

THE CORPORATION OF THE TOWN OF MILTON

BY-LAW NO. 050-2023

BEING A BY-LAW TO REGULATE AND LICENSE VEHICLES FOR HIRE AND TO REPEAL BY-LAWS 94-2004, 001-2006, 143-2009, 078-2010, 042-2011 and 050-2011

WHEREAS Section 8 (3) of the *Municipal Act 2001*, S.O. 2001, c.25, as amended hereinafter referred to as the "*Municipal Act, 2001*" authorizes a municipality to provide for a system of licences; and

WHEREAS Section 9 of the *Municipal Act, 2001* provides that a municipality has the capacity, rights, powers and privileges of a natural *person* for the purpose of exercising the authority under the Act; and

WHEREAS Section 11(2) of the *Municipal Act, 2001* authorizes a municipality to pass a by-law respecting the health, safety and well-being of *persons* and respecting the protection of *persons* and property including consumer protection; and

WHEREAS sections 9, 11 and 391 of the *Municipal Act, 2001* authorize a municipality to impose fees and charges on *persons*; and

WHEREAS sections 23.1, 23.2 and 23.3 of the *Municipal Act, 2001* authorize a municipality to delegate its powers and duties under the Act to a *person*; and

WHEREAS Section 151 of the *Municipal Act, 2001* provides that a municipality may provide for a system of licences with respect to a business and may:

- (a) prohibit the carrying on or engaging in the business without a licence;
- (b) refuse to grant a licence or to revoke or suspend a licence;
- (c) impose conditions as a requirement of obtaining, continuing to hold or renewing a licence;
- (d) impose special conditions on a business in a class that have not been imposed on all the businesses in that class in order to obtain, continue to hold or renew a licence;
- (e) impose conditions, including special conditions, as a requirement of continuing to hold a licence at any time during the term of the licence; and
- (f) licence, regulate or govern real and personal property used for the business and the persons carrying it on or engaged in it; and

WHEREAS section 425 of the *Municipal Act, 2001* provides that the council of a municipality may pass by-laws providing that a person who contravenes a by-law of the municipality passed under the *Municipal Act, 2001* is guilty of an offence; and

WHEREAS section 426(4) of the *Municipal Act, 2001* deems that any person that hinders or obstructs, or attempts to hinder or obstruct any person who is exercising or performing a duty under this By-law created under the *Municipal Act, 2001* is guilty of an offence; and

WHEREAS section 429 of the *Municipal Act, 2001* provides that a municipality may establish a system of fines for offences under a by-law of the municipality passed under the *Municipal Act, 2001*; and

WHEREAS Section 431 of the *Municipal Act, 2001* authorizes that where any by-law of a municipality under the *Municipal Act, 2001* is contravened and a conviction entered, in addition to any other remedy and to any penalty imposed by the by-law, the court in which the conviction has been entered and any court of competent jurisdiction thereafter may make an order prohibiting the continuation or repetition of the offence by the person convicted and requiring the person convicted to correct the contravention; and

WHEREAS section 436 of the *Municipal Act, 2001* authorizes a municipality to pass a by-law providing that the municipality may enter on land to conduct inspections; and

WHEREAS sections 444 and 445 of the *Municipal Act, 2001* authorizes a municipality to make *Orders* to discontinue, or to correct, the contravention of a by-law; and

WHEREAS section 446 of the *Municipal Act, 2001* authorizes a municipality to do a matter or thing in default of it being done by the *person* directed or required to do it; and

WHEREAS the Council for the Town of Milton deems it desirable and in the public interest to enact a Vehicle for Hire By-law;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF MILTON HEREBY ENACTS AS FOLLOWS:

1 SHORT TITLE

1.1. The Short Title of this By-law is the “Vehicle for Hire By-law”.

2 SCOPE AND INTERPRETATION

a. Where the provisions of this By-law conflict with the provision of any other By-law in force in the Town, the provision that establishes the

higher standard to protect the health, safety and welfare of the general public shall prevail.

- b. In the interpretation and application of the provisions of this By-law, unless otherwise stated to the contrary, the provisions shall be held to be the minimum requirements adopted for the promotion of public health, safety, comfort, convenience and general welfare.

3 DEFINITIONS

- a. “*Accessible taxicab*” means a *motor vehicle* that is an *accessible vehicle* and that is licenced as a *taxicab* by a municipality;
- b. “*Accessible vehicle*” means a *motor vehicle* or a *transit bus*, other than a school bus,
 - (a) that is designed or modified to be used for the purpose of transporting persons with disabilities and is used for that purpose, whether or not the vehicle is also used to transport persons without disabilities, and
 - (b) that is operated:
 - (i) for compensation by, for or on behalf of any person, club, agency or organization, or
 - (ii) not for compensation by, for or on behalf of any person, club, agency or organization that holds itself out as providing a transportation service to persons with disabilities;
- c. “*Accessible vehicle training course*” means an accessible vehicle training course approved by the *Licensing Officer*.
- d. “*Appeal Committee*” means the *Appeal Committee* established by the Town;
- e. “*Applicant*” means any *person* applying for a *Licence* under this By-law;
- f. “*Broker*” means a *person* who carries on the business of accepting calls and *dispatching a taxicab*;
- g. “*Brokerage*” means the general business of a *Broker*, and includes the land and *premises* where such business is carried on;
- h. “*Clerk*” means the *Clerk* for the Town or any *person* designated by the *Clerk*;
- i. “*Criminal Record Check*” means a *Criminal Records Check* performed by the Halton Regional Police Service, or the Police Service in the jurisdiction of the *Applicant’s* residence and dated within six (6) months of the date of application for the business *Licence*;
- j. “*Dispatch*” or “*Dispatching*” means the communication given in any manner of an order or information to a *Driver*;

- k. “*Driver*” means a *person* who drives a *vehicle for hire* but does not include a *TNC Driver*;
- l. “*Driver’s abstract*” means a *driver’s abstract* issued by the Province of Ontario, which contains driver identification details, and information related to a driver’s driving record including total demerit points and active fine suspensions, *Highway Traffic Act* and *Criminal Code of Canada* convictions and suspensions and reinstatements for the past 3 years;
- m. “*Fare*” means the amount to be calculated using a *taxicab meter* or *TNC App*;
- n. “*Highway Traffic Act*” means the *Highway Traffic Act*, R.S.O. 1990, c. H. 8, as amended;
- o. “*Licence*” means an authorization under this By-law to carry on a business specified herein and the document, certificate, plate or card issued which provides evidence of such authority as the context may allow;
- p. “*Licensing Officer*” means the *person* appointed as such by Council;
- q. “*Licensee*” means any *person licenced* under this By-law;
- r. “*Limousine*” means a *motor vehicle*, with a seating capacity of not more than ten (10) *persons*, including the *Driver*, that provides *transportation services*, and includes a luxury vehicle, stretch vehicles and classic, vintage or specialty vehicles, but does not include station wagons, vehicles designed to accommodate seating for more than ten (10) *persons* or a *motor vehicle* equipped with a *taxicab meter*;
- s. “*Model year*” means the age of a *motor vehicle* as indicated on the registration documents of said *motor vehicle* with the Province of Ontario;
- t. “*Motor vehicle*” includes an automobile, truck, trailer, motorcycle and any other vehicle propelled or driven otherwise than by muscular power;
- u. “*Nuisance*” means excess or unlawful use of one's property to the extent of unreasonable annoyance or inconvenience to a neighbour or to the public, including, but not limited to noise, noxious odours, and traffic;
- v. “*Ontario Driver’s Licence*” means a valid and current unrestricted Class G driver’s licence issued by the Province of Ontario in accordance with the *Highway Traffic Act*.
- w. “*Officer*” means a Provincial Offences Officer or Municipal Law Enforcement Officer of the Town, or any other *person* appointed by or under the authority of a Town By-law to enforce this By-law;
- x. “*Order*” means an *Order* issued under Section 10 of this By-law;
- y. “*Order for transportation*” means the act of requesting transportation services;

- z. “*Transportation Network Company*” or “*TNC*” means a *person* who receives, relays, authorizes, facilitates, enables or communicates an order for *transportation services* through a *TNC App* but does not include a *Broker*;
- aa. “*Owner*” means any person licenced, or required to be licenced to own or keep or lease or use any *taxicab, limousine or TNC vehicle* under the control of this By-law;
- bb. “*Owner plate*” means a metal number plate issued to the *Owner* of a *taxicab or limousine* under this By-law;
- cc. “*Ownership*” means the *person* endorsed under the vehicle portion of a provincial permit according to the records maintained by the Registrar of Motor Vehicles for the Province of Ontario;
- dd. “*Passenger*” means a *person* in a *vehicle for hire* other than a *Driver* or a *TNC Driver*
- ee. “*Person*” includes a natural *person* and a company, corporation, cooperative, partnership, firm, sole proprietorship, trust, association, society, organization or other legal entity;
- ff. “*Pre-arranged booking*” means an electronic, written, or oral reservation or booking made in advance to request *transportation services*;
- gg. “*Premises*” means lands and structures, or either of them, and includes a *motor vehicle*;
- hh. “*Provincial Licence Plate*” means a number plate issued in accordance with the *Highway Traffic Act*.
- ii. “*Provincial Offences Act*” means the *Provincial Offences Act*, R.S.O. 1990, c. P.33, as amended.
- jj. “*Public Authority*” includes the Town, the Region of Halton, the Halton District and Halton Catholic School Boards, the Crown in Right of Ontario, the Crown in Right of Canada or any of their ministries, agencies, boards or other Crown corporations;
- kk. “*Region*” means the Corporation of the Regional Municipality of Halton;
- ll. “*Safety Standards Certificate*” means a certificate that confirms a *motor vehicle* complies with the equipment and performance standards prescribed by the *Highway Traffic Act*;
- mm. “*Service animal*” includes a guide dog and other trained animal easily identifiable by a harness or vest and used to assist a *person* with a disability, as described in subsection 80.45(4) of O. Reg. 191/11, Integrated Accessibility Standards;
- nn. “*Taxicab*” means a *motor vehicle* with a seating capacity of not more than seven (7) *persons*, including the driver, and is *licenced* under this By-law to provide *transportation services* and includes an *accessible taxicab*;

- oo. “*Taxicab meter*” means a measuring device used to calculate the *fare* payable for a transportation service but does not include a *TNC App*;
- pp. “Town” means the Corporation of the Town of Milton;
- qq. “*Transit bus*” means a class of bus which, while operated on a highway, as defined in the *Highway Traffic Act*, is designed and intended to be used for *passenger* transportation;
- rr. “*Transportation Network Company*” or “*TNC*” means a *person* who receives, relays, authorizes, facilitates, enables or communicates an order for *transportation services* through a *TNC App* but does not include a *Broker*;
- ss. “*Transportation Network Company App*” or “*TNC App*” means any software, technology, or service, including a smartphone application or other comparable technology used to connect *passengers* with a *TNC Driver* for *transportation services*;
- tt. “*Transportation Network Company Driver*” or “*TNC Driver*” means a *person* who drives a *TNC vehicle*;
- uu. “*Transportation Network Company Identifier*” or “*TNC Identifier*” means a sign, decal, emblem, symbol or number displaying the logo or name of the *TNC* through which the *TNC Driver* is providing *transportation service* to *passengers* and such other information as may be required by the *Licensing Officer*, in a form approved by the *Licensing Officer*.
- vv. “*Transportation Network Company vehicle*” or “*TNC vehicle*” means a private *vehicle for hire* with a seating capacity of not more than seven (7) *persons*, including the *TNC Driver*, that provides *transportation services* through a *TNC App* but does not include a *taxicab* or *limousine*;
- ww. “*Transportation services*” means a journey in a *motor vehicle* for compensation or hire and commences when a *passenger* enters the *motor vehicle*, continuing for the period that the *motor vehicle* is continuously occupied, and ending when all *passengers* or goods exit the *motor vehicle*;
- xx. “*User Fee By-Law*” means the applicable Town by-law setting the user fees in respect of *vehicles for hire*;
- yy. “*Vehicle for hire*” means a *taxicab*, *limousine* or a *TNC vehicle*;
- zz. “*Wheelchair Securement and Occupant Restraint System Training*” means a training program on wheelchair securement and occupant restraint systems approved by the *Licensing Officer*.
- aaa. “*Zoning By-law*” means the applicable in force *Zoning By-law* of the Town as amended from time to time.

4 GENERAL ADMINISTRATION AND EXEMPTIONS

4.1. Provisions of this By-law do not apply to:

- (a) activities or matters undertaken by the *Town* or the *Region* or a local board of the *Town* or the *Region*;
- (b) a *motor vehicle* that is licenced by another municipality or an airport authority and is conveying *passengers* from a point in the *Town* to an airport;
- (c) a *person* who facilitates “carpooling” as provided for in the *Public Vehicles Act*, R.S.O. 1990, c. P. 54, as amended;
- (d) an emergency *motor vehicle* including but not limited to an ambulance, fire department or police vehicle;
- (e) a *transit bus*;
- (f) a *motor vehicle* used by not-for-profit organizations registered in the province of Ontario for the purpose of transporting a *person* as a designated driver service for which a designated driver drives the customer in the customer’s *motor vehicle* to at least one destination; or
- (g) activities, services or matters undertaken as part of the municipal transit system.

5 PROHIBITIONS OPERATING WITHOUT A LICENCE

5.1. No *person* without a valid *Licence* shall own, operate or permit the operation of a:

- (a) *TNC*;
- (b) *Brokerage*; or
- (c) *vehicle for hire*;

5.2. No *person* shall carry on business other than in the name that appears on a *Licence within*;

- (a) Schedule ‘A’ Taxicab and limousine driver licence requirements
- (b) Schedule ‘B’ Taxicab and limousine owner licence requirements
- (c) Schedule ‘C’ Taxicab broker licence requirements
- (d) Schedule ‘D’ Accessible taxicab owner licence requirements
- (e) Schedule ‘F’ TNC licence requirements

- 5.3. No *person* shall make a false or intentionally misleading recitals of fact, statement, or representation, orally or in any agreement, statutory declaration or application form required by this By-law, to the Town, *Licensing Officer* or a *Public Authority*. The making of such a false or intentionally misleading recital of fact, statement, or representation constitutes an offence.
- 5.4. No *person* shall represent to the public that the *person* is *licenced* under this By-law if the *person* is not so *licenced*.
- 5.5. No *person* shall employ or engage the services of a *Driver* or a *TNC Driver* that does not meet the requirements of this By-law.
- 5.6. No *person* shall own, operate or permit the operation of a *vehicle for hire* that does not meet the requirements of this By-law.
- 5.7. No *person* shall own, operate or permit the operation of a *TNC*, a *Brokerage*, or a *vehicle for hire*, other than in accordance with the terms and conditions of a *Licence* and this By-law.
- 5.8. No *person* shall drive a *vehicle for hire* without evidence of the following in their possession:
 - (a) proof of *ownership* of the *motor vehicle*;
 - (b) a valid insurance card or slip;
 - (c) a valid *Ontario Driver's Licence*;
 - (d) any other document as required by this By-law.
- 5.9. No *person* shall operate or permit the operation of a *vehicle for hire* that requires mechanical or exterior repair.
- 5.10. No *person* shall remove or tamper with, or cause to be removed or tampered with a *taxicab meter* or a *taxicab meter* seal.
- 5.11. No *person* shall permit or accept payment by cash for *transportation services* provided by a *TNC* or *TNC Driver*.
- 5.12. No *person* shall own or operate a *TNC vehicle* without a valid *TNC Identifier* displayed on the *TNC vehicle*.
- 5.13. No *person* shall operate a vehicle with a *model year* older than ten (10) years.

6 APPROVAL, REFUSAL, SUSPENSION OR REVOCATION

- 6.1. The *Licensing Officer* shall receive, process and review all applications for all new *Licences* and renewals of *Licences* under this By-law, provided all the required information has been provided and all application fees have been paid.
- 6.2. The *Licensing Officer* shall have the power and authority to:
- (a) issue a new *Licence*;
 - (b) renew a *Licence*;
 - (c) deny the issuance or renewal of a *Licence*;
 - (d) revoke a *Licence*;
 - (e) suspend a *Licence*; and
 - (f) impose terms or conditions on a *Licence*, including a new *Licence* or a previously issued *Licence*.
- 6.3. When an application for a new *Licence* or renewal of a *Licence* is made in accordance with this By-law and the *Applicant* meets all the requirements of this By-law, the *Licensing Officer* shall issue a *Licence*.
- 6.4. A *Licensing Officer* may refuse to issue, renew, revoke, or suspend a *Licence* at any time where there are reasonable grounds to believe that:
- (a) the requirements of this By-law are not met;
 - (b) the past or present conduct of any *person*, including any partner or the officers, directors, employees or agents of a corporation, affords reasonable cause to believe that the *person* will not carry on or engage in the business in respect of which the application is made in accordance with the law or with honesty or integrity;
 - (c) the *Applicant* or *Licensee* has been previously found in breach or contravention of any provision of this By-law or any other municipal by-law or provincial or federal statute associated with the carrying on of such business;
 - (d) the financial position of the *Applicant* or *Licensee* affords reasonable grounds to believe that the activity for which he is *licenced* or is seeking to be *licenced* will not be carried on in a financially responsible manner;
 - (e) the *Applicant* or *Licensee* has failed to pay a fine or fines imposed by a court for convictions for breach of this By-law or any other Town by-law;

- (f) the *Applicant* or *Licensee* has failed to comply with any term, condition or direction of the *Licensing Officer* or *Officer* or has failed to permit any investigation or inspection by the *Licensing Officer* or *Officer*;
 - (g) the *Licensing Officer* determines it is in the public interest to do so, for reasons of public health, safety, well-being of *persons*, the protection of *persons* and *property*, including consumer protection, *nuisance*, or noise.
 - (h) the *Applicant* or *Licensee* is carrying on or engaging in activities that are, or will be, if the *Applicant* or *Licensee* is *licenced*, in contravention of this By-law, or any other applicable law;
 - (i) the *Applicant* or *Licensee* has not paid the required *licence* fees;
 - (j) in the case of a *Driver* or *TNC*, the *Applicant* or *Licensee* fails to meet the requirements set out in this By-law;
 - (k) the *Applicant* or *Licensee* fails to maintain insurance as required by this By-law;
 - (l) the *Ontario Driver's Licence* of the *Applicant* or *Licensee* expires, is cancelled, suspended or revoked; or
 - (m) the *Criminal Record Check* disclosed a criminal conviction of a type set out in Schedule "H" to this By-law.
- 6.5. Where the *Licensing Officer* is satisfied that the continuation of a business poses an immediate danger to the health or safety of any *person* or to any property, the Town may suspend a *Licence* without a hearing subject to the following:
- (a) before suspending the *Licence*, the Town shall provide the *Licensee* with the reasons for the suspension, either orally or in writing, and an opportunity to respond to them; and
 - (b) the suspension shall not exceed fourteen (14) days.
- 6.6. Except with respect to a decision under subsections 6.5 after a decision is made by the *Licensing Officer* to refuse, revoke, or suspend a *Licence*, written notice of that decision shall be given to the *Applicant* or *Licensee* advising the *Applicant* or *Licensee* of the *Licensing Officer's* decision with respect to the application or *Licence*.
- 6.7. The written notice to be given under subsection 6.6 shall:
- (a) set out the grounds for the decision;
 - (b) give reasonable particulars of the grounds;
 - (c) be signed by the *Licensing Officer*; and

- (d) state that the *Applicant* or *Licensee* is entitled to a hearing by the *Appeal Committee* if the *Applicant* or *Licensee* sends a request for a hearing to the *Licensing Officer* within fifteen (15) days after the notice is delivered, and by paying the required fee pursuant to the *User Fee By-Law*, as amended from time to time.
- 6.8. Where a *Licence* has been suspended, and a hearing has occurred the suspension shall remain in force until such time as the *Licensee* has satisfied the *Licensing Officer* as to the *Licensee's* compliance with this By-law and *Licence* conditions, and that the public interest no longer requires the suspension of such *Licence*.
- 6.9. Any *Licence* that has been under suspension for a period in excess of 120 days is automatically revoked, without further notice of by the *Licensing Officer*.
- 6.10. Where a *Licence* or application to renew a *Licence* has been refused, revoked, suspended or cancelled, the *Licensee* is not entitled to a refund of any fee paid under the *User Fee By-Law*.
- 6.11. No *person* shall re-apply to obtain or renew a *Licence* for a minimum of one (1) year from the later of:
- (a) the date of the *Licensing Officer's* decision to refuse to issue, renew or revoke a *Licence*;
 - (b) where the decision of the *Licensing Officer* is appealed, the date of the *Appeal Committee's* decision if the *Appeal Committee* upholds the decision to refuse to issue, renew or revoke the *Licence*.

7 APPEAL TO THE APPEAL COMMITTEE

- 7.1. The decision of the *Licensing Officer* may be appealed by the *applicant* or *licensee* to the *Appeal Committee* by sending a request for an appeal hearing to the *Licensing Officer* within fifteen (15) days after the notice set out in subsection 6.6 is delivered. A request for a hearing shall contain the following information:
- (a) the name of the appellant;
 - (b) the decision that is the subject of the appeal;
 - (c) the detailed grounds of the appeal; and
 - (d) payment of the required appeal fee pursuant to the *User Fee By-Law*.
- 7.2. Where the *Licensing Officer* receives notice from the *Applicant* or *Licensee* in accordance with section 7.1, the *Licensing Officer* shall refer

the matter to the *Appeal Committee* and give the *Applicant* or *Licensee* notice of the date and time when the *Applicant* or *Licensee* will have the opportunity to be heard on the matter by the *Appeal Committee*.

- 7.3. Service of any notice on the *Applicant* or *Licensee* under section 7.2 shall be made by personal delivery, ordinary mail or email transmission. The notice shall be deemed to have been served on the fifth (5th) day after the day of mailing or on the date of personal service or on the date of the email transmission.
- 7.4. Where the *Licensing Officer* does not receive a request for an appeal hearing in accordance with section 7.1, the decision of the *Licensing Officer* is final.

8 APPEAL COMMITTEE

- 8.1. An appeal to the *Appeal Committee* under section 7.1 is limited to the grounds articulated as part of the request for appeal.
- 8.2. The appellant bears the onus in an appeal.
- 8.3. The *Appeal Committee* shall have all the powers of a *Licensing Officer* under subsection 6.2 of this By-law.
- 8.4. At least seven (7) days in advance of the date set for the hearing of the appeal, the appellant and the *Licensing Officer* shall provide to the *Appeal Committee* and to each other:
 - (a) a list and copies of any documents to be relied on; and
 - (b) a list of any witnesses to be called.
- 8.5. Where a matter has been referred to the *Appeal Committee* at the request of the *Applicant* or *Licensee*, and the *Applicant* or *Licensee* does not attend the scheduled hearing, the appeal shall be deemed abandoned and the decision of the *Licensing Officer* shall be final.
- 8.6. At any hearing conducted by the *Appeal Committee*, the *Appeal Committee* may consider evidence presented by the *Applicant* or *Licensee*, the *Licensing Officer*, other Town staff, or any *Public Authority*.
- 8.7. Upon the conclusion of a hearing conducted by the *Appeal Committee* under this By-law, the *Appeal Committee* shall as soon as reasonably practicable prepare a written report that includes:

- (a) a brief summary of the evidence and arguments presented by the parties;
- (b) the findings made by the *Appeal Committee*; and
- (c) the decision of the *Appeal Committee*.

8.8. The decision of the *Appeal Committee* shall be final.

9 LICENCE TERM AND RENEWAL

- 9.1. Every *Licence* issued under this By-law shall expire within one (1) year of being issued, unless otherwise revoked or suspended prior to that date.
- 9.2. Each *Licensee* shall be required to renew the said *Licence* prior to the expiry of the original *Licence* issued under this By-law, and failing such renewal, the *Licensee* must discontinue the operation of his or her business upon the expiry of the *Licence*.
- 9.3. A *Licensee* shall operate in compliance with this By-law, the terms and conditions of a *Licence* and all federal and provincial legislation.
- 9.4. No *person* may assign, modify, sell, or transfer, any *Licence* issued under this By-law.
- 9.5. When a *Licensee* changes their address or any information relating to the *Licence*, they shall notify the *Licensing Officer* within five (5) days of the change and shall return the *Licence* immediately to the *Licensing Officer* for review.
- 9.6. A *person* wishing to renew a *Licence* shall comply with the application requirements set out in this By-law.
- 9.7. A *person* who has been issued a *Licence* under this By-law shall immediately return the owner plate issued in accordance with the *Licence* to the *Licensing Officer* if;
 - (a) the plate is damaged or has been replaced;
 - (b) the *motor vehicle* ceases to be used as a *taxicab* or *limousine*;
- 9.8. Upon the request of the *Licensing Officer* or an *Officer*, a *Licensee* shall submit:
 - i) a *motor vehicle* for an inspection;
 - ii) documents and records required to be kept in accordance with this By-law.

- 9.9. Every *Licence* shall remain at all times the property of the Town and no *person* shall enjoy a vested right in a *Licence* or the continuance of a *Licence*.

10 INSPECTIONS AND ORDERS

- 10.1. An *Officer* may at any reasonable time, enter upon and inspect the land of any *person* to ensure that the provisions of this By-law are complied with, in accordance with section 436(1) of the *Municipal Act, 2001*.
- 10.2. For the purposes of conducting an inspection pursuant to this By-law, an *Officer* may:
- (a) require the production for inspection of documents or things relevant to the inspection;
 - (b) inspect and remove documents or things relevant to the inspection for the purpose of making copies or extracts;
 - (c) require information from any *person* concerning a matter related to the inspection; and
 - (d) alone, or in conjunction with a *person* possessing special or expert knowledge, make examinations or take tests, samples or photographs necessary for the purposes of the inspection.
- 10.3. No *person* shall prevent, hinder, or obstruct, or attempt to prevent, hinder or obstruct, an *Officer* who is lawfully exercising a power or performing a duty under this By-law.
- 10.4. Where an *Officer* has reason to believe that any provision of this By-law or any condition of a *Licence* has been contravened, the *Officer* may issue an *Order* requiring the *Owner*, *Licensee* or such any other *person* who contravened this By-law or who caused or permitted the contravention to:
- (a) discontinue the contravention; or
 - (b) do work or take action to correct the contravention.
- 10.5. An *Order* under section 10.4 shall set out:
- (a) reasonable particulars of the contravention adequate to identify the contravention;
 - (b) the location of the *premises* on which the contravention occurred, if any; and
 - (c) the date by which compliance with the *Order* is required.

- 10.6. Every *person* shall comply with an *Order* made pursuant to subsection 10.4.
- 10.7. Any notice or other document under this By-law may be served by any of the following means:
- (a) delivered personally;
 - (b) emailed to the last known email address of the *person* to whom the *Order* is directed;
 - (c) deposited in the mailbox or mail slot of the *person* to whom the *Order* is directed;
 - (d) sent by prepaid regular mail to the last known address of the *person* to whom the *Order* is directed; or
 - (e) sent by registered mail to the last known address of the *person* to whom the *Order* is directed.
- 10.8. Where service under section 10.7 is effected by:
- (a) regular mail, it shall be deemed to be made on the fifth (5th) day after the date of mailing;
 - (b) registered mail, it shall be deemed to be made on the second (2nd) day after the date of mailing;
 - (c) any other means, it shall be deemed effective on the day the document served was delivered, posted, emailed or deposited; or
 - (d) service by multiple means, it shall be deemed effective on earliest applicable date set out in this section.

11 SEVERABILITY

- 11.1. If a court of competent jurisdiction declares any section or part of this By-law invalid, the remainder of this By-law shall continue in force unless the court makes an order to the contrary.

12 ENFORCEMENT AND PENALTY PROVISIONS

- 12.1. Each *person* who contravenes any provision of this By-law, an *Order* or a condition of a *Licence* is guilty of an offence and is liable to a fine, and such other penalties as provided in the *Provincial Offences Act* and the *Municipal Act, 2001*.
- 12.2. Where a contravention is committed on or continues for more than one day, the *person* who commits the contravention is liable to be convicted for a separate offence for each day on which it is committed or

continued. For clarity, in the case of an *Order*, a contravention continues for every day or part of a day past the date set out in the *Order* by which the work must be completed, action taken or discontinued, as the case may be.

- 12.3. In addition to section 12.1, any *person* who is charged with an offence under this By-law by the laying of an information under Part III of the *Provincial Offences Act* and is found guilty of the offence, is subject to the following fines pursuant to section 429 of the *Municipal Act, 2001*:
- (a) a minimum fine shall not exceed \$500 and a maximum fine shall not exceed \$100,000;
 - (b) in the case of a continuing offence, for each day or part of a day that the offence continues, a minimum fine shall not exceed \$500, and a maximum fine shall not exceed \$10,000, but the total of all daily fines for the offence is not limited to \$100,000; and
 - (c) in the case of a multiple offence, for each offence included in the multiple offence the minimum fine shall be \$500 and the maximum fine shall be \$10,000, but the total of all fines for each included offence is not limited to \$100,000.

13 INTERPRETATION

- 13.1. References in this By-law to any statute or statutory provision include references to that statute or statutory provision as it may from time to time be amended, extended or re-enacted.
- 13.2. In this By-law, unless the context otherwise requires words importing the singular shall include the plural and use of the masculine shall include the feminine, where applicable.
- 13.3. The Schedules appended to this By-law are incorporated into and form part of this By-law.

14 REPEAL

- 14.1. By-laws 94-2004, 001-2006, 143-2009, 078-2010, 042-2011 and 050-2011 are hereby repealed.

15 EFFECT

THAT this By-law comes into force on the day it is passed.

PASSED IN OPEN COUNCIL ON June 19, 2023.

_____ Mayor
Gordon A. Krantz

_____ Town Clerk
Meaghen Reid

SCHEDULE 'A' to BY-LAW 050-2023

TAXICAB AND LIMOUSINE DRIVER LICENCE REQUIREMENTS

1 APPLICATION REQUIREMENTS

- 1.1. A *person* wishing to operate or permit the operation of a *taxicab* or *limousine* in the Town shall apply for a new *Licence* or renewal of *Licence* by providing the *Licensing Officer* with the following information and documents together with an application fee in accordance with the *User Fees By-Law* prior to the expiry of the current *Licence*:
- (a) the applicable licensing fee
 - (b) proof of being at least 18 years of age;
 - (c) proof of a current and valid *Ontario Driver's Licence*;
 - (d) a *Driver's Abstract* dated within the previous sixty (60) days;
 - (e) a *Criminal Record Check* dated within the previous sixty (60) days;
 - (f) where an *Applicant* or *Licensee* is not the owner of the *taxicab* or *limousine*, correspondence from the *Owner* confirming his employment as a *Driver* in the form provided by the Town;
 - (g) where the *Applicant* or *Licensee* is a corporation, a copy of the articles of incorporation or other incorporating documents issued by the Province of Ontario or the Government of Canada, and the business name registration, when applicable;
 - (h) where the *Applicant* or *Licensee* is a sole proprietor, a copy of the business name registration, when applicable;
 - (i) where the *Applicant* or *Licensee* is a registered partnership, a copy of the registered declaration of partnership, the names and addresses of each member of the partnership as well as name under which the partnership intends to carry on business and a copy of the business name registration;
 - (j) any documents or required approvals from the approval authority having jurisdiction; and
 - (k) any other documents as may be required by the *Licensing Officer*.

2 DUTIES AND RESPONSIBILITIES

2.1. A *Driver* shall:

- (a) examine the *motor vehicle* for mechanical defects, interior and exterior damage, and immediately report any defects to the *Owner* and the *Broker*, prior to operating the *motor vehicle*;
- (b) carry their *Ontario Driver's Licence* with them at all times when operating the *motor vehicle*;
- (c) carry and display their *Licence* in such a manner that is visible to a *passenger*, and
- (d) immediately report:
 - i) any collision to the *Owner* and *Broker*, and
 - ii) any suspension of his *Ontario Driver's Licence* to the *Owner*, *Broker* and the *Licensing Officer*.

2.2. A *Driver* shall not:

- (a) operate a *motor vehicle* when his ability to perform his duties is impaired by fatigue, illness or otherwise; or
- (b) take on any additional *passengers* after the *motor vehicle* has departed with one or more *passengers* from any one starting point except under the following circumstances:
 - i) in an emergency situation;
 - ii) when operating exclusively for the transportation of children to and from school in accordance with the requirements of the applicable School Board; or
 - iii) when operating an *accessible taxicab* which is being used in accordance with a pre-arranged booking for the transportation of *passengers* with a disability.

2.3. A *Driver* may refuse to provide *transportation services* where a *passenger*:

- (a) has not paid a previous *fare*;
- (b) in their opinion, is unwilling or unable to pay the *fare*;
- (c) is in possession of an animal other than a *service animal*;
- (d) is intoxicated or disorderly;
- (e) refuses to give a destination; or
- (f) is not obeying the law.

2.4. A *Driver* of a *taxicab* shall:

- (a) create and keep daily a record in written or electronic form details of all *transportation services* which includes the following:
 - i) the *Driver's* name, the date and the *taxicab's Provincial Licence Plate* number;
 - ii) the location and time of the beginning and end of each *transportation service* provided; and
 - iii) the amount of the *fare* collected for each *transportation service* provided; and
- (b) keep and maintain all *transportation services* records for at least one (1) year.

2.5. A *Driver* of a *taxicab* shall not operate a *taxicab* when the *taxicab meter* seal has been broken or removed.

2.6. A *limousine driver* shall not:

- (a) solicit without a pre-arranged contract for hire; or
- (b) hold themselves out as being available for hire in any public place.

SCHEDULE 'B' to BY-LAW 050-2023

TAXICAB AND LIMOUSINE OWNER LICENCE REQUIREMENTS

1 APPLICATION REQUIREMENTS

- 1.1. In addition to the requirements set out in this By-law, an *Applicant* or *Licensee* for an *Owner's Licence* or renewal of an *Owner's Licence* shall submit annually the following to the satisfaction of the *Licensing Officer*:
- (a) the applicable licensing fee
 - (b) proof of being at least 18 years of age;
 - (c) proof of a current valid *Ontario Driver's Licence*;
 - (d) a *Safety Standards Certificate* dated within the previous sixty (60) days;
 - (e) proof of *ownership* of the *motor vehicle*;
 - (f) provide proof of third party *motor vehicle* liability insurance for the *motor vehicle* which shall:
 - i) be endorsed to provide the *Licensing Officer* with at least fifteen (15) days' notice in writing of a proposed cancellation or expiration of the insurance policy, or of a variation in the amount of the policy;
 - ii) insure against loss or damage resulting from bodily injury to or the death of one or more *persons*, or from loss or damage to property resulting from any one accident and include provision for *passenger* hazard, with limits of not less than two million dollars (\$2,000,000) per occurrence;
 - iii) be endorsed to include all *persons* who have any interest in the *motor vehicle*; and
 - iv) not exclude coverage for use of the *motor vehicle* to carry paying passengers;
 - (g) where the *motor vehicle* runs on propane or natural gas, a safety check certificate dated within the previous sixty (60) days;
 - (h) where the *Owner* of a *taxicab* or *limousine* is issued more than two (2) *Licences* under this By-law and the *motor vehicles* are stored on a property located in the Town, confirmation of compliance with the *Zoning By-law*.

2 VEHICLE REQUIREMENTS

2.1. A *taxicab* or *limousine* shall:

- (a) have a minimum of four (4) doors and useable trunk capacity that is able to accommodate a wheelchair, walker or similar device used to assist a *person* with a disability;
- (b) be equipped with operable air-conditioning and heating in both the driver and passenger compartments;
- (c) be equipped with working seatbelts for its maximum *passenger* capacity;
- (d) be equipped with snow tires or all weather tires between December 1 and April 15;
- (e) be equipped with a *taxicab meter* which shall be:
 - i) identified with a serial number;
 - ii) illuminated between dusk and dawn;
 - iii) located in a position clearly visible to a *passenger*;
 - iii) adjusted in accordance with the *Broker's fare*;
 - iv) used only when the seal thereon is intact; and
 - v) kept in good working condition;
- (f) be clean and maintained in a good repair and free from interior damage and exterior damage;
- (g) display on the exterior of the *taxicab* uniform signage that includes the name of the *broker*; and
- (h) bear the compliance label required by Motor Vehicle Safety Regulation C.R.C., c. 1038 of the *Motor Vehicle Safety Act*, S.C. 1993, c. 16, as amended.

3 DUTIES AND RESPONSIBILITIES

3.1. The *Owner* of a *taxicab* shall:

- (a) provide a *taxicab meter* calibration and seal certificate prepared by a qualified mechanic or tradesperson;
- (b) permanently affix the *owner plate* to the *motor vehicle*;
- (c) ensure an electrically illuminated roof sign that is securely attached to the top of the *taxicab* in working condition, and wired to the *taxicab meter* and working in conjunction with the *taxicab meter* so that it is illuminated when the *taxicab meter* is in the vacant position;

- (d) employ or use only the services of *Drivers* who are *licenced* under this By-law;
- (e) maintain an up to date list of all *Drivers* operating *taxicabs* for the *Owner*, which list shall show the name, address, telephone number of each *Driver* and shall be provided to the *Licensing Officer* or other *Officer* on request;
- (f) report immediately to the *Licensing Officer* if any *Driver* is involved in any accident or collision connected with the operation of the *taxicab*; and
- (g) ensure that the *taxicab meter* seal required by this By-law is not removed or tampered with in any fashion.

3.2. The *Owner* of a *limousine* shall:

- (a) ensure that there is a signed contract for each *transportation service* that includes:
 - (i) client identification;
 - (ii) *Driver* identification;
 - (iii) service rendered;
 - (iv) *fare* charged; and
 - (v) date and time of the *transportation service*;
- (b) create and maintain in a readily accessible electronic format a list of all *Drivers* operating its *limousines*, which list shall include the following:
 - (i) the name of the *Driver*;
 - (ii) the year, make, model and *Provincial Licence Plate* number of the *limousine* operated by the *Driver*, and
 - (iii) the name of the *Owner*;
- (c) keep and maintain all records of repair to the *limousine* including all invoices for the duration of its operation as a *limousine*.

3.3. If a person owns more than one *motor vehicle* licenced under this By-law, the *Owner* shall be affiliated with a *Brokerage* or be *licenced* as a *Broker*, and comply with the requirements of a *Brokerage* contained in this By-law.

3.4. No *Owner licenced* under this By-law, shall:

- (a) permit an *owner plate* to be used with respect to any other *motor vehicle*, other than the *taxicab* for which the *owner plate* was issued;

- (b) require or permit a *Driver* of a *motor vehicle* of which they are the *Owner* to work when that person's ability to perform his duties is impaired by fatigue, illness or otherwise;
- (c) permit a *motor vehicle* of which they are the *Owner*, to be operated with mechanical defects of which the *Owner* is aware;
or
- (d) operate a *vehicle for hire* or permit the operation of a *motor vehicle* of which they are the *Owner* as a *vehicle for hire* without an *owner plate* for that *motor vehicle* having been issued under this By-law;

SCHEDULE 'C' to BY-LAW 050-2023

TAXICAB BROKER LICENSE REQUIREMENTS

1 APPLICATION REQUIREMENTS

1.1 In addition to the requirements set out in this By-law an *Applicant or Licensee* for a *Broker's Licence* or renewal of a *Broker's Licence* shall submit annually the following to the satisfaction of the *Licensing Officer*:

- (a) the applicable licensing fee;
- (b) a list of all *taxicab Drivers* and *taxicab Owners* affiliated with the *Broker*, which list shall include the following information:
 - i) the name of the *taxicab Driver*;
 - ii) the year, make, model and *Provincial Licence Plate* number of the *taxicab* operated by the *taxicab Driver*, and
 - iii) the name of the *taxicab Owner* and *Provincial Licence Plate* number of the *taxicab* owned by the *Owner*;
- (b) proof of commercial general liability insurance which shall:
 - i) be endorsed to provide the *Licensing Officer* with at least fifteen (15) days' notice in writing of a proposed cancellation or expiration of the insurance policy, or of a variation in the amount of the policy; and
 - ii) insure against all claims for personal injury including bodily injury resulting in death, and property damage with an inclusive limit of not less than two million dollars (\$2,000,000) per occurrence insuring him against liability imposed by law for any loss or damage resulting from the carrying on of the business to which the *Licence* relates;
- (c) where the *Broker* has five (5) or more *taxicabs* affiliated with its *Brokerage*, proof that a minimum of one (1) *taxicab* is an *accessible taxicab*; and
- (d) where the *Brokerage* office is located in the Town, confirmation that the *premises* where the *Brokerage* operates complies with the *Zoning By-law*.

2 DUTIES AND RESPONSIBILITIES

2.1. A *Broker* shall:

- (a) keep in full force and effect commercial general liability insurance in accordance with the requirements of this By-law;

- (b) create and maintain in a readily accessible electronic format a list of all *taxicab Drivers* and *taxicab Owners* affiliated with the *Broker*, which list shall include the following:
 - i) the name of the *taxicab Driver*, and
 - ii) the year, make, model and *Provincial Licence Plate* number of the *taxicab* operated by the *taxicab Driver*, and
 - iii) the name of the *taxicab Owner*,
 - (c) ensure each *taxicab* that is *dispatched* is equipped:
 - i) to accept credit card and debit card payments; and
 - ii) with a fully functioning global positioning system.
- 2.2. A *Broker* shall create and maintain information on all orders in a readily accessible electronic format which shall include:
- (a) the date, time and receipt of the order;
 - (b) the name of the *taxicab Driver* and the *Provincial Licence Plate* number of the *taxicab dispatched*;
 - (c) the pick up location and the destination;
 - (d) the date and time the *transportation service* started and terminated;
 - (e) the length of time elapsed between the order and the start time of the *transportation service*.
- 2.3. A *Broker* shall keep and maintain all records required to be kept under this By-law for a period of three (3) years.
- 2.4. A *Broker* shall:
- (a) inform a customer of the anticipated time for arrival of the *taxicab*;
 - (b) where the *transportation service* requested requires an *accessible taxicab* and the *Broker* is unable to provide such service, direct the *person* requesting the *transportation service* to another *Broker* which can provide the service;
 - (c) when a *Driver* ceases to be affiliated with the *Broker*, notify the *Licensing Officer* within three (3) days of the said termination;
 - (d) provide *transportation services* to all areas in the Town;
 - (e) provide for off-street parking within the Town for every *vehicle for hire* affiliated with the *Broker*; and
 - (f) ensure that the *brokerage* service will be available and staffed by a *dispatcher* on a continuous 24-hour basis.

- 2.5. A *Broker* with five (5) or more *taxicabs* in his fleet must have at least one (1) *accessible taxicab* in service at all times.
- 2.6. A *Broker* shall not:
- i. require a *Driver* to accept an order necessitating an expenditure of money by the *Driver* on behalf of the *passenger*;
 - ii. *dispatch* a *Driver* or a *taxicab* that does not meet the requirements of this By-law;
 - iii. permit any person to drive a *taxicab* unless that person is *licenced* as a *Driver* under this By-law;
 - iv. employ or engage a *Driver* that has a criminal conviction of a type set out in Schedule "H" to this By-law;
 - v. *dispatch* a *Driver* when his ability to perform his duties is impaired by fatigue, illness or otherwise;
 - vi. require a *taxicab Driver* to drive more than an average of twelve (12) hours per day calculated over any seven (7) day period; or
 - vii. operate or permit a *vehicle for hire* to be operated that has known defects.
- 2.7. A *Broker* may refuse an order where a *passenger* has not paid a previous *fare*.

SCHEDULE 'D' to BY-LAW 050-2023

ACCESSIBLE TAXICAB OWNER LICENCE REQUIREMENTS

1 APPLICATION REQUIREMENTS

- 1.1. In addition to the requirements set out in Schedule A of this By-law, an *Applicant* or *Licensee* for an *Owner's Licence* for an *accessible taxicab* or renewal of an *Owner's Licence* for an *accessible taxicab* shall submit annually the following to the satisfaction of the *Licensing Officer*:
- (a) the applicable licensing fee
 - (b) proof of being at least 18 years of age;
 - (c) proof of a current valid *Ontario Driver's Licence*;
 - (d) a *Safety Standards Certificate* dated within the previous sixty (60) days;
 - (d) proof of *ownership* of the *motor vehicle*;
 - (e) proof of third party *motor vehicle* liability insurance for the *accessible taxicab* in accordance with the requirements of this By-law;
 - (f) where the *accessible taxicab* runs on propane or natural gas, a safety standards certificate dated within the previous sixty (60) days; and
 - (g) where the *Owner* of an *accessible taxicab* is issued more than two (2) *Licences* and the *vehicles for hire* are stored on a property in the Town, confirmation of compliance with the *Zoning By-law*.
- 1.2. The *Owner* of an *accessible taxicab* shall provide a *taxicab meter* calibration and seal certificate prepared by a qualified mechanic or tradesperson.
- 1.3. In addition to the requirements that apply to a *Driver* of a *taxicab*, an *Applicant* or *Licensee* who will operate an *accessible taxicab* shall to the satisfaction of the *Licensing Officer*:
- (a) submit proof of successful completion of an *accessible vehicle training course*; and
 - (b) submit a certificate of completion of a *Wheelchair Securement and Occupant Restraint System Training* program with respect to the handling, safety restraint, transportation care and safety of a *passenger* with a disability.

2 DUTIES AND RESPONSIBILITIES

2.1. The *Owner* of an *accessible taxicab* shall:

- (a) keep in full force and effect *motor vehicle* liability insurance which shall:
 - i) be endorsed to provide the *Licensing Officer* with at least fifteen (15) days' notice in writing of a proposed cancellation or expiration of the insurance policy, or of a variation in the amount of the policy;
 - ii) ensure against loss or damage resulting from bodily injury to or the death of one or more *persons*, or from loss or damage to property resulting from any one accident and include provision for *passenger* hazard, with limits of not less than two million dollars (\$2,000,000) per occurrence;
 - iii) be endorsed to include all *persons* who have any interest in the *motor vehicle*; and
 - iv) not exclude coverage for use of the *motor vehicle* to carry paying passengers;
- (b) repair any mechanical defect or exterior repair of a *taxicab* that is reported to them or known;
- (c) not permit the operation of *taxicab* that has been in a collision until such time as the necessary repairs have been completed;
- (d) when a *Driver* ceases to be affiliated with a *taxicab Owner*, notify the affiliated *Broker* and the *Licensing Officer* within three (3) days of the said termination;
- (e) if a *taxicab* will not longer be used as a *taxicab licensed* in accordance with this By-law, immediately remove from the *taxicab* being disposed of:
 - i) all identifying decals and markings;
 - ii) the *taxicab meter*;
 - iii) all other item which make the *taxicab* appear to the public to be a *taxicab*; and
 - iv) keep and maintain all records of repair to the *taxicab* including all invoices for the duration of its operation as a *taxicab*.

2.2. Every *Driver* of an *accessible taxicab* shall comply with all other requirements that apply to a *Driver* under this By-law.

3 ACCESSIBLE TAXICAB REQUIREMENTS

3.1. In addition to the all requirements that apply to *taxicabs* in this By-law, an *accessible taxicab* shall:

- (a) be equipped with:
 - i) approved wheelchair tie downs;
 - ii) a first aid kit; and
 - iii) a dry chemical fire extinguisher having an effective total rating of at least 4-B C, and weighing at least 2.27 kb (approximately 5 lbs); and
- (b) be in compliance with Ontario Regulation 629 of the *Highway Traffic Act*.

3.2. No *motor vehicle* with a *model year* greater than five (5) years shall be used as an *accessible taxicab*.

SCHEDULE 'E' to BY-LAW 050-2023

FARES

1 FARES

1.1. A *Driver* of a *taxicab* shall:

- (a) take the shortest possible route to the destination when a *passenger* enters a *taxicab* and gives the *Driver* the desired destination, unless the *passenger* directs otherwise;
- (b) commence the calculation of a *fare* using the *taxicab meter* and calculate the *fare* for providing the *transportation service* using the *taxicab meter* except where a flat rate *fare* is applicable;
- (c) not commence calculation of the *fare* until he has notified the *passenger* of his arrival and has waited a reasonable time after the time of the order;
- (d) not charge for time lost through his own incompetence;
- (e) not charge for time elapsed due to early arrival of the *taxicab* in response to a call for a *taxicab* to arrive at a fixed time;
- (f) when there is a dispute with the *fare* give the *passenger* a receipt that includes:
 - i) the *fare* paid;
 - ii) the date and time of the *transportation service*;
 - iii) the pick up location and destination;
 - iv) the *Driver's* name;
 - v) the *Provincial Licence Plate* number of the *taxicab*;
- (g) if there is a dispute with the *passenger* about the *fare*, refer the dispute to the Halton Regional Police.

1.2 When picking up a *passenger* within the Town for a *transportation service* with a destination outside the Town, a *taxicab Driver* may agree with the *passenger* before commencement of the *transportation service* to a flat rate *fare* where the destination is a minimum of five (5) kilometers outside the limits of the Town.

1.3 In the event that a *taxicab meter* ceases to function, the *taxicab* can continue to operate for a period of no longer than eighteen (18) hours and the *fares* may be calculated from an odometer reading. The odometer reading details shall be recorded by the *Driver* in his record of *transportation services*.

1.4 A *Driver* of a *limousine* shall:

- (a) not charge for time lost through their own incompetence;
- (b) when there is a dispute with the *fare* give the *passenger* a receipt that includes:
 - i) the *fare* paid;
 - ii) the date and time of the *transportation service*;
 - iii) the pick up location and destination;
 - iv) the *Driver's* name;
 - v) the *Provincial Licence Plate* number of the *limousine*;
- (c) if there is a dispute with the *passenger* about the *fare*, refer the dispute to the Halton Regional Police.

SCHEDULE 'F' to BY-LAW 050-2023

TNC LICENCE REQUIREMENTS

- 1.1 In addition to the requirements set out in this By-law, an *Applicant* or *Licensee* for a *TNC Licence* or renewal of a *TNC Licence* shall submit the following annually to the satisfaction of the *Licensing Officer*:
- (a) a list of all *TNC Drivers* affiliated with the *TNC*, which list shall include the following information:
 - i) the applicable licensing fee
 - ii) the name of the *TNC Driver*;
 - iii) the *model year*, make, model and *Provincial Licence Plate* number of the *TNC vehicle* operated by the *TNC Driver*;
 - iv) proof of a current valid *Ontario Driver's Licence* of the *TNC Driver*;
 - v) a *Driver's Abstract* dated within sixty (60) days of applying for affiliation with the *TNC*;
 - vi) a *Criminal Record Check* dated within sixty (60) days of applying for affiliation with the *TNC*;
 - vii) proof of *ownership* of the *TNC vehicle* operated by the *TNC Driver*;
 - viii) a *Safety Standards Certificate* in respect of the *TNC vehicle* dated within sixty (60) days of applying for affiliation with the *TNC*; and
 - ix) where the *TNC vehicle* runs on propane or natural gas, a safety check certificate dated within the previous sixty (60) days of applying for affiliation with the *TNC*;
 - (b) proof that every *TNC Driver* affiliated with the *TNC* has third party *motor vehicle* liability insurance for owned, or leased *TNC vehicles*, which shall be in effect at all times during the provision of *transportation services*:
 - i) be endorsed to provide the *Licensing Officer* with at least fifteen (15) days' notice in writing of a proposed cancellation or expiration of the insurance policy, or of a variation in the amount of the policy; and
 - ii) insure against loss or damage resulting from bodily injury to or the death of one or more *persons*, or from loss or damage to property occurring while in the post-acceptance period resulting from any one accident and include the IPCF 6TN Permission to Carry Paying Passengers for a

TNC endorsement or an equivalent endorsement acceptable to the *Licensing Officer*, with limits of not less than two million dollars (\$2,000,000) per occurrence;

- (c) the name, telephone and email contact information for the *person* authorized to receive and respond on behalf of the *TNC* to any and all communications from the *Town* relating to the *TNC's Licence* or the *TNC's* conduct of its business;
- (d) proof that there are adequate data security measures in place to protect the *personal* data of *passengers* and *TNC Drivers* collected by the *TNC*, to the satisfaction of the *Licensing Officer*, and
- (e) documentation demonstrating that the *TNC App*:
 - i) provides to the *passenger* requesting the *transportation service* at the time the *transportation service* is arranged:
 - 1. the *TNC* name and contact information;
 - 2. the first name and a photograph of the *TNC Driver*;
 - 3. the make, model and *Provincial Licence Plate* number of the *TNC vehicle*;
 - 4. the estimated *fare* including any surcharge; and
 - 5. the current location of the *TNC vehicle*;
 - ii) provides a process allowing a *passenger* to accept or refuse the *transportation service* prior to it commencing and keeps a record of such acceptance or refusal;
 - iii) provides a secure payment mechanism;
 - iv) provides a printed or electronic receipt to the *passenger* at the end of the *transportation service* that includes the following information:
 - 1. the *fare* and any surcharges paid;
 - 2. the date, time, duration and distance of the *transportation service*;
 - 3. the pick-up location and the destination;
 - 4. the first name of the *TNC Driver*.
 - v) incorporates a global positioning system in which all *transportation services* are recorded.

SCHEDULE 'G' to BY-LAW 050-2023

TNC LICENCE TERMS AND CONDITIONS

1 DUTIES AND RESPONSIBILITIES

1.1. A *TNC* shall:

- (a) ensure that driver training is available for all affiliated *TNC Drivers* on the use of the *TNC App*;
- (b) where the *transportation service* requested requires an *accessible vehicle* and the *TNC* is unable to provide such service, direct the *person* requesting the *transportation service* to a *TNC Driver* who can provide the service;
- (c) have a dispute resolution process for dealing with any complaints regarding *fares*, customer service or any other issues arising from the *TNC's* operations;
- (d) not obstruct access or use of the *TNC App* by the *Licensing Officer* or a Municipal Law Enforcement Officer, including but not limited to the creation and use of an account as a *passenger* or as a *TNC Driver*;
- (e) make available to the public on its *TNC App*, and by any other means of its choice, the following information:
 - i) the insurance coverage required to be maintained by the *TNC* and by a *TNC Driver*;
 - ii) the applicable screening process for a *TNC Driver* and a *TNC vehicle*; and
 - iii) that *TNC Driver* cannot accept cash payment for *transportation services*.
- (f) provide to the *passenger* requesting the *transportation service* at the time the *transportation service* is arranged:
 - i) the *TNC* name and contact information;
 - ii) the first name and a photograph of the *TNC Driver*;
 - iii) the make, model and *Provincial Licence Plate* number of the *TNC vehicle*;
 - iv) the estimated *fare* including any surcharge; and
 - v) the current location of the *TNC vehicle*;
- (g) provide a link to the *passenger* requesting the *transportation service* to provide a rating or otherwise comment on the *TNC Driver* and the *TNC vehicle*;

- (h) provide a process allowing a *passenger* to accept or refuse the *transportation service* prior to it commencing;
- (i) provide a secure payment mechanism;
- (j) provide a printed or electronic receipt to the *passenger* at the end of the *transportation service* that includes the following information:
 - i) the *fare* and any surcharges paid;
 - ii) the date, time, duration and distance of the *transportation service*;
 - iii) the pick-up location and the destination; and
 - iv) the first name of the *TNC Driver*; and
- (k) ensure the *TNC App* operates in accordance with documentation submitted as part of the *Licence* application demonstrating that the *TNC App* meets all the required functionality as required by this By-law.

1.2. A *TNC* shall not:

- (a) permit a *TNC Driver* to access the *TNC App*:
 - i) where the *TNC* has a reasonable belief that the *TNC Driver* does not meet the *TNC Driver* requirements set out in this By-law; or
 - ii) where the *Licensing Officer* has notified the *TNC* that, based on an investigation, the Town has determined that the *TNC Driver* does not meet the *TNC Driver* requirements set out in this By-law; and
 - (iii) where access to the *TNC App* has been removed, the *TNC* shall not reinstate access until the *Licensing Officer* is satisfied the *TNC Driver* is in compliance with the *TNC Driver* requirements set out in this By-law;
 - iv) require or permit a *Driver* of a *motor vehicle* of which they are the *Owner* to work when that person's ability to perform his duties is impaired by fatigue, illness or otherwise;
- (b) require that the law of any jurisdiction other than Ontario be applied in relation to the use of the *TNC App* in the Town by *TNC Drivers* or *passengers*; or
- (c) employ or engage a *TNC Driver* that has a criminal conviction of a type set out in Schedule "H" to this By-law; or
- (d) All *TNCs* are encouraged to ensure that their affiliated *TNC App* is accessible to a *person* with a disability.

2 RECORDS

- 2.1 A *TNC* shall create and maintain in a readily accessible electronic format, which shall be submitted to the Town on an annual basis, or upon request from the *Licensing Officer* or other *Officer*:
- (a) a list of all *TNC Drivers* affiliated with the *TNC*, which list shall include the following:
 - i) the name of the *TNC Driver*; and
 - ii) the *model year*, make, model and *Provincial Licence Plate* number of the *TNC vehicle* operated by the *TNC Driver*;
 - (b) information on all orders and *transportation services* completed by affiliated *TNC Drivers* which shall include:
 - i) the date, time and receipt of the order;
 - ii) the name of the *TNC Driver* and the *Provincial Licence Plate* number of the *TNC vehicle*;
 - iii) the pick up location and the destination;
 - iv) the distance, date and time the *transportation service* started and terminated;
 - v) the length of time elapsed between the order and the start of the *transportation service*; and
 - vi) the *fare* paid for the *transportation service*;
 - (c) information for all *transportation services* that cannot be completed by an affiliated *TNC Driver* including for *transportation services* where an *accessible vehicle* is required.
 - (d) the total number of *transportation services* provided by the *TNC*;
 - (e) the total number of *TNC Drivers* providing *transportation services*; and
 - (f) the total number of *TNC vehicles* providing *transportation services*;
 - (g) Every 3 months following the issuance of a *TNC Licence*, the *TNC* shall provide the *Licensing Officer* with an up-to-date list in a readily accessible electronic format of every affiliated *TNC Driver* and *TNC vehicle* that includes:
 - i) the full name and address of every *TNC Driver*;
 - ii) the make, model and *Provincial Licence Plate* number of every *TNC vehicle*; and,
 - iii) confirmation that each *TNC Driver* meets the requirements in subsection 1.1(a) and (b) of Schedule “F”.

2.2 A *TNC* shall keep and maintain all records required to be kept under this By-law for a period of three (3) years except:

(a) *motor vehicle* insurance coverage records, which shall be retained for three (3) years after the *TNC Driver* ceases to be affiliated with the *TNC*;

2.3 Prior to the collection of any personal information, a *TNC* shall obtain consent from any affiliated *TNC Driver* for such collection and future disclosure to the *Licensing Officer* for the purposes of investigating complaints and potential breaches of this By-law.

3 TNC VEHICLE REQUIREMENTS

3.1 A *TNC vehicle* shall:

- (a) have a minimum of four (4) doors and useable trunk capacity;
- (b) be equipped with operable air-conditioning and heating;
- (c) be equipped with working seatbelts for its maximum *passenger* capacity;
- (e) be equipped with snow tires or all weather tires from December 1 to April 15;
- (f) be clean and maintained in a good repair and free from interior damage and exterior damage;
- (g) display in a visible location on the exterior of the *TNC Vehicle* the *TNC Identifier*; and
- (h) bear the compliance label required by *Motor vehicle* Safety Regulation C.R.C., c. 1038 of the *Motor vehicle Safety Act*; S.C. 1993, c. 16, as amended.

SCHEDULE 'H' to BY-LAW 050-2023

CRIMINAL OFFENCES

Criminal Code Offences	Description
Explosives	Using explosives; possession.
Terrorism	Providing or collecting <i>property</i> for certain activities; providing or making available <i>property</i> or services for terrorist purposes; using or possessing <i>property</i> for terrorist purposes; participation in activity of terrorist group; facilitating terrorist activity; instructing to carry out activity for terrorist group; instructing to carry out terrorist activity.
Firearms and weapons	Using firearms (including imitation) in commission of offence; careless use of firearm; pointing a firearm; possession of weapon for dangerous purposes; carrying weapon while attending public meeting; carrying concealed weapon; unauthorized possession of firearm; possession of firearm knowing its possession is unauthorized; possession at unauthorized place; unauthorized possession in motor vehicle; possession of prohibited or restricted firearm with ammunition; possession of weapon obtained by commission of offence; breaking and entering to steal firearm; robbery to steal firearm; weapons trafficking; possession for purpose of weapons trafficking; transfer without authority; making automatic firearm; discharging firearm with intent; causing bodily harm with intent — air gun or pistol.
Sexual offences against Minors	Sexual interference; invitation to sexual touching; sexual exploitation; sexual exploitation of person with disability; incest; making child pornography; parent or guardian procuring sexual activity; householder permitting sexual activity; corrupting children; luring a child; prostitution of person under eighteen.
Sexual offences against persons other than minors	Sexual exploitation of person with disability; incest; indecent acts; sexual assault.
Criminal Negligence	Causing death by criminal negligence; causing bodily harm by criminal negligence.

Murder	Murder; manslaughter; infanticide; attempt to commit murder; accessory to murder.
Operation of vehicles, vessels, or aircraft	Dangerous operation of motor vehicles, vessels and aircraft; flight; causing death by criminal negligence (street racing); causing bodily harm by criminal negligence (street racing); dangerous operation of motor vehicle while street racing; failure to stop at scene of accident; operation while impaired; operation while disqualified.
Harassment and threats	Criminal harassment; uttering threats; intimidation.
Assault	Assault; assaulting a peace Officer.
Confinement	Kidnapping; Trafficking in persons; Hostage taking; Abduction of person under sixteen; Abduction of person under fourteen; Abduction in contravention of custody order; Abduction.
Theft over, forgery and fraud	Theft over; destroying documents of title; fraudulent concealment; theft and forgery of credit card; theft from mail; forgery; uttering forged document; drawing document without authority; fraud; using mails to defraud; arson for fraudulent purpose.
Robbery and extortion	Robbery; extortion.

SCHEDULE 'I' to BY-LAW 050-2023

TNC Voluntary “In-lieu of Accessibility” Surcharge

Certain *TNCs* have voluntarily agreed to include a trip surcharge on all *fares* in lieu of providing accessible *transportation services* in the Town. Town staff will request that any other *TNCs* applying for a *TNC Licence* agree to a negotiated the same *fare* surcharge in lieu of providing accessible *transportation services* in the Town. All funds collected from the voluntary accessibility surcharge will be used towards increasing accessible transportation within the Town, including but not limited to accessible public transit solutions.