



Regional Municipality of Waterloo
Licensing and Hearings Committee
Minutes

Wednesday, April 15, 2015

3:10 p.m.

Room 110

150 Frederick Street, Kitchener, Ontario

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

Members absent: D. Craig, J. Mitchell and J. Nowak

Election of Chair and Vice Chair

Regional Chair K. Seiling called the meeting to order without quorum. He stated that the Committee requires a Chair and Vice Chair. He explained that due to the lack of quorum, the Committee could choose to delay the decision or could have the recommendation confirmed by Regional Council. The Committee members agreed to have the recommendation confirmed by Council. Regional Chair K. Seiling noted that J. Mitchell had expressed a willingness to serve as Chair.

Moved by L. Armstrong

Seconded by G. Lorentz

That Councillor Jane Mitchell be nominated and accepted as Chair of the Licensing and Hearings Committee.

Carried without quorum

G. Lorentz stated that he was willing to serve as Vice-Chair.

Moved by L. Armstrong

Seconded by G. Lorentz

That Councillor Geoff Lorentz be nominated and accepted as Vice Chair of the Licensing and Hearings Committee.

Carried without quorum

Regional Chair K. Seiling stated that no decisions were going to be made at this meeting. He explained that the Committee would only be listening to the delegations and reviewing the work plan contained in the staff report.

Declarations of Pecuniary Interest Under The Municipal Conflict of Interest Act

None declared.

Delegations

a) Sue Morgan, Resident re: Uber

S. Morgan stated that she will provide her comments when the draft by-law is available.

b) Peter Neufeld, President, Waterloo Region Taxi Association re: Taxi Industry in Waterloo Region

P. Neufeld appeared before the Committee and introduced Paul Grespan, legal counsel for the Waterloo Region Taxi Alliance. P. Grespan provided a presentation outlining the history of the taxi industry in Waterloo Region and the legislation under which it operates. A copy of the [presentation](#) is appended to the original minutes. He explained that the taxi industry is well regulated in the Region in a manner that fairly serves all citizens. He expressed concerns with the legality of new services such as Uber and noted that the Waterloo Region Taxi Alliance is opposed to any service avoiding the regulatory system. P. Grespan requested that Waterloo Region Taxi Alliance be informed of any actions being undertaken to change the existing structure of the taxi industry.

In response to a question from the Committee, P. Grespan stated that the timelines in the staff report are reasonable and that the Waterloo Region Taxi Alliance is willing to fully participate in the review.

Reports – Planning, Development, and Legislative Services

a) PDL-CAS-15-03, Taxi Vehicles By-law Review

In response to a question from the Committee, Angelo Apfelbaum, Manager, Licensing and Enforcement, stated that if staff require more time they will bring a report back to the Committee to discuss the need for an extension. He also noted that Uber is not operating within the Region at this time.

Kris Fletcher, Regional Clerk, noted that if staff learn that Uber is operating within the Region they would have to consult with legal counsel on the next steps. She stated that the staff report is available on the Region's website and that Uber will be provided with an opportunity to comment on changes to the by-law.

Received for information.

Other Business

Adjourn

Moved by G. Lorentz

Seconded by L. Armstrong

That the meeting adjourn at 3:34 p.m.

Carried without quorum

Regional Chair, K. Seiling

Committee Clerk, T. Brubacher

Waterloo Region Taxi Alliance

Address to Regional Municipality of Waterloo Licensing and Retail Committee

April 15, 2015

Thank you for allowing the Waterloo Region Taxi Alliance to address you today.

My name is Paul Grespan, I am legal counsel to the Waterloo Region Taxi Association and have been asked by the Alliance to address you today on their behalf.

The Waterloo Region Taxi Alliance is a Company formed and owned by all the Taxi companies in Waterloo Region - City Cabs, United Taxi, Waterloo Taxi, Golden Triangle Taxi, and New Hamburg Taxi

This alliance has been formed to represent the common interests and deal with the common issues of the taxi industry in Waterloo Region and to speak as one voice on matters affecting the industry including standards, regulations, safety and other matters applicable to all.

Regulated Taxi Industry has a Long History in the Region

The Taxi industry in Waterloo Region has a long history. Like most other industries and services, at the outset it was largely unregulated but over time through the collaboration of the Taxi industry and the Region it has grown into a mature service with sophisticated regulations to ensure **public service, safety, convenience and reasonable fares.**

As I am sure this Committee is aware, The Taxi-cab Industry in the Waterloo Region is subject to the Ontario Highway Traffic Act and regulated by the Region of Waterloo under a comprehensive by-law (By-law 04-069 as amended) known as the Taxi-cab Bylaw. The Region is permitted under Section 164 of the Municipal Act to pass by-laws for the licencing, regulating and governing of brokers, owners and drivers of taxi-cabs.

Highway Traffic Act

Under subsection 39.1(1) of the Highway Traffic Act it is an offence for a driver of a motor vehicle, other than a bus, to pick up a passenger for the purpose of transporting him or her for compensation where a licence is required under a municipal by-law except under the authority of such licence.

Under subsection 39.1(2) it is an offence for an owner of the vehicle to allow a person to drive their vehicle where the owner knows or has reason to believe the driver will breach subsection 39.1(1).

Under subsection 39.1(3) it is an offence to arrange or offer to arrange for a passenger to be picked up in contravention of subsection 39.1(1).

Under subsection 39.1(8) of the Highway Traffic Act a person who breached the sections above are guilty of an offence and can be fined not less than \$300 and not more than \$20,000.

Region of Waterloo Taxi By-Law

Under the Regional Municipality of Waterloo By-law, subsection 5(1) provides that no person shall use a motor vehicle with a seating capacity of six individuals or less (excluding the driver) for the conveyance of

an individual in exchange for a fee or consideration, that is commenced and concluded in the boundaries of Waterloo Region, unless the motor vehicle is equipped with a Tax-cab meter.

The by-law provides that it is contrary to the by-law to provide taxi-cab service without a proper licence from the Region.

Under section 58, every person who contravenes the by-law, and every director or officer of a corporation that contravenes the by-law, is guilty of an offence and subject to a fine of up to \$25,000. Every corporation that contravenes the by-law is guilty of an offence and subject to a fine of up to \$50,000.

A Comprehensive By-law and System Already in Place

As mentioned, the current Regional By-law has evolved over a long period of time. There has been an ongoing collaboration and consultation between the industry and the Region and a considerable amount of thought, practical knowledge and experience has been incorporated in the By-law. The By-law now provides for, among other things, the following:

- Licensing of each Taxi –cab Broker, each Taxi-cab Owner and each Taxi-cab Driver which identifies those persons and companies or those that control them and background information regarding them, including previous offences;
- Enforcement including fines, suspension of Taxi-cab Licenses and other penalties where Taxi-cab Owners, Brokers or Drivers breach the Region By-law;
- Service to **all** citizens of the Region including the disabled, school children, elderly and others who have a need for the service and those who may not have access to an “APP”;
- A system for the issue of new taxi licences in keeping with population increases to ensure adequate service for all;
- The protection and safety of the public including safety requirements for vehicles (vehicle safety certificates, inspections etc.);
- The regulation of fares, posting of tariffs and the inspection and operation of meters;
- Regulation of the operation of Accessible Taxi-cabs including priority calls for the disabled;
- Training of Drivers in respect of the By-law and proper operation of the Taxi-cab;
- The regulation of the conduct of Taxi-cab Drivers;
- Requirements for appropriate insurance coverages;
- Maintenance of dispatch records.

In Addition, each of the Taxi-cab Brokers has put their own internal rules and regulations in place such that each Taxi-cab operating under the Broker’s banner serves its customers through a well-organized dispatch system which provides the next available Taxi-cab in the area.

Access to a Taxi-cabs has been made convenient and **anyone** can avail themselves of the service through a variety of contacts – directly by private land based or cell phones, from high traffic areas where a direct taxi line has been installed (such as bus terminals and hospitals), speed dial from cell and smart phones, some of the Taxi companies have their own “APPS” that can be utilized through a smart phone and work in the same or similar manner as an Uber APP. In addition Accessible Taxi-cabs have a priority for the disabled and internal dispatch mechanisms to ensure each Driver takes his/her fair share of lower fares for School Boards, and other public bodies.

Much time, energy and resources have been invested by the Taxi-cab Brokers, Taxi-cab Owners and the Region over the years to provide the robust, stable service and system now in place. The By-law has

changed over the years to help keep pace with changes in the market place and to **ensure continued service, safety, convenience and reasonable fares to the public.**

Proposed Taxi Services Operating Outside the Current Regulatory Framework are Illegal

A so called “new form” of “taxi service” or “ride sharing” is attempting to enter the local market place. One such service is known as “Uber”. Uber claims to be the new wave of ride sharing or taxi service. It uses a smart phone “APP” to connect the customer to an available driver. It works similar to a standard dispatch service but it connects a customer through Uber to a contracted driver. It has gone global and has been embraced in some countries and banned in others.

Currently, the manner in which Uber operates would be illegal in Waterloo Region as it contravenes the Sections of the Ontario Highway Traffic Act noted above and the provisions of Region of Waterloo Taxi By-law.

Opposition is to the Circumvention by Uber of the Current Licencing System and Public Safeguards

The Waterloo Region Taxi Alliance is not opposed to the use of technology or to considering alternate or “new” ideas to provide better taxi-cab services to the citizens of Waterloo Region. Indeed it continues to work on this and other improvements with the Region and others **to enhance service, safety and accessibility.** What they are opposed to is a taxi service like Uber that:

- ignores all the safe guards and regulations of a well- established, licensed system under the auspices of some “new” or tech-savvy” APP which in the end **simply provides an unregulated, unlicensed taxi service;**
- has not invested in the infrastructure to serve all citizens of the community including the disabled which are now serviced by Accessible Taxi-cabs and others such as school children and the elderly;
- ignores a dispatch system that provides a “level playing field” for Taxi-cab Drivers such that each takes his/her fair share of discount and other lower fare or special needs customers;
- provides drivers and cars that are not subject to any licensing, training, rules, regulations or safety requirements that their licensed counterparts are;
- provides drivers with no mandatory back ground checks or other important information about the drivers that is available to public regulators;
- has questionable insurance coverage (if any) or does not comply with Provincial, Regional and other legal requirements for insurance;
- disrupts the current taxi-cab ratios established in the Regional By-laws;
- is not subject to the fares and tariffs otherwise imposed on those who are licensed;
- seeks to take advantage of peak times with unregulated and inflated fares;
- seeks to avoid the regulatory system that is well established to lower their costs and take advantage of the higher costs incurred by licenced Drivers, Owners, and Brokers who must comply with the current regulatory system;
- is unaccountable to its passengers, any regulatory agency or the public generally.

In addition to the foregoing there is no proof that taxi services such as Uber - when looked at as whole - is any better or services the public any better than the current system. Although Uber may be very popular with those who like to purchase services through “APPS” and may provide a service in other parts of the world that are unregulated or unserved by a regulated taxi system, they have had a much tougher time being accepted by authorities in markets where there is an established, licensed and regulated taxi-cab industry.

In our view Uber (and other similar taxi services) is just a large international company trying to circumvent a well-established, locally controlled, licensed industry to its benefit without regard for or accountability to the public.

Studies Required for Any Changes to the Current System

If the Region is going to consider another taxi-service provider such as Uber, or consider changes to the current system, the Waterloo Region Taxi Alliance urges the Region first do a full and comprehensive study of the matter to understand:

- the potential impacts on the current system and services, including
 - current taxi-cab ratios
 - insurance
 - tariffs
 - ownership identity
 - accountability
 - maintaining public safety, convenience and confidence in the integrity of the taxi services industry
 - the ability of Drivers to earn fair remuneration
 - licencing requirements
- integration of changes, if any into the Taxi-cab By-law;
- licensing requirements that encompass all Providers, Brokers, Owners and Drivers;
- how a ‘level playing field’ will be established for all taxi-cab and similar service providers.

The Alliance Wants to Cooperate and Participate

Lastly, The Waterloo Region Taxi Alliance, will continue to monitor the situation, co-operate with the Region in any studies or information gathering the Region undertakes and continue to input into the process with a view to ensure the public is served with integrity **by a safe, efficient, ethical and convenient taxi-cab service**. We ask that the Region keep the Alliance informed in a timely manner of any studies or other action being undertaken by it in connection with this matter and permit our continued input. – Thank you.

I will leave a copy of this presentation with the Committee and provide a pdf copy if required

Submitted this 15th day of April, 2015 by the Waterloo Region Taxi Alliance Inc.