



Media Release: Friday, April 15, 2016, 4:30 p.m.

Regional Municipality of Waterloo Licensing and Hearings Committee

Agenda

Wednesday, April 20, 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-16-08](#), Taxi By-law Review: Phase II Key Policy Questions** 2
 - 3. Information/Correspondence**
 - 3.1** Regional Clerk Licensing Hearings Minutes - [March 23, 2016](#) 68
(Information)
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(Information)
 - 4. Other Business**
 - 5. Adjourn**



Report: PDL-CAS-16-08

Region of Waterloo
Planning, Development and Legislative Services
Council and Administrative Services

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

Date: April 20, 2016

File Code: C13-30

Subject: Taxi By-law Review (Phase II) - Recommended Policy Framework for the Region of Waterloo

Recommendation:

That the Regional Municipality of Waterloo direct staff to prepare a by-law for taxis and taxi-type services based on the recommended policy framework, as described in Report No. PDL-CAS-16-08, dated April 20, 2016, and including the following key elements:

- That the Region continue to regulate taxi and taxi-type services in Waterloo Region;
- That the current taxi, limousine and special transportation by-laws be opened and amended accordingly to allow non-traditional taxis to be licensed and regulated;
- That the new by-law be based on a hybrid model that combines both the traditional and broker models;
- That limits on licenses for traditional taxis be phased out and that limits not be imposed on new entrants established under the hybrid model;
- That fares be set for taxis that provide a “hail” service/taxi stand service, but do not impose a fee for pre-booked services;
- That staff review and modify as necessary the current rate/ratio for existing accessible vehicles and continue to explore opportunities for imposing additional fees and surcharges on those operations that do not meet or will not meet Regionally imposed accessible vehicle rate/ratios;
- That the Region request the Province of Ontario to adopt legislative changes that would allow municipalities to impose fees and surcharges on Private Transportation Companies; and

- That in-car cameras be required only when a ride is a hail service/taxi stand service, with cameras not being required when a ride is pre-booked;

And that staff apply the guiding principles of public safety, accessibility and consumer protection, including a level playing field, modernizing and simplifying regulation and innovation (as described in this report) in preparing the detailed regulations for a new by-law.

Summary:

The Region of Waterloo is in the final stages of its' Taxi By-law review. With the emergence of new ride services, associated technology advancements and other considerations (e.g. incidents of breaches of public safety), the Region of Waterloo and many other municipalities across Canada are in the midst of comprehensive policy and regulatory reviews.

Following extensive public consultation, industry-related research, discussions with similarly-affected communities, and the detailed examination of seven key issues (framed as questions to the community), Regional staff has assembled this report. Through a series of recommendations, staff is providing recommendations to the Licensing and Hearings Committee (and ultimately to Regional Council) on how to amend its by-laws, to establish and revise associated regulations, and to continue active dialogue with the Province of Ontario (should Provincial regulation be contemplated) and other similarly affected municipalities. Proposed next steps are also detailed in this report.

Report:

On March 2, 2016, the Region of Waterloo launched Phase 2 of the Taxi By-law Review. The purpose of this Phase is to collect information and ultimately make decisions focused on seven policy questions. These policy questions provided staff with a framework for developing a proposed new by-law with associated (detailed) regulations.

The seven policy questions are:

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 taxi 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?

Each of these policy questions is based on the following principles guiding the review:

Public Safety – ensuring vehicles are safe, insurance coverage is in place, ensuring there are safe drivers, and accountability of brokers, owner and drivers;

Accessibility – a service delivery model that considers aging populations and meets accessibility needs; and

Consumer Protection – including measures to protect both the passenger and the driver, means by which to establish reasonable fares for service, customer service, (including the customer experience and customer satisfaction), and ensuring there is a healthy level of competition and a thorough complaint resolution process.

1 Taxis and Taxi-type services are part of the overall Regional transportation network

The Region of Waterloo has been working towards developing a more sustainable transportation network. According to the Regional Transportation Master Plan (RTMP), the overall transportation system should limit urban sprawl, manage traffic congestion, preserve Waterloo Region's environmental resources, increase the amount of walkable communities, and delay the need for the construction and maintenance of new roads. Taxis and taxi-type services form part of any sustainable transportation network. The RTMP notes that taxis are used as a mode of transportation about 1-2 % of the time. The use of the (private) car remains the most popular mode of transportation.

Taxis mainly provide a door to door "micro" transit service. By the very nature of their services, taxis are an integral element in the multimodal mobility chain. The use of taxis can help diminish the need to own a private automobile, especially if the service is responsive and reliable. Using the occasional taxi in conjunction with other sustainable transportation modes can be more economical than owning or maintaining a personal vehicle. Taxis are often important back-up options when there is a time crunch, a ride is required when public transit is not operating or on a reduced schedule, a connection is required in an underserved or a no service area, or simply as a personal choice.

The American Public Transportation Association report finds that the advancement of technology is transforming transportation. Their study, prepared by the Shared Use Mobility Center on shared mobility and the transformation of public transit, reveals the following key findings:

- The more that people use shared modes, the more likely they are to use public transit, own fewer cars and spend less on transportation overall;
- Shared modes complement public transit, enhancing urban mobility; and
- Shared modes will continue to grow in significance, and public entities should identify opportunities to engage with them to ensure that benefits are widely and equitably shared.ⁱ

This report supports bike sharing, car sharing and ride sourcing and identifies that taxi and “app based” taxi-type services are an important part of a sustainable transportation network.

While it is important that taxis are seen to complement and reinforce public transportation services, this role can be provided by more than the existing traditional taxi service. New entrants seeking to join the market want to offer app based services not only for single riders, but for carpooling, privately arranged ride sharing and shuttle services.

2 What are other municipalities currently doing?

There have been some further announcements since the issuance of staff’s last report on March 2, 2016. At the end of March, the City of Ottawa released its report and recommendations. The City of Toronto released its report one week later. Both Ottawa’s and Toronto’s reports need to proceed to Council for final consideration; however, there are common regulatory approaches. Along with Edmonton and Calgary, Toronto and Ottawa intend to regulate companies such as Uber as Private Transportation Companies (PTC). Attached to this report in Appendix A is a summary table, comparing and outlining the various jurisdictions and some of the specific requirements associated with these municipalities.

Detailed information on the Region of Waterloo’s current regulatory regime is outlined in Appendix B.

3 Why regulate and what is effective regulation?

The Region of Waterloo has had the ability to regulate taxis since its inception, and some municipalities within the boundaries of the Region regulated taxis long before 1973. The regulations, however, were developed and reviewed at a different time and under different circumstances. The global economy was less mature, computer technology was not as advanced, and the great majority of people used their own vehicle.

Although the Region of Waterloo has the authority to regulate taxis, it is not required to do so. The authority under the Municipal Act is permissive, not mandatory. To regulate a business/activity, the Region must clearly understand what, why and how it intends to regulate. When external factors, systems and processes change, a review of the current regulatory framework is often required. In the case of the taxi industry, when concerns about the current regulatory environment (e.g. concerns were raised in the Region about sexual assaults in cabs in 2014) were entwined with additional emerging issues such as advancing technology, pressure from new entrants, changing public transportation systems and changing customer demand, this provides a further catalyst for such a review.

In conducting the review, staff has accessed many sources of information in order to understand what is happening beyond the boundaries of Waterloo Region as well.

According to a report published by the MaRS Solution Lab, designing effective regulation involves solving a trilemma: public value, administration and innovation.ⁱⁱ Public value includes public safety and consumer protection (as included in the Region's guiding principles). Public value, however, can also result in competing interests. As an example, is there a trade off or priority between passenger safety and consumer protection when it comes to establishing fares for service? Administration is about ensuring compliance. This often involves the development of processes, applications, monitoring and enforcement. The third element is innovation, including the development of a new idea to help improve something or bring about something new. There is a relationship between the various components as well. A copy of the section dealing with effective regulations from the MaRS Solution Labs report is attached as Appendix C.

The Federal Competition Bureau issued a white paper on modernizing regulation in the Canadian taxi industry last November. The Competition Bureau believes municipalities are in a "tough spot". Municipalities in Ontario are "trapped between maintaining their existing systems, which severely restrict competition but provide for oversight and public safety, and the demands of consumers, who are attracted to the low prices and high service levels of innovative new providers." The Competition Bureau also notes that the "Regulators need to allow the forces of competition to shape how the industry will move forward. This demands a re-think of existing regulations to provide an even playing field upon which ride providers can compete. Ultimately, regulations on taxis need to be relaxed, and regulations on new providers may need to be increased to ensure that legitimate policy objectives like public safety are met. What is central to this exercise is ensuring that regulations are no more intrusive than necessary, so the competitive forces can influence how the industry evolves and innovates."ⁱⁱⁱ

Ultimately, the ability to regulate is a balance in meeting existing needs and attempting to gage the future. Any regulation for taxis and taxi type services needs to be flexible enough to allow innovative solutions while still protecting passengers and providing a level of consumer protection. These principles have lead to several discussions about the "level playing field" and how to achieve a meaningful, workable solution.

4 Issues Raised during Public Meetings

During the public meetings, Councillors requested some additional information on various topics. Responses to those requests are outlined below.

4.1 What are some of the Region's use and associated costs for existing taxi services?

Attached to this report in Appendix D is a report entitled "Region of Waterloo's

Accessible Transportation”. The purpose of this report is to outline the various accessible options currently servicing the Region, the eligibility requirements of these programs and the associated costs. According to this report, the Region of Waterloo paid taxi companies approximately \$2.3M for services in 2015.

Other government agencies such as school boards also pay for taxi services. The local school boards project that they will spend \$1,100,000 for the 2015/2016 school year. The price the school board pays is a negotiated contract rate that was established through a competitive bidding process.

4.2 HST costs for Taxis vs. Uber

Regional staff consulted with its’ auditors in order to obtain an opinion on the HST rules and applicability. Below is a brief summary of the information received

A traditional taxi company or driver is considered to carry on a “taxi business”. The defined term “taxi business” means a business carried on in Canada of transporting passengers by taxi for fares that are regulated under the laws of Canada (e.g. fares set by the Region). Based on this definition, taxi drivers need to register and start collecting HST regardless of the amount of income earned. The taxi driver may be able to claim the HST it pays on expenses it incurs to earn that income, and as such, the taxi driver may only need to remit that difference to the government.

Uber drivers are currently unlicensed businesses. From a tax perspective, it appears unclear if a driver is carrying on a taxi business. If the regulated fares are not extended to an unlicensed person, the unlicensed business is not a taxi business under the tax laws. The tax rules do allow for a “small supplier” business. This type of business is not required to collect and remit HST until \$30,000 of revenue is received. Once a small supplier has reached this threshold, he or she must register and pay HST.

The Mars Solution Lab report also recognized what appears to be an imbalance in the HST payment. The report suggested the following solutions:

1. Transportation network companies like Uber should be required to charge HST on fares so that both passengers and drivers are able to claim deductions;
2. The Canada Revenue Agency should develop clear communication in plain language about the tax duties of those engaging in the sharing economy;
3. As taxi drivers are generally self employed, they should possess the \$30,000 HST threshold like any other self employed individual; and
4. Transportation network companies should collaborate with the Canada Revenue Agency by sharing a list of the drivers on their platforms who meet the \$30,000 threshold.

Municipalities are not the regulator when it comes to HST. This is the responsibility of the Canada Revenue Agency. To place a regulation into a Regional by-law on HST would consequently be outside of Regional jurisdiction.

5 Survey Results

During the consultation process, the Region conducted an on-line survey. The preliminary results of the survey are appended as Attachment D. These results are for the quantitative data only. The full data set, including both the quantitative and qualitative data, is in the final stages of review, and any additional new findings will be forwarded to Regional Councillors for the April 20, 2016 meeting.

6 Discussion on the Policy Questions

Below are the policy questions currently before the Licensing and Hearings Committee. For each question, there is a description of the issue, pros and cons, options available and a rationale for staff's preferred recommended option.

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

Description of Issue:

The Region of Waterloo has had the ability to regulate taxis since its inception and some municipalities within the boundaries regulated taxis long before 1973. The regulations, however, were developed and reviewed at a different time under different circumstances. The global economy was less mature, computer technology was not as advanced, and the majority of people desired their own vehicle and could afford to purchase it.

Legislative Authority

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

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

- Establish rules/requirements for the granting of a license;
- 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; and
- Establish inspection and enforcement processes.

Province of Ontario

In the fall of 2015, a Private members Bill was introduced. The purpose of this Bill was to develop Province-wide 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. At this time, 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 ridesharing

Options for consideration:

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

Staff Preferred Option/Recommendation - Option 3: The Region currently has the legislative authority to license taxi and taxi-type services. To completely deregulate the industry during a period of change is unreasonable and unrealistic. While the Province may step in at a later point in time, the Region needs to be able to develop and implement ongoing regulations that support public safety, accessibility and consumer protection. Staff is recommending a re-regulation of the industry, based on the considerations contained in this report. Staff do not believe, however, that competition in the market should be unduly restricted.

6.2 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:

Uber and Uber drivers offer a service which is essentially the same as traditional taxi service.

1. Injunctions attempted in Toronto have been unsuccessful and the courts have recommended that Toronto review its regulations.
2. There is consumer support for ridesharing because of the convenience of the application, application rating system, no cash fare and reduced prices.
3. There is a desire for greater rider choice including taxis and ridesharing
4. The existing by-law needs to be modernized and updated even if only for the existing taxi system.
5. New entrants to the traditional market have been denied in the past because of the current closed market in Waterloo Region.
6. Technology and the use of technology by the industry and riders has changed substantially.
7. The Region’s ability to enforce the existing by-law takes substantial resources
8. 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).

As noted by the University of Toronto’s Mowat Centre, “(t)he sharing economy is quickly reshaping industries ranging from accommodation to transportation by harnessing the value of under-utilize assets and facilitating peer to peer or shared use transactions to maximize the value of those assets....Technological advances, such as smartphone with GPS-Capability and advance data collection and analytics that reduce the time and effort to negotiate transactions, have laid the groundwork for an explosion in app based sharing economy firms.”^{iv}

Uber, Lyft, Sidecar and Hailo are just some of the companies that have entered the transportation sector in recent years to offer consumer new options for getting around. The basic premise of this business model, commonly know as ride-sharing, is simple – they offer drivers and passengers an app-based interface on smartphones that connects people seeking rides with those offering rides.”^v

Generally speaking, many consumers have embraced this option, even though the use of personal vehicles for taxi type services is currently not permitted in Waterloo Region.

Pros for opening the by-law:

- All vehicles for hire should be regulated to ensure passenger safety and consumer protection;
- Regulating the whole industry with equitable open competition that may benefit consumers;
- The Region can take a less intrusive and more balanced approach when designing and implementing regulations for transportation services; and
- 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 potentially confusing to the rider; and
- Enforcement regulations and staff resourcing would need to be reviewed

Options for Consideration:

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

Staff Preferred Option/Recommendation - Option 2: There are flaws with the current taxi by-law that need to be addressed. Opening the by-law and not considering existing and emerging issues would be short sighted. Consumers expect choice, and some are currently willing to risk using a system that is in part unregulated and not permitted. Generally speaking, consumers enjoy the use of the app based services including the payment process, driver rating process, vehicle comfort and cleanliness. For many, the only customer service concern outstanding is vehicle insurance. In order to better protect consumers, staff believe it is important to open the by-law and amend it accordingly so that more appropriate regulation can be established.

6.3 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; a broker licence, an owner/vehicle licence and a 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, 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. Under a broker model, the municipality does not issue licences to the owners and drivers and does not have any remedy against them. Legally and practically, this may pose some challenges under the Municipal Act, 2001. Legally, the Region may not be able to lay a charge and prosecute a broker for a breach of the by-law by the broker’s driver without clear legislative authority in the Municipal Act, 2001. This may leave the sole remedy of suspending or revoking a broker’s licence if it fails to properly regulate or control its drivers. This creates a practical problem because a broker may have many other quality drivers who would be unable to continue to provide taxi service until the broker license issue is resolved.

Uber Canada advocates the “broker” model because it entails less municipal administration where licence applicants must attend municipal offices and go through a more stringent 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. However, 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 Cities of Edmonton, Calgary, Ottawa and Toronto are all proposing by-laws that are 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

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

Staff Preferred Option/Recommendation - Option 3: The traditional model is a very prescriptive process that stops or significantly slows new entrants from coming to market (limits competition). While the traditional model does protect passengers and provide consumer protection, the regulations can be considered burdensome and perhaps outdated (i.e. prescribed fares with limited flexibility). The brokerage model however does not address the current taxi business model that is operated as co-operative businesses. The brokerage model may also put passenger safety at greater risk, particularly if the brokerage does not ensure that their drivers meet regulated standards. Staff believes that a hybrid model will provide the best opportunity for both opening the market while at the same time providing the appropriate regulatory framework to ensure passenger safety and consumer protection.

6.4 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 other licences including, driver licences for meter taxi-cabs and licences for limousines and special transportation vehicles.

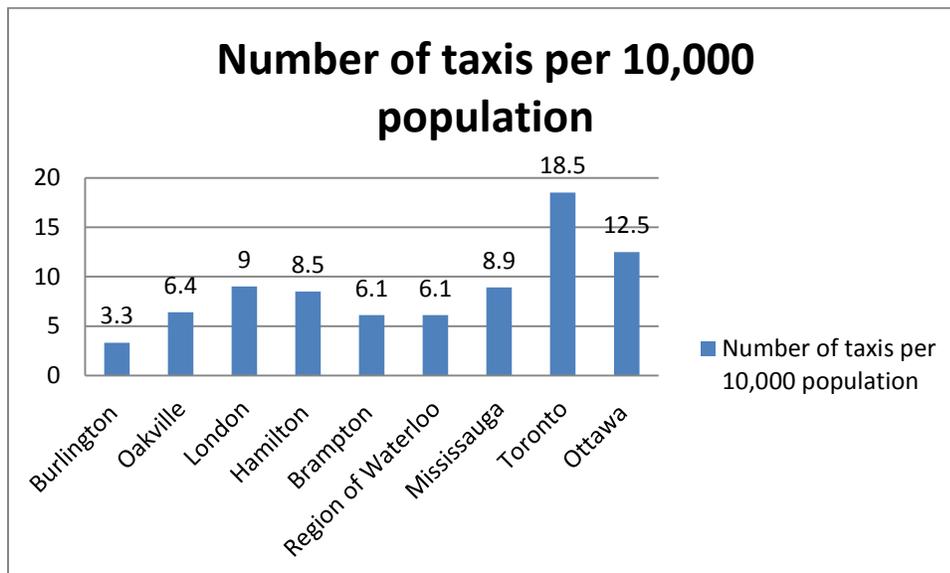
The Region currently has 5 brokerages. For a new brokerage to come to market, ten (10) existing licences holders would need to leave a brokerage to form a new company. This has not happened in the past 20 years. Instead some brokerages have been collapsed or folded into other brokerages (e.g. Cambridge, Elmira).

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 highly elevated 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 Year’s and in poor weather conditions.

The Region has a high ratio (1:1650) when compared to other jurisdictions. As examples, Hamilton and London have a ratio of 1 taxi per every 1,170 persons. However not all municipalities use just a population ratio. Many municipalities use a Demand Model with include a combination of a number of factors such as wait times, meter fare, proportion of commuters, and proportion of lower income population.

The chart below shows the number of taxis per 10,000 population.



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:

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

Staff Preferred Option/Recommendation - Option 3: The current license limits allow for a very small increase for each of the five (5) brokerages on a rotational basis. The current taxi industry has never refused to take a license when they have become available. This process has effectively held off new entrants and may push up the share value of the existing cabs. In a study completed for the City of Ottawa, Hara Associates stated that “when plate values climb, it is a sign that plate numbers are not keeping up with demand.”^{vi} Ultimately this may lead to longer wait times for the customers. The Competition Bureau also supports this point in their report. “When a limit is placed upon the number of taxis operating in a city, consumers of taxi services have fewer service providers from which to choose. This may lead to higher prices and poorer quality of service, including long waiting times, unkempt cars and unpleasant service”.^{vii} While Licensing and Enforcement staff has not seen an increase in the number of complaint about cabs since Uber’s arrival, we have received comments during the consultation process about a shortage of taxis during peak periods.

Companies such as Uber do not want to have limits placed upon them as they enter the market. Edmonton, Calgary, Toronto and Ottawa are not proposing to limit this type of service. Imposing a limit on new companies would have the same effect on new entrants to this market as the existing taxis limits have on new entrants to the traditional taxi market.

Regardless of the comments made above, the Region's number of taxis per 10,000 population appear to be lower than some of our neighbouring municipalities. While staff would prefer to not to place any limits on the number of owner licenses, it may be unrealistic in this time of disruptive change. With this in mind, staff would like to continue to discuss how and over what time frame to phase out limits for taxi owner licenses. A potential option may be to lower the ratio (closer to the average is a potential consideration or developing their on demand model) rather than phasing out limits completely. Staff does not have a detailed proposal at this time, but recommend providing some further information under the next phase of this work.

6.5 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 Region of Waterloo International Airport) and users of lesser means (for example, the elderly or disabled) who are dependant on taxis for their transportation needs.

Conversely, 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 Region's current fares are based on an initial drop rate and a per kilometre rate.

Consideration could be given to differentiating between hail/flag 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 without 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:

1. Do not set any fares
2. Impose fares for all rides
3. Set fares for taxis that provide a “hail/flag” service but do not set fares for a pre-booked service (staff preferred)
4. Set a minimum fare
5. Set a maximum fare for “hail/flag” ride services

Staff Preferred Option/Recommendation - Option 3: The MaRS Solutions Lab report recommends that the fares be deregulated. “Deregulate the fare, let the brokerages decide on pricing in order to compete again each other in an open market. Street hails where customer’s have less choice, should have a fixed rate.”^{viii} The Competition Bureau also supports the deregulation of fares however they also recognize that the entry of companies like Uber put considerable pressure on traditional taxi operators. “Entry by TNCs into municipalities can represent a meaningful source of competitive pressure on traditional taxi operators”^{ix}. However, the taxi industry requires the flexibility to respond to these pressures. Staff would agree that the current fare structure in place does not provide the existing industry with the tools to respond to the new entrants into the market place. This is not a level playing field.

Customers who use app based services are advised of and must consent to, the fare level that will be charged. This provides an option to the consumer to continue in the process or seek an alternative form of transportation. However, not all users of any system will use an app based process. Technology would allow for the same or a similar process to be used when a person places a call to a dispatch office. In this instance, the dispatcher could enter the information and provide the caller with a price (and the caller would then need to consent to the fee). In Toronto and Ottawa, consideration is being given to allow for a variable pricing plan to be put into place for taxis that will be subject to approval by the Cities.

Street hails or pick-ups at taxi stands are a different situation. In these instances, persons who are entering a cab do not necessarily know or understand how their fare is determined. Greater consumer protection may be warranted in these circumstances. Ottawa and Toronto are considering maintaining some fare pricing to handle this situation. Edmonton has chosen to put in place a minimum fare requirement.

Surge pricing has also been raised as a concern. As noted above, a rider must consent to a surge price before the rider takes a ride. One possible way to regulate surge

pricing is to establish a maximum fare rate. Staff is not recommending this option.

As in Issue 4 (License Limits), this issue requires some further discussion and clarification. If Committee chooses to proceed with option 3, staff will recommend preparing a more detailed proposal under the next phase of the by-law development.

6.6 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 wheelchairs.

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 also makes use of the accessible taxis. As heard at the public and industry stakeholder meetings, there is concern that the number of vehicles currently available are under utilized and may be used only 30% of the time for their intended purpose. 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 wheelchair, 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. 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 taxicabs 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:

1. Keep the current rate/ratio of accessible vehicles for traditional taxi only
2. Keep the current rate/ratio of accessible vehicles for traditional taxi and establish a rate/ratio for non-traditional taxis
3. 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
4. Review and modify the current rate/ratio of accessible vehicles and establish a rate/ratio for non-traditional taxis
5. Review and modify the current rate/ratio of accessible vehicle and require that non-traditional operation pay a fee in lieu of providing accessible service

Staff Recommendation: The previous staff report did not indicate a staff preferred option on this topic. In order to make a recommendation staff developed an information/discussion paper entitled “Accessibility Service in the Region of Waterloo”. This paper is attached as Appendix D. As outlined in this paper, there are a broad range of services currently provided in the community. The Region has made accessible transit a priority and people with disabilities on transit routes are generally accommodated. People who are not on transit routes or need a ride when transit isn’t operating are provided with an array of other services including accessible taxis. In 2012, Regional Council mandated that 7% of the taxi fleet must be accessible and that by 2022 10% if the fleet must be accessible. The taxi industry is currently very close to meeting this target.

Staff and Councillors did hear at the public meeting that the accessible taxis currently available are not being fully utilized and may in fact only be used for 30-40% of the time for actual accessible transportation service. This raises concerns about the actual percentage that has been established in the Regional By-law.

In Alberta accessible standards are being contemplated for Private Transportation Companies (PTCs) including the services provided by Uber. Edmonton’s Vehicle for Hire By-law charges PTCs an annual \$20,000 surcharge, which can be waived if the dispatcher can provide proof that it is providing an equivalent accessible service as the taxi industry. Calgary is also contemplating something similar and will be reporting back later this year. Toronto has proposed that PTC with 500 or more vehicles must ensure that comparable accessible PTC services are made available to the public.

There are, however, legislative differences between the Province of Alberta, the City of Toronto and other municipalities in Ontario. As identified in Ottawa's report, Alberta's legislation allows Edmonton and Calgary to have "fees for licences, permits and approvals that may be in the nature of a reasonable tax for the activity authorized or for the purpose of raising revenue". Such permission does not appear to exist in Ontario. In response to this concern, Ottawa has decided to pursue a voluntary per ride surcharge for PTCs and will be petitioning the Province for further legislative authority. The Region's legal staff has also raised concerns about this same issue.

Both the Competition Bureau's white paper and the MaRS Solution Lab report recognize that accessibility is an important issue and that there needs to be sufficient accessible transportation options for residents and visitors with disabilities. The MaRS Solution Lab suggests that the financial costs be spread across the whole industry, through licensing fees and established subsidy programs to help drive down the cost of retrofitting vehicles for prospective owners and drivers. They also recommend that taxi brokerages and PTCs should be incentivized to work together to meet the need by sharing the load.^x The Competition Bureau also recognizes that drivers who operate accessible vehicles incur higher equipment costs and spend more time with each passenger. This in turn reduces the overall fare received.^{xi}

Staff has heard through the consultation process that there may be an interest in establishing a fleet of accessible vehicles that would function like a traditional taxi operation. This activity currently would not be allowed under the existing by-law.

Staff believe that the existing ratio need to be reviewed to ensure that the standard currently established is realistic and manageable. In addition, staff wish to be able to pursue the spreading of financial costs of accessibility across the whole industry. This would include new PTCs, existing taxis and limousines. Staff also recommend reviewing license costs for accessible vehicles in the next phase of the by-law development.

Based on the information above, staff would specifically recommend the following:

That staff review and modify if necessary the current rate/ratio for existing accessible vehicles and continue to explore opportunities for imposing additional fees and surcharges on those operations that cannot meet or will not meet Regional imposed rate/ratios.

And that the Region request the Province of Ontario to adopt legislative changes that would allow municipalities to impose fees and surcharges on Private Transportation Companies.

6.7 Issue 7: Should the Region require cameras 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 in the Region of Waterloo. 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 drivers 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/flag 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:

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

Staff Preferred Option/Recommendation - Option 4: Passenger safety is one of the guiding principles of the Taxi By-law review process. However, in looking at this particular issue, staff has some concern about establishing a regulation when the taxi industry has already taken it upon itself to install cameras without this regulation. Staff believe that the industry has “stepped up” in this regard because they want to ensure both driver safety and passenger safety and believe that it is the “right/correct” business decision. When it comes to regulating the industry, it is important to find the right balance between passenger safety, consumer protection and business responsibility.

Sexual assaults in any vehicle cannot be tolerated. In this regard, brokerages and PTCs must take immediate action without having to wait for the Region (the regulator) to intervene. Uber currently has the ability to remove drivers from their platform when there are such allegations. Similarly the taxi industry, when informed, has suspended owner/ drivers when allegations/charges occur. The Region however can only temporarily suspend an owner/driver license before a hearing must be scheduled.

Ottawa and Toronto are not proposing that cameras be installed in limousines or PTCs. Ottawa has agreed that PTCs should only be accepting pre-arranged rides through an app. Pre-arranged rides through an app or with a limousine provide both parties with information and Ottawa believes this provides a level of security that does not exist otherwise. Edmonton, Ottawa and Toronto will continue to require cameras in taxis as they pick-up unknown passengers on the street by accepting street hails and at taxi stands.

Regional staff has been advised that some taxis are now using apps that would allow them to pre-book rides. Therefore there is a practical concern that regulating the installation of cameras for street hails/taxi stand may be difficult to monitor and enforce (i.e. did the driver forget to turn the camera on after a pre-booked ride?) Staff do, however, believe that this should be an activity monitored/managed by the business and that brokers who fail to ensure that drivers follow the regulations and ensure the safety of passengers should be held accountable.

7 Proposed Next Steps

7.1 Phase 3 - Detailed Regulation Development

Following the Committee's decision on the policy questions, staff would begin to meet with stakeholders to discuss the more detailed policies/regulations. Topics to be covered in these discussions include but are not limited to:

1. Level and type of driver screening (e.g. criminal records check, driver license)
2. Vehicle requirements (e.g. age, inspection)
3. Vehicle identification (e.g. car markings, top signs)
4. Payment options (e.g. cash, credit card, pre-set accounts)
5. License types (e.g. licenses for part timers, peak period licenses)
6. Finalization of insurance requirements (e.g. part time vs full time drivers)
7. License fees charged to license holders
8. Required training
9. Complaint resolution processes
10. Enforcement

In preparing for this phase, there are additional design guidelines that should be considered. These guidelines will facilitate discussions and the drafting of the regulatory framework. The guidelines are meant to be assistive and are based not only on ideas determined by other municipalities but on information received at the public meetings and survey data. The design guidelines are outlined below.

Continued reliance on the Guiding Principles and the direction provided by Council - Focus on passenger safety, accessibility and consumer protection and ensure the following:

Level Playing Field - As outlined in the Competition Bureau's White Paper and raised by the taxi industry on several occasions, there needs to be a level playing field. This means having a consistent regulation for various service types wherever possible. Differences should only exist when it is absolutely necessary and in order to accommodate service delivery models. Staff currently does not believe that items such as insurance, driver screening, vehicle inspection will or need to vary between various service delivery models.

Modernizing and Simplifying Regulation - Re-examine regulations to determine what is really necessary in order to achieve the guiding principles. Simplifying regulations at the municipal level also means that there needs to be a shift of certain items to the brokerages and that these items need to be part of their business model. A reduction in the regulatory burden should support innovation and new entrants to the market. Excessive regulation can constrain new ideas, approaches and business models and often the regulator can't be flexible or nimble enough to respond without reopening existing by-laws. The concept of modernizing and simplifying the regulation was

recognized in the Region's services review.

Responsive to changing transportation needs and innovation - Keep regulations or the process to change regulations flexible considering future changes in the local transportation sector (Rapid Transit) and further emerging technological advances (driverless cars). Consumers want service choices and services that meet their needs. Consumers are sophisticated when it comes to making decisions and will decide whether they can afford the services offered or if they are content about the quality of the service provided.

7.2 The establishment of stakeholder focus groups to develop regulations

Stakeholder meetings are proposed to be held with different sectors of the industry – taxis, limousines, ridesharing companies and other emerging taxi-type services. It is intended that these meetings be held in May 2016 for staff to be able to prepare a report and by-law for the June 8, 2016 meeting.

7.3 Upcoming meetings

If approval of the recommendations proceeds on April 20, 2016, staff will be preparing detailed regulations with the intent of bringing back a report on June 8, 2016. This meeting will be a Committee of the Whole, Licensing and Hearings meeting, and delegations will be allowed to register. Delegations will have 5 minutes to speak, per Council's previous direction. Depending upon the outcome of the June 8, 2016 meeting, the by-law could be passed at the next Council meeting.

Corporate Strategic Plan:

The taxi by-law review is included in the Corporate Strategic Plan and was also identified in the Service 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:

Throughout this process staff has discussed issues with a variety of different Departments. Most recently staff has had extensive discussions with GRT Mobility Plus, Community Services and Corporate Services to determine how accessible service is provided.

Attachments:

[Appendix A](#) – Comparison Chart of Regulations: Ottawa, Toronto, Edmonton, Calgary

[Appendix B](#) – Region of Waterloo Current Taxi-Cab Regulatory Regime

[Appendix C](#) – MaRS Solution Lab, Shifting Perspectives Redesigning Regulation for the Sharing Economy ([extract](#) and link to [full report](#))

[Appendix D](#) – Accessibility Service in the Region of Waterloo

[Appendix E](#) – Survey Results

[End Notes, References and Resources](#)

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

Appendix A: Updated Jurisdictional Scan of Canadian Municipalities

Requirements for PTC	Region of Waterloo (proposed)	Toronto (Staff Proposed but not supported by Committee, all references to PTC's in report removed and forwarded to Council for May 03, 2016)	Ottawa (Passed by Council April 13, 2016 effective September 30, 2016)	Edmonton	Calgary
PTC to Obtain Licence with municipality	A hybrid model would allow the Region to establish rules for taxi like companies	✓	✓	✓	✓
Accessibility Program in Place	Proposal is to review the existing accessibility ratios and establish a fees or levy Similar concerns as Ottawa regarding the ability to establish a mandatory requirement.	✓ A PTC with 500 or more vehicles affiliated with its Platform must ensure that comparable (wait times and fares) accessible PTC services are made available to the public.	Voluntary Voluntary per-ride accessibility surcharge. City will report back on the results of negotiations with PTCs and recommended process, and request the authority from the Ontario government to provide City ability to make an accessibility levy a mandatory requirement for PTCs.	✓ Commercial Private Transportation Providers (PTPs) required to pay a \$20,000 annual dispatch accessibility surcharge or provide accessible services. Local PTPs will be required to pay \$50/car. This fund will be used towards a grant program.	x City is reporting back in Q3 on Phase 2 of their Accessible Taxi Review.

Requirements	Region of Waterloo (proposed)	Toronto (Staff Proposed but not supported by Committee, all references to PTC's in report removed and forwarded to Council for May 03, 2016)	Ottawa (Passed by Council April 13, 2016 effective September 30, 2016)	Edmonton	Calgary
Driver Screening for PTCs	Details to be established in next phase Taxi drivers require Criminal records check, drivers abstract, English proficiency.	✓ • City sets standards • City Audits	Voluntary • City sets standards • City Audits	✓ • City sets standards • City Audits	x • City sets standards • City Audits
Certified Vehicle Inspection for PTC	Details to be decided in next phase. This issue will be addressed Currently require annual Ministry of Transportation Safety Standards Certificate annually. 2x per year if vehicle is older than 10 years.	✓ Annual Ministry of Transportation Safety Standards Certificate	✓ Ministry of Transportation Safety Standards Certificate, annually if the vehicle is 5 years old or less, or biannually when vehicle is over 5 years. Vehicles cannot be more than 10 years old.	✓ Annual vehicle inspection by a licensed garage and mechanic.	✓ Drivers to submit report of 134-point provincially-approved mechanical inspection, annually or 50,000 km, whichever comes first.
Insurance Required	Details to be decided in next phase. Currently require \$2,000,000 per occurrence	✓ Liability Insurance: \$2,000,000 per occurrence	✓ PTC to obtain \$5,000,000 Commercial Liability Insurance and \$5,000,000 in Non-Owned Automobile Insurance;	✓ Liability Insurance: \$1,000,000 per occurrence	✓ Liability Insurance: \$1,000,000 per occurrence.

Requirements for PTC	Region of Waterloo (proposed)	Toronto (Staff Proposed but not supported by Committee, all references to PTC's in report removed and forwarded to Council for May 03, 2016)	Ottawa (Passed by Council April 13, 2016 effective September 30, 2016)	Edmonton	Calgary
			PTC Drivers to obtain proper Automobile Insurance		
Regulated Fares	Details to be decided in next phase Proposal is to eliminate fares for all but hail/taxi stand. Current rates \$3,50 initial meter fare, \$2.10 per km	x The rate must be clear to the customer in advance of accepting ride.	x The rate must be clear to the customer in advance of accepting ride.	x Minimum of \$3.25 for any trip pre-arranged through a mobile app or written contract.	x Calculate fare based on distance travelled or flat rate. The rate must be clear to the customer in advance of accepting ride.
City Requires Training	Details to be decided in next phase Proof of accessible training for those drivers who drive accessible vehicles Training has been generally handled by the taxi brokerage	x	x	x	x

Requirements for PTC	Region of Waterloo (proposed)	Toronto (Staff Proposed but not supported by Committee, all references to PTC's in report removed and forwarded to Council for May 03, 2016)	Ottawa (Passed by Council April 13, 2016 effective September 30, 2016)	Edmonton	Calgary
City Requires Access to PTC Records and Data	Details to be decided in next phase. Currently require access to 6 months of records.	✓	✓	✓	✓
Fees Collected by City	Details to be decided in next phase.	✓ PTCs application fee: <ul style="list-style-type: none"> • \$20,000 Annual Licence fee: <ul style="list-style-type: none"> • \$10 per PTC vehicle and • \$0.20 per trip originating in Toronto 	✓ Annual licence fee: <ul style="list-style-type: none"> • PTC with 1 to 24 affiliated vehicles: \$807 • PTC with 25 to 99 affiliated vehicles: \$2,469 • PTC with 100 or more affiliated vehicles: \$7,253 and <ul style="list-style-type: none"> • per trip charge of \$0.11 	✓ Commercial PTPs operating 200 or more vehicles: <ul style="list-style-type: none"> • Dispatch fee: \$50,000/year • Per Trip Fee: \$0.06 • Vehicle/driver: \$0 Regional PTPs operating less than 200 vehicles: <ul style="list-style-type: none"> • Dispatch/Broker fee: \$1000/year • Vehicle: \$400/year • Driver: \$100/2 years or \$60/year 	✓ Annual Transportation Network Company (TNC) licence fee: <ul style="list-style-type: none"> • \$1,753 Annual driver licence fee: <ul style="list-style-type: none"> • \$220

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Appendix B

Regional Municipality of Waterloo

Current Taxi-Cab Regulatory Regime

Taxi By-law Review

Prepared for Licensing and Hearings Committee
4/20/2016

Region of Waterloo Current Taxi-Cab Regulatory Regime

Current Taxi Cab By-laws

The Region of Waterloo currently has three taxi-cab by-laws as follows:

- 1) Taxi-Cab Meter By-law 04-069
- 2) Limousine Taxi-Cab By-law 04-070
- 3) Special Transportation Taxi-Cab By-law 04-071

Taxi-Cab Meter By-law

The Taxi-Cab Meter By-law is broken down into three distinct classifications as follows:

- Taxi-Cab Brokers
- Taxi-Cab Owners
- Taxi-Cab Drivers

Taxi-Cab Brokers License

There are currently 5 Taxi-Cab Brokers in the Region commonly known as Co-op Brokerages. In a Co-op Brokerage each Taxi-Cab Owner has a share in the Brokerage business. Taxi-Cab Owners are elected to the Board as executive members annually. The Board makes all business decisions for the Co-op Brokerage.

A Brokerage must have 10 Taxi-Cab Owners in order to operate. There is one exception, New Hamburg Taxi, they were grandfathered as a Brokerage with less than 10 Taxi-Cab Owner licenses.

Taxi-Cab Broker Requirements

In order to apply for a Taxi-Cab Broker license, the Brokerage must provide the following:

- The person's name and address;
- All current articles of incorporation for the person;
- All current documents showing the registered business name of the person;
- The full names and dates of birth for all officers and directors of the person;
- The full names of all persons who hold a Taxi-cab Owner Licence or Accessible Taxi-cab Owner Licence who use or will use the person as their Taxi-cab Broker;
- Information on whether the person, or any officer or director of the person, has had a licence in regard to a taxi-cab broker suspended or revoked in The Regional Municipality of Waterloo or any other municipality;
- Information on whether the person, or any officer or director of the person, has been convicted of an offence under any taxi-cab by-law of The Regional Municipality of Waterloo or other municipality in regard to their role as a taxi-cab Broker.

The chart below lists the number of Owner Licenses, both Regular and Accessible, associated with each Brokerage:

Brokerage	Regular Licenses	Accessible Licenses	Total Licenses	% of Issued Licenses
Waterloo Taxi	94	6	100	27%
Golden Triangle Taxi	87	5	92	25%
United Taxi	81	6	87	24%
City Cabs	75	4	79	21%
New Hamburg Taxi	8	2	10	3%
Total	345	23	368	100%

The fee for a Taxi-Cab Broker is \$235 annually.

The Broker is required to provide the following 5 services:

- 1) Have an office within the boundaries of the Region to receive calls for all Taxi-Cab Services;
- 2) Maintain records of all service calls for a period of 6 months;
- 3) Ensure that all Taxi-Cab Owners are trained in the by-law provisions;
- 4) Ensure that all Taxi-Cab Drivers are properly trained in vehicle and service operations and in by-law provisions;
- 5) Report known contraventions of the by-law or other legislation.

Taxi-Cab Owner License

Currently there are 368 Taxi-Cab Owner licenses issued in the Region of Waterloo. The current ratio used to determine the number of Taxi-Cab Owner licenses in the Region is 1:1650, 1 license for every 1650 residents. Accessible Taxi-Cab licenses are not included in the ratio and are over and above the ratio.

The last increase in regular Taxi-Cab Owner licenses was conducted in 2014. They are issued on a rotating lottery basis with New Hamburg Taxi remaining at the top of the list until 10 regular taxi-cab licenses are obtained.

No license increase was conducted in 2015 or 2016. The numbers have been frozen until the taxi-cab by-law review is completed.

Owners do not have to actually drive the taxi-cab. Approximately 11% of Taxi-Cab Owners do not drive their vehicles.

Approximately 11% of Taxi-Cab licenses are leased to another person to operate on behalf of the Owner. Leasing is not outlined in the by-law. Regardless of who leases the licence, the actual license Owner is held responsible for the vehicles operation.

The scheduling of Owner revenue service hours is conducted by the Brokerage and is spread evenly among all Owners.

The following fee schedule applies to Regular and Accessible Taxi-Cabs:

License Type	New Application Accessible	New Application Regular	Renewal Accessible	Renewal Regular
Taxi-Cab Owner	\$145	\$785	\$265	\$265
Additional Accessible Taxi-Cab	\$145	N/A	\$265	N/A
Taxi-Cab Driver's License	\$145	\$145	\$120	\$120
New Taxi-Cab Plate	\$75	\$75	\$0	\$0
New Spare Taxi-Cab Plate	\$75	\$75	\$0	\$0
Sponsorship Transfer	\$15	\$15	\$0	\$0
License Replacement	\$15	\$15	\$0	\$0
Meter Test	\$30	\$30	\$0	\$0
Meter Re-Test	\$30	\$30	\$0	\$0
Replacement Plate	\$75	\$75	\$0	\$0

Taxi-Cab Owner and Vehicle Requirements

The following basic requirements are needed to obtain a regular or accessible taxi-cab owner license:

- Owner's name and address
- Maintain a record of all trips for 3 months;
- Vehicle make, model, year, V.I.N. number, colour and Ontario licence plate number;
- Provide proof that the vehicle has been correctly modified to be used as an accessible vehicle designed to accommodate 1 or more wheel chairs (applies to accessible taxi-cabs only);
- Vehicle ownership permit;
- Provide annually an Ontario vehicle safety certificate for a vehicle 10 years or newer and every 6 months for vehicles 10 years or older;
- Provide annually a propane inspection certificate if the vehicle uses this fuel type;
- Proof of Commercial Vehicle Liability Insurance in the amount of \$2 million dollars;
- Written acknowledgement of the person who will act as the Taxi-Cab Broker;
- Shall only operate for one Taxi-Cab Broker.

Taxi-Cab Driver License

Taxi-Cab Driver's License Requirements

The following basic requirements are needed to obtain and accessible taxi-cab driver's license:

- Valid Ontario Driver's License with at least two years driving experience;
- Annually provide a current Ontario Driver's abstract;
- Annually provide a current Police Criminal Background Check or a Police Vulnerable Sector Screen (Brokers require Vulnerable Sector Screens for Accessible Driver's and school runs);
- Provide proof of English literacy;
- Provide written acknowledgement of the person who will act as Owner and Broker;
- Provide proof that they have successfully passed an approved Accessibility Training Course (Accessible Taxi-Cab Drivers Only) and proof of driver training from the Brokerage.

There are approximately 659 Taxi-Cab Drivers licensed in the Region, this number does fluctuate throughout the year. A shift for a driver may be as long as 14 hours depending on the revenue service hours for the vehicle they are assigned to drive. Drivers are offered shifts if on the spare or part time roster. Some drivers are hired permanently by Owners and drive selected shifts. Scheduling of Drivers and vehicle revenue service hours is a responsibility of the Brokerage and is not within the scope of responsibilities of the Region.

Taxi-Cab Drivers shall also ensure that:

- his or her Taxi-cab Meter is fully operational and accurate;
- his or her Taxi-cab Meter is sealed;
- his or her Taxi-cab Meter conforms to the fees as prescribed;
- his or her Taxi-cab Meter is located where it is visible to all Passengers;
- the fee charged to the Passenger or Passengers conforms to that as set out on the Taxi-cab
- his or her Taxi-Cab license is clearly displayed;
- the Tariff Card is clearly displayed;
- they not start a meter until the person is in the vehicle;
- they do not solicit business;
- they do not block traffic;
- they shall comply with all provisions of the by-law.

Taxi-Cab Use

A Taxi-Cab user may book the vehicle:

- on-demand;
- pre-book with the Brokerage;
- by telephone to the Brokerage;
- on-line application (some apps mimic a telephone booking while others give you real time vehicle location information and arrival pick-up time);
- street hail/flag;
- taxi stand.

Taxi-Cab Payment Method

The user may pay for the service by:

- cash;
- credit card;
- debit card;
- GRT MobilityPLUS Taxi Script;
- Other contracted agreement.

Taxi-Cab Meter Rates

Taxi-cab Meter rates are established by Regional Council. The current Taxi-Cab Meter Rates are:

\$3.50 initial meter fare

\$2.10 per kilometer

\$31.20 per hour waiting

The meter operates by measuring both time and distance of the trip to determine final trip cost. Meters are inspected annually for accuracy.

Ontario Fee Comparison for Driver and Owner Licenses

The chart below provides some comparison between driver and owner licences in Ontario:

Municipality	Driver License Fee	Owner License Fee
Region of Waterloo	\$145	\$785
London	\$135	\$877
Toronto	\$329	\$1,247
Hamilton	\$256	\$578
Ottawa	\$217	\$584
Mississauga	\$160	\$438
Windsor	\$110	\$400
Brampton	\$89	\$396
Kingston	\$135	\$250
Niagara Falls	\$75	\$325

Limousine Taxi-Cabs

Limousine Taxi-Cab services must be pre-booked 30 minutes in advance of the trip. A minimum charge of \$80 per trip is required.

There are 16 Limousine Taxi-Cab business owners operating 38 limousines and employ 49 drivers.

Owner and Driver license and vehicle requirements mimic the regular taxi-cab requirements.

The chart below outlines the license fees charged for Limousine Taxis:

Type of License	New Application	Renewal
Owner License	\$785	\$265
Additional Vehicle	\$105	\$105
Driver License if Owner	\$75	\$55
Driver License Apr to Sept	\$145	\$90
Driver License Oct to Mar	\$105	\$90

Special Transportation Services Taxi-Cabs

This service is restricted to youth 17 years of age or younger. The trip is pre-booked door to door with a minimum charge of \$10.00

Currently there is only 1 Special Transportation Services Taxi-Cab using 1 vehicle and employing 1 driver.

Owner and Driver license and vehicle requirements mimic the regular taxi-cab requirements.

The chart below outlines the license fees charged for Special Transportation Services Taxis:

Type of License	New Application	Renewal
Owner License	\$785	\$265
Additional Vehicle	\$105	\$105
Driver License if Owner	\$65	\$50
Driver License Apr to Sept	\$120	\$90
Driver License Oct to Mar	\$65	\$90

Enforcement

Staff conduct annual inspections of all licensed vehicles and inspect for vehicle safety, meter accuracy, posting of the Tariff and Driver's license and insurance, ownership and Ontario Drivers license.

Staff also conduct records inspections with the Drivers, Owners and Brokers.

Staff conduct random inspections of at least one third of all licensed vehicles over and above annual inspections.

Staff can issue repair orders and pull vehicles from the road due to safety issues.

Staff conduct investigations into any reported contraventions of the three by-laws and may issue warnings or charges. Staff also complete occurrence reports to outline what type of incident was investigated.

All Broker, Owner and Driver applications are reviewed prior to approval or renewal including contact with insurance companies.

Staff may restrict a Driver or Owner from operating if the license has expired or if there is no proof of insurance.

Staff are vigilant in ensuring vehicles are properly reported and meters are properly sealed and operational and that vehicles are in good repair.

Staff also coordinate with provincial enforcement agencies to ensure garages that are under investigation are not allowed to provide safety inspections.

validate our research findings and to enable sharing economy stakeholders to help co-design possible solutions together. All of the workshops were held at MaRS Discovery District.

- o **January 26, 2016 - Workshop on Sharing Cities and a Toronto Action Plan for the Sharing Economy:** This workshop looked at the sharing economy in its broadest sense and aimed to test a framework for developing a city strategy. Its outcomes are presented in Chapter 4.
- o **February 5, 2016 - Workshop on Transportation:** This workshop convened regulators and stakeholders from the transportation industry, including the taxi industry, Uber and other sharing economy companies. Its outcomes are presented in Chapter 5.
- o **February 10, 2016 - Workshop on Accommodation:** This workshop convened regulators and stakeholders from the accommodation industry, including the hotel industry, Airbnb and other accommodation companies. Its outcomes are presented in Chapter 6.

In the fourth and final stage of the project we conducted select consultations with relevant regulators and stakeholders regarding our final analysis and suggested solutions to prepare the final report. This stage was undertaken between mid-February and mid-March 2016.

A TRILEMMA OF EFFECTIVE REGULATION

Designing effective regulation involves solving a trilemma: public value, administration and innovation. You need to balance all three of these elements simultaneously to achieve the best possible outcome. The first element, public value, is a concept first developed by Mark Moore, who argued that if the role of the private sector is to create private value then the role of the public sector must be to create public value.¹⁷ Examples of public value include public safety, public health or consumer protection. Having a clear notion of what public value regulation needs to create is the first requirement of designing effective regulation. This is a difficult challenge because public values are often competing or even conflicting. Consider, for example, consumer safety versus cheap prices, environmental protection versus fair competition and food safety versus open trade.

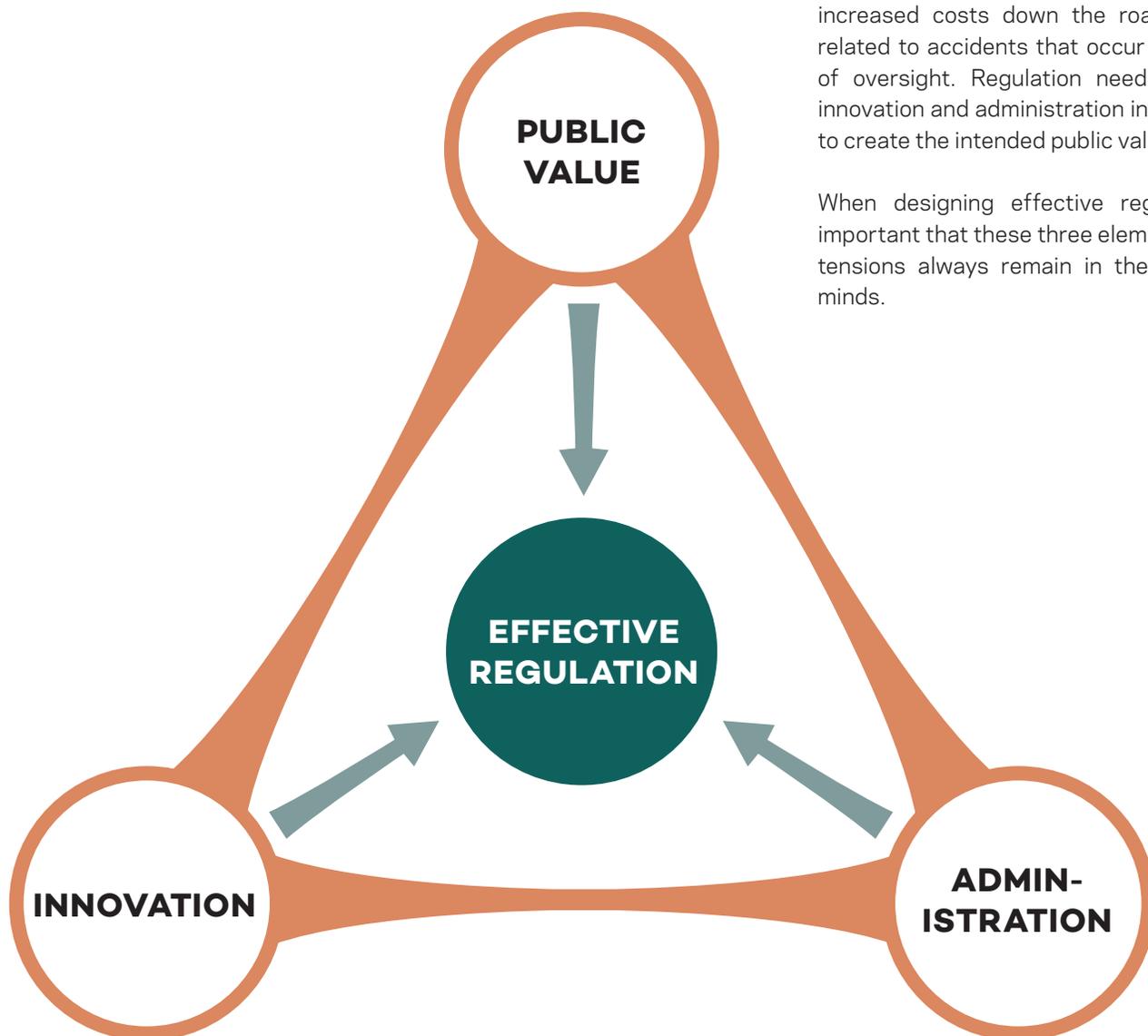
The second element is administration, which is a necessary means for both creating and complying with regulation. Administration translates into procedures, protocols and forms, among other processes. Administration is how regulation gets translated into action. Finally, the third element is innovation: the application of a new idea that will help to improve something or that will even introduce an entirely new product or service.

The dilemma between public value and administration is pretty obvious. In order to create public value there will always be a certain degree of administration. However, if the burden of administration is too high, it will lead to a loss of public value. Government always strives to find the right balance. The tension between public value and innovation also seems clear. On the one hand, if we do not care about innovation, we can create regulation that sets stringent constrictions. This is likely to result in little or no innovation, which over time may lead to a loss of public value because of the inability to adjust to changing environments. On the other hand, if we only care about innovation and pay no mind to public value, we end up deregulating

everything. This gives everyone the absolute freedom to develop new solutions; however, it also leads to a massive loss of public value. Again, regulation needs to find a balance.

The relationship between innovation and administration is perhaps less obvious, but it is just as important. If there are too many administrative requirements, innovation is stifled—even if it is contributing to public value. However, while a lower level of administration may lead to more innovation, it does not always lead to the innovations that we may want or need. This may lead to increased costs down the road, like costs related to accidents that occur due to a lack of oversight. Regulation needs to balance innovation and administration in the right way to create the intended public value.

When designing effective regulation it is important that these three elements and their tensions always remain in the back of our minds.



DESIGN PRINCIPLES

By adhering to the following eight design principles cities should be able to achieve effective regulation.

1. Keep the public value, but rethink the delivery of it.

Reducing administrative burden is not about devising less regulation, it's about devising smarter regulation. The intended public value is not what is at stake here. We simply need to rethink the delivery of that public value.

2. Shift from front-end regulation to back-end regulation.

Having the burden of regulation precede any potential benefit, like obtaining a permit before entering the market, should always be kept at a minimum. There needs to be a good balance between the level of burden and the timing of it.

3. Shift from generic regulation to more flexible and risk-based regulation.

Administrative burden often occurs because of an inability to tailor processes to a user's specific needs. Regulation only comes with generic solutions, forcing everyone into the same mould. The challenge is to shift toward more flexible, risk-based approaches to regulation.

4. Ensure regulation is easy to understand, follow and enforce.

Regulation should be easy to understand for everyone. Regulation should be easy to follow for those who need to comply with it and easy to enforce for those who need to ensure it is followed.

5. No smart regulation without technology and data.

Governments need to make better use of technology and data to both create and enforce regulation more effectively.

6. Your assets are yours to share.

When people decide to share their own homes or goods, it is their own choice to do so. As a default, making such a choice should be allowed unless it creates a conflict like interfering with public safety. And what is clear, you can only share what is yours.

7. Treat equal cases equally, but treat unequal cases unequally.

Where situations are the same, everyone should be treated equally. That will not always be the case, however, so there needs to be room for differentiation.

8. Be proportional.

The burden of regulation should be proportional to the action being undertaken and the potential risk that is involved in it. For instance, a person who rents out his apartment for one week a year should be subject to less burdensome regulation than a person who rents out their apartment year round.

Appendix D

Regional Municipality of Waterloo

Accessibility Service in the Region of Waterloo

Taxi By-law Review

Accessibility Service in the Region of Waterloo

Introduction

There are 7 levels of accessible transportation available within the Region of Waterloo. No surcharges are incurred by the user to utilize these services. These services may be scheduled, pre-booked or on-demand as indicated:

- Scheduled Service - **Grand River Transit (GRT)** – All GRT buses are accessible and can accommodate wheel chairs and mobility devices.
- Pre-Booked Service - **GRT Mobility Plus** (Kitchener/Waterloo/Cambridge) – GRT operates the specialized transit service MobilityPLUS consisting of 30 vehicles and also contracts regular and accessible taxi-cabs. Registered members, that cannot physically access conventional GRT services, can pre-book these transit services. This service also utilizes contracted accessible taxi-cabs in conjunction with the dedicated specialized transit fleet.
- Pre-Booked Service - **Kiwanis Transit** (Woolwich/Wellesley/Wilmot) – Kiwanis Transit, funded by GRT, operates 6 vehicles in conjunction with contracted accessible and regular taxi-cab vehicles. Registered members can pre-book these services. Members that do not require a wheel chair or mobility device may be accommodated in a regular taxi-cab.
- Pre- Booked Service - **GRT MobilityPLUS Taxi-Cab Service** (North Dumfries) – Registered users may pre-book accessible and regular taxi cabs.
- Pre-Booked Service – **GRT MobilityPLUS Commuter Bus Service (Kitchener/Waterloo/Cambridge)** – provides trips for those with cognitive disability to book trips to and from work or program activities.
- On-Demand Service - **GRT MobilityPLUS TaxiSCRIPT Service** (Kitchener/Waterloo/Cambridge) – this subsidized service allows registered users to purchase up to 24 books of coupons annually, at 50% of the actual face value, to use on taxi-cab services (both accessible and regular).
- On-Demand Service - **Accessible Taxi-Cabs** – 21 accessible taxis-cabs operated by the 5 Taxi-Cab Brokers can accommodate wheel chairs and mobility devices. The vehicles can accommodate 1 wheel chair or mobility device or 4 persons that do not require these devices. Persons that do not require a wheel chair or mobility device may also be accommodated in a regular taxi-cab. This provides the same level of service available to those without a disability at the same fare rate and equivalent wait times. These vehicles may be used by anyone but priority is given to those with a wheel chair or mobility device, or a person that cannot use a regular taxi-cab.

Transportation Fees

GRT*/GRT MobilityPLUS/Kiwanis Transit	TaxiSCRIPT**	Taxis (Regular or Accessible)
Cash Fare - \$3.00	\$60 a book, maximum 24 books	Initial Meter Fare - \$3.50
Adult Tickets - \$12.85		Per KM - \$2.10
Reduced Tickets - \$11.15		Per Hour Waiting/Contract - \$31.20
Adult Monthly Pass - \$79.00		
Reduced Monthly Pass - \$67.00		

* Registered GRT MobilityPLUS clients ride for free on GRT conventional services

** The actual cost per book of TaxiSCRIPT is \$120.00, registered GRT MobilityPLUS clients pay 50% of face value and can purchase a maximum of 24 books.

GRT

People registered with MobilityPLUS may ride conventional buses free of charge.

MobilityPLUS Services

MobilityPLUS is a specialized service of pre-booked trips for people with a mobility challenge. People registered with MobilityPLUS can book a ride anywhere within the Kitchener, Waterloo and Cambridge city limits. . It uses small bus-style vehicles, and regular or accessible taxi-cabs to transport people with impaired mobility.

The Commuter Bus Service is available for those with cognitive disabilities in the cities of Kitchener, Waterloo and Cambridge and uses regular and accessible taxi-cabs

For residents in North Dumfries this service is supplied by regular and accessible taxi-cabs.

People seeking to use this program must meet the eligibility requirements and become a registered member of MobilityPLUS.

MobilityPLUS Eligibility

A person may be eligible for the MobilityPLUS program if they meet any one of the following criteria:

- Physically unable to climb or descend steps on conventional public transportation
- Unable to walk a distance of 175 metres (575 feet)
- Suffer from a temporary disability, such as a broken leg
- Registered with CNIB

Booking MobilityPLUS

MobilityPLUS can book rides in advance, anywhere within the city limits of Cambridge, Kitchener and Waterloo.

To book a ride the following guidelines are used:

- Recreational/Personal trips must be booked at least two business days ahead of the trip, and no more than seven days ahead.
- Rides for Saturday, Sunday and Monday must be booked by Thursday.
- Medical, post-secondary education and employment-related trips must be booked at least two weekdays ahead, and can be booked up to 28 days in advance.

Subscription bookings are permanently scheduled rides for the same day and time, and the same pick-up and drop-off location. Such rides are available to take people to and from work, post-secondary education or repeated medical appointments.

MobilityPLUS quick facts:

- Currently, there are 7143 registered MobilityPLUS clients that use GRT conventional buses, MobilityPLUS uses dedicated vehicles and contracts regular and accessible taxi-cabs
- Transportation average cost per passenger on a MobilityPLUS vehicle is \$35.81
- Transportation average cost per passenger in a regular or accessible taxi is \$15.46
- The revenue recovery rate 9.03%

Kiwanis Transit

Kiwanis Transit is a specialized service of pre-booked trips for people with a mobility challenge. People registered with Kiwanis Transit can book a ride anywhere within the Townships of Woolwich, Wilmot or Wellesley. It uses small bus-style vehicles, and regular or accessible taxi-cabs to transport people with impaired mobility.

People seeking to use this program must meet the eligibility requirements and become a registered member of Kiwanis Transit. The eligibility requirements are similar to GRT MobilityPLUS requirements.

A person may be eligible for these offered services if they are:

- 65 years of age or older
- Registered with CNIB
- Physical disability
- Cognitive disability
- Temporarily or seasonally disabled, affecting a person's mobility (such as a broken leg or visually impaired as defined by CNIB)

GRT MobilityPLUS TaxiSCRIPT

The TaxiSCRIP program offers increased travel opportunities for MobilityPLUS customers who live and travel in Kitchener, Waterloo and Cambridge. MobilityPLUS registrants who reside in these areas are able to purchase TaxiSCRIP which allows them to travel to and from their destination via a taxi. TaxiSCRIP books have coupons that represent a cash value. The cash value of every book is \$60, however a MobilityPLUS registrant can purchase one TaxiSCRIP book for \$30. When a taxi is called and

arrives at the scheduled pick-up location, a MobilityPLUS customer can pay for their ride using the coupons in the TaxiSCRIP book. TaxiSCRIP cannot be used for travel within the townships and registrants on MobilityPLUS North Dumfries or Kiwanis Transit services are not eligible for TaxiSCRIP.

TaxiSCRIP is for the personal use of the MobilityPLUS registrant. Coupons cannot be resold or transferred to anyone else. Proven abuse of this policy will result in TaxiSCRIP privileges being revoked. Lost or stolen TaxiSCRIP coupons will not be reimbursed.

A TaxiSCRIP Book

- Contains \$5, \$2 and \$1 coupons that add up to a total value of \$60.
- Is sold to MobilityPLUS customers for \$30.
- Has holes punched to differentiate each denomination for the ease of use for a person with a visual impairment.
- Does not expire.

Customers can purchase TaxiSCRIP books in an annual cycle from June 1 to May 31. Each customer can buy 1 book to a maximum of 24 books, depending on the length of active registration with MobilityPLUS.

Customers are granted MobilityPLUS service for varying lengths of time. If a registrant has service on a short term basis or during winter only, they can only purchase and use TaxiSCRIP in the months that they are actively registered on the program. Any extra TaxiSCRIP coupons that are remaining can be used if and when a customer's registration status is reactivated. If they have year round service, they can buy as many TaxiSCRIP books as they want up to a maximum of 24 books per year.

To arrange a ride the user must tell the taxi company:

- They are using TaxiSCRIP.
- If they will require assistance, such as an escort to the door.
- If they use a wheelchair, walker, or scooter.

To pay a taxi-cab driver, a user must:

- Show the driver a MobilityPLUS Photo ID card. The driver will record the ID number.
- Use the TaxiSCRIP coupons to pay the fare shown on the meter. If the meter fare is not an even dollar amount then the user pays the extra amount in coins. For example, a \$5.80 fare is paid with five dollars in coupons and 80 cents cash. The driver will not provide change from TaxiSCRIP.
- Others may travel with the user, up to the capacity of the vehicle, at no extra cost.

Legislative Requirements for Municipalities and Accessible Taxi-Cabs

Ontario Regulation 191/11: Integrated Accessibility Standards established the following requirements for municipalities and taxi-cabs:

Duties of municipalities, accessible taxicabs

79. (1) Every municipality shall consult with its municipal accessibility advisory committee, where one has been established in accordance with subsection 29 (1) or (2) of the Act, the public and persons with disabilities to determine the proportion of on-demand accessible taxicabs required in the community. O. Reg. 191/11, s. 79 (1).

(2) Every municipality shall identify progress made toward meeting the need for on-demand accessible taxicabs, including any steps that will be taken to meet the need, in its accessibility plan required under Part I. O. Reg. 191/11, s. 79 (2).

(3) Municipalities shall meet the requirements of this section by January 1, 2013. O. Reg. 191/11, s. 79 (3).

(4) In this section,

“accessible taxicab” means an accessible taxicab as defined in section 1 of Regulation 629 of the Revised Regulations of Ontario, 1990 (Vehicles for the Transportation of Physically Disabled Persons) made under the *Highway Traffic Act*. O. Reg. 191/11, s. 79 (4).

Duties of municipalities, taxicabs

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; and

(b) from charging a fee for the storage of mobility aids or mobility assistive devices. O. Reg. 191/11, s. 80 (1).

(2) Any municipality that licenses taxicabs shall ensure that owners and operators of taxicabs place vehicle registration and identification information on the rear bumper of the taxicab. O. Reg. 191/11, s. 80 (2).

(3) Any municipality that licenses taxicabs shall ensure that owners and operators of taxicabs make available vehicle registration and identification information in an accessible format to persons with disabilities who are passengers. O. Reg. 191/11, s. 80 (3).

(4) The information in subsection (2) shall meet the requirements of subsection 58 (3). O. Reg. 191/11, s. 80 (4).

(5) Municipalities described in this section shall meet the requirements in this section,

(a) by July 1, 2011, in respect of subsection (1); and

(b) by January 1, 2012, in respect of subsections (2) and (3). O. Reg. 191/11, s. 80 (5).”

History of Accessible Taxi Service in The Region of Waterloo

After extensive consultation in 2011/2012 with the Grand River Accessibility Advisory Committee (GRACC) an accessibility taxi-cab ratio was recommended with a multi-year implementation schedule and the following milestones:

- 1) On January 01, 2012 amending by-law 11-060 came into force and the definition of an Accessible Taxi-Cab was established:

"**Accessible Taxi-cab**" means a Taxi-cab which has been built or modified in a manner that allows the conveyance of one (1) or more Passengers confined to wheel chairs.

This same amending by-law also established that no extra fee could be charged for a passenger with a disability or storage of a mobility aid or device.

- 2) In April 2012 the Region of Waterloo had 340 regular taxi-cabs and 15 accessible taxi-cabs.
- 3) On June 27, 2012 amending by-law 12-026 established a maximum of 16 accessible taxi-cabs licenses.
- 4) On December 19, 2012 amending By-law 12-061 came into force. This by-law established the following:
 - A maximum of 40 accessible taxi licenses shall be issued;
 - Taxi-Cab Brokers that hold 10 or more regular taxi-cab licenses shall provide at minimum the equivalent of 7% accessible taxi-cabs by January 01, 2017 and 10% accessible taxi-cabs by January 01, 2022;
 - Taxi-Cab Brokers that hold less than 10 regular taxi-cab licenses shall provide at minimum 1 accessible taxi-cab.

The following chart outlines the Region’s current accessible taxi ratios:

Year	Regular Taxi-Cabs	Accessible Taxi-Cabs	Current Ratio	Required ratio 2017	Required Ratio 2022
2016	345	23	6%	7%	10%

Regular or Accessible Taxi-Cab Use, Scheduling, Trips and Financials

A Regular or Accessible Taxi-Cab user may book the vehicle:

- on-demand;
- pre-book;
- by telephone;
- on-line application;
- street hail/flag;
- taxi stand.

The user may pay for the service by:

- cash;
- credit card;
- debit card;
- GRT MobilityPLUS TaxiSCRIPT.

The regular or accessible Taxi-Cabs are dispatched by their individual Brokers but the calls for service are coordinated between the 5 Brokers.

The vehicles are scheduled 7 days a week 24 hours a day unless vehicle maintenance, break down or accident remove a vehicle from service. The majority of vehicles are made available for peak demand times 8:00 am to 6:00 pm Monday to Friday and scheduled so that the owners receive an equal amount of revenue hours. These peak demand times include contract obligations for GRT MobilityPLUS, Kiwanis transit, school service and medical appointments.

The accessible taxis, as well as regular taxi-cabs, are used for regular taxi service and also provide moving services, vehicle boosts, package delivery, WSIB service, Canada Post transport and school board service among other things to keep the vehicles financially supported.

Based on limited statistics received staff believe that in 2015 the taxi industry provided approximately 2,555,000 trips outside of contracted service obligations. Of that approximately 55,000 of those trips were dispatched to accessible vans for accessible users.

Region of Waterloo Taxi-Cab Costs

The Region pays direct costs associated with accessible taxis contracted to MobilityPLUS, Kiwanis Transit, North Dumfries Accessible Service, TaxisSCRIPT and Commuter Bus Service.

The Region also pays direct taxi costs for Community Services programs, Public Health and homelessness programs.

The chart below outlines the 2015 actuals for net of GST costs to the Region for Regular and Accessible Taxi-Cabs:

Department/Division/Service	2015 Actual
Grand River Transit	
GRT MobilityPLUS	\$1,428,960.07
Taxiscript Service	\$714,889.68
North Dumfries Service	\$54,026.21
Commuter Service	\$168,878.69
Kiwanis Transit	\$273,941.00
GRT Total	\$2,640,695.65
Community Services	
Children's	\$45.34
EIS Administration	\$36.30
Seniors	\$632.28
Ontario Works Allowance and Benefits	\$1404.00
Housing	\$100.51
Community Services Total	\$2,218.43
Public Health Total	\$6,923.38
Homelessness Programs Total	\$23,093.69
Total Region of Waterloo	\$2,672,931.15

School Board Taxi Costs

Regular and accessible taxi-cab use for the school board is approximately 377 trips per day for an average of 175 days or 60,000 to 70,000 trips annually. The approximate costs paid by the board are below:

School Year	Costs
2013/2014	\$1,330,000
2014/2015	\$1,250,000
2015/2016	\$1,100,000 (projected)

Ontario Disability Support Program

The Ontario Disability Support Program (ODSP) does authorize taxi-cab use and it is funded by the Province of Ontario. It is for medical transportation and is controlled by a case worker that establishes criteria including number of trips, location and month. The transportation is not provided until the taxi-cab company receives an approval letter from the case worker.

Taxi Industry Concerns

The Taxi Industry is concerned with the following issues:

- The service is mandatory for the taxi industry and there is no subsidy offered for the service to help offset vehicle purchase or maintenance costs;
- Cost of Accessible Taxi-Cab conversion, usually \$20k to \$30k, above vehicle purchase price of \$20k;
- Vehicle life span and replacement cost, vehicles are only good for 5 years and then must be replaced;
- Vehicle maintenance and repair costs, this includes the ramp, suspension, frame, doors and specialized safety belts, over and above routine maintenance;
- Accessible Taxi-Cabs are currently under utilized by the accessible community, approximately 2.1% of their calls are for actual wheel chair or mobility device users. The remainder of their are for other work to support the vehicle use and make them profitable;
- Time between actual accessible service calls can be extensive;
- The accessible community can use regular taxi-cabs, if they do not have a wheel chair or mobility device, but often will only use an accessible taxi;
- Persons without disability do not like using accessible taxi-cabs.

Accessible Community Concerns

The accessible community identified the following issues pertaining to accessible taxi-cabs:

- Internet applications are not accessible;

- They identified that the meters need to be larger, with increased contrast and larger number displays;
- They indicated that the meters need to have an audible feature;
- They are concerned about wait times and accessible taxi-cab availability, the vans are used for regular service and other types of work over and above accessible service;
- Hours of service do not meet demand;
- They want the freedom of choice to use whatever taxi-cab Broker they want;
- They have a concern that those that require wheel chairs or mobility devices are overlooked;
- They want the accessible taxi-cabs to provide the same level of service as provided by regular taxi-cabs.

Accessible Taxi-Cab Owner and Vehicle Requirements

The following basic requirements are needed to obtain an accessible taxi-cab owner license:

- Owner's name and address;
- Vehicle make, model, year, V.I.N. number, colour and Ontario licence plate number;
- Provide proof that the vehicle has been correctly modified to be used as an accessible vehicle designed to accommodate 1 or more wheel chairs;
- Vehicle ownership permit;
- Provide annually an Ontario vehicle safety certificate for a vehicle 10 years or newer and every 6 months for vehicles 10 years or older;
- Provide annually a propane inspection certificate if the vehicle uses this fuel type;
- Proof of Commercial Vehicle Liability Insurance in the amount of \$2 million dollars;
- Written acknowledgement of the person who will act as the Taxi-Cab Broker;
- Shall only operate for one Taxi-Cab Broker.

Accessible Taxi-Cab Driver's License Requirements

The following basic requirements are needed to obtain an accessible taxi-cab driver's license:

- Valid Ontario Driver's License with at least two years driving experience;
- Annually provide a current Ontario Driver's abstract;
- Annually provide a current Police Criminal Background Check or a Police Vulnerable Sector Screen (Brokers require Vulnerable Sector Screens for Accessible Driver's);
- Provide proof of English literacy;
- Provide written acknowledgement of the person who will act as Licence Owner and Broker;
- Provide proof that they have successfully passed an approved Accessibility Training Course (GRT Mobility provided Train-the-Trainer Services for the Taxi-Cab Broker Trainers).

Accessible Taxi-Cab Fees

License Type	New Application Accessible	New Application	Renewal Accessible	Renewal Regular

		Regular		
Taxi-Cab Owner	\$145	\$785	\$265	\$265
Additional Accessible Taxi-Cab	\$145	N/A	\$265	N/A
Taxi-Cab Driver's License	\$145	\$145	\$120	\$120
New Taxi-Cab Plate	\$75	\$75	\$0	\$0
New Spare Taxi-Cab Plate	\$75	\$75	\$0	\$0
Sponsorship Transfer	\$15	\$15	\$0	\$0
License Replacement	\$15	\$15	\$0	\$0
Meter Test	\$30	\$30	\$0	\$0
Meter Re-Test	\$30	\$30	\$0	\$0
Replacement Plate	\$75	\$75	\$0	\$0

Accessible and Regular Taxi Plates Scan

The chart below provides a scan of numbers of taxi-cab license, regular and accessible issued in some major Canadian centers compared to the Region of Waterloo:

City	Population	Regular Licenses	Accessible Licenses	% Accessible
Region of Waterloo	568,500	345	23	6%
Ottawa	883,391	1,001	187	16%
Montreal	1,886,481	4,316	206	5%
Edmonton	877,926	1,185	95	8%
Vancouver	640,469	476	113	16%



Region of Waterloo

Appendix E

Taxi By-law Review Phase 2 Survey Response Summary

Licensing and Hearings Committee
April 20, 2016

Docs #2111904



Region of Waterloo

Do you currently **live** in Waterloo Region?

Response	Frequency	Count
Yes	95.0%	931
No	5.0%	49
Valid Responses		980
Total Responses		980

Do you currently **work** in Waterloo Region?

Response	Frequency	Count
Yes	80.5%	789
No	19.5%	191
Valid Responses		980
Total Responses		980



Region of Waterloo

Are you currently:

Response	Frequency	Count
A Driver (e.g. Limo, Taxi, Uber, other Taxi type service)	2.7%	26
An Owner (e.g. Limo, Taxi, other Taxi type service)	3.5%	34
A Broker	0.5%	5
An Uber user	66.2%	645
A Limo user	4.2%	41
Other Taxi type service user	14.6%	142
Interested member of the public	54.2%	528
Valid Responses		974
Total Responses		980



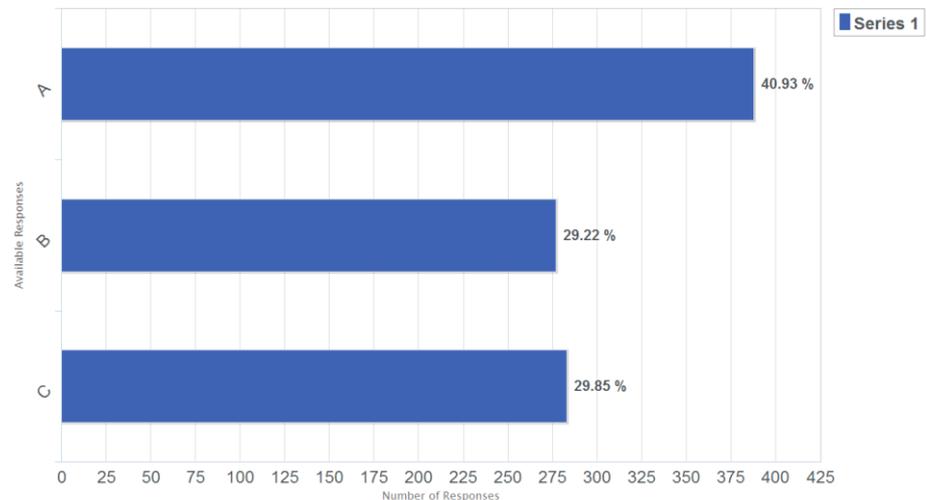
Region of Waterloo

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

Response	Frequency	Count
Stop regulating all taxis and taxi type services and allow the industry to set its own standards	40.9%	388
Continue to regulate the traditional taxi industry and continue to request that the Province regulate ridesharing	29.2%	277
Regulate all taxi and taxi type services	29.9%	283
Not Answered		32
Valid Responses		948
Total Responses		980

Available Responses:

- A. Stop regulating all taxis and taxi type services and allow the industry to set its own standards
- B. Continue to regulate the traditional taxi industry and continue to request that the Province regulate ridesharing
- C. Regulate all taxi and taxi type services





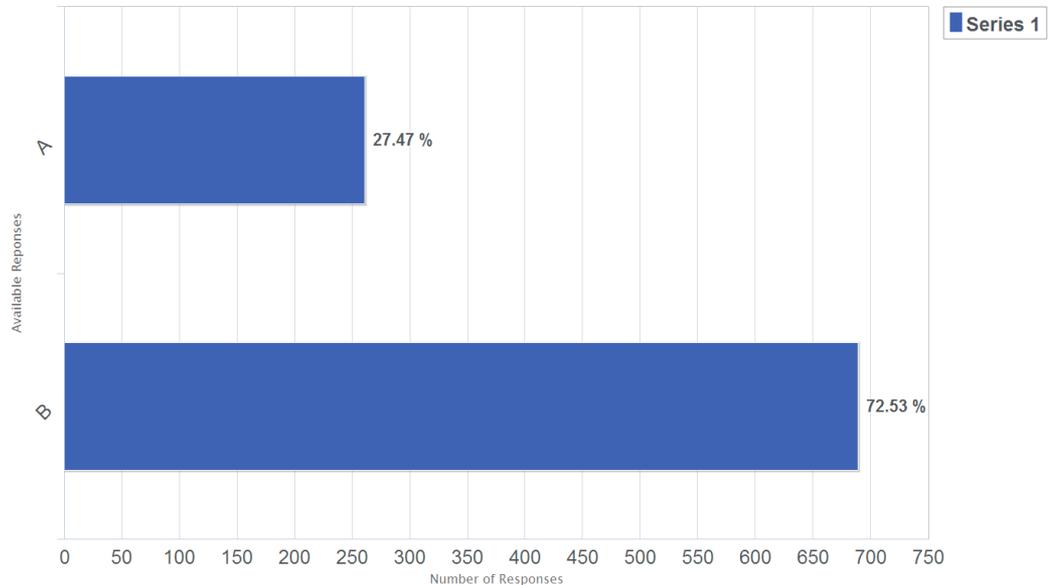
Region of Waterloo

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

Response	Frequency	Count
That the by-law not be reopened	27.5%	261
That the by-law be opened to allow for non-traditional taxis	72.5%	689
Not Answered		30
Valid Responses		950
Total Responses		980

Available Responses:

- A. That the by-law not be reopened
- B. That the by-law be opened to allow for non-traditional taxis





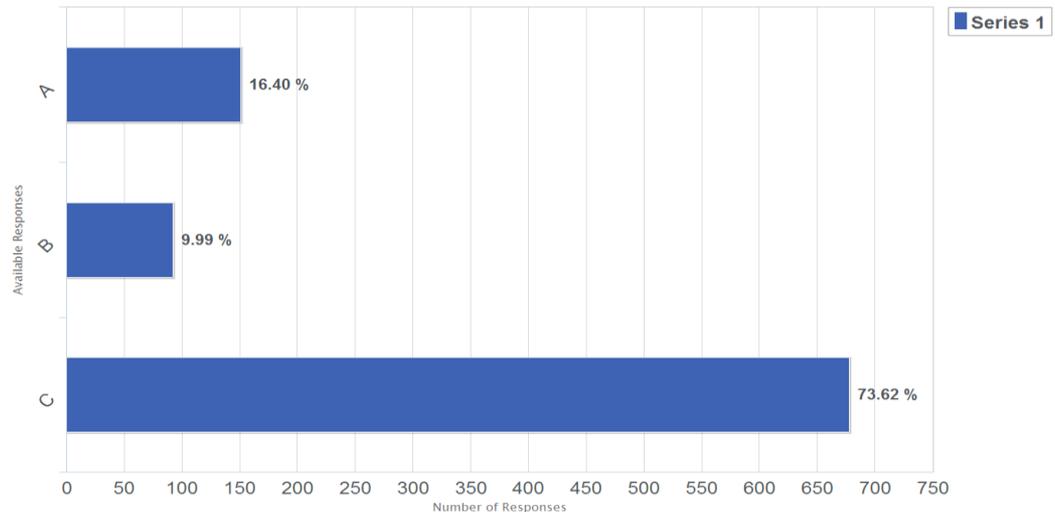
Region of Waterloo

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

Response	Frequency	Count
Develop a by-law based on a traditional model	16.4%	151
Develop a by-law based on a broker model	10.0%	92
Develop a by-law based on a hybrid model that combines both the traditional and broker models	73.6%	678
Not Answered		59
Valid Responses		921
Total Responses		980

Available Responses:

- A. Develop a by-law based on a "traditional model"
- B. Develop a by-law based on a "broker model"
- C. Develop a by-law based on a "hybrid model" that combines both the traditional and broker models





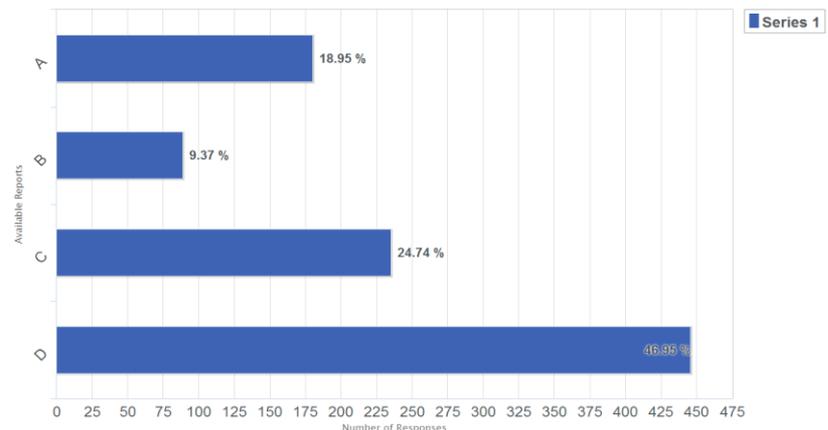
Region of Waterloo

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

Response	Frequency	Count
Impose license limits on both traditional and non-traditional taxis	18.9%	180
Impose license limits on traditional taxis only and do not impose limits on non-traditional taxis	9.4%	89
Phase out license limits on traditional taxis and do not impose limits on new entrants into the market	24.7%	235
Do not impose license limits on any sector	46.9%	446
Not Answered		30
Valid Responses		950
Total Responses		980

Available Responses:

- A. Impose license limits on both traditional and non-traditional taxis
- B. Impose license limits on traditional taxis only and do not impose limits on non-traditional taxis
- C. Phase out license limits on traditional taxis and do not impose limits on new entrants into the market
- D. Do not impose license limits on any sector





Region of Waterloo

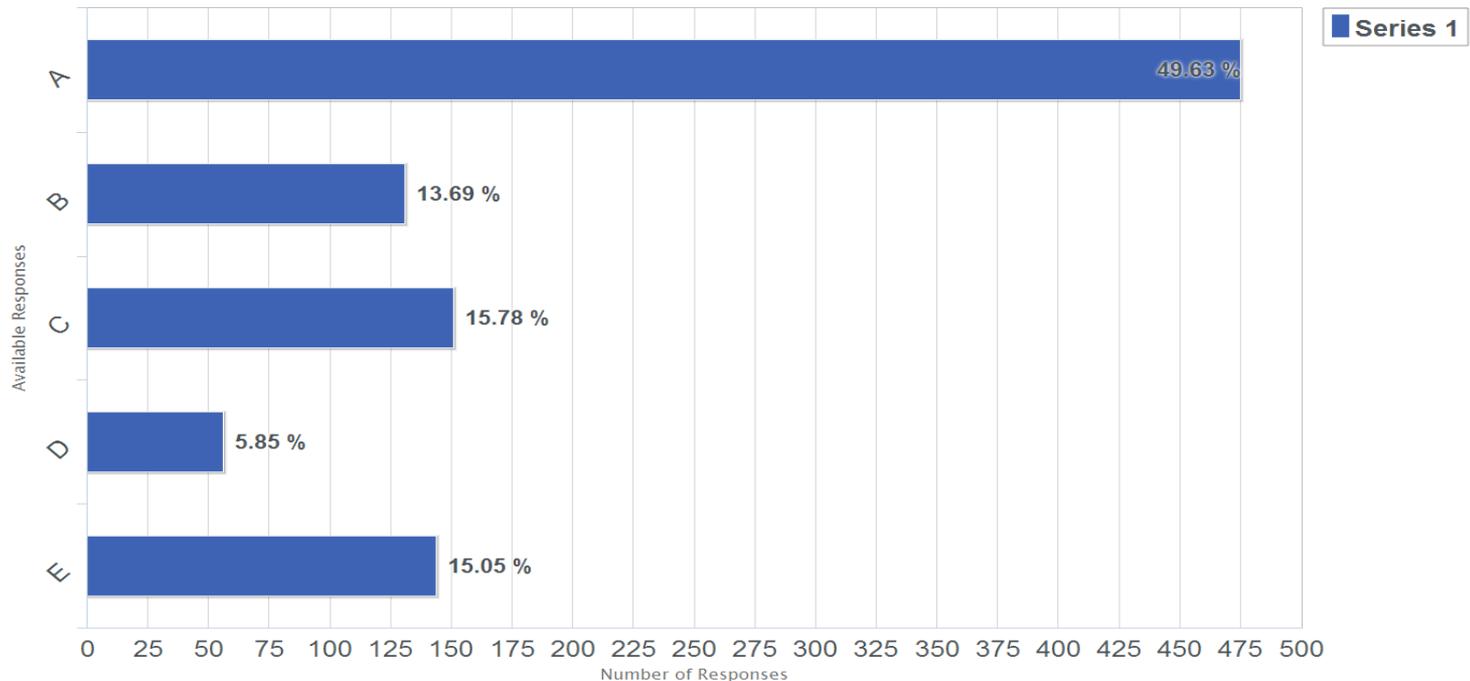
Issue 5: Should the Region regulate fares for taxi services?

Response	Frequency	Count
Do not set any fares	49.6%	475
Impose fares for all rides	13.7%	131
Set fares for taxis that provide a “hail/flag” service but do not impose a fee for a pre-booked service	15.8%	151
Set a minimum fare	5.9%	56
Set a maximum fare for “hail/flag” ride services	15.0%	144
Not Answered		23
Valid Responses		957
Total Responses		980



Region of Waterloo

Issue 5: Should the Region regulate fares for taxi services (cont'd)?



Available Responses:

- A. Do not set any fares
- B. Impose fares for all rides
- C. Set fares for taxis that provide a "hail/flag" service but do not impose a fee for a pre-booked service
- D. Set a minimum fare
- E. Set a maximum fare for "hail/flag" ride services



Region of Waterloo

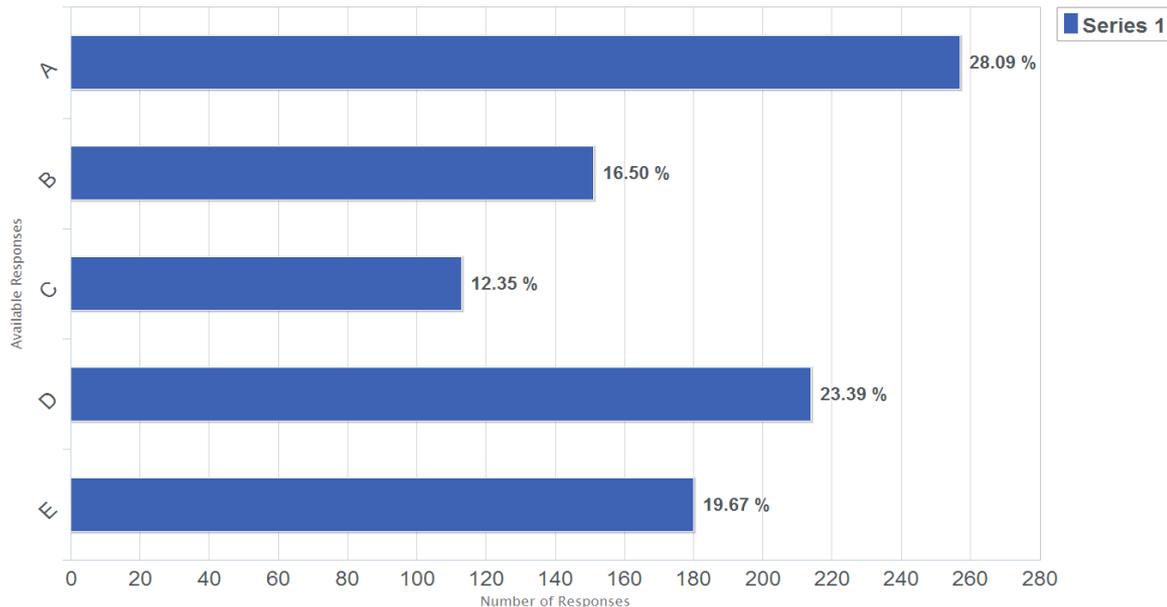
Issue 6: How should the Region govern and require accessible taxis?

Response	Frequency	Count
Keep the current rate/ratio of accessible vehicles for traditional taxi only	28.1%	257
Keep the current rate/ratio of accessible vehicles for traditional taxi and establish a rate/ratio for non-traditional taxis	16.5%	151
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	12.3%	113
Review and modify the current rate/ratio of accessible and establish a rate/ratio for non-traditional taxis	23.4%	214
Review and modify the current rate/ratio of accessible and require that non-traditional operation pay a fee in lieu of providing accessible service	19.7%	180
Not Answered		65
	Valid Responses	915
	Total Responses	980



Region of Waterloo

Issue 6: How should the Region govern and require accessible taxis (cont'd)?



Available Responses:

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



Region of Waterloo

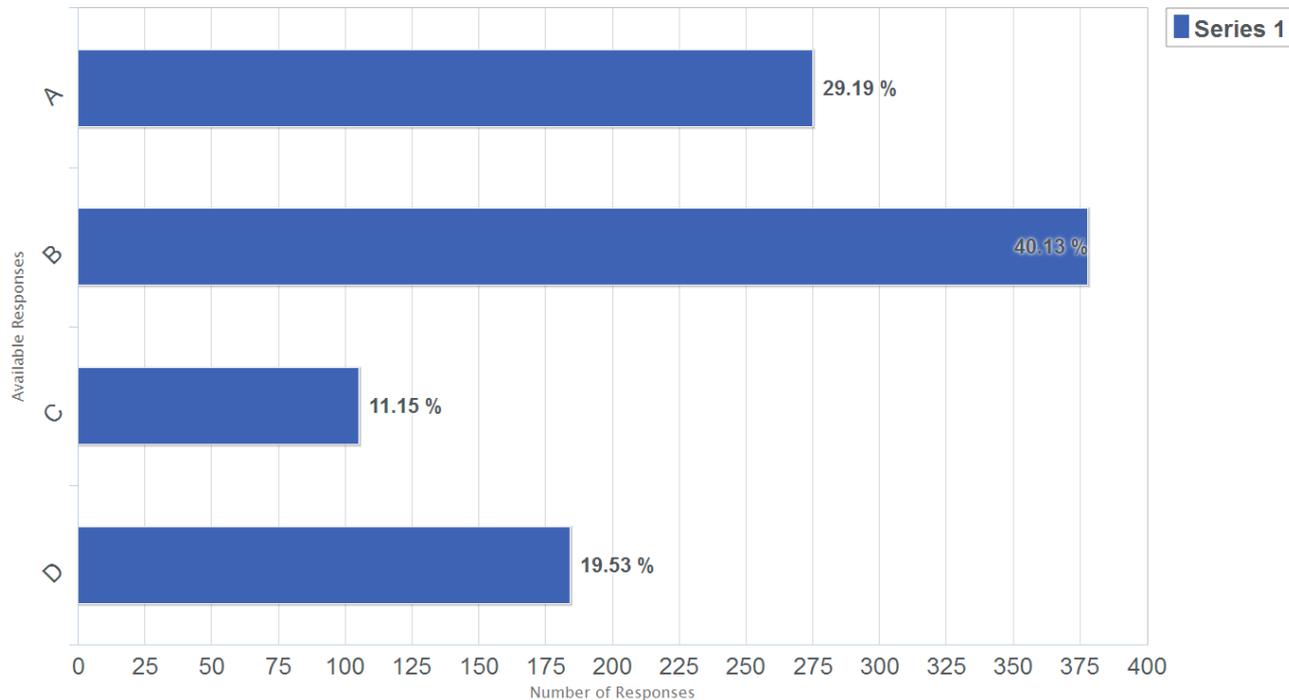
Issue 7: Should the Region require CCTV's in all vehicles?

Response	Frequency	Count
Regulate the installation of cameras in all vehicles.	29.2%	275
Do not regulate the installation of cameras but allow the brokers to decide if cameras are required	40.1%	378
Regulate the installation of cameras in taxis and non traditional taxis but do not require them in limousines	11.1%	105
Require the use of cameras only when a ride is a hailed ride, cameras would not be required when the ride is pre-booked	19.5%	184
Not Answered		38
	Valid Responses	942
	Total Responses	980



Region of Waterloo

Issue 7: Should the Region require CCTV's in all vehicles (cont'd)?



Available Responses:

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

End Notes and Resources

- ⁱ MaRS Solution Lab, Shifting Perspectives Redesigning Regulation for the Sharing Economy, March 2016
- ⁱⁱ MaRS Solution Lab, Shifting Perspectives Redesigning Regulation for the Sharing Economy, March 2016
- ⁱⁱⁱ MaRS Solution Lab, Shifting Perspectives Redesigning Regulation for the Sharing Economy, March 2016
- ^{iv} Emerging Issues in the Taxi and Limousine Industry, Sunil Johal, Sara Ditta & Noah Zon for the Mowat Centre, City of Ottawa Taxi and Limousine Regulation and Service Review, October 22, 2015
- ^v Emerging Issues in the Taxi and Limousine Industry, Sunil Johal, Sara Ditta & Noah Zon for the Mowat Centre, City of Ottawa Taxi and Limousine Regulation and Service Review, October 22, 2015
- ^{vi} Hara Associates, Taxi Economics – Old and New, prepared for the City of Ottawa, October 10, 2015
- ^{vii} Modernizing Regulation in the Canadian Taxi Industry, Competition Bureau, November 26, 2015
- ^{viii} MaRS Solution Lab, Shifting Perspectives Redesigning Regulation for the Sharing Economy, March 2016
- ^{ix} Modernizing Regulation in the Canadian Taxi Industry, Competition Bureau, November 26, 2015
- ^x MaRS Solution Lab, Shifting Perspectives Redesigning Regulation for the Sharing Economy, March 2016
- ^{xi} Modernizing Regulation in the Canadian Taxi Industry, Competition Bureau, November 26, 2015

References/Resources

1. City of Ottawa Taxi and Limousine Regulation and Service Review Policy Options, prepared by KPMG for the City of Ottawa, October 2015
2. City of Ottawa Taxi and limousine Regulation and Service Review prepared by KPMG for the City of Ottawa , December 31, 2015
http://documents.ottawa.ca/sites/documents.ottawa.ca/files/documents/TLRSR_final_report_en.pdf
3. Emerging Issues in the Taxi and Limousine Industry, Sunil Johal, Sara Ditta & Noah Zon for the Mowat Centre, City of Ottawa Taxi and Limousine Regulation and Service Review, October 22, 2015
http://documents.ottawa.ca/sites/documents.ottawa.ca/files/documents/otlrsr_emerging_issues_en.pdf
4. Ground Transportation Review Findings Report City of Toronto, September 2015
<http://www.toronto.ca/legdocs/mmis/2015/ls/bqrd/backgroundfile-83268.pdf>
5. Harnessing the Power of the Sharing Economy, Ontario Chamber of Commerce, August 25, 2015
<http://www.occ.ca/wp-content/uploads/2013/05/Harnessing-the-Power-of-the-Sharing-Economy.pdf>
6. Hara Associates, Taxi Economics – Old and New, prepared for the City of Ottawa, October 10, 2015
http://documents.ottawa.ca/sites/documents.ottawa.ca/files/documents/otlrsr_taxi_economics_en.pdf
7. MaRS Solution Lab, Shifting Perspectives Redesigning Regulation for the Sharing Economy, March 2016 <https://www.marsdd.com/systems-change/mars-solutions-lab/news/new-sharing-economy-redesigning-regulation-public-report/>
8. Modernizing Regulation in the Canadian Taxi Industry, Competition Bureau, November 26, 2015
<http://www.competitionbureau.gc.ca/eic/site/cb-bc.nsf/eng/04007.html>
9. Policy making for the Sharing Economy: Beyond Whack-A-Mole, Sunil Johal and Noah Zon, Mowat Centre, February 2015 Harnessing the Power of the Sharing Economy, Ontario Chamber of Commerce, August 25, 2015 <http://www.occ.ca/wp-content/uploads/2013/05/Harnessing-the-Power-of-the-Sharing-Economy.pdf>
10. Shared –Use Mobility Center, Shared Mobility and the Transformation of Public Transit, March 2016
<http://www.apta.com/resources/reportsandpublications/Documents/APTA-Shared-Mobility.pdf>

Staff also reviewed staff reports from Toronto, Ottawa, Edmonton, Calgary, Mississauga, London and Hamilton and many news articles.



Regional Municipality of Waterloo

Regional Clerk Licensing Hearings

Minutes

Wednesday, March 23, 2016

1:00 p.m.

Room 216

150 Frederick Street, Kitchener, Ontario

Present were: N. Andreev*, A. Apfelbaum, T. Brubacher, B. Chester*, K. Fletcher, A. Fuller, A. Khalil*, R. Petkovic*, L. Pucan, Z. Pulendzovski*, S. Rizvi*, M. Sima*

1. Licensing Hearing Opening Address – Regional Clerk, Kris Fletcher

Kris Fletcher, Regional Clerk, provided opening comments regarding the purpose of the hearings.

2. Rizvi, Syed – Golden Triangle Taxi Owner #5343

K. Fletcher provided an overview of the hearing process for S. Rizvi.

Evidence – A. Apfelbaum

Angelo Apfelbaum, Manager, Licensing and Enforcement, submitted the following evidence:

Exhibit A: Copy of the defendant's extended driving record from the Ministry of Transportation, Office of the Registrar of Motor Vehicles, dated April 29, 2015

Exhibit B: Certified copies of the three actions noted in the defendant's extended driving record

Exhibit C: Copy of a Warning Letter to the defendant dated February 11, 2008

Exhibit D: Copy of the Notice of Hearing provided to the defendant

Exhibit E: Copy of By-law 13-057 of the Regional Municipality of Waterloo

A. Apfelbaum stated that S. Rizvi's extended driving record contains three actions being speeding 65 KM/H in 50 KM/H zone, driving while holding or using a hand-held communication device, and failure/improper use of seat belt assembly. These three actions bring two demerit points.

A. Apfelbaum noted that S. Rizvi had previously received a letter warning him that future actions or demerit points could result in a hearing.

In response to a question from K. Fletcher, A. Apfelbaum stated that there is no indication that there are any new actions on S. Rizvi's extended driving record.

Reply Evidence from Defendant

Tim Brubacher, Hearing Clerk, affirmed S. Rizvi.

S. Rizvi explained that he drives an accessible van. He stated that the speeding offence was his mistake. When he was charged for holding a hand-held device he was only charging his phone. He noted that the seat belt offence occurred when he was only driving a short distance between calls.

In response to a question from K. Fletcher, S. Rizvi stated that he was not transporting passengers during any of the instances.

Bill Chester, Vice President, Golden Triangle Taxi, noted that since the 2008 warning letter S. Rizvi has had a clean record when driving for twelve hours a day.

A. Apfelbaum stated that the Highway Traffic Act exempts taxi-cab drivers from being required to wear a seat belt only while transporting a passenger for hire.

Closing Remarks and Recommendation – A. Apfelbaum

Based on the three actions, two demerit points, and the guidelines established by the Licensing and Hearings Committee, A. Apfelbaum recommended that the Regional Clerk place the defendant's taxi license on probation for a period of five (5) months to August 24, 2016, during which time monthly abstract checks will be conducted and the driver shall obey all the provisions of the Highway Traffic Act during that period. Any violation of those conditions would result in another hearing for the driver during which a recommendation for the suspension or revocation of their taxi license shall be made.

Regional Clerk's Decision

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That the Regional Clerk take the following action with respect to Taxi-cab Driver License #5343, Syed Rizvi:

- a) Syed Rizvi, the license holder, have his taxi-cab driver's license placed on probation for a period of 5 months to August 24, 2016, during which time monthly abstract checks will be conducted;
- b) For the period to August 24, 2016, shall obey all provisions of the Highway Traffic Act and;
- c) For the period to August 24, 2016, shall not receive any additional demerit points under the Highway Traffic Act;
- d) If found in contravention of any of these conditions, another hearing may be recommended where the probation period may be extended or the taxi-cab driver's license may be suspended or revoked.

K. Fletcher stated that this decision was based on the evidence provided by staff and past precedents. She noted that the lack of passengers, the length of time with a clean record, and that S. Rizvi is not regularly training drivers were mitigating factors.

K. Fletcher advised S. Rizvi to provide notice to his broker and the Region should any incidents occur in the future.

K. Fletcher outlined the appeal process for S. Rizvi.

* S. Rizvi and B. Chester left the hearing at 1:22 p.m.

3. Khalil, Afifi – United Taxi Limited Taxi Owner #5633

*A. Khalil and M. Sima entered the hearing at 1:32 p.m.

K. Fletcher provided an overview of the hearing process for A. Khalil.

Evidence – A. Apfelbaum

A. Apfelbaum submitted the following evidence:

Exhibit A: Copy of the defendant's extended driving record from the Ministry of Transportation, Office of the Registrar of Motor Vehicles, dated April 29, 2015

Exhibit B: Certified copies of the two actions noted in the defendant's extended driving record.

Exhibit C: Copy of the defendant's extended driving record from the Ministry of Transportation, Office of the Registrar of Motor Vehicles, dated March 23, 2016

Exhibit D: Copy of a Warning Letter to the defendant dated December 14, 2012

2093279

Exhibit E: Copy of the Notice of Hearing provided to the defendant

Exhibit F: Copy of By-law 13-057 of the Regional Municipality of Waterloo

A. Apfelbaum stated that A. Khalil's extended driving record dated April, 29 2015 contains two actions being failing to come to a stop at intersection, and speeding 75 KM/H in a 50 KM/H zone. These two actions bring six demerit points. A. Apfelbaum noted that an additional extended driving record was obtained, dated March, 23 2016. The new extended driving record contains an additional action being fail to share road – when overtaking.

A. Khalil agreed to address the new charge at this hearing.

Reply Evidence from Defendant

T. Brubacher swore in A. Khalil.

T. Brubacher swore in Mike Sima, President, United Taxi.

A. Khalil explained that the failure to stop occurred near his house when he was not in service. He disagreed with the officer's assertion that he failed to stop. He stated that the action for failure to share the road occurred when he did not see a cement island dividing a lane in time to stop. This caused significant damage to the underside of the car resulting in it being towed.

In response to a question from K. Fletcher, A. Khalil stated that he does not train any drivers. M. Sima provided an overview of the training provided by the company for new drivers and stated that there is no refresher training offered.

Closing Remarks and Recommendation – A. Apfelbaum

A. Apfelbaum noted that A. Khalil had a clean record prior to the warning letter issued in 2012. He also stated that in the most recent abstract the demerit points for the 2013 action have been dropped.

Based on the three actions and five demerit points on the most recent abstract and the guidelines established by the Licensing and Hearings Committee, A. Apfelbaum recommended that the Regional Clerk place the defendant's taxi license on probation for a period of eight (8) months to November 24, 2016, 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 which a recommendation for the suspension or revocation of his taxi license shall be made.

Regional Clerk's Decision

That the Regional Clerk take the following action with respect to Taxi-cab Driver License #5633, Afifi Khalil:

- a) Afifi Khalil, the license holder, have his taxi-cab driver's license placed on probation for a period of seven (7) months to October 24, 2016, during which time monthly abstract checks will be conducted;
- b) For the period to October 24, 2016, shall obey all provisions of the Highway Traffic Act and;
- c) For the period to October 24, 2016, shall not receive any additional demerit points under the Highway Traffic Act;
- d) If found in contravention of any of these conditions, another hearing may be recommended where the probation period may be extended or the taxi-cab driver's license may be suspended or revoked.

K. Fletcher stated that this decision was based on the points coming off of the most recent extended driving record. She noted that it was very important for A. Khalil to immediately report any new actions to the Region.

K. Fletcher outlined the appeal process for A. Khalil.

*A. Khalil and M. Sima left the hearing at 2:00 p.m.

4. Andreev, Nikolai – City Cabs Taxi Driver #5894

*N. Andreev entered the hearing at 2:04 p.m.

K. Fletcher provided an overview of the hearing process for N. Andreev.

Evidence – A. Apfelbaum

A. Apfelbaum submitted the following evidence:

Exhibit A: A Copy of a probation order issued to N. Andreev dated March 31, 2010

Exhibit B: A Copy of the defendant's extended driving record from the Ministry of Transportation, Office of the Registrar of Motor Vehicles dated May 15, 2015

Exhibit C: Certified copies of the five actions noted in the defendant's extended driving record.

Exhibit D: Highway Traffic Act Regulation 613, Seat Belt Assemblies

Exhibit E: Copy of By-law 13-057 of the Regional Municipality of Waterloo

Exhibit F: Copy of a Warning Letter issued to the defendant dated February 2, 2009

A. Apfelbaum noted that N. Andreev was on probation for a period of seven (7) months from March 31, 2010 to October 31, 2010. This probation was issued for four actions and three demerit points being speeding 55 KM/H in a 40 KM/H zone, speeding 75 KM/H in a 60 KM/H zone, fail to have insurance card, speeding 85 KM/H in a 60 KM/H zone.

He stated that N. Andreev's current extended driving record contains four actions being failure/improper use seat belt assembly, speeding 129 KM/H in 100 KM/H zone, speeding 120 KM/H in 100 KM/H zone and improper left turn – multiple lane highway. These offences carry 8 demerit points.

Reply Evidence from Defendant

T. Brubacher swore in N. Andreev.

N. Andreev stated that he did not remember if he had a passenger when charged for failing to wear a seatbelt. He noted that the two speeding actions were not in a taxi-cab. He did have a passenger for the improper left turn, but noted that he was taking them to the hospital and needed to make a quick turn.

N. Andreev advised that three of the demerit points have expired. A. Apfelbaum confirmed that this is true.

In response to a question from K. Fletcher, N. Andreev stated that City Cabs checks his driving record every six months and that he does not always advise them of new actions. He noted that he received a ticket earlier in the day but may choose to contest it.

K. Fletcher noted that she was disappointed at the lack of representation from City Cabs.

Closing Remarks and Recommendation – A. Apfelbaum

A. Apfelbaum stated that the fact that some demerit point have come off is a mitigating factor. However, he noted that the previous probation period and the eight points that
2093279

were on the record at the time of the initial run is a serious issue. Despite the fact that the guidelines provide for a suspension at nine points, he noted that the lack of change in N. Andreev's behaviour increases the severity of the situation. Based on this A. Apfelbaum recommended that the Regional Clerk temporarily suspend the defendant's taxi license for a five (5) day period and place the defendant's taxi license on probation for a period of twelve (12) months to March 24, 2017, 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 which a recommendation for the suspension or revocation of their taxi license shall be made.

Regional Clerk's Decision

That the Regional Clerk take the following action with respect to Taxi-cab Driver License #5894, Nikolai Andreev:

- a) Nikolai Andreev, the license holder, have his taxi-cab driver's license temporarily suspended for a period of three (3) days, to be determined by Angelo Apfelbaum, Manager, Licensing and Enforcement Services;
- b) the license holder have his taxi-cab driver's license placed on probation for a period of twelve (12) months to March 24, 2017, during which time monthly abstract checks will be conducted;
- c) the license holder, for the period to March 24, 2017, shall obey all provisions of the "Highway Traffic Act" while operating a taxi-cab;
- d) the license holder, for the period to March 24, 2017 shall not receive any additional demerit points under the "Highway Traffic Act"
- e) if the license holder is charged under the "Highway Traffic Act" during the probation period, the license holder is required to immediately report such charges to the Manager, Licensing and Enforcement;
- f) if the license holder has been charged with any offence under the "Highway Traffic Act" that is not currently appearing on the license holder's extended driving record, the licence holder is required to immediately report such charges to the Manager, Licensing and Enforcement; and
- g) should the license holder be found in contravention of any of these conditions for the period to March 24, 2017, the licence holder be required to appear before a

hearing of the Licensing and Hearings Committee where the probation period may be extended or the taxi-cab driver's license may be suspended or revoked.

K. Fletcher stated that this decision is based on the severity of the situation and the previous probation period. She noted that she was reducing the recommended suspension period due to the removal of the demerit points. She further noted that, should the charge mentioned by N. Andreev during the hearing appear on a driver's abstract during the probation period, it will not be grounds for an additional hearing.

K. Fletcher outlined the appeal process for N. Andreev.

*N. Andreev left the hearing at 2:35 p.m.

*R. Petkovic entered the hearing at 2:35 p.m.

K. Fletcher provided an overview of the decision for R. Petkovic. He agreed to meet with A. Apfelbaum to arrange for appropriate dates for N. Andreev's suspension.

*R. Petkovic left the hearing at 2:37 p.m.

4. Pulenzovski, Zivko– Golden Triangle Driver #6819

*Z. Pulenzovski and B. Chester entered the hearing at 2:38 p.m.

B. Chester noted that Z. Pulenzovski has not completed his training and is not officially a part time driver at this time. He also noted that the licence number provided to Golden Triangle was incorrectly noted as #6818 and should have been #6819.

K. Fletcher provided an overview of the hearing process for Z. Pulenzovski.

Evidence – A. Apfelbaum

A. Apfelbaum submitted the following evidence:

Exhibit A: Copy of the defendant's extended driving record from the Ministry of Transportation, Office of the Registrar of Motor Vehicles dated May 25, 2015

Exhibit B: Certified copies of the two actions noted in the defendant's extended driving record.

Exhibit C: Copy of By-law 13-057 of the Regional Municipality of Waterloo

Exhibit D: Copy of the defendant's extended driving record from the Ministry of Transportation, Office of the Registrar of Motor Vehicles dated March 23, 2016

Exhibit E: Copy of the Notice of Hearing provided to the defendant

A. Apfelbaum stated that Z. Pulendzovski's extended driving record contains two actions being disobeying legal sign and speeding 123 KM/H in 100 KM/H zone. These two actions bring five demerit points. He noted that the updated extended driving record contains an additional action being speeding 60 KM/H in a 50 KM/H zone but that all of the demerit points have come off.

Reply Evidence from Defendant

T. Brubacher swore in Z. Pulendzovski

Z. Pulendzovski stated that the failure to obey legal sign occurred on Highway 401 when he entered on a ramp that was open although the Highway was closed. The first speeding offence occurred on Highway 401 when he was intimidated by truck and sped up for safety.

B. Chester noted that Z. Pulendzovski has not yet started driving for the company. He provided an overview of the training required by the company for new drivers.

Closing Remarks and Recommendation – A. Apfelbaum

Based on the removal of the demerit points and that the defendant has not begun driving for Golden Triangle, A. Apfelbaum recommended that the Regional Clerk issue no probation period for the defendant's taxi license.

Regional Clerk's Decision

That the Regional Clerk requires Golden Triangle Taxi to provide notice to the Regional Clerk, should Zivko Pulendzovski complete the initial driver training required by Golden Triangle Taxi, prior to permitting Zivko Pulendzovski to operate a taxi-cab.

K. Fletcher stated that this was due to Z. Pulendzovski not currently driving for the company, but she directed staff to review the situation should Z. Pulendzovski complete his training.

* Z. Pulendzovski and B. Chester left the hearing at 3:05 p.m.

6. Adjourn

The hearings adjourned at 3:05 p.m.

Hearing Clerk, T. Brubacher

Regional Clerk, K. Fletcher



Regional Municipality of Waterloo
Regional Clerk Licensing Hearings
Minutes

Thursday, March 24, 2016

2:02 p.m.

Room 218

150 Frederick Street, Kitchener, Ontario

Present were: A. Apfelbaum, T. Brubacher, G. Drmac*, K. Fletcher, A. Fuller, H. Keller*, M. Maslenjak*, P. Neufeld*, R. Petkovic*, L. Pucan, M. Sima* and H. Yebetit*

1. Licensing Hearing Opening Address – Regional Clerk, Kris Fletcher

Kris Fletcher, Regional Clerk, provided opening comments regarding the purpose of the hearings.

2. Yebetit, Hadembes – United Taxi Limited Driver #6516

K. Fletcher provided an overview of the hearing process for Y. Hadembes

Evidence – A. Apfelbaum

Angelo Apfelbaum, Manager, Licensing and Enforcement, submitted the following evidence:

Exhibit A: Copy of the defendant's extended driving record from the Ministry of Transportation, Office of the Registrar of Motor Vehicles, dated July 8, 2015

Exhibit B: Certified copies of the five actions noted in the defendant's extended driving record.

Exhibit C: Copy of the defendant's extended driving record from the Ministry of Transportation, Office of the Registrar of Motor Vehicles, dated March 23, 2016

Exhibit D: Copy of the Notice of Hearing provided to the defendant

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Exhibit E: Copy of By-law 13-057 of the Regional Municipality of Waterloo

A. Apfelbaum stated that H. Yebetit's extended driving record contains four actions being failure to stop before entering intersection, driving while holding or using a hand-held communication device, failure to come to a stop at intersection, disobey legal sign. These four actions bring five demerit points.

In response to a question from K. Fletcher, A. Apfelbaum stated that failure to stop before entering intersection would be a charge where there was no stopping, whereas failure to come to a stop at intersection would be for a "rolling stop."

Reply Evidence from Defendant

Tim Brubacher, Hearing Clerk, affirmed H. Yebetit.

H. Yebetit explained that the action for failure to stop before entering intersection was in relation to a red light where he could not stop in time. He stated that the last two actions were in a taxi-cab but there were no passengers at the time. He did not notify his broker of the incidents.

Closing Remarks and Recommendation – A. Apfelbaum

Based on the four actions, five demerit points, and the guidelines established by the Licensing and Hearings Committee, A. Apfelbaum recommended that the Regional Clerk place the defendant's taxi license on probation for a period of nine (9) months to December 25, 2016, during which time monthly abstract checks will be conducted and the driver shall obey all the provisions of the Highway Traffic Act during that period. Any violation of those conditions would result in another hearing for the driver during which a recommendation for the suspension or revocation of their taxi license shall be made.

Regional Clerk's Decision

That the Regional Clerk take the following action with respect to Taxi-cab Driver License #6516, Hadembes Yebetit:

- a) Hadembes Yebetit, the license holder, have his taxi-cab driver's license placed on probation for a period of nine (9) months to December 25, 2016, during which time monthly abstract checks will be conducted;
- b) The license holder, for the period to December 25, 2016, shall obey all provisions of the Highway Traffic Act and;
- c) The license holder, for the period to December 25, 2016, shall not receive any additional demerit points under the Highway Traffic Act;
- d) If found in contravention of any of these conditions, another hearing may be recommended where the probation period may be extended or the taxi-cab driver's license may be suspended or revoked.

K. Fletcher stated that this decision was based on the evidence provided by staff and past precedents. She advised H. Yebetit to watch his driving especially actions at intersections, and to report any incidents to the Region immediately should they occur.

K. Fletcher outlined the appeal process for H. Yebetit.

*H. Yebetit left the hearing at 2:17 p.m.

3. Drmac, Goran – United Taxi Limited Taxi Owner #5237

*G. Drmac entered the hearing at 2:20 p.m.

K. Fletcher provided an overview of the hearing process for G. Drmac.

Evidence – A. Apfelbaum

A. Apfelbaum submitted the following evidence:

Exhibit A: Copy of the defendant's extended driving record from the Ministry of Transportation, Office of the Registrar of Motor Vehicles, dated July 30, 2015

Exhibit B: Certified copies of the five actions noted in the defendant's extended driving record.

Exhibit C: Copy of the defendant's extended driving record from the Ministry of Transportation, Office of the Registrar of Motor Vehicles, dated March 23, 2016

Exhibit D: Copy of the Notice of Hearing provided to the defendant

Exhibit E: Copy of By-law 13-057 of the Regional Municipality of Waterloo

A. Apfelbaum stated that G. Drmac's 2015 extended driving record contains five actions being failure/improper use seat belt assembly, speeding 65 KM/H in 50 KM/H zone, speeding 64 KM/H in 50 KM/H zone, speeding 65 KM/H in 50 KM/H zone, and failure to have insurance card. These five actions carry no demerit points.

A. Apfelbaum noted that in the more recent extended driving record two of the actions have been removed but a new action for 65 KM/H in 50 KM/H zone has been added.

G. Drmac agreed to address the new action at this hearing.

Reply Evidence from Defendant

T. Brubacher swore in G. Drmac.

G. Drmac stated that the seatbelt infraction occurred while he was wearing the seatbelt but it was not visible over his black shirt. He was advised to settle. He stated that the speeding actions occurred at the end of his shifts when there was very little traffic on the

roads. G. Drmac advised that the action for failure to have insurance card occurred when the card was delayed in the mail and he was stopped as a part of a routine stop.

T. Brubacher swore in Mike Sima, President, United Taxi.

M. Sima stated that, while G. Drmac may have a lead foot at times, he is one of the company's best owners in terms of customer service.

Closing Remarks and Recommendation – A. Apfelbaum

A. Apfelbaum noted that the lack of previous warnings to G. Drmac is a mitigating factor.

Based on the five actions from the initial abstract, the additional action in the recent abstract, and the guidelines established by the Licensing and Hearings Committee, A. Apfelbaum recommended that the Regional Clerk place the defendant's taxi license on probation for a period of five (5) months to August 25, 2016, 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 which a recommendation for the suspension or revocation of his taxi license shall be made.

Regional Clerk's Decision

That the Regional Clerk take the following action with respect to Taxi-cab Driver License #5237, Goran Drmac:

- a) Goran Drmac, the license holder, have his taxi-cab driver's license placed on probation for a period of five (5) months to August 25, 2016, during which time monthly abstract checks will be conducted;
- b) The license holder, for the period to August 25, 2016, shall obey all provisions of the Highway Traffic Act and;
- c) The license holder, for the period to August 25, 2016, shall not receive any additional demerit points under the Highway Traffic Act;
- d) If found in contravention of any of these conditions, another hearing may be recommended where the probation period may be extended or the taxi-cab driver's license may be suspended or revoked.

K. Fletcher stated that this decision was based on considering the most recent incident but no probation time for the failure to have an insurance card. She advised G. Drmac to avoid speeding and should any charges occur she would like them to be immediately reported to the Region and his broker.

K. Fletcher outlined the appeal process for G. Drmac.

*G. Drmac and M. Sima left the hearing at 2:45 p.m.

4. Maslenjak, Miodrag – City Cabs Taxi Owner #4766

*M. Maslenjak and R. Petkovic entered the hearing at 3:00 p.m.

K. Fletcher provided an overview of the hearing process for M. Maslenjak.

Evidence – A. Apfelbaum

A. Apfelbaum submitted the following evidence:

Exhibit A: Copy of the defendant's extended driving record from the Ministry of Transportation, Office of the Registrar of Motor Vehicles, dated September 4, 2015

Exhibit B: Certified copies of the three actions noted in the defendant's extended driving record.

Exhibit C: Copy of the defendant's extended driving record from the Ministry of Transportation, Office of the Registrar of Motor Vehicles, dated March 23, 2016

Exhibit D: Copy of the Notice of Hearing provided to the defendant

Exhibit E: Copy of By-law 13-057 of the Regional Municipality of Waterloo

Exhibit F: Copy of Highway Traffic Act Regulation 613, Seat Belt Assemblies

A. Apfelbaum stated that M. Maslenjak's 2015 extended driving record contains three actions being speeding 65 KM/H in 50 KM/H zone, speeding 70 KM/H in 50 KM/H zone and failure/improper use seat belt assembly. These actions bring five demerit points.

A. Apfelbaum stated that the extended driving record run on March 23, 2016 contains two additional actions being speeding 55 KM/H in 40 KM/H zone and failure to have insurance card. These actions bring no new demerit points.

He noted that there are no previous issues on file for M. Maslenjak

Reply Evidence from Defendant

T. Brubacher swore in M. Maslenjak.

M. Maslenjak stated that the seatbelt action occurred when he had a customer in the taxi-cab. He attempted to explain the exemption under the Highway Traffic Act but it was not accepted by the officer or the Crown Attorney. He noted that the failure to have insurance was in his private vehicle when the slips were confused.

In response to a question from K. Fletcher, M. Maslenjak stated that he is not currently training drivers, but he does provide training to new drivers on how to operate taxi equipment.

K. Fletcher recommended that brokers provide their drivers with copies of Regulation 613.

Closing Remarks and Recommendation – A. Apfelbaum

Based on the five actions, five demerit points, and the guidelines established by the Licensing and Hearings Committee, A. Apfelbaum recommended that the Regional Clerk place the defendant's taxi license on probation for a period of ten (10) months to January 25, 2017, during which time monthly abstract checks will be conducted and the driver shall obey all the provisions of the Highway Traffic Act during that period. Any violation of those conditions would result in another hearing for the driver during which a recommendation for the suspension or revocation of their taxi license shall be made.

Regional Clerk's Decision

That the Regional Clerk take the following action with respect to Taxi-cab Driver License #4766, Miodrag Maslenjak:

- a) Miodrag Maslenjak, the license holder, have his taxi-cab driver's license placed on probation for a period of nine (9) months to December 25, 2016, during which time monthly abstract checks will be conducted;
- b) The license holder, for the period to December 25, 2016, shall obey all provisions of the "Highway Traffic Act" while operating a taxi-cab;
- c) The license holder, for the period to December 25, 2016 shall not receive any additional demerit points under the "Highway Traffic Act";
- d) If found in contravention of any of these conditions, another hearing may be recommended where the probation period may be extended or the taxi-cab driver's license may be suspended or revoked.

K. Fletcher stated that this decision was based on the evidence provided by staff. But she reduced the probation period based on consideration for the confusion of the insurance card and the lack of previous issues. She recommended that City Cabs not use him for training purposes during the probation period.

K. Fletcher outlined the appeal process for M. Maslenjak.

* M. Maslenjak and R. Petkovic left the hearing at 3:25 p.m.

5. Keller, Hal – Waterloo Taxi Driver #6301

*H. Keller entered the hearing at 3:34 p.m.

K. Fletcher provided an overview of the hearing process for H. Keller.

Evidence – A. Apfelbaum

A. Apfelbaum submitted the following evidence:

Exhibit A: Copy of the defendant's extended driving record from the Ministry of Transportation, Office of the Registrar of Motor Vehicles, dated July 27, 2015

Exhibit B: Certified copies of the two actions noted in the defendant's extended driving record.

Exhibit C: Copy of the defendant's extended driving record from the Ministry of Transportation, Office of the Registrar of Motor Vehicles, dated March 23, 2016

Exhibit D: Copy of the Notice of Hearing provided to the defendant

Exhibit E: Copy of By-law 13-057 of the Regional Municipality of Waterloo

Exhibit F: Copy of a Warning Letter issued to the defendant dated February 24, 2011

A. Apfelbaum stated that H. Keller's extended driving record contains two actions being driving or operating vehicle on closed highway and passing on right – unsafe conditions/off roadway. These two actions bring three demerit points. There are no new actions in the 2016 extended driving record.

Reply Evidence from Defendant

T. Brubacher swore in H. Keller

H. Keller stated that none of the incidents occurred in a cab. He explained that the action for driving on a closed road occurred when he approached an officer to inquire when he could access a property located on the closed road. He received a ticket at that point.

Closing Remarks and Recommendation – A. Apfelbaum

Based on the two actions, three demerit points, previous warning, and the guidelines established by the Licensing and Hearings Committee, A. Apfelbaum recommended that the Regional Clerk place the defendant's taxi license on probation for a period of five (5) months to August 25, 2016, during which time monthly abstract checks will be conducted and the driver shall obey all the provisions of the Highway Traffic Act during that period. Any violation of those conditions would result in another hearing for the driver during which a recommendation for the suspension or revocation of their taxi license shall be made.

Regional Clerk's Decision

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That the Regional Clerk take the following action with respect to Taxi-cab Driver License #6301, Hal Keller:

- a) Hal Keller, the license holder, have his taxi-cab driver's license placed on probation for a period of four (4) months to July 25, 2016, during which time monthly abstract checks will be conducted;
- b) The license holder, for the period to July 25, 2016 shall obey all provisions of the "Highway Traffic Act" while operating a taxi-cab;
- c) The license holder, for the period to July 25, 2016 shall not receive any additional demerit points under the "Highway Traffic Act";
- d) If found in contravention of any of these conditions, another hearing may be recommended where the probation period may be extended or the taxi-cab driver's license may be suspended or revoked.

K. Fletcher stated that the decision was based on the evidence presented by staff but that the probation period was reduced by a month in consideration of the circumstances regarding the closed road action.

K. Fletcher outlined the appeal process for H. Keller.

* H. Keller left the hearing at 3:46 p.m.

6. Adjourn

The hearings adjourned at 3:47 p.m.

Hearing Clerk, T. Brubacher

Regional Clerk, K. Fletcher