



REGIONAL MUNICIPALITY OF WATERLOO LICENSING AND RETAIL COMMITTEE MINUTES

Monday, May 30, 2011
3:30 p.m.
Regional Council Chamber
150 Frederick Street, 2nd Floor

Present were: L. Armstrong, *D. Craig, G. Lorentz, *J. Mitchell, *K. Seiling and J. Wideman

Regional Chair K. Seiling assumed the chair to conduct elections for the Committee Chair and Vice-Chair.

ELECTION OF CHAIR AND VICE-CHAIR

MOVED by J. Wideman
SECONDED by D. Craig

THAT Councillor Geoff Lorentz be nominated and accepted as Chair of the Licensing and Retail Committee.

CARRIED

MOVED by J. Wideman
SECONDED by D. Craig

THAT Councillor Les Armstrong be nominated and accepted as Vice-Chair of the Licensing and Retail Committee.

CARRIED

G. Lorentz assumed the chair.

DECLARATIONS OF PECUNIARY INTEREST UNDER THE MUNICIPAL CONFLICT OF INTEREST ACT

None declared.

DELEGATIONS

Re: Report CR-CLK-LIC-11-001

a) David Byers, United Taxi and Waterloo Region Taxi Association

D. Byers expressed frustration at the process of requesting/receiving a tariff adjustment, asserting that the taxi industry wouldn't request an increase in the tariff if it wasn't good for the consumer. He noted the recent history of tariff adjustments, and that prior to the most recent adjustment the average \$10 fare would require remittance of \$0.40 for GST, whereas the same fare currently stands at \$10.20 with \$1.17 remitted for HST. He related the lack of buying power of individual taxi drivers, and noted the substantial increase in insurance premiums in recent

years. He observed that gas prices appear to be continuously increasing, and related an anecdote highlighting the hazards of working in the taxi industry.

b) Tony Rodrigues, Waterloo Taxi

T. Rodrigues questioned the premise of deferring decision on a tariff adjustment to Fall 2011 based on the volatility of fuel prices, as that volatility doesn't appear to be going away and also that gas pricing is not the only issue in the tariff adjustment request. He noted that the taxi industry has achieved internal efficiencies in its operations, and that suppliers of the industry are reluctant to provide discounts on volume purchasing for fuel. He indicated that following exhaustion of those options, the industry is requesting a price adjustment. He highlighted issues that confound comparison to the taxi industry in other jurisdictions, and also asserted that the collection of HST has resulted in a hardship upon the industry.

T. Rodrigues asked why Grand River Transit is mentioned under Financial Implications in the report from staff. He requested that the Committee not defer decision on the tariff adjustment request.

The Committee asserted the need to work cooperatively with the taxi industry to adjust tariffs as necessary. T. Rodrigues emphasized that a multitude of factors are involved in the request to adjust tariffs. He related his own experience with taxi customers with regard to the reaction to the most recent tariff change, and suggested that customers may not have been aware of the HST adjustment within the amended tariffs. He affirmed the notion of working with the Region to come to an agreement on taxi tariffs, and suggested that if the requested tariff change were approved at this meeting then the industry would be unlikely to return with another similar request in the near future.

REPORTS – Corporate Resources

a) CR-CLK-LIC-11-001, Request for Taxi-Cab Meter Tariffs Increase

Marty Sawdon, Administrator, Licensing and Enforcement Services, observed that staff had taken a great deal of time to consider the request of the taxi industry and affirmed that the decision was not taken lightly. He illustrated staff concern with respect to the tariff adjustment, as it would relate to the volatility of gasoline prices, and related conflicting predictions of future gasoline prices. The major concern of staff in granting a tariff adjustment is with respect to the potential frequency of tariff adjustments, given the volatility of input prices such as fuel and the desire of consumers for stability in tariffs.

M. Sawdon indicated that Grand River Transit was noted in the staff report because it is a Regional service which uses taxi-cabs to supplement its service, and a tariff increase would have a financial impact on Grant River Transit.

The Committee asked what is required administratively to implement a tariff increase, and M. Sawdon responded that staff would need to adjust approximately 340 taxi meters, to certify the meters, and then for staff from Licensing and Enforcement Services to reseal the meter. He emphasized that consumers can be confused by the change in their taxi fare with tariff adjustments.

The Committee obtained clarification on tendering with regard to school transportation services.

The Committee asked the ideal frequency to examine and adjust taxi tariffs, and M. Sawdon responded that the normal frequency in the province would be approximately once every two

years. Kris Fletcher, Director, Council and Administrative Services/Regional Clerk noted that the most recent tariff increase occurred with the implementation of the HST in 2010, which took into consideration the HST though not necessarily to the satisfaction of the taxi industry. She related that staff's view at the time of the most recent tariff adjustment was that the adjustment took into consideration and equalized a number of factors, including the HST implementation and the decrease in GST.

The Committee asked the volatility of insurance premiums for the taxi industry, and M. Sawdon responded that the insurance companies do not provide a breakdown of rates for taxi cabs, that the companies are required to have the provincial government approve their rates, and that the rates have generally increased in recent years.

*J. Mitchell entered the meeting at 3:50 p.m.

A member of the Committee suggested granting a smaller tariff increase than requested based on the increase of non-volatile taxi operating costs, and reviewing the tariff again in Fall 2011. The Committee asked the actual costs of implementing a tariff increase, and M. Sawdon provided an overview of the factors involved in the cost without providing an exact figure. The Committee observed that any increase in the tariffs would require a public meeting prior to their implementation.

The Committee examined the notion of holding a public meeting on the adjustment of taxi tariffs in September 2011, with staff providing a recommendation on tariffs for that meeting. It was noted that the figures for gasoline, insurance etc., may change in the time to September 2011.

MOVED by D. Craig
SECONDED by J. Wideman

THAT the Licensing and Retail Committee defer decision on the request for a taxi-cab meter tariffs increase to a public meeting of the Committee to be scheduled for September 2011.

CARRIED

The Committee directed staff to provide a full costing of implementing adjustments to the taxi-cab tariffs for the September meeting.

b) CR-CLK-LIC-11-002, 2010 Annual Report for Licensing and Enforcement Services (LES)

Received for Information.

M. Sawdon noted two corrections to figures in the report, noting that one charge was laid against a limousine and five charges were laid at the landfill. He emphasized that heavy involvement of Regional staff in enforcement of the sign by-law during the 2010 municipal election period.

*K. Seiling left the meeting at 4:03 p.m.

The Committee asked when the Regional sign by-law review would take place, and K. Fletcher indicated that the review is anticipated in Fall 2011.

The Committee asked why taxi-cab meter inspections dropped significantly from 2009 to 2010, and M. Sawdon indicated that the 2009 figure includes the mass resealing of meters which did not occur in 2010.

c) CR-CLK-LIC-11-004, Annual Report – 2010 Regional (Area) Weed Inspector

Received for Information.

M. Sawdon provided an overview of the report, noting that the giant hogweed reduction program was a success and will be expanded for 2011. He provided details of the weeds on the provincial list of noxious weeds.

The Committee asked about the spraying of rural roads for noxious weeds, and M. Sawdon indicated that staff discussion is ongoing as to the necessity of spraying.

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

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

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

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

LICENSING HEARINGS

a) BRODERICK, Gary – City Cabs Taxi Driver License #5461

M. Sawdon indicated that the driver requested that the hearing be adjourned to a later date.

MOVED by J. Wideman
SECONDED by L. Armstrong

THAT the Licensing and Retail Committee adjourn sine die the Licensing Hearing with respect to Taxi-cab Driver License #5461, Gary Broderick.

CARRIED

b) GREWAL, Kuldeep - United Taxi Limited Taxi-cab Driver License #5860

- Evidence – M. Sawdon

The Committee Clerk swore in the defendant.

M. Sawdon submitted the following evidence:

Exhibit A: Copy of the driver's taxi-cab driving license.

Exhibit B: Certified copy of owner's extended driving record from the Ministry of Transportation, Office of the Registrar of Motor Vehicles

Exhibit C: Copy of probation letter to K. Grewal dated April 9, 2010

- Recommendation - M. Sawdon

M. Sawdon recommended that the Licensing and Retail Committee place the taxi driver's license on probation for fourteen (14) months, until July 30, 2012, with monthly abstract checks during that time, and that the defendant shall obey all provisions of the *Highway Traffic Act* while operating a taxi-cab, and that the driver shall not receive any additional demerit points under the *Highway Traffic Act*. Further, he recommended that any additional moving violations or demerit points during that period will result in another hearing with a recommendation for suspension or revocation of the Regional taxi-cab driver's license.

- Reply evidence from defendant

K. Grewal expressed regret at his driving record, and asserted that he would improve his record in the future. He indicated driving a taxi was his full time occupation.

- Committee discussion and recommendation

Members of the Committee expressed discontent at the driver's record, and indicated that additional offenses during the probationary period would not be treated lightly.

MOVED by L. Armstrong

SECONDED by J. Wideman

THAT the Licensing and Retail Committee take the following action with respect to Taxi-cab Driver License #5860, Kuldeep Grewal:

- a) Kuldeep Grewal, the license holder, be placed on probation for fourteen (14) months effective May 30, 2011, during which time monthly abstract checks will be conducted;
- b) the license holder, for a period of fourteen (14) months shall obey all provisions of the *Highway Traffic Act* while operating a taxi-cab, and
- c) the license holder, for a period of fourteen (14) months shall not to receive any additional demerit points under the *Highway Traffic Act*.
- d) any additional moving violations or demerit points during this probation period will result in another hearing before the Committee with a recommendation for a suspension or revocation of the Regional taxi-cab driver's license.

CARRIED

c) GREWAL, Simardeep – City Cabs Taxi Driver License #5650

- Evidence – M. Sawdon

The Committee Clerk swore in the defendant.

M. Sawdon submitted the following evidence:

Exhibit A: Copy of the driver's taxi-cab driving license.

Exhibit B: Certified copy of owner's extended driving record from the Ministry of Transportation, Office of the Registrar of Motor Vehicles

- Recommendation - M. Sawdon

M. Sawdon recommended that the Licensing and Retail Committee place the taxi driver's license on probation for nine (9) months, until February 28, 2012, with monthly abstract checks during that time, and that the defendant shall obey all provisions of the *Highway Traffic Act* while operating a taxi-cab, and that the driver shall not receive any additional demerit points under the *Highway Traffic Act*.

- Reply evidence from defendant

S. Grewal noted he had been a taxi-cab owner previously. He expressed regret and indicated there was no excuse for his driving record. He related his hope to improve his driving record and become a taxi owner in the future.

- Committee discussion and recommendation

The Committee confirmed with S. Grewal that the two most recent convictions both occurred in a taxi-cab, and restated the dangers of unsafe driving.

MOVED by D. Craig

SECONDED by J. Mitchell

THAT the Licensing and Retail Committee take the following action with respect to Taxi-cab Driver License #5650, Simardeep Grewal:

- a) Simardeep Grewal, the license holder, be placed on probation for nine (9) months effective May 30, 2011, during which time monthly abstract checks will be conducted;
- b) the license holder, for a period of nine (9) months shall obey all provisions of the *Highway Traffic Act* while operating a taxi-cab, and
- c) the license holder, for a period of nine (9) months shall not to receive any additional demerit points under the *Highway Traffic Act*.

CARRIED

The Committee clarified that the decisions made at the Committee are final, with a possibility for appeal to Regional Council.

d) MIHALCEA, Ion (Jon) – Waterloo Taxi Limited Taxi-Cab Driver License #5898

- Evidence – M. Sawdon

The Committee Clerk swore in the defendant.

M. Sawdon submitted the following evidence:

Exhibit A: Copy of the driver's taxi-cab driving license.

Exhibit B: Certified copy of owner's extended driving record from the Ministry of Transportation, Office of the Registrar of Motor Vehicles

- Recommendation - M. Sawdon

M. Sawdon recommended that the Licensing and Retail Committee place the taxi driver's license on probation for eight (8) months, until January 28, 2012, with monthly abstract checks during that time, and that the defendant shall obey all provisions of the *Highway Traffic Act* while operating a taxi-cab, and that the driver shall not receive any additional demerit points under the *Highway Traffic Act*.

- Reply evidence from defendant

I. Mihalcea related that the traffic tickets were in a personal car doing food delivery where the driver must pay if the delivery is late, and no longer works in that industry. He acknowledged his mistakes and apologized for them.

- Committee discussion and recommendation

The Committee clarified that moving violations are removed from driving records after three years, and demerit points are removed after two years.

The Committee observed that the driver was within 8 km/h of an automatic loss of license under the stunt driving law. I. Mihalcea related details of the situation in which that offense occurred.

MOVED by L. Armstrong

SECONDED by D. Craig

THAT the Licensing and Retail Committee take the following action with respect to Taxi-cab Driver License #5898, Ion (Jon) Mihalcea:

- a) Ion (Jon) Mihalcea, the license holder, be placed on probation for eight (8) months effective May 30, 2011, during which time monthly abstract checks will be conducted;
- b) the license holder, for a period of eight (8) months shall obey all provisions of the *Highway Traffic Act* while operating a taxi-cab, and
- c) the license holder, for a period of eight (8) months shall not to receive any additional demerit points under the *Highway Traffic Act*.

CARRIED

e) WEILER, James C. – United Taxi Limited Taxi-Cab Driver License #4909

- Evidence – M. Sawdon

The Committee Clerk swore in the defendant.

Exhibit A: Copy of the driver's taxi-cab driving license.

Exhibit B: Certified copy of owner's extended driving record from the Ministry of Transportation, Office of the Registrar of Motor Vehicles

Exhibit C: Copy of probation letter to J. Weiler dated April 9, 2010

M. Sawdon noted that two violations occurred on a previous period of probation.

- Recommendation - M. Sawdon

M. Sawdon recommended that the Licensing and Retail Committee place the taxi driver's license on probation for twenty-four (24) months, until May 30, 2013, with monthly abstract checks during that time, and that the defendant shall obey all provisions of the *Highway Traffic Act* while operating a taxi-cab, and that the driver shall not receive any additional demerit points under the *Highway Traffic Act*. Further, he recommended that any additional moving violations or demerit points during that period will result in another hearing with a recommendation for suspension or revocation of the Regional taxi-cab driver's license.

M. Sawdon asserted that the probationary penalty has to be treated seriously, and noted that prior to Regional staff learning of the additional charges the driver had finished his previous probationary period.

- Reply evidence from defendant

J. Weiler spoke to his driving record, noting that certain offenses will be removed in the near future and that it had been a year since his last offense.

- Committee discussion and recommendation

The Committee clarified that probation would be effective immediately. M. Sawdon also clarified that charges are removed from a driver's record based on the conviction date, and not the charge date.

The Committee was provided an explanation of how drivers' abstracts are obtained by Regional staff, and the costs involved.

MOVED by D. Craig

SECONDED by L. Armstrong

THAT the Licensing and Retail Committee take the following action with respect to Taxi-cab Driver License #4909, James C. Weiler:

- a) James C. Weiler, the license holder, be placed on probation for twenty-four (24) months effective May 30, 2011, during which time monthly abstract checks will be conducted;
- b) the license holder, for a period of twenty-four (24) months shall obey all provisions of the *Highway Traffic Act* while operating a taxi-cab;

- c) the license holder, for a period of twenty-four (24) months shall not to receive any additional demerit points under the *Highway Traffic Act*; and
- d) any additional moving violations or demerit points during this probation period will result in another hearing before the Committee with a recommendation for a suspension or revocation of the Regional taxi-cab driver's license.

CARRIED

*D. Craig left the meeting at 4:44 p.m.

f) ZIOLKOSKI, Cory – New Hamburg Taxi-Cab Driver/Owner License #6168

- Evidence – M. Sawdon

The Committee Clerk swore in the defendant.

M. Sawdon submitted the following evidence:

Exhibit A: Copy of the driver's taxi-cab driving license.

Exhibit B: Certified copy of owner's extended driving record from the Ministry of Transportation, Office of the Registrar of Motor Vehicles

- Recommendation - M. Sawdon

M. Sawdon recommended that the Licensing and Retail Committee place the taxi driver's license on probation for eight (8) months, until January 28, 2012, with monthly abstract checks during that time, and that the defendant shall obey all provisions of the *Highway Traffic Act* while operating a taxi-cab, and that the driver shall not receive any additional demerit points under the *Highway Traffic Act*.

- Reply evidence from defendant

C. Ziolkoski noted that he owns New Hamburg Taxi, indicating that he doesn't have enough vehicles to meet demand. He indicated that there was no excuse for his driving record and violations, and emphasized that he had never been pulled over for speeding with another person in the vehicle.

The Committee discussed the process for taxi companies to obtain additional licenses, and past requests for additional licenses and their deferral by the taxi association.

- Committee discussion and recommendation

MOVED by J. Wideman

SECONDED by L. Armstrong

THAT the Licensing and Retail Committee take the following action with respect to Taxi-cab Driver License #6168, Cory Ziolkoski:

- a) Cory Ziolkoski, the license holder, be placed on probation for eight (8) months effective May 30, 2011, during which time monthly abstract checks will be conducted;
- b) the license holder, for a period of eight (8) months shall obey all provisions of the *Highway Traffic Act* while operating a taxi-cab, and

- c) the license holder, for a period of eight (8) months shall not to receive any additional demerit points under the *Highway Traffic Act*.

CARRIED

OTHER BUSINESS

D. Byers clarified for the Committee that the reason the taxi association requested a deferral on issuing more taxi licenses was because it was considering requesting a change in the ratio of licenses to the population.

The Committee requested a staff presentation on the issuing of licenses, the current situation for the issuing of licenses, and also the taxi association's perspective on the subject.

NEXT MEETING – September 2011

ADJOURN

MOVED by J. Mitchell

SECONDED by L. Armstrong

THAT the meeting adjourn at 4:56 p.m.

CARRIED

COMMITTEE CHAIR, *G. Lorentz*

COMMITTEE CLERK, *M. Grivicic*