of the unsuccessful result of the first Inspection; and

- (c) any applicable fee determined in accordance with the User Fee By-law has been paid by Owner, the Broker or applicant.

Part 8 - Duties - All Licence Holders

Change in Licensee Information

36.-(1) Every holder of a Licence issued under this By-law shall advise the Licence Issuer in writing within 5 Business Days of a change to any information disclosed in the application for a Licence or for a renewal of a Licence. In the case of a Broker or a PTC Driver, the PTC or Broker may notify the Licence Issuer of a change to any information of an affiliated Driver.

(1A) Despite subsection 36(1), in the case of a change in the fees set out on the Taxi Tariff Card, the change shall come into effect only after the Taxi Owner has filed the new Taxi Tariff Card with the Licence Issuer.”

(2) In the event that the information shown on the face of the Licence changes prior to the Licence expiring, the holder of the Licence shall, in addition to the giving of notice required under subsection (1), surrender the Licence for re-issuance to reflect the corrected information.

Surrender for Cancellation / Deemed Revocation

37.-(1) Any holder of a Licence who no longer intends to exercise the rights thereunder shall surrender the Licence to the Licence Issuer for cancellation. In the case of an Owner's Licence, such a holder shall also surrender the Vehicle Plate or any other deliverable provided by the City.

(2) Where a Licence has been deemed to be Revoked due to death or other reasons, the Licence holder, or in the case of death that person's estate trustee or next of kin, shall surrender the Licence to the Licence Issuer for cancellation. Failure to surrender the Licence does not affect the deemed Revocation.

Surrender Licence - Suspension / Revocation

38. Every Licence holder shall surrender his or her Licence to the Licence Issuer upon Revocation, Suspension or refusal to renew a Licence:

- (a) for cancellation in the event that the Licence holder is not entitled to appeal the decision or does not submit an appeal in a timely manner; or
- (b) to be held by the Licence Issuer pending the outcome of an appeal of the decision and cancelled or returned to the Licence holder as directed by the Hearing Committee.

No rights during Suspension or Revocation

39. No person shall exercise any rights of a Licence holder while a Licence is Suspended or after it is Revoked or deemed to be Suspended or deemed to be Revoked.

Produce Licence / Identify Self / Co-operate with Inspection

40. Every holder of a Licence issued under this By-law shall, when requested to do so by an Officer:

- (a) produce his or her Licence;
- (b) identify himself or herself to the Officer and provide such proof of identity as may be requested; and
- (c) co-operate as necessary with an Inspection.

Part 9 - Duties - All Owners & Drivers

Fees for Passenger Services

41. No Owner shall authorize or direct a Driver to charge or collect any fee for the operation or use of the Taxi, Accessible Taxi, or Limousine identified in the Owner's Licence except a tariff fee determined by the City in accordance with the applicable Schedule to this By-law.

Duties relating to Vehicle Plate / Driver's Licence Holder

- 42.** Every holder of an Owner's Licence shall ensure that at all times:
- (a) the Vehicle Plate is and remains affixed on the rear of the V4H for which it was issued, in a location determined by the Licence Issuer;
 - (b) the Vehicle Plate affixed to the V4H is kept clean, and is maintained and in good condition, such that the Vehicle Plate and numbers thereon can be easily read by pedestrians on the street and occupants of vehicles passing by or following behind the V4H;
 - (c) any renewal sticker provided by the Licence Issuer on the renewal of an Owner's Licence is and remains affixed to the Vehicle Plate in the location determined by the Licence Issuer and is kept clean and is maintained and in good condition, such that renewal sticker can be easily read by pedestrians on the street and occupants of vehicles passing by or following behind the V4H;
 - (d) the holder for the Driver's Licence provided by the Licence Issuer is affixed to the front of the V4H, in a location determined or approved by the Licence Issuer; and
 - (e) any Driver of the V4H identified in the Owner's Licence inserts and maintains the Driver's Licence in the Driver's Licence holder while that Driver is in control of the V4H.

Inspection

43. Every Owner shall make the vehicle identified in the Owner's Licence or identified in the application for an Owner's Licence or renewal of an Owner's Licence available to the Licence Issuer for Inspection at such time or times as may be required by the Licence Issuer.

Vehicle Condition

44. Every Owner shall ensure that the V4H identified in the Owner's Licence or every PTC Driver shall ensure that their V4H at all times:

- (a) meets safety standards under the *Highway Traffic Act*, R.S.O. 1990, c. H.8;

- (b) complies with the following standards:
 - (i) the body of the V4H is clean and in good repair as to its exterior, taking into consideration weather conditions;
 - (ii) the interior is clean, free of dust and dirt and does not contain any refuse;
 - (iii) the upholstery is clean, free of holes, cuts and tears, and does not show excessive wear;
 - (iv) the side windows which are intended to open and close are in good repair and working order;
 - (v) the V4H is equipped with a front and back bumper both of which are securely mounted;
 - (vi) no fender, grille or molding on the V4H is removed or missing;
 - (vii) every door or trunk lid closes securely;
 - (viii) all door handles and catches are in good working order; and
 - (ix) has a functional spare tire and jack stored in the trunk of the V4H.

Required Signage - No Smoking / Forms of Payment

45.-(1) Every Owner shall ensure that at all times there is installed or placed in the V4H identified in the Owner's Licence a sign or decal to give notice to passengers intending to enter or be seated in the V4H that smoking is not permitted and such a sign or decal is prominently displayed in locations inside the V4H.

(2) Every Owner who requires the Driver of a V4H identified in the Owner's Licence to collect the fee or charge for the use of the V4H, shall ensure that at all times there is installed or placed in a prominent location inside the vehicle identified in the Owner's Licence a sign or decal to give notice to passengers intending to enter or be seated in the V4H of the forms in which payment is accepted such as cash, debit or credit card.

Duties on Drivers

46.-(1) Every Driver shall, at all times while operating or in control of a V4H:

- (a) have his or her provincial driver's licence on his or her person;
- (b) produce his or her provincial driver's licence and Driver's Licence on request of the Licence Issuer or Officer; and
- (c) in case of a Taxi, shall keep the illuminated electric roof sign on the Taxi turned off when the Taxi is engaged and turned on when the Taxi is available to respond to a Call.

(2) No Driver who is operating or in control of a V4H shall transport:

- (a) a greater number of persons than permitted in law or recommended by the Ministry of Transportation for the Province of Ontario; or
- (b) a non-paying passenger at the same time as a paying passenger, unless the paying passenger has first agreed to the carriage of the non-paying passenger.

(3) No Driver shall operate the V4H while any person is on any exterior portion of the vehicle.

Driver Code of Conduct

47.-(1) Every Driver while operating or in control of a V4H shall:

- (a) take the most economical route to the passenger's destination unless otherwise directed by the passenger;
- (b) be courteous at all times and provide reasonable assistance to any passenger as requested or required in the circumstances;
- (c) punctually respond to each Call except for reasons beyond his or her control; and
- (d) charge a fare that complies with the requirements of the applicable Schedule of this By-law.

(2) Every Driver of a V4H which has an electronic interior advertising panel shall turn off the electronic advertising panel:

- (a) at the request of any passenger; and
- (b) when transporting a child unaccompanied by an adult.

(3) No Driver while on duty shall:

- (a) fail to be properly dressed, neat and clean in appearance;
- (b) in any manner impose upon, deceive, insult, abuse or ill-treat:
 - (i) any passenger or member of the public; or
 - (ii) any Officer;
- (c) be under the influence of any intoxicant or drug;
- (d) promote the use of any intoxicant or drug;
- (e) in the case of a Taxi, solicit any person to take or use the Taxi that the Driver is operating either by leaving the Taxi or by calling out or shouting from within the Taxi;
- (f) employ or allow any runner or other person or persons to assist or act in concert with him or her to solicit passengers;
- (g) park or stop a vehicle in such a way as to obstruct traffic or obstruct the use of an abutting sidewalk;

- (h) make any loud noise or cause a disturbance; or
- (i) use any profane, obscene or abusive language.

Duty re Property of Passenger

48.-(1) Every Driver of a V4H shall take due care of all property delivered or entrusted to the Driver and accepted by the Driver for conveyance or safekeeping.

(2) Immediately upon termination of any hiring or engagement of the V4H, the Driver shall search the vehicle for any property that may have been lost or left therein.

(3) Any Driver who finds any property or money lost or left in the V4H shall forthwith deliver same to the person formerly hiring or engaging the vehicle or, if the Driver does not know who the property or money belongs to, or if the person cannot be found, the Driver shall deliver the property or money lost or left in the vehicle to the Greater Sudbury Police Station at 190 Brady Street and provide any information concerning the property loss.

Advertisements

49.-(1) No Owner shall display or permit the display of any advertisement on or in any V4H identified in the Owner's Licence, other than such equipment and markings required under this By-law, unless:

- (a) the advertisement is compliant with this By-law; and
- (b) the advertisement does not interfere with or obstruct the view of any required signs, markings or equipment on the vehicle.

(2) No Owner shall install or attach or permit the installation or attachment or permit the continuing placement or attachment of any advertising in, on, or affixed to the V4H identified in the Owner's Licence where:

- (a) the advertised product is tobacco or alcohol;
- (b) the advertisement or the product advertised would bring the City into disrepute;
- (c) the advertisement is not suitable for viewing by minors;
- (d) the advertisement is of a racist or homophobic nature;
- (e) the advertisement is of a sexual nature;
- (f) the advertisement is contrary to the regulations and standards set by the Canadian Advertising Council; or
- (g) the execution of the advertisement is of a poor quality or otherwise in the opinion of the Licence Issuer, unsuitable for the image of the City.

(3) Every Owner who places or affixes or authorizes the placement or affixing of advertising to the V4H identified in the Owner's Licence shall ensure that, at all times:

- (a) the advertisement is affixed to the vehicle in a safe and secure fashion; and

- (b) the frame or other device used to mount or install an advertising sign or poster to the vehicle is rust and corrosion resistant, has sufficient strength to meet all safety and insurance requirements and is otherwise suitable for the purpose intended.

Roof Advertising Signs

50. No Owner shall install or authorize or permit the installation or continuing installation of a roof sign on the V4H identified in the Owner's Licence unless, in addition to meeting the requirements of section 13 of this Schedule, the Owner ensures continuing compliance with the following requirements:

- (a) there is writing on both sides of the roof sign; and
- (b) the size of the roof sign does not exceed 40 centimetres in height by 118 eighteen centimetres in width; and
- (c) does not interfere with or obstruct the view of the electric roof sign on any Taxi.

Exterior Advertising Sign

51. No Owner shall install or authorize or permit the installation or continuing placement of an exterior advertising sign on the V4H identified in the Owner's Licence unless, in addition to meeting every other applicable requirement under this By-law the Owner ensures continuing compliance with the following requirements:

- (a) where there is only one exterior advertising sign, the size of the sign does not exceed 45.7 centimetres in height or 111.8 centimetres in width;
- (b) where more than one exterior advertising sign, none of the exterior advertising signs exceeds 35 centimetres in height by 76.2 centimetres in width;
- (c) any exterior advertising sign is placed at the rear of the V4H; and
- (d) the location of the exterior advertising signs on the V4H is such that it does not and cannot obscure the provincial Licence plates, the Vehicle Plate, or the rear view of the Driver and the number imprinted, stenciled or painted on the trunk of the V4H.

Interior Advertising Signs

52. No Owner shall install or authorize or permit the installation of an interior printed or electronic advertising panel on or in the V4H identified in the Owner's Licence unless, in addition to meeting every other applicable requirement under this By-law, the Owner ensures continuing compliance with the following requirements:

- (a) no more than one interior advertising panel shall be placed or affixed in the V4H;
- (b) The interior advertising panel must be placed in a location where it will not obstruct:
 - (i) the Driver's view of the road; and

- (ii) an adult passenger's view of the road, or of the Driver's Licence, tariff card, or any other notices and postings required by this By-law;
- (c) the interior advertising panel must not reduce the seating capacity or materially affect the comfort of passengers;
- (d) the interior advertising panel shall not exceed 45 centimetres in width by 30 centimetres in height; and
- (e) any electronic interior advertising panel, must be designed and installed such that it can be turned off by the Driver on request of a passenger.

Novelty Body Paint

53. No Owner shall install or authorize or permit the V4H identified in the Owner's Licence to be painted with novelty body paint unless, in addition to meeting every other applicable requirement under this By-law, the Owner ensures continuing compliance with the following requirements:

- (a) the body paint is maintained at all times in good condition, free of rust, perforation, scratches or other damage; and
- (b) the novelty body paint does not interfere with and is not inconsistent with the requirements of this By-law concerning exterior markings and equipment.

Part 10 - Additional Duties - Brokers

Hours of Service

54. Every Broker shall ensure that the business:

- (a) is open and delivering services 24 hours a day, 7 days a week; and
- (b) has sufficient staff on hand at all times to provide a reasonable level of service in the circumstances.

Records / Reports

55.-(1) Every Broker shall maintain a current written record of:

- (a) the name, address of each Owner who is using the dispatch services of the Broker;
- (b) for each V4H for which the Owner is using the dispatch services of the Broker;
 - (i) the Owner's Licence number;
 - (ii) the make, the provincial motor vehicle licence number and provincial motor vehicle ownership permit number; and
- (c) the start and end date of each contract with an Owner for dispatch services for the V4H identified in the Owner's Licence.

(2) Every Broker, on request by the Licence Issuer, shall provide a written report in the form established by the Licence Issuer from time to time, providing such particulars of services provided by the Broker as may be required by the Licence Issuer and signed by the Broker to certify the accuracy of the information provided.

Duty - re Vehicles

56. Every Broker shall:

- (a) before providing dispatch services on behalf of an Owner, ensure:
 - (i) the Owner holds a current Owner's Licence;
 - (ii) the vehicle for which the dispatch services are to be provided is the same V4H identified in the Owner's Licence; and
 - (iii) the Driver who is to drive or be in control of the V4H is duly Licensed under the laws of the Province of Ontario and this By-law and is authorized by the Owner to drive the V4H; and
- (b) require every Owner and Driver associated with the Broker to observe the provisions of this By-law.

Duty re Inspections

57. Every Broker shall, upon request, co-operate with the Licence Issuer in arranging for an Inspection of a vehicle for which the Broker provides dispatch services by forthwith relaying information provided by the Licence Issuer to the Owner and to the Driver who has custody of the V4H and, without limiting the generality of the foregoing, shall:

- (a) use all communications systems normally used to pass on passenger Calls to the V4H, to relay the request of the Licence Issuer;
- (b) provide any information in the possession of the Broker concerning the whereabouts, telephone numbers and other means of contacting the V4H Owner and Drivers who may have custody; and
- (c) maintain records of efforts to contact the Owner and Drivers pursuant to paragraphs (a) and (b) and provide the records to the Licence Issuer upon request.

Notice Board

58.-(1) Every Broker shall maintain at least one notice board at the Broker's place of business in a place routinely accessible to Drivers and Owners for whom the Broker provides services.

(2) Every Broker shall post on the notice board required under subsection (1) such written communications as may be provided by the Licence Issuer from time to time for the purpose of posting on such notice board and shall ensure that such notices are not removed without authorization from the Licence Issuer.

Part 11 - Enforcement

No obstruction

59.-(1) This By-law may be enforced by any Officer.

(2) No person shall hinder or obstruct, or attempt to hinder or obstruct, any person exercising a power or performing a duty under this By-law.

Offence

60.-(1) Every Person who contravenes any of the provisions of this By-law and any director or officer of a corporation who knowingly concurs in such contravention is guilty of an offence and on conviction is liable to a fine as provided for in the *Provincial Offences Act*.

(2) For the purposes of subsection (1), each day on which a Person contravenes any of the provisions of this By-law shall be deemed to constitute a separate offence under this By-law.

(3) The levying and payment of any fine as provided for under the *Provincial Offences Act* shall not relieve a person from the necessity of compliance with the obligations under this By-law.

(4) The making of a false or intentionally misleading statement or representation in any agreement or request for permission provided for by this By-law shall be deemed to be a violation of the provisions of this By-law.

Prohibition Order

61. When a person has been convicted of an offence under this By-law, the Ontario Court of Justice (Provincial Division), or 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 or doing of any act or thing by the person convicted.

General Prohibitions and Regulations applicable to all Persons

62.-(1) No Person shall publish or cause to be published or make any representation that the Person is licensed under this By-law if they are not so licensed.

(2) No Person shall give false or incorrect information for the purposes of obtaining or renewing a Licence issued or regulated under this By-law.

(3) No Person shall fail to comply with any condition imposed under this By-law.

Proof of Business

63. In a prosecution for a contravention of this By-law pertaining to providing a V4H service without a Licence, proof of one transaction or that the service has been advertised is sufficient to establish that the Person has provided V4H services.

Vicarious Liability

64. For the purposes of this By-law, an act or omission by an employee or agent of a Person is deemed to be an act or omission of a Person if the act or omission occurred in the course of the employee's employment or agency relationship with the Person.

Corporate Liability

65. If a corporation commits an offence under this By-law, every principal, director, manager, officer, employee or agent of the corporation who authorized, assented to, acquiesced or participated in the act or omission that constitutes the offence is guilty of the offence, whether or not the corporation has been prosecuted of the offence.

Partnership Liability

66. If a partner in a partnership is guilty of an offence under this By-law, each partner in that partnership who authorized, assented to, acquiesced or participated in the act or omission is guilty of the offence.

Part 12 - Transition

Transition

67.-(1) Every Driver's Licence, and every Owner's Licence and every Broker's Licence in effect on the passage of this By-law continues in force and shall be deemed to be issued under this By-law for regulatory and enforcement purposes.

(2) Any rates and charges as established under By-law 2016-129 and the User Fee By-law which were due and payable under those By-laws remain due and payable notwithstanding the repeal of the By-laws.

Part 13 - General

Short Title

68. This By-law shall be known as the "V4H By-law".

Schedules

69. The following schedules attached hereto are incorporated into and form a part of this By-law:

| | |
|--------------|--|
| Schedule "A" | Provisions relating to Taxis |
| Schedule "B" | Provisions relating to Limousines |
| Schedule "C" | Provisions relating to Shuttles |
| Schedule "D" | Provisions relating to Private Transportation Companies and to PTC Vehicles and to PTC Drivers |

Repeal

70.-(1) By-law 2016-129, "A By-law of the City of Greater Sudbury for the Licensing, Regulating and Governing of Vehicles for Hire" is herein repealed in its entirety and replaced by this By-law.

(2) Where a By-law is repealed by this By-law, the repeal does not:

- (a) revive any By-law not in force or existing at the time of which the repeal takes effect;
- (b) affect the previous operation of any By-law so repealed;
- (c) affect any right, privilege, obligation or liability acquired, accrued, accruing or incurred under the By-law so repealed; or
- (d) affect any offence committed against any By-law so repealed or any penalty or forfeiture or punishment incurred in respect thereof; or affect any investigation, legal proceeding or remedy in respect of such privilege, obligation, liability, penalty, forfeiture or punishment.

Effective Date

71. This By-law shall come into force and effect on August 31, 2016.

Read and Passed in Open Council this 9th day of August, 2016

_____ Mayor

_____ Clerk

Schedule "A"
to By-law 2016-145 of the City of Greater Sudbury

Provisions Relating To Taxis

Part 1 - Duties - Owners

Duties regarding Identification and Advertising

1.-(1) Every Taxi Owner shall at all times ensure that the Taxi Owner's Licence number and the Taxi Owner's name is imprinted, stenciled or painted on the Taxi identified in the Taxi Owner's Licence is:

- (a) in numerals or letters as the case may be, which are at least 10 centimetres in height by 3.8 centimetres in width;
- (b) in a color or colors which contrast with the color of the Taxi; and
- (c) placed on both sides of the exterior of the Taxi.

(2) Every Taxi Owner shall ensure that the Owner's Licence number and Taxi Owner's name imprinted, stenciled or painted on the Taxi identified in the Owner's Licence in accordance with subsection (1) is maintained at all times in good condition, so the number can be easily read by pedestrians on the street and by occupants of vehicles passing by.

Illuminated Electric Roof Sign

2. Every Taxi Owner shall, in addition to every other applicable requirement under this By-law, ensure that at all times there is an illuminated electric sign permanently and securely affixed on top of the Taxi identified in the Taxi Owner's Licence which:

- (a) identifies the vehicle as a Taxi;
- (b) sets out the name of the Owner or Broker, or where the Owner is operating under a trade name the trade name under which the Owner operates;
- (c) is maintained in good operating condition at all times; and
- (d) is turned off when the Taxi is engaged and is turned on when the Taxi is available to respond to a Call.

Trouble Light

3.-(1) Every Taxi Owner shall ensure that the Taxi identified in the Taxi Owner's Licence is equipped with a device designed to allow a Driver to signal for help when threatened by a passenger in a manner which is unlikely to alert the passenger.

(2) A Taxi Owner may comply with subsection (1) by:

- (a) installing and maintaining in good working order, an illuminated electric sign a type which is designed or equipped such that all or part of the sign will flash intermittently when activated by the Driver by means of a foot operated button or switch located in the foot well of the Driver's seat in the Taxi; or

- (b) equipping the Taxi and maintaining in good working order, an alternative trouble warning system approved by the Licence Issuer prior to installation.

(3) Every Taxi Owner shall ensure that at all times there is a sign or decal attached or affixed to the trunk of the Taxi, requesting that the police be notified if the trouble light is flashing.

- (4) Every Taxi Owner shall ensure that the sign affixed in accordance with subsection (3):
 - (a) can be easily read by pedestrians on the street and occupants of vehicles passing by or following behind the Taxi; and
 - (b) is maintained in good condition.

Duties - Hours of Operation

4.-(1) Every Taxi Owner who holds only one Taxi Owner's Licence shall ensure that the Taxi identified in the Taxi Owner's Licence is being operated for hire for at least eight consecutive hours in each twenty-four hour period subject to interruptions beyond the control of the Taxi Owner, such as mechanical breakdown.

(2) Every Taxi Owner who holds more than one Taxi Owner's Licence shall ensure that the Taxis identified in the Taxi Owner's Licences are available for dispatch by the Owner or by a Broker twenty-four hours a day, seven days a week, and sufficient Taxi Drivers are on duty at all times, in order that reasonable service is provided to the public in the circumstances.

(3) For the purposes of providing reasonable service pursuant to subsection (2) it is not necessary for a Taxi Owner who holds more than one Taxi Owner's Licence to have each Taxi in operation in each day or for twenty-four hours a day.

Duties - 30 day Break in Service

5.-(1) Every Taxi Owner shall notify the Licence Issuer in writing in the event that the Taxi identified in his or her Licence is out of operation for more than forty-eight consecutive hours due to mechanical breakdown or for any other reason, providing particulars of:

- (a) the reason that the Taxi is out of operation;
- (b) the date and time that the Taxi was taken out of operation; and
- (c) the date on which the Taxi Owner expects the Taxi to returned to operation.

(2) No Taxi Owner shall allow the Taxi identified in his or her Licence to remain out of operation for more than 30 consecutive days, whether for reasons of mechanical fitness or otherwise, without securing the prior written consent of the Licence Issuer on application, providing such particulars and evidence as the Licence Issuer may require. The Licence Issuer may consent to the Taxi being out of operation for a further period of time subject to conditions or may refuse such request.

(3) In the event that a Taxi is out of operation for a period in excess of 30 days or such longer period as may be authorized by the Licence Issuer or in the event that the Taxi Owner does not comply with subsection (1) or (2), the Licence Issuer may Suspend or Revoke the Taxi Owner's Licence.

(4) Where a Taxi which has been out of operation for more than 48 hours as a result of a mechanical breakdown or other reason affecting the condition of the Taxi, the Taxi Owner shall provide to the Licence Issuer evidence that the Taxi has been inspected for mechanical fitness prior to being returned to operation.

Meters required

6.-(1) Every Taxi Owner shall ensure at his expense, that all times there is installed in the Taxi identified in the Taxi Owner's Licence, a properly functioning meter which is capable of accurately:

- (a) recording trips;
- (b) registering distances travelled;
- (c) recording waiting time;
- (d) computing the fares to be paid;
- (e) printing a receipt for the passenger which includes the Vehicle Plate number, date and time of day, any gratuity paid by the passenger and the name and telephone number of the Broker used by the holder of the Taxi Owner's Licence for that Taxi; and
- (f) being illuminated.

(2) No Taxi Owner shall authorize or permit the use or operation of the Taxi identified in the Taxi Owner's Licence unless at all times the meter in the Taxi identified in the Taxi Owner's Licence:

- (a) is or has been installed by a person designated by the Licence Issuer;
- (b) is or has been installed in a location approved by the Licence Issuer;
- (c) is or has been Inspected and sealed by a person as designated by the Licence Issuer;
- (d) is in good working order; and
- (e) bears an undamaged seal or is sealed by way of password protection.

(3) No Person shall remove or relocate a meter or cause or direct or permit a meter to be removed from or relocated within a Taxi except as directed by the Licence Issuer.

(4) No Person shall conceal a meter or cause or direct or permit a meter to be concealed.

Taxi meter Retesting / ReInspection / Resealing

7. Every Taxi Owner shall make the meter in the Taxi identified in the Taxi Owner's Licence available to the Licence Issuer for Inspection and sealing or resealing as the case may be as required by the Licence Issuer:

- (a) when applying for an Owner's Licence or renewal of an Owner's Licence;

- (b) when the Taxi Owner has filed with the Licence Issuer a change to the fees for distance charges while under engagement or for waiting times while under engagement, or both, in accordance with section 16 of this Schedule “A”; and
- (c) at such other time or times as may be required by the Licence Issuer.

Accessible Taxi - Operate 24-7

8. In addition to complying with every other obligation under this By-law applicable to a Taxi Owner and despite subsection 5(1) of this Schedule, every Accessible Taxi Owner shall ensure the Accessible Taxi is operated and available for dispatch 24 hours a day, 7 days a week by the Owner, an employee of the Owner or through a Broker.

Accessible Taxi Priority / Referrals

9.-(1) Every Accessible Taxi Owner shall ensure that Taxi services are provided to or for the benefit of Persons who require the special facilities of an Accessible Taxi and his or her companion as the first priority use of the Accessible Taxi.

(2) Provided there is no call for Accessible Taxi services to a Person who requires such services, the Accessible Taxi may be used to provide the Taxi services to persons who do not require the special facilities of an Accessible Taxi.

(3) Every Taxi Owner and every Broker who receives a Call for Taxi service by a Person who requires the services of an Accessible Taxi shall refer the Call to an Accessible Taxi Owner or Accessible Taxi Driver as the case may be.

Records

10. Every Accessible Taxi Owner shall keep accurate written records of the number of trips made in each month for Person who required the facilities of an Accessible Taxi and make such records available to the Licence Issuer for Inspection upon request.

Accessible Advisory Panel

11. Every Accessible Taxi Owner shall, upon notice from the Licence Issuer advising of the particulars of a day, time and place, attend a scheduled meeting of the Accessible Advisory Panel established by the City, in order to engage in discussions or otherwise to respond to inquiries related to the provision of Accessible Taxi services.

Part 2 - Duties - Drivers

Pickup of Passengers

12. Every Taxi Driver while operating or in control of a Taxi or an Accessible Taxi shall, unless the Taxi has been previously engaged, provide Taxi services

- (a) at any place within the City at any specified time, whether by day or night; and
- (b) to any person who may lawfully require the Taxi.

Right to Refuse a Passenger

13. Despite section 12 of this Schedule, a Taxi Driver may refuse to accept a passenger if such person:

- (a) is or appears to be under the influence of drugs or alcohol or is disorderly;
- (b) is indebted to the Taxi Driver or the Owner of the vehicle, or in the case of a Taxi, to the Taxi Broker with which the Taxi is affiliated;
- (c) is apparently unable to pay for the service requested and in the case of a passenger requesting Taxi services between midnight and 6:00 am., refuses or is unable to pay in advance the estimated fare when requested to do so by the Taxi Driver;
- (d) requests the Taxi Driver to carry an animal or any baggage which might be detrimental to the repair, cleanliness or sanitary condition of the Taxi, with the exception of a guide dog or a service animal for a person with a disability; or
- (e) requests the Taxi Driver to carry more baggage than the Taxi is capable of carrying or baggage or other objects of a type or size which are not suited to the vehicle.

Taxi Stand Behaviour

14.-(1) No Taxi Driver shall and no Taxi Owner shall authorize or permit a Taxi Driver to:

- (a) overcrowd a Taxi stand;
- (b) back into a Taxi stand;
- (c) push or displace any Taxi already at a Taxi stand;
- (d) enter, solicit business at, or remain at a Taxi stand the use of which is restricted, where the Taxi is not an authorized user of that Taxi stand;
- (e) fail to leave a Taxi stand if asked to do so by the owner of the property on which the Taxi stand is located;
- (f) molest, annoy or insult the owner or occupants of any building or residence adjoining or nearby the Taxi stand or any person whatsoever;
- (g) wash or clean a Taxi at the Taxi stand; or
- (h) make repairs to the Taxi at the Taxi stand.

(2) No Taxi Driver shall use and no Taxi Owner shall authorize or permit the use of any location on a public highway as a stand for Taxis unless authorized by a By-law of the City for use as a Taxi stand.

(3) Every Taxi Driver whose taxi is first or second in line at a Taxi stand shall remain in the Driver's seat of the Taxi ready to be hired.

(4) No Taxi Driver shall enter onto any property where the owner of that property has indicated that entry is prohibited.

Part 3 - Duties - Fees for Taxi Service

No Operation of Taxi without taxi meter

15.-(1) No Taxi Driver shall drive or operate a Taxi if:

- (a) there is no taxi meter in the Taxi;
- (b) the taxi meter in the Taxi does not bear a seal or is sealed by way of password protection placed or verified by the Licence Issuer; or
- (c) the seal on the taxi meter in the Taxi is broken or tampered with from the date of last authorized calibration; or
- (d) the taxi meter in the Taxi is out of order or defective in any way.

(2) No Taxi Driver shall charge or collect a fee from a passenger with respect to any trip taken in a Taxi if the taxi meter is out of order or defective in any way.

(3) Every Taxi Driver operating or in control of a Taxi for hire shall ensure that the taxi meter is illuminated between dusk and dawn.

Fees to Comply with By-law

16.-(1) Every Taxi Owner shall file with the Licence Issuer a Taxi Tariff Card, forthwith upon passage of this By-law, on every renewal of a Taxi Owner Licence and on every occasion of a change to any of the fees authorized to be charged under this section. The Taxi Tariff Card shall set out:

- (a) the fee to be charged as distance charges while a Taxi owned by that Taxi Owner is under engagement:
 - (i) for the first 100 metres; and
 - (ii) for each additional 95 metres or part thereof;
- (b) the fee to be charged by for waiting time while as Taxi owned by that Taxi Owner is under engagement:
 - (i) for each hour; and
 - (ii) for each part hour - a rate per minute;
- (c) the Cleanup fee chargeable where a passenger has soiled a Taxi owned by that Taxi Owner; and
- (d) applicable HST on the fees in 16(1)(a), 16(1)(b) and 16(1)(c).

(2) Every applicant for a Taxi Owner Licence shall file with the Licence Issuer a Taxi Tariff Card which complies with subsection 19(1) as part of the application.

(3) A Taxi Owner shall not show any fees on the Taxi Tariff Card other than the fees authorized under subsection 16(1).

(4) Despite subsection 16(1) and subject to subsection 16(5), a Taxi Owner may not amend the fees set out in the Taxi Tariff Card more frequently than once every twelve (12) months.

(5) Despite subsection 16(4) where, in the opinion of the Licence Issuer, it is in the best interest of all Taxi Owners in the City to do so, the Licence Issuer may authorize any Taxi Owner to effect a change in one or more of the fees on that Taxi Owner's Taxi Tariff Card more frequently than once every twelve (12) months. The Licence Issuer shall record the decision and the reasons for the decision in the Licence Registry maintained under section 33.

(6) No Taxi Driver operating or in control of a Taxi shall charge and no Taxi Owner shall authorize or direct the charging of a fee to a passenger in a Taxi other than a fee determined in accordance with the Taxi Tariff Card filed with the Licence Issuer.

(7) Whenever a Taxi Owner files a Taxi Tariff Card in accordance with this section, the Taxi Owner shall provide evidence satisfactory to the Licence Issuer that the taxi meter has been recalibrated to reflect the filed rates and has been tested and sealed or secured by password."

Fare by meter

17. Except as expressly provided to the contrary in this By-law, every Taxi Driver operating or in control of a Taxi for hire shall charge a passenger a fee for the conveyance of one or more passengers, one or more passengers and their goods, or their goods alone, in accordance with the following requirements:

- (a) the fee charged shall be calculated at the rates set out in the Taxi Tariff Card, and shown on the taxi meter;
- (b) the fee charged is for the use of the Taxi and not be based on the number of persons carried in the Taxi;
- (c) where a passenger has soiled the Taxi, a cleaning fee set out in the Taxi Tariff Card and may be charged in addition to the fee determined in the accordance with the Taxi Tariff Card; and
- (d) except as provided in subsection 22(c) of this Schedule, no other fee shall be charged in addition to the fee determined in accordance with the Taxi Tariff Card.

Use of Taxi meter

18. Every Taxi Driver shall, while operating or in control of a Taxi for hire:

- (a) put the taxi meter in operation when a passenger first enters the Taxi;
- (b) keep the taxi meter in operation throughout the trip;
- (c) turn the taxi meter off at the conclusion of the trip; and
- (d) call the passenger's attention to the amount of the fare registered on the taxi meter at the conclusion of the trip.

Taxi Tariff Card requirements

19.-(1) Every Taxi Owner shall ensure that its current Taxi Tariff Card is posted in every Taxi identified in the Taxi Owner's Licence.

(2) The Taxi Owner's Taxi Tariff Card shall be posted in the location in the Taxi established by the Licence Issuer and shall be in good condition, free of alteration or defacement.

(3) No Taxi Driver shall operate a Taxi for hire unless the Taxi Owner's current Taxi Tariff Card is displayed in the Taxi in the location established by the Licence Issuer and is in good condition, free of alteration or defacement.

(4) Every Taxi Owner shall set out on its Taxi Tariff Card the current fees authorized under section 16 in Schedule "A" in:

(a) print font size of 14 point or larger;

(b) Braille as well as conventional, non-braille format; and

(c) in both English and French.

(5) No Taxi Driver shall and no Taxi Owner shall authorize or permit any Person to:

(a) fail to post the Taxi Owner's Taxi Tariff Card as directed by the Licence Issuer:

(b) exhibit in the Taxi or show to any passenger any Taxi Tariff Card other than the current Taxi Tariff Card filed by the Taxi Owner with the Licence issuer;

(c) alter or deface a Taxi Tariff Card;

(d) lend, exchange or otherwise dispose of the Taxi Owner's Taxi Tariff Card, except to dispose of a Taxi Tariff Card which shows out of date fees;

(e) advertise or promote or otherwise disclose in any way or in any form or in any media, any fees or charges for use of the Taxi identified in the Taxi Owner's Licence except fees and charges determined in accordance with the Taxi Owner's current Taxi Tariff Card; or

(f) calculate or charge a fee except in accordance with the Taxi Owner's then current Taxi Tariff Card.

(6) Should a Taxi Driver fail to meet the requirements of subsections (3) or (5), that Taxi Driver shall not charge a fee or charge to any customer receiving taxi service..

Taxi meter exception – Written agreement

20.-(1) Despite section 23 of this Schedule, a Taxi Owner may enter into a written agreement for the use of a Taxi identified in the Taxi Owner's Licence, to provide Taxi services to specified passengers or class of passengers, on a regular basis for a pre-arranged fare or method of calculation of a fare, whether or not the passengers are party to the agreement.

(2) Where a Taxi Owner has entered into an agreement of the type described in subsection (1), the Taxi Owner shall ensure that:

- (a) any Taxi Driver operating or in control of the Taxi identified in the Taxi Owner's Licence who is providing services in accordance with the agreement in subsection is familiar with:
 - (i) the fee or manner of calculation of which apply; and
 - (ii) the passengers or class of passengers to which the fee arrangement applies;
- (b) fees are charged for the use of the Taxi in accordance with the Agreement; and
- (c) he or she forthwith provides a copy of the agreement to the Licence Issuer.

(3) Every Taxi Driver who is operating or in control of a Taxi for hire and providing services pursuant to an agreement entered into under subsection (1), shall charge a fee for the use of the Taxi only in accordance with the Agreement.

Taxi meter exception – Flat Rate Fee Agreement

21. Despite section 23 of this Schedule, when a Taxi trip is anticipated to be longer than 35 kilometres, the Driver and passenger may agree to a fixed fee before the start of the trip concerned. In each such instance, the Taxi Driver shall:

- (a) place the taxi meter in the Taxi in operation when the trip commences and keep the taxi meter in operation until such time as the Taxi reaches the destination; and
- (b) charge the passenger the fee which is the lower of the agreed upon fixed fee and the fee determined in accordance with the taxi tariff, as shown on the taxi meter.

Taxi meter and Tariff rate card exempt – Call via technology app

22.-(1) Despite section 23 of this Schedule, a Taxi Owner may set and charge a fare greater than the minimum fare set out in the taxi tariff where the customer has dispatched the Taxi through the use of a software or application or telecommunications platform owned by the Taxi Owner or Taxi Broker. In each such instance, the Taxi Driver shall:

- (a) obtain the consent of the customer prior to commencing the trip to the increased tariff set by the Taxi Owner or Taxi Broker;
- (b) not place the taxi meter in operation when the trip commences;
- (c) at the destination, charge the passenger the agreed-upon rate set by the Taxi Owner or Taxi Broker;
- (d) place the taxi meter back in operation after such a trip ends; and
- (e) remit such records back to the Taxi Owner or Taxi Broker in order that a record of such a trip, Licence Plate of the vehicle, the start point and designations, the name of the Taxi Driver, time spent on each trip and the fare charged – all of which shall be recorded and made available on demand to the Licence Issuer.

(2) No Taxi Owner or Taxi Broker shall fail to make available to the Licence Issuer the records or information required pursuant to subsection (1) within 48 hours following a request of the Licence Issuer.

Part 4 - Dispatch Rules - Taxi Owners and Brokers

Dispatch / Trip Record

23.-(1) Every Broker and every Taxi Owner who dispatches or causes a Taxi to be dispatched without the services of a Broker shall complete and maintain an accurate written dispatch / trip record in a form acceptable to the Licence Issuer setting out:

- (a) the number of the Licence of the Owner or Broker as the case may be who is maintaining the dispatch record;
- (b) the date and time that the Call was received, whether or not it was dispatched;
- (c) the date and time that the Call was dispatched;
- (d) if the Call was for an Accessible Vehicle;
- (e) the name and Licence Number of the Owner whose Taxi was dispatched;
- (f) the name and Licence Number of the Driver to whom the Call is dispatched;
- (g) the address to which the Taxi is dispatched;
- (h) the address at which the passenger was dropped off;
- (i) the time that the Driver picked up the passenger in response to the Call and the time that the Driver dropped off the passenger,
- (j) if no Call was dispatched or if no passenger was picked up, the reason for the refusal of service; and
- (k) the amount charged by the Driver for the trip.

(2) Where a Driver picks up a Call without being dispatched:

- (a) the Driver shall report to the Broker, or to the Owner where the Owner dispatches without the services of a Broker, the particulars in subsection (1) as if the Call had been dispatched by the Owner or Broker; and
- (b) the Broker or the Owner as the case may be shall add such information provided to the dispatch/trip records as if the Call had been dispatched by the Broker or Owner.

(3) Every Broker and every Taxi Owner who dispatches or causes a Taxi to be dispatched without the services of a Broker shall:

- (a) ensure the dispatch/trip records are kept current and updated within 24 hours of the Call being received;

- (b) retain the dispatch/trip records for a period of no less than 12 months from the date of the dispatch; and
- (c) make the dispatch/trip records available to the Licence Issuer for Inspection upon request.

(4) No Broker and no Taxi Owner who dispatches or causes his or Taxi to be dispatched without the services of a Broker shall falsify or authorize, cause or permit the falsification of the dispatch/trip records required to be maintained under this section.

(5) In the event that the Broker or Taxi Owner has not dispatched any Taxis, Accessible Taxis, Shuttles or Limousines as the case may be, the Broker shall make a declaration to that effect.

(6) Every Broker or Taxi Owner shall maintain and have available for Inspection at their dispatch centre, any time during business hours, a record of:

- (a) each Taxi Driver currently on duty and the licence number of each; and
- (b) the Taxi being driven by each Taxi Driver and the Taxi Owner's Licence number for that Taxi.

Order of Dispatch

24. Every Broker or Taxi Owner shall dispatch Calls in the order in which the Call is received.

Part 5 - Additional Duties on City

Annual Review

25. Section repealed.

Wait List for Taxi Owner's Licence

26.-(1) On request of an applicant for a Taxi Owner's Licence, whose application has been rejected on the basis that the maximum number of Taxi Licences has been issued, the Licence Issuer shall add the name and contact information of such applicant to the bottom of the waitlist maintained by the Licence Issuer for such purpose.

(2) The Licence Issuer may update the waitlist periodically, by removing names of persons who have since been issued a Taxi Licence or who have not renewed their request to be maintained on the waitlist, in accordance with guidelines established by the Licence Issuer from time to time.

(3) In the event that a Taxi Owner's Licence becomes available through revocation, surrender or increase in permitted numbers, the Licence Issuer shall give notice in accordance with section 27 of the By-law to the person whose name is at the top of the waitlist at the address provided, advising that person has 14 days from the effective date of the notice to apply for the Taxi Owner's Licence, failing which their name will be removed from the waitlist and the next person on the waitlist will be given an opportunity to apply. Any such application shall be processed in the ordinary course of business.

(4) In the event that the first person named on the waitlist fails to apply for the Taxi Owner's Licence in the prescribed time, the next person on the waitlist shall be given the same opportunity to apply and so on until the Taxi Owner's Licence is issued or the waitlist is exhausted. In the event that the waitlist is exhausted and the Taxi Owner's Licence has not been issued, the Licence shall remain available to subsequent applicants in the order that the Applications are Complete.

Replacement Tariff Card

27. Section repealed.

Part 6 - Temporary Airport Ambassador Licences

Terminology

28. For the purposes of this Part 6:

"Agreement" means a current agreement entered into between the Sudbury Airport Community Development Corporation and the Airport Services Owner to provide Taxi and Shuttle services for the benefit of users of the Greater Sudbury Airport for agreed upon rates or fares and upon agreed upon terms;

"Airport Ambassador Owner" is a Person who holds a Temporary Airport Ambassador Owner's Licence;

"Airport Ambassador Taxi" is a Taxi identified in a Temporary Ambassador Owner's Licence;

"Airport Services Owner" means the Owner or Owners who are the providers of Taxi and Shuttle Services at the Greater Sudbury Airport pursuant to an Agreement; and

"Temporary Airport Ambassador Owner's Licence" is a limited Licence issued pursuant to this By-law to the Airport Services Owner.

Agreement - Effect on Fees

29.-(1) Upon entering an Agreement, the Airport Services Owner shall provide a copy of the Agreement to the Licence Issuer and upon any amendment to the Agreement, provide a copy of same to the Licence Issuer.

(2) Despite anything else provided in this By-law to the contrary, an Airport Services Owner may permit and a Driver may, while providing Taxi or Shuttle Services pursuant to the Agreement, charge fees in accordance with the Agreement, rather than in accordance with this By-law.

Temporary Airport Ambassador Owner's Licence

30.-(1) In the event that the Airport Services Owner does not hold sufficient Owner's Licences to meet the requirements of the Agreement, the Airport Services Owner may apply in writing to the Licence Issuer for issuance or renewal of a Temporary Ambassador Airport Taxi Licence in the same manner as the Owner would apply for any other Taxi Owner's Licence save and except that in addition to any other requirements, the applicant shall provide evidence satisfactory to the Licence Issuer to support the claim that the Airport Services Owner does not hold sufficient

Owner's Licences and Temporary Airport Ambassador Owner's Licences already issued, to meet the requirements of the Agreement.

(2) The Licence Issuer shall process an application for issuance or renewal of a Temporary Ambassador Airport Licence as it would any other application, except that the Licence Issuer:

- (a) shall not refuse the application on the basis that the Maximum Number of Taxi Owner's Licences has been issued as otherwise required under paragraph 24(c)(i) of the By-law;
- (b) may refuse to issue or renew the Temporary Ambassador Airport Licence on the basis that the Licence Issuer is not satisfied on the evidence provided that requirements of the Agreement cannot be met by the number of Owner's Licences held by the Airport Services Owner; and
- (c) shall not refuse the application on the basis that there is no taxi meter in the vehicle.

(3) The Licence Issuer shall not issue a Temporary Airport Ambassador Taxi Licence to anyone other than the Airport Services Owner.

(4) Despite any other provision in this By-law, for the purposes of this Part of this Schedule, "Taxi" shall be deemed to include Temporary Airport Ambassador Taxi, "Taxi Owner" shall be deemed to include the Airport Services Owner, "Taxi Licence" shall be deemed to include the Temporary Airport Ambassador Taxi Licence, and Taxi Driver shall be deemed to include the Driver of a Temporary Airport Ambassador Taxi. For additional clarity, except as expressly provided to the contrary in this Part the holder of a Temporary Airport Ambassador Owner's Licence is bound by all provisions applicable to Taxi Owner.

(5) Every Temporary Airport Ambassador Taxi Licence issued, shall, in addition to any other provisions in this By-law affecting Taxi Licences and Taxi Owners and Taxi Drivers, be subject to the following requirements:

- (a) The Airport Services Owner shall not authorize or permit and a Taxi Driver shall not use a Taxi which is identified in a Temporary Airport Ambassador Taxi Licence except:
 - (i) in the delivery of Taxi services to and from the Greater Sudbury Airport in accordance with the Agreement; and
 - (ii) if every other Taxi owned by the Airport Services Owner is already occupied in the delivery of Taxi services to and from the Greater Sudbury Airport in accordance with the Agreement;
- (b) The Airport Services Owner shall display on the Taxi identified in the Temporary Airport Ambassador Taxi Licence, in a location approved or established by the Licence Issuer the words "Airport Ambassador Taxi" in a color which contrasts with the color of the vehicle and in a size which will be easily read; and
- (c) Every Temporary Airport Ambassador Taxi Licence shall, in addition to any other provisions under this By-law, be deemed to be Revoked upon the expiry or earlier termination of the Agreement and the Airport Services Owner shall surrender every such Licence to the Licence Issuer for cancellation.

(6) There shall be no limit to the number of Temporary Airport Ambassador Taxis Licences which can be issued by the Licence Issuer.

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Schedule "B"
to By-law 2016-145 of the City of Greater Sudbury

Provisions Relating to Limousines

Limousine Owner - Advance Booking

1. No Limousine Owner shall provide transportation in the Limousine identified in the Limousine Owner's Licence to a passenger unless:
 - (a) the passenger has requested transportation at least two hours in advance of it being provided; and
 - (b) signed a written agreement covering the terms of the service, including the charge to be made for Limousine transportation.

Tariff Rate

2.-(1) Every Limousine Owner or every Limousine Driver shall charge and collect a minimum fare for Limousine transportation of one and one half hours of service, even if a shorter period of service is requested or provided.

(2) Every Limousine Owner or every Limousine Driver shall charge and collect a rate for Limousine transportation services at a rate which is no less than double the lowest rate charged by a Taxi Owner as shown in the records of the City as the hourly charge to be charged for waiting time while a Taxi owned by the Taxi Owner is under engagement."

Schedule "C"
to By-law 2016-145 of the City of Greater Sudbury

Provisions Relating to Shuttles

Annual Tariff Rate

1.-(1) Every Shuttle Owner shall ensure that the current shuttle tariff established by the Owner is posted in the Shuttle identified in the Shuttle Owner's Licence, in the location established by the Licence Issuer and shall be filed with the Licence Issuer.

(2) No Shuttle Driver shall operate a Shuttle for hire unless the current shuttle tariff applicable to the Shuttle is displayed in the Shuttle in the location established by the Licence Issuer.

(3) No Shuttle Driver shall or no Shuttle Owner shall authorize or permit any Person to:

- (a) exhibit in the Shuttle or show to any passenger, any shuttle tariff other than the current shuttle tariff established for that Shuttle and filed with the Licence Issuer;
- (b) advertise or promote or otherwise disclose in any way, or in any form or in any media, any fees or charges for use of the Shuttle identified in the Shuttle Owner's Licence except in accordance with the current shuttle tariff filed with the Licence Issuer; or
- (c) calculate or charge a fee other than the current shuttle tariff filed with the Licence Issuer.

Schedule “D”
to By-law 2016-145 of the City of Greater Sudbury

Provisions Relating to Private Transportation Companies, PTC Vehicles and PTC Drivers

Requirements Relating to PTCs

Communications to Passengers

1. Any software or application or telecommunication platform used by a PTC to connect passengers with PTC Drivers shall:

- (a) at the time of arranging 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 Licence 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 the 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 charged for the trip;
 - (ii) the total amount paid for the trip;
 - (iii) the date and time of the trip;
 - (iv) the originating location and the final destination 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 Licence plate number of the vehicle used to provide the transportation service.

2. No PTC shall fail to make available to the public, in an easy accessible format on its software or application or telecommunications platform 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 coverage and the party and properties insured;
- (b) the transportation services offered by PTC Drivers;
- (c) the applicable screening process for PTC Drivers and vehicles used by PTC Drivers; and
- (d) the condition that PTC Drivers are prohibited for soliciting rides from the public including street hails or picking up fares at taxi stands or accepting requests for transportation services that are not prearranged using the software, application or telecommunications platform of the PTC to which the PTC Driver is affiliated.

Data on Trips

3.-(1) No PTC shall fail to create and maintain records of the following information, in a format accessible to the Licence Issuer, for a period of not less than 3 years following the conclusion of a trip:

- (a) the total number of trips requested and fulfilled and those requested and not fulfilled, annually;
- (b) for each trip provided by the transportation service, the date and time of the trip requested and fulfilled with its geographic start point and endpoint such as a 3 digit postal code;
- (c) for each trip requested and not fulfilled, the reason for the cancellation of the trip and the geographic start point, such as the 3 digit postal code, if available; and
- (d) the PTC Driver and vehicle information corresponding with each requested trip, including:
 - (i) the full name of the PTC Driver;
 - (ii) the licence plate number of the PTC Vehicle;
 - (iii) the date, time and duration of the trip;
 - (iv) the start point and the destination of the trip; and
 - (v) the hours and minutes spent by the vehicle transporting the passenger, including time spent en route to pick up the passenger.

(2) On demand, no PTC shall fail to make available to the Licence Issuer the following information:

- (a) a listing of affiliated PTC Drivers, their associated vehicles, their licence plates and safety Inspection information; and
- (b) employment or contract records for the PTC Drivers including start date and end date of affiliation with the PTC.

(3) No PTC shall fail to make available to the Licence Issuer the records or information required pursuant to subsection (1) within 48 hours following a request by the Licence Issuer.

(4) Every PTC shall keep copies of the documents and information required under subsection (1) and subsection (2) for a period of not less than 3 years after a PTC Driver ceases to be affiliated with the PTC.

Indemnification

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

Identification Decal Card

5.-(1) A PTC shall issue to every PTC Driver that meets the requirements of this By-law and is affiliated with the PTC a current identification decal card, approved and issued by the Licence Issuer, bearing the following information:

- (a) the name and contact information of the PTC with which the PTC Driver is affiliated; and
- (b) the identification number assigned to the PTC Driver.

(2) Every PTC and PTC Driver shall not fail to ensure that the identification decal card required under subsection (1):

- (a) is located within the PTC Vehicle prominently posted and viewable to the passenger side when transportation services affiliated with the PTC are offered and provided; and
- (b) Is produced immediately upon request to an Officer.

Municipal Access to Platform

6.-(1) Every PTC shall provide to the Licence Issuer direct access to its software, application or telecommunications platform used to provide transportation service for the purposes of allowing the Licence Issuer to inspect and investigate, in real time, compliance with this By-law and to determine the location of any vehicle providing transportation services affiliated with the PTC.

(2) No PTC shall interfere with or hamper a Licence Issuer's Inspection or investigation.

Requirements relating to PTC Drivers

7.-(1) Every PTC shall ensure that a PTC Driver meets the following requirements at all times when providing affiliated transportation services:

- (a) holds a valid and current unrestricted Class G driver's licence issued by the Province of Ontario pursuant to the Highway Traffic Act;
- (b) has obtained a valid PTC Driver's Licence issued under this By-law;
- (c) has provided to the PTC a Vulnerable Sector Check, dated within 30 days prior to the date that the individual becomes a PTC driver, providing evidence of any conviction by indictment for any offence under the *Criminal Code*, R.S.C. 1985, c. C-46, or under any other federal statute, including without limitation under the *Controlled Drugs and Substances Act*, S.C. 1996, c. 10 and the *Food and Drugs Act*, R.S.C. 1985, c. F-27, any criminal charges resulting in dispositions of 'withdrawn' or 'dismissed' police contacts relating to offences such as theft, weapons, sex offences or violent, harmful or threatening behaviour where no charges were laid and all pardoned criminal convictions;
- (d) 7(1)(d) has provided to the PTC a Ministry of Transportation Drivers Abstract for the individual, dated within 30 days prior to commencement as a PTC Driver;
- (e) 7(1)(e) has provided to the PTC a certified copy or a current certificate of insurance issued by an insurer licensed to operate in Ontario confirming the use of the vehicle and confirming the policy endorsement allowing the vehicle to be used to transport persons for compensation and in effect, showing not less than Two Million Dollars (\$2,000,000) under an Ontario Automobile Policy, liability insurance against loss or damage resulting from bodily injury to or death of one or more persons and/or from the loss or damage to property resulting from any one accident; providing for passenger hazard coverage of at least Two Million Dollars (\$2,000,000) and endorsed to the effect that the PTC will be given at least 30 days notice in writing of any cancellation, expiry or material changes in the policy; and
- (f) 7(1)(f) proof to the PTC that the individual has paid to the City the applicable licensing fee prescribed in the User Fee By-law.

(2) No PTC shall fail to keep a current list of every affiliated PTC Driver and their vehicle in a readily accessible format that includes:

- (a) The full name and address of every PTC Driver; and

(b) The make, model and colour and Licence Plate of every affiliated vehicle.

(3) No PTC shall fail to make available to the Licence Issuer the records or information required pursuant to subsection (2) within 48 hours following a request by the Licence Issuer.

Requirements relating to PTC Vehicles

8.-(1) Every PTC shall ensure that a vehicle affiliated with a PTC Driver meets the following requirements at all times when providing a transportation service:

- (a) is the subject of valid and current Ontario Ministry of Transportation Safety Standards, prior to commencement of use as a PTC Vehicle and then annually afterwards if the vehicle is 5 years old or less or biannually thereafter if the vehicle is more than 5 years old;
 - (b) 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 (not including the year of the vehicle).
- (2) Every PTC shall obtain and maintain the 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 PTC shall fail to make available to the Licence Issuer the records required to be kept under subsection (2) within 48 hours following a request of the Licence Issuer.

Prohibitions

9.-(1) No PTC Driver shall solicit or accept requests for transportation services that are not prearranged using the software or application or telecommunications platform of the PTC to which the PTC Driver is affiliated, including street hails or picking up fares at taxi stands.

(2) 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.

(3) No PTC shall offer or facilitate prearranged transportation service for compensation using any software or application or telecommunications platform to connect any passenger with a Driver or vehicle that does not meet the requirements of this By-law.

(4) No PTC shall permit and no PTC Driver shall accept payment by cash for a transportation service facilitated by the PTC.

(5) No PTC shall fail to notify the Licence Issuer in writing of any change in any of the information contained in, or provided with a licence or renewal application within 48 hours of the change.

(6) No PTC shall fail to produce a Licence, document or other record for inspection when directed to do so by an officer.

Inspections of PTC

10. The Licence Issuer is hereby authorized to inspect as much of any place or premise as is used for the carrying on of the licensed business of the PTC and any books, records or other documents of or relating to any such business.

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