



Regional Municipality of Waterloo
Licensing and Hearings Committee
Minutes

Wednesday, August 17, 2016

6:18 p.m.

Regional Council Chamber

150 Frederick Street, Kitchener, Ontario

Present were: Chair J. Mitchell, L. Armstrong, E. Clarke, D. Craig, S. Foxton, T. Galloway, D. Jaworsky, H. Jowett, K. Kiefer, G. Lorentz, J. Nowak, K. Redman, K. Seiling, S. Shantz, and B. Vrbanovic

Members absent: S. Strickland

Motion to Go Into Closed Session

Moved by K. Redman

Seconded by D. Jaworsky

That a closed meeting of the Licensing and Hearings Committee be held on Wednesday, August 17, 2016 at 5:30 p.m. in the Waterloo County Room in accordance with Section 239 of the "Municipal Act, 2001", for the purposes of considering the following subject matters:

- a) receiving of advice subject to solicitor-client privilege related to a legal matter

Carried

Motion to Reconvene Into Open Session

Moved by S. Foxton

2210640

Seconded by H. Jowett

That the Licensing and Hearings Committee reconvene into Open Session.

Carried

Declarations of Pecuniary Interest under the “Municipal Conflict of Interest Act”

None declared.

Delegations

4.1 Prem Gururajan, RideCo

P. Gururajan appeared before the Committee on behalf of RideCo and provided a demonstration of their application. He stated ride sharing is an important part of the Regional transportation fabric. They support a By-law favourable to ride sharing and noted they compete with Uber for drivers and passengers. They support not having cameras in vehicles, prefer a fee per trip model and an implementation date of January 1st, 2017. A copy of the [presentation](#) is appended to the original minutes.

Questions were raised regarding issues with the implementation date and insurance. P. Gururajan replied they are a smaller company and face administrative issues to get this in place while sourcing ride share insurance.

4.2 Brian Bazely, Driverseat

B. Bazely appeared before the Committee on behalf of Driverseat and stated they are in support of the proposed By-law and requested a review of the short term license fee.

4.3 Chris Schafer, Uber Canada

C. Schafer appeared before the Committee on behalf of Uber Canada. He provided a brief presentation which highlighted vehicle cameras and per trip fee mechanisms. A copy of the [presentation](#) is appended to the original minutes. There were questions on fares and accurate trip numbers and C. Schafer stated they have had audits performed in other jurisdictions and have also used sworn affidavits. There was discussion about the various fee models, including per trip and Uber’s willingness to be flexible if necessary after a review and the model is deemed not to be to the satisfaction of the Region.

Committee members stated it is important to continue to petition the Province regarding jurisdiction issues and where the trip commences.

It was noted the municipality has the right to regulate the industry, and C. Schafer was asked if there are situations where Uber would not be willing to operate in the Region. C. Schafer replied that the issues being debated are very important and could lead to concerns with ride sharing.

There was a question about cameras in taxis but not Uber vehicles and it was stated that the taxi business model is fundamentally different than the Uber model since the driver and passenger are known. There was further discussion about cameras and the potential for tampering and other identified issues with cameras.

In response to a question about models for the taxi industry in various cities, staff responded it is generally done by a fee attached to the broker and sometimes the driver and vehicle.

A question was raised what happens if an Uber driver is caught ride hailing and C. Schafer responded this is grounds for suspension from the Uber app. A driver can only use the ride app to secure rides. He also advised that the \$0.11 per trip will be passed onto the consumer.

With respect to the decals, C. Schafer encouraged the Region to be consistent and have a standard size across Ontario for these items. He stated the most important issues are the cameras and fee model.

B. Vrbanovic displayed photos with decals on Uber vehicles, noting the size.

4.4 Bill Chester, Waterloo Region Taxi Alliance appeared before the Committee, a copy of his [presentation](#) is appended to the original minutes. He highlighted a recent Uber incident. He stated all vehicles should be treated the same with the same regulations and supported cameras in all vehicles. He expressed concern with the change in the sign size and showed samples.

Questions were asked about the impact of the per trip fee on the taxi industry and B. Chester stated they are not affected since they have accessible vehicles. He noted the cost of the vehicles and maintenance.

With respect to cameras, B. Chester stated it is not a good idea to not require cameras in any vehicle and he encouraged Council to be leaders in the Province.

There was further discussion on insurance for the industry.

4.5 Tiho Popovic, City Cabs appeared before the Committee, a copy of his [presentation](#) is appended to the original minutes. He highlighted the vehicle identification, fee in lieu of accessible services and the advantages of cameras over real time gps.

A further call for delegations was made and none came forward.

Committee members had questions to RideCo regarding cameras and fee mechanisms. P. Gururajan stated these are serious issues that cause concern and there is a need for regulation to support the technology. He also stated that cameras are a significant barrier. There have been no incidents on their platform. In response to a question about driverless cars, he advised they are looking at the technology and hope their platform will be a key to success. With respect to inquiries to the Region prior to launching, P. Gururajan stated they did testing with Metrolinx, and then shared with a local taxi company. They started accepting drivers at the same time that the By-law was under discussion since the current By-law did not cover ride sharing.

Reports – Planning, Development, and Legislative Services

PDL-CAS-16-13, Taxi By-law Review - Finalization of Outstanding Issues and New By-law

Committee members had questions to staff regarding the report. With respect to the accessible vans, will the By-law be dealing with the amount of money being collected in lieu and how that money will be spent. Kris Fletcher, Director Council and Administrative Services/Regional Clerk replied that a working group will be established this fall to discuss how funds would be disbursed.

An inquiry was made if the decals will be numbered. Angelo Apfelbaum, Administrator, Licensing and Enforcement Services stated that the license will appear on the back of the vehicle along with the decal elsewhere on the vehicle.

With respect to the camera issue, staff was asked if there are currently cameras on all GRT vehicles. K. Fletcher responded cameras are installed in accordance with the Regional policy and is done for public and driver safety. Richard Brookes, Solicitor clarified that taxis and ride shares are not owned by the Region and there is a higher level of expectation of privacy in a taxi cab.

The per trip fee option was reviewed and it was requested to review what is required to impose these fees by October 1, 2016, in advance of the potential effective date of the By-law.

The effective date of the By-law was noted and it is currently proposed for November 1, 2016 but this will be decided at the September 21st Council meeting.

There was further discussion about written contracts for limousines.

L. Armstrong stated he cannot support a motion that does not make in-vehicle cameras mandatory. Members provided their comments on the motions and reasons for supporting them.

Moved by K. Redman

Seconded by S. Shantz

1. That the Regional Municipality of Waterloo direct staff to present a Taxi By-law at the next Council meeting on September 21, 2016 that requires real-time GPS for all taxis (meter and auxiliary), and not in-vehicle cameras, so that brokers have the ability to monitor their taxis in real time in order to maintain passenger safety.

Carried

(L. Armstrong opposed)

Moved by G. Lorentz

Seconded by L. Armstrong

2. That staff undertake a review of these provisions within twelve (12) months of the passing of the by-law and report back to Committee to determine if further changes are required to the by-law.

Carried

Moved by D. Jaworsky

Seconded by E. Clarke

3. That the Regional Municipality of Waterloo direct staff to amend the proposed Appendix "B" of Report PDL-CAS-16-13 dated August, 17, 2016 by adding a separate class of fees for app-based brokers comprising of the following:
 - a) A tiered broker licence fee that increases based on the number of taxis operating through the broker;
 - b) An owner/vehicle and driver licence fee that is paid by the broker and that is calculated on the basis of a per trip fee of \$0.11 multiplied by the volume of trips; and

- c) A per trip fee that is paid by the broker that is in lieu of the broker providing accessible taxis and that is calculated on the basis of a per trip fee of \$0.07 multiplied by the volume of trips;

And that the per trip licence fees be calculated and paid quarterly by the broker based on the volume of trips in the immediately preceding three month period subject to an increase at the end of the quarter if the actual trips exceed the fee payment;

And that staff be directed to present a Licence Fees and Charges By-law at the next Council meeting on September 21, 2016.

Carried

Moved by S. Foxton

Seconded by D. Craig

4. That staff be directed to review the Licensing Fees in twelve (12) months from the implementation of the by-law, and the fee in lieu of accessible taxis be reviewed in six (6) months, to ensure that the fees collected offset Licensing & Enforcement operating and administrative costs.

Carried

Moved by B. Vrbanovic

Seconded by S. Foxton

5. That the Region of Waterloo require Taxi-cabs to display two (2) decals, of a minimum size of nine hundred (900) square centimeters each, in a location visible from the exterior of the Taxi-cab, but not apply to limousines as they will be required to have a plate on the rear of the car. The decals must display the name or trademark of the Taxi-cab Broker.

K. Fletcher stated this regulation applies equally to all vehicles and they cannot exempt limousines only, but could exempt everyone in the auxiliary class. B. Vrbanovic directed staff to review the wording to make this apply to limousines only.

It was suggested to defer this matter and provide samples of signs and decals at the September 21, 2016 Council meeting.

Moved by K. Seiling

Seconded by D. Craig

2210640

That the issue of vehicle identification decals be deferred to the September 21, 2016 Council meeting to provide samples prior to finalizing the decal size.

Carried

K. Redman requested staff to provide any research on people with visual impairments to see how large the decals need to be to be visible and also if there is any information about uniformity.

Adjourn

Moved by D. Jaworsky

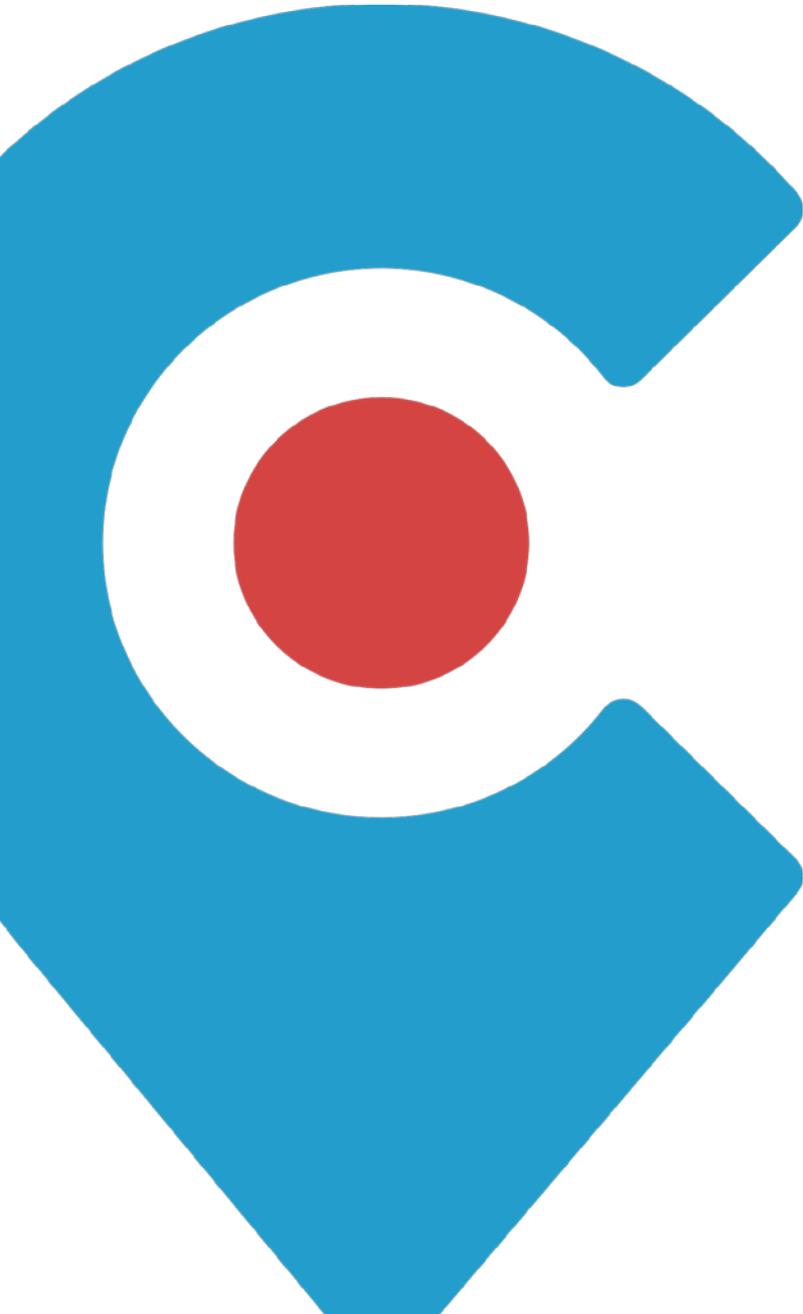
Seconded by K. Kiefer

That the meeting adjourn at 8:48 p.m.

Carried

Committee Chair, J. Mitchell

Committee Clerk, L. Wetzel

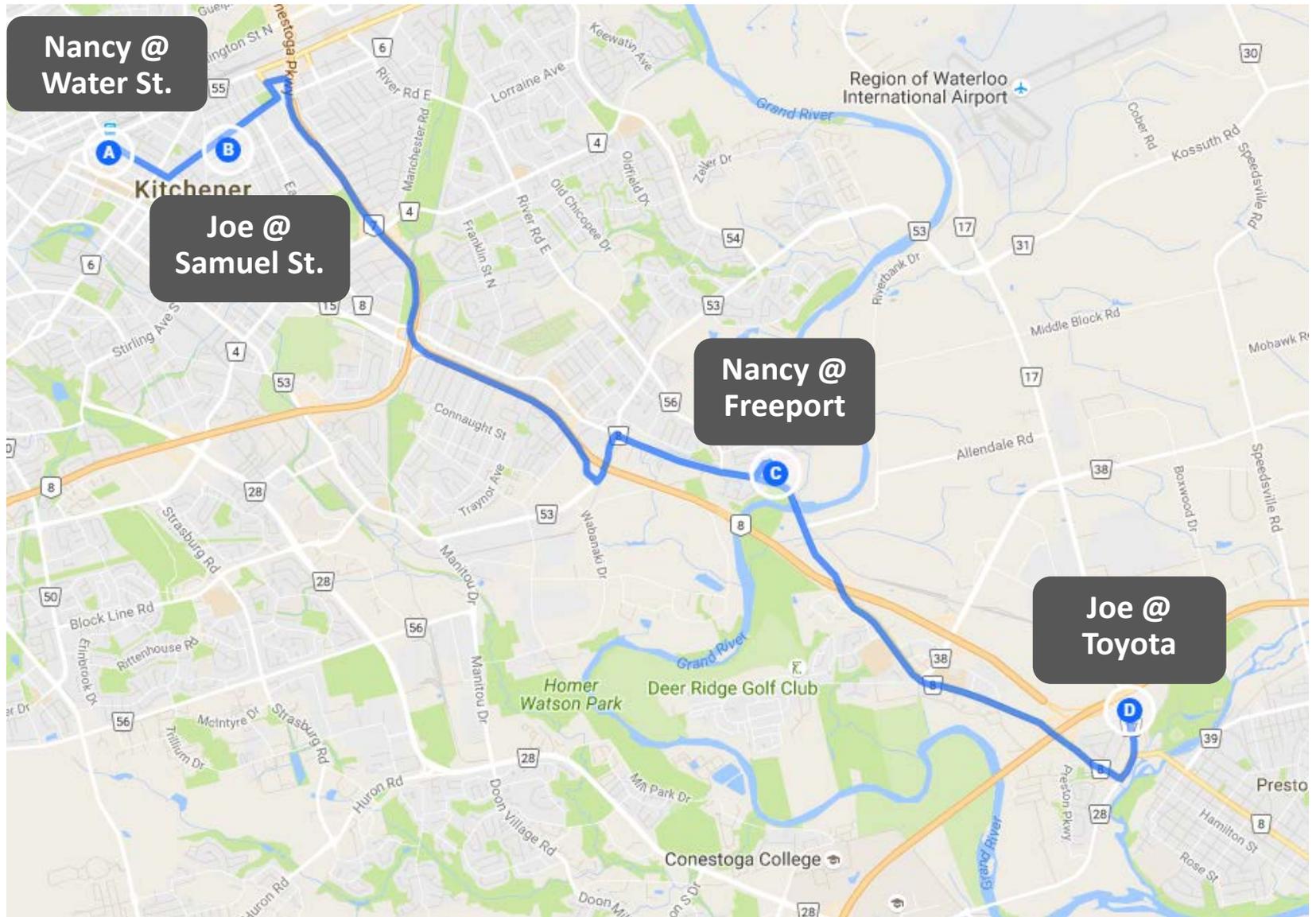


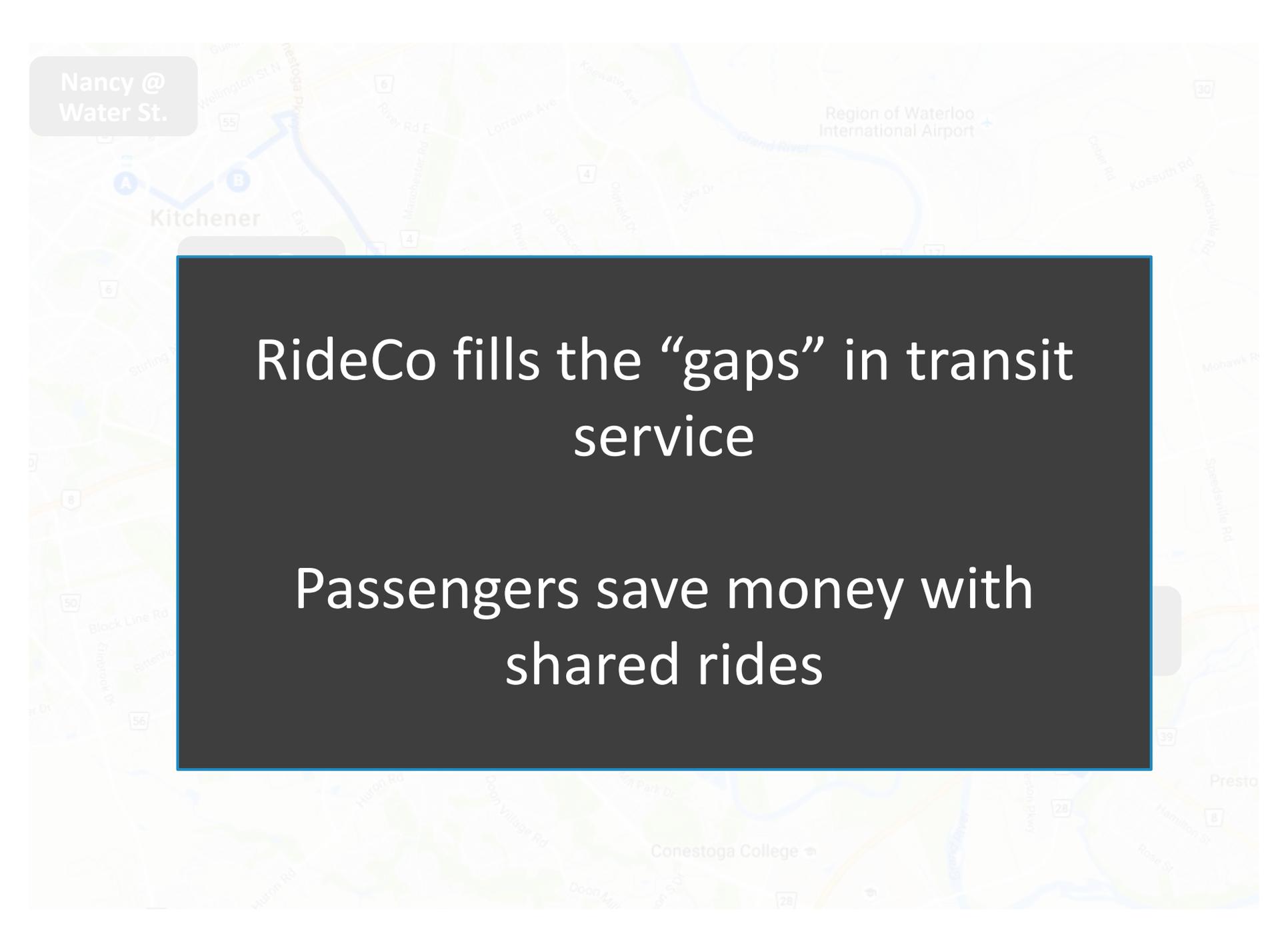
Personalized Transit

Presented by
Prem Gururajan

Waterloo Region
Aug 17, 2016

EARLY THIS MORNING



A map of the Waterloo Region, Ontario, Canada. The map shows major roads like Wellington St N, Huron Rd, and Conestoga Ave. Landmarks include the Region of Waterloo International Airport and Conestoga College. A blue line indicates a transit route starting from a point labeled 'Nancy @ Water St.' in Kitchener, heading north and then east. The map is overlaid with a dark blue text box containing white text.

Nancy @
Water St.

RideCo fills the “gaps” in transit
service

Passengers save money with
shared rides

- RideCo fills the “gaps” in transit service
- Thousands of local residents use RideCo
- One-third of users do not own a car
- Ridesharing is an important part of the Region’s transportation fabric

RIDECO POSITION ON ISSUES

- Supportive:
 - No camera
- Not Supportive:
 - Licence fees model: prefer a per-trip fee model
 - Bylaw implementation date: January 1st rather than November 1st 2016



Personalized Transit

Presented by
Prem Gururajan

Waterloo Region
Aug 17, 2016

UBER



REGION OF WATERLOO

AUGUST 17, 2016

UBER

UBER

ISSUE	NIAGARA REGION BYLAW	TORONTO BYLAW	OTTAWA BYLAW	EDMONTON BYLAW	WATERLOO DRAFT BYLAW	LONDON DRAFT BYLAW	UBER + RIDE CO POSITION
Cameras	No	No Staff to review and report back	No Staff to review and report back	No	No Staff to review and report back	No	No

- Trips pre-arranged. No anonymity in on ridesharing platforms. Trips are cashless. GPS monitoring. Limo trips are pre-arranged and have historically not been required to have a camera.
- “Share Location” from Uber app with contacts: Ride can share trip details + live GPS routing.
- Driver ratings & real-time feedback in app, responded to by Uber 24 hours.
- Uber has 24/7 support + Emergency Response Team + Law Enforcement Response Team.
- Uber works with law enforcement to support production orders and data sharing (GPS trip data, etc.) to facilitate police investigations/prosecutions.
- Cameras at cost of \$1,000+, represent a significant barrier to entry for ridesharing drivers, a majority whom drive for less than 10 hours a week.

UBER

ISSUE	NIAGARA REGION BYLAW	TORONTO BYLAW	OTTAWA BYLAW	EDMONTON BYLAW	WATERLOO DRAFT BYLAW	LONDON DRAFT BYLAW	UBER + RIDE CO POSITION
Licensing Fee	Annual Fee + Per Trip Fee	Traditional Taxi Fee Model OR Annual Fee + Per Trip Fee	TBD	Annual Fee + Per Trip Fee			

- Uber/RideCo support fees to recoup admin/enforcement related regulatory compliance costs.
- Quantum of fees not an issue. Sole issue is mechanism to which Region obtains fees.
- Traditional Taxi Fee Model and Alternative Fee Model net Region equivalent fees.
- Alternative Fee Model (per trip fee model) works for ridesharing business model.
- Region can audit trip data for data accuracy purposes
- Per trip fee can be examined at periodic intervals to ensure Region is recouping costs.
- Per trip fee can be easily adjusted in app -- up or down.

UBER

ISSUE	NIAGARA REGION BYLAW	TORONTO BYLAW	OTTAWA BYLAW	EDMONTON BYLAW	WATERLOO DRAFT BYLAW	LONDON DRAFT BYLAW	UBER + RIDE CO POSITION
Accessibility Fee	No Accessibility Fee	No accessibility Fee (uberWAV meets City accessibility requirements)	Per Trip Accessibility Fee being negotiated	\$20,000 annually in lieu of accessible service	Traditional Taxi Fee Model OR Per Trip Accessibility Fee	TBD	Per Trip Accessibility Fee

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- Region can audit trip data for data accuracy purposes

UBER

Licensing Fees and Fee in Lieu of Accessible Service Fee Example:

Fees	Traditional Taxi Fee Model	Per Trip Fee Model (Uber/RideCo)
Licensing Fees		
Broker Fee	\$50,000 (1000+ vehicles)	\$50,000 (1000+ vehicles)
Per Trip Fee	\$0	\$143,000 (\$0.11/per trip x 1.3 M trips)
Owner/Vehicle Fee	\$40	\$0
Driver Licence	\$10	\$0
TOTAL	<u>\$100,000/annually</u> (1000 vehicles)	<u>\$193,000/annually</u> (1000 vehicles / 1.3 M trips)
Accessibility Fee		
Fee in lieu of Accessible Service	\$50/vehicle (1000 vehicles)	\$91,000 (\$0.07/per trip x 1.3 M trips)
TOTAL	<u>\$50,000/annually</u>	<u>\$91,000/annually</u>

Waterloo Region Taxi Alliance's response in regards to the Region of Waterloo Bylaw report PDL-CAS-16-13, Finalization of Outstanding Issues and New By-law.

We continually hear from Uber that this or that doesn't fit our business model. If it were up to Uber there wouldn't be any by-laws/ rules to follow. Fortunately we live in a modern society which has rules and punishes the rule breakers.

Cameras:

Region of Waterloo councilors... you have an opportunity. Be pioneers/leaders. Protect our community to the fullest. Do not become like other municipalities...followers of the Uber propaganda machine. Here is the opportunity to make our ROW the safest community in all of Ontario.

The myth that the on line app booking that the ROW bylaw staff states provides an adequate level of security to passengers is just that ... a myth.

The " buyer beware " attitude is just not acceptable. We have a responsibility to provide consumer protection to the best of our ability by creating laws that will ensure greater safety.

Recent uber assaults etc. show the there is no difference in hail or app ride , it is all about human nature and actions. Just like we need police to deter crime, we need camera systems to deter it . If it prevents one sexual assault it is well worth it .

It's about customer safety: Not meant to fit anyone's business model !!!

Just a few recent incidents regarding Ubers and APP based companies assaults:

<http://www.cbc.ca/news/canada/toronto/uber-assault-toronto-1.3722408><http://www.citynews.ca/2016/08/15/uber-driver-arrested-for-assault-footage-surfaces-online/>

<https://www.thestar.com/news/crime/2016/04/27/uber-driver-charged-with-sexual-assault.html>

<http://www.independent.co.uk/news/uk/uber-drivers-accused-of-32-rapes-and-sex-attacks-on-london-passengers-a7037926.html>

<http://globalnews.ca/news/2763116/uber-driver-charged-following-sexual-assault-of-boy-in-oshawa-police/>

<http://www.whosdrivingyou.org/rideshare-incidents>

The WRTA has 1 member company that the entire fleet installed encrypted cameras. The other member companies, some have encrypted type cameras and some have removable card cameras but are not of the encryption type while other not all.

The WRTA is advocating the all Taxi type services install secure encrypted cameras that are properly mounted with security screws that can't be tampered with, adjusted or moved by the driver or the passenger. This product is on the market and gps can be included to give exact trip route etc. These camera systems would be installed for all vehicles " regular taxis and Auxiliary with " with exception for stretch limos. There must not be any distinction between Auxiliary and regular taxis. A taxi is a taxi is a taxi ! There is a cost of anywhere from \$1,000 to \$1,500 dollars. This is the cost of doing business in our ROW to provide excellent consumer protection for all of our community. To provide a professional safe service; we are willing to pay the price.

License Fees in lieu of Accessible Taxis:

The WRTA does not accept this sliding fee or the Uber fee payments per trip model in lieu of accessible taxis. Because Uber do not want to abide by laws in regards to the disabilities Act should the regular taxis suffer and Ubers take advantage? If Uber wants to take advantage then pay the price. \$100.00 per vehicle is a small price. Again Uber states it's not in their business plan or it does not reflect the current rideshare transportation model. These rules when brought in years ago were not in the taxi companies plan and they did not reflect the taxi transportation model. The taxi companies had to adapt, change. The taxi companies had to buy accessible taxi vans and put them in their fleet. Stated many times over these accessible vehicles are very expensive to purchase and to operate. One question? What will happen if the taxi industry chooses to do away with these expensive vehicles, can the taxi industry opt for the same concessions as Uber?

Identification Decals:

In June staff recommended that a decal of nine hundred (900) square centimeters be required as a minimum for all Taxi-cabs. Now in August the staff has changed their mind? Why? Uber related perhaps?

For all of us that use the imperial measuring method 900 sq centimeters is 12" *12" squared.

This decal is visible to see from a distance as well up close.

The new size requested by Uber of two hundred (200) square centimeters is approximately 14cm*14cm which converted to the imperial measurement method is approximately (5 1/2 " * 5 1/2"). This size is too small. We want our public to be safe from bandit type taxis. Having decals of this small size will in affect create problems. The customer should be able to identify all taxis and be safe. Examples would be by not seeing these decals therefore the customers will not know that these are legal taxis and another problem will be in the hails or flags. As the WRTA has stated over and over that these Ubers have been and continue to flag customers. These larger decals will be a deterrent for doing these flags.

Regards

Waterloo Region Taxi Alliance

Region of Waterloo

Council and Administrative Services

Dear Council Members, thank you again for the opportunity to speak on this important day for Taxi Industry in our Region and to be able to express our concerns with the Region Of Waterloo (RoW) Staff recommendation's outlined in the latest report (Report-PDL-CAS-16-13).

Vehicle Identification

Fortunately enough, thanks to technology we have access to all past webcasts, including the ones covering last Council meeting addressing Taxi By-law review dated June 9th, 2016. We have been under the impression that the vehicle identification requirements were successfully resolved during the last meeting, as Council had voted all in favor of the 900cm² proposal, none opposed. To demonstrate, this is minimal size requirement RoW Staff is proposing now (Show). I personally think if we are to go with this size, we might as well completely abandon any decal size requirements all together, as the newly proposed size is just simply not going to work. To illustrate, it is smaller than the standard envelope... Did the RoW Staff even consider what size is acceptable to the partially visually impaired members of our community?

Fee in Lieu of Accessible Services

What is the rationale behind the sliding scale proposition? Bigger fleets mean more profit, however on the other side your Staff is decreasing fee requirements for the larger fleets... Frankly the new sliding scale doesn't make much sense. Fee issues had also been resolved during the last meeting, why Staff feels they need to open it up again? Last time the Uber representative had mentioned that they have up to 900 registered drivers in our region. As per Staff's new recommendation, Uber would require to pay \$75 flat fee per vehicle, in contrary to already passed \$100 fee. However if Uber would magically increase number of their so called "partners" to number just over 1000, their fees would be drastically reduced to \$50 per car. Let's do the math: $900 \times 75 = 67.5K$ compared to 50K annum. Why is Regional staff

Tiho Popovic
Vice president
City Cabs Kitchener

Aug 17th, 2016

so eager to ease up the requirements for Uber and Uber like companies in the new by-law? What do we owe them? Do they create real jobs, pay taxes in our region and finally respect existing by-laws? Is Staff scared that Uber might walk away from our region or simply continue to operate illegally as they are doing right now if the new by-law is not shaped the way they want it?

Cameras

Finally, let's address one more time the paramount safety issue of Camera requirements. What is the difference between a taxi ride and Uber ride except the obvious such as name and the way it was ordered in? Let's quickly examine the facts: We have a driver, passenger and vehicle. We also have surrounding traffic and even weather conditions affecting the ride. Just so you are aware, anyone able to afford prepaid credit card can open up Uber account as customer. Taxi Alliance has demonstrated multiple times that very often Uber App drivers images are barely visible and do not offer full facial picture, sometimes also providing a nick name instead of full drivers name. In contrast, every licensed Taxi-Cab in our region must have visible Taxi-driver's license which has the name and proper picture taken by RoW Staff. Additionally, most if not all Waterloo Regional Taxi Alliance (WRTA) taxi-cab vehicles have large decals applied all over the vehicle, including top sign installed on the roof. Proposing that the cameras are only required for taxi cabs when ride has been flagged on the street is basically overshadowing all the existing requirements already implemented in our taxi cabs. Even now, when a ride is hailed on the street, we (WRTA Taxi cabs) provide safeguards in the form of driver identification which is our RoW License, vehicle identification (Top sign and cars decals), and real-time GPS (We use either DDS or Mobile Knowledge dispatching solutions) that is available to the broker, real time feedback that can be responded to 24/7 (we do have call centers) and the ability to forward passenger route information to a third party (we do it all the time, if and when required, best example is cooperation with the Regional Police). Proposing that only Taxis need to have cameras means that our Regional Staff believes more in Uber safety measures than our own existing regional safety regulations.

Tiho Popovic
Vice president
City Cabs Kitchener

Aug 17th, 2016

To conclude, if the Region truly cares about public safety which I believe that it does, it should impose similar camera rules for all Taxi-cab services. Nobody can foresee when an accident is going to occur and cameras are protection for, the consumers and drivers, as well as their surroundings. A ride is a ride is a ride and the same safety regulations should be applied to each and all rides.