

By-Law Number 16-044

of

The Regional Municipality of Waterloo

A By-law to Licence, Regulate and Govern Brokers, Owners and Drivers of Taxi-Cabs within The Regional Municipality of Waterloo and to Repeal By-laws 04-069, 04-070 and 04-071, as Amended

Whereas the Council of The Regional Municipality of Waterloo is authorized by section 11 of the Municipal Act, 2001, S.O. 2001, c. 25, as amended, to pass by-laws for the licensing, regulating and governing of brokers, owners and drivers of taxi-cabs;

And Whereas the Council of The Regional Municipality of Waterloo deems that taxi-cabs include vehicles used to carry persons for hire;

Now Therefore, the Council of The Regional Municipality of Waterloo enacts as follows:

Definitions

1. In this By-law:

- (1) "**Accessible Taxi-cab**" means a Motor Vehicle which has been built or modified in a manner that allows the conveyance of one (1) or more Passengers confined to Wheelchairs;
- (2) "**Accessible Taxi-cab Service**" means the use of an Accessible Taxi-cab for the conveyance of one (1) or more Passengers confined to Wheelchairs in exchange for a fee or other consideration that is commenced and concluded within the boundaries of the Region;
- (3) "**Auxiliary Taxi-cab**" means a Motor Vehicle that has an Auxiliary Taxi-cab Owner / Vehicle Licence;
- (4) "**Auxiliary Taxi-cab Broker Licence**" means the Auxiliary Taxi-cab Broker Licence as issued by the Clerk under this By-law;
- (5) "**Auxiliary Taxi-cab Owner / Vehicle Licence**" means the Auxiliary Taxi-cab Owner/Vehicle Licence as issued by the Clerk under this By-law;
- (6) "**Auxiliary Taxi-cab Service**" means a Taxi-cab Service with a Motor Vehicle that has an Auxiliary Taxi-cab Owner / Vehicle Licence;
- (7) "**Clerk**" means the Clerk of the Region, or his or her designate;
- (8) "**Controlled Drugs and Substances Act**" means the Controlled Drugs and Substances Act, S.C. 1996, c. 19, as amended, or any successor legislation;
- (9) "**Council**" means the Council of the Region;
- (10) "**Criminal Code**" means the Criminal Code, R.S.C. 1985, c. 46, as amended, or any successor legislation;
- (11) "**Driver**" means the individual who has care and control of a Motor Vehicle;

- (12) "**Electronic Cigarettes Act, 2015**" means the Electronic Cigarettes Act, 2015, S.O. 2015, c. 7, Schedule 3, or any successor legislation;
- (13) "**GPS**" means a global positioning system that allows a person to determine their exact geographic location;
- (14) "**Hail Taxi-cab Service**" means a Taxi-cab Service that is not pre-arranged by telephone, internet, on-line enabled application or other means through the Taxi-cab Broker and includes a Taxi-cab Service that is arranged through a hail or flag by the Passenger or Passengers on a street, private property or at a Taxi-cab Stand;
- (15) "**Highway Traffic Act**" means the Highway Traffic Act, R.S.O. 1990, C. H. 8, as amended, or any successor legislation;
- (16) "**Holiday**" means Saturday, Sunday, New Year's Day, Family Day, Good Friday, Easter Monday, Victoria Day, Canada Day, the Civic Monday, Labour Day, Thanksgiving Day, Remembrance Day, Christmas Day, Boxing Day and any other day fixed as a holiday by proclamation of the Governor General of Canada or Lieutenant Governor of Ontario;"
- (17) "**Human Rights Code**" means the Human Rights Code, R.S.O. 1990, c. H-19, as amended, or any successor legislation;
- (18) "**Licence Fees and Charges By-law**" means the Licence Fees and Charges By-law of the Region or any successor by-law;
- (19) "**Licensing and Hearing Committee**" means the Licensing and Hearing Committee for the Region, or any successor committee;
- (20) "**Meter Taxi-cab**" means a Motor Vehicle that has a Meter Taxi-cab Owner / Vehicle Licence;
- (21) "**Meter Taxi-cab Broker Licence**" means the Meter Taxi-cab Broker Licence as issued by the Clerk under this By-law;
- (22) "**Meter Taxi-cab Service**" means a Taxi-cab Service with a Motor Vehicle that has a Meter Taxi-cab Owner / Vehicle Licence;
- (23) "**Ministry of Transportation**" means the Ministry of Transportation for the Province of Ontario or any successor ministry, department or other government body;
- (24) "**Motor Vehicle**" means a motor vehicle as defined in the Highway Traffic Act;
- (25) "**Municipal Law Enforcement Officer**" means a municipal law enforcement officer as employed by the Region;
- (26) "**Owner**" means the person who holds the licence plate, as issued by the Ministry of Transportation, for the Motor Vehicle;
- (27) "**Passenger**" means any individual in a Motor Vehicle or Taxi-cab other than the Driver;
- (28) "**person**" includes a corporation;
- (29) "**Police Officer**" means a police officer duly appointed by the Waterloo Regional Police Service;

- (30) **“Pre-Arranged Taxi-cab Service”** means a Taxi-cab Service that is pre-arranged by telephone, internet, on-line enabled application or other means through the Taxi-cab Broker;
- (31) **“Public Vehicles Act”** means the Public Vehicles Act, R.S.O. 1990, c. P. 54, as amended, or any successor legislation;
- (32) **“Region”** means The Regional Municipality of Waterloo as a municipal corporation and, where the context requires, its geographic area;
- (33) **“Tariff Card”** means a card in a form as prescribed by the Clerk for display to Passengers containing the Meter Taxi-cab tariffs listed in Schedule "A" of this By-law;
- (34) **"Taxi-cab"** means a Motor Vehicle that is licensed or is the subject matter of a licence application, as applicable, pursuant to this By-law;
- (35) **"Taxi-cab Broker"** means a person who accepts a request by telephone, on-line enabled application, internet or other electronic means for and dispatches a Taxi-cab Service where the Taxi-cab is owned by someone other than that person, his or her immediate family or the person's employer. For greater certainty, a person who enters into a contract or arrangement with an Owner or Driver who provides or will provide Taxi-cab Services through the person's on-line enabled application or internet site shall be deemed to be a person who accepts a request and dispatches a Taxi-cab Service;
- (36) **"Taxi-cab Broker Licence"** means a Meter Taxi-cab Broker Licence or Auxiliary Taxi-cab Broker Licence as issued by the Clerk under this By-law;
- (37) **"Taxi-cab Driver Licence"** means a Taxi-cab Driver Licence as issued by the Clerk under this By-law;
- (38) **“Taxi-cab Licence Plate”** means the Taxi-cab Licence Plate that is issued by the Clerk under this By-law;
- (39) **"Taxi-cab Meter"** means a mechanical or electronic device used to measure time and distance for the purpose of calculating a fare;
- (40) **“Taxi-cab Owner / Vehicle Licence”** means a Meter Taxi-cab Owner / Vehicle Licence or Auxiliary Taxi-cab Owner / Vehicle Licence as issued by the Clerk under this By-law;
- (41) **"Taxi-cab Service"** means the use of a Motor Vehicle that has seating capacity of not more than six (6) persons, exclusive of the Driver, for the conveyance of one or more Passengers in exchange for a fee or other consideration that is commenced and concluded within the boundaries of the Region but does not include a conveyance where the Motor Vehicle:
- i) has an operating licence pursuant to the Public Vehicles Act for the Region;
 - ii) is providing an ambulance service wherein a Passenger is being conveyed to a hospital or other medical facility as a result of illness or injury;
 - iii) is providing transportation that is ancillary to nursing or similar services for a Passenger that is elderly, disabled or ill;

iv) is providing a funeral service wherein a Passenger or Passengers are conveyed for the purposes of a funeral procession; or

v) is owned by one of the Passengers for a fee or other consideration.

For greater certainty, a Taxi-cab Service includes an Accessible Taxi-cab Service.

(42) “**Taxi-cab Stand**” means any location within the Region where a taxi-cab stand sign has been posted or where a taxi-cab stand has been designated by by-law of the Region or other body having lawful authority; and

(43) “**Wheelchair**” means a chair mounted on wheels driven by muscular or any other kind of power that is designed for and used by a person whose mobility is limited by one or more conditions or functional impairments. For greater certainty, a “wheelchair” includes a scooter that is designed for and used by a person whose mobility is limited by one or more conditions or functional impairments.

Part I – Taxi-Cab Broker Licence

Prohibition

2. No person shall act as a Taxi-cab Broker without first having obtained a Taxi-cab Broker Licence from the Clerk in accordance with this By-law.

Licence Application

3. Every person who applies for a Taxi-cab Broker Licence shall provide the Clerk, if applicable, with:

- (1) the person's name and address;
- (2) all current articles of incorporation for the person;
- (3) all current documents showing the registered business name of the person;
- (4) the full names and dates of birth for all officers and directors of the person;
- (5) the full names of all persons who hold a Taxi-cab Owner / Vehicle Licence and Taxi-cab Driver Licence who use or will use the person as their Taxi-cab Broker;
- (6) proof of a comprehensive policy of public liability and property damage insurance, with all applicable coverage endorsements, in an amount of not less than \$5,000,000 per occurrence;
- (7) information on whether the person, or any officer or director of the person, has had a licence in regard to a taxi-cab broker suspended or revoked in the Region or any other municipality in Canada; and
- (8) information on whether the person, or any officer or director of the person, has been convicted of an offence under any taxi-cab by-law of the Region or other municipality in Canada in regard to their role as a taxi-cab broker.

Licence Classes

4. The Clerk shall issue a Taxi-cab Broker Licence to an applicant that has satisfied the requirements of this By-law based on the appropriate Taxi-cab Broker Licence class as set out in the following:

- (1) The Clerk shall issue a Meter Taxi-cab Broker Licence to an applicant that will act as a Taxi-cab Broker for one or more Meter Taxi-cabs;
- (2) The Clerk shall issue an Auxiliary Taxi-cab Broker Licence to an applicant that will not act as a Taxi-cab Broker for any Meter Taxi-cab.

General Licence Requirements

5. Every Taxi-cab Broker licensed under this By-law shall:

- (1) have a telephone number, email address or on-line enabled application that is solely for the use of the Taxi-cab Broker and customers who wish to make contact with the Taxi-cab Broker as well as a website where the Taxi-cab Broker posts its contact information, as applicable;
- (2) have a digital dispatch system and automated vehicle locator system that allows the Taxi-cab Broker to communicate with and locate a Taxi-cab that operates through the Taxi-cab Broker;
- (3) maintain a written or electronic record for a period of six (6) months for each Taxi-cab Service that is dispatched by the Taxi-cab Broker;
- (4) ensure that each person holding a Taxi-cab Owner / Vehicle Licence or Taxi-cab Driver Licence who operates through the Taxi-cab Broker is trained in regard to the proper operation of a Taxi-cab and the provisions of this By-law;
- (5) ensure that each person holding a Taxi-cab Driver Licence who operates through the Taxi-cab Broker has completed driver and sensitivity training that includes the following topics:
 - i) the safe operation of a Motor Vehicle including safe operation during inclement weather;
 - ii) the proper operation of Taxi-cab equipment and devices which includes a Taxi-cab Meter, top sign, dispatch system and credit card machine, as applicable;
 - iii) the proper response to an emergency situation which includes a Passenger illness and Motor Vehicle accident;
 - iv) providing Taxi-cab Services in a manner that respects the dignity and independence of persons with disabilities; and
 - v) providing Taxi-cab Services in a manner that is free of discrimination and is in compliance with the Human Rights Code;
- (6) ensure that each person holding a Taxi-cab Driver Licence who operates through the Taxi-cab Broker and will provide an Accessible Taxi-cab Service has completed the accessibility training as designated by the Clerk;
- (7) take all reasonable steps to ensure that each person holding a Taxi-cab Owner / Vehicle Licence or Taxi-cab Driver Licence who operates through the Taxi-cab Broker complies with the requirements of this By-law;

- (8) give priority to persons confined to Wheelchairs when dispatching Accessible Taxi-cabs;
- (9) immediately report to the Clerk any known contravention of this By-law by a person holding a Taxi-cab Owner / Vehicle Licence who operates through the Taxi-cab Broker;
- (10) immediately report to the Clerk any known:
- i) contravention of this By-law;
 - ii) charge or conviction pursuant to the Criminal Code, Controlled Drugs and Substances Act or Highway Traffic Act; or
 - iii) driver licence suspension;
- by a person holding a Taxi-cab Driver Licence who operates through the Taxi-cab Broker;
- (11) immediately report to the Clerk any known motor vehicle accident that is reportable pursuant to section 199 of the Highway Traffic Act, or any successor provision, or personal injury or cancellation of insurance involving a Taxi-cab that operates through the Taxi-cab Broker;
- (12) immediately report to the Clerk if the Taxi-cab Broker has terminated any person who holds a Taxi-cab Owner / Vehicle Licence or Taxi-cab Driver Licence through the Taxi-cab Broker; and
- (13) provide the Clerk, by January 15th of each year, commencing on January 15, 2018, with the following statistical information for the preceding calendar year in relation to Taxi-cab Services provided through the Taxi-cab Broker:
- i) the total number of Taxi-Cab Services provided and Passengers conveyed; and
 - ii) the total number of Accessible Taxi-cab Services and non Accessible Taxi-cab Services for each Accessible Taxi-cab, if applicable.
6. Every Taxi-cab Broker licensed under this By-law that provides a Pre-Arranged Taxi-cab Service through an on-line enabled application, website or telephone shall maintain a written or electronic record for a period of six (6) months showing that the Passenger accepted the fare or rate to be charged prior to the commencement of the Pre-Arranged Taxi-cab Service.

Special Licence Requirements (Meter Taxi-cab Broker)

7. (1) By January 1, 2017, every Meter Taxi-cab Broker licensed under this By-law shall have a number of Accessible Taxi-cabs that are operated through the Meter Taxi-cab Broker that is equivalent to or more than seven (7) percent of the total number of Meter Taxi-cab Owner / Vehicle Licence holders who operate through the Meter Taxi-cab Broker.
- (2) For the purposes of calculating the number of required Accessible Taxi-cabs pursuant to subsection (1) of this section, any product with a decimal point shall be rounded to the nearest whole number.

Licence Expiration

8. (1) Every Taxi-cab Broker Licence shall expire at 4:30 p.m. on the 31st day of January of each year.

(2) Notwithstanding subsection (1) of this section, if January 31st falls on a Saturday or Sunday, then every Taxi-cab Broker Licence shall expire at 4:30 p.m. on the following Monday.

Part II – Taxi-Cab Owner / Vehicle Licence

Prohibition

9. (1) No Owner of a Motor Vehicle shall cause or permit the Motor Vehicle to be used for a Taxi-cab Service without first having obtained a Taxi-cab Owner / Vehicle Licence for the Owner's Motor Vehicle from the Clerk in accordance with this By-law.

(2) No Owner shall allow or permit another person to provide or attempt to provide a Taxi-cab Service with the Owner's Motor Vehicle unless such person has a valid Taxi-cab Driver Licence as issued under this By-law.

Licence Application

10. Every person who applies for a Taxi-cab Owner / Vehicle Licence shall provide the Clerk, if applicable, with:

- (1) the Owner's name and address;
- (2) all current articles of incorporation for the person;
- (3) all current documents showing the registered business name of the person;
- (4) the full names and dates of birth for all officers and directors of the person;
- (5) the make, model, vehicle identification number, production year and Ontario licence plate number for the Owner's Taxi-cab;
- (6) a valid motor vehicle permit in the Owner's name for the Taxi-cab as issued by the Ministry of Transportation;
- (7) if the Taxi-cab is greater than three (3) years in age, based on the year appearing on the motor vehicle permit, or has more than 75,000 kilometres, a valid Province of Ontario Motor Vehicle Inspection Certificate showing that the Taxi-cab has passed the applicable safety inspection;
- (8) satisfactory evidence that the Taxi-cab has passed all applicable propane safety inspections if an Owner's Taxi-cab operates with propane as its primary or secondary fuel source;
- (9) proof of automobile insurance as approved by the Financial Services Commission of Ontario for the Taxi-cab that will insure the provision of Taxi-cab Services in the amount of at least two million dollars (\$2,000,000) per occurrence, exclusive of interest and costs, against liability resulting from bodily injury to or the death of one or more persons and loss or damage to property;

(10) confirmation that the Owner, or any officer or director of the Owner, has not had a licence in regard to the ownership of a taxi-cab of any class suspended or revoked in the Region or any other municipality in the three (3) year period prior to the application; and

(11) confirmation that the Owner, or any officer or director of the Owner, has not been convicted of an offence under any taxi-cab by-law of the Region or any other municipality in regard to the ownership of a taxi-cab of any class in the three (3) year period prior to the application.

11. A Taxi-cab Owner / Vehicle Licence shall only be issued to an Owner who has the use of a Taxi-cab Broker that is licensed under this By-law.

12. The Clerk may issue a Taxi-cab Owner / Vehicle Licence to an applicant that has satisfied the requirements of this By-law on a one (1) month or one (1) year term, as requested by the applicant.

Licence Classes

13. The Clerk shall issue a Taxi-cab Owner / Vehicle Licence to an applicant that has satisfied the requirements of this By-law based on the appropriate Taxi-cab Owner / Vehicle Licence class as set out in the following:

(1) The Clerk shall issue a Meter Taxi-cab Owner / Vehicle Licence to an applicant that was deemed to hold a Meter Taxi-cab Owner / Vehicle Licence pursuant to this By-law on the date that this By-law comes into effect, or to an applicant that acquired a Meter Taxi-cab Owner / Vehicle Licence thereafter pursuant to the provisions of this By-law; and

(2) The Clerk shall issue an Auxiliary Taxi-cab Owner / Vehicle Licence to any other applicant that does not meet the criteria as set out in subsection (1) of this section.

General Licence Requirements

14. Every person who holds a Taxi-cab Owner / Vehicle Licence shall display:

(1) the Taxi-cab Licence Plate on the rear bumper of their Taxi-cab; and

(2) two decals that are a minimum of 200 square centimeters each in area in visible locations on the exterior of their Taxi-cab that visibly displays in large print the name or trademark of their Taxi-cab Broker.

15. Every person who holds a Taxi-cab Owner / Vehicle Licence shall ensure at all times that their Taxi-cab is mechanically safe so as to meet the standards required for the issuance of a Province of Ontario Motor Vehicle Inspection Certificate.

16. (1) Every Taxi-cab Owner who has a Taxi-cab as licensed under this By-law that is ten (10) years or older, based on the year appearing on the motor vehicle permit, shall provide the Clerk with a valid Province of Ontario Motor Vehicle Inspection Certificate on the sixth (6th) month anniversary of their Taxi-cab Owner / Vehicle Licence.

(2) Where subsection (1) of this section applies and the Taxi-cab operates with propane as its primary or secondary fuel source, the Taxi-cab Owner shall also provide the Clerk with a valid certificate showing that the Taxi-cab has passed all applicable propane safety inspections.

17. Every person who holds a Taxi-cab Owner / Vehicle Licence shall:

- (1) take all reasonable steps to ensure that each person holding a Taxi-cab Driver Licence who operates the licence holder's Taxi-cab complies with the requirements of this By-law;
- (2) immediately report to the Clerk any known:
 - i) contravention of this By-law;
 - ii) charge or conviction pursuant to the Criminal Code, Controlled Drugs and Substances Act or Highway Traffic Act; or
 - iii) driver licence suspension;by a person holding a Taxi-cab Driver Licence who operates the licence holder's Taxi-cab; and
- (3) immediately report to the Clerk any known motor vehicle accident that is reportable pursuant to section 199 of the Highway Traffic Act, or any successor provision, or personal injury or cancellation of insurance involving the licence holder's Taxi-cab.

18. In the event an Owner replaces a Taxi-cab as licensed under this By-law with another Taxi-cab, the Taxi-cab Owner/ Vehicle Licence for such may be transferred to the replacement Taxi-cab provided:

- (1) that the Owner applies to the Clerk and meets the criteria as set out in this By-law, with necessary modification; and
- (2) the Owner pays the fee in accordance with the Licence Fees and Charges By-law.

Special Licence Requirements (Meter Taxi-cab Owner)

19. Every person who holds a Meter Taxi-cab Owner / Vehicle Licence shall ensure at all times that their Meter Taxi-cab is equipped with an operational:

- (1) Taxi-cab Meter that meets the requirements of this By-law;
- (2) illuminated top sign on the roof of the Meter Taxi-cab that is capable of illuminating when the Meter Taxi-cab is unoccupied by a Passenger;
- (3) GPS that sets out and records the location of the Meter Taxi-cab; and
- (4) dispatch system that allows communication between the Driver and Meter Taxi-cab Broker.

20. The Clerk shall not issue more than 368 Meter Taxi-cab Owner / Vehicle Licences.

21. Notwithstanding any other provision of this By-law, an Owner who holds a Meter Taxi-cab Owner / Vehicle Licence may surrender the licence to the Clerk and the Clerk may issue a new Meter Taxi-cab Owner / Vehicle Licence to a person designated by the licence holder provided that the designated person meets all of the applicable conditions for such licences under this By-law.

22. (1) Notwithstanding any other provision of this By-law, a person administrating the estate of a person who held a Meter Taxi-cab Owner / Vehicle Licence may surrender the licence to the Clerk and the Clerk may

issue a new Meter Taxi-cab Owner / Vehicle Licence to a person designated by the person administrating the Owner's estate provided that the person administrating the Owner's estate surrenders the licence within 75 calendar days of the Owner's death and the designated person meets all of the applicable conditions for a Meter Taxi-cab Owner / Vehicle Licence.

(2) A person administrating the estate of a person who held a Meter Taxi-cab Owner / Vehicle Licence may allow the Meter Taxi-cab to be operated for the 75 calendar day period under subsection (1) of this section provided that the applicable conditions for the Meter Taxi-cab under this By-law are satisfied. For the purposes of this subsection, the person administrating the estate shall be deemed to be the holder of the Meter Taxi-cab Owner / Vehicle Licence.

23. Schedule "B" of this By-law shall apply when:

- (1) a Meter Taxi-cab Owner / Vehicle Licence is not renewed pursuant to this By-law;
- (2) a Meter Taxi-cab Owner / Vehicle Licence is permanently revoked pursuant to the terms of this By-law; or
- (3) the holder of a Meter Taxi-cab Owner / Vehicle Licence dies, is dissolved or ceases operation and the provisions under section 22 of this By-law have not been exercised.

Special Licence Requirements (Auxiliary Taxi-cab Owner)

24. No person who holds an Auxiliary Taxi-cab Owner / Vehicle Licence shall place or allow a top sign to be placed on the roof their Auxiliary Taxi-cab.

Licence Expiration

25. (1) Every Taxi-cab Owner / Vehicle Licence that is issued for a one year term shall expire at 4:30 p.m. on the licence holder's date of birth of each year or the 31st day of January of each year if the licence holder is a corporation.

(2) Notwithstanding subsection (1) of this section, if the licence holder's date of birth or January 31st, as applicable, fall on a Holiday then the Taxi-cab Owner / Vehicle Licence shall expire at 4:30 p.m. on the following day that is not a Holiday.

(3) Every Taxi-cab Owner / Vehicle Licence that is issued for a one (1) month term shall expire thirty (30) calendar days after issuance by the Clerk.

Part III – Taxi-Cab Driver Licence

Prohibition

26. (1) No Driver shall provide or attempt to provide a Taxi-cab Service without first having obtained a Taxi-cab Driver Licence from the Clerk in accordance with this By-law.

(2) No Driver shall use or attempt to use a Motor Vehicle for a Taxi-cab Service unless the Motor Vehicle has a Taxi-cab Owner / Vehicle Licence as issued by the Clerk under this By-law.

Licence Application

27. Every person who applies for a Taxi-cab Driver Licence shall provide the Clerk with:

- (1) the person's name, address, telephone number and date of birth;
- (2) proof of a valid Province of Ontario Driver's Licence with at least two (2) years driving experience before applying for the Taxi-cab Driver Licence;
- (3) confirmation that the person has not had a licence to operate a taxi-cab of any class revoked in the three (3) year period before applying for the Taxi-cab Driver Licence;
- (4) a Police Criminal Background Check and Ministry of Transportation Driver's Abstract showing that the person meets the criteria as set out in Schedule "C" of this By-law; and
- (5) a true photograph of the person's face for the purpose of creating a Taxi-cab Driver Licence.

28. A Taxi-cab Driver Licence shall only be issued to a person who has the use of a Taxi-cab Broker that is licensed under this By-law.

29. The Clerk may issue a Taxi-cab Driver Licence to an applicant that has satisfied the requirements of this By-law on a one (1) month or one (1) year term, as requested by the applicant.

General Licence Requirements

30. Every person who holds a Taxi-cab Driver Licence while operating a Taxi-cab as licensed under this By-law shall display his or her licence, in either a paper or electronic format, in a location that is clearly visible to all Passengers and shall verbally advise any Passenger of their Taxi-cab Driver Licence number upon request.

31. Every person who holds a Taxi-cab Driver Licence while operating a Taxi-cab as licensed under this By-law shall ensure that the GPS and dispatch system for the Taxi-cab is operating.

32. No person who holds a Taxi-cab Driver Licence shall:

- (1) verbally solicit any person for the purposes of providing a Taxi-cab Service;
- (2) obstruct the use of any sidewalk, access way or highway with the Taxi-cab as licensed under this By-law;
- (3) permit his or her Taxi-cab as licensed under this By-law to remain idling:
 - i) for a period that exceeds ten (10) minutes when the outdoor temperature is between ten (10) degrees Celsius and twenty (20) degrees Celsius; or
 - ii) when the Taxi-cab is not occupied by a Passenger;
- (4) permit his or her Taxi-cab as licensed under this By-law to remain standing on any street or highway, other than in designated parking areas, unless for the immediate purpose of:
 - i) taking on a Passenger or Passengers who have already engaged the Taxi-cab; or

- ii) discharging a Passenger or Passengers from the Taxi-cab;
- (5) carry a number of Passengers during a Taxi-cab Service that exceeds the manufacturer's rating of seating capacity for the Taxi-cab;
- (6) carry any Passenger other than those Passengers engaging the Taxi-cab unless the Passenger is a driver-in-training;
- (7) smoke tobacco or permit tobacco to be smoked in his or her Taxi-cab as licensed under this By-law;
- (8) consume or be under the influence of any alcohol while operating a Taxi-cab licensed under this By-law;
- (9) consume, possess or be under the influence of any controlled substance as defined in the Controlled Drugs and Substances Act while operating a Taxi-cab licensed under this By-law; or
- (10) use an electronic cigarette or permit the use of an electronic cigarette, as those terms are defined in the Electronic Cigarettes Act, 2015, in his or her Taxi-cab as licensed under this By-law.

33. Every person who holds a Taxi-cab Driver Licence that is operating an Accessible Taxi-cab shall give priority to persons confined to Wheelchairs.

34. Every person who holds a Taxi-cab Driver Licence providing an Accessible Taxi-cab Service shall securely fasten all Wheelchairs so the Wheelchairs do not move while the Accessible Taxi-cab is in motion.

35. (1) Every person who holds a Taxi-cab Driver Licence shall notify the Clerk within twenty-four (24) hours of any charge or conviction relating to the licence holder pursuant to the Highway Traffic Act with all particulars relating to the charge or conviction.

(2) Every person who holds a Taxi-cab Driver Licence shall provide the Clerk, upon the Clerk's demand, with a Police Criminal Background Check of all criminal convictions for which the person has not received a pardon or record suspension.

(3) Every person who holds a Taxi-cab Driver Licence shall notify the Clerk within twenty-four (24) hours of any police investigation, charge or conviction relating to the licence holder pursuant to the Criminal Code or the Controlled Drugs and Substances Act with all particulars relating to the investigation, charge or conviction.

Special Licence Requirements (Meter Taxi-cab Driver)

36. Every person who holds a Taxi-cab Driver Licence while operating a Meter Taxi-cab shall turn off the illuminated top sign when the Meter Taxi-cab is engaged in a Meter Taxi-cab Service.

37. (1) Every person who holds a Taxi-cab Driver Licence providing a Meter Taxi-cab Service shall ensure that:

- i) his or her Taxi-cab Meter is fully operational and accurate;
- ii) his or her Taxi-cab Meter is sealed;
- iii) his or her Taxi-cab Meter conforms to the maximum fees as prescribed in Schedule "A" of this By-law, attached;

- iv) his or her Taxi-cab Meter is located where it is visible to all Passengers; and
- v) the fee charged to the Passenger or Passengers conforms to that as set out on the Taxi-cab Meter.

(2) Subsection (1)(v) of this section shall not apply where the Meter Taxi-cab Service is being carried out pursuant to:

- i) an ongoing written contract between the Meter Taxi-cab Broker and the Passenger or a third party on behalf of the Passenger for repeated Meter Taxi-cab Services or Accessible Taxi-cab Services; or
- ii) a Pre-Arranged Taxi-cab Service through an on-line enabled application, website or telephone provided that a written or electronic record is maintained showing that the Passenger accepted the fare or rate prior to commencement of the Pre-Arranged Taxi-cab Service and the Taxi-cab Driver provides a written or electronic receipt to the Passenger at the conclusion of the Pre-Arranged Taxi-cab Service that sets out all rates, fees and/or surcharges charged, total amount paid, date and time of the Taxi-cab Service, location of the commencement and conclusion of the Taxi-cab Service, and the total time and distance of the Taxi-cab Service.

38. Where a Taxi-cab Meter is not fully operational or the Taxi-cab Meter's seal is broken, the person who holds a Taxi-cab Driver Licence that is operating the Meter Taxi-cab shall immediately report such to the Clerk and shall cease to provide any Meter Taxi-cab Service or Accessible Taxi-cab Service.

39. The fee for the testing or retesting of a Taxi-cab Meter shall be in accordance with the Licence Fees and Charges By-law and shall be payable by the person holding the Meter Taxi-cab Owner / Vehicle Licence.

40. (1) No person who holds a Taxi-cab Driver Licence providing a Meter Taxi-cab Service shall turn on his or her Taxi-cab Meter before the Passenger occupies the Meter Taxi-cab.

(2) Notwithstanding subsection (1) of this section, a person who holds a Taxi-cab Driver Licence may turn on his or her Taxi-cab Meter before the Passenger has occupied the Meter Taxi-cab if:

- i) the Passenger has requested the Meter Taxi-cab at a specific location at a specific time; or
- ii) the person who holds a Taxi-cab Driver Licence or Passenger is loading or unloading the Passenger's personal items, with the exception of mobility aids or mobility assistive devices, into or from the Meter Taxi-cab.

41. (1) Every person who holds a Taxi-cab Driver Licence providing a Meter Taxi-cab Service shall display a Tariff Card in a location that is clearly visible to all Passengers.

(2) Every person who holds a Taxi-cab Driver Licence providing a Meter Taxi-cab Service shall verbally advise a Passenger of the contents of the Tariff Card upon request.

Special Licence Requirements (Auxiliary Taxi-cab Driver)

42. No person who holds a Taxi-cab Driver Licence shall park or stop an Auxiliary Taxi-cab in any Taxi-cab Stand.
43. No person who holds a Taxi-cab Driver Licence that is operating an Auxiliary Taxi-cab shall provide or attempt to provide a Hail Taxi-cab Service.
44. No person who holds a Taxi-cab Driver Licence who has provided a Pre-Arranged Taxi-cab Service shall charge a fee or attempt to charge a fee to a Passenger or any other person unless it is the fee or is in accordance with the fee structure that was accepted or agreed to as part of the Pre-Arranged Taxi-cab Service.
45. Every person who holds a Taxi-cab Driver Licence that is operating an Auxiliary Taxi-cab Service and has provided a Pre-Arranged Taxi-cab Service through an on-line enabled application, website or telephone shall provide a written or electronic receipt to the Passenger at the conclusion of the Pre-Arranged Taxi-cab Service that sets out all rates, fees and/or surcharges charged, total amount paid, date and time of the Taxi-cab Service, location of the commencement and conclusion of the Taxi-cab Service, and the total time and distance of the Taxi-cab Service.

Licence Expiration

46. (1) Every Taxi-cab Driver Licence that is issued for a one year term shall expire at 4:30 p.m. on the licence holder's date of birth of each year.
 - (2) Notwithstanding subsection (1) of this section, if the licence holder's date of birth falls on a Holiday then the Taxi-cab Driver Licence shall expire at 4:30 p.m. on the following day that is not a Holiday.
 - (3) Every Taxi-cab Driver Licence that is issued for a one (1) month term shall expire thirty (30) calendar days after issuance by the Clerk.

Part VII - General

Licence Application Process

47. The fee for a licence under this By-law shall be in accordance with the Licence Fees and Charges By-law.
48. All persons applying for a licence under this By-law shall provide the Clerk with such other information and documentation as requested by the Clerk.
49. No person applying for a licence under this By-law shall knowingly misstate or provide false information to the Clerk.
50. Every person licensed under this By-law shall report to the Clerk within six (6) calendar days after the event, of any change in any information that was provided to the Clerk through the person's application.

Broker Issuance of Licences

51. (1) The Clerk shall designate any person who holds a Meter Taxi-cab Broker Licence that provides Taxi-cab Services exclusively through an on-line enabled application to issue Taxi-cab Driver Licences to applicants that will provide Meter Taxi-cab Services through the Taxi-cab Broker.

(2) The Clerk shall designate any person who holds an Auxiliary Taxi-cab Broker Licence that provides Taxi-cab Services exclusively through an on-line enabled application to issue Auxiliary Taxi-cab Owner / Vehicle Licences and Taxi-cab Driver Licences to applicants that will provide Auxiliary Taxi-cab Services through the Taxi-cab Broker.

(3) The Clerk may designate any other person who holds a Taxi-cab Broker Licence for the purposes of subsection (1) or (2) of this subsection if that person requests the designation in writing to the Clerk.

(4) Any person who holds a Taxi-cab Broker Licence that has been designated pursuant to subsections (1), (2) or (3) of this section shall, as applicable:

- i) only issue Taxi-cab Owner / Vehicle Licences and Taxi-cab Driver Licences to persons that satisfy the requirements of this By-law;
- ii) remit to the Clerk the applicable fees for the Taxi-cab Owner / Vehicle Licences and Taxi-cab Driver Licences in accordance with the Licence Fees and Charges By-law;
- iii) immediately send the Clerk an electronic copy of the Taxi-cab Owner / Vehicle Licences and Taxi-cab Driver Licences after issuance; and
- iv) provide the Clerk with such information and documentation as the Clerk may request from time to time to confirm compliance with this subsection.

(5) The Clerk may revoke any designation pursuant to subsection (3) of this section on ninety (90) days written notice to the Taxi-cab Broker Licence holder or immediately if the Taxi-cab Broker Licence holder fails to comply with any requirement of this section.

(6) For greater certainty, the requirements, penalties, rights and remedies of this By-law shall apply in regard to Taxi-cab Owner / Vehicle Licences and Taxi-cab Driver Licences issued under this section in the same manner as if the Taxi-cab Owner / Vehicle Licences and Taxi-cab Driver Licences had been issued directly by the Clerk.

Licence Requirements

52. Unless otherwise provided in this By-law, a licence issued under this By-law is personal to the licence holder and is not transferable.

53. (1) Every person licensed under this By-law shall hold such licence subject to the requirements and criteria as imposed in this By-law, including the criteria set out in Schedule "C", and subject to the requirement that all insurance and required provincial licences are not suspended, canceled or otherwise revoked, and each person licensed under this By-law shall return the applicable licence to the Clerk within twenty four (24) hours of the noncompliance, suspension, cancellation or revocation.

(2) Each licence given to the Clerk under subsection (1) of this section shall be returned to the person upon the person's proof of compliance or reinstatement of the insurance, provincial licence or licences and upon proof of all other requirements for the application of the licence in issue.

54. No person licensed under this By-law shall affix or permit any other person to affix a Taxi-cab Owner / Vehicle Licence to any Motor Vehicle other than

the Motor Vehicle for which the Taxi-cab Owner / Vehicle Licence was issued under this By-Law.

55. When any licence under this By-law is defaced, destroyed or lost, the licence holder shall apply to the Clerk for a replacement and on payment of the prescribed fee in accordance with the Licence Fees and Charges By-law, the Clerk shall issue a replacement licence to the holder as required.

Reporting

56. Any report to the Clerk that is required pursuant to this By-law may be made during a Holiday or after business hours for the Region by sending the report by electronic mail or calling the Region's call centre at the email address and telephone number as designated by the Clerk.

Licence Renewal

57. (1) Every licence holder under this By-law who applies for a renewal of a licence shall provide the Clerk with such information and documentation as required by the Clerk.
- (2) All applicable provisions of this By-law shall apply with necessary modification to the renewal of a licence under this By-law.
- (3) The fee for each renewal of a licence issued under this By-law shall be in accordance with the Licence Fees and Charges By-law.
- (4) Every application for a renewal of a licence under this By-law must be delivered to the Clerk, in full, before the licence expires.

Part VIII - Discrimination

58. No person who holds a licence pursuant to this By-law shall discriminate against any person because of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, gender identity, gender expression, age, marital status, family status or disability in relation to the provision of a Taxi-cab Service or otherwise contravene the Human Rights Code.

59. Without limiting section 58 of this By-law, no person who holds a licence pursuant to this By-law shall charge:

- (1) a higher fare or an additional fee for persons with disabilities than for persons without disabilities for the same trip; or
- (2) a fee for the storage of mobility aids or mobility assistive devices;
- in relation to a Taxi-cab Service.

Part IX - Inspections

60. Every person who is licensed pursuant to this By-law shall allow the Clerk, a Municipal Law Enforcement Officer or Police Officer, upon demand, to inspect any of the following items that are in the possession of the person:

- (1) a Taxi-cab;
- (2) a Taxi-cab Meter that is located in a Taxi-cab or was used for a Taxi-cab Service;

- (3) a written or electronic record for a Taxi-cab Service that is to be maintained pursuant to this By-law; and
- (4) a GPS recording that is to be maintained pursuant to this By-law.

Part X- Suspension and Revocation

Suspension / Revocation

61. (1) The Region, in addition to any other penalty or remedy, may refuse to grant or to renew, or may suspend or revoke a licence under this By-law by reason of the ground that:
- i) the conduct of the person applying for or holding the licence, or where the person is a corporation, that the conduct of the corporation's officers, directors, employees or agents, affords reasonable cause to believe that the person will not carry on or engage in its business in accordance with the law or with honesty and integrity; or
 - ii) the granting, renewal or continuation of a licence under this By-law affords reasonable cause to believe that the applicant, licence holder or Taxi-cab poses a danger to the health or safety of any person or the public in general.
- (2) For greater certainty, "law" under subsection (1) of this section includes the laws and regulations of Canada and the Province of Ontario and the by-laws of the Region, including this By-law, and any other municipality having lawful jurisdiction.
- (3) Before acting under subsection (1) of this section, a hearing shall be held whereupon the Statutory Powers Procedure Act, R.S.O. 1990, c. S. 22, or any successor thereof, with the exception of sections 17, 17.1, 18 and 19, shall apply.
- (4) Where reasonably appropriate, and as an alternative or in addition to refusing to grant or renew, or revoke or suspend a licence under this By-law, the Region may impose special conditions upon the person as a requirement of being issued or holding a licence.
- (5) Subject to subsection (6) of this section, the authority under this section shall be exercised by the Licensing and Hearing Committee.
- (6) The authority under this section may be exercised by the Clerk where the basis of the refusal to grant or to renew, or suspend or revoke a licence is related to an immediate danger to the health or safety of any person or the public in general.

Appeal

62. (1) Any person who was the subject of a hearing under section 61 of this By-law may apply to the Clerk within fifteen (15) calendar days of the decision of the Licensing and Hearing Committee or Clerk, as applicable, with a request that Council review the decision in regard to any refusal, revocation, suspension or special condition. An application under this subsection shall set out the relief sought and the grounds for the review.
- (2) Upon receipt of an application under subsection (1) of this section, the Clerk shall submit the application and the decision of the Licensing and

Hearing Committee or the Clerk, as applicable, to Council for a review. The person applying for the review shall be given notice of the Council meeting where the review will occur and shall be permitted to attend as a delegation.

- (3) Any decision of the Licensing and Hearing Committee or Clerk, as applicable, in regard to any revocation, suspension or special condition shall be stayed until the review by Council is completed.
- (4) After conducting a review under subsection (2) of this section, Council may confirm the decision of the Licensing and Hearing Committee or Clerk, as applicable, grant the relief sought, in whole or in part, or grant any other relief as it deems appropriate.

Emergency Suspension

63. (1) If the Clerk is satisfied that the continuation of a licence under this By-law poses an immediate danger to the health or safety of any person or to any property, the Clerk may, for the time and on such conditions as he or she considers appropriate, without a hearing, suspend the licence subject to the following:

- i) Before suspending the licence, the Clerk shall provide the licence holder with the reasons for the suspension, in writing, and an opportunity to respond to them; and
- ii) The suspension shall not exceed fourteen (14) days.

Return of Licence

64. (1) Where a licence issued under this By-law has been suspended or revoked, the holder of the licence shall return the applicable licence to the Clerk within twenty four (24) hours of service of written notice of the suspension or revocation.

- (2) Notice under subsection (1) of this section is sufficiently given if delivered personally to the licence holder or is sent by registered mail to the last address given by the licence holder to the Clerk.
- (3) Where service is effected by registered mail under subsection (2) of this section, notice shall be deemed to have been made on the fifth (5th) day after the date of mailing.

Part XI – Order

65. (1) If the Clerk or a Municipal Law Enforcement Officer is satisfied that a contravention of this By-law has occurred, the Clerk or Municipal Law Enforcement Officer may make an order requiring the person who contravened this By-law or who caused or permitted the contravention to discontinue the contravening activity.

- (2) An order under subsection (1) of this section shall set out,
 - (a) reasonable particulars of the contravention adequate to identify the contravention and the location of the land on which the contravention occurred; and
 - (b) the date by which there must be compliance with the order.

Part XII - Penalty

66. (1) Subject to subsections (2) and (3) of this section, every person who contravenes any provision of this By-law, and every director or officer of a corporation who knowingly concurs in the contravention of this By-law, is guilty of an offence and on conviction shall be liable to a fine of not more than \$5,000.
- (2) Subsection (1) of this section shall not apply to subsections 5(7) and 17(1) of this By-law. Instead, these sections shall only be applicable to the Region's consideration of a refusal to grant or to renew a licence or suspend or revoke a licence under this By-law, as applicable.
- (3) Every person who contravenes sections 2, 5, 6, 7, 9, 14, 15, 16, 17, 19, 24, 26, 30, 31, 35, 37, 38, 41, 48, 50, 53, 54, 55, 60 or 64 of this By-law or an order made pursuant to Part XI of this By-law, and every director or officer of a corporation who knowingly concurs in the contravention by the corporation, is guilty of a continuing offence and on conviction shall be liable to a minimum fine of \$100 and a maximum fine of \$5,000 for each day or part of a day that the offence continues.
67. If any section of this By-law is contravened and a conviction entered, in addition to any other remedy and to any penalty imposed by the By-law, the court in which the conviction has been entered and any court of competent jurisdiction thereafter may make an order prohibiting the continuation or repetition of the offence by the person convicted.

Part XIII - Administration and Enforcement

Administration / Enforcement

68. (1) The Clerk shall have all necessary authority to administer this By-law.
- (2) Without limiting subsection (1) of this section, the Clerk shall have the authority to:
- i) prescribe administrative forms and electronic data software required under this By-law;
 - ii) issue any licence where the applicant meets the conditions under this By-law;
 - iii) refuse to grant or to renew any licence pending a hearing pursuant to Part X of this By-law;
 - iv) designate any accessibility training required pursuant to this By-law; and
 - v) verify any information provided by an applicant or licence holder.
69. The Licensing and Hearing Committee shall oversee the Clerk and the administration of this By-law.
70. This By-law may be enforced by the Clerk, a Municipal Law Enforcement Officer or a Police Officer.

Survival

71. If any section or sections of this By-law or parts thereof are found by any Court to be illegal or beyond the power of Council to enact, such section or sections or parts thereof shall be deemed to be severable and all other sections or parts of this By-law shall be deemed to be separate and

independent therefrom and shall continue in full force and effect unless and until similarly found illegal.

Citation

72. This By-law may be cited as the "Taxi By-law".

By-law Commencement / Transition

73. (1) This By-law shall come into force and effect on the first day of December, 2016.

- (2) By-Law Numbers 04-069, 04-070 and 04-071, being the Taxi-cab Meter By-law, Limousine Taxi-cab By-law and Special Transportation By-law, respectively, of the Region, as amended, shall be repealed effective on the first day of December, 2016.
- (3) Notwithstanding subsection (2) of this section, By-law Numbers 04-069, 04-070 and 04-071 of the Region, as amended, shall continue to apply to proceedings in respect of offences that occurred before its repeal.
- (4) Notwithstanding subsection (2) of this section, all licences issued under By-law Numbers 04-069, 04-070 and 04-071 of the Region, as amended, including any special conditions imposed on such licences by the Region, that are in effect at the time the said by-laws are repealed, shall be deemed to be licences as issued under this By-law, together with any such special conditions, and all the rules, requirements and regulations of this By-law shall apply with necessary modification. For greater certainty, the following sets out the deemed licences for the purposes of this subsection. All Owner Licences and Vehicle Licences for a single Motor Vehicle under By-law Numbers 04-069, 04-070 and 04-071 of the Region, as amended, shall be merged into a single Owner / Vehicle Licence pursuant to this By-law:

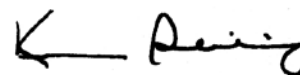
Former Licences pursuant to By-law Numbers 04-069, 04-070 and 04-071 of the Region, as amended	Deemed Licences pursuant to this By-law
Taxi-cab Broker Licence	Meter Taxi-cab Broker Licence
Taxi-cab Owner Licence	Meter Taxi-cab Owner / Vehicle Licence
Taxi-cab Vehicle Licence	Meter Taxi-cab Owner / Vehicle Licence
Taxi-cab Driver Licence	Taxi-cab Driver Licence
Accessible Taxi-cab Owner Licence	Meter Taxi-cab Owner / Vehicle Licence
Accessible Taxi-cab Vehicle Licence	Meter Taxi-cab Owner / Vehicle Licence
Accessible Taxi-cab Driver Licence	Taxi-cab Driver Licence
Limousine Taxi-cab Owner Licence	Auxiliary Taxi-cab Owner / Vehicle Licence

Former Licences pursuant to By-law Numbers 04-069, 04-070 and 04-071 of the Region, as amended	Deemed Licences pursuant to this By-law
Limousine Taxi-cab Vehicle Licence	Auxiliary Taxi-cab Owner / Vehicle Licence
Limousine Taxi-cab Driver Licence	Taxi-cab Driver Licence
Special Transportation Taxi-cab Owner Licence	Auxiliary Taxi-cab Owner / Vehicle Licence
Special Transportation Taxi-cab Vehicle Licence	Auxiliary Taxi-cab Owner / Vehicle Licence
Special Transportation Taxi-cab Driver Licence	Taxi-cab Driver Licence

By-law read a first, second and third time and finally passed at the Council Chamber in the Regional Municipality of Waterloo this 21st day of September, A.D. 2016.



Regional Clerk



Regional Chair

Schedule "A"

\$3.50	Maximum initial meter fare
\$2.10	Maximum per kilometre
\$31.20	Maximum per hour waiting/contract

Schedule "B"

The following provisions shall apply if any Meter Taxi-cab Owner / Vehicle Licences become available in the preceding year pursuant to this By-law:

1. Between the 1st of January and 28th of February, the Clerk shall advertise the available Meter Taxi-cab Owner / Vehicle Licences on the Region's website.
2. Between the 1st and 15th day of March, excluding Holidays, the Clerk shall allow persons to register for the Meter Taxi-cab Owner / Vehicle Licences. The Clerk shall assign each person registering with a registration number which number shall be provided to the person for information purposes. A person may only register once and shall pay a registration fee in accordance with the Licence Fees and Charges By-law.
3. In the event there are a greater number of registrations than available Meter Taxi-cab Owner / Vehicle Licences, the Clerk shall hold a lottery by April 1st based on all the registration numbers and the Clerk shall advise all the registered persons of the results.
4. In the event there are a less number of registrations than available Meter Taxi-cab Owner / Vehicle Licences, the Clerk shall advise the registered persons by April 1st that a lottery will not be conducted. Any Meter Taxi-cab Owner / Vehicle Licences not issued shall be made available in the next year.
5. All registered persons who are successful pursuant to sections 3 or 4 of this Schedule shall have until the last Friday in May of the year to apply for a Meter Taxi-cab Owner / Vehicle Licence in accordance with this By-law. Any registered person who does not apply by the required date shall be ineligible and the corresponding Meter Taxi-cab Owner / Vehicle Licence shall be made available in the next year.
6. Any notice required pursuant to this Schedule shall be provided to the electronic mail or regular mail address provided by the registered person and shall be deemed made once the electronic message or regular letter is sent by the Region.

Schedule “C”

An application for or renewal of a Taxi-cab Driver's Licence shall be denied where the applicant has:

1. An undertaking, recognizance, peace bond, probation order or other court or police issued document where the conditions prohibit the applicant from performing the functions of a taxi-cab driver;
2. Been found guilty and convicted of any criminal offence, in the preceding twenty (20) years from the date of the application, where the term of incarceration imposed exceeded ten (10) years;
3. Been found guilty and convicted of any criminal offence, in the preceding ten (10) years from the date of the application, where the term of incarceration imposed was between two (2) and ten (10) years;
4. Been found guilty and convicted of any criminal offence, in the preceding five (5) years from the date of the application, where the term of incarceration imposed was less than two (2) years;
5. Been found guilty of any of the following offences, in the preceding five (5) years from the date of the application:
 - i) Careless Driving;
 - ii) Impaired Driving;
 - iii) Racing or Stunt Driving; or
 - iv) Exceeding the Speed Limit by 50 km/hour or more;
6. Accumulated six (6) or more demerit points or three (3) or more convictions on his or her driving record abstract within three (3) years of the date of the application; or
7. Had his or her driver's licence, issued in any province or territory, suspended within one (1) year of the date of the application.

Paragraphs 2, 3, 4 and 5, as applicable, shall not apply if the applicant has received a pardon or record suspension for the offence from the Government of Canada.