

TO: FINANCE AND CORPORATE SERVICES COMMITTEE

FROM: R. OSBORNE, SUPERVISOR OF ENFORCEMENT SERVICES AND T. BANTING, MANAGER OF ENFORCEMENT SERVICES

NOTED: D. MCALPINE, CITY CLERK/DIRECTOR OF LEGISLATIVE AND COURT SERVICES

P. ELLIOTT-SPENCER, MBA, CPA, CMA, GENERAL MANAGER OF COMMUNITY AND CORPORATE SERVICES

C. LADD, CHIEF ADMINISTRATIVE OFFICER

RE: BUSINESS LICENSING AND ENFORCEMENT - DRIVING INSTRUCTORS AND OPERATORS

DATE: MAY 24, 2017

The purpose of this memorandum is to provide further information regarding the Open Delegation on April 26, 2017 by Mr. Zurawski and Ms. Webster, representatives of Young Drivers of Canada regarding the Business Licensing Fees for Driving Instructors. At the meeting held on April 26, 2017, staff in the Legislative and Court Services Department was asked to provide additional information regarding licensing and enforcement related to Driving Instructors for the past five years.

Number of Licences Issued

The following chart identifies the number of licences issued in the Driving Instructor and Driving School Operator Categories for the period of 2011-2016:

| Licensing Year | Driving Instructor Licenses Issued | Driving School Operator Licenses Issued |
|----------------|------------------------------------|---|
| 2011 | 33 | 7 |
| 2012 | 31 | 10 |
| 2013 | 34 | 11 |
| 2014 | 38 | 13 |
| 2015 | 32 | 13 |
| 2016 | 34 | 11 |
| TOTAL | 202 | 65 |

** Each application received above requires an inspection by Enforcement Staff

Overview of Licensing Process

The requirements of an applicant for a Driving Instructor or Driving School Operator Business Licence are identified below:

| Category | INSPECTIONS/APPROVALS |
|-------------------------|--|
| Driving Instructor | <input type="checkbox"/> Two pieces of identification (one photographic identification) <input type="checkbox"/> Ministry of Transportation – Driver Instructor’s Permit <input type="checkbox"/> Valid Ontario Driver’s Licence <input type="checkbox"/> MLEO |
| Driving School Operator | <input type="checkbox"/> Zoning * (new licences only, not required for renewals) <input type="checkbox"/> Finance * (new licences only, not required for renewals) <input type="checkbox"/> Liability Insurance - \$2,000,000 <input type="checkbox"/> List of current vehicles used for instruction inc. make, model and licence plate # <input type="checkbox"/> Written Statement of Rates and Charges <input type="checkbox"/> MLEO |

Each Licence application received is reviewed by licensing staff to ensure the application is complete. All supporting documents are reviewed to ensure they are valid for the date of application. Examples of such are Vehicle Safety Standards Certificate, Driving Instructor Licence issued by the Ministry of Transportation, Commercial Liability Insurance, Zoning approval, registry of all vehicles and drivers operating, submission of rates and charges, etc.

Following that review, inspections are conducted of both the operating location and the vehicle. Those inspections include but are not limited to verifying the following:

- Vehicle: Review operating criteria with licensee, inspect vehicle to ensure separate breaking equipment is in place and in good working order, ensure vehicle is equipped with signage including name, address and phone number of business, ensure licensing decal issued is in place, etc.
- Business Location: Ensure previous licence is posted, instructors are aware of operating criteria, statement of rates is provided, a registry of all driving instructors providing the service is maintained, signage depicts name, address and phone number of business, etc.

Upon completion of the above inspections for each application, it is then processed and reviewed by the Issuer of Licences, approved and issued.

Enforcement Activities

Staff were asked to provide details related to enforcement activities undertaken during the previous five years. The following chart describes violations noted as well as inspections and/or follow activities undertaken (in addition to the initial licensing application review):

| Licensing Year | Violations Noted / Failed to Renew | Inspections / Follow ups Conducted |
|----------------|------------------------------------|------------------------------------|
| 2011 | 5 | 6 |
| 2012 | 7 | 15 |
| 2013 | 4 | 8 |
| 2014 | 12 | 15 |
| 2015 | 13 | 18 |
| 2016 | 2 | 8 |
| TOTAL | 33 | 70 |

** Above items are not included in the “proactive enforcement” noted below

In addition, over the past few years, as time and resources permit, several “blitz” enforcement measures have taken place. During that time, 41 proactive inspections and reviews were conducted related to Driving Instructors. Enforcement staff attended the Driver Examination Centre and reviewed licensing requirements with all instructors noted, issued several requirements to license (for businesses that were not licensed at the time) as well as a few verbal cautions related to general sections of the by-law.

In addition to the above, 2 complaints were received specifically related to this industry, which were addressed by staff.

Summary

When reviewing any individual licensing category, it is prudent to review the whole picture as it relates to enforcement of Barrie’s licensing by-laws. In total, the City of Barrie has three licensing by-laws which govern 70 classifications of licences within the community. Each of the 70 classifications has different operating criteria and require reviews and inspections as noted in the above details.

The following chart identifies the number of business licenses issued in each of the 70 classifications:

| Year | Total Licenses Issued |
|-------------|------------------------------|
| 2011 | 2138 |
| 2012 | 2116 |
| 2013 | 2104 |
| 2014 | 2124 |
| 2015 | 2044 |
| 2016 | 2096 |

Enforcement itself comes in many forms, as can be seen in the above details. It may include administrative type enforcement, various inspections, verbal cautions, proactive responses and lastly, as needed, legal action.

Enforcement activities are carefully measured to create a general deterrent for non-compliance while ensuring that the legally operated business is allowed to flourish with minimal government interference. Licensing staff continue to enforce the requirements of the by-laws while responding to the needs of the business community and the citizens of Barrie.

Please contact Ron Osborne, Supervisor of Enforcement Services, Tammy Banting, Manager of Enforcement Services or Dawn McAlpine, City Clerk/Director of Legislative and Court Services, should you have any questions or require further information.