

**By-Law Number 86 - 2018
of the Corporation of the
Municipality of Chatham-Kent**

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A By-law to provide for the licensing, regulating and governing of vehicles for hire, including cabs, accessible cabs, limousines, private vehicles for hire and accessible vehicles for hire, owners and brokers.

Finally passed the 18th day of June, 2018

Whereas subsection 5(3) of the *Municipal Act, 2001*, S.O. 2001, c.25, as amended, provides that a municipal power shall be exercised by by-law;

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 its authority under this or any other Act;

And whereas subsection 10(1) of the *Municipal Act, 2001* provides that a municipality may provide any service or thing that the municipality considers necessary or desirable for the public;

And whereas subsection 10(2) of the *Municipal Act, 2001* provides that a municipality may pass by-laws respecting: in paragraph 6, Health, safety and well-being of Persons; in paragraph 7, Services and things that the municipality is authorized to provide under subsection (1); in paragraph 8, Protection of Persons and property; in paragraph 11 Business Licensing;

And whereas subsection 151(1) of the *Municipal Act, 2001* provides that, without limiting sections 9 and 10 of the Act, 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 of 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;
- (f) license, regulate or govern real and Personal property used for the business and the Persons carrying it on or engaged in it; and,
- (g) require a Person, subject to such conditions as the municipality considers appropriate, to pay an administrative penalty if the municipality is satisfied that the Person has failed to comply with any part of a system of Licences established by the municipality;

And whereas subsection 151(5) of the *Municipal Act, 2001* provides that subsection 151(1) applies with necessary modifications to a system of Licences with respect to any activity, matter or thing for which a by-law may be passed under sections 9, 10 and 11 as if it were a system of Licences with respect to a business;

And whereas subsection 156(1) of the *Municipal Act, 2001* provides that without limiting sections 9, 10 and 11, a local municipality, in a by-law under section 151 with respect to the owners and drivers of taxicabs, may:

- (a) establish the rates or Fares to be charged for the conveyance of property or passengers either wholly within the municipality or from any point in the municipality to any point outside the municipality;
- (b) provide for the collection of the rates or Fares charged for the conveyance; and
- (c) limit the number of taxicabs or any class of them;

And whereas the Council for the Municipality of Chatham-Kent considers it necessary and desirable for the public to regulate Vehicles for Hire for the purposes of health and safety, consumer protection and service quality to ensure a Vehicle for Hire service is available to all Persons including the travelling public in the Municipality of Chatham-Kent;

And whereas it is deemed expedient to pass this By-law;

Be it therefore enacted by the Council of The Corporation of the Municipality of Chatham-Kent as follows:

Vehicle for Hire By-Law

Part 1 - Definitions

1.1 For the purpose of this By-law:

"Accessible Cab" means a Cab that is wheelchair-accessible permitting the loading, transportation and off-loading of a Person with a disability confined to a wheelchair, or other similar device, without transfer, and is available for or providing a Conveyance Service, but does not include a Limousine, Private Vehicle for Hire or an Accessible

Private Vehicle for Hire;

"Accessible Cab Driver" means a Licensed Cab Driver who has been trained to operate an Accessible Cab;

"Accessible Cab Owner" means a Person who holds an Accessible Cab Owner Licence and corresponding Owner Plate;

"Accessible Vehicle" means an Accessible Cab or an Accessible Private Vehicle for Hire or both as the context requires;

"Accessible Private Vehicle for Hire" means a Private Vehicle for Hire that is wheelchair- accessible permitting the loading, transportation and off-loading of a Person with a disability confined to a wheelchair, or other similar device, without transfer, and is available for or providing a Conveyance Service, but does not include a Cab, Accessible Cab or a Limousine;

"Accessible Private Vehicle for Hire Driver" means a Licensed Vehicle for Hire Driver who has been trained to operate an Accessible Vehicle for Hire;

"Accessible Private Vehicle for Hire Owner" means a Person who holds an Accessible Private Vehicle for Hire Owner Licence and corresponding Owner Plate;

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

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

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

"By-law Appeal Committee" means the By-law Appeal Committee pursuant to the By-law Appeal Committee By-law 22-2015 as amended or any successor by-law;

"Cab" means a motor vehicle that is available for or providing a Conveyance Service, but does not include a Limousine, Private Vehicle for Hire or an Accessible Private Vehicle for Hire, or a vehicle that is operating under a Private Transportation Company that is licensed by the Municipality;

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

"Conveyance Service" means conveying one or more Persons in exchange for a Fare, fee or other consideration wholly within the Municipality or from any point in the Municipality to any point outside the Municipality;

"Council" means the Municipal Council of The Corporation of the Municipality of Chatham-Kent;

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

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

are actually provided to the Passenger.

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

"Enforcement Officer" means a municipal law enforcement officer or other law enforcement officer as appointed by Council of the Corporation of the Municipality of Chatham-Kent, Chatham-Kent Police Services or a Provincial Offences Officer;

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

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

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

"Issuer of Licences" means the Person in the position of Manager, Licensing Services of the Municipality of Chatham-Kent, or authorized delegates;

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

"Licence" means a Licence issued under this By-law;

"Licensed" means Licensed under this By-law;

"Licensee" means any Person Licensed under this By-law;

"Limousine" means:

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

"Limousine Driver" means a Person who holds a Limousine Driver Licence;

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

"Municipality" means The Corporation of the Municipality of Chatham-Kent or the geographic area of the Municipality of Chatham-Kent as the context suggests;

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

"Obstruct" means to hinder, mislead, knowingly provide false information or make false claim or statement, or to prevent the execution of a duty;

"Operate" means to drive a Cab, Accessible Cab, Limousine, Private Vehicle for Hire or Accessible Private Vehicle for Hire while it is available for or providing a Conveyance Service and operating/operation shall have the corresponding meaning;

"Order" means a request for a motor vehicle to provide a Conveyance Service;

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

"Owner Plate" means vehicle Licence identification issued to the Owner under this By-law corresponding to their Owner Licence;

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

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

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

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

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

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

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

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

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

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

"Safety Standards Certificate" means a Safety Standards Certificate issued under the *Highway Traffic Act*;

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

“User Fee By-law” means the By-law passed by Council on an annual basis setting the user fees for municipal services;

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

Part 2 – Licence Requirements

2.1 No Person shall:

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

Part 3 - Application of By-Law Exemptions

3.1 This By-law shall not apply to:

- (a) a motor vehicle with a seating capacity of 11 or more individuals, including the driver;
- (b) an ambulance or funeral hearse;
- (c) a school bus as defined under the *Highway Traffic Act* that is Licensed under the *Public Vehicles Act* while it conveys students to and from school as defined under the *Highway Traffic Act*;
- (d) a bus operated under the *Public Vehicles Act* by a contractor providing

services for the Municipality of Chatham-Kent for conventional transit, accessible transit and inter-urban transit;

- (e) any Person or corporation providing conveyance services of Persons including but not limited to senior citizens or Persons with Disabilities in accordance with an agreement with the Municipality;
- (f) a motor vehicle used by not for profit organizations registered in the province of Ontario for the purposes of transporting senior citizens or Persons with Disabilities;
- (g) a motor vehicle which provides transportation services for its employees, residents and customers including but not limited to nursing homes and retirement homes;
- (h) designated driver services for which a designated driver drives the customer in the customer's vehicle to at least one destination;
- (i) courtesy vehicles in association with motor vehicle repair shops where a customer is driven to a predetermined destination;
- (j) an Accessible Vehicle for Hire licensed by another municipality to provide Conveyance Services;
- (k) Limousines licensed by another municipality to provide Conveyance Services; and
- (l) vehicles providing a shuttle service to airports.

Part 4 - Administration of By-law

- 4.1 The administration of this By-law is assigned to the Issuer of Licences who shall generally perform all of the administrative functions conferred upon them by this By-law and without limitation may:
- (a) receive and process all applications for all Licences and renewals of Licences under this By-law;
 - (b) issue Licences in accordance with the provisions of this By-law;
 - (c) impose terms and conditions on Licences in accordance with this By-law; and
 - (d) refuse to issue or renew a Licence or revoke or suspend a Licence in accordance with this By-law.

Part 5 - Application for Licences and Renewals

- 5.1 Every application for a Licence and renewal Licence shall be made to the Issuer of Licences on the forms provided by the Issuer of Licences. Without limitation, every application for a Licence or a renewal shall include the following information:
- (a) the name, date of birth, municipal address, telephone number and email address of each Applicant;
 - (b) if the Applicant is a partnership, the name, address and telephone number of each partner;
 - (c) if the Applicant is a corporation, the address of its head office, the name,

address and telephone number of each director and officer;

- (d) a sworn statement by the Applicant certifying the accuracy, truthfulness and completeness of the application;
- (e) if the Applicant is a partnership, a sworn statement by each partner certifying the accuracy, truthfulness and completeness of the application; and
- (f) if the Applicant is a corporation, a sworn statement by an officer of the corporation duly authorized for that purpose certifying the accuracy, truthfulness and completeness of the application.

5.2 Every Person applying for a Licence or a renewal of a Licence shall provide in full at the time the application is submitted all of the information requested on the application form as well as:

- (a) payment of the prescribed fee as set out in the Municipality's User Fee By-law;
- (b) if the Applicant or Licensee is a corporation, a copy of the incorporating documentation, a copy of the last initial notice or notice of change which has been filed with the provincial or federal government and a Certificate of Status issued by the Ministry of Government and Consumer Services dated no later than thirty (30) days prior to the date of the application;
- (c) if the Applicant or Licensee is a partnership, details of each partner's interest in the partnership; and
- (d) any other documentation or information as may be required in any other part of this By-law or by the Issuer of Licences.

5.3 The Issuer of Licences may require affidavits in support of an application or a renewal of a Licence.

5.4 Every application may be subject to investigations by and comments or recommendations from the municipal, provincial or federal departments or agencies as the Issuer of Licences deems necessary including but not limited to:

- (a) Chatham-Kent Police Services;
- (b) the Issuer of Licences;
- (c) the Ministry of Transportation.

Part 6 - Issuance of Licences

6.1 Every Licence shall be electronic or in the form and manner as provided by the Issuer of Licences and shall, without limitation, include on its face:

- (a) the Licence number;
- (b) the name of each Licensee; and
- (c) the date the Licence was issued and the date the Licence expires.

6.2 Every Licence that is issued for the first time, and every renewal thereof, is subject to the following conditions of obtaining, continuing to hold and renewing a Licence all of which shall be performed and observed by the Applicant or the Licensee:

- (a) the Applicant or Licensee shall pay the prescribed fee as set out in the Municipality's User Fee By-law;

- (b) the Applicant or Licensee shall pay all fees and fines owed by the Applicant or Licensee to the Municipality; and
 - (c) the Applicant or Licensee shall meet all of the requirements of this By-law.
- 6.3 A Licence issued under this By-law shall be valid only for the period of time for which it was issued. A Licence issued under this By-law may be renewed provided the Applicant meets all of the requirements of this By-law. An application for a renewal shall be delivered to the Issuer of Licences on or before the expiry date of the Licence being renewed.
- 6.4 A Licence may be issued for a term of one year commencing on the date it is issued and ending on May 1st of each year, except for the first Licence year which may be prorated at the discretion of the Issuer of Licences.
- 6.5 The issuance of a Licence or renewal thereof under this By-law is not intended and shall not be construed as permission or consent by the Municipality for the Licensee to contravene or fail to observe or comply with any law of Canada, Ontario or any By-law of the Municipality.
- 6.6 Every Licence, at all times, is owned by and is the property of the Municipality and is valid only in respect of the Person named therein.
- 6.7 No Person shall sell, purchase, Lease, mortgage, charge, assign, pledge, transfer, seize, distraint or otherwise deal with a Licence, including any right title or interest therein, issued under this By-law except in accordance with sections 19, 20 and 21 of this By-law.
- 6.8 All Fees and inspection fees paid under this By-law are non-refundable.

Part 7 - Notification of Change of Information

- 7.1 When a Licensee changes their name, address, affiliated Broker, employer or any other information relating to their Licence, the Licensee shall notify the Issuer of Licences within 5 days after such change and if necessary, as determined by the Issuer of Licences, the Licence shall be returned immediately to the Issuer of Licences for amendment.
- 7.2 When the Licensee is a corporation and there is any change in the following information given on the application namely: the names and addresses of officers or directors, the location of the corporate head office, change of ownership of shares, the Licensee shall report the change to the Issuer of Licences within 5 days of the change and if necessary as determined by the Issuer of Licences, the Licence shall be returned immediately to the Issuer of Licences for amendment.

Part 8 – Vehicle for Hire Drivers – Licence Applications and Renewals

- 8.1 Every Applicant for a Vehicle for Hire Driver Licence, or a renewal thereof, or alternatively, a Broker acting on the behalf of the Applicant shall:
- (a) submit to the Issuer of Licences a complete application form for such Licence;
 - (b) submit to the Issuer of Licences documentation showing proof of Canadian Citizenship, Landed Immigrant Status, or a Work Permit to work as a driver issued by the Government of Canada;
 - (c) submit to the Issuer of Licences a valid Class G driver's licence issued by the Province of Ontario which is in good standing according to the records of the Ministry of Transportation;
 - (d) submit to the Issuer of Licences proof that they are at least 18 years of age, which shall include a copy of a valid birth certificate or passport;

- (e) submit to the Issuer of Licences a Police Record Check with every initial application for a Licence and every three years thereafter, that is dated no later than 60 days prior to the application for a Licence;
- (f) submit to the Issuer of Licences with every application for renewal in the years that a Police Record Check is not required a sworn affidavit stating that the Police Record Check on file has not changed and that there are no new charges or convictions;
- (g) submit to the Issuer of Licences a Ministry of Transportation driver's abstract dated no later than 30 days prior to the application for a Licence;
- (h) submit to the Issuer of Licences the name of the Licensed Broker with whom they are affiliated; and
- (i) submit the payment of the prescribed fee as set out in the Municipality's User Fee By-law.

Part 9 – Vehicle for Hire - Driver's Duties

9.1 Every Vehicle for Hire Driver shall:

- (a) carry their driver's licence issued under the *Highway Traffic Act*, and their Licence while Operating a Vehicle for Hire;
- (b) have displayed in the interior of the Vehicle for Hire the driver's Licence as issued by the Issuer of Licences and shall be displayed so that they are clearly visible to any Passenger in the Vehicle for Hire;
- (c) provide Conveyance Service to the first Passenger requiring such service of the Vehicle for Hire. More than one party shall not be carried at the same time, except with the consent of the party first engaged with the Vehicle for Hire Driver;
- (d) take the Vehicle for Hire the most direct traveled route from the point of pick-up of the Passenger to the point of destination, unless otherwise directed by the Passenger;
- (e) present a clean appearance and act in an orderly manner towards the Passenger and the public generally;
- (f) be civil and courteous, and refrain from using profanity;
- (g) upon request of any Passenger, give in writing his/her name, the name, address, and telephone number of the Owner and the Broker, and the Licence number for the Vehicle being operated;
- (h) not transport a child under the age of twelve (12) years old in the front seat of the Vehicle for Hire without first disengaging the front seat Passenger air bag;
- (i) upon being required to do so by the Issuer of Licences or any Officer provide information regarding the address of the house or place to or from which they have driven any Passenger with a description, name, and address of the Passenger, if known to the Vehicle for Hire Driver;
- (j) not be under the influence of any intoxicant or take, consume or have in his/her possession any intoxicant while operating a Vehicle for Hire;

- (k) have the right to refuse a customer on the basis that the Vehicle for Hire Driver is concerned for his or her Personal safety or that the Vehicle for Hire Driver has a reasonable belief that the customer may not be able to pay the Fare;
- (l) report immediately to the Issuer of Licences if they are charged or convicted with any offence under the *Criminal Code of Canada*, the *Narcotic Control Act*, the *Food and Drugs Act*, the *Controlled Drugs and Substances Act* or the *Highway Traffic Act*;
- (m) report immediately to the Issuer of Licences if their driver's licence issued under the *Highway Traffic Act* is cancelled, suspended or revoked or if their driver's licence has expired, and surrender immediately their Licence to the Issuer of Licences;
- (n) unless their Vehicle for Hire has been previously engaged, provide a Conveyance Service to any Person, irrespective of the requested destination, refusing only if the Driver is concerned for their Personal safety; and
- (o) make available the number of the Owner Plate and the name of the Fleet that the Vehicle for Hire belongs to in an accessible format to Passengers who are Persons with disabilities.

Accessible Vehicle for Hire Driver

9.2 In addition to all of the requirements set out in section 9.1 every Accessible Vehicle for Hire Driver shall:

- (a) ensure that all wheelchairs or scooters being transported within the Accessible Vehicle are securely fastened so as to prevent them from moving when the Accessible Vehicle is in motion;
- (b) ensure that the Accessible Vehicle:
 - (i) is equipped with an extra tire, wheel and jack ready for use for that Accessible Vehicle;
 - (ii) is equipped with wheelchair tie downs;
 - (iii) is in compliance with the Canadian Standards Association's Standard D409-M84 and all other applicable federal and provincial legislation including without limitation to R.R.O. 1990, Reg. 629: Accessible Vehicles under the *Highway Traffic Act*;
 - (iv) is equipped with a first aid kit; and
 - (v) is equipped with a dry chemical fire extinguisher.
- (c) give priority for Conveyance Services for Persons with disabilities over Persons without disabilities.

Part 10 - Vehicle for Hire - Driver's Prohibitions

10.1 No Vehicle for Hire Driver shall:

- (a) smoke inside a Vehicle for Hire;
- (b) Operate a Vehicle for Hire whose owner is not Licensed under this By-law;
- (c) Operate a Vehicle for Hire without the number of the Owner Plate displayed on the rear trunk of the Vehicle for Hire in accordance with this By-law;

- (d) Operate a Vehicle for Hire that is not mechanically safe;
- (e) Operate a Vehicle for Hire without insurance as required under section 12.2(d)(ii);

Private Vehicles for Hire Drivers – Additional Prohibitions

- 10.2 In addition to all the prohibitions in section 10.1 Private Vehicle for Hire Driver or Accessible Private Vehicle for Hire Driver, shall not:
- (a) receive Orders for Conveyance Service other than through electronic means or phone calls to one designated number and shall not be dispatched by a two-way radio;
 - (b) display advertising bearing the words “taxicab” “taxi” or “cab” nor be equipped with a roof sign or meter; and
 - (c) cruise for Fares or “stand” for Fares unless awaiting the completion of a pre-arranged engagement or accept or solicit Passengers without a pre-arranged engagement.

Part 11 - Vehicle for Hire - Driver’s Vehicle Requirements

- 11.1 Every Driver shall maintain the interior of his or her vehicle, while they are Operating it, in a clean and tidy condition, including:
- (a) free from all dust, dirt, grease, oil, adhesive resin and any other item that can be transferred on to the Person, clothing or possessions of a Passenger;
 - (b) free of all waste paper, cans, garbage or any other debris;
 - (c) free of noxious substances;
 - (d) in good repair;
 - (e) with working seat belts;
 - (f) with side windows that open and close;
 - (g) with every seat securely mounted maintaining its position and adjustment; and
 - (h) with a working dome light that will activate automatically when the vehicle doors open.
- 11.2 Every Driver shall maintain the exterior of his or her vehicle, while they are Operating it, in good condition including:
- (a) free from exterior body damage which impacts the safe operation of the vehicle;
 - (b) with securely closing doors and trunk lid; and
 - (c) with all handles in good repair.

Part 12 – Vehicle for Hire Owners – Licence Applications and Renewals

- 12.1 A Person who is the owner of more than one Vehicle for Hire shall take out a separate Licence and Owner Plate for each vehicle.

12.2 Every Applicant, or alternatively, a Broker acting on the behalf of the Applicant shall:

- (a) if the Applicant is an individual, attend at the office of the Issuer of Licences in Person and complete a written application for such Licence, or alternatively, submit an application electronically;
- (b) if the Applicant is a partnership, have a partner attend at the office of the Issuer of Licences in Person and complete a written application for such Licence, or alternatively, submit an application electronically;
- (c) if the Applicant is a corporation, have an officer or director of the corporation having signing authority attend at the office of the Issuer of Licences in Person and complete a written application for such Licence, or alternatively, submit an application electronically;
- (d) file with the Issuer of Licences:
 - (i) proof that the vehicle to be Plated has a current motor vehicle permit that is in good standing issued under the *Highway Traffic Act* and is either registered in their name or Leased by them;
 - (ii) proof of insurance that covers Conveyance Services in respect of the vehicle to be Plated indemnifying and protecting the Owner and the public, including Passengers, in the amount of \$2,000,000.00, which insurance shall be satisfactory to the Issuer of Licences. Said policy to be endorsed to the effect that the Municipality shall be given at least ten (10) days' notice in writing of any cancellation, expiration or change in the amount of the policy, for each vehicle being Licensed;
 - (iii) a Safety Standards Certificate issued within the previous 60 days with respect to the vehicle to be Plated;
- (e) submit for inspection and approval by the Issuer of Licences the vehicle that is to be Plated that meets all of the requirements of this By-law, if requested by the Issuer of Licences; and
- (f) submit the prescribed fee as set out in the Municipality's User Fee By-law.

Part 13 – Vehicle for Hire - Owner's Duties

13.1 Every Owner shall:

- (a) keep at all times in their Vehicle for Hire, the original or a photocopy of the original of each of the following documents:
 - (i) the current Vehicle for Hire Owner Licence;
 - (ii) a current Ministry of Transportation passenger motor vehicle permit issued for their Vehicle for Hire;
 - (iii) valid certificate of insurance for the Vehicle for Hire obtained in accordance with the requirements of this By-law.
- (b) repair all of their Vehicle for Hire's mechanical defects immediately when reported by a Driver, the Issuer of Licences or an Enforcement Officer;
- (c) submit their Vehicle for Hire for a safety inspection annually by a motor vehicle inspection mechanic at a motor vehicle inspection station as defined

by the *Highway Traffic Act* and at other times as requested to do so by the Issuer of Licences or an Enforcement Officer;

- (d) maintain the insurance on their Vehicle for Hire as required under section 12.2(d)(ii);
- (e) file with the Issuer of Licences at least 5 days prior to the expiry date of any current insurance policy an insurance renewal policy or certificate of insurance;
- (f) ensure that their Vehicle for Hire complies with all requirements as set out in this by-law; and
- (g) ensure that every Driver or lessee or every other Person involved in the operation of the Vehicle for Hire complies with all of the requirements of this by-law.

Cab and Accessible Cab Owners

13.2 In addition to all of the requirements set out in section 13.1, every Cab Owner and Accessible Cab Owner utilizing a meter shall submit the Cab Meter for testing, inspection and sealing by such Person as the Issuer of Licences directs at any time.

Part 14 – Vehicle for Hire - Owner's Prohibitions

14.1 No Owner shall:

- (a) Operate or permit their Vehicle for Hire to be Operated without an Owner Plate;
- (b) permit any Person to Operate their Vehicle for Hire without that Person being Licensed as a Vehicle for Hire Driver under this By-law;
- (c) permit their Owner Plate to be used with respect to any other vehicle other than the vehicle for which the Owner Plate was issued;
- (d) Operate or permit their Vehicle for Hire to be Operated with mechanical defects;
- (e) Operate or permit their Vehicle for Hire to be Operated in affiliation with a Broker who is not Licensed under this By-law;
- (f) Operate or permit their Vehicle for Hire to be Operated without insurance as required under section 12.2(d)(ii); and
- (g) Operate or permit their Vehicle for Hire to be Operated when it is not in compliance with the requirements of this by-law.

Private Vehicle for Hire – Owner's Prohibitions

14.2 In addition to the prohibitions set out in section 14.1, a Private Vehicle for Hire Owner shall ensure that:

- (a) advertising is not displayed on the Private Vehicle for Hire bearing the words "taxicab", "taxi", or "cab";
- (b) no roof sign is on the Private Vehicle for Hire;
- (c) no meter is used to calculate Fares;
- (d) no two-way radio is in the Private Vehicle for Hire;

- (e) Private Vehicle for Hire Drivers do not cruise for Fares or “stand” for Fares unless awaiting the completion of a pre-arranged engagement and do not accept or solicit Passengers without a pre-arranged engagement.

Part 15 – Vehicle for Hire – Owner’s Vehicle Requirements

- 15.1 Every Owner shall ensure that the interior of their Vehicle for Hire is maintained in a clean and tidy condition, including:
 - (a) free from all dust, dirt, grease, oil, adhesive resin and any other item that can be transferred on to the Person, clothing or possessions of a Passenger;
 - (b) free of all waste paper, cans, garbage or any other debris;
 - (c) free of noxious substances;
 - (d) in good repair;
 - (e) with working seat belts;
 - (f) with side windows that open and close;
 - (g) with every seat securely mounted maintaining its position and adjustment;
and
 - (h) with a working dome light that will activate automatically when the vehicle doors open.
- 15.2 Every Owner shall maintain the exterior of their Vehicle for Hire in good condition including:
 - (a) free from exterior body damage which impacts the safe operation of the vehicle;
 - (b) with securely closing doors and trunk lid; and
 - (c) with all handles in good repair.
- 15.3 Every Owner shall ensure that the Owner Plate issued for the Vehicle for Hire is securely affixed to its right rear trunk; and
- 15.4 Every Owners shall make available the number of the Owner Plate and the name of the Fleet that the Vehicle for Hire belongs to in an accessible format to Passengers who are Persons with disabilities.

Cab and Accessible Cab Owners

- 15.5 In addition to all of the requirements set out in sections 15.1,15.2, 15.3 and 15.4 every Cab Owner and Accessible Cab Owners shall ensure that their Cab has:
 - (a) if utilizing a Cab Meter for its Conveyance Service ,a fully-operational Cab Meter for registering distance travelled, waiting time, and computing Fares;
 - (b) a roof sign indicating the Vehicle for Hire is a Cab.

Accessible Vehicle for Hire Owners

- 15.6 In addition to all of the requirements set out in sections 15.1,15.2, 15.3 and 15.4 every Accessible Vehicle for Hire Owner shall ensure that their Accessible Vehicle for Hire:

- (a) is equipped with an extra tire, wheel and jack ready for use for that Accessible Vehicle for Hire;
- (b) is equipped with wheelchair tie downs;
- (c) is equipped with a first aid kit;
- (d) is equipped with a dry chemical fire extinguisher having an effective total rating of at least 4-B c and weighing 2.27 kilograms; and
- (e) is in compliance with the Canadian Standards Association's Standard D409-M84 and all other federal and provincial legislation including without limitation to R.R.O. 1990, Reg. 629: Accessible Vehicles under the *Highway Traffic Act*.

Limousine Owners

15.7 In addition to all the requirements set out in sections 15.1, 15.2, 15.3 and 15.4 every Limousine Owner shall ensure that their Limousine has the Owner Plate issued for the Limousine affixed to its right rear trunk;

Part 16 – Broker - Licence Applications and Renewals

16.1 Every Applicant for a Broker Licence shall:

- (a) if the Applicant is an individual, complete a written application for such Licence;
- (b) if the Applicant is a partnership, have a partner complete a written application for such Licence;
- (c) if the Applicant is a corporation, have an officer or director of the corporation having signing authority complete a written application for such Licence;
- (d) file with Issuer of Licences proof that the Applicant has a system for receiving Orders and Dispatching Vehicles for Hire; and
- (e) submit the prescribed fee as set out in the Municipality's User Fee By-law.

Part 17 – Broker's Duties

17.1 Every Broker shall:

- (a) keep a record of all Vehicles for Hire associated with the Broker including: the make, model and VIN for each vehicle, the Owner's name and contact information, and a copy of the Owner's Licence;
- (b) ensure that every Driver or Owner in association with the Broker complies with all provisions of this By-law, including being Licensed;
- (c) maintain an accurate record for at least one year, of all Orders for each Vehicle for Hire including the following information:
 - (i) the Owner Licence number;
 - (ii) the Driver's name and Driver Licence number;
 - (iii) the date and time of Dispatch;
 - (iv) the address to which the vehicle is Dispatched;
 - (v) the time of arrival at pick up for all Trips;
 - (vi) the time of arrival at the destination for all Trips; and

- (vii) the Fare charged for all Trips;
- (d) upon request, inform a Passenger of the anticipated length of time for a vehicle to arrive at the pick-up location;
- (e) notify the Issuer of Licences within 72 hours of any addition to or deletion of a Vehicle for Hire from the Fleet;
- (f) when Dispatching Accessible Cabs or Accessible Private Vehicles for Hire:
 - (i) give priority for Conveyance Services for Persons with disabilities over Persons without disabilities; and
 - (ii) record the number of Trips each Accessible Cab or Accessible Private Vehicle for Hire has made for Persons with disabilities and Persons without disabilities;

Part 18 – Broker’s Prohibitions

18.1 No Broker shall:

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

Part 19 - Leasing of Cabs

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

19.2 Notwithstanding section 19.1, a Cab Owner holding a valid Cab Owner Licence may Lease their Cab provided that:

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

- (g) a copy of the Lease is filed with the Issuer of Licences; and
 - (h) all fees required under this By-law are paid.
- 19.3 The written Lease may be in any form agreed to by the parties thereto, provided that it includes:
- (a) the date of its signing;
 - (b) the names and business addresses of the parties thereto;
 - (c) its effective date;
 - (d) its termination date;
 - (e) a full description of the Cab which is the subject of the Lease, including the vehicle identification number, the make, the model year, the Licence plate number and the number of the Owner Licence and Owner Plate;
 - (f) the parties' rights to early termination of the Lease; and
 - (g) the signatures of the parties and witnesses thereto.
- 19.4 No Person shall sub-lease or purport to sub-lease a Cab that is the subject of a Lease.
- 19.5 No Owner shall, by a term in a Lease or otherwise, permit any lessee or other Person to Lease or sub-lease or purport to Lease or sub-lease a Cab that is the subject of a Lease.
- 19.6 No Person shall be a party to a Lease or purported Lease of a Cab to which the Owner is not the lessor.
- 19.7 Every Cab Owner shall notify the Issuer of Licences in writing of the expiration or termination of any Lease to which they are a party within 10 days of the expiration or the termination of said Lease.
- 19.8 No Cab Owner shall enter into or be a party to more than one Lease at any one time with respect to any one Cab.

Part 20 - Transfer of Cab and Accessible Cab Owner Licences

- 20.1 A Cab Owner and an Accessible Cab Owner Licences are transferable, provided that:
- (a) the transferee is a Licensed Vehicle for Hire Driver;
 - (b) the transferee, or a partner, if the transferee is a partnership, or an officer or director, if the transferee is a corporation, signs a statutory declaration as set out by the Issuer of Licences;
 - (c) the transferor or a partner, if the transferor is a partnership, or an officer or director, if the transferor is a corporation, has completed a written application for such a transfer;
 - (d) the transferee meets all of the requirements of a Cab Owner or Accessible Cab Owner under this By-law, including submitting the Cab or Accessible Cab to which the Owner Plate will be affixed for inspection; and
 - (e) all fees required under this By-law are paid.

Part 21 - Transfer of Cab Owner and Accessible Cab Owner Licences by Estate

- 21.1 Within 30 days following the death of an individual holding a Cab Owner or an Accessible Cab Owner Licence, the executor or administrator of the individual's estate shall file with the Issuer of Licences:
- (a) proof of death of the individual; and
 - (b) proof of the executor's or administrator's capacity
- 21.2 On the death of an individual holding one or more Cab Owner or Accessible Cab Owner Licences:
- (a) the executor or administrator of the individual's estate may continue to hold any Cab Owner or Accessible Cab Owner Licences for up to one year following the date of death, subject to all of the requirements of this By-law;
 - (b) during the year following the date of death, the executor or administrator of the individual's estate may transfer the Cab Owner or Accessible Cab Owner Licence to anyone currently Licensed as a Vehicle for Hire Driver;
 - (c) after the year following the date of death, the executor or administrator of the individual's estate may continue to hold one Cab Owner or Accessible Cab Owner Licence, if they meet all of the requirements for holding such Owner Licence under this By-law; and
 - (d) after one year following the date of death, all Cab or Accessible Cab Owner Licences that have not been transferred in accordance with sections 21.2(b) or 21.2(c) of this By-law shall be revoked and returned to the Issuer of Licences by the executor or administrator of the individual's estate immediately.
- 21.3 Notwithstanding section 21.2(d) of this By-law, if the executor or administrator of the individual's estate has not transferred all Cab or Accessible Cab Owner Licences in accordance with sections 21.2 (b) or 21.2 (c), they may request a hearing before the By-law Appeal Committee to consider an extension of up to 2 years before revocation.

Part 22 – Private Transportation Company - Licence Applications and Renewals

- 22.1 A person wishing to carry on business of a Private Transportation Company shall provide the Issuer of Licences with the following:
- (a) a completed application in the form required by the Issuer of Licences containing all required Applicant information;
 - (b) payment of the applicable licensing fee in accordance with the Municipality's User Fee By-law;
 - (c) if the Applicant is not a corporation or a partnership, proof that the Applicant is at least eighteen (18) years of age, if the Applicant is an individual;
 - (d) if the Applicant is a corporation:
 - (i) proof that the corporation is legally entitled to conduct business in Ontario;
 - (ii) articles 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,
 - (iii) a certified copy of an annual return which contains a list of all shareholders of the corporation,

- (e) if the Applicant is a partnership, the names and addresses of each member of the partnership as well as the name under which the partnership intends to carry on business;
- (f) the address and contact information of the Private Transportation Company's registered business address in the Province of Ontario, which is not a post office box, to which the Municipality may send during business hours any notice or documentation or communication that may be required under this By-law and at which the Applicant or the Applicant's agent will accept receipt of such notice, documentation or communication together with the name, telephone, and email contact information for the person authorized to receive and respond on behalf of the Private Transportation Company to any and all communications from the Municipality relating to the Private Transportation Company's licence or the Private Transportation Company's conduct of business;
- (g) a Private Transportation Company Identifier to be displayed on a Private Transportation Company Vehicle, that may be in a removable format, for approval by the Issuer of Licences;
- (h) a list of all Private Transportation Company Drivers authorized to use the Private Transportation Company Platform, which list shall include the following information in a searchable electronic database in a form satisfactory to the Issuer of Licences:
 - (i) confirmation that the Private Transportation Company Driver is authorized to use the Private Transportation Company Platform;
 - (ii) the full name, date of birth, address and phone number of the Private Transportation Company Driver; and
 - (iii) the year, make, model and Ontario licence plate number of the Vehicle to be operated by the Private Transportation Company Driver as a Private Transportation Company Vehicle;
- (i) A sworn declaration confirming that all Private Transportation Company Drivers have provided the following to the Private Transportation Company:
 - (i) proof of a current valid Class G driver's licence issued by the Province of Ontario pursuant to the *Highway Traffic Act*;
 - (ii) proof of being at least eighteen (18) years of age;
 - (iii) proof of Canadian Citizenship or Landed Immigrant Status or a work permit to work as a Driver issued by the Government of Canada;
 - (iv) submit to the Issuer of Licences a summary of the findings of a Police Record Check for every PTC Driver, unless additional information is requested by the Issuer of Licences, for every initial application for a Licence and every renewal thereafter. The Police Record Check must be dated no more than one (1) year old for existing drivers providing service for a Private Transportation Company and no more than thirty (30) days old for drivers providing services for a Private Transportation Company in the first instance, and that, unless approved by the Issuer of Licences. No Private Transportation Company driver be permitted to provide service for a Private Transportation Company where:
 - i. any record of offence relevant to the nature of the services of a Private Transportation Company Driver, or any record of offence that directly affects the Private Transportation Company driver's ability to competently and responsibly carry on the services of a Private Transportation Company driver, including but not limited to: an offence under the *Criminal Code of Canada, R.S.C. 1985 c. C-46, as amended, including but not limited to Sexual*

Offences, Offences Against the Person and Reputation, Offences Against Property; the Narcotics Control Act , the Food and Drug Act, and the Controlled Drug and Substances Act, in the preceding five (5) years or has been convicted of any other offence for which, in the opinion of the Issuer of Licences, it would not be in the interest of public safety to provide service for a Private Transportation Company;

- ii. submit to the Issuer of Licences confirmation of a Ministry of Transportation driver's abstract that is dated no more than thirty (30) days old prior to providing services for a Private Transportation Company and that no Private Transportation Company Driver be permitted to provide service for a Private Transportation Company where, nine (9) or more demerit points is shown on a Driver's Abstract issued by the Ministry of Transportation;
- (v) proof of a Safety Standards Certificate dated not more than Sixty (60) days, issued by a certified mechanic duly licensed by the Province of Ontario for all vehicles associated with a Private Transportation Company.
- (vi) proof of automobile liability insurance required by the *Compulsory Automobile Insurance Act* and an endorsement or an automobile liability insurance form approved by the Financial Services Commission of Ontario for use by a Private Transportation Company Driver.

Part 23 – Private Transportation Company - Obligations

23.1 A Private Transportation Company shall:

- (a) ensure that every Private Transportation Company Driver authorized to use the Private Transportation Company Platform has submitted to the Private Transportation Company, all requirements listed herein prior to commencement as a Private Transportation Company Driver and annually thereafter;
- (b) ensure that from the moment a ride is accepted up until the moment of Passenger drop-off, the Private Transportation Company Drivers using the Private Transportation Company's Platform and the Private Transportation Company Vehicle used in the service are insured with Automobile Liability Insurance with limits of not less than \$2,000,000.00 inclusive per occurrence for bodily injury, death and damage to property. The Automobile Liability Insurance shall be provided through an endorsement or an automobile liability form approved by the Financial Services Commission of Ontario for use by a Private Transportation Company or Private Transportation Company Driver. Such coverage may be maintained by the Private Transportation Company Driver, the Private Transportation Company, or any combination of the two. If the coverage required of Private Transportation Company Driver by this subsection lapses or the Private Transportation Company Driver fails to obtain the coverage, the Private Transportation Company shall ensure that such coverage it maintains shall apply. The insurance coverage required herein shall be endorsed to the effect that the Municipality of Chatham-Kent shall be given at least fifteen (15) days' notice in writing of any cancellation or material variation to the policy;
- (c) maintain commercial general liability business insurance coverage of at least \$5,000,000.00;
- (d) ensure that a Private Transportation Company Driver has no access and is not authorized to use the Private Transportation Company Platform in any of the following circumstances:
 - (i) a Criminal Record Check discloses any record of offence relevant to the nature of the services of a Private Transportation Company Driver, or any

- record of offence that directly affects the Private Transportation Company driver's ability to competently and responsibly carry on the services of a Private Transportation Company driver, including but not limited to: an offence under the *Criminal Code of Canada, R.S.C. 1985 c. C-46, as amended, including but not limited to Sexual Offences, Offences Against the Person and Reputation, Offences Against Property; the Narcotics Control Act, the Food and Drug Act, and the Controlled Drug and Substances Act, in the preceding five (5) years or has been convicted of any other offence for which, in the opinion of the Issuer of Licences, it would not be in the interest of public safety to provide service for a Private Transportation Company;*
- (ii) the Private Transportation Company Driver has had their driver's licence issued under the *Highway Traffic Act* cancelled, revoked or suspended for any reason;
 - (iii) the Ontario driver's record shows nine (9) or more demerit points for the Private Transportation Company Driver;
 - (iv) the Issuer of Licences has reasonable grounds to believe that the vehicle being operated by the Private Transportation Company Driver is unsafe;
 - (v) the Safety Standard Certificate relating to the Private Transportation Company vehicle is not renewed annually
 - (vi) the Private Transportation Company Driver does not maintain insurance as required by this By-law; or,
 - (vii) the Private Transportation Company Driver does not display the Private Transportation Company Identifier when operating the Vehicle as a Private Transportation Company Vehicle;
- (e) notify the Issuer of Licences when a Private Transportation Company Driver is no longer authorized to access the Private Transportation Company Platform for any reason;
 - (f) keep a current list of every Private Transportation Company Driver authorized to access the Private Transportation Company Platform and of every Private Transportation Company Vehicle in a readily accessible electronic format that includes:
 - (i) the full name and address of every Private Transportation Company Driver;
 - (ii) the make, model and licence plate of every Private Transportation Company Vehicle; and,
 - (iii) operational data such as background and driving record checks, vehicle inspection records, trip sheets, and proof of insurance;
 - (g) ensure that driver training is provided to all Private Transportation Company Drivers specific to the use of the Private Transportation Company's Platform, the handling of Passengers, sensitivity towards diversity and accessibility and providing assistance to Passengers in need;
 - (h) prior to the collection of any personal information, a Private Transportation Company shall obtain a consent for such collection and potential disclosure to the Issuer of Licences from any Private Transportation Company Driver with whom it is affiliated in the Municipality;
 - (i) retain all records respecting transportation services offered, operated or facilitated by it in the Municipality for a period of at least one year and produce to the Issuer of Licences upon request any such records in electronic format within fourteen (14) days of the date of the request, including records required as part of random audits or investigations

conducted by the Manager of Licencing to evaluate compliance with this By-law. Where any records referenced herein are required for law enforcement purposes, a Private Transportation Company shall make the requested records available to the requesting agency as soon as possible, and in any event within seven (7) days;

- (j) provide a name, telephone number, email address, and address for service within Ontario, to which the Issuer of Licences may send any communications, including any requests for information;
- (k) not impose any mandatory arbitration clause on Private Transportation Company Drivers or Passengers whose transportation is offered, operated or facilitated by the Private Transportation Company, and further shall not require that the law of any jurisdiction other than Ontario be applied in relation to the use of the relevant Private Transportation Company Platform in the Municipality by Private Transportation Company Drivers or Passengers;
- (l) set Fares based on market conditions to be charged to Passengers transported by Private Transportation Company Drivers subject to the following conditions:
 - (i) the Fare for a trip shall be communicated to a potential Passenger clearly and transparently prior to the start of the trip;
 - (ii) the Private Transportation Company Driver shall not commence the trip until the Passenger has provided electronic acceptance of the Fare communicated in accordance with (i) above;
 - (iii) the Private Transportation Company Driver shall charge the Passenger the communicated and accepted Fare in accordance with (l)(i) and (ii) above; and
 - (iv) a Private Transportation Company shall ensure that a record is maintained of the Passenger's acceptance of the Fare provided;
- (m) provide Passengers with the following information prior to the start of a trip:
 - (i) the vehicle make and model;
 - (ii) the Private Transportation Company Driver's first name;
 - (iii) the Ontario licence plate number of the Private Transportation Company Vehicle; and,
 - (iv) a photograph of the Private Transportation Company Driver;
- (n) at the conclusion of every trip, or require its Private Transportation Company Driver, provide the Passenger an electronic receipt containing at least the following information:
 - (i) the Fare charged;
 - (ii) the date and total time of the trip;
 - (iii) the start and end locations of the trip; and,
 - (iv) the Private Transportation Company Driver name and Ontario licence plate number of the Private Transportation Company Vehicle;
- (o) that all Private Transportation Company Drivers affix securely to their Private Transportation Company Vehicle a Private Transportation Company Identifier when operating as a Private Transportation Company Vehicle;

- (p) only permit Passengers requesting transportation to submit a request for transportation through a Private Transportation Company Platform;
- (q) not permit, encourage, or condone the acceptance of hails or the solicitation of Passengers by Private Transportation Company Drivers, whether on the street or at a Cab stand or in any other manner or at any other location;
- (r) ensure that all Private Transportation Company Drivers authorized to use its Private Transportation Company Platform have an ongoing duty to disclose:
 - (i) any criminal charges relevant to the nature of the services of a Private Transportation Company Driver, or directly affects the Private Transportation Company Driver's ability to competently and responsibly carry on the services of a Private Transportation Company Driver, including but not limited to: a charge under the *Criminal Code*, the *Narcotics Control Act* or the *Food and Drug Act*;
 - (ii) any suspension of their Ontario driver's licence;
 - (iii) any change in insurance; and,
 - (iv) any accidents while operating as a Private Transportation Company Vehicle;
- (s) ensure there is a dispute resolution process for dealing with any complaints regarding fees, customer service, or any other issues arising from the Private Transportation Company operation and such complaint records be made available to the Municipality or as requested by the Issuer of Licences;
- (t) issue to all affiliated Private Transportation Company Drivers, a current identification card in written or accessible electronic form bearing the following information:
 - (i) the first and last name and photograph of the Private Transportation Company Driver;
 - (ii) the make, model and Ontario licence plate number of the Private Transportation Company Vehicle used by the Private Transportation Company Driver; and,
 - (iii) the name and contact information of the Private Transportation Company with which the Private Transportation Company Driver is affiliated;
- (u) ensure that all Private Transportation Company Drivers authorized to use the Private Transportation Company Platform have the identification card required under subsection (t) in the Private Transportation Company Vehicle at all times when transportation services are offered and provided, and, is produced immediately upon request of the Issuer of Licences or an Officer authorized to conduct the enforcement of this By-law;
- (v) not offer or facilitate prearranged transportation service for compensation using a Private Transportation Company Platform to connect any Passenger with a Private Transportation Company Driver or with a Private Transportation Company Vehicle that do not meet the requirements of this By-law.

23.2 A Private Transportation Company Driver shall not:

- (a) solicit or accept requests for transportation services that are not prearranged using the Private Transportation Company Platform the Private Transportation Company Driver is authorized to use, including street hails or picking up Fares at Cab stands or in any other manner or at any other location;
- (b) accept payment by cash from a Passenger;

- (c) fail to notify the Private Transportation Company in writing of any change in any of the information required by the Private Transportation Company prior to access to the Private Transportation Company Platform;
- (d) operate a vehicle as a Private Transportation Company Vehicle unless the vehicle:
 - (i) displays the Private Transportation Company Identifier when operating as a Private Transportation Company Vehicle;
 - (ii) has no meter, roof light or markings that have the effect of making it look like a Cab or identify it as being available for hire;
- (e) provide transportation services without maintaining accurate trip records which are to be made immediately available to the Issuer of Licences or Officer authorized to conduct the enforcement of this By-law.
- (f) deviate from the shortest possible route to the destination requested by a Passenger as determined by GPS unless the Passenger designates another route;
- (g) fail to produce their identification card required under section 23.1 (t), driver's licence, proof of insurance, or evidence that they are operating pursuant to a Private Transportation Company platform immediately upon request of the Issuer of Licences or Officer authorized to conduct the enforcement of this By-law; and,
- (h) leave any Passenger at any location other than the destination requested by the Passenger unless the driver is unable to take the Passenger to the requested destination by reason of:
 - (i) the Private Transportation Company Vehicle is incapable of being operated safely;
 - (ii) the Private Transportation Company Driver being incapable of operating the Private Transportation Company Vehicle safely; or,
 - (iii) the conduct of the Passenger being such that the Private Transportation Company Driver can no longer operate the Private Transportation Company Vehicle safely and in such cases, the Private Transportation Company Driver has requested the attendance of the police.

Part 24 - Powers of Issuer of Licences

- 24.1 The power and authority to refuse to issue or renew a Licence, to cancel, revoke or suspend a Licence, to impose terms and conditions, including special conditions, on a Licence, or to exempt any Person from all or part of this By-law are delegated to the Issuer of Licences.
- 24.2 The Issuer of Licences shall issue a Licence or renew a Licence where the requirements or conditions of this By-law have been met.
- 24.3 The Issuer of Licences may refuse to issue, refuse to renew or revoke or suspend a Licence or impose terms or conditions on a Licence on the following grounds:
 - (a) the conduct of the Applicant or Licensee, or any partner, officer, director, employee or agent of the Applicant or Licensee, affords reasonable cause to believe that the Applicant or Licensee will not carry on their business in accordance with the law or with honesty or integrity;
 - (b) an Applicant or Licensee is carrying on activities that are in contravention of this By-law;

- (c) there are reasonable grounds to believe that an application or other documents provided to the Issuer of Licences by or on behalf of the Applicant or a Licensee contains a false statement;
- (d) any information contained in the original application form or any other information provided to the Issuer of Licences, has ceased to be accurate and the Licensee has not provided up-to-date accurate information to the Issuer of Licences to allow the Issuer of Licences to conclude that the Licence should continue;
- (e) an Applicant or Licensee does not meet, at any time, one or more of the requirements of this By-law or any conditions imposed on a Licence;
- (f) the Applicant or Licensee is not in compliance with any federal, provincial law or municipal By-law, including this By-law;
- (g) the Applicant or Licensee or any partner, officer or director has been convicted of an offence, for which a pardon has not been granted, pursuant to any one or more of Parts V (Sexual Offences), VIII (Offences Against the Person and Reputation) or IX (Offences Against Property) of the *Criminal Code of Canada*, R.S.C. 1985 c. C-46, as amended or any other criminal convictions in the preceding five (5) years;
- (h) the Applicant or Licensee or any partner, officer or director has been convicted of an indictable offence under any Statute of Canada, including but not limited to the *Criminal Code of Canada*, the *Narcotic Control Act*, the *Food and Drug Act*, and the *Controlled Drug and Substances Act* during the preceding five (5) years;
- (i) the Applicant or Licensee has been convicted of any other criminal offence for which, in the opinion of the Issuer of Licences, it would not be in the interest of public safety to issue a Licence;
- (j) the Applicant or Licensee is currently under a prohibition order issued by a court within Canada that prohibits the operation of a motor vehicle;
- (k) the Applicant or Licensee does not have a valid "G" Ontario Driver's licence or equivalent or their driver's licence is under suspension;
- (l) the Applicant or Licensee has accumulated 9 or more demerit points under the *Highway Traffic Act* within a three year period;
- (m) the Applicant is in default in payment of any fine arising from a conviction for an offence under a Municipal by-law; or
- (n) there are reasonable ground to believe that the equipment, vehicles and other Personal property used or kept for hire in connection with the carrying on of or engaging in the business Licensed hereunder are dangerous or unsafe.

24.4 Notwithstanding any other provision of this By-law, the Issuer of Licences may impose terms and conditions on any Licence at issuance, renewal or any time during the term of the Licence, including special conditions, as are necessary in the opinion of the Issuer of Licences to give effect to this By-law.

24.5 Where the Issuer of Licences is of the opinion that:

- (a) an application for a Licence or renewal of a Licence should be refused;

- (b) a reinstatement should not be made;
- (c) a Licence should be revoked;
- (d) a Licence should be suspended; or,
- (e) a term or condition of a Licence should be imposed

the Issuer of Licences shall make a decision and issue notice as provided below.

- 24.6 Where the Issuer of Licences has made a decision under section 24.5 the Issuer of Licences' written notice of that decision shall be given to the Applicant or the Licensee by regular mail to the last known address of that Person and shall be deemed to have been given on the 3rd day after it is mailed. Service on a corporation can be effected by regular mail to the address of the corporation's registered head office.
- 24.7 The written notice to be given under section 24.6 of this By-law shall:
- (a) set out the grounds for the decision;
 - (b) give reasonable particulars of the grounds;
 - (c) be signed by the Issuer of Licences; and,
 - (d) state that the Applicant or Licensee is entitled to apply to appeal the decision of the Issuer of Licences in accordance with the provisions of the Municipality's By-law Appeal Committee By-law 22-2015 as amended or any successor thereof.
- 24.8 Where no appeal is filed within the required time period, the decision of the Issuer of Licences shall be final.

Part 25 - Inspections

- 25.1 Every Owner, Driver or PTC Driver shall submit or cause to be submitted their vehicle for inspection when required to do so by the Issuer of Licences or an Enforcement Officer to a place designated by the Issuer of Licences or an Enforcement Officer:
- (a) forthwith if the vehicle is in the presence of the Issuer of Licences, an Enforcement Officer or an Ontario Ministry of Transportation Inspector and the vehicle is in Operation; or
 - (b) within 24 hours of receipt of the request, at a time set by the Issuer of Licences or an Enforcement Officer, if the vehicle is not in the presence of the Issuer of Licences, an Enforcement Officer or an Ontario Ministry of Transportation Inspector.
- 25.2 Every Owner, Driver or PTC Driver shall, upon the request of the Issuer of Licences or an Enforcement Officer during an inspection, produce all relevant licences, permits, invoices, vouchers, appointment books or like documents and the Issuer of Licences or an Enforcement Officer may remove any of these documents for photocopying provided that the Owner or Driver is given a receipt and the documents are returned to them within 48 hours.
- 25.3 Notification of an inspection or an order made under section 25 of this By-law shall be served on an Owner:
- (a) Personally;
 - (b) by email to the last known address of the Owner, whether actually received

or not;

- (c) Personally on the Driver Operating the Municipally Plated Vehicle;
- (d) by leaving a copy with an individual at a Brokerage associated with the Owner; or
- (e) by facsimile or email to the last known facsimile number or email address of a Broker associated with the Owner.

25.4 An Enforcement Officer may require a Driver, an Owner or a PTC Driver to submit or cause to be submitted their vehicle for a random inspection, including an inspection by a designated mechanic or a designated representative of the manufacturer of the Cab Meter, at a time and place specified by the Enforcement Officer to ensure that the provisions of this By-law are being complied with.

25.5 When the Issuer of Licences or an Enforcement Officer believes on reasonable grounds that a Municipally Plated Vehicle is being Operated such that it is a danger to the health or safety of the public, or does not comply with any requirement of this By-law may:

- (a) remove the Owner Plate;
- (b) order the Driver to have the vehicle towed to a place of repair or other private property at the Driver's or the Owner's expense;
- (c) order the Owner not to Operate or permit the Operation of the vehicle until the danger is remedied, the vehicle has been inspected by the Issuer of Licences or an Enforcement Officer and, in the case of a Cab or Accessible Cab, the Cab Meter has been resealed; or
- (d) order the Owner to file with the Issuer of Licences a Safety Standards Certificate after the date of the order.

25.6 An Owner whose Vehicle for Hire is deemed unsafe or dangerous due to mechanical defects, may be required to attend before the Issuer of Licences to determine whether or not their Licence should be suspended, revoked or have conditions imposed on it.

25.7 For the purpose of section 25.6, mechanical defect includes, but is not limited to, mechanical defects directly or indirectly related to any part or parts of the vehicle involving or affecting:

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

(k) its heating system; or

(l) the condition of the vehicle's body.

25.8 When the vehicle has been in an accident, the Owner shall:

(a) immediately remove the vehicle from service; and

(b) notify the Issuer of Licences of the collision; and

(c) notify the Issuer of Licences of the details of the vehicle's repairs.

25.9 Once the repairs to the vehicle have been effected, the Owner or Driver shall provide the Enforcement Officer with a current Safety Standards Certificate and the Enforcement Officer shall inspect the Vehicle for Hire.

25.10 When the Issuer of Licences or an Enforcement Officer believes on reasonable grounds that a Municipally Plated Vehicle does not comply with the requirements of this By-law, they may order the Owner to bring it into compliance, and the order shall:

(a) state the Owner Plate number of the vehicle;

(b) give reasonable particulars of any repairs to be made;

(c) indicate the time for compliance with the order;

(d) give notice that if the order is not complied with the Owner Licence may be suspended; and

(e) require that the Owner Plate be returned to the Issuer of Licences immediately.

Part 26 - Fares

26.1 Every Vehicle for Hire Owner and Vehicle for Hire Driver shall either post its rates in a manner that is clearly visible to any Passenger in the Cab or shall ensure that the Passenger is aware of the Fare to be charged before providing the service, including any charges for suitcases, boxes or bags carried with the Passenger or any other additional charge.

26.2 No Vehicle for Hire Owner or Vehicle for Hire Driver shall:

(a) charge a higher Fare or an additional fee for Persons with disabilities than for Persons without disabilities for the same trip; and

(b) charging a fee for the storage of mobility aids or mobility assistive devices.

26.3 Every Private Transportation Company Driver payment for a Trip may only be charged and received through a mobile payment application or other electronic service that receives requests for transportation services from Passengers and connects such requests to a Person Operating a Private Transportation Company Vehicle

Part 27 - Licence and Other Fees

27.1 The annual Licence fees and all other fees to be paid to the Municipality under this By-law are set out in the Municipality's User Fee By-law.

Part 28 - Penalty

28.1 Every person who contravenes any section of the by-law is guilty of an offence and, upon conviction, is liable to a fine as provided for by the *Provincial Offences*

Act, R.S.O. 1990, c.P. 33;

- 28.2 If this By-law is contravened and a conviction entered, in addition to any other remedy and to any penalty imposed by this By-law, the court in which the conviction has been entered and any court of competent jurisdiction thereafter may make an order:
- (a) prohibiting the continuation or repetition of the offence by the Person convicted; and,
 - (b) requiring the Person convicted to correct the contravention in the manner and within the period that the court considers appropriate.

Part 29 - General

- 29.1 If any provision or part of this By-law is declared by any court or tribunal of competent jurisdiction to be illegal or inoperative, in whole or in part, or inoperative in particular circumstances, the balance of the By-law, or its application in other circumstances, shall not be affected and shall continue to be in full force and effect.
- 29.2 If there is a conflict between a provision of this By-law and a provision of any other By-law of the Municipality, then the more restrictive provision shall apply.

Part 30 – Miscellaneous

- 30.1 Any Licence that was issued under the provisions of By-law 18-2013 shall be deemed to be a Licence issued under this by-law and every such Licence, unless revoked, shall continue to be valid until its normal date of expiry.
- 30.2 Every act taken pursuant to the predecessor to this by-law shall, as necessary, be deemed to have been taken pursuant to this by-law and every such act may be carried to its conclusion pursuant to the authority granted by this by-law.
- 30.3 If an act has been validly commenced pursuant to the predecessor to this by-law and authority for such act does not exist pursuant to this by-law then such act may be continued to its conclusion and the portions of the predecessor to this by-law necessary to permit such act to be concluded shall be deemed to remain in effect for the purposes of bringing such act to a conclusion.
- 30.4 No Person shall Obstruct or attempt to Obstruct any Person, including the Issuer of Licences or any Officer, having authority for the enforcement of administration of this by-law.
- 30.5 By-law 18-2013 and any amendments thereto are hereby repealed.
- 30.6 This By-law may be referred to as the "Vehicle for Hire By-law".

This by-law shall come into full force and effect upon the final passing thereof.

Read a first, second and third time this 18th day of June, 2018.

Original signed by:

Acting Mayor – Steve Pinsonneault

Original signed by:

CLERK – Judy Smith