



Media Release: Friday, February 26, 2016, 4:30 p.m.

Regional Municipality of Waterloo

Licensing and Hearings Committee

Agenda

(All Members of Council are Invited to Attend)

Wednesday, March 2, 2016

6:00 p.m.

Regional Council Chamber

150 Frederick Street, Kitchener, Ontario

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1. **Declarations of Pecuniary Interest Under The Municipal Conflict of Interest Act**
 2. **Reports – Planning, Development, and Legislative Services**
 - 2.1 **PDL-CAS-16-05**, Comprehensive Taxi By-law Review, Phase 2 2

Recommendation:

That the Regional Municipality of Waterloo directs staff to organize formal public meetings for the Taxi By-law Review on (insert date) and (insert date); and

That the Taxi By-law Review meetings of the Licensing and Hearings Committee be held as Committee of the Whole meetings of Regional Council until a new taxi by-law is formulated as outlined in report PDL-CAS-16-01, dated March 2, 2016.

3. **Other Business**
4. **Adjourn**



Report: PDL-CAS-16-05

Region of Waterloo
Planning, Development and Legislative Services
Licensing and Enforcement Services

To: Chair Jane Mitchell and Members of the Licensing and Hearings Committee

Date: March 2, 2016 **File Code:** C13-30

Subject: Comprehensive Taxi By-law Review, Phase 2

Recommendation:

That the Regional Municipality of Waterloo directs staff to organize formal public meetings for the Taxi By-law Review on (insert date) and (insert date); and

That the Taxi By-law Review meetings of the Licensing and Hearings Committee be held as Committee of the Whole meetings of Regional Council until a new taxi by-law is formulated as outlined in report PDL-CAS-16-05, dated March 2, 2016.

Summary:

A thorough review of the Region's taxi, limousine and special transportation by-laws is underway. The goal of the review was to ensure that passengers in taxis and other vehicles were provided with a safe ride every time. For the Region to be able to move forward on the development of a new taxi by-law, some key policy decisions need to be made. This report outlines the key policy issues, the process required to address those issues, a proposed public consultation process and recommended time frames.

Report:

1. Background

The principles guiding the review have been broadened and become more inclusive as our knowledge has expanded. There are 3 principles guiding this review:

- I. Public Safety – ensuring vehicles are safe, insurance coverage, ensuring there

- are safe drivers, accountability of brokers, owner and drivers;
- II. Accessibility – service delivery model that considers aging populations and meets the needs of the accessible community; and
- III. Consumer Protection – including measures to protect both the passenger and the driver; means by which to establish reasonable fares for service, ensuring there is a healthy level of competition and a thorough complaint resolution process.

While not a guiding principle, customer service (including the customer experience and customer satisfaction) is also a key factor in this review.

In December 2015, staff provided an update to the Licensing and Hearings Committee on the Taxi By-law review. The report explained how taxi licensing continues to evolve as municipalities across the province and Canada continue to review how to regulate “ride sharing”.

Regional Council also passed a motion requesting that the Province examine ridesharing with the intent of developing some common provincial standards. Bill 131, a private members Bill, had been introduced and referred to Provincial Committee. As of the date of this report no Committee meetings have been held on this topic and nothing further has come forward from the Province.

The City of Edmonton has now passed its by-law. Staff from the Region have been in contact with Edmonton and have had some discussions about the by-law and proposed implementation. The City of Edmonton has chosen to regulate ride sharing. Uber Canada has agreed to be licensed as a “Private Transportation Company”. This will allow Edmonton to license the ‘broker’ who will be responsible for submitting information on their drivers through a data sharing process. Individual Uber Driver’s will actually be licensed through this process. Uber will also pay to the City of Edmonton a lump sum fee and a per trip fee for not providing accessible vehicles. Edmonton’s by-law is based on a “hybrid model” and its elements are consistent with the policy framework being developed by Regional staff.

Staff continues to monitor developments throughout the province and across Canada.

2. The Development of a Policy Framework

For staff to develop the next by-law, there need to be some decisions around a policy framework. While the first phase of the consultation process asked some of these policy questions, there have been no formal decisions made by either Committee or Council. In order to proceed, the following fundamental questions need to be resolved.

1. Should the Region regulate taxi and taxi type services in Waterloo Region?

2. Should the Region “open its taxi by-law so non traditional taxis are licensed and regulated”?
3. If the Region opens its taxi by-law should it adopt a “traditional model”, “broker model” or a “hybrid model”?
4. Should the Region limit the number of owner and vehicle licences for taxis services?
5. Should the Region regulate fares for taxi services?
6. How should the Region govern and require accessible taxis?
7. Should the Region require CCTV’s in all vehicles?

In order to answer these questions, staff has developed a new discussion guide. This guide is attached as Appendix “A” to this report. The guide describes each of these policy questions, provides some pros and cons, various options for consideration and indicates a staff preferred course of action. The preferred course of action is preliminary and is subject to change based upon the continued discussions, consultations and the progress of other municipalities. Appendix “D” summaries the current position of staff. In Issue 6, regarding accessible taxis, there is no preferred option. This is the one area where staff believes the information currently available has not provided us with enough clarity.

Staff proposes to release the discussion guide no later than March 11.

Following the formal public meetings, Committee/Council will be asked to develop a position based on the discussion guide. The position taken by Committee on these key policy questions would form the basis for the by-law. Once this has happened staff would then commence work on the by-law, including the development of the more detailed policies/regulations. These include but are not limited to:

- Level and type of driver screening e.g. criminal records check, driver license
- Vehicle requirements e.g. age, inspection
- Vehicle identification e.g. car markings, top signs
- Payment options e.g. Cash, credit card, pre-set accounts.
- License types e.g. licenses for part timers, peak period licenses
- Finalization of insurance requirements
- License fees charged to license holders
- Required training
- Complaint resolution processes
- Enforcement

If Committee members could also add any items to the discussion guide.

3. The Process and Public Consultation

The Region committed to a 2 phase public consultation process for the review of the taxi by-law. Phase 1 was completed last fall and Report PDL-CAS-15-12/PDL-LEG-15-82 was presented for information in December. Phase 2 of the process will commence upon the confirmation of the recommendations in this report and the finalization of the discussion guide as per Committee's direction.

3.1. Establishment of Public Meetings

Phase 2 is a more formal consultation phase. Two formal meetings are proposed to hear input from stakeholders and the general public. The meetings would be conducted by the Licensing and Hearings Committee; however all members of Council are invited to attend.

The meetings would be held over 2 separate weeks in order to accommodate as many people as possible. It is intended to limit delegations to 5 minutes per speaker. The registration of delegations will commence as soon as the dates are confirmed. It is intended that delegations can only speak at one meeting. Staff would take up to 36 delegations for the first meeting, after which delegates would be registered for the 2nd date. Staff currently does not propose to limit the number of delegations on the 2nd date.

Given the experience of other municipalities in conducting meetings related to this issue, the procedural rules need to be emphasized when individuals register

3.2. Online Forum/Survey

An online survey will also be offered. Similar to the Phase 1 consultation, comments can be submitted in writing including email, regular mail, and through an online survey tool.

3.3. Committee Meeting to Determine the Policy Framework

This meeting should be held shortly after the public meetings. It is intended that this meeting would not hear from delegations but be limited to Committee/Council discussion and debate. Staff would prefer that this be a committee of the whole meeting that allows all members of Council to take part in the debate and any voting. In doing so staff could be certain that the direction being provided was by all members of Council.

3.4. Finalizing the By-law

Based on the direction provided in phase 2, staff would then begin drafting the final by-law. A staff report would be prepared and this report would be presented to Committee

of the Whole meeting. Delegations would be allowed to register for this meeting. Staff would suggest that this meeting be held in the evening. Again, delegations would be limited to 5 minutes per speaker.

During this stage of the by-law development, staff would also be finalizing the very specific regulations associated with the by-law. These details would include but not be limited to regulations related to car identification, top signs, service standards, training requirements, application processes and English language requirements. Once the larger policy requirements are determined it will be easier to focus on the more detailed processes. Staff would invite a group of industry stakeholders to a meeting to discuss these details.

3.5. Timing/Delegations

A chart outlining the proposed course of action is attached as Appendix "A" B. Staff has reviewed the proposed dates against area municipal schedules. There are some conflicts (e.g. a municipal Councillor may have a conflict with one of the proposed formal public meeting dates but not both). At the Committee meeting there will need to be agreement on what dates to schedule.

The chart outlines an aggressive timetable and it is fully dependent upon the amount of information received and the number of issues that need to be resolved as ultimately determined by Regional Council.

4. Other issues

Staff will continue to monitor what is happening in other municipal jurisdictions and at the Province. A recent announcement about insurance for ride sharing drivers has also been released and is attached as Appendix "D"

Corporate Strategic Plan:

The taxi by-law review is included in the Corporate Strategic Plan and was also identified in the Services Review.

Financial Implications:

The Region currently receives approximately \$180,000 annually in revenue from taxi licenses. These funds are used to offset the expenditures that occur for licensing and enforcing the current by-laws.

Other Department Consultations/Concurrence:

None

Attachments

Appendix "A" – Proposed Delegations/Meeting Schedule

Appendix "B" – Summary of the Staff Preferred Options

Appendix "C" – Phase 2 Discussion Guide (Draft)

Appendix "D" – Announcement from Aviva Canada

Prepared By: **Angelo Apfelbaum**, Manager, Licensing and Enforcement Services
Kris Fletcher, Director, Council and Administrative Services/Regional Clerk

Approved By: **Rob Horne**, Commissioner, Planning, Development and Legislative Services

Appendix "A"

Delegations/Meeting Schedule (continues on next page)

Meeting type	Dates	Delegations	Other information
Public Meeting #1 All members of Council invited, Councillor J. Mitchell chairing	Tuesday March 29, 2016, 7:00 pm or Alternative Date Thursday March 31, 2016	Yes Delegations need to register Only 36 delegations allowed	Delegations have 5 min. Rules to be strictly enforced
Public Meeting #2 All members of Council invited, Councillor J. Mitchell chairing	Tuesday April 5, 2016, 6:00 pm	Yes Delegations should be registered however there should be an opportunity to take persons from the floor.	Delegations have 5 min. Delegations from the floor 3 min. Rules to be strictly enforced
Committee of the Whole * Councillor J. Mitchell chairing	A meeting to be held before the Council on Wednesday April 20, 2016 6:00 pm	No delegations Public can attend the meeting and hear the debate.	Councillors to debate the issues outlined in this report and provide direction to staff for drafting the by-law. Expected outcome: Committee endorsed a policy framework

Focus group meeting(s) of stakeholders	Before May 20, 2016*	Not applicable	Staff would organize a group of stakeholders to discuss various regulatory issues.
Committee of the Whole * Councillor Mitchell chairing	Wednesday June 8, 6:00 pm	Yes Delegations should be registered; however there should be an opportunity to take persons from the floor.	Delegations have 5 min. Delegations from the floor 3 min Rules to be strictly enforced Expected Outcome: Committee recommends a final approach for the taxi-by-law review to Council
Council Meeting*	Wednesday June 22, 2016	no	Approval of the recommendations from Committee and potentially a new by-law.

*these dates could change based upon the amount of information received during the public meetings

Appendix "B"

Summary of the Staff Preferred Options

Below are the policy framework issues and staff's current preferred option. The preferred option is preliminary and is subject to change based upon the continued discussions and consultations. In Issue 6, regarding accessible taxis, there is no preferred option at this time. This is the one area where staff believes the information currently available has not provided us with enough clarity.

Issue 1: Should the Region regulate taxi and taxi type services in Waterloo Region?

Preferred Option: That the Region regulates all taxi and taxi type services.

Issue 2: Should the Region "open its taxi by-law so non traditional taxis are licensed and regulated"?

Preferred Option: That the by-law be opened to allow for non-traditional taxis.

Issue 3: If the Region opens its taxi by-law should it adopt a "traditional model", "broker model" or a "hybrid model"?

Preferred Option : Develop a by-law based on a hybrid model that combines both the traditional and broker models.

Issue 4: Should the Region limit the number of owner and vehicle licences for taxis services?

Preferred Option: Phase out license limits on traditional taxis and do not impose limits on new entrants into the market.

Issue 5: Should the Region regulate fares for taxi services?

Preferred Option: Set fares for taxis that provide a "hail" service but do not impose a fee for a pre-booked service.

Issue 6: How should the Region govern and require accessible taxis?

No preferred option at this time.

Issue 7: Should the Region require CCTV's in all vehicles?

Preferred Option: Require the use of cameras only when a ride is a hailed ride, cameras would not be required when the ride is pre-booked.

Appendix “C”

“Draft” Discussion Guide

Phase 2 Public Consultation

Introduction

In August of 2015, the Region of Waterloo officially launched the review of 3 by-laws; the Taxi Meter By-law, Limousine By-law and the Special Transportation Vehicle. To assist with the consultations a discussion guide was released entitled “Taxi By-law Review”. A series of informal public consultations and stakeholder meetings were held and an on line survey was conducted. All this information was reviewed and summarized in a report entitled the Data Analysis Report, Phase I Consultation: Taxi By-Law Revision, Region of Waterloo. The Data Analysis Report and an additional staff report, PDL-CAS-15-12/PDL-LEG-15-82, entitled Taxi By-law Update, were presented to Committee on December 8, 2015. These reports are available online on the Region’s website, follow the link below.

<http://www.regionofwaterloo.ca/en/regionalgovernment/bylawenforcement.asp>.

The Region is now commencing phase 2 of the Taxi By-law review.

What is Being Reviewed during Phase 2?

In order to move forward with the development of a by-law and associated rules and regulations the following key policy questions need to be resolved.

1. Should the Region regulate taxis and taxi type services in Waterloo Region?
2. Should the Region “open its taxi by-law so non traditional taxis are licensed and regulated”?
3. If the Region opens its taxi by-law should it adopt a “traditional model”, “broker model” or a “hybrid model”?
4. Should the Region limit the number of owner and vehicle licences for taxis services?
5. Should the Region regulate fares for taxi services?
6. How should the Region govern and require accessible taxis?
7. Should the Region require CCTV’s in all vehicles?

The answers to these foundational questions will set the framework for the development of the actual by-law. These questions will not address all the necessary details required in the by-law. Further meetings/consultations will be required to address these details.

Goal of the By-law Review

The goal of the by-law review is the same as in Phase 1; to ensure that passengers of taxis and other vehicles are provided with a safe ride every time. This includes ensuring there are safe drivers and safe vehicles. This does not currently include how the service can be arranged e.g. app based, phone call, email.

Decision Making Process

During this phase of the consultation, the public and stakeholders are being asked for their comments on the key policy decisions outlined in this document. Formal public meetings are being established and an additional online survey is being set up in order to collect your thoughts on the options included in this discussion guide.

It is anticipated that this public consultation process will take approximately 6-8 weeks. After the comments have been collected and reviewed, the Licensing and Hearings Committee will have discussions and deliberations on these key questions at an open public meeting. Following this meeting, the development of the final by-law is expected to begin. Ultimately Regional Council will make the decision on the final taxi by-law.

Ways to Get Involved

We want to gather your opinions on these key questions. There are a number of ways to share your feedback.

1. Participate in a Formal Public meeting – **Insert approved dates**
2. Take the online survey
3. Email: email your comments and suggestions on these key questions to regionalclerk@regionofwaterloo.ca
4. Mail: send a written submission with your suggestions to:

Taxi By-law Review
c/o The Regional Clerk's Office
Region of Waterloo
150 Frederick Street, 2nd Floor
Kitchener, Ontario, N2G 4J3

Please note the last date for submitting comments is **April ?, 2016**

Paper copies of the discussion guide are also available through the Regional offices located at 150 Frederick Street, Kitchener, 99 Regina Street, Waterloo, 150 Main Street, Cambridge and the Regional Libraries located in North Dumfries, Wellesley, Wilmot and Woolwich Townships.

User Information

To help us make the most effective use of your comments, please consider identifying yourself and whether you currently drive, own, operate a vehicle for hire.

If you are providing comments on behalf of an organization, please provide its name.

All comments and information received regarding the Taxi By-law review are being collected to assist the Region of Waterloo in making decisions on any changes needed to Regional by-laws. Please note that the Region may summarize and share you comments with other departments and the public.

What's Next?

After the Region of Waterloo has received all public submissions and input on this phase of the consultation, we will assess the feedback and prepare a report for Licensing and Hearings Committee. It is anticipated that this report will go Committee for XXXX, 2016. Following this meeting staff will begin to redraft the by-law that will be presented in a later report.

For further information on the Taxi By-law review, please visit the Region of Waterloo's website at www.RegionofWaterloo.ca

Thank-you for providing your comments. Your Feedback is very important to us and will be essential to improving the existing taxi by-laws so we can meet the needs of our community.

Issue 1: Should the Region regulate taxis in Waterloo Region?

Description of Issue:

Legislative Authority

Historically the Region of Waterloo has been regulating taxis, limousines, special transportation vehicles (transportation for children) since its inception.

Currently the Region, under the Municipal Act has the exclusive authority to impose licenses on taxi cab brokers, owners, and drivers. This authority allows the municipality to:

- Establish rules/requirements for the granting of a license
- To prohibit the carrying on or engaging in the business without a license
- Develop processes/conditions for the revoking or suspending of a license
- Impose conditions on a license
- Establish a renewal process
- Establish inspection and enforcement processes.

Province

In the fall of 2015, a Private members Bill was introduced. The purpose of this Bill was to develop regulations for the “sharing economy” including ride sharing. This Bill was referred to committee shortly after it was introduced but no further action has been taken. In December, Regional Council asked the Province to consider passing legislation and/or regulations to provide a standardized approach for dealing with taxi-cab mobile applications, such as Uber. It appears unlikely that the Province will take action in the near future.

Pros for regulating the industry:

- Regulations on the industry promote public safety and consumer protection.
- Drivers, Owners, Brokers work under an established set of rules that hold them accountable
- Municipalities are able to take into consideration issues that occur locally e.g Regionally set fares
- The Region has the regulatory authority to license taxis and taxi type services

Cons for regulating the industry:

- The traditional licensing regime did not anticipate emerging or shifting market trends
- Licensing and regulating can restrict competition
- Regulating the industry requires enforcement and administrative staff time.

While these costs are recouped through license fees there are still costs in operating the system.

- Regulations currently in place do not establish consistent practices across the Province
- There is no indication from the Province on what they intend to do with the ridesharing

Options for consideration

- Stop regulating all taxis and taxi type services and allow the industry to set its own standards.
- Continue to regulate the traditional taxi industry and continue to request that the Province regulate ridesharing.
- Regulate all taxi and taxi type services(staff preferred)

Issue 2: Should the Region “open” its taxi by-law so non-traditional taxis are licensed and regulated?

Description of the Issue:

As a result of known taxi issues, emerging issues, new technologies and non-traditional service models (e.g. app based models such as Uber), the Region began a by-law review. Through the collection of information gathered from other jurisdictions and the Region of Waterloo the following themes have emerged.

- a) Uber and Uber drivers offer a service which is essentially the same as traditional taxi service.
- b) Injunctions attempted in Toronto have been unsuccessful and the courts have recommended that Toronto review its regulations.
- c) There is consumer support for ridesharing because of the convenience of the application, application rating system, no cash fare and reduced prices.
- d) There is a desire for greater rider choice including taxis and ridesharing
- e) The existing by-law needs to be modernized and updated even if only for the existing taxi system.
- f) New entrants to the traditional market have been denied in the past because of the current closed market in Waterloo Region.
- g) Technology and the use of technology by the industry and riders has changed substantially.
- h) The Region’s ability to enforce the existing by-law takes substantial resources
- i) Other opportunities for taxi like services have not been adopted or regulated because of the current by-law. E.g. female passenger services, Driver’s seat.

Pros for opening the by-law:

- All vehicles for hire should be regulated to ensure passenger safety and consumer protection
- Regulating the whole industry will open competitions that may benefit consumers
- Allows the Region to take a less intrusive and more balance approach when designing and implementing regulations for transportation services
- The traditional licensing regime did not anticipate emerging or shifting market trends

Cons for opening the by-law:

- Competition may cause financial loss/hardship to the existing taxi industry
- The system could become more complex and confusing to the rider.
- Enforcement regulations and staff resourcing would need to be reviewed

Options for Consideration

- That the by-law not be reopened
- That the by-law be opened to allow for non-traditional taxis (staff preferred)

Issue 3: If the Region “opens” its taxi by-law, should it adopt a “traditional” model, “broker” model or a “hybrid” model of the two?

Description of Issue:

The Region currently has a “traditional” model for its Meter Taxi-cab By-law that entails three types of licences being a broker licence, owner / vehicle licence and driver licence. This reflects the fact that the traditional taxi industry commonly has three distinct persons being the broker who dispatches the taxi service, the owner who owns the motor vehicle and the driver who carries out the actual taxi service. Each of these persons must hold a licence and meet specific requirements as applicable. For example, a broker must have a dispatch service, the owner must keep their motor vehicle safe and a driver must drive safely. If the person breaches the requirements of their specific licence then the Region can take steps to charge the person and/or suspend or revoke their licence.

The “broker” model has been advocated by Uber Canada. This model only requires that the broker hold a licence with the ability for the broker to contract or issue permits to owners and drivers. The owners and drivers operate under the broker’s licence and the broker regulates the requirements of the taxi by-law accordingly. In this model, the municipality can take steps to charge the broker and/or suspend or revoke its licence if it fails to regulate its owners and drivers. The municipality does not issue licences to

the owners and drivers and does not have any remedy against them.

Uber Canada advocates the “broker” model because it entails less “red tape” where licence applicants must attend municipal offices and go through a cumbersome process to obtain owner and driver licences. Uber Canada contends that brokers can carry out this administrative step in a quicker and more efficient manner while also protecting public safety. Uber Canada would also issue “permits” for short durations of time to allow its owners and drivers to operate for short and long durations of time as desired.

The “hybrid” model is something that combines elements of the “traditional” and “broker” model. For example, a municipality could have a “traditional” model for the traditional taxi industry and the broker model for the new app based taxi industry. Conversely, a municipality could have a “broker” model for the entire taxi industry where it allows the broker to issue owner and driver licences or permits, subject to certain prescribed requirements, but the municipality retains the remedy to charge the licence / permit holder and/or suspend or revoke their licence / permit as applicable (similar to the traditional model). The City of Edmonton’s new taxi by-law is a “hybrid model”.

Pros:

- The “traditional” model provides a direct link between the Region and the licence holders so that the Region can regulate the persons as needed.
- The “broker” model removes a significant administrative and regulatory process for the Region which has a potential budgetary saving
- The “broker” model is more fluid because persons can apply and obtain permits from a broker more quickly and for shorter periods of time (licences under the current taxi by-laws are for one year) thus reflecting the emerging “sharing” economy;
- The “hybrid” model has the potential of combining the benefits of both the “traditional” model and “broker” model.

Cons:

- The “traditional” model is cumbersome to a degree with significant administrative and regulatory requirements that are expensive for the Region and may prevent innovation;
- The “broker” model places too much reliance on the broker to regulate its owners and drivers with the risk that public safety may be compromised;
- The “hybrid” model has the risk of experimenting with new formats which may result in unexpected issues or problems after implementation;

Options for consideration

- Develop a by-law based on a traditional model
- Develop a by-law based on a broker model
- Develop a by-law based on a hybrid model that combines both the traditional and broker models(staff preferred)

Issue 4: Should the Region limit the number of owner and vehicle licences for taxis?

Description of Issue:

The Region currently limits the number of owner / vehicle licences for meter taxi-cabs based on a ratio of one licence for every 1,650 residents in Waterloo Region. This has resulted in a total number of 348 owner / vehicle licences for meter taxi-cabs in the Waterloo Region. The Region does not limit the number of any other licences including broker licences, driver licences for meter taxi-cabs and licences for limousines and special transportation vehicles.

Limiting the number of owner / vehicle licences for meter taxi-cabs is common in most municipalities across North America and has been the practice for much of the past several decades. The rationale is that limiting the number of meter taxi-cabs prevents too many of the vehicles on local streets and taxi stands. Limiting the number of licences is also a regulatory “trade-off” because municipalities commonly limit the fares that can be charged.

Limiting the number of owner / vehicle licences for meter taxi-cabs indirectly and unintentionally created a market value for the licences. In Waterloo Region, licence holders cannot “sell” their licence like personal property. However, they can sell their corporate share in their broker company and surrender their licence to the purchaser. This combined transaction has created a market for meter taxi-cab owner / vehicle licences that is tied to a corporate share value that is outside of the Region’s jurisdiction. The Region has received complaints from time to time that there are insufficient meter taxi-cabs during high peak demand periods. This is mostly during Oktoberfest, Christmas / New Years and poor weather.

Pros:

- Limiting the number of owner / vehicle licences reduces potential congestion on municipal streets and at taxi stands;
- Limiting the number of owner / vehicle licences is a fair “trade-off” if the Region continues to limit the fares that licence holders can charge the public. Creating an unlimited number of taxis while restricting fares may render the

taxi industry unprofitable;

Cons:

- Limiting the number of owner / vehicle licences prevents competition, limits the number of taxis able to service the residents of Waterloo Region and innovation where new providers can enter the market with new forms of service;
- Ridesharing companies such as Uber use a large number of part time drivers and therefore will not support limits

Options for consideration

- Impose license limits on both traditional and non-traditional taxis
- Impose license limits on traditional taxis only and do not impose limits on non-traditional taxis
- Phase out license limits on traditional taxis and do not impose limits on new entrants into the market (staff preferred)
- Do not impose license limits on any sector

Issue 5: Should the Region regulate fares for taxi services?

Description of Issue:

The Region currently prescribes the fares that can be charged for meter taxi-cab services. The Region also prescribes a minimum fare of \$80 that can be charged for limousine taxi-cab services. This minimum fare was to prevent limousine taxi-cabs from encroaching on the services provided by meter taxi-cabs.

Limiting fares for meter taxi-cab services is intended to protect consumers from excessive charges. This is especially a concern in relation to users visiting from outside the Waterloo Region that may not know local rates (for example, tourists exiting from the Waterloo Region International Airport) and users of lesser means (for example, the elderly or disabled) who are dependant on taxis for their transportation needs.

Conversely, however, prescribing fares can prevent competition and negatively impact service levels. On the one hand, a prescribed fare prevents meter taxi-cabs from competing with each other and providing discounts to the consumer. On the other hand, a prescribed rate is a dis-incentive for potential taxi providers who can potentially enter the market to provide added service levels. During busy times, such as Oktoberfest, more taxis may service the increased demand if they can charge a higher / market fare.

There are many options available in regulating fares. Fares can include

maximum/minimum rates, flat rates, per kilometer rates and waiting rates. The Regions current fares are based on an initial drop rate and a per kilometre rate.

Consideration could be given to differentiating between hail fares and pre-booked fares. Ridesharing and traditional taxis, limousines all have pre-booked fares.

Under The Accessibility for Ontarians with Disabilities Act (AODA) rates charged to person with disabilities need to be the same as those charged to person with out disabilities.

Pros:

- Regulating fares provides price certainty for the public and protects consumers from excessive fees;

Cons:

- Regulating fares prevents competition and innovation in regard to pricing;
- Regulating fares prevents new taxi providers from entering the market during peaks of high demand;

Options for consideration:

- Do not set any fares
- Impose fares for all rides
- Set fares for taxis that provide a "hail" service but do not impose a fee for a pre-booked service(staff preferred)
- Set a minimum fare
- Set a maximum fare for hail ride services

Issue 6: How should the Region govern and require accessible taxis?

Description of Issue:

The Accessibility for Ontarians with Disabilities Act (AODA) requires municipalities to take into consideration the needs of the community particularly those with disabilities. This is an important principle in the review of the taxi by-law as the service delivery model must take into consideration the aging population and meet the needs of the accessible community, including those in wheel chairs.

The current Taxi By-law mandates that 7% of the existing taxi fleet needs to be accessible by 2017. This number increase to 10% by 2022. Currently there are 348 taxi vehicle licenses and 21 accessible licenses. The Region's Mobility Plus service makes use of the accessible taxis but the taxis industry believes their vehicles are very under utilized. Accessible vehicles cost more to purchase, retro-fit and operate than

regular taxis. It appears that some incentive is required to ensure owners carry on operating accessible taxicabs. Removing the limit on the number of licenses issued would remove this incentive unless all new plates were required to be accessible licenses.

There is some recognition that persons with limited mobility but not requiring a wheel chair can be accommodated in most standard taxis.

The next generation of taxi meters should include talking meters that state the total fare upon completion of the ride. This technology is important to those who are visually impaired or have limited visibility. It also protects the customer from being advised of a fare other than the meter fare by the driver.

Pre-booking rides over the phone or by an app can also provide assurance to those riders with a disability. Riders can use their own devices to ascertain the information they require through a method that works best for them.

Ridesharing companies generally do not have wheel chair accessible vehicles.

Pros:

- The Region has mandated the number of on-demand metered accessible taxi-cabs to meet the needs of those people in the community. The Region is in compliance with AODA
- Accessible cabs can be used for other activities under the current by-law

Cons:

- Accessible taxi-cabs have a have a high cost to retrofit and operate.
- According to the taxi industry accessible cabs are not being fully utilized and the current ratio does not align with the demand
- The disabled community are concerned that changes to the current taxi ratio will put them at risk
- Private accessible taxi-cabs are not sustainable financially without some support

Options for consideration:

- Keep the current rate/ratio of accessible vehicles for traditional taxi only
- Keep the current rate/ratio of accessible vehicles for traditional taxi and establish a rate/ratio for non-traditional taxis
- Keep current rate/ratio of accessible vehicles for traditional taxis and require that non-traditional operation pay a fee in lieu of providing accessible service.

- Review and modify the current rate/ratio of accessible and establish a rate/ratio for non-traditional taxis
- Review and modify the current rate/ratio of accessible and require that non-traditional operation pay a fee in lieu of providing accessible service.

Issue 7: Should the Region require CCTV's in taxis?

Description of Issue:

The Region's primary reason for licensing the taxi industry is to provide consumer protection, safety and security. There were six allegations of sexual misconduct involving taxi-cab drivers between 2012 and 2014. This resulted in focused media attention which resulted in a negative impact to the taxi-cab industry public image. As a result of these allegations, taxi-cab Brokers/Owners, along with Sexual Assault Support Centre of Waterloo Region provided sensitivity training to their drivers. Some drivers have decided to install CCTV systems in their taxi-cabs. This resulted in a dramatic reduction in these allegations and further enhanced the safety and security of both passenger and driver.

Limousines do not have a requirement for cameras in their vehicles. In the recent consultations the limousine operators were clear that their customers would not want cameras in their vehicles.

Uber has no requirement for its driver to have a camera in their vehicles although some drivers use dash cams or similar informal means to create a record of events in their cars. The Uber app does however identify the name of the driver.

Different types of services provide a different comfort level with the driver. When a ride is pre-booked there is a more direct relationship with the driver of the vehicle regardless of the type of vehicle. In a "hail ride" there is no relationship to the driver or upfront identification.

Cameras, when used in conjunction with GPS tracking systems, provide the best source evidence for investigations of all types including accidents.

As is any technology, camera technology is changing rapidly. Regulations established for cameras should detail specifications but must be flexible enough allow for a driver to select a make and model that meets or exceeds the specifications.

Privacy rules must also be established on the use of cameras. In some jurisdictions, only the police have access to these cameras in the course of an investigation.

Pros:

- Cameras produce evidence about misconduct of drivers and/or passengers.
- Cameras/GPS tracking systems enhance passenger and driver safety.

Cons:

- Cameras can be an invasion of privacy. Privacy rules need to be established about who has access to the data, how long the data is kept, and when can the data be destroyed.
- Technology can fail
- Cameras in limousine may impact business for these services
- Cameras can provide a false sense of security and may not prevent crime, only record the crime.

Options for Consideration:

- Regulate the installation of cameras in all vehicles.
- Do not regulate the installation of cameras but allow the brokers to decide if cameras are required
- Regulate the installation of cameras in taxis and non traditional taxis but do not require them in limousines
- Require the use of cameras only when a ride is a hailed ride, cameras would not be required when the ride is pre-booked. (staff preferred)

Other Issues

The purpose of this discussion guide is to capture information about the key policy issues that need to be resolved. There are a number of more detailed issues that will need to be resolved at a later date. These include but are not limited to :

- Level and type of driver screening
- Vehicle requirements e.g. age, inspection
- Vehicle identification e.g. car markings, top signs
- Payment options e.g. Cash, credit card, pre-set accounts.
- License types e.g. licenses for part timers or peak periods
- Required training
- Complaint resolution processes
- License fees charged to license holders
- Enforcement

Your comments on any of these issues may also be submitted.

Appendix "D"

Announcement from Aviva Canada

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Personal Insurance Business Insurance Claims 24/7 Broker Advantage

Another industry first – Aviva Canada to offer personal coverage for ride-sharing drivers

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With over 16,000 ride-sharing drivers in the GTA, Aviva responds with a simple coverage option

January 6, 2016 (Toronto, ON) – Responding to the growing use of ride-sharing services and the need to protect both passengers and drivers, Aviva Canada – one of the country's leading providers of home, automobile, leisure/lifestyle and business insurance – is excited to announce the launch of coverage for drivers that carry paying passengers in their own vehicles.

The coverage will become available for Ontario drivers in early February, and is a simple addition to an Aviva-insured personal auto policy. Aviva will be working with regulators across the country to make the solution available in other provinces in the coming months.

"With ride-sharing on the rise, consumers have new options available to them, however there is a gap in insurance coverage which potentially leaves them without appropriate protection and benefits. When consumer needs change, we must evolve our insurance solutions to respond," said Greg Somerville, President and CEO of Aviva Canada. "We're excited to offer a simple and affordable solution within a driver's existing personal auto policy, thereby providing drivers and passengers with absolute peace of mind that they have insurance coverage while ride-sharing."

The coverage will protect ride-sharing drivers (such as those contracted with UberX and the like) from the moment they initiate looking for passengers through to collecting and dropping off those passengers. Eligibility for coverage will be based on some simple underwriting criteria (eg, maximum of eight passengers, licensed for a minimum of six years, no other commercial use, etc.).

The coverage will be available for drivers that spend up to 20 hours a week participating in ride-sharing. The cost for the additional coverage will equate to a small portion of the income earned by the driver, calculated using factors such as time spent ride-sharing, area driven and driving record.

Doug Heaman, Insurance Brokers Association of Ontario (IBAO) President said, "IBAO is pleased to see an insurance company taking a proactive stance in the ride-sharing space. Aviva's approach and coverage options are welcome as many of our members are struggling to provide clear insurance options for their customers to ensure they are properly covered."

About Aviva Canada

Aviva Canada is one of the leading property and casualty insurance groups in the country providing home, automobile, leisure/lifestyle and business insurance to more than three million customers. A wholly-owned subsidiary of UK-based Aviva plc, the company has more than 3,000 employees, 25 locations and approximately 1,500 independent broker partners.

Aviva Canada invests in positive change through the Aviva Community Fund, Canada's longest running online community funding competition. Since its inception in 2009, the Aviva Community Fund has awarded \$6.5 million to over 222 charities and community groups nationwide.

For more information visit AvivaCanada.com, our blog or our Twitter, Facebook and LinkedIn pages.

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