



Regional Municipality of Waterloo
Licensing and Hearings Committee
Public Input Meeting
Minutes

April 5, 2016

6:00 p.m.

Regional Council Chamber

150 Frederick Street, Kitchener, Ontario

Present were: Chair J. Mitchell, L. Armstrong, E. Clarke, S. Foxtan, T. Galloway, H. Jowett, K. Kiefer, G. Lorentz, K. Seiling, and S. Strickland

Members absent: D. Craig, D. Jaworsky, J. Nowak, K. Redman, S. Shantz, and B. Vrbanovic

Opening Remarks

Chair J. Mitchell provided opening remarks regarding the purpose of the meeting. She noted that no decisions will be made at this meeting and reminded the audience of the rules regarding conduct in the Council Chamber.

Declarations of Pecuniary Interest Under The Municipal Conflict of Interest Act

None declared.

Delegations

1. Adam Blinick, Policy Lead, Uber Canada

A. Blinick appeared before the Committee on behalf of Uber Canada. He noted that Uber is operating in over four hundred cities and nearly seventy countries. He stated that in Waterloo Region an individual can receive a ride in an average of four minutes. He advised the Committee that Uber supports regulation for the ridesharing network in a

manner that focuses on safety and consumer protection. A. Blinick noted that Uber's driver and passenger rating system allows the company to quickly respond to issues with drivers.

In response to a question from the Committee, A. Blinick stated that if the company was aware of a driver circumventing the app, it would be, at a minimum, grounds for a temporary deactivation. He advised the Committee that Uber carries insurance for all rides but that it would not likely cover a situation where a driver did not use the app, as Uber would not be a party to the transaction.

Councillors requested additional information on how Uber determines the zones for price surges. A. Blinick stated that that could be provided to the Region. A. Blinick indicated that Uber would be in agreement with regulations that reserved taxi stands or street hailing for traditional taxi cabs. He stated that in other jurisdictions Uber provides enforcement services with access to the app for auditing and enforcement purposes.

In response to a question from the Committee, A. Blinick indicated that Uber has partnered with existing companies to provide accessible services. He noted that they would be open to paying into a fund for increasing the availability of accessible vehicles.

2. Ajmer S. Mandur

A. Mandur was not present when called.

3. Tony Rodrigues, and Tim Kirby, Waterloo Region Taxi Alliance

T. Rodrigues and Tim Kirby appeared before the Committee on behalf of the Waterloo Region Taxi Alliance, They provided an additional written submission that is appended to the original minutes.

T. Rodrigues stated that the taxi alliance supports the guiding principles of public safety, accessibility, and consumer protection for the by-law review. He advocated for the regulation of all types of taxi services and cautioned that poor service and price gouging would occur without oversight. He stated that they want the regulations to be applied evenly to both traditional taxi and app based companies. He reminded the Region that the existing regulations were established for a reason and should be maintained.

Tim Kirby advised the Committee that the taxi alliance is in favour of the traditional model and does not support allowing third party companies to provide oversight. All companies should be required to provide the same level of consumer protection. He expressed concerns with both the adequacy of the insurance package that is being offered to ridesharing drivers, and with key items that are not included in safety inspections.

In response to a question from the Committee, T. Rodrigues stated that if any driver transports a passenger without using the meter they would be terminated immediately. He noted that existing taxi-cabs are insured at all times regardless of whether they are transporting a passenger or not.

4. Terry Kirby, City Cabs

Terry Kirby advised the Committee that he supports the continued limits on the number of licenses available. He argued that the ratio encourages a safe quality service, enhances vehicle quality, and prevents congestion in high use areas. He noted that if there were no limit it would result in increased costs for the Region due to a greater number of inspections and increased enforcement efforts.

Terry Kirby encouraged the Region to set a minimum fee for a ride with a maximum per kilometer rate in order to protect customers from unjust pricing. However, there should be no minimum rate per kilometer to allow for greater competition. These rates should apply to all companies.

In response to a question from the Committee, Terry Kirby stated that the drivers are not permitted to give their cell phone numbers to passengers to sidestep the dispatch model.

5. Peter Neufeld, Waterloo Taxi

P. Neufeld stated that the current taxi cab by-law requires seven percent of the fleet to be accessible by 2017 and that this target has been achieved. He advocated for requiring both traditional and app based companies to meet this target. He did not support allowing companies to pay a fee to opt out of the accessibility provisions.

P. Neufeld supported the requirement that all cars should be equipped with a closed circuit camera that cannot be turned off; to ensure the protection of passengers and drivers.

In response to a question from the Committee, P. Neufeld stated that they would not be opposed to an incentive that encourages the addition of accessible vehicles. However, he argued that accessibility regulations should apply to app companies as well. He also noted that the accessible taxi-cabs are under utilized, with approximately only twenty-five percent of their calls being for disabled individuals. The remaining time they are used as a regular cab.

6. Bill Chester, Golden Triangle Taxi

B. Chester encouraged the Region to treat Uber and app based companies the same as any other taxi company. He asked the Region to consider whether Uber drivers are

really part time; whether they are adequately insured; and whether Uber can guarantee their claims. He noted that the existing companies cannot compete with the insurance rates that are being charged to app based drivers.

7. Serge Stefanovic

S. Stefanovic did not appear when called.

8. Prem Gururajan, Ride Co

P. Gururajan provided a presentation on behalf of Ride Co, an app based company that provides a shared ride service. A copy of the presentation is appended to the original minutes. He stated that they support regulations that would allow existing taxi cabs to function in both a traditional hail model and as a pre-booked service.

In response to a question from the Committee, P. Gururajan stated that they are currently partnering with Waterloo Taxi and that Waterloo Taxi's insurance is being used to cover the rides. He noted that they are currently looking for additional partners but would not preclude their own drivers in the future.

9. Jake Hishon

J. Hishon encouraged the Region to deregulate the taxi industry to allow for more competition. He stated that this would support start up companies and allow for change in a positive manner.

10. Robert Heinbecker

R. Heinbecker appeared before the Committee as a long time taxi-cab owner and driver. He stated that he supports many of the points covered by the taxi alliance. He noted that the changes to the fare structure are needed to allow for competition but that a minimum fare is important to avoid a race to the bottom. He recommended that the Region consider allowing for the operation of larger vehicles to accommodate more passengers. R. Heinbecker stated that cameras are welcome addition to Waterloo Taxi and that they keep everyone safe.

11. Sue Morgan

S. Morgan advised the Committee that she is a regular passenger in legal taxi-cabs. She stated that she is concerned with the adequacy of the insurance provided by app based companies.

12. David Nikolic

D. Nikolic appeared before the Committee as a driver for Uber. He stated that he enjoys

setting own schedule and noted that it allows for him to bring home some extra money for his family.

13. Brian Ruxton

B. Ruxton appeared before the Committee as driver for Uber. He enjoys his job and encouraged the Region to work alongside Uber so that it can continue to operate. He stated that after he was threatened by individuals that drive for other companies, he purchased his own dash cam. He supports cameras for the entire industry.

In response to a question from the Committee, B. Ruxton stated that he transported passengers in his personal vehicle in his previous job and carries the same insurance. However, the passengers were not paying him for the service.

14. Michael Druker, TriTag

M. Druker provided a presentation on behalf of The Tri-Cities Transport Action Group. A copy of the presentation is appended to the original minutes. He stated that they believe that the current limits on the supply of taxi-cabs affects the usefulness of the system. They support the review of the by-law to allow for a legal way for app based taxi services to operate in the Region.

15. Felicia James

F. James appeared before the Committee as driver for Uber. She stated that she enjoys the job and that it works with other transportation options. She encouraged the Region to support Uber.

16. Paul Herriot

P. Herriot encouraged the Committee to eliminate government regulation of the taxi industry. He stated that the limit on licensing does not make sense and that regulations do not prevent illegal behavior. He advocated for allowing the industry to set its own standards. A copy of his statement is appended to the original minutes.

In response to a question from the Committee, P. Herriot stated that he would support a free market where business would be able to meet the needs of the public

17. Jason Jeyanandan, Obsidian Delta

J. Jeyanandan appeared before the Committee as the founder of Obsidian Delta. He provided an overview of his company and stated that they are working on a service that will allow customers to book taxi rides through SMS messages. He noted that this will allow taxi companies to provide a rating service similar to that offered by Uber.

2. Ajmer S. Mandur

A. Mandur stated that allowing Uber to operate should not be about whether people like working there. He advised the Region protect the public from high prices and a lack of insurance. He noted that the having physical bases in the Region provides greater accountability for the existing companies. A. Mandur advocated for requiring all drivers to be licensed by the Region and to have HST numbers.

18. Robert Stephens

R. Stephens informed the Committee that he had attempted to start his own taxi company but was unable to without buying an existing company due to the limits imposed by the by-law.

19. Matthew Gagnon, CMAG Canada

M. Gagon appeared on behalf of CMAG Canada. He noted that his company has provided the secure monitoring system for Waterloo Taxi. He stated that a new by-law should require that any video monitoring systems be corporately secured systems to prevent video leaks. A copy of his statement is appended to the original minutes.

Call for Delegations

20. Tiho Popovic

T. Popovic informed the Committee that he had registered to be an Uber driver. He stated that he did not provide a driver's abstract or criminal record check when registering. He also stated that he was able to fabricate his vehicle inspection.

21. Mladen Maric

M. Maric advised the Region to ensure that regulations are fair for the entire industry so that small business and drivers can compete. He encouraged the Region to require insurance to be in effect at all times, not just when a passenger is in a car.

22. Dusko Djuknic

D. Djuknic questioned if Uber is able to pay an additional fee to opt out of providing accessible services, whether taxi companies will be able to opt out of accessibility requirements as well.

23. Doug Edmondson

D. Edmondson stated that Uber has different surge areas within the Region and noted that customers are always able to refuse surge pricing. He advised the Committee that Uber drivers can stop driving whenever they want.

24. Vojin Ivkovic

V. Ivkovic noted that accessible taxis do not pick up any regular calls until accessible calls are complete. He stated that setting regulations based on occasional scarcities does not make sense.

25. Philip Schmaus

P. Schmaus stated that taxi drivers are trained to stop driving if they are too tired. He also stated that waits for Uber on a Friday or Saturday night can be quite long.

26. Randhir Dhaliwal

R. Dhaliwal questioned what enforcement actions the Region is taking against Uber while the by-law is under review.

27. Ahmadzia Ashrafi

A. Ashrafi stated that Uber prices can change up to five to six times in an hour. He provided a submission which is appended to the original minutes.

28. Adrian Cosereanu

A. Cosereanu stated that Uber did not address issues of taxes for the corporation or individuals. He also noted that more cars on the roads will increase emissions.

Other Business

The Committee requested that Uber provide information on how a driver's hours are tracked for insurance purposes.

Chair J. Mitchell stated that the survey on the by-law review will be open until April 8, 2016. She explained that staff will be preparing recommendations on the policy issues for the Committee to consider on April 20, 2016. Once a position has been taken on these issues, staff will develop a draft by-law. She provided an overview of the specific issues that will need to be addressed in the by-law.

The Committee requested that staff provide information on the accessibility issues that have been identified and the value of the existing contracts that the Region has with taxi companies.

Adjourn

Moved by L. Armstrong

Seconded by G. Lorentz

That the meeting adjourn at 8:56 p.m.

Carried

Committee Chair, J. Mitchell

Committee Clerk, T. Brubacher

DRAFT REMARKS FOR THE REGION OF WATERLOO

April 5, 2016

Introductions

- **Good evening Madam Chair, councillors and committee members**
- **My name is Tony Rodrigues, I have been a Taxi operator for Waterloo Taxi for 27 years and I am here to speak on behalf of the Waterloo Region Taxi Alliance**
- **I will be one of several speakers this evening, as I will be sharing my time with other representatives of the Alliance.**
- **Thank you for providing us with the opportunity to speak this evening.**
- **I will be speaking in regards to issues 1 and 2.**
- **As many of you know, the Waterloo Taxi Alliance is made up of five local companies, namely City Cabs, Golden Triangle Taxi, 888 Taxi, United Taxi and Waterloo Taxi. Most of these companies have been providing service to our community for over sixty years**
- **As you can imagine, the discussion surrounding the Taxi By-Law Review is of tremendous importance to us, not only as Taxi operators but also as Regional citizens, all of us work, live and contribute to our community on many levels**
- **In addition to our oral remarks this evening, we have also submitted a package of written submissions, which supplement our remarks this evening**

Background

- **First and foremost, we want to applaud the Region for the guiding principles of this review, namely: public safety, accessibility and consumer protection**
- **The Alliance completely agrees with, and shares, those guiding principles**
- **In our remarks, we will address each of the seven fundamental questions the Region has posed, and provide the Alliance's position on each**

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

- Yes. We support the Region continuing to regulate all taxi and taxi-type services, which would include "APP based Taxi companies"
- We believe that regulation by the Region is critical for ensuring and maintaining a high level of Public Safety, Accessibility and Consumer Protection.
- If the industry were left ungoverned, it would be the consumers themselves who would suffer most, as substandard services and price gouging go unchecked.
- There is a reason why the Region has regulated the taxi industry for so many years.

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

- Subject to the following remarks, the Alliance does not oppose opening up the by-law to incorporate non-traditional taxis, such as "APP based Taxi companies"
- However, in so doing, the Region must fully apply the guiding principles, which are public safety, accessibility and consumer protection
- Fundamentally, the Alliance wants a level playing field not only for the industry but also fairness and equality for the consumer.
- We want things to be fair
- If a rule has been created for public safety, accessibility or consumer protection, it should apply equally to a taxi and to a "APP based Taxi companies"
- For example, the Region's current taxi by-law has a number of rules governing the existing taxi industry
- Those rules did not just come out of thin air, they have been created and adapted over time, several decades in fact, always considering public safety, accessibility and consumer protection. This was done through input and cooperation from the region and the industry.
- In the Alliance's view, we should remember that though "APP based Taxi companies" is a new type of business, as stated in the Region's staff report, it essentially provides the same type of service that taxis have been providing for decades.
- Before the Region throws out the existing by-law, perhaps it should ask itself why those rules were imposed in the first place and, if they were good enough to impose before a "APP based Taxi companies" came along, why are they not good enough to keep now?

- My name is Tim Kirby I am here speaking on behalf of the Waterloo Region Taxi Alliance with regards to Issue # 3.
3. **If the Region opens its taxi by-law, should it adopt a “traditional model”, “broker model” or a “hybrid model”?**
- The Alliance supports “ **traditional model** ”
 - **3rd Party** companies should not be in charge of licensing of drivers, vehicle inspections and police background checks. There should be not compromise when it comes to this. The Region must be in control of these duties.
 - However, as previously stated, adequate Public Safety; Consumer Protection and Accessibility rules should apply to both taxis and “APP based Taxi companies”
 - For example, currently, Taxis have to meet strict Commercial Insurance requirements, “APP based Taxi companies” should have to obtain the same type and level of Commercial insurance for each driver and vehicle.
 - That is both sensible and fair
 - Insurance is not just there to protect the taxi companies or drivers, it is there to protect the Consumers/passengers in the cab as well as the passengers in the other vehicle, should there ever be an accident
 - Insurance is there to compensate individuals for their damages – for example, if someone is rendered a paraplegic in an accident with a taxi or a “APP based Taxi companies” vehicle, they will need care for the rest of their lives, costly care, and if inadequate insurance is permitted, the ones who truly suffer are not the companies or the drivers, who can both go bankrupt, but the innocent victims
 - As some of you may have heard, Aviva Insurance Company is now offering a policy, which can be added to an existing personal car insurance policy, to cover those individuals who work for APP based taxi companies – but only for up to 20 hours a week.
 - Some questions you may wish to ask yourselves are: Who’s supposed to be tracking the number of hours a person works? Will the Region? If you reach your 20 hours in the middle of a ride, what happens? What happens if the driver picks up a hail/flag ? Does the insurance coverage go away? Also, does the Aviva coverage actually increase the level of insurance coverage, or just extend coverage?
 - If a driver has a million dollar policy and someone gets seriously injured, does the Region think that’s enough coverage? Let’s remember that insurance companies provide a very valuable service, but they do not make money by paying out claims.

Tim Kirby (con' t)

- We are concerned that the new Aviva Insurance policy may offer " perceived " protection but, in actuality, provides insufficient coverage for what "APP based Taxi companies" are doing.
- If the Region truly cares about public safety and consumer protection, which we believe that it does, it should impose the same Commercial Insurance requirements and levels of coverage currently imposed upon the taxi industry to all "APP based Taxi companies". 24/7 ..365 days a year coverage. There should be no question or uncertainty as to the level of insurance coverage or whether there is insurance coverage or not ...depending on the amount of hours driven by an " APP based Taxi driver " . Nothing should be left to chance.
- Along those same lines, and again to support public safety and consumer protection, the Region should regulate "APP based Taxi companies" in the same way as the taxi industry in relation to, among other things:
- driver screening by requiring the same police clearance/ vulnerable sector screenings currently required for Taxi drivers.
- Vehicle Safety Inspections and vehicle identifications....such as decals and roof signs so that people know, if they're leaving a licensed establishment late at night they're getting into a legal form of Taxi.
- These guiding principles of this by-law review should be upheld

- My name is Terry Kirby and I am here speaking on behalf of the City Cabs in relation to questions 4 and 5
- 4. **Should the Region limit the number of owner and vehicle licenses for taxi services?**
- Speaking for the Alliance, We support continuing to limit the number of owners and vehicle licenses for the existing taxi industry based on a ratio of one license for every 1,650 residents in Waterloo Region
- Limiting the number of taxi licenses allows license holders to become full-time, dedicated professionals and thus offer a dependable, safe, good quality service to the general public, which also helps in assuring both public safety and consumer protection
- In addition, a license ratio also helps enhance vehicle quality and ensures proper maintenance, better driving behaviour and mitigates against potential traffic congestion around key downtown or uptown locations, such as the bus terminal or train station
- Finally, if the number of taxi licenses becomes unlimited, the number of "independent" operators would likely proliferate, which would undoubtedly require a much higher level of inspection and enforcement by the Region
- To the knowledge, the Region does not have those resources readily available.

If asked the question regarding number of Uber's

- **" As of Right Now "**, the Alliance has no statement regarding the number of licensed vehicles for " APP based company drivers "

Terry Kirby (con 't)

5. **Should the Region regulate fares for taxi services?**

- Yes. The Region should set a minimum fare of \$3.50 for all rides, a maximum per kilometre fare of \$2.10 and a maximum waiting fare of \$31.20 per hour.
- Historically Taxi rates in our Region and others have always been regulated in such a way to Protect the Consumer.
- These controls were brought in many years ago for a simple reason: protecting the consumer against unjust pricing models, such as what we now call “surge pricing”
- The fare regulation we are proposing should apply to both taxi and “APP based Taxi companies” equally
- It would provide clarity in pricing and ensure consumer protection for the general public, which includes seniors, the disabled and people on fixed income or with limited resources
- It not only makes sense, but it's also fair
- Whether you order a taxi by phone, email, pre arrange a ride perhaps hours, days or weeks in advance, by APP or raise your hand to hail a taxi cab to order your ride. **A ride is a ride is a ride** and the same fares and regulations should be applied for each and all rides.
- Something for the Region to consider when drafting its by-law is that the Alliance has reviewed its ride statistics and found that “hailed” or “flagged” calls only account for approximately 5 to 10 per cent of all rides – the vast majority of ride requests are made in advance
- To be clear, though we are suggesting a minimum starting fare, we are not suggesting a minimum per kilometre fare or a minimum waiting fare, we are only suggesting that maximums be imposed – discounts on those fares should be allowed
- Therefore, if any Taxi type Company wants to charge less per km this should be allowed.....as this would enable healthy competition
- However, **No** “surge pricing” should be allowed, – allowing it does not protect the consumer
- On days such as St. Patrick’s Day, October fest or New Year’s Eve, people should know that even after a few drinks, they will not be over charged / gouged if they make the smart decision to call for a ride and not drink and drive
- That type of behaviour should not be penalized, it should be applauded

- My name is Pete Neufeld I am here speaking on behalf of the Waterloo Taxi in relation to questions # 6 and 7.

6. How should the Region govern and require accessible taxis?

- Speaking for the Alliance, The current Taxi By-law mandates that 7% of the existing taxi fleet is to be accessible by 2017 and that 10% of the fleet is to be accessible by 2022.
- We are very proud to say that the 7% accessibility goal has already been achieved by the Alliance
- As one of the guiding principles of this by-law review is accessibility, the Region should require the 7% and 10% accessibility goals to apply to **both** taxis and APP based taxi companies ".
- That is both fair and appropriate
- Doing so would continue to increase the number of Accessible vehicles available to the citizenry of the Region.
- Under **No** Circumstance shall the APP based taxi companies be allowed to pay a fee to exclude themselves from the mandate of

" Accessibility for Ontarians with Disabilities Act, 2005."

- If the Region is serious about Accessibility, which we believe that it is, then the same standard applied across the board makes perfect sense

Pete Neufeld (con 't)

7. Should the Region require CCTVs in all vehicles?

- **Yes.** The Alliance supports CCTVs being installed in all Taxis and APP based taxi vehicles.
- Doing so ensures both consumer protection and public safety
- London, Ontario, the City's by-law requires all Taxis, Black Car and limos to have CCTVs installed in their vehicles .
- The Alliance also supports the Region requiring CCTVs to be operating **at all times** so that, if a taxi or " APP based taxi vehicles " are operating, the camera is rolling. You never know when an incident is going to occur and CCTVs are a protection for both the driver and the consumer/passenger.
- It's just that simple.
- Any vehicle with a non-functioning CCTV should be removed from service immediately until it is repaired
- Requiring CCTV in all vehicles also provides Regional by-law officers and Regional Police with another useful tool to investigate any complaints.

Conclusion :

- In conclusion, thank you again for providing us with an opportunity to speak to you in relation to the Taxi By-Law Review. To summarize the Alliance's key points:
- If a rule has been created for Public Safety, Accessibility or Consumer Protection it should be applied Equally to a Taxi and to a " APP based Taxi companies".
- Whether you order a taxi for the next day, telephone for a taxi to pick you up immediately, raise your hand to hail/flag a cab, or use your cell phone to order a ride, **A ride is a ride is a ride** and the same fares and regulations should apply to each.
- We believe that the same Commercial Insurance requirements and levels of coverage currently imposed upon the taxi industry to all "APP based Taxi companies". 24/7 ..365 days a year coverage. There should be no question or uncertainty as to the level of insurance coverage or whether there is insurance coverage or not ...depending on the amount of hours driven by an " APP based Taxi driver " . Nothing should be left to chance.
- All incomes and profits stay in Canada. Canadian and local employees. Taxes paid to Region for buildings etc. which supports the local economy. HST to Canadian Government . We then pay mortgages or rents for office space... again supporting the local economy. We then must pay anywhere from \$6,000 to \$12,000 for Proper 6A Commercial Insurance which is our largest expense as a taxi owner. The APP company drivers... What are their costs for insurance ?? Requiring adequate Commercial 6A Insurance coverage will ensure proper and adequate consumer protection and an even playing field for all service providers.
- It's important that we get this right the first time. We appreciate everyone's concern and commitment to do so, we realize this is a monumental task and hasn't been easy for any jurisdiction worldwide.
- Subject to the foregoing, the Alliance does not oppose opening up the Bylaws to incorporate non-traditional taxis such as " APP based Taxi Companies ".
- The Alliance urges the Region to retain existing model for licenses being issued.
- The Region should set a minimum fare for all rides, a maximum per kilometre fare and a maximum waiting fare and those fares should apply to both taxis and " APP based Taxi Companies " equally.
- No ' Surge Pricing " to be allowed
- The current goal of 7% Accessible vehicles by 2017 should be maintained and imposed for both Taxis and " APP based Taxi Companies ".
- CCTV 's should be installed in all Taxis and " APP based Taxi Companies " vehicles to ensure public safety and they should be operating at all times that the Taxi or " APP based Taxi companies " vehicle is operating.

Subject to any questions you may have, those are our submission

CSIO CERTIFICATE OF INSURANCE

DATE (YY/MM/DD)
16/03/15

BROKER PBL Insurance Limited
200 Queens Ave. Suite 600
London, ON N6A1J3

This certificate is issued as a matter of information only and confers no rights upon the certificate holder. This certificate does not amend, extend or alter the coverage afforded by the policies below.

BROKER'S CLIENT ID: [REDACTED]

COMPANIES AFFORDING COVERAGE

COMPANY A Aviva Insurance Company

COMPANY B RSA Insurance

COMPANY C

COMPANY D

INSURED'S FULL NAME AND MAILING ADDRESS

[REDACTED]

COVERAGES

This is to certify that the policies of insurance listed below have been issued to the insured named above for the policy period indicated, notwithstanding any requirement, term or condition of any contract or other document with respect to which this certificate may be issued or may pertain. The insurance afforded by the policies described herein is subject to all the terms, exclusions and conditions of such policies.

LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

TYPE OF INSURANCE	CO LTR	POLICY NUMBER	POLICY EFFECTIVE DATE (YY/MM/DD)	POLICY EXPIRATION DATE (YY/MM/DD)	LIMITS OF LIABILITY (Canadian dollars unless indicated otherwise)	
COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS MADE OR <input type="checkbox"/> OCCURRENCE <input type="checkbox"/> PRODUCTS AND / OR COMPLETED OPERATIONS <input type="checkbox"/> EMPLOYERS'S LIABILITY <input type="checkbox"/> CROSS LIABILITY <input type="checkbox"/> TENANT'S LEGAL LIABILITY <input type="checkbox"/> NON-OWNED <input type="checkbox"/> HIRES <input type="checkbox"/> POLLUTION LIABILITY EXTENSION					EACH OCCURRENCE	\$
					GENERAL AGGREGATE	\$
					PRODUCTS - COMP/OP AGG	\$
					PERSONAL INJURY	\$
					TENANT'S LEGAL LIABILITY	\$
					MED EXP (Any one person)	\$
					NON-OWNED AUTO	\$
					OPTIONAL POLLUTION LIABILITY EXTENSION	\$
					(Per Occurrence)	\$
					(Aggregate)	\$
AUTOMOBILE LIABILITY <input checked="" type="checkbox"/> DESCRIBED AUTOMOBILES <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> LEASED AUTOMOBILES <small>** ALL AUTOMOBILES LEASED IN EXCESS OF 30 DAYS WHERE THE INSURED IS REQUIRED TO PROVIDE INSURANCE</small>	A	6741163013	15/06/15	16/06/15	BODILY INJURY PROPERTY DAMAGE COMBINED	\$ 2000000
					BODILY INJURY (Per person)	\$
					BODILY INJURY (Per accident)	\$
					PROPERTY DAMAGE	\$
EXCESS LIABILITY <input type="checkbox"/> UMBRELLA FORM <input checked="" type="checkbox"/> OTHER THAN UMBRELLA FORM (Specify) Excess Auto	B	OLOA 658-T	15/06/15	16/06/15	EACH OCCURRENCE	\$ 6000000
					AGGREGATE	\$
OTHER LIABILITY (SPECIFY)						

ADDITIONAL INSURED
N/A

DESCRIPTION OF OPERATIONS/LOCATIONS/AUTOMOBILES/SPECIAL ITEMS
 2007 TOYOTA CAMRY HYBRID VIN# [REDACTED] Taxi - Deleted Mar 10/16
 2012 TOYOTA PRIUS [REDACTED] Taxi - Added Mar 10/16

CERTIFICATE HOLDER

Regional Municipality of Waterloo, Clerks Dept/Licensing
Bylaw Enforcement, Attn: Nicole
150 Frederick Street
Kitchener, ON N2G 4J3

CANCELLATION

Should any of the above described policies be cancelled before the expiration date thereof, the issuing company will endeavor to mail 15 days written notice to the certificate holder named to the left, but failure to mail such notice shall impose no obligation or liability of any kind upon the company, its agents or representatives.

SIGNATURE OF AUTHORIZED REPRESENTATIVE

Nicole Courtney

PRINT NAME INCLUDING POSITION HELD
Nicole Courtney
Commercial Account Manager

FAX NUMBER
519-646-5846

EMAIL ADDRESS

COMPANY
PBL Insurance

DATE
16/03/15

CSIO CERT. (2000/06)

The "Main troubling" issues regarding the Aviva UberX insurance endorsement:

- 1. The endorsement covers part time activity only up to 20 hours per week and this is problematic because not all UberX drivers are part time**
- 2. The endorsement only covers rides booked on the app and it is well known that UberX drivers accept fares that are not booked on the app:
ie. Hailed(street pick up)**
- 3. The Ontario Automobile (OAP #) insurance policy's statutory conditions prohibits the use of the vehicle for illegal forms of transportation; and UberX... is illegal under 39.1 of the Highway Traffic Act and Municipal By Laws**
- 4. Aviva will cover vehicles with seating capacity of up to 8 and vehicles with seating capacity of 8 to 12 are required to carry a \$5 million passenger hazard limit under the Public Vehicle Act**
- 5. Aviva is not certifying coverage to the municipalities nor do they specify that the limit will be in sync with the relevant municipal by laws**
- 6. Aviva could deny a claim if the hours worked exceed 20 and if fare(s) are not booked on the app ie. Hailed (street pick up)**
- 7. To date, UberX drivers have relied upon personal insurance and are accustomed to working without proper insurance. As such, it is unlikely that there will be a significant take up of this new endorsement.**

Municipalities should be concerned about the coverage gaps of the Aviva endorsement. These gaps do not exist for taxis that carry the OPCF 6A, Permission to Carry Paying Passengers Endorsement. The playing field should be level and only this endorsement " OPCF 6A" should be accepted for the reasons cited above.

Municipal Liability Risk Management

General Editor: Christine G. Carter

VOLUME 16, NUMBER 6

Cited as (2015) 16 Mun. L. R. Mgt.

SEPTEMBER 2015

• REGULATING UBER: WHAT THIS MEANS FOR MUNICIPALITIES •



Barb Szycha
Vice President, Risk Management Services
Frank Cowan Company



Cathy Bisbee, LLB, CIP, CAIB
Cowan Insurance Group



Christine G. Carter
Papazian Heisey Myers LLP, Toronto

Innovation in technology and the development of various apps to facilitate shared economies have changed the way people do business. This shared economy comprises companies that leverage online services to bring people together to conduct business through a smartphone app. By cutting out intermediaries, the transaction saves the consumer time and money. These smartphone apps for ride sharing (Uber), rental properties (Airbnb), and rental of parking spaces (Rover) allow people looking for a service to quickly connect with people offering the service. Uber, a ride-sharing app operated from a server in Northern California, arrived in Toronto in 2012.

Uber now operates in 260 cities and 45 countries¹ and expects to have 15,000 drivers signed up in Ontario by the end of 2015.² According to a poll conducted by Mainstreet Research and reported in Canadian Underwriter (August 21, 2015),³ almost 50% of people living in Toronto and Montreal support Uber. Though not supported by everyone, Uber is gaining critical support among younger people in larger cities.

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REGULATING UBER: WHAT THIS MEANS FOR MUNICIPALITIES
Barb Szycha, Cathy Bisbee & Christine G. Carter 45

 LexisNexis

MUNICIPAL LIABILITY RISK MANAGEMENT

Municipal Liability Risk Management is published six times a year by LexisNexis Canada Inc., 123 Commerce Valley Drive East, Suite 700, Markham, Ontario L3T 7W8

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ISBN 433-42370-6 ISSN 1493-2830

ISBN 433-44678-1 (PDF)

ISBN 433-44387-1 (Print & PDF)

Subscription rates: \$330 plus GST per year (Print or PDF)
\$420 plus GST per year (Print & PDF)

Please address all editorial inquiries to:

Alexander Wiebe, Journals Editor
LexisNexis Canada Inc.
123 Commerce Valley Drive East, Suite 700,
Markham, Ont., L6G 1A1
Tel. (905) 479-2665 Toll-Free Tel. 1-800-668-6481
Fax (905) 479-2826 Toll-Free Fax 1-800-461-3275
E-mail: mlrm@lexisnexis.ca

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RIDE SHARING—CHALLENGING THE CURRENT STATUS QUO

Ride sharing has become the most controversial of the shared economies in Ontario for the following reasons:

- 1) Carrying of passengers for compensation whether by taxi, limousine, or bus is regulated at the municipal and provincial level; and
- 2) Automobile insurance is regulated at the provincial level.

Uber claims it is a technology company, and not a taxi operation, so the regulations currently in place do not apply to their operation. Recently, the Ontario Superior Court of Justice agreed. In *Toronto (City) v. Uber Canada Inc.*,⁴ Uber successfully avoided being caught by the existing regulations governing the taxi industry in Toronto as either a taxi brokerage or a limousine service.

Though the regulatory environment and by-laws regulating the taxi companies may not apply to Uber the “technology” company, some of the regulatory framework already in place does apply to their drivers who are carrying passengers for compensation.

OUR REGULATORY ENVIRONMENT

Section 39.1(1) of the *Highway Traffic Act*, R.S.O. 1990, c. H.8, provides that any driver of a motor vehicle, except for a bus, shall not pick-up passengers for compensation where a

licence, permit or authorization is required by,

- (a) the *Public Vehicles Act*;
- (b) a municipal by-law passed under Part IV of the *Municipal Act, 2001*;

- (c) a regulation made under the *Department of Transport Act (Canada)*; or
- (d) an airport or airport authority

except under the authority of such licence, permit or authorization.

Bill 53, Protecting Passenger Safety Act, 2015 is a private member's bill that's been referred to the Standing Committee on Social Policy. If the Bill makes it through Committee and a third reading, it will provide municipalities with a powerful tool to deal with unlicensed drivers who carry passengers for hire. The Bill amends the *Highway Traffic Act* with respect to offences if a driver is caught transporting a passenger for compensation or hire without required authorization. The fine is increased and the driver automatically receives three demerit points. If a police officer believes on reasonable grounds that the driver has been convicted of a similar offence within the preceding five years, the officer shall suspend, for 30 days, the driver's licence and impound the vehicle.

O. Reg. 191/11: Integrated Accessibility Standards requires that "municipalities consult with their 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". Municipalities that license taxicabs must ensure that owners/operators of taxicabs do not charge a higher fee nor do they charge for storing mobility aids/devices. These owners/operators must also place vehicle registration and identification information on the rear bumper, and make available this information in an accessible format.

Section 151 of the Municipal Act, 2001, authorizes a municipality to license, regulate and govern any

business carried out wholly or in part within the municipality. Under section 10(2), the Act also authorizes municipalities to pass by-laws for the "protection of persons and property, including consumer protection". The Act, under section 156, also authorizes the licensing, regulating and governing of taxicab owners and operators.

OUR INSURANCE REGULATIONS

Automobile insurance in Canada is regulated at the provincial level. In Ontario, automobile insurance is regulated by the Financial Services Commission of Ontario (FSCO). FSCO governs the policy forms used and the rates charged by insurance companies selling automobile insurance in Ontario. Policy forms currently in force and filed rates cannot be modified without the consent of FSCO.

When applying for automobile insurance in Ontario, purchasers must complete the Ontario Application for Automobile Insurance—Owner's Form (OAF 1). One of the questions asked on the application is:

Will any of the described automobiles be rented or leased to others, or used to carry passengers for compensation or hire, or haul a trailer, or carry explosives or radioactive material?

If the answer is "no", then ride sharing is not a covered use of the automobile under the policy.

At the time of signing the application the vehicle may not be used as part of a ride sharing service. If the situation changes, within the policy term, the insured is obligated to tell the insurer of the change in the use of the vehicle. Under Section 1.4.1 of the Ontario Automobile Policy Owner's Policy (OAP 1):

You must promptly tell us of any change in information supplied in your original application for

insurance, such as additional drivers, or a change in the way a described automobile is used.

Coverage under the policy, in the event of a claim, could be denied or reduced if the insurer was not advised of "a change in the way a described automobile is used".

The OAP 1 excludes coverage under the policy except for "certain Accident Benefits" coverage if "the automobile is used as taxicab, bus, a sightseeing conveyance or to carry paying passengers" (section 1.8.1 – General Exclusion). This exclusion can be removed by adding an endorsement called OPCF 6A – Permission to Carry Paying Passengers to your policy for an additional premium.

Coverage for ride sharing operations in Ontario is currently available for individuals who want to provide this service. The vehicle would be rated commercially as a taxi and the OPCF 6A – Permission to Carry Paying Passengers would be added to the policy. The cost of this insurance is higher than the cost of a personal policy and for this reason the majority of people providing ride sharing services choose not to insure their operations.

Insurance premiums for taxi or livery drivers in Ontario are higher than premiums charged if the automobile is used for personal use only. Insurance premiums are based on an insurer's exposure to risk and risk of an accident increases if you are operating a taxi or livery service for a number of reasons:

- Taxis are operated more frequently and put on more kilometres than vehicles used for personal use;
- Taxis carry passengers who may suffer a bodily injury claim in an accident;

- Passengers may not have access to Accident Benefits coverage under their own Ontario Automobile Policy; they may not be a resident of Ontario or own an automobile;
- Taxis often drive in adverse weather conditions, or hours when more exposed to the risk of an accident.

Initially, Uber refused to provide specifics of the insurance product it carries. In response to the City's request for an injunction, it alleged that "it does in fact maintain insurance coverage providing for \$5,000,000.00 for all ride-sharing services requested through its Uber phone application ("the App")". It then refused to provide proof, claiming that its policy was highly confidential and contained "commercially sensitive information".⁵ It also claimed that it had entered into negotiations seven months earlier with its insurer to "create entirely new special terms which would affect the provision of insurance coverage". Ultimately, Justice Diamond refused to issue a sealing order and the policy had to be disclosed.⁶ When that policy was disclosed, the Insurance Bureau of Canada referred to it as a "standard non-owned automobile policy". A number of insurance brokers confirmed publicly that "it protects the corporation that buys the coverage, it's not intended to protect the drivers". The concern that the void or gap created by the drivers' own policies excluding the carrying of paying passengers was amplified since this product simply protected the company and not the driver or passengers involved in accidents. The Financial Services Commission of Ontario and the province of Alberta have confirmed that a coverage gap exists as well.⁷

INITIAL MUNICIPAL RESPONSE TO THE TORONTO V. UBER CASE

The judge in the case, Justice Dunphy, made it clear that there may well be a role for further or better regulation of Uber pursuant to municipal by-laws. He simply ruled that the existing City of Toronto by-laws and definitions, crafted long before Uber came onto the scene, could not be read to encompass and include the ride sharing app. In response, a number of municipalities have drafted new by-laws. One of the first municipalities to do so was the Region of Waterloo. The Regional by-law, drafted in part in response to a number of sexual assault charges laid against Uber drivers between 2012 and 2014, currently provides that ride-sharing service drivers would be required to apply for a region-issued taxi licence. Drivers would be required to provide proof of commercial auto insurance with limits of \$2 million, a closed circuit monitoring system and GPS.

Last week, the City of Toronto introduced a staff report suggesting that Uber and other ride sharing services be regulated as “transportation network companies” (TNC), a term already in use in the United States.

MUNICIPAL RESPONSIBILITY: DUTY TO REGULATE?

It is clear that a role does exist and that municipalities certainly can regulate ride-sharing services if they do so properly. Another interesting question is, must they do so? Certainly, traditionally, courts were reluctant to get involved in the question of what can or should be regulated by elected politicians. This was seen as a political, not a judicial exercise. Once the gap in consumer protection has been identified, does the municipality then have notice of an issue requiring it to act? Again, a traditional analysis

would suggest that whether or not the municipality acts in the face of this knowledge remains a political issue for which no judicial recourse is available. Nevertheless, at least one very recent decision suggests that the tide may be changing. The case of *Paradis Honey Ltd. v. Canada (Attorney General)*⁸ involved a claim by a group of commercial beekeepers who commenced a class action against the Minister of Agriculture for adopting a “blanket prohibition on the importation of bee packages”. Traditionally, the manner in which the government regulated the beekeeping industry was not subject to a tort action and initially, the action was struck out as disclosing no cause of action. The beekeepers appealed to the Federal Court of Appeal. The Federal Court of Appeal refused to agree that the claim should be struck or that it was plain and obvious that a claim framed in negligence or bad faith could not succeed. It therefore appears that prudent municipalities would be well advised to look carefully at this issue and avoid being accused of being either negligent or acting in bad faith by failing to enact consumer protection by-laws governing ride sharing where appropriate if the void is not ultimately filled by provincial regulation.

¹ *Toronto (City) v. Uber Canada Inc.*, [2015] O.J. No. 3540, 2015 ONSC 3572, para. 6.

² *Toronto (City) v. Uber Canada Inc.*, [2015] O.J. No. 3540, 2015 ONSC 3572, para. 36.

³ “Nearly half of people in Toronto and Montreal favourable to Uber, new poll finds”, *Canadian Underwriter*, August 21, 2015.

⁴ *Toronto (City) v. Uber Canada Inc.*, [2015] O.J. No. 3540, 2015 ONSC 3572.

⁵ *Toronto (City) v. Uber Canada Inc.*, [2015] O.J. No. 1345, 2015 ONSC 1617, para. 5.

⁶ *Toronto (City) v. Uber Canada Inc.*, [2015] O.J. No. 1345, 2015 ONSC 1617.

⁷ “Uber’s hush-hush policy is nothing special, insurers say”, *Toronto Star*, July 31, 2015.

⁸ *Paradis Honey Ltd. v. Canada (Attorney General)*, [2015] F.C.J. No. 399, 2015 FCA 89.

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Note from the editor- *Please feel free to submit cases of interest, especially unreported ones, to be included in future issues to mlrm@lexisnexis.ca. As always, we welcome articles or case comments from all provinces. Municipal risk managers are also encouraged to submit issues of concern or interest; particularly successful approaches to issues encountered; or requests for input on risk management issues from other municipalities.*

ONTARIO MUNICIPAL ACT & COMMENTARY:

2015 EDITION

John Mascarin, M.A., LL.B. & Christopher J. Williams, B.A., LL.B.

For more than a decade, this resource has continued to be a guide that municipalities and municipal law professionals consult for navigating the municipal law regime in Ontario and keeping abreast of the latest developments. This guide incorporates the full text of the *Municipal Act, 2001*, and all the new and amended relevant regulations, along with handy tables of concordance.

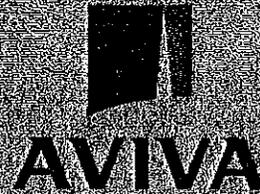
The commentary, written by leading municipal lawyers John Mascarin and Christopher Williams, provides a detailed analysis of the *Municipal Act, 2001* and its organization, structure and application and how it relates to the *City of Toronto Act, 2006*, as well as an update on recent case law and all new and amended regulations (including significant judgments made pursuant to applicable provisions in the *City of Toronto Act, 2006*).

New in This Edition

- Recent legislative changes:
 - Reg. 109/14 amending O. Reg. 75/01 Tax Matters - Property Tax Bill Form and Content
 - Reg. 148/14 amending O. Reg. 385/98 Tax Matters - Transition Ratios and Average Transition Ratios
- Commentary on new significant judgments such as:
 - *Vincorp Financial Ltd. v. Oxford (County)*, [2014] O.J. No. 2049, 2014 ONSC 2580, where the Superior Court held that s. 6 of the *Municipal Act* clarifies that the municipal power to acquire land includes the power to expropriate
 - *Brantford (City) v. Mintour*, [2013] O.J. No. 4146, 117 O.R. (3d) 241 (C.A.), where the Court of Appeal considered the application of the open meeting rule

For further details of the publication or to subscribe,
go to www.lexisnexis.ca/store.

Another industry first: ride-sharing coverage is here



To all Ontario broker partners

Further to our announcement in early January that we will be offering coverage for drivers who use their own vehicle to carry paying passengers, we are pleased to advise that coverage is now available for drivers who spend up to 20 hours a week participating in ride-sharing.

First to market with this type of coverage, Aviva is committed to evolving our insurance solutions to respond to changing consumer needs. Our solution provides drivers and passengers with absolute peace of mind that they have insurance coverage while ride-sharing from the moment the driver and passenger have been matched through an online platform to the moment the passenger is transported to their destination.

How the coverage works

It's a simple addition to an Aviva personal lines automobile policy in the form of the Transportation Network endorsement (**NPCF 6TN - Permission to Carry Paying Passengers for a Transportation Network**). This endorsement transfers the risk from the part-time driver to the insurer, allowing drivers to carry paying passengers when under contract for a transportation network company.

Effective February 1, 2016, the **NPCF 6TN**:

- is available for *new* and *existing* Aviva customers in Ontario (includes customers of Aviva Insurance Company of Canada, Traders General Insurance Company and Scottish & York Co. Limited)
- extends all policy coverage available to the vehicle in question
- can be added mid-term

Brokers will have binding authority for the endorsement. The 6TN endorsement form must be signed (physical or electronic signature) by the insured before coverage can be bound.

Eligibility for coverage is based on simple underwriting criteria:

The driver must be licensed for a minimum of six years in Canada or the USA. The automobile can have a maximum of eight passengers and operate for ride-sharing service for up to 20 hours per week. No other commercial use of the vehicle is permitted. The automobile cannot be registered as a taxi, limousine or any other public transportation. See the rate manual on AvivaPartner.ca for full details.

Our simple solution is easy to explain to customers and provides coverage and an affordable option for part-time drivers.

Please refer to the [Q&A](#) and [Endorsement Wording](#) for more information.

Your Business Development Specialist will be sending out additional information so that you can become familiar with this new coverage. We will also be posting materials on AvivaPartner.ca.

Questions or comments?

If you have any questions, require any additional information, or would like your Business Development Specialist to provide training to your staff, please contact your Business Development Specialist directly.

What is a Transportation Network?

A digital, online-enabled platform that allows people to arrange transportation services for compensation using their private passenger vehicle; also referred to as *ride-sharing*.

What is a Transportation Network Company (TNC)?

A technology company that arranges transportation services for compensation using transportation network, for example, Uber.

Who is the target customer for Aviva's ride-sharing insurance coverage?

This product is intended for part-time transportation network drivers who:

- use the transportation network automobile for a maximum of 20 hours per week
- have been licensed (G2 and up) in Canada or the U.S. for six years or longer

What coverage is Aviva offering for ride-sharing drivers?

Aviva is offering the Transportation Network endorsement (NPCF 6TN - **Permission to Carry Paying Passengers for a Transportation Network**). This endorsement transfers the risk from the driver to the insurer, allowing drivers to carry paying passengers when under contract for a transportation network company. The NPCF 6TN:

- is available February 1, 2016 for *new* and *existing* Aviva customers in Ontario who can purchase this endorsement to add to their policies (includes customers of Aviva Insurance Company of Canada, Traders General Insurance Company and Scottish & York Co. Limited.
- can be added mid-term
- will remove one of the policy limitations in section 1.8.1 "carry paying passengers" to extend coverage and permit the automobile to be used to carry paying passengers

What is covered under the NPCF 6TN endorsement?

The endorsement extends all policy coverage available to the vehicle in question.

Drivers will be covered for all three periods of the TNC activity including:

Period 1	the driver has logged onto the online-enabled platform and is available to be matched with a paying passenger
Period 2	the driver has accepted a trip through the online-enabled platform and is on route to pick up the passenger
Period 3	the passenger has entered the transportation network automobile and is being transported

The 6TN endorsement applies only to the "Described Automobile" ie, only to the automobile listed in the certificate of insurance with the 6TN endorsement. It does not extend to rental cars or any other non-owned car through OPCF 2/27.

Does the vehicle need to have full coverage, including physical damage coverage, to add the endorsement?

No. At a minimum, the vehicle must have the mandatory liability coverage. The endorsement extends all policy coverage available to the vehicle in question.

Who is eligible for the NPCF 6TN endorsement?

The endorsement is available for existing and new Aviva customers, regardless of driving record, as long as they meet all of Aviva's underwriting rules. The risk must meet our Private Passenger eligibility rules and underwriting criteria. Additional endorsement specific eligibility criteria include:

- The vehicle is used for "Transportation Network" purposes only by drivers listed on the policy.
- All drivers must be licensed (G2 and up) in Canada or the USA for six years or longer.
- The vehicle is used as a Transportation Network vehicle for a *maximum of 20 hours per week*. Over 20 hours per week at any time is considered primarily commercial use, meaning that the vehicle is (a) not eligible for this endorsement and is (b) not eligible to be rated as a private passenger vehicle. The insured may, at any time, be required to produce records showing the hours logged onto the Transportation Network(s).
- The vehicle:
 - can seat up to eight occupants, including the driver
 - cannot be used for any retail or wholesale delivery or any other commercial use
 - is not registered or plated for use as a taxi, limousine or any other public transportation
- The following details of transportation network use must be provided in the Remarks section of the Application for Automobile Insurance, and must be entered in the broker portal under the "notes" tab:
 - Transportation Network company name (eg "Uber")
 - names of all transportation network drivers
 - maximum hours per week that the vehicle is used as a Transportation Network vehicle

How much will the endorsement cost?

Many factors go into calculating the cost of auto insurance, including where the driver lives, how far they drive to work and the vehicle driven. These factors are taken into account, as well as the amount of driving the customer does for the transportation network. They are divided into two categories: up to 10 hours per week or 20 hours per week.

The endorsement premium is an annual premium.

When will the endorsement rates be available in the rating vendors?

The rates are currently available through the broker portal. We will advise you when they are available in the rating vendors.

Does the broker have binding authority?

Yes, the broker has binding authority. The 6TN endorsement form must be signed (physical or electronic signature) by the insured before binding coverage.

What happens if the existing Aviva customer is not eligible for the endorsement?

The customer must stop using the vehicle for transportation network driving in order to continue having private passenger coverage. If the customer wishes to continue driving for a transportation network, they will need to obtain commercial coverage because the private passenger policy will need to be terminated mid-term for material change in risk.

What happens if the customer discloses hours of operation that are higher than what is permitted?

We understand that weekly usage may fluctuate. However, the customer must stay within the *permitted Hours of Operation* and within the *maximum number of hours per week* as indicated on the Certificate of Automobile Insurance to be eligible for the endorsement. If the customer discloses more than the maximum number of hours per week and is unable to meet the guidelines, the private passenger policy must be terminated. A commercial policy is the best option for a customer in this scenario.

Are other markets offering coverage for the TNC exposure?

Aviva is first to market with the type of coverage. We are aware of other markets actively seeking coverage solutions for TNC exposure.

Is Aviva seeking a commercial option?

Aviva is considering a commercial TNC option for drivers who drive more than 20 hours per week.

What is the benefit of Aviva's ride-sharing insurance (NPCF 6TN endorsement)?

- Offers a *simple solution* to address the gap in coverage in the marketplace - provides the driver and passengers with peace of mind that they have insurance coverage while ride-sharing.
- Is *easy* to explain to customers: it removes the exclusion for carrying paying customers from their policy.
- Extends all policy coverage available to the vehicle.
- Is the first policy to respond to a claim.
- Covers *all three periods* of the TNC activity.
- Rates are straightforward, based on driving record, location and hours per week spent driving for the transportation network.
 - Rating levels are easy to understand: up to 10 hours per week or up to 20 hours per week
- Offers an affordable option for part time drivers.
- Multiple transportation network drivers can be insured on the same vehicle, but the total hours of transportation network driving cannot exceed 20 hours per week for that vehicle.

NPCF 6TN - PERMISSION TO CARRY PAYING PASSENGERS FOR A TRANSPORTATION NETWORK

INSURER: Select	Attached to and forming part of Policy No.:						
INSURED:	Effective Date of Change: <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 25%; text-align: center;"> _____ YYYY </td> <td style="width: 5%; text-align: center;"> </td> <td style="width: 25%; text-align: center;"> _____ MM </td> <td style="width: 5%; text-align: center;"> , </td> <td style="width: 25%; text-align: center;"> _____ DD </td> <td style="width: 20%; vertical-align: top;"> <input type="checkbox"/> AM _____ <input type="checkbox"/> PM _____ Local Time </td> </tr> </table>	_____ YYYY		_____ MM	,	_____ DD	<input type="checkbox"/> AM _____ <input type="checkbox"/> PM _____ Local Time
_____ YYYY		_____ MM	,	_____ DD	<input type="checkbox"/> AM _____ <input type="checkbox"/> PM _____ Local Time		

This change applies only to automobile(s) number N/A or as indicated on your Certificate of Automobile Insurance.

See your Certificate of Automobile Insurance for which automobile(s) this change applies to.

The additional premium for this change is \$ N/A or as indicated on your Certificate of Automobile Insurance.

1. Purpose of This Change

This change is part of your policy. It removes one of the limitations in section 1.8.1 of your policy, "General Exclusions," to permit the automobile(s) to be used to carry paying passengers.

2. What we Will Cover

In return for the premium charged, we will provide coverage when the described automobile is used to carry paying passengers as a Transportation network automobile,

Provided that:

- (i) The driver of the described Transportation network automobile is a listed driver under the policy; and
- (ii) The driver of the described Transportation network automobile has a valid driver's license and has held such license for the previous 8 consecutive years or longer in Canada or the United States; and
- (iii) On a combined basis, the driver(s) of the described Transportation network automobile have not been logged on to the Transportation network for more than the maximum number of hours per week as indicated on your Certificate of Automobile Insurance. You acknowledge that you will notify all listed drivers under the policy of this collective maximum number of hours per week and you further agree that you are responsible for ensuring that this entire requirement is met. You are required upon our request to provide to us evidence of the precise times that the driver(s) of the described Transportation network automobile logged on and off the Transportation network.

3. Definitions

- (i) "Transportation network" means a digital network or other electronic means that allows persons to arrange to provide transportation services for compensation in a "Transportation network automobile".
- (ii) "Transportation network automobile" means an automobile that is hired through the use of a "Transportation network" but does not include:
 - (a) An automobile that is used for any retail or wholesale delivery of goods or any other commercial use, including any trade or service other than to carry paying passengers, or
 - (b) An automobile that is registered or plated for use as a taxi, limousine or any other public transportation.
- (iii) "Transportation network company" means a corporation, partnership, sole proprietorship, association or other entity or individual that operates a "Transportation network".
- (iii) "Week" as used in this change form means from 12:01 AM Monday through to 12:01 AM of the following Monday.

4. Consent and Authorization/Direction

Under the terms of this change form, you authorize us to collect, use and disclose information from you and the Transportation network company pertaining to you or any driver listed under the policy, including, but not limited to, dates and times at which an accident occurred that involved the described Transportation network automobile and the precise times that the driver(s) of the described Transportation network automobile logged on and off the Transportation network, as permitted by law for the limited purposes necessary to assess the risk, investigate and settle claims and detect and suppress fraud.

For this purpose, the information also may be disclosed to i) fraud prevention organizations, other insurance companies and the police and ii) databases or registers used by the insurance industry to analyze and check information provided against existing information.

You also declare that you have obtained consent from all drivers listed under the policy to the collection, use and disclosure by us of their information, as described above, from the Transportation network company prior to permitting them to drive the described Transportation network automobile.

You, on your own behalf and as authorized representative of all drivers listed under the policy, hereby authorize and direct the Transportation network company to disclose the information described above to us and this shall be good and sufficient authority for the Transportation network company to do so.

5. Warning

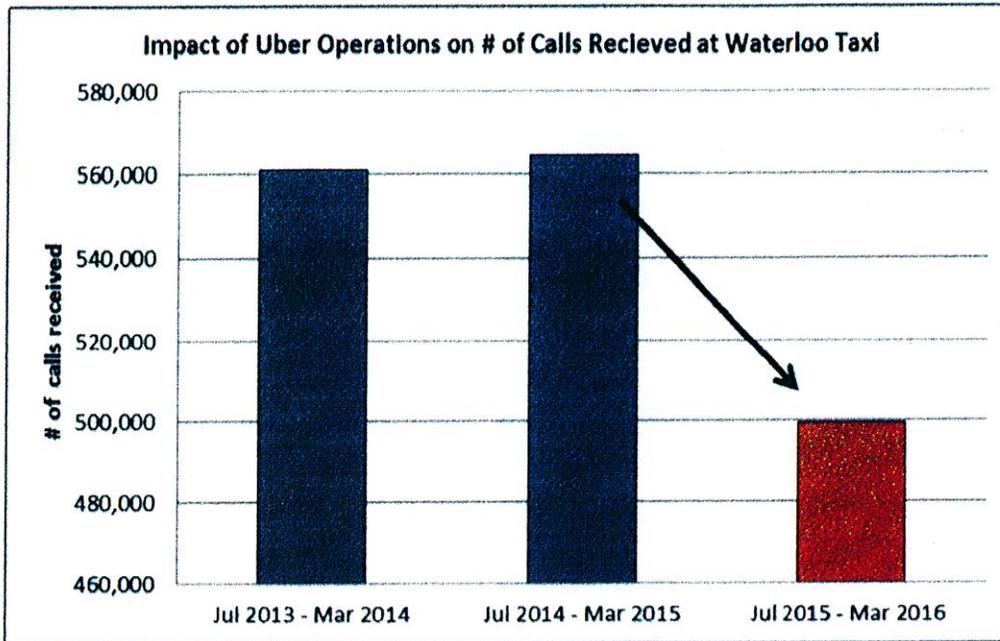
If you and/or any driver listed under the policy contravene any term of this change form, the right to recover indemnity is forfeited and we may terminate the policy.

DATE _____ YYYY MM DD	_____ Signature of Named Insured(s)
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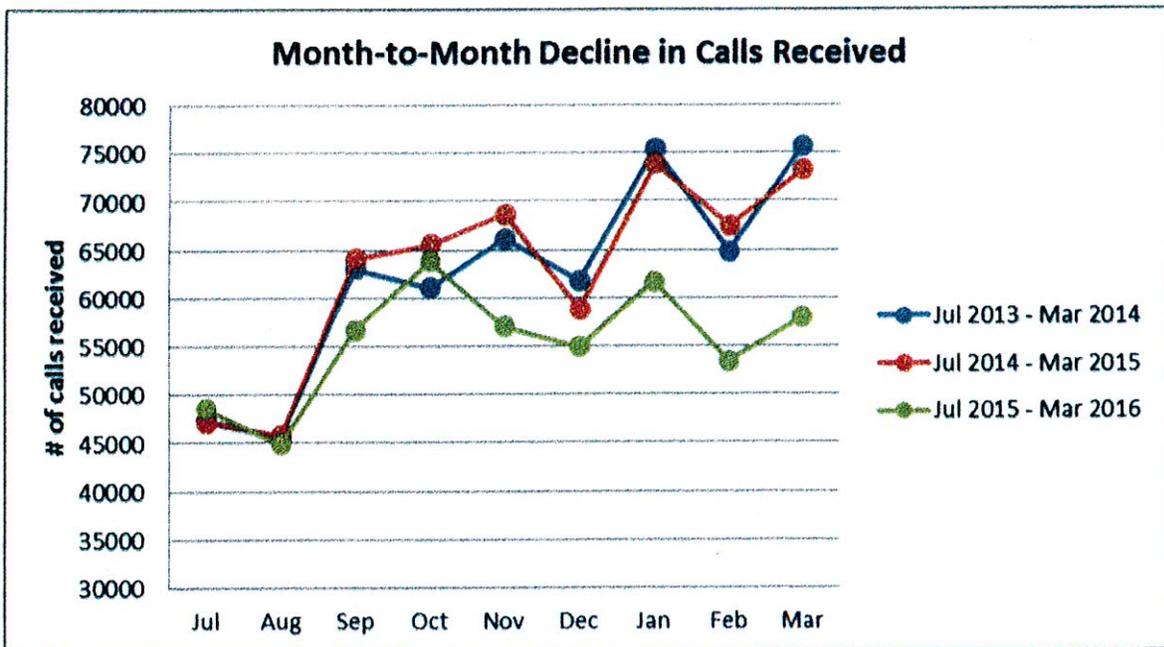
All other terms and conditions of your policy remain the same.

Impact of Uber Operations on Number of Calls Received at Waterloo Taxi

In July 2015 Uber officially began its operations in the region of Waterloo. As a result, Waterloo Taxi's market share has decreased significantly. Specifically, the number of calls received at Waterloo Taxi in the eight month period since Uber's launch (Jul 2015-Mar 2016) The graph below illustrates this decline in business compared to the same eight month period in past years.



The graph below represents the month-to-month decline in number of calls received, since the launch of Uber, compared to past years.



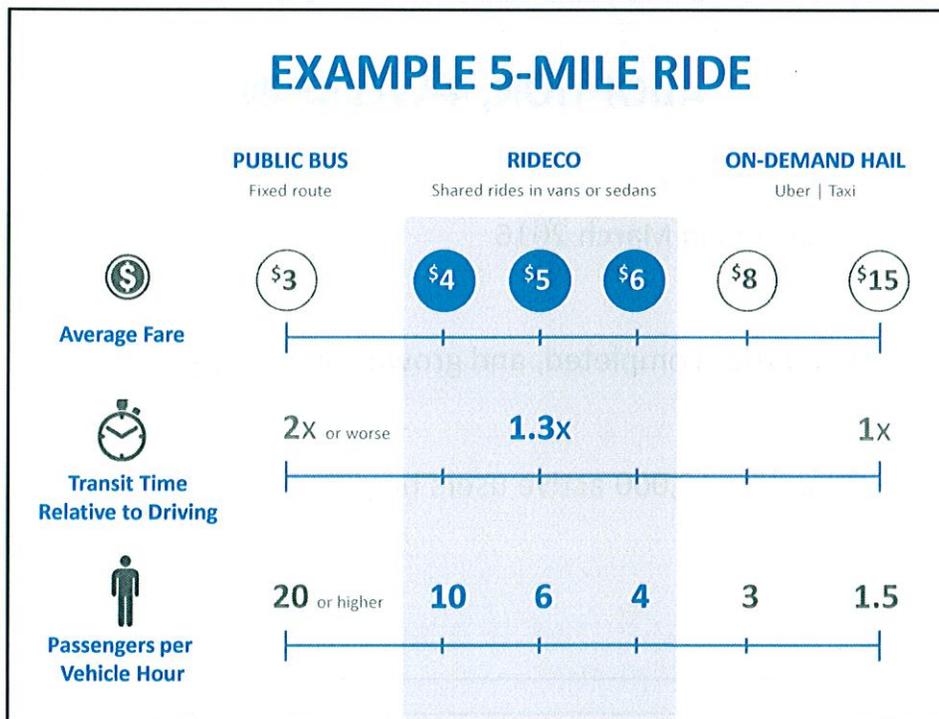


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Personalized Transit

Presented by
Prem Gururajan
Co-Founder

Waterloo, Ontario
April 5, 2016



\$4 - \$8 / SHARED RIDE : DOOR-TO-DOOR

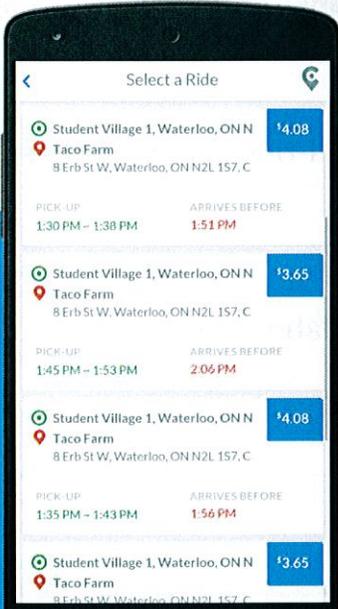


ADOPTION, 4-WEEKS IN

- Launched in March 2016
- 6000 trips completed, and growing at 15% per week
- Targeting 10,000 active users by year-end

RIDECO USER EXPERIENCE

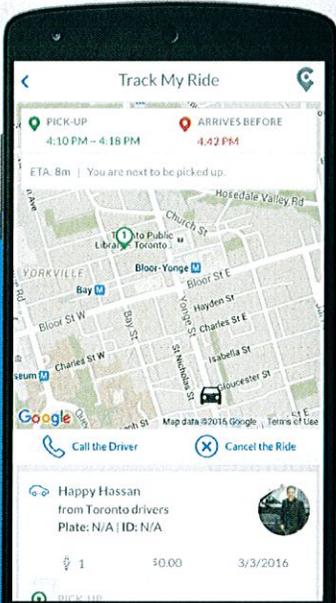
- 1 **Search** minutes or hours in advance
- 2 Review **Options**
- 3 **Order** transit to your doorstep



OPTIONS

- Prices vary based on demand and sharing
- Earlier bookings get discounted prices

Origin	Destination	Pick-up Time	Arrives Before	Price
Student Village 1, Waterloo, ON N	Taco Farm	1:30 PM - 1:38 PM	1:51 PM	\$4.08
Student Village 1, Waterloo, ON N	Taco Farm	1:45 PM - 1:53 PM	2:06 PM	\$3.65
Student Village 1, Waterloo, ON N	Taco Farm	1:35 PM - 1:43 PM	1:56 PM	\$4.08
Student Village 1, Waterloo, ON N	Taco Farm			\$3.65



The screenshot shows the 'Track My Ride' app interface. At the top, it displays 'PICK-UP' at 4:10 PM - 4:18 PM and 'ARRIVES BEFORE' at 4:42 PM. Below this, it states 'ETA: 8m | You are next to be picked up.' A map shows the current location and route. At the bottom, it identifies the driver as 'Happy Hassan from Toronto drivers' with a profile picture, and shows a rating of 1, a price of 50.00, and the date 3/3/2016.

TRACK MY RIDE

- ETA & driver location
- Stops remaining to my pickup/drop-off
- Call the Driver

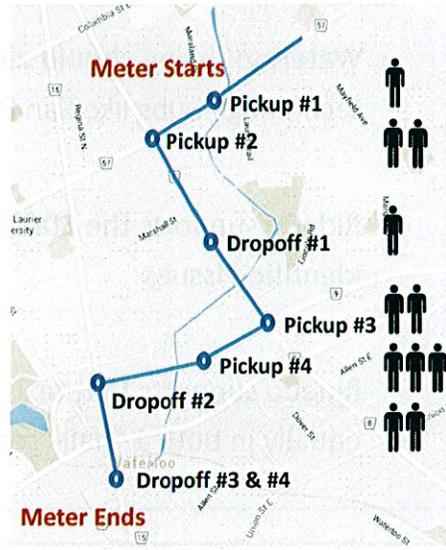
INNOVATION

- First in the world to offer a shared-rides solution that works in mid-size and small cities
- Advanced technology built in collaboration with University of Waterloo



MORE EARNINGS FOR DRIVERS

- Continuous shared rides
- Less driver down-time
- More time “on meter”



KEY FACTS

- Shared rides
- Prepaid trips in the app
- Prices vary based on sharing and demand
- Riders are registered – with credit card on-file
- Vehicle Partners – Waterloo Taxi, more to come..
- Driver background checks – local + RCMP databases, driver abstracts
- Ride ratings by passengers



REGULATION

- Waterloo region should align its regulation closely with technology hubs like San Francisco and Seattle
- RideCo supports the Staff Preferred Options on the identified issues
- RideCo supports that taxi cabs be allowed to operate equally in both a “hail” service and pre-booked service

A large graphic of the RideCo logo, which is a stylized blue 'C' shape with a red circle in the center, resembling a location pin.

RIDECO
WWW.RIDECO.COM

Personalized Transit

Presented by
Prem Gururajan

Waterloo, Ontario
April 5, 2016



Re: Taxi By-Law Review, Phase 2

April 5, 2016

The Tri-Cities Transport Action Group (TriTAG) advocates for practical policies and infrastructure to enable more people to choose to walk, bike, and take transit to get around Waterloo Region.

Taxis and on-demand mobility options play a substantial role in the transportation system, in filling in the gaps left by modes like transit and walking for one-off trips. Knowing that you have an easy to use and affordable backup enables you to choose to leave a personal car at home and get around in other ways. But this depends heavily on the quality of the experience and the ease of access of the on-demand mobility, just as it does for transit, for walking, and for biking.

The current taxi system severely limits taxi supply and thus responsiveness, the service is not always easy to access, and there is no feedback cycle to encourage safe driving. As such, we are pleased to see the Region undertaking this by-law review to provide a legal way for services such as Uber and Lyft to operate here, and to enable further innovation and competition within the sector. Fundamentally we are supportive of the staff direction.

A few suggestions for consideration follow:

1. Rather than phasing out the taxi license limit starting now, consider keeping the conventional taxi limit at its current ratio for perhaps a year or two, to see the impact of the new regulation structure on both types of services.
2. Given that a lot is expected of traditional taxis in the way of accessible taxis, 24 hour service, etc, it seems only fair that a taxi license to allow for strictly more uses than a non-traditional taxi license. That is, a conventional taxi with livery and a meter should be able to provide on-demand mobility-type services as well.
3. It is worth having a conversation about whether it is fair to place the burden of subsidizing accessible vehicles on, ultimately, other taxi passengers. A small percentage of the population uses taxis, and it is likely that this group has a lower income than the average of the population. Yet, the taxi fares on those riders cross-subsidize accessible taxis.

Only a few years ago, taxi regulations were considered esoteric and ignored by both the public as well as transportation departments. When we were in front of this committee several years prior arguing against a decrease in taxi licenses, a delegation from outside the industry was apparently a rare sight. And at that time, it seemed that the licensing department and the transportation department were not acquainted.

Fortunately it is now clear that the status quo of taxi regulations needs an overhaul to provide a more compelling transportation option to the public. We hope that the Region moves forward with taxi by-law reform, and that on-demand mobility figures more prominently in the Region's transportation planning going forward.

Regards,

Michael Druker
Tri-Cities Transport Action Group

My name is Paul Herriot. I am a resident of the city of Kitchener

I want to make it clear that I am **not an employee**, nor am I **officially advocating** for either side in this debate.

My point tonight is that **LESS government regulation** is the key to leveling the playing field.

Because that's what we're talking about here... leveling the playing field.

Local taxi representatives have said, that they welcome competition from ride sharing services like Uber provided that everyone **play by the same rules**. Unfortunately, in my opinion, current **government regulation** on the Taxi industry makes it **difficult** to compete in an ever changing world.

Regulations such as limiting the **number of cabs** allowed to operate at any one time. Many people such as myself have had the experience on a busy Friday or Saturday night of **waiting for cab for an hour** or even more. Why? Because regulations limit the number of cabs available.

Local legislators also regulate **cab fare**. I've never understood why, if the taxi industry wants a change in their fare, they have to ask regional council.

Submitted by Matthew Gagnon, CMAG Canada on April 5th, 2016.

Good evening councillors and Madame Chair, my Name is Matthew Gagnon from CMAG Canada.

CMAG Canada is the vendor that sold and services the secure video monitoring system being used by Waterloo Taxi representing approximately 30% of the regional taxi fleet.

In the 16 months that we have been managing the video monitoring system, we have worked closely with WTL leadership, and in certain instances Waterloo Regional Police to securely access, review and submit video footage to assist in various incident investigations ranging from customer inquiries and complaints to highly involved criminal investigations. In all instances this secure audio and video proved to be extremely valuable in providing a quick and accurate assessment of events providing valuable evidence deemed critical to incident resolution.

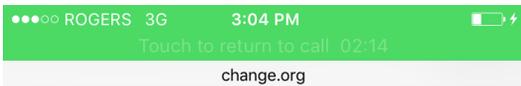
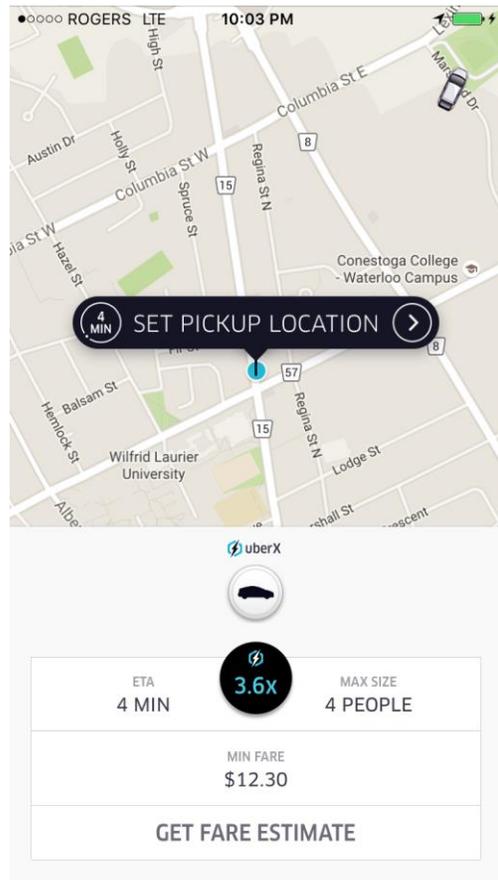
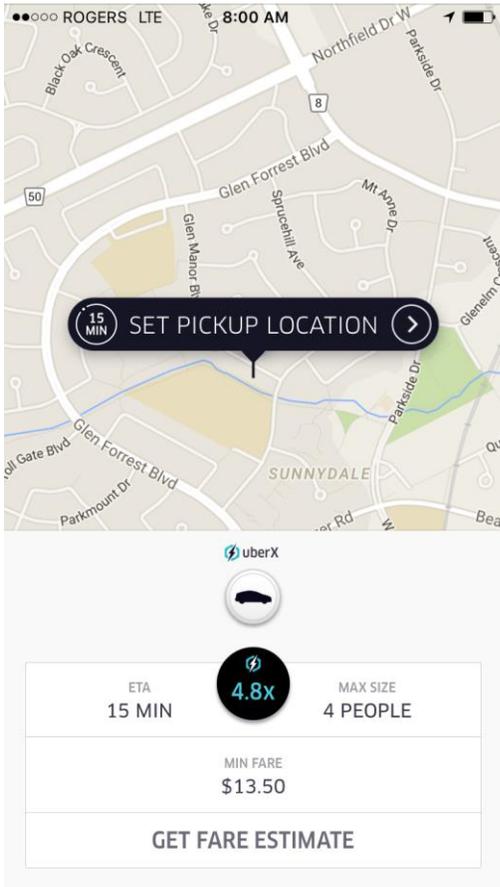
One the topic of regulating CCTV or as we refer to it as "Secure Video Monitoring" we feel that the local taxi industry be left to self regulate the use of Secure video monitoring systems as the Taxi Alliance has publicly stated on their website that all regional taxis will have cameras in vehicles by the end of 2016.

With respect to proposing a regulation in the bylaw, we would suggest that council consider a provision which would require that "if" there is any type of video monitoring system being used in a Taxi or other "for hire" vehicle operating in the region that it be a corporately secure video monitoring system to protect against any potential liability to the vehicle operator, owner or region for any unsecured video content making its way into the hands of the wrong people. Systems such as Go Pros and smartphone cameras have no place in our taxis. I can personally state that after reviewing hours and hours of secure video footage you can be sure that there will very negative implications associated with non secured video getting in the hands of the wrong people.

As a former taxi owner operating in the region of Waterloo for over 25 years, I would welcome the opportunity to review this issue further with any member of council or regional representative.

Thank You

Matthew Gagnon – Director, Sales CMAG Canada
cmagcanada@gmail.com
(519) 242-0124



Petition update

Woman charged \$368 for her Uber ride home

 **Murat KAYA**
Hamilton, ON

Jan 6, 2016 — Uber passengers have woken up with more than just a hangover with some claiming to have clocked up surcharges of almost nine times the normal fare, while another paid \$368 for her ride home.

Customers of the ride-sharing app in Australian capitals are complaining of exorbitant surcharges on New Years' Eve, taking to social media to claim they have been unfairly charged.

Laura Daniel, 27, paid a \$368 fare after heading home to Manly from Pymont at 1.40am on Friday, with a surcharge of 6.8 times the normal fare...

[Share this petition](#)

