Present were: Chair G. Lorentz, L. Armstrong, J. Mitchell, and K. Seiling

Members absent: D. Craig, J. Wideman

DECLARATIONS OF PECUNIARY INTEREST UNDER THE MUNICIPAL CONFLICT OF INTEREST ACT

None declared.

DELEGATIONS

a) David Byers, United Taxi and Waterloo Region Taxi Association, re: taxi-to-population ratio

D. Byers described the taxi association’s request that the Region change the population-to-taxi cab ratio, to 1850:1 from the present 1650:1. He observed that several major employers are no longer in the area or are less active than in the past, which has had an adverse effect on the volume of taxi business. As well, newer communities in the Region have had a lesser tendency to use taxi services.

The Committee discussed the population-to-taxi cab ratio and the impacts of recent employment trends in the Region. The Committee noted that the Region should not raise or lower the ratio on an ad-hoc basis, and it was suggested that the matter could be referred to staff, with a report on past experience and comparable municipalities to come back to the Committee. Marty Sawdon, Administrator, Licensing and Enforcement Services, affirmed the Committee’s approach to the matter and has already begun canvassing other municipalities for their practices on the ratio. He noted that no accounting for accessible taxi-cabs is included in the ratio, for which he would seek direction from the Committee to include in the report. He noted that the report would not be time sensitive, as the Region can suspend issuing new licenses until staff report back on the matter.

The Committee ascertained from M. Sawdon that a change to the Taxi Cab Meter By-law would be required to make the ratio change, and the Committee suggested that staff examine options to implement any change, such as a period of capping the number of taxi licenses.

D. Byers inquired to the Committee as to whether the population-to-taxi ratio could be frozen for a period of years until business conditions see a positive change. The Committee asserts that such an option would come with the report’s analysis and recommendations.

MOVED by K. Seiling
SECONDED by J. Mitchell
THAT the Licensing and Retail Committee direct staff to bring forward a report in September 2012, or earlier, assessing the appropriateness of the Region’s population-to-taxi cab ratio, including options for implementation of recommended changes;

AND THAT the report examines options for issuing accessible taxi-cabs licenses based on the population-to-taxi cab ratio.

CARRIED

b) Terry Kirby, Co-op Manager, City Cabs re: additional wheelchair-accessible van license

T. Kirby highlighted points in his letter to the Region dated March 14, 2012, which was included in the meeting agenda package. He provided to the Committee a letter of support from Benoit Bourgault, General Manager, Student Transportation Services of Waterloo Region, as well as a call log for City Cabs’ accessible taxi vans, both of which are attached to the original minutes.

M. Sawdon indicted that, along with Vanessa Lopak, Social Planning Associate, he has begun canvassing other municipalities with regard to their issuance of accessible taxi cab licenses. He observed that additional licenses would require an amendment to the Taxi Cab Meter By-law, and that the Accessibility for Ontarians with Disabilities Act requires that meetings be held between municipalities, the taxi industry and the relevant accessibility advisory committee to determine the required levels of accessible taxi transport in the municipality. Staff anticipates those meetings will be held in May/June 2012. M. Sawdon related that Grand River Transit is in favour of increasing the number of accessible taxi licenses.

T. Kirby requested that feedback be provided by staff on the matter before the beginning of the 2012-13 school year, to allow companies to make appropriate preparations for student transport.

MOVED by L. Armstrong
SECONDED by J. Mitchell

THAT the Licensing and Retail Committee direct staff to bring forward a report in September 2012, or earlier, assessing the sufficiency of the Region’s accessible taxi license issuance.

CARRIED

REPORTS - Corporate Resources

a) CR-CLK-LIC-12-002, 2011 Annual Report for Licensing and Enforcement Services (LES)

Received for Information.

M. Sawdon highlighted parts of the report for the Committee, including:

- Annual revenues which decreased due to many drivers paying their 2011 licensing fee in the 2010 calendar year;
- Decrease in taxi inspections following tariff changes; and
- Red light camera statistics.

The Committee ascertained from Kris Fletcher, Director, Council and Administrative Services/Regional Clerk, that the sign by-law report is expected to be brought to the Planning and Works Committee before the end of June.
b) CR-CLK-LIC-12-003, Annual Report – 2011 Regional (Area) Weed Inspector

Received for Information.

c) CR-CLK-LIC-12-004, Giant Hogweed Reduction Program, Year #2 - 2011

Received for Information.

The Committee directed staff to send correspondence to the province to consider designating garlic mustard as a noxious weed. M. Sawdon noted the apparent reluctance of the province to designate additional noxious weeds. He also observed that European buckthorn has emerged as a serious concern in the Region in recent years.

**LICENSING HEARING OPENING ADDRESS** – Marty Sawdon, Administrator, Licensing & Enforcement Services

Chair G. Lorentz provided opening remarks regarding the general manner in which the taxi hearings would be conducted.

M. Sawdon, Counsel for Licensing & Enforcement Services, brought the attention of Committee members to Tab 1 of the Brief indicating the Region’s authority to convene these hearings within By-law 08-054 and the Taxi Meter By-law, with decisions of the Committee made final with an appeal process to Regional Council. M. Sawdon referred members to Tab 2 of the Brief entitled ‘Guidelines: Character and Driving Record Criteria – Taxi, Limousine and Special Transportation Services’; to Tab 3 which was an extract from the Evidence Act as well as a copy of the case of Franco et al. v. White which describes how records of prior convictions may be applied to other cases, charges, or hearings; to Tab 4, ‘Rules of Procedure – Licensing and Retail Committee’; and Tab 5 which deals with the use of evidence, witnesses, and the ‘Penalties and Mitigating Reasons – Licensing and Retail Committee’ which is used to help make recommendations for penalties.

M. Sawdon provided a broad overview of the cases, indicating that all drivers were served notices by Licensing and Enforcement Services officers, with service sworn to by the officers, and drivers were provided with disclosure packages of the evidence being presented at this meeting. The recommendations being made by staff are based on the past precedents of the Committee and also the mitigating reasons aforementioned.

**DULOVIC, Dragan – City Cabs Taxi Driver #6242**

Evidence – M. Sawdon

The Committee Clerk swore in the defendant.

M. Sawdon submitted the following evidence:

Exhibit A: Copy of the driver’s taxi-cab driving license
Exhibit B: Certified copy of owner’s extended driving record from the Ministry of Transportation, Office of the Registrar of Motor Vehicles from 2009-2011

The driver’s record showed that his Ontario driver’s license was suspended for failing to pay a fine. Once paid, the suspension was lifted.
Reply evidence from defendant

D. Dulovic accepted that the number of tickets was significant and that he did not always pay sufficient attention to his speed, particularly late at night, and provided an explanation of mitigating factors for the offence of failing to stop.

The Committee clarified with M. Sawdon that none of the tickets involved the driver’s taxi cab.

Recommendation - M. Sawdon

M. Sawdon noted the mitigating circumstance of having none of the tickets involved taxi cabs.

Based on the established precedent of the Committee, he recommended that the Committee place the defendant’s taxi license on probation for a period of seven (7) months, during which time monthly abstract checks will be conducted, with the driver obeying all the provisions of the Highway Traffic Act in that period, and also with the driver not receiving any additional demerit points during that period. Any violation of those conditions would result in another hearing for the driver during for a recommendation for the suspension or revocation of their taxi license shall be made.

The Committee ascertained from D. Dulovic that he received a speeding ticket in February 2012 which was not included in the disclosure package.

D. Dulovic confirmed that he understood staff’s recommendation.

**KOLAR, Vladimir – United Taxi Driver #5668**

Evidence – M. Sawdon

The Committee Clerk swore in the defendant.

M. Sawdon submitted the following evidence:

Exhibit A: Copy of the driver’s taxi-cab driving license
Exhibit B: Certified copy of owner’s extended driving record from the Ministry of Transportation, Office of the Registrar of Motor Vehicles from 2009-2011

M. Sawdon noted that one of the infractions was for driving while holding or using a handheld communication device (cellphone). He also called attention to the warning letter sent by Licensing and Enforcement Service to the driver, dated January 6, 2011.

Reply evidence from defendant

V. Kolar informed the Committee that his taxi owner has been made aware of his hearing, and that he has slowed down when driving and is using a Bluetooth device, which he asserted all taxi drivers should use. He has had no convictions in 2012. M. Sawdon confirmed that no offences involved driving a taxi cab.

Recommendation - M. Sawdon

M. Sawdon noted that the driver received a warning letter in January 2011 with regard to the accumulation of offences and demerit points, and that one offence was for using a cellphone without a hands-free device.
Based on the established precedent of the Committee, M. Sawdon recommended that the Committee place the defendant’s taxi license on probation for a period of seven (7) months, during which time monthly abstract checks will be conducted, with the driver obeying all the provisions of the *Highway Traffic Act* in that period, and also with the driver not receiving any additional demerit points during that period. Any violation of those conditions would result in another hearing for the driver during for a recommendation for the suspension or revocation of their taxi license shall be made.

**KOSORICH, Mile – City Cabs Taxi Driver #6043**

**Evidence – M. Sawdon**

The Committee Clerk swore in the defendant.

M. Sawdon submitted the following evidence:

Exhibit A: Copy of the driver’s taxi-cab driving license
Exhibit B: Certified copy of owner’s extended driving record from the Ministry of Transportation, Office of the Registrar of Motor Vehicles from 2009-2011

M. Sawdon noted that the driver’s convictions were for speeding and for making an unsafe move.

**Reply evidence from defendant**

M. Kosorich noted that he started driving a taxi two years ago, and previously had no issues with speeding; he suggested that driving a larger car makes it more difficult to feel the speed and can leave the driver unaware of speeding. He noted that customers are not often amenable to travelling at lower speeds, and provided an explanation of an accident in which he was prescribed medications which affected his driving.

M. Kosorich affirmed that all offences were in a taxi cab, which was confirmed by M. Sawdon.

**Recommendation - M. Sawdon**

Based on the established precedent of the Committee, M. Sawdon recommended that the Committee place the defendant’s taxi license on probation for a period of eight (8) months, during which time monthly abstract checks will be conducted, with the driver obeying all the provisions of the *Highway Traffic Act* in that period, and also with the driver not receiving any additional demerit points during that period. Any violation of those conditions would result in another hearing for the driver during for a recommendation for the suspension or revocation of their taxi license shall be made.

**MAVARANI, Soleiman – Waterloo Taxi Owner #5228**

**Evidence – M. Sawdon**

The Committee Clerk swore in the defendant.

M. Sawdon submitted the following evidence:
Exhibit A: Copy of the driver’s taxi-cab driving license
Exhibit B: Certified copy of owner’s extended driving record from the Ministry of Transportation, Office of the Registrar of Motor Vehicles from 2009-2011

M. Sawdon highlighted for the Committee that the driver received a 24 hour administrative suspension of his Ontario driver’s license following testing with roadside screening device with the result in the 50 mg blood alcohol “warn” range.

Reply evidence from defendant

S. Mavarani explained that, for his roadside screening test he had one drink. He asserted that one speeding offence occurred on the 401 in Chatham, where speeding enforcement is stricter than elsewhere. He asked the Committee to consider that his taxi is the main means of providing for his family.

The Committee clarified that the careless driving charge which was reduced had occurred in a private vehicle, and that he has had no convictions in 2012.

Recommendation - M. Sawdon

Based on the established precedent of the Committee, M. Sawdon recommended that the Committee place the defendant’s taxi license on probation for a period of nine (9) months, during which time monthly abstract checks will be conducted, with the driver obeying all the provisions of the Highway Traffic Act in that period, and also with the driver not receiving any additional demerit points during that period. Any violation of those conditions would result in another hearing for the driver during for a recommendation for the suspension or revocation of their taxi license shall be made.

S. Mavarani indicated that he understood the recommendation.

VANG, Chertao – New Hamburg Taxi Driver #6230

Evidence – M. Sawdon

The Committee Clerk swore in the defendant.

M. Sawdon submitted the following evidence:

Exhibit A: Copy of the driver’s taxi-cab driving license
Exhibit B: Certified copy of owner’s extended driving record from the Ministry of Transportation, Office of the Registrar of Motor Vehicles from 2009-2011

M. Sawdon observed that driver’s offences were for speeding and for using a cell phone while driving. The driver’s license has also twice been suspended for failing to pay fines. Once paid, the suspensions were lifted.

Reply evidence from defendant

C. Vang is the Manager of Operations for her taxi company, and affirmed the importance to the company of avoiding speeding. She added that the conviction of driving while using a cellphone does not reflect the fact that she was holding the phone at the time, and not using it.
The Committee confirmed with C. Vang that all her company’s drivers use a Bluetooth device or headphones for telecommunications. In addition, all vehicles also have tracking devices so the company can observe when their drivers are speeding.

The Committee clarified with C. Vang that her company has policies regarding speeding, and that the missed payment of a fine was due to a change of address resulting in not receiving the notice in time.

M. Sawdon noted that one conviction occurred in a taxi cab.

**Recommendation - M. Sawdon**

M. Sawdon noted that the driver is a relatively new driver, and that he hopes the Committee’s decision can bring about a positive change in her driving habits. He also expressed satisfaction that the driver has switched to a Bluetooth device for telecommunications.

Based on the established precedent of the Committee, M. Sawdon recommended that the Committee place the defendant’s taxi license on probation for a period of seven (7) months, during which time monthly abstract checks will be conducted, with the driver obeying all the provisions of the *Highway Traffic Act* in that period, and also with the driver not receiving any additional demerit points during that period. Any violation of those conditions would result in another hearing for the driver during for a recommendation for the suspension or revocation of their taxi license shall be made.

**MOTION TO GO INTO CLOSED SESSION**

MOVED by J. Mitchell
SECONDED by K. Seiling

THAT a closed meeting of Licensing and Retail Committee be held on May 8, 2012 immediately following the taxi driver licensing hearings of the Licensing and Retail Committee meeting in Regional Council Chambers in accordance with Section 239 of the *Municipal Act*, 2001, for the purposes of considering the following subject matters:

a) Personal matters about an identifiable individual;
b) A matter in respect of which committee may hold a closed meeting under another Act.

CARRIED

**MOTION TO RECONVENE INTO OPEN SESSION**

MOVED by L. Armstrong
SECONDED by J. Mitchell

THAT the meeting reconvene into Open Session.

CARRIED

**LICENSES HEARING - COMMITTEE DECISIONS**

MOVED by L. Armstrong
SECONDED by J. Mitchell
THAT the Licensing and Retail Committee take the following action with respect to Taxi-cab Driver License #6242, Dragan Dulovic:

a) Dragan Dulovic, the license holder, have his taxi-cab driver’s license placed on probation for a period of seven (7) months to December 9, 2012, during which time monthly abstract checks will be conducted;
b) the license holder, for the period to December 9, 2012, shall obey all provisions of the *Highway Traffic Act* while operating a taxi-cab, and
c) the license holder, for the period to December 9, 2012, shall not to receive any additional demerit points under the *Highway Traffic Act*.

CARRIED

The Committee noted that its decision was in accordance with the recommendation of staff, and with the reasons for the recommendation provided by staff.

MOVED by L. Armstrong
SECONDED by J. Mitchell

THAT the Licensing and Retail Committee take the following action with respect to Taxi-cab Driver License #5668, Vladimir Kolar:

a) Vladimir Kolar the license holder, have his taxi-cab driver’s license placed on probation for a period of seven (7) months to December 9, 2012, during which time monthly abstract checks will be conducted;
b) the license holder, for the period to December 9, 2012, shall obey all provisions of the *Highway Traffic Act* while operating a taxi-cab, and
c) the license holder, for the period to December 9, 2012, shall not to receive any additional demerit points under the *Highway Traffic Act*.

CARRIED

The Committee noted that its decision was in accordance with the recommendation of staff, and with the reasons for the recommendation provided by staff.

MOVED by L. Armstrong
SECONDED by J. Mitchell

THAT the Licensing and Retail Committee take the following action with respect to Taxi-cab Driver License #6043, Mile Kosorich:

a) Mile Kosorich, the license holder, have his taxi-cab driver’s license placed on probation for a period of eight (8) months to January 9, 2013, during which time monthly abstract checks will be conducted;
b) the license holder, for the period to January 9, 2013, shall obey all provisions of the *Highway Traffic Act* while operating a taxi-cab, and
c) the license holder, for the period to January 9, 2013, shall not to receive any additional demerit points under the *Highway Traffic Act*.

CARRIED
The Committee noted that its decision was in accordance with the recommendation of staff, and with the reasons for the recommendation provided by staff.

MOVED by L. Armstrong
SECONDED by J. Mitchell

THAT the Licensing and Retail Committee take the following action with respect to Taxi-cab Driver License #5228, Soleiman Mavarani:

a) Soleiman Mavarani, the license holder, have his taxi-cab driver’s license placed on probation for a period of ten (10) months to March 9, 2013, during which time monthly abstract checks will be conducted;

b) the license holder, for the period to March 9, 2013, shall obey all provisions of the *Highway Traffic Act* while operating a taxi-cab, and

c) the license holder, for the period to March 9, 2013, shall not to receive any additional demerit points under the *Highway Traffic Act*.

CARRIED

The Committee noted that its decision was not entirely in accordance with the recommendation of staff, and by increasing the length of probation beyond that recommended, the Committee wished to emphasize the seriousness of drinking and driving to all members of the taxi industry.

MOVED by L. Armstrong
SECONDED by J. Mitchell

THAT the Licensing and Retail Committee take the following action with respect to Taxi-cab Driver License #6230, Chertao Vang:

a) Chertao Vang, the license holder, have his taxi-cab driver’s license placed on probation for a period of seven (7) months to December 9, 2012, during which time monthly abstract checks will be conducted;

b) the license holder, for the period to December 9, 2012, shall obey all provisions of the *Highway Traffic Act* while operating a taxi-cab, and

c) the license holder, for the period to December 9, 2012, shall not to receive any additional demerit points under the *Highway Traffic Act*.

CARRIED

The Committee noted that its decision was in accordance with the recommendation of staff, and with the reasons for the recommendation provided by staff.

Chair G. Lorentz asserted that the penalties imposed by the Committee are reasonable, in accord with established guidelines and in accord with the opinions of Council. He observed that the Waterloo Region Taxi Association has done a reasonable job of self-policing, but that much more needs to be done in light of the volume of convictions where drivers are using a cellphone without a hands-free device. He called for the Association to step up efforts and police its drivers more, and noted that in the future penalties will be much more severe where offences involved cellphones.
OTHER BUSINESS

M. Sawdon announced to the Committee his impending retirement, on June 1st. Chair G. Lorentz thanked M. Sawdon for his years of excellent service, and the Committee wished him well in his retirement.

NEXT MEETING – To be announced

ADJOURN

MOVED by L. Armstrong
SECONDED by J. Mitchell

THAT the meeting adjourn at 6:38 p.m.

CARRIED

COMMITTEE CHAIR, G. Lorentz

COMMITTEE CLERK, M. Grivicic
Committee Members:
Thank you for including us on your agenda. I am Terry Kirby, Coop Manager from City Cabs Kitchener. We are applying for an exemption to the current quota of wheelchair accessible licenses. We strongly feel that we need one more van in order to meet the needs of our mobility challenged customers. We have had to turn down several wheelchair calls from the school Transportation Service of Waterloo Region and Mobility Plus. The School Board experiences increased need for vans throughout the year. Sometimes, it is a temporary situation when a student has an accident or breaks a leg or new students come into the region. Our contact with the School Transportation Service requires us to be able to meet their needs.

As the population ages in Waterloo Region, the demands on Mobility Plus also increase. They are aware that we currently only have three vans and try to schedule accordingly. However, conflicts occur due to demands during peak times in the morning, afternoon and evenings. This is when people are going to work, school and appointments. Our vans get busy and are spread out across the region. When one becomes available, we are forced to chase it long distances to serve our customers.

City Cabs also has a contract with the Workplace Safety and Insurance Board. Their clients also need a wheelchair van to take them to therapy or doctor’s appointments in Toronto and London. Many times the van must wait for them and return them to home. This ties up a van for several hours and really leaves us short-handed in town. This can severely tax our commitment to provide good service to our other customers. Since start up eighteen months ago, we are experiencing a large amount of repeat business from private wheelchair customers. They tell us that they are very happy to have another company to choose, since the previous situation was a monopoly and led to complacency.

Our three vans are leased to City Cabs owners. This ensures that we have experienced, committed operators. Only drivers with a minimum of 250 hours of work history can qualify to operate a van. Every driver gets thorough training in safe operation of the vehicle and secure harnessing of the wheelchair. We have not had any reported incidents regarding our vans.

Currently our vans are scheduled for 120 hours work per week each. Another van would allow us to cover more hours of the day. We could offer service later into the evenings when kidney dialysis patients are being released from hospital and need a ride home. There are times when Mobility Plus trucks break down and the system gets busy during bad weather. They need our help.

Having less wheelchair accessible vehicles than the other taxi companies clearly puts us at a disadvantage. We feel that with the addition of one more vehicle, we can meet the needs of this essential service.

Thank you for your consideration,
Terry Kirby
City Cabs Coop Manager
May 1, 2012

Licensing and Enforcement Services
Region of Waterloo

RE: City Cab application for Accessible License

This letter is to express our support to the issuance of an additional license for wheelchair accessible vehicle to City Cab.

Student Transportation Services of Waterloo Region (STSWR) manages the student transportation needs of the Waterloo Catholic District School Board and the Waterloo Region District School Board and as such has significant needs for adapted vehicles. Additional licences would benefit the mobility challenged students by improving the availability of vehicles.

STSWR has experienced difficulties from time to time in securing proper service for the students in wheelchair due to the limited number of vehicles available in the Region.

We support City Cab’s application to obtain an additional Accessible Licence which would help them in improving this essential service they provide.

Should you have any additional questions, please do not hesitate to contact me.

Regards,

Benoît Bourgault
General Manager
Student Transportation Services of Waterloo Region Inc.
March 14, 2012

Mr. Marty Sawdon,

I am writing on behalf of City Cabs Kitchener, in regards to our request for another wheelchair accessible van license. When we first approached you about this matter, you suggested that we should go to the Waterloo Region Taxi Association to get their approval. We requested a meeting with all of the concerned taxi companies in the region. It was attended on February 7, 2012, by representatives from United Taxi, Waterloo Taxi and Golden Taxi as well as I and Tihomir Popovic. Tihomir and I outlined our reasons for the meeting to the taxi association.

Tony, the president from Waterloo Taxi said “he had no problem with it.” Aftab from Golden Triangle suggested that we try to use our vans more efficiently. Dave Byers from United was sympathetic but decided to reserve judgment. We were predictably turned down in request. The Waterloo Region Taxi association cooperates when we are trying to resolve issues with a common goal. But ultimately we are business competitors and they would not achieve an advantage by allowing us to get another van.

However, Marty we believe that we have many legitimate reasons for our request. We City Cabs are now appealing to you and the Region of Waterloo Licensing Administration. As you are aware, the taxi industry is not all about business. We provide a vital service to our community. Every driver does more than they get paid for. This is especially true of our van operators. Many personal relationships develop with these customers that come to rely on our professionalism and dependability. As the population in the Waterloo Region has grown, so too has the need for more wheelchair accessible vans. Our dispatching staff has been asking me for another van to help, especially for the peak times in the morning, afternoon and evenings. I am aware that we have had to recently turn down calls from the school board and Mobility plus because we could not service their needs at certain times. Since start up eighteen months ago we are experiencing a large amount of repeat business from private wheelchair customers. They tell us they are very happy to have another company to choose, since the previous situation was a monopoly and led to complacency.

City Cabs endeavors to provide superior service to our customers and with one more van we feel that we can meet their needs. If a van license was granted now, we would agree to forfeit our turn for a future available license.

Thank you for your consideration in this matter.

Regards,

Terry Kirby
Coop Manager
City Cabs