1. DECLARATIONS OF PECUNIARY INTEREST UNDER THE MUNICIPAL CONFLICT OF INTEREST ACT

2. LICENSING HEARING OPENING ADDRESS – Chair G. Lorentz

3. MOTION TO GO INTO CLOSED SESSION

THAT a closed meeting of Licensing and Retail Committee be held on December 3, 2013 in Regional Council Chambers in accordance with Rule 26 of the Licensing and Retail Committee for the Regional Municipality of Waterloo – Rules of Procedure and 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.

4. TAMAS, Aleksandr – United Taxi, Driver #5769
   Evidence – R. Brookes
   Reply evidence from defendant
   Closing Remarks and Recommendation – R. Brookes
   Committee discussion and recommendation

5. LAZAREVIC, Momir – United Taxi, Owner #4742
   Evidence – R. Brookes
   Reply evidence from defendant
   Closing Remarks and Recommendation – R. Brookes
   Committee discussion and recommendation

6. MOTION TO RECONVENE INTO OPEN SESSION

7. LICENSING HEARING - COMMITTEE DECISIONS

8. DELEGATIONS

9. REPORTS – Corporate Resources

   a) CR-CLK-LIC-13-001, By-Law Amendments – Licence Fees and Charges

1164590
b) CR-CLK-LIC-13-002, Delegating Licensing Hearings  

c) CR-CLK-LIC-13-003, Amendments to the Salvage and Second-Hand Goods By-Laws  

d) Memo: United Taxi Charging User Surcharge  

10. INFORMATION/CORRESPONDENCE  

11. ADJOURN
REGION OF WATERLOO
CORPORATE RESOURCES DEPARTMENT
Council and Administrative Services
Licensing and Enforcement Services

TO: Chair Geoff Lorentz and Members of the Licensing and Retail Committee
DATE: December 3, 2013
FILE CODE: L18-00
SUBJECT: BY-LAW AMENDMENTS – LICENCE FEES AND CHARGES

RECOMMENDATION:

THAT the Regional Municipality of Waterloo establish by By-law the proposed fees outlined in Appendix “A” of report CR-CLK-LIC-13-001 dated December 3, 2013;

AND THAT By-law 04-072, as amended, be repealed upon enactment of the new By-law.

SUMMARY:

The Municipal Act, as amended, permits the Region to charge fees for licensing, regulating and governance of taxi-cabs, limousine taxi-cabs, special transportation taxi-cabs, salvage shops, salvage yards, second-hand goods dealers and second-hand goods shops. The last increase to the License Fees and Charges By-law was approved by Committee and Council in 2011.

REPORT:

Background
The proposed fee changes are related to the following licensing activities:

- Taxi-cabs;
- Limousines;
- Special Transportation;
- Salvage Yards;
- Second-Hand Shops.

The fees were last increased in December 2011. The increase at that time was 5% to all fees.

The attached Appendix ‘A’ outlines the existing fees and fees being proposed.

Finance has requested that all fees be reviewed as part of the 2014 budget process.

Program Costs/Revenues
Approximately 50% of available staff hours are dedicated to the five by-laws governing licensing activities in the Region. This includes the issuance of licences and inspection/enforcement activities. The remaining staffing hours are divided between weed inspection, “Sharps” response, signs, waste, landfill, roadside dumping, water, trees and woodlots, regional roads, traffic, special events, work permits and sewers.
The proposed 2014 budget estimates ongoing operating costs of approximately $817,000 for the whole program area. These operating costs continue to be impacted by increases to staff wages and benefits, fuel escalation, vehicle maintenance costs, increased administrative costs including facility and technology charges and increased bank service charges. Wage and benefit increases have been approximately 1.5% to 2% per year.

Revenues generated from licence fees and charges offset the net operating expenditures for Licensing and Enforcement Services by approximately 50%. Since 2010 the revenues received from these fees and charges have been on a steady decline. Many factors have contributed to this decline over the years including the declining price of precious metals and economic influences impacting the Region. These factors in-turn have impacted the businesses governed by the various Regional licensing by-laws.

The following table illustrates licence fees and charges revenues by year:

**Licence Fees and Charges Revenues by Year**

<table>
<thead>
<tr>
<th>Year</th>
<th>Revenue</th>
<th>% of net expenditures</th>
</tr>
</thead>
<tbody>
<tr>
<td>2009</td>
<td>$213,442.00</td>
<td>57%</td>
</tr>
<tr>
<td>2010</td>
<td>$231,709.76</td>
<td>51%</td>
</tr>
<tr>
<td>2011</td>
<td>$224,136.95</td>
<td>48%</td>
</tr>
<tr>
<td>2012</td>
<td>$213,265.35</td>
<td>47%</td>
</tr>
<tr>
<td>2013</td>
<td>$208,000.00*</td>
<td>49%</td>
</tr>
</tbody>
</table>

* Estimate

In 2011, Committee and Council approved an increase to the licensing fees and charges by approximately 5%. This was estimated as an increase of $11,500.00 over the 2011 revenues. This increased revenue was not seen in 2012 and there continues to be a budgetary impact to the section as a result of the decline in the revenues and the number of licences issued.

In order to maintain the relationship between revenues and expenditures, staff is recommending the proposed changes.

**Number of Licenses Issued In 2013**

The following table illustrates the number of Region issued licenses by category for 2013:

**Region Issued Licences by Category 2013**

<table>
<thead>
<tr>
<th>Licence Type</th>
<th>Number of Licences Issued</th>
</tr>
</thead>
<tbody>
<tr>
<td>Taxi-cab Broker</td>
<td>5</td>
</tr>
<tr>
<td>Taxi-Cab Owner*</td>
<td>346</td>
</tr>
<tr>
<td>Taxi-Cab Driver*</td>
<td>1287</td>
</tr>
<tr>
<td>Limousine Taxi-cab Owner</td>
<td>16</td>
</tr>
<tr>
<td>Limousine Taxi-cab Driver</td>
<td>55</td>
</tr>
<tr>
<td>Special Transportation Taxi-cab Owner</td>
<td>1</td>
</tr>
<tr>
<td>Special Transportation Taxi-cab Driver</td>
<td>1</td>
</tr>
<tr>
<td>Second-Hand Goods Shop</td>
<td>74</td>
</tr>
<tr>
<td>Second-Hand Goods Dealer</td>
<td>4</td>
</tr>
<tr>
<td>Salvage Yard</td>
<td>22</td>
</tr>
<tr>
<td>Salvage Shop</td>
<td>3</td>
</tr>
</tbody>
</table>

* includes accessible
Proposed Increase
Staff is recommending that Committee and Council approve a $5.00 increase to all licence fees and charges and an increase of $3.00 for replacement taxi-cab, accessible taxi-cab, limousine taxi-cab and special transportation taxi-cab driver's licences.

A dollar ($) increase is being proposed rather than a percentage (%) increase. This approach has allowed us to round the numbers to the nearest $5.00 increment. Alternatively Committee could request us to increase all fees by 5% and then round it to the nearest $5.00 increment. All proposed increases are contained in Appendix “A” and include the specific percentage increase to each fee.

Additionally, the Region has been covering the cost of the Access for Ontarians with Disabilities Act (AODA) legislated taxi-cab, spare taxi-cab, accessible taxi-cab and spare accessible taxi-cab vehicle plate. The Region has issued 373 of these plates at a cost of $75.00 per plate. To date this has cost the Region approximately $27,975.00. The initial issue of these plates was at the launch of the program to ensure all vehicles complied with the legislative requirement. We now need to address the future sustainability of the program.

Staff is recommending that Committee and Council approve the cost for any new or replacement plates be paid for by the individual Taxi-cab or Accessible Taxi-cab Owner as set-out in Appendix “A”. The proposed $75.00 fee is an actual cost recovery amount.

CORPORATE STRATEGIC PLAN:
Service Excellence: Deliver excellent and responsive services that inspire public trust. 5.3 Ensure Regional programs and services are efficient and effective and demonstrate accountability to the public.

FINANCIAL IMPLICATIONS:
The 2013 budget originally projected revenues of $211,000.00. The revised projection for licensing revenues is now $208,000.00. This revenue projection would represent only 44% of the net expenditures for 2014. If the number of issued licences remains the same for 2014 the adjustment in fees may result in an increase of $9,040.00 representing 47% of the net expenditures.

OTHER DEPARTMENT CONSULTATIONS/CONCURRENCE:
The following Departments were consulted in the preparation of this report: Legal Services and Financial Services.

ATTACHMENTS
Appendix “A”, Schedules “A to E” inclusive

PREPARED BY:  Angelo Apfelbaum, Manager, Licensing and Enforcement Services

APPROVED BY:  Kris Fletcher, Director, Council and Administrative Services/Regional Clerk
### APPENDIX “A”

#### SCHEDULE “A”

**TAXI-CAB METER BY-LAW – FEES AND CHARGES**

<table>
<thead>
<tr>
<th>TYPE OF LICENSE</th>
<th>NEW APPLICATION</th>
<th>RENEWAL</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Existing</td>
<td>Proposed Increase</td>
</tr>
<tr>
<td><strong>Accessible Taxi-cab Owner Licence:</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Include: One (1) Accessible Taxi-cab Vehicle Licence</td>
<td>$140 $145</td>
<td>3.6%</td>
</tr>
<tr>
<td><strong>Each Additional Accessible Taxi-cab Vehicle Licence:</strong></td>
<td>$140 $145</td>
<td>3.6%</td>
</tr>
<tr>
<td><strong>Accessible Taxi-cab Driver Licence:</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>If acquired between February 1st and June 30th</td>
<td>$140 $145</td>
<td>3.6%</td>
</tr>
<tr>
<td>If acquired between July 1st and January 1st</td>
<td>$85 $90</td>
<td>5.9%</td>
</tr>
<tr>
<td><strong>Taxi-cab Broker Licence:</strong></td>
<td>$230 $235</td>
<td>2.2%</td>
</tr>
<tr>
<td><strong>Taxi-cab Owner Licence:</strong></td>
<td>$780 $785</td>
<td>0.6%</td>
</tr>
<tr>
<td>Includes: One (1) Taxi-cab Driver Licence and Taxi-cab Vehicle Licence for primary and back-up Taxi-cab</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Taxi-cab Driver Licence:</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>If acquired between February 1st and June 30th</td>
<td>$140 $145</td>
<td>3.6%</td>
</tr>
<tr>
<td>If acquired between July 1st and January 1st</td>
<td>$85 $90</td>
<td>5.9%</td>
</tr>
<tr>
<td><strong>Taxi-cab Driver Licence:</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>If holding a valid Accessible Taxi-cab Driver Licence:</td>
<td>$60 $65</td>
<td>8.3%</td>
</tr>
<tr>
<td>If holding a valid Special Transportation Driver Licence or Limousine Driver Licence:</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Taxi-cab or Spare Taxi-cab Plate:</strong></td>
<td>N/A $75.00</td>
<td></td>
</tr>
<tr>
<td><strong>Accessible Taxi-cab or Spare Accessible Taxi-cab Plate:</strong></td>
<td>N/A $75.00</td>
<td></td>
</tr>
</tbody>
</table>
## OTHER FEES

<table>
<thead>
<tr>
<th>Service Description</th>
<th>Existing</th>
<th>Proposed</th>
<th>% Increase</th>
</tr>
</thead>
<tbody>
<tr>
<td>Person holding a Taxi-cab Driver Licence or Accessible Taxi-cab Driver Licence transfers sponsorship:</td>
<td>$12</td>
<td>$15</td>
<td>25%</td>
</tr>
<tr>
<td>Replacement of Taxi-cab Driver Licence or Accessible Taxi-cab Driver Licence:</td>
<td>$12</td>
<td>$15</td>
<td>25%</td>
</tr>
<tr>
<td>Taxi-cab Meter Test and Reseal:</td>
<td>$25</td>
<td>$30</td>
<td>20%</td>
</tr>
<tr>
<td>Re-testing of an Inaccurate Taxi-cab Meter:</td>
<td>$25</td>
<td>$30</td>
<td>20%</td>
</tr>
<tr>
<td>Replacement Taxi-cab or Spare Taxi-cab Plate:</td>
<td>N/A</td>
<td>$75.00</td>
<td>N/A</td>
</tr>
<tr>
<td>Replacement Accessible Taxi-cab or Spare Accessible Taxi-cab Plate:</td>
<td>N/A</td>
<td>$75.00</td>
<td>N/A</td>
</tr>
</tbody>
</table>
## SCHEDULE “B”

### LIMOUSINE TAXI-CAB BY-LAW – FEES AND CHARGES

<table>
<thead>
<tr>
<th>TYPE OF LICENCE</th>
<th>NEW APPLICATION</th>
<th>RENEWAL</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Existing</td>
<td>Proposed</td>
</tr>
<tr>
<td><strong>Limousine Owner Licence:</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Includes: One (1) Limousine Vehicle Licence</td>
<td>$780</td>
<td>$785</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Additional Limousine Vehicle Licence:</strong></td>
<td>$100</td>
<td>$105</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Limousine Driver Licence:</strong></td>
<td>$70</td>
<td>$75</td>
</tr>
<tr>
<td>If holding a valid Limousine Owner Licence</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>$140</td>
<td>$145</td>
</tr>
<tr>
<td>If acquired between April 1st and September 30th</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>$100</td>
<td>$105</td>
</tr>
<tr>
<td>If acquired between October 1st and March 31st</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>$60</td>
<td>$65</td>
</tr>
<tr>
<td>If holding a valid Special Transportation Driver Licence or Taxi-cab Driver Licence</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### OTHER FEES

<table>
<thead>
<tr>
<th></th>
<th>Existing</th>
<th>Proposed</th>
<th>Increase</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Replacement of Limousine Driver Licence:</strong></td>
<td>$12</td>
<td>$15</td>
<td>25%</td>
</tr>
<tr>
<td><strong>Day Vehicle Permit:</strong></td>
<td>$60</td>
<td>$65</td>
<td>8.3%</td>
</tr>
<tr>
<td><strong>Minimum Fee for Limousine Service:</strong></td>
<td>$85</td>
<td>N/A</td>
<td>N/A</td>
</tr>
</tbody>
</table>
## SCHEDULE “C”

### SPECIAL TRANSPORTATION TAXI-CAB BY-LAW – FEES AND CHARGES

<table>
<thead>
<tr>
<th>TYPE OF LICENSE</th>
<th>NEW APPLICATION</th>
<th>RENEWAL</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Existing</td>
<td>Proposed</td>
</tr>
<tr>
<td>Special Transportation Owner License:</td>
<td>$780</td>
<td>$785</td>
</tr>
<tr>
<td>Include: One (1) Special Transportation Vehicle Licence</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Additional Special Transportation Vehicle Licence:</td>
<td>$100</td>
<td>$105</td>
</tr>
<tr>
<td>Special Transportation Driver Licence:</td>
<td>$60</td>
<td>$65</td>
</tr>
<tr>
<td>If holding a valid Special Transportation Owner Licence</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Special Transportation Driver Licence:</td>
<td>$115</td>
<td>$120</td>
</tr>
<tr>
<td>If acquired between October 1st and March 31st</td>
<td>$60</td>
<td>$65</td>
</tr>
<tr>
<td>Special Transportation Driver Licence:</td>
<td>$45</td>
<td>$50</td>
</tr>
<tr>
<td>If holding a valid Limousine Driver License or Taxi-cab Driver License</td>
<td>$45</td>
<td>$50</td>
</tr>
</tbody>
</table>

### OTHER FEES

<table>
<thead>
<tr>
<th></th>
<th>Existing</th>
<th>Proposed</th>
<th>Increase</th>
</tr>
</thead>
<tbody>
<tr>
<td>Replacement of Special Transportation Driver Licence</td>
<td>$12</td>
<td>$15</td>
<td>25%</td>
</tr>
<tr>
<td>Minimum Fee for Special Transportation Service</td>
<td>$10</td>
<td>N/A</td>
<td>N/A</td>
</tr>
</tbody>
</table>
## SCHEDULE “D”

### SALVAGE BY-LAW – FEES AND CHARGES

<table>
<thead>
<tr>
<th>Type of Licence</th>
<th>New Application</th>
<th>Renewal</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Existing</td>
<td>Proposed</td>
</tr>
<tr>
<td><strong>Salvage Shop:</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>If acquired between June 1&lt;sup&gt;st&lt;/sup&gt; and November 30&lt;sup&gt;th&lt;/sup&gt;</td>
<td>$350</td>
<td>$355</td>
</tr>
<tr>
<td><strong>Salvage Shop:</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>If acquired between December 1&lt;sup&gt;st&lt;/sup&gt; and May 31&lt;sup&gt;st&lt;/sup&gt;</td>
<td>$175</td>
<td>$180</td>
</tr>
<tr>
<td><strong>Salvage Yard:</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>If acquired between June 1&lt;sup&gt;st&lt;/sup&gt; and November 30&lt;sup&gt;th&lt;/sup&gt;</td>
<td>$925</td>
<td>$930</td>
</tr>
<tr>
<td><strong>Salvage Yard:</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>If acquired between December 1&lt;sup&gt;st&lt;/sup&gt; and May 31&lt;sup&gt;st&lt;/sup&gt;</td>
<td>$460</td>
<td>$465</td>
</tr>
</tbody>
</table>
**SCHEDULE “E”**

**SECOND-HAND GOODS BY-LAW - FEES AND CHARGES**

<table>
<thead>
<tr>
<th>Type of Licence</th>
<th>New Application</th>
<th>Renewal</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Existing</td>
<td>Proposed</td>
</tr>
<tr>
<td><strong>Second Hand Dealer:</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>If acquired between August 1&lt;sup&gt;st&lt;/sup&gt; and January 31&lt;sup&gt;st&lt;/sup&gt;</td>
<td>$200</td>
<td>$205</td>
</tr>
<tr>
<td><strong>Second Hand Dealer:</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>If acquired between February 1&lt;sup&gt;st&lt;/sup&gt; and July 31&lt;sup&gt;st&lt;/sup&gt;</td>
<td>$115</td>
<td>$120</td>
</tr>
<tr>
<td><strong>Second Hand Shop:</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>If acquired between August 1&lt;sup&gt;st&lt;/sup&gt; and January 31&lt;sup&gt;st&lt;/sup&gt;</td>
<td>$290</td>
<td>$295</td>
</tr>
<tr>
<td><strong>Second Hand Shop:</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>If acquired between February 1&lt;sup&gt;st&lt;/sup&gt; and July 31&lt;sup&gt;st&lt;/sup&gt;</td>
<td>$175</td>
<td>$180</td>
</tr>
</tbody>
</table>
TO: Chair Geoff Lorentz and Members of the Licensing and Retail Committee

DATE: December 3, 2013

FILE CODE: L18-00

SUBJECT: DELEGATING LICENSING HEARINGS

RECOMMENDATION:

THAT The Regional Municipality of Waterloo amend:

(a) the Taxi-cab Meter By-law, Special Transportation Taxi-cab By-law and Limousine Taxi-cab By-law in accordance with Appendix “A”, “B” and “C”, respectively; and

(b) the Licensing and Retail Committee for the Regional Municipality of Waterloo Rules of Procedure by adding the following section:

“5.1 These Rules shall also apply to all proceedings before the Region’s Clerk, and for the purposes of such proceedings, the term “Region’s Clerk” shall be substituted for the term “Licensing and Retail Committee”, accordingly.”

so the authority to hold hearings in relation to convictions and demerit points pursuant to the Highway Traffic Act are delegated to the Regional Clerk, pursuant to Report CR-CLK-LIC-13-002, dated December 3, 2013.

SUMMARY:

Nil.

REPORT:

1) Background

Under the Taxi-cab Meter By-law, Special Transportation Taxi-cab By-law and Limousine Taxi-cab By-law, the Region may refuse to grant or renew, or may suspend or revoke a licence on the ground that the conduct of the applicant or licence holder affords “reasonable cause to believe that the person will not carry on or engage in its business in accordance with the law or with honesty and integrity.” The power in this regard has been delegated to the Licensing and Retail Committee with a right of review to Council.

In 2004, the Licensing and Retail Committee adopted a guideline dealing with licensed drivers and demerit points pursuant to the Highway Traffic Act. In general terms, this guideline stated an applicant or driver would be referred to the Licensing and Retail Committee for a hearing if their driving abstract or criminal record showed certain convictions.

Since this guideline has been adopted, the Licensing and Retail Committee has held
approximately 49 hearings in regard to demerit points with the usual outcome of placing the licensed driver on probation of some form.

The observation of staff is that these demerit point hearings are relatively standard in process and that they are time consuming for the members of the Licensing and Retail Committee.

2) Municipal Act, 2001

The Municipal Act, 2001 gives the Region the authority to pass its licensing by-laws and to deny, revoke or suspend a licence. Section 23.2 of the Municipal Act, 2001 states that a municipality may delegate the power to hold hearings in regard to a denial, revocation or suspension to:

(a) one or more members of its council or a council committee;
(b) a body having at least two members of whom at least 50 per cent are,
   (i) members of its council,
   (ii) individuals appointed by its council,
   (iii) a combination of individuals described in subclauses (i) and (ii); or
(c) an individual who is an officer, employee or agent of the municipality.

In order to better utilize the limited time and resources of the members of the Licensing and Retail Committee, staff is recommending that the power to hold demerit point hearings be further delegated to the Regional Clerk who is an officer of the municipality. This further delegation would still require the Clerk to give the applicant or licence holder procedural fairness through notice and a hearing and the applicant or licence holder would still have a right of review to Council.

It should be emphasized that this delegation would only be in regard to routine hearings in relation to convictions and demerit points pursuant to the Highway Traffic Act. The Licensing and Retail Committee would continue to conduct hearings in regard to more serious matters that could involve the Criminal Code or breach of a probation term that was imposed by the Licensing and Retail Committee or the Clerk. A person subject to a hearing before the Clerk would also have the same right as a person who had a hearing before the Licensing and Retail Committee to request a review by Council.

CORPORATE STRATEGIC PLAN:

Service Excellence: Deliver excellent and responsive services that inspire public trust. 5.3 Ensure Regional programs and services are efficient and effective and demonstrate accountability to the public.

FINANCIAL IMPLICATIONS:

Nil.

OTHER DEPARTMENT CONSULTATIONS/CONCURRENCE:

The Legal Service Division was consulted in the preparation of this Report and the amending by-laws.
ATTACHMENTS:

Appendix “A” – Amendment to Taxi-cab Meter By-Law
Appendix “B” – Amendment to Special Transportation Tax-cab By-Law
Appendix “C” – Amendment to Limousine Taxi-cab By-Law

PREPARED BY:  Angelo Apfelbaum, Manager, Licensing and Enforcement Services

APPROVED BY:  Kris Fletcher, Director, Council and Administrative Services/Regional Clerk
The Council of the Regional Municipality of Waterloo enacts as follows:

1. That section 55 of By-Law 04-069, A By-law to Licence, Regulate and Govern Brokers, Owners and Drivers of Taxi-Cabs Equipped with Taxi-Cab Meters within The Regional Municipality of Waterloo, As Amended, be deleted and replaced with the following:

   “55. (1) The Regional Municipality of Waterloo, in addition to any other penalty or remedy, may refuse to grant or to renew, or may suspend or revoke a licence under this By-law by reason of the ground that the conduct of the person applying for or holding the licence, or where the person is a corporation, that the conduct of the corporation's officers, directors, employees or agents, affords reasonable cause to believe that the person will not carry on or engage in its business in accordance with the law or with honesty and integrity.

   (2) For greater certainty, “law” under subsection (1) of this section includes the laws and regulations of Canada and the Province of Ontario and the by-laws of The Regional Municipality of Waterloo, including this By-law, and any other municipality having lawful jurisdiction.

   (3) Before acting under subsection (1) of this section, a hearing shall be held whereupon the Statutory Powers Procedure Act, R.S.O. 1990, c. S. 22, or any successor thereof, with the exception of sections 17, 17.1, 18 and 19, shall apply.

   (4) Where reasonably appropriate, and as an alternative or in addition to refusing to grant or renew, or revoke or suspend a licence under this By-law, The Regional Municipality of Waterloo may impose special conditions upon the person as a requirement of being issued or holding a licence.

   (5) Subject to subsection (6) of this section, the authority under this section shall be exercised by the Licensing and Retail Committee.

   (6) Notwithstanding subsection (5) of this section, the authority under this section may be exercised by the Clerk where the basis of the refusal to grant or to renew, or suspend or revoke a licence is related solely to the person’s convictions or demerit points pursuant to the Highway Traffic Act.”

2. That section 55.1 of By-Law 04-069, A By-law to Licence, Regulate and Govern Brokers, Owners and Drivers of Taxi-Cabs Equipped with Taxi-Cab Meters within The Regional Municipality of Waterloo, As Amended, be deleted and replaced with the following:
“55.1  (1)  Any person who was the subject of a hearing under section 55 of this By-law may apply to the Clerk within fifteen (15) days of the decision of the Licensing and Retail Committee or Clerk, as applicable, with a request that Council review the decision in regard to any refusal, revocation, suspension or special condition. An application under this subsection shall set out the relief sought and the grounds for the review.

(2)  Upon receipt of an application under subsection (1) of this section, the Clerk shall submit the application and the decision of the Licensing and Retail Committee or the Clerk, as applicable, to Council for a review. The person applying for the review shall be given notice of the Council meeting where the review will occur and shall be permitted to attend as a delegation.

(3)  Any decision of the Licensing and Retail Committee or Clerk, as applicable, in regard to any revocation, suspension or special condition shall be stayed until the review by Council is completed.

(4)  After conducting a review under subsection (2) of this section, Council may confirm the decision of the Licensing and Retail Committee or Clerk, as applicable, grant the relief sought, in whole or in part, or grant any other relief as it deems appropriate. “

3.  This By-Law shall come into force and effect on the date of final passage hereof.

By-law read a first, second and third time and finally passed in the Council Chamber in the Regional Municipality of Waterloo this day of , 2013

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REGIONAL CLERK     REGIONAL CHAIR
APPENDIX “B”

BY-LAW NUMBER

OF

THE REGIONAL MUNICIPALITY OF WATERLOO

A By-law to Amend By-law 04-071, A By-law to Licence, Regulate and Govern Owners and Drivers of Special Transportation Taxi-Cabs within The Regional Municipality of Waterloo, As Amended

The Council of the Regional Municipality of Waterloo enacts as follows:

1. That section 37 of By-Law 04-072, A by-law to Licence, Regulate and Govern Owners and Drivers of Special Transportation Taxi-Cabs within The Regional Municipality of Waterloo, As Amended, is hereby deleted and replaced with the following:

   “37. (1) The Regional Municipality of Waterloo, in addition to any other penalty or remedy, may refuse to grant or to renew, or may suspend or revoke a licence under this By-law by reason of the ground that the conduct of the person applying for or holding the licence, or where the person is a corporation, that the conduct of the corporation’s officers, directors, employees or agents, affords reasonable cause to believe that the person will not carry on or engage in its business in accordance with the law or with honesty and integrity.

   (2) For greater certainty, “law” under subsection (1) of this section includes the laws and regulations of Canada and the Province of Ontario and the by-laws of The Regional Municipality of Waterloo, including this By-law, and any other municipality having lawful jurisdiction.

   (3) Before acting under subsection (1) of this section, a hearing shall be held whereupon the Statutory Powers Procedure Act, R.S.O. 1990, c. S. 22, or any successor thereof, with the exception of sections 17, 17.1, 18 and 19, shall apply.

   (4) Where reasonably appropriate, and as an alternative or in addition to refusing to grant or renew, or revoke or suspend a licence under this By-law, The Regional Municipality of Waterloo may impose special conditions upon the person as a requirement of being issued or holding a licence.

   (5) Subject to subsection (6) of this section, the authority under this section shall be exercised by the Licensing and Retail Committee.

   (6) Notwithstanding subsection (5) of this section, the authority under this section may be exercised by the Clerk where the basis of the refusal to grant or to renew, or suspend or revoke a licence is related solely to the person’s convictions or demerit points pursuant to the Highway Traffic Act.”

2. That section 37.1 of By-Law 04-072, A by-law to Licence, Regulate and Govern Owners and Drivers of Special Transportation Taxi-Cabs within The Regional Municipality of Waterloo, As Amended, is hereby deleted and replaced with the following:
“37.1 (1) Any person who was the subject of a hearing under section 37 of this By-law may apply to the Clerk within fifteen (15) days of the decision of the Licensing and Retail Committee or Clerk, as applicable with a request that Council review the decision in regard to any refusal, revocation, suspension or special condition. An application under this subsection shall set out the relief sought and the grounds for the review.

(2) Upon receipt of an application under subsection (1) of this section, the Clerk shall submit the application and the decision of the Licensing and Retail Committee, or Clerk, as applicable, to Council for a review. The person applying for the review shall be given notice of the Council meeting where the review will occur and shall be permitted to attend as a delegation.

(3) Any decision of the Licensing and Retail Committee, or Clerk, as applicable, in regard to any revocation, suspension or special condition shall be stayed until the review by Council is completed.

(4) After conducting a review under subsection (2) of this section, Council may confirm the decision of the Licensing and Retail Committee, or the Clerk, as applicable, grant the relief sought, in whole or in part, or grant any other relief as it deems appropriate. “

3. This By-Law shall come into force and effect on the date of final passage hereof.

By-law read a first, second and third time and finally passed in the Council Chamber in the Regional Municipality of Waterloo this day of , 2013
APPENDIX “C”

BY-LAW NUMBER

OF

THE REGIONAL MUNICIPALITY OF WATERLOO

A By-law to Licence, Regulate and Govern Owners and Drivers of Limousine Taxi-Cabs within The Regional Municipality of Waterloo and to Repeal By-law 01-009, As Amended

The Council of the Regional Municipality of Waterloo enacts as follows:

1. That section 35 of By-law 04-070, A By-law to Licence, Regulate and Govern Owners and Drivers of Limousine Taxi-Cabs within The Regional Municipality of Waterloo and to Repeal By-law 01-009, As Amended

“35.  (1)  The Regional Municipality of Waterloo, in addition to any other penalty or remedy, may refuse to grant or to renew, or may suspend or revoke a licence under this By-law by reason of the ground that the conduct of the person applying for or holding the licence, or where the person is a corporation, that the conduct of the corporation’s officers, directors, employees or agents, affords reasonable cause to believe that the person will not carry on or engage in its business in accordance with the law or with honesty and integrity.

(2)  For greater certainty, “law” under subsection (1) of this section includes the laws and regulations of Canada and the Province of Ontario and the by-laws of The Regional Municipality of Waterloo, including this By-law, and any other municipality having lawful jurisdiction.

(3)  Before acting under subsection (1) of this section, a hearing shall be held whereupon the Statutory Powers Procedure Act, R.S.O. 1990, c. S. 22, or any successor thereof, with the exception of sections 17, 17.1, 18 and 19, shall apply.

(4)  Where reasonably appropriate, and as an alternative or in addition to refusing to grant or renew, or revoke or suspend a licence under this By-law, The Regional Municipality of Waterloo may impose special conditions upon the person as a requirement of being issued or holding a licence.

(5)  Subject to subsection (6) of this section, the authority under this section shall be exercised by the Licensing and Retail Committee.

(6)  Notwithstanding subsection (5) of this section, the authority under this section may be exercised by the Clerk where the basis of the refusal to grant or to renew, or suspend or revoke a licence is related solely to the person’s convictions or demerit points pursuant to the Highway Traffic Act.”
2. That By-Law 04-072, A By-law to Licence, Regulate and Govern Owners and Drivers of Special Transportation Taxi-Cabs within The Regional Municipality of Waterloo, As Amended, is hereby amended by adding the following section:

“35.1  (1) Any person who was the subject of a hearing under section 35 of this By-law may apply to the Clerk within fifteen (15) days of the decision of the Licensing and Retail Committee or Clerk, as applicable with a request that Council review the decision in regard to any refusal, revocation, suspension or special condition. An application under this subsection shall set out the relief sought and the grounds for the review.

(2) Upon receipt of an application under subsection (1) of this section, the Clerk shall submit the application and the decision of the Licensing and Retail Committee, or Clerk, as applicable, to Council for a review. The person applying for the review shall be given notice of the Council meeting where the review will occur and shall be permitted to attend as a delegation.

(3) Any decision of the Licensing and Retail Committee, or Clerk, as applicable, in regard to any revocation, suspension or special condition shall be stayed until the review by Council is completed.

(4) After conducting a review under subsection (2) of this section, Council may confirm the decision of the Licensing and Retail Committee, or the Clerk, as applicable, grant the relief sought, in whole or in part, or grant any other relief as it deems appropriate. “

3. This By-Law shall come into force and effect on the date of final passage hereof.

By-law read a first, second and third time and finally passed in the Council Chamber in the Regional Municipality of Waterloo this day of , 2013

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REGIONAL CLERK     REGIONAL CHAIR
REGION OF WATERLOO
CORPORATE RESOURCES
Council and Administrative Services
Licensing and Enforcement Services

TO: Chair Geoff Lorentz and Members of the Licensing and Retail Committee
DATE: December 3, 2013
FILE CODE: L18-00
SUBJECT: AMENDMENTS TO THE SALVAGE AND SECOND-HAND GOODS BY-LAWS

RECOMMENDATION:

THAT The Regional Municipality of Waterloo amend the Second-Hands Good By-law and the Salvage By-law in accordance with Appendix “A” and “B”, respectively, pursuant to Report CR-CLK-LIC-13-003, dated December 3, 2013

SUMMARY:

Nil.

REPORT:

In 2004, the Region enacted the Second-Hands Good By-law and the Salvage By-law. At the time, section 150(13) of the Municipal Act, 2001 stated that a licensing by-law expired 5 years after it was passed or repealed, whichever came first. To deal with such, the Region incorporated the following section in the By-laws:

“Pursuant to subsection 150(13) of the Municipal Act, this By-law shall expire the earlier of the five (5) years after it comes into force and effect or the day it is repealed.”

In 2006, section 150(13) of the Municipal Act, 2001 was repealed and thus the “sunset” provision no longer had effect. To “clean up” the By-laws, staff is recommending that the above-noted sections be removed as redundant.

CORPORATE STRATEGIC PLAN:

Service Excellence: Deliver excellent and responsive services that inspire public trust. 5.3 Ensure Regional programs and services are efficient and effective and demonstrate accountability to the public.

FINANCIAL IMPLICATIONS:

Nil.

OTHER DEPARTMENT CONSULTATIONS/CONCURRENCE:

The Legal Services Division assisted in the preparation of this Report.
ATTACHMENTS:

Appendix “A” – Amendment to Salvage By-Law
Appendix “B” – Amendment to Second-Hand Goods By-Law

PREPARED BY: Angelo Apfelbaum, Manager, Licensing and Enforcement Services

APPROVED BY: Kris Fletcher, Director, Council and Administrative Services, Regional Clerk
APPENDIX “A”

BY-LAW NUMBER

OF

THE REGIONAL MUNICIPALITY OF WATERLOO

A By-law to Amend By-law 05-063, A By-law to Licence, Regulate and Govern Salvage Shops and Salvage Yards, including Automobile Wrecking Yards or Premises, within The Regional Municipality of Waterloo, As Amended

The Council of the Regional Municipality of Waterloo enacts as follows:

1. That section 37 of By-law 05-063, A By-law to Licence, Regulate and Govern Salvage Shops and Salvage Yards, including Automobile Wrecking Yards or Premises, within The Regional Municipality of Waterloo, as Amended, is hereby deleted.

2. This By-law shall come into force and effect on the date of final passage hereof.

By-law read a first, second and third time and finally passed in the Council Chamber in the Regional Municipality of Waterloo this day of , 2013

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REGIONAL CLERK     REGIONAL CHAIR
APPENDIX “B”

BY-LAW NUMBER

OF

THE REGIONAL MUNICIPALITY OF WATERLOO

A By-law to Amend 05-062, A By-law to Licence, Regulate and Govern Second-Hand Good Shops and Dealers in Second-Hand Goods with The Regional Municipality of Waterloo, As Amended

The Council of the Regional Municipality of Waterloo enacts as follows:

1. That section 34 of By-law 05-062, A By-law to Licence, Regulate and Govern Second-Hand Good Shops and Dealers in Second-Hand Goods with The Regional Municipality of Waterloo, As Amended, is hereby deleted.

2. This By-law shall come into force and effect on the date of final passage hereof.

By-law read a first, second and third time and finally passed in the Council Chamber in the Regional Municipality of Waterloo this day of , 2013

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REGIONAL CLERK     REGIONAL CHAIR
To: Geoff Lorentz, Chair, Licensing and Retail Committee
From: Angelo Apfelbaum, Manager, Licensing and Enforcement Services
Subject: United Taxi Charging User Surcharge
File No: L18-30

On June 25, 2013 Licensing and Enforcement Services staff received a complaint from an individual concerning United Taxi.

The complainant advised staff that on two separate instances he and his wife were charged a $15.00 surcharge, over and above the approved Taxi-cab Tariff, for using an accessible taxi-cab for travel within the City of Cambridge.

The complainant decided to report the issue as the rate for the United Taxi service was substantially higher than the same trip with Golden Triangle Taxi.

A Municipal Law Enforcement Officer was assigned to investigate the matter. The officer found that United Taxi was in-fact levying a $15.00 surcharge on all accessible taxi trips within the City of Cambridge. The officer collected the necessary evidence for the two trips the complainant identified.

The “Access for Ontarians with Disability Act (AODA) sec. 80(1)(a)” states:

**Duties of municipalities, taxi-cabs**

“80.(1) Any municipality that licenses taxicabs shall ensure that owners and operators of taxicabs are prohibited,

   (a) from charging a higher fare or an additional fee for persons with disabilities than for persons without disabilities for the same trip;”
As a result of the investigation, the officer issued three provincial offence summons for offences breaching the Region’s “Taxi-cab Meter By-law 04-072, as amended”. One summons was issued to the Broker, United Taxi, for “sec. 32(5) Broker failing to report a known contravention to the Clerk”. Two drivers were also issued summons for “sec. 33(5) Driver provide Accessible Taxi-cab service charging fee other than Taxi-cab Meter fare”.

The Broker and the drivers appeared in Provincial Offences Court on October 21, 2013. The Broker plead guilty and received a $300.00 fine and the two drivers plead guilty and each received $150.00 fines.

As a result of this incident all Brokers were advised about the issue and officers have been inspecting Broker records to ensure this type of incident does not re-occur.

Angelo Apfelbaum
Manager, Licensing and Enforcement