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**TO:** GENERAL COMMITTEE

**SUBJECT:** REVIEW OF TRANSPORTATION INDUSTRY (TAXI) BY-LAW 2006-265 AND REGULATING RIDE SHARING/DRIVER FOR HIRE OPERATIONS

**WARD:** ALL

**PREPARED BY AND KEY CONTACT:** R. OSBORNE, SUPERVISOR OF ENFORCEMENT SERVICES  
T. BANTING, MANAGER OF ENFORCEMENT SERVICES #4336

**SUBMITTED BY:** D MCALPINE, CITY CLERK/DIRECTOR OF LEGISLATIVE AND COURT SERVICES

**GENERAL MANAGER APPROVAL:** P. ELLIOTT-SPENCER, GENERAL MANAGER OF COMMUNITY AND CORPORATE SERVICES

**CHIEF ADMINISTRATIVE OFFICER APPROVAL:** C. LADD, CHIEF ADMINISTRATIVE OFFICER

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### **RECOMMENDED MOTION**

1. That By-law 2006-265 regarding the licensing and regulation of Transportation type business operations within the City of Barrie be amended effective July 1, 2017, to allow for a pilot to be undertaken that would reflect the changes as set out generally in the form of the draft by-law attached as Appendix "A" to Staff Report LCS006-17.
2. That a review of the pilot be undertaken beginning no later than two years after the passage of any amendments to By-law 2006-265.
3. That the Fees By-law be amended to reflect the proposed licensing fees as set out in Appendix "B" to Staff Report LCS006-17.
4. That staff make application to the Ministry of the Attorney General for set fines ranging from \$100.00 to \$1,000.00 based on the nature of the offense.

### **PURPOSE & BACKGROUND**

#### Report Overview

5. The purpose of this Staff Report is to recommend changes to the By-law regulating and licensing the transportation businesses as a pilot project. The Staff Report recommends enacting provisions to regulate ride sharing and driver for hire type operations as well as reducing licensing provisions for taxi business categories to focus the provisions on matters related to public safety. The intent of the recommended changes is to create a more level playing field within the local industry. By modernizing regulations relating to the transportation industry, the public will continue to have more choices when travelling within the City while knowing they are reasonably protected through required inspections, approvals, and ensuring the applicant has met certain standards (e.g. insurance, Vehicle Safety Certificates, Criminal Record Checks to ensure compliance with various municipal by-laws and provincial statutes such as the *Highway Traffic Act*).

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Background

6. The current Transportation Industry Licensing By-law came into effect January 1, 2007; however it has been amended several times to address various changes within the industry. The by-law currently sets out comprehensive licensing criteria specifically related to Taxicab Companies, Taxicab Drivers, and Taxicab Owners. It also addresses the operation of other types of transportation businesses such as limousines and tow trucks. The focus of this Staff Report is the taxi industry, ride sharing and driver for hire operations.
7. The *Municipal Act, 2001 S.O. 2001, c.25, s. 9*, sets out that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under the Municipal Act or other Act.
8. The *Municipal Act, 2001, S.O. 2001, c. 25, s. 10*, sets out that a single-tier municipality may provide any service or thing that the municipality considers necessary or desirable for the public. A single tier municipality may pass by-laws respecting, in part, the health, safety and well-being of persons.
9. Section 151.1 of the *Municipal Act, 2001*, states, "Without limiting sections 9, 10 and 11, a municipality may provide for a system of licences with respect to a business and may,
  - a) prohibit the carrying on or engaging in the business without a licence;
  - b) refuse to grant a licence or to revoke or suspend a licence;
  - c) impose conditions as a requirement of obtaining, continuing to hold or renewing a licence;
  - d) impose special conditions on a business in a class that have not been imposed on all of the businesses in that class in order to obtain, continue to hold or renew a licence;
  - e) impose conditions, including special conditions, as a requirement of continuing to hold a licence at any time during the term of the licence;
  - f) license, regulate or govern real and personal property used for the business and the persons carrying it on or engaged in it; and
  - g) require a person, subject to such conditions as the municipality considers appropriate, to pay an administrative penalty if the municipality is satisfied that the person has failed to comply with any part of a system of licences established by the municipality. 2006, c.32, Sched. A, s. 82."
10. Historically the City of Barrie has highly regulated the transportation industry, specifically those licence holders within the Taxicab classifications. Such regulations include, but are not limited to:
  - a) Setting the Tariff rates charged by the industry (per/km of travel)
  - b) Identifiable markings for each Taxicab including roof lights, company name etc.
  - c) Each vehicle must have a meter which calculates the fee on a per KM basis
  - d) Annual Vehicle Safety Certificates
  - e) Commercial Liability Insurance (\$2 million dollar minimum)
  - f) Vehicles must be neat and clean at all times
  - g) Drivers must provide a criminal records check annually
  - h) Ministry of Transportation drivers abstract
  - i) Letter from each company they are operating on behalf of
  - j) Two pieces of photo identification
  - k) Companies must have an office, accessible to the public 24 hours a day, 7 days a week
  - l) A moratorium on the issuance of new taxi cab licences until a ratio of 1 cab:1,500 population is achieved

This has served the community well over the years, to ensure public safety and security.

11. The current municipal regulations regarding the taxi industry are inadequate to deal with “ride sharing” or “driver for hire” type businesses and do not allow the taxi industry to compete fairly in this rapidly changing business environment.

## **ANALYSIS**

### Overview

12. Staff has undertaken a comprehensive review of the current Transportation Industry Licensing By-law, specifically as it relates to the Taxi Industry and the new “ride share” or “driver for hire” business models.
13. During this review process, staff consulted with other municipalities who also had to address the change in service in what was once traditionally known as the Taxi Industry. Municipalities such as Ottawa, Region of Waterloo and Toronto had many struggles when dealing with the traditional business models of a “taxi service” versus the new ride sharing / driver for hire business economy. Most of these operations provide an online service to patrons. These online or “App” based services provide convenience to the rider and have been developed in a way that both the customer and service provider (driver) know details of the transaction prior to even entering the vehicle.
14. This consultation has provided valuable information in helping to formulate how to best manage the transportation industry within the City. As well, guidance from the Government of Canada Competition Bureau’s report “Modernizing Regulation in The Canadian Taxi Industry” has been helpful. The Competition Bureau’s report indicated that municipalities should begin to “deregulate” the industry and return to core values as it relates to licensing, being public safety.
15. The Bureau goes on to *“urge regulators to take a less intrusive and more balanced approach when designating and implementing regulations for transportation services.”* It speaks to continuing with public safety items such as; vehicle safety certificates, criminal background checks and minimum insurance requirements, all of which should be equal or similar for both ride sharing systems and the traditional taxi operations. The Bureau recognizes that some regulators continue to require non-safety items such as dress codes, pricing controls etc., however they state; *“this consideration carries a risk of over-regulation”*. *“For example, while some consumers may prefer that taxi drivers adhere to certain standards of dress, such a restriction may not actually be necessary. Differences in quality of service are an important way of competing, and unnecessary restrictions, such as the dress code example, prevent industry participants from using these factors for their own competitive advantage.”*
16. In addition, the Province introduced legislation that addressed the overall insurance requirements related to “ride sharing” operations. The legislation allows for providers such as Intact Insurance to insure the vehicle for business purposes only during those times in which the vehicle is actually receiving service requests for service. Outside of those times, the vehicle owners’ normal insurance policy will apply. This was done in recognition of the unique “ride sharing” operations.
17. The traditional taxi industry has historically been a competitive market in terms of attracting consumers and, due to technological advances, now faces competition from ride sharing and driver for hire operations. As a result of public demand for greater options when selecting various forms of transportation, as well as the need to provide regulations to ensure public safety while creating an “level playing” field for the industry, By-law 2006-265, the transportation by-law, required a review by staff.

18. The role of licensing is to regulate, govern, and control an activity in order to ensure the activity is conducted in a safe manner. Until recently, this public interest role has been adequately achieved under the provisions of By-law 2006-265. The introduction of ride sharing/vehicle-for-hire Apps as well as other technological advances has created a situation where the taxi cab industry has voiced concerns of unfair competition. In short, the taxi industry has been heavily regulated while new ride sharing/driver for hire and driver for hire operations have functioned under a different business model without municipal regulations.
19. In the detailed analysis with both municipalities and the industry, staff noted some consistent comments and concerns. Firstly, the industry wanted a “level playing field” while still ensuring that minimum standards are in place for the traveling public. Municipalities noted that the public wanted safe, clean and reliable service but also wanted options available to them at their convenience. Many consumers apparently no longer utilize the traditional taxi service whereby they attend an actual office or even pick up the phone to request the service. It should be noted however, that the traditional service of a taxicab is still required by many customers who prefer not to utilize an App and would rather call for a taxi and pay for the service in cash.

#### Taxi Working Group

20. A Taxi Working Group was established by City Council a number of years ago to provide staff and Council with valuable feedback regarding the licensing provisions and enforcement of By-law 2006-265. The Taxi Working Group is comprised of members of Council, taxi cab drivers, taxi cab owners, taxi cab companies, and staff.
21. The taxi cab industry representatives on the Working Group have provided a number of suggestions related to increasing regulation of the industry with a focus on decreasing competition, the potential to increase the taxi tariff rates currently regulated by the City, maintaining the moratorium on the number of cabs licensed, decreasing City business licensing fees and the City addressing ride sharing or driver for hire operations through regulation or prohibition.
22. It is of note that the taxi cab industry representatives of the Working Group may not always agree on specific suggestions, which is not uncommon as the members are competing against each other for business and the drivers may not have the same concerns as the vehicle owners or taxi cab companies.

#### Ride Sharing Operations

23. Currently the largest operator of the “ride sharing” system is Uber, this company has evolved into a multimillion dollar industry by providing a specific service to the traveling public. However it is significantly different than the traditional taxi model. Staff consulted with Uber’s Public Policy Manager and gained a good understanding of the operations, safety measures in place to protect the traveling public as well as their pricing models.
24. Uber operates internationally and have found that their models work well in other jurisdictions. Below is a listing of some safety measures they have put in place to ensure public safety is at the forefront of the operation:
  - a) Drivers are required to authorize Uber to complete a criminal record check; a driving record is submitted as well as proof of a valid driver’s licence.
  - b) Uber provides liability insurance for all vehicles while operating or providing the Uber services.
  - c) Rapid response teams are in place to address any concerns raised by both the driver or the customer related to services provided.

- d) All trips are tracked and recorded to permit enforcement agencies to review the logs to address any additional complaints.
  - e) Drivers are rated by the traveling public, if lower than average ratings are noted for a particular driver by the customer, they can be removed or suspended by Uber and further service requests for service are not provided to them.
  - f) Uber customers must register in the system. This includes contact information, credit card information which allows for the drivers to also “rate” the client
  - g) No exchange of monies takes place within the vehicle; reducing the risk to both the driver and passenger. Payments are billed to a credit card on file with Uber.
  - h) Customers can receive a cost estimate for the requested travel prior to booking the ride, this allows the customer to make the choice prior to entering the vehicle.
25. Traditionally, municipalities regulate the rates to which a taxicab can charge on a per kilometre basis. The pricing model utilized by several ride sharing or vehicle-for-hire operations is quite different and does include “price surging” at various times. Pricing surging is the practice of raising prices for rides when demand is high. Price surging is an example of one of the most basic laws in economics, the law of supply and demand.
26. Under the ride sharing models, customers request the service through the App, enter the pick-up and drop off location, at that time; customers are provided with a cost estimate based on the distance travelled. When “price surging” has taken effect, customers can see a percentage increase, for example the same trip previously requested could have an increased fare now by 2% for the same distance of travel. Price surging will generally come into play during peak ride times, inclement weather, special holidays, etc. When the price surging is in place, customers have the ability to obtain a cost estimate prior to accepting the service and may choose to wait until surging has been removed or make alternate arrangements for travel. Within the App, a customer can be alerted when the surging has been removed and pricing has returned to normal rates.
27. Uber has indicated that during the period of August to November of 2016, approximately 433 Uber trips were booked in Barrie.

Driver for hire/Designated driver operations

28. Staff wanted to ensure that any review of the Transportation Industry Licensing also incorporated such services commonly known as “Designated Driver” type operations. Under that umbrella, customers can contact a service which will pick up the customer and their personal vehicle and drive them and their vehicle to a specific destination for a fee. Unlike a traditional “ride share” or “vehicle-for-hire” system, this service simply provides a driver to transport a customer and their vehicle home for a fee. Canadian Designated Drivers, Last Call Driving Service and You Drink, We Drive are all examples of this type of operation.
29. In a driver for hire type operation, the customer’s personal insurance provides protection with exceptions in some cases. Depending on the service, there may be an exchange of money in the vehicle, typically at a flat rate.
30. This raised additional safety concerns when staff conducted its review, as it appeared that while many operators were vetting their drivers by undertaking a criminal records check, not all made it a requirement and staff were unable confirm that the business itself had the necessary liability insurance.

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Overview of Proposed Changes

31. In order to ensure public safety through municipal regulation and enforcement, it is clear that certain minimum standards must be maintained. The drivers must hold a valid provincial driver's licence, provide a driving record and the results of a criminal background check, and must be adequately insured. Proper criminal record checks of the driver must be conducted to ensure the passengers and the public are protected. The vehicles used to conduct business must in good repair and must be insured for the protection of both the consumer and driver.
32. Municipal regulation and enforcement should be no more burdensome than necessary, as over regulation and enforcement creates a need for more staff time dedicated to the administration and enforcement (thereby adding to the cost to the business owner, through higher licence fees, which may be passed down to the customer through higher taxi cab fees) as well as the creation of a less beneficial business environment within the City. A difference in the quality of service offered by each business allows the industry to compete in the marketplace and companies that provide the best service should have the competitive advantage. Over regulation such as requiring certain colours for taxi cabs, or providing 24 hour service, can result in added costs for consumers and business owners.
33. While reviewing the current by-law, staff applied the core values of licensing which, as previously indicated, is the safety of the traveling public and driver. With that in mind, a large number of current regulations may not need to remain in place and, may in fact, serve to create an unfair playing field given the "new" transportation industry environment.
34. In order to ensure a minimum public safety standards and level of services to the public, any regulations put in place, should apply as equitably as possible to both the traditional taxi industry as well as ride sharing and driver for hire services.
35. In Appendix "A" to this report, staff propose to reduce the overall regulations related to the traditional taxi industry while creating two new licensing categories that will address ride sharing and driver for hire operations. All of which, continue to address the core rationale for licensing which is public safety.
36. It is also important to note that the transportation industry is still evolving. As such, it is recommended that any changes to the transportation industry by-law be reviewed no later than two years from the passage of any amendments.

Proposed Regulations related to the Ride Sharing and Driver for hire Industry

37. The draft by-law attached as Appendix "A" to this Staff Report recommends regulating the Ride Sharing Industry. The provisions are summarized as follows:
  - a) License the company only for ride share and driver for hire services:
  - b) Require the companies to provide the City with documentation related to
    - i. Drivers holding valid licences, driver abstracts and criminal records check, insurance; and
    - ii. Vehicles in good repair and insured; and
  - c) Implement per trip fee to be paid to the City by Uber/ride sharing services only, on a pilot basis.

38. The proposed amendments to the transportation business licensing by-law would introduce provisions that would require both the driver for hire and ride sharing operators to ensure that its drivers have a criminal records check. It would also require the business to have liability insurance as a form of consumer protection.
39. As Uber would not have an office in Barrie and the vehicles utilized are not marked, there may be additional time spent by enforcement staff in addressing any complaints about their operations. Uber has proposed that it pay to the City a per trip fee of \$0.11, on a pilot basis, to allow the City to recover any additional costs it may have associated with administering/enforcing their business.

Proposed Changes to the Regulation of the Taxi Industry

40. The draft by-law attached as Appendix "A" to this Staff Report recommends a number of changes to the provisions relating the Taxi Industry. The provisions are summarized as follows:
  - a) Continue with 3 licensing categories (Taxi Company, Taxi Driver and Taxicab) at this time, but review in 2 years;
  - b) Continue to require all "safety items":
    - a) Vehicle Safety Inspection, minimum insurance requirements, etc.; and
    - b) Drivers' Abstract, Criminal Record Check;
  - c) Remove moratorium on the number of taxis permitted;
  - d) Remove Taxi Tariff restrictions (companies will set own rates, discounts, price surging etc.) subject to the a requirement for the rates to be posted in the vehicle;
  - e) Remove test of taxicab drivers' knowledge of Barrie; and
  - f) Remove regulations related to non-safety and cosmetic items (office operating 24/7 and drivers/vehicle appearance etc.).
41. Continuing the three business licence categories is recommended at this time and would be re-evaluated as part of the review of the By-law to determine if the taxicab companies are adequately prepared to assume responsibility for administering and providing documentation related to their drivers and vehicles.
42. The current moratorium on the number of taxicabs permitted in the City of Barrie was introduced at the request of the taxi industry to limit competition. It has been eroded through the introduction of the ride sharing/driver for hire operations. Although there is risk that an increased number of taxi cabs will be operating and reduce the overall business available and profits for those in the industry, it is staff's opinion that the City does not need to play a role and limit competition in the taxi industry. The City does not establish limits on the number of other types of businesses that operate within the community. The moratorium doesn't allow the law of supply and demand to operate and overly involves the City in the determination of business competition in this industry.
43. The current involvement of the City in establishing the taxi tariffs or rates also overly involves the City in the market. The City doesn't establish the price that any other industry in the community charges for its products. While some may argue that the establishment of the rates protects the consumer from exorbitant rates, it also prohibits the consumer from benefiting when a business is able to offer the service at less cost.

44. Respondents to the survey undertaken as part of the recently completed Age-Friendly Community Plan identified that more affordable taxis are required within the community. Under the current regulations, a 10% discount is available for seniors providing proof of senior citizenship who pay in cash. A taxi cab driver/company and customer may also enter into a contract in writing for services to extend for a period of one year or more on runs between fixed points. Taxi cab drivers or companies are not permitted to offer any other price reductions from the rates established in the By-law.
45. It is clear from the consumer movement to ride sharing and driver for hire type operations, that many consumers are not concerned about government involvement in this area, as they would rather benefit from the price reductions that they can achieve. Removing the City's involvement in the establishment of the rates would allow the law of supply and demand to operate. The taxi industry would be able to set its own rates, which could include discounts or price surging. However, the proposed regulations would require the taxi industry to post its pricing schedule in the vehicle and/or on-line.
46. It is also of note that the rapid evolution in the industry, fuel pricing changes, rising insurance costs, etc. makes it challenging for the City to determine what rates are appropriate and respond to any changes quickly enough to allow the businesses to generate sufficient profit to remain in business.
47. There has been some suggestion that either a cap or a floor on rates for all of the operations (taxi, ride sharing and driver for hire businesses) be established. It appears that the purpose of a cap on the rates would be an attempt to protect the consumer from being charged excessive fees for service. While this goal is certainly laudable, currently, consumers have the ability to request a quote from a taxi, ride sharing or designated driver operation before using the service. The consumer can then decide whether or not they want to utilize the service. It may also be challenging to establish a cap that could be enforced upon all of the operations in all scenarios particularly as ride sharing and driver for hire operations do not require meters.
48. The request for a floor on rates was suggested by a representative of the taxi industry to allow the companies to cover their costs associated with operating under their traditional models (with dispatchers and offices open 24/7) and transition into a new operating model. As the requirement for a taxicab company to maintain an office open for business 24/7 with a dispatcher is recommended to be removed, staff do not support the establishment of a floor. It would also be challenging if not impossible to enforce the requirement for a floor on the ride sharing or driver for hire type services. If a business can provide the service at a lower rate, consumers should be able to benefit from this opportunity.
49. The recommendation to remove the requirement for taxicab drivers to complete a test with City staff of their knowledge of City streets is due to the prevalence of GPS systems. A driver can rely on their GPS to determine the most efficient route to a particular destination.
50. The current requirements related to non-safety or cosmetic matters are also recommended to be removed such as the appearance of the driver and vehicle or the requirement for a taxicab company, office location to be open and accessible to the public on a 24/7 basis. Enforcement staff would continue to address vehicle safety requirements. Consumers would decide if they wanted to enter a vehicle where the appearance of the vehicle or driver was less than desired (mis-matched paint, etc.). While there is some risk that an individual in need of transportation may not be able to access it, if taxi company office locations are not required to be open to the public and accessible 24/7, this scenario is unlikely and would be re-evaluated as part of the review within two years of the passage of the by-law.



51. Currently, the equivalent of one officer and part of an administrative support staff person's time is dedicated solely to taxi industry. Reducing the regulations that the taxi industry is subjected to, will result in less staff time associated with enforcing such regulations. Reducing the amount of time required will result in lower licensing fees for the industry and allow the staff time to be redeployed to other enforcement related activities. Staff anticipate this reduction will allow more proactive enforcement within other licensing categories including but not limited to those that fall within the General Business Licensing By-law as well as other City of Barrie by-laws.

### **ENVIRONMENTAL MATTERS**

52. There are no environmental matters related to the recommendation.

### **ALTERNATIVES**

53. The following alternatives are available for consideration by General Committee:

#### **Alternative #1**

General Committee could adopt amendments to By-law 2006-265 to licence, regulate and govern ride sharing and driver for hire businesses and chose to maintain the existing regulations as currently set out in By-law 2006-265 for the Taxi industry.

This alternative is not recommended as it will result in the taxi industry having a number of existing regulations that are too onerous and do not help to create a fair marketplace for the transportation industry.

#### **Alternative #2**

General Committee could alter the proposed recommendation by taking no action, thereby maintaining the status quo.

Although this alternative is available, it is not recommended. That would not address the issue of regulating the ride sharing and driver for hire businesses thereby not ensuring the traveling public have some protection in place.

#### **Alternative #3**

General Committee could maintain the moratorium on the number of taxicab licences issued.

Although this alternative is available, the moratorium was established to prohibit competition in the taxi industry. The moratorium may serve to protect inefficient businesses and overly involves the City in the taxi industry. The moratorium has little value in light of the advent of ride sharing and driver for hire operations.

**Alternative #4**

General Committee could recommend that the three different licensing categories with the taxi industry be eliminated and only the taxi company be licensed by the City, with the company responsible for providing necessary documentation related to drivers and vehicles.

This alternative is available and would further assist in levelling the playing field from a regulatory perspective for all of the operations. However, the current operators within the City may not be adequately prepared to assume responsibility for providing and monitoring their drivers and vehicles at this time. There is some risk that the taxi cab companies will not manage their drivers and vehicles, leading to public safety issues, if the companies are not ready to assume this responsibility. This would be re-evaluated at the time of the review of the By-law.

**Alternative #5**

General Committee could recommend that the City continue the set the rates for the taxi industry (potentially with adjustments to the rates as recommended by the Taxi Working Group) and establish regulations for the rates charged by the ride sharing and driver for hire type operations.

This alternative is not recommended. It is challenging for the City to determine what rates are truly appropriate and respond to any changes quickly enough to allow the businesses to generate sufficient profit to remain in business. Customers do not have the opportunity to take advantage of discounts that may be made available, if they are regular users or using the system when there isn't significant demand. Enforcing a rate system on the ride sharing and driver for hire type operations would also be difficult when these business models operate without meters.

**Alternative #6**

General Committee could recommend that a floor be established for pricing charged by all of the businesses.

Although this alternative is available it isn't recommended. It continues the City's involvement in price setting and wouldn't allow the consumer to benefit from any lower pricing that a more competitive operation could provide.

**Alternative #7**

General Committee could recommend that a cap be established for pricing charged by all of the businesses.

Although this alternative is available it isn't recommended. Consumers have the ability to receive a quote before engaging a taxi, ride sharing vehicle or driver for hire.

**Alternative #8**

General Committee could recommend that the City continue to regulate non-safety matters.

This alternative is not recommended. Regulating cosmetic or non-safety matters requires a considerable amount of enforcement staff time that could be better utilized in other activities and increases costs for the licensee (and eventually, the consumer). Requiring an office to be open 24/7 if there isn't any business, results in unnecessary costs for the business. If there is business outside of the hours of operation, the market will evolve to fill the void. This aspect of the regulations would be reviewed within two years of the passage of the by-law.

**Alternative #9**

General Committee could alter the fees identified in Appendix "B".

While this alternative is available, it is not recommended. The fees have been established to provide cost recovery from the industry for costs where the user (licensee) is the benefiting party (whether it recognizes it or not) from being licensed. The fees also attempt to ensure that the benefit to the community as a whole is also reflected.

**FINANCIAL**

54. The proposed licence fees outlined in Appendix "B" to this report were developed in accordance with Council's goal associated with reducing the reliance on the tax base through "cost recovery" for enforcement staff while considering the overall benefit to the community as a whole. The fees include costs associated with all administrative and enforcement functions including but not limited to application submission, review and processing; enforcement measures such as vehicle inspections, monthly review of records for each classification, evening and weekend enforcement measures to ensure compliance etc.
55. The proposed fees represent costs associated with one annual inspection of the vehicle to ensure compliance under the provisions of the by-law as well as review of the completed application at the time of submission and approval of same by the officer. Follow-up inspections required as a result of identified violations or non-compliance factors within the provisions of the by-law or violations noted as a result of investigation arising from complaints would be charged on an hourly rate as set out in the Fees By-law and amended from time to time.
56. The fees also include costs associated with the administrative process including but not limited to customer service related activities, vetting incoming applications for completeness, processing payments, preparing and processing the business licence, preparing and processing notices of renewal, filing and other related administrative functions. Lastly costs associated with the vetting of completed applications, sign off processes undertaken by the Issuer of Licences and related duties are included.
57. The fees proposed encompass all aspects of the above considerations.
58. Additional user fees may be applicable related to required inspections or approvals from other departments and are payable by the applicant directly to respective department.
59. In determining the fees proposed in Appendix "B" related to the taxi industry, staff assumed that a similar amount of resources would be required to address the licensing of taxi cab companies as had been required under the previous regulations and less resources would be required to address the licensing of taxi cab drivers and vehicles. However, historically the fees charged to the taxi cab companies did not represent full cost recovery.

60. As a result, an increase in the fee for the taxi cab companies is proposed to address increased costs in providing the resources. Decreases in the fees for the taxi cab driver (approximately 35%) and vehicle (approximately 30%) are proposed.
61. Staff have utilized data regarding the existing time requirements associated with reviewing applications and information from other municipalities to estimate the amount of resources that will be required to address the licensing of both ride sharing and driver for hire operations. The resulting fee amounts are identified in Appendix "B".
62. It is anticipated that should the number of licences issued in each category remain the same as has occurred in past years, a decrease in licensing fee revenue of approximately \$60,000 would result. This decrease would be offset by approximately \$10,000 in fees associated with cost recovery from the ride sharing and driver for hire operations licensing.
63. As noted earlier in this report, less enforcement resources are anticipated to be required related to licensing of the taxi, ride sharing and driver for hire industries. As a result, it is anticipated that the existing resources will be re-deployed to other enforcement activities. In many cases, these enforcement activities are to the benefit of the community in general, and therefore any net costs associated with the re-allocation of the resources would be borne by the general tax base, unless specific user fees were applicable.
64. It is also recommended that in order to maintain pace with general increases in operating costs, the business licence fees as recommended herein continue to be increased annually on the 1st day of January by the Canada wide CPI, as confirmed by the Finance Department (amount to be rounded).
65. No additional staff resources are recommended at this time. However resources related to the new regulations (ride sharing and driver for hire services) will be reviewed as part of the 2 year review period.

#### **LINKAGE TO 2014-2018 STRATEGIC PLAN**

66. The recommendation(s) included in this Staff Report generally support the following goals identified in the 2014-2018 Strategic Plan:
  - Vibrant Business Environment
67. While this report is not directly related to Council's Strategic Plan, it does generally support building a vibrant business environment through the City only regulating where necessary and allowing the market to address other matters.

**APPENDIX "A"**

**Draft By-law Amendments – By-law 2006-265**

**A By-law of The Corporation of the City of Barrie to amend By-law 2006-265 being a by-law to license, regulate and govern transportation related businesses carried on within the municipality**

**WHEREAS** Section 8 of the *Municipal Act*, 2001 S.O. 2001, c. 25 ("The *Municipal Act*, 2001") provides that the powers of a municipality under this or any other Act shall be interpreted broadly so as to confer broad authority on the municipality to enable the municipality to govern its affairs as it considers appropriate and to enhance the municipality's ability to respond to municipal issues;

**AND WHEREAS** Section 9 of the *Municipal Act*, 2001, provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this or any other Act;

**AND WHEREAS** Section 10 of the *Municipal Act*, 2001 provides that a single-tier municipality may pass by-laws respecting matters within the spheres of jurisdiction set out therein;

**AND WHEREAS** Section 151 of the *Municipal Act*, 2001 provides that a local municipality may license, regulate and govern any business wholly or partly carried on within the municipality even if the business is being carried on from a location outside the municipality;

**AND WHEREAS** Section 151 of the *Municipal Act*, 2001 provides that a municipality may exercise its licensing powers under this section including imposing conditions for the purpose(s) of health and safety, nuisance control and/or consumer protection;

**AND WHEREAS** pursuant to motion 17-G-XXX the Council of The Corporation of the City of Barrie has deemed it expedient to license, regulate and govern various businesses operating within the City of Barrie;

**NOW THEREFORE**, the Council of The Corporation of the City of Barrie enacts as follows:

1. **THAT** section 1.0.0.0.0 Definitions of By-law 2006-265 be amended by deleting sections 1.1.10.0.0, 1.1.19.0.0, 1.1.23.0.0, 1.1.24.0.0, 1.1.28.0.0 – 1.1.28.2.0, 1.1.29.0.0, 1.1.30.0.0, 1.1.36.0.0 (text only) and replacing the sections with the following:

"1.1.10.0.0 **ISSUER OF LICENCES** - means the Manager of Enforcement Services for the City, Supervisor of Enforcement Services for the City, or any other person so designated by the City Clerk.

1.1.19.0.0 **SUPERVISOR ENFORCEMENT SERVICES** - means a person appointed to the position of Supervisor of Enforcement Services.

1.1.23.0.0 **OWNER** – means the registered owner of the lands and premises or the person or his authorized agent in lawful control of the premises, building or occupancy and who permits the operation or maintenance of any business, this shall include vehicles operating under such control.

1.1.24.0.0 **PEDICAB** - means a vehicle propelled by muscular power for hire for the conveyance of passengers. Does not include a taxicab, limousine, driver for hire or private transportation company.

- 1.1.28.0.0     **TAXICAB**
- 1.1.28.1.0     Taxicab – means a motor vehicle as defined in the *Highway Traffic Act*, R.S.O. 1990, c. H.8, other than a car pool vehicle having a seating capacity of not more than six persons, exclusive of the driver and having installed one or more safety features as defined by this by-law, hired for one specific trip for the transportation exclusively of one person or group of persons, one fare or charge only being collected or made for the trip. Shall include but is not limited to taxicabs designed for the transportation of persons with disabilities. Shall not include Limousine, Driver for hire Company vehicles or Private Transportation Company vehicles.
- 1.1.29.0.0     **TAXICAB COMPANY** - means a person who owns a taxicab or has possession or control thereof under an installment purchase agreement or by way of a rental or other agreement and who offers such vehicles for hire but shall not include a Driver for hire Company or Private Transportation Company.
- 1.1.30.0.0     **TAXICAB DRIVER** - means the person responsible for the care and operation of the taxicab and services related thereto. Does not include a Driver for Hire - Driver or Private Transportation Company Driver.
- 1.1.36.0.0     **DELETE”**
2.     **THAT** section 1.0.0.0.0 Definitions of By-law 2006-265 be amended by adding the following sections:
- “1.1.41.0.0     **BOOKED OR PRE-ARRANGED** – means an electronic, written or oral reservation, request or booking made in advance to request vehicle pick up and drop off or passenger pick-up and drop off services.
- 1.42.0.0.0     **PRIVATE TRANSPORTATION COMPANY** – means a person as defined by this by-law who in any manner accepts, facilitates, or brokers requests for or advertises or offers transportation in a private vehicle-for-hire to passengers. Shall not include a person who facilitates “carpooling” as defined by the Public Vehicles Act., Taxicab Company, Limousine Company or Driver for Hire Company.
- 1.43.0.0.0     **PRIVATE TRANSPORTATION COMPANY VEHICLE** – means a for hire motor vehicle with a seating capacity of less than nine (9) passengers excluding the driver used to provide transportation services to passengers but does not include taxicabs, limousines or driver for hire services.
- 1.44.0.0.0     **PRIVATE TRANSPORTATION COMPANY DRIVER** – means a person who is in care and control of a vehicle that provides transportation services to passengers through a Private Transportation Company but shall not include Taxicab Drivers, Limousine Drivers or Driver for Hire services.
- 1.45.0.0.0     **PRIVATE TRANSPORTATION COMPANY IDENTIFIER** – means a sign, decal, emblem, symbol or number displaying a logo or name of the Private Transportation Company through which the driver is providing transportation services to passengers and such other information required by this By-law, in a form and location approved by the Issuer of Licences.
- 1.46.0.0.0     **RATE OR FARE** - means the basis or formula used to calculate the rate or fare paid or charged to a customer for transportation provided by a taxicab, limousine, private transportation company or driver for hire company.

- 1.47.0.0.0      **SOLICIT** – means an appeal for customers or passengers by way of sound, words, signs or gestures directed at a person.
- 1.49.0.0.0      **DRIVER FOR HIRE COMPANY** – means a person defined by this by-law who facilitates, arranges or books a driver when requested, hired or contracted to provide driving services on behalf of a customer. Such service includes the transport of the customer in his/her own private vehicle from point A to point B as agreed upon.
- 1.50.0.0.0      **DRIVER FOR HIRE - DRIVER** – means a person who has been requested, hired or contracted to physically drive the customer in the customer's private vehicle from point A to point B as agreed upon.
- 1.51.0.0.0      **DRIVER FOR HIRE COMPANY – VEHICLE** – means a vehicle owned or operated on behalf of the Driver for Hire Company and used solely for the transport of the Driver for Hire – Driver to and from each request for service.
3.      **THAT** section 2.0.0.0.0 (General Provisions) of By-law 2006-265 be amended by deleting sections 2.1.2.0.0, 2.4.0.0.0-2.4.1.0.0, 2.7.2.0.0, 2.24.0.0.0-2.24.5.0.0, 2.25.1.0.0 and replacing them with the following sections:
- “2.1.2.0.0      Every person carrying on, conducting, operating, maintaining, keeping or engaging in any business not specifically identified in the Licence Classifications set out in and identified in Table 1 to this by-law, as amended shall not be required to obtain a City of Barrie Business Licence to do so from the Issuer of Licences.
- 2.4.0.0.0      **FORM OF LICENCE**
- 2.4.1.0.0      Every licence shall show therein:
- a)      the operating name of the business or person to whom the licence is issued;
  - b)      the operating address of the premise or location for which the licence is issued with the exception of Taxicab Drivers, Limousine Drivers, Private Transportation Company Drivers, Driver for Hire - Drivers and Tow Truck Drivers which shall reflect the address of the driver;
  - c)      the category or type of licence granted;
  - d)      the date of issue;
  - e)      the effective date of the licence;
  - f)      the date of expiration; and
  - g)      the signature of the Issuer of Licences or his designate.
- 2.7.2.0.0      Notwithstanding Section 2.7.1.0.0, a Taxicab Driver, Limousine Driver, Private Transportation Company Driver, Driver for Hire - Driver or Tow Truck Driver may amend a current licence to include additional companies for whom they are operating upon payment of the any administration fee associated with such change.

2.24.0.0.0 **PENALTIES**

- 2.24.1.0.0. Every person who contravenes any provision of this by-law is guilty of an offence and liable on conviction to a penalty not exceeding \$5,000, exclusive of costs and the provisions of the *Provincial Offences Act*, R.S.O 1990, c P.33, as amended, shall apply to said fine.
- 2.24.2.0.0. Every person who contravenes the provisions of any section of this By-law and every Director or Officer of a Corporation, who knowingly concurs in the contravention by the Corporation, is guilty of an offence under the provisions of the *Municipal Act*, 2001, S.O. 2001, c.25, s. 425(1.);
- 2.24.3.0.0. Every person who contravenes the provisions of any section of this by-law and every Director or Officer of a Corporation, who knowingly concurs in the contraventions by the Corporation, is guilty of an offence and liable on conviction to a penalty where the minimum fine shall not exceed \$500 and a maximum fine shall not exceed \$100,000 exclusive of costs under the provisions of the *Municipal Act*, 2001, S.O. 2001, c.25, s. 429 (1) (3) as amended.
- 2.24.4.0.0. For the purpose of continuous offences, 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 a by-law of the Corporation is guilty of an offence and liable on conviction to a penalty not exceeding \$10,000, exclusive of costs under the provisions of the *Municipal Act*, 2001, S.O. 2001, c.25, s. 429 (1) (3) as amended. Despite paragraph 1, the total of all daily fines for the offence is not limited to \$100,000.
- 2.24.5.0.0. For the purpose of multiple offences, 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 a by-law of the Corporation is guilty of an offence and liable on conviction to a penalty not exceeding \$10,000, exclusive of costs under the provisions of the *Municipal Act*, 2001, S.O. 2001, c.25, s. 429 (1) (3) as amended. Despite paragraph 1, the total of all daily fines for the offence is not limited to \$100,000.
- 2.25.1.0.0. For the purpose of business licences issued under the provisions of By-law 2006-265 prior to amendments effective July 1, 2017, the date of expiry shall be as specified on the licence and notwithstanding the provisions of this by-law, the provisions of the previous version of By-law 2006-265 shall continue to apply until the expiration of the licence previously issued.”

4. **THAT** Table 1 of By-law 2006-265 be deleted and replaced with the following table:

**TABLE 1 – BUSINESS LICENCE INSPECTIONS AND APPROVALS**

CATEGORY	INSPECTION/APPROVAL
Limousine (each)	<ul style="list-style-type: none"> <li>• Automobile Liability Insurance-\$2,000,000</li> <li>• Vehicle Identification #</li> <li>• Ontario Licence Plate #</li> <li>• Vehicle Safety Standards Certificate</li> </ul>
Limousine Driver	<ul style="list-style-type: none"> <li>• Criminal Record Check</li> <li>• Ontario Driver’s Licence</li> <li>• Ministry of Transportation Driver’s Abstract</li> <li>• Letter/offer of employment</li> </ul>



Limousine Company	<ul style="list-style-type: none"> <li>• Zoning (if operating in Barrie – new applications only)</li> <li>• HST registration</li> <li>• Commercial Liability Insurance-\$2,000,000</li> <li>• List of all vehicles to be used as limousines, Vehicle Identification # and Ontario Licence Plate #</li> <li>• Schedule of Rates and Charges</li> <li>• List of Limousine Drivers</li> </ul>
Pedicab	<ul style="list-style-type: none"> <li>• Liability Insurance-\$2,000,000</li> </ul>
Taxi Cab – owned by Company	<ul style="list-style-type: none"> <li>• Automobile Liability Insurance-\$2,000,000</li> <li>• Vehicle Identification Number</li> <li>• Ontario Licence Plate Number</li> <li>• Vehicle Safety Standards Certificate</li> <li>• List of Taxicab Drivers</li> </ul>
Taxi Cab Not Owned By Company	<ul style="list-style-type: none"> <li>• Automobile Liability Insurance-\$2,000,000</li> <li>• HST Registration</li> <li>• Vehicle Identification Number</li> <li>• Ontario Licence Plate Number</li> <li>• Vehicle Safety Standards Certificate</li> <li>• Current List of Individuals Authorized to Provide Services as a Taxicab Driver for such Owner of a Taxicab</li> <li>• The name of the Taxicab Company(ies) for which the Taxicab will provide service or otherwise be engaged</li> </ul>
Taxi Cab Company	<ul style="list-style-type: none"> <li>• HST registration</li> <li>• Commercial Liability Insurance - \$2,000,000</li> <li>• Zoning (if operating in Barrie – new applications only)</li> <li>• List of all vehicles to be used as taxicabs,</li> <li>• Vehicle Identification Number</li> <li>• Ontario Licence Plate Number</li> <li>• List of all Taxicab Drivers</li> </ul>
Taxi Cab Driver	<ul style="list-style-type: none"> <li>• Criminal Records Check (valid within 30 days of application)</li> <li>• Valid Ontario Driver's Licence</li> <li>• Ministry of Transportation Drivers Abstract (valid within 30 days of application)</li> <li>• Letter/offer of employment for each company operating on behalf of</li> </ul>
Tow Truck (each)	<ul style="list-style-type: none"> <li>• Automobile Liability Insurance-\$2,000,000</li> <li>• Vehicle Identification number</li> <li>• Ontario Licence Plate number</li> <li>• Vehicle Safety Standards Certificate or CVOR Certificate</li> </ul>
Towing Company	<ul style="list-style-type: none"> <li>• Zoning (if operating in Barrie – new applications only)</li> <li>• HST registration</li> <li>• Commercial Liability Insurance - \$2,000,000</li> <li>• List of all vehicles to be used as tow trucks,</li> <li>• Vehicle Identification #</li> <li>• Ontario Licence Plate #</li> <li>• Schedule of Rates and Charges</li> <li>• List of Tow Truck Drivers</li> </ul>
Tow Truck Driver	<ul style="list-style-type: none"> <li>• Criminal Record Check</li> <li>• Ontario Driver's Licence</li> <li>• Ministry of Transportation Driver's Abstract</li> <li>• Letter/offer of employment</li> </ul>

Private Transportation Company	<ul style="list-style-type: none"> <li>• HST registration</li> <li>• Incorporation documents outlining owners, directors or shareholders as may be applicable</li> <li>• List of all vehicles to be used as Private Transportation Company Vehicles</li> <li>• Vehicle Identification Number for each vehicle</li> <li>• Ontario Licence Plate Number for each vehicle</li> <li>• List of all Private Transportation Company Drivers operating</li> <li>• Automobile Liability Insurance-\$2,000,000 each vehicle</li> <li>• Commercial Liability Insurance - \$5,000.000</li> <li>• Vehicle Safety Standards Certificate for each vehicle (valid within 36 days of application)</li> </ul>
	<p><b><u>Driver Document Submissions Required (per driver):</u></b></p> <ul style="list-style-type: none"> <li>• Criminal Records Check (valid within 30 days of application)</li> <li>• Ministry of Transportation Drivers Abstract (valid within 30 days of application)</li> <li>• 2 pieces of government issued photographic identification (1 being a valid Ontario Drivers Licence)</li> <li>• Letter of employment or affiliation from Private Transportation Company</li> </ul>
Driver for Hire Company	<ul style="list-style-type: none"> <li>• HST registration</li> <li>• Incorporation documents outlining owners, directors, shareholders as may be applicable</li> <li>• Vehicle Identification Number for each vehicle used by company to transport Driver for Hire - Driver</li> <li>• Ontario Licence Plate Number for each vehicle used by company to transport Driver for Hire - Driver</li> <li>• List of all Driver for Hire - Drivers operating</li> <li>• Commercial Liability Insurance - \$5,000.000</li> </ul>
	<p><b><u>Driver Document Submission Required (per driver):</u></b></p> <ul style="list-style-type: none"> <li>• Criminal Records Check (valid within 30 days of application)</li> <li>• Ministry of Transportation Drivers Abstract (valid within 30 days of application)</li> <li>• 2 pieces of government issued photographic identification (1 being a valid Ontario Drivers Licence)</li> <li>• Letter of employment or affiliation from Driver for Hire Company</li> <li>• Each Driver must attend Enforcement Services Office for Photo ID Card to be generated</li> </ul>
Change of Name (same owner)	Proof of previous City Licence
Replacement / Duplicate Licence	Proof of Ownership
Photo ID card Replacement	Proof of City Licence
Vehicle Transfer	<ul style="list-style-type: none"> <li>• Vehicle Identification Number</li> <li>• Ontario Licence Plate (Ownership)</li> <li>• Automobile Liability Insurance-\$2,000,000</li> <li>• Vehicle Safety Standards Certificate for each vehicle (valid within 36 days of application)</li> <li>• Proof of previous City Licence for vehicle to be replaced</li> </ul>

5. **THAT** section 3.0.0.0.0 (Limousine) of By-law 2006-265 be amended by deleting section 3.2.9.0.0 and replacing it with the following:
- “3.2.9.0.0 Every owner and driver shall ensure that a limousine licensed under this section is only used as a limousine and is not used as a taxicab or private transportation company vehicle unless otherwise licensed under the provisions of this by-law.”
6. **THAT** section 4.0.0.0.0 (Limousine Company) of By-law 2006-265 be amended by deleting section 4.2.18.0.0 and replacing it with the following:
- 4.2.18.0.0 No person licensed under this section shall act as a Taxicab or Private Transportation Company Vehicle unless licensed to do so under the provisions of this By-law.
7. **THAT** section 5.0.0.0.0 (Limousine Driver) of By-law 2006-265 be amended by adding the following:
- “5.2.17.0.0. No person, while licensed as a limousine driver, shall operate as a Private Transportation Company Driver, Taxicab Driver or Driver for Hire - Driver, unless licensed to do so.
8. **THAT** section 7.0.0.0.0 (Taxicab) of By-law 2006-265 be amended by deleting the sections 7.2.8.0.0, 7.2.9.0.0, 7.2.14.0.0, 7.2.15.0.0 and 7.2.20.0.0. Text only, numbering shall remain.
9. **THAT** section 7.0.0.0.0 (Taxicab) of By-law 2006-265 be amended by deleting sections 7.2.3.0.0, 7.2.6.0.0, 7.2.10.0.0, 7.2.18.0.0, 7.2.19.0.0, 7.2.20.0.0 and replacing the sections with the following:
- 7.2.3.0.0 The applicant shall provide to the Issuer of Licences at the time of application, proof of automobile liability insurance in the minimum amount of \$2,000,000 for each vehicle
- 7.2.6.0.0 Each owner of a Taxicab shall submit such taxicab for safety inspection as required by the Issuer of Licences, Municipal Law Enforcement Officer, Police Officer or other duly appointed individual under the provisions of the *Highway Traffic Act*, R.S.O. 1990, c. H.8 and such valid and current Safety Standards Certificate issued pursuant to the *Highway Traffic Act*, R.S.O. 1990, c. H.8 shall be filed with the Issuer of Licences.
- 7.2.10.0.0 Every owner and driver of a Taxicab shall ensure that such vehicle is only used as a taxicab and is not used as a limousine or private transportation company vehicle unless otherwise licensed under the provisions of this by-law.
- 7.2.18.0.0 A taxicab owned by a person other than a Taxicab Company shall submit, at the time of application and maintain with the Issuer of Licences:
- a) proof of automobile liability insurance for such vehicle being operated as a taxicab in the minimum amount of \$2,000,000;
  - b) proof of H.S.T. registration;
  - c) a current list of individuals authorized to provide services as a taxicab driver for such owner of a taxicab; and
  - d) the name of the Taxicab Company(ies) for which the taxicab will provide service or otherwise be engaged.
- 7.2.19.0.0 The owner of a taxicab, not being an owner of a company shall also be required to:
- a) submit the vehicle being operated as a taxicab for inspection as required by the Issuer of Licences or other duly appointed individual;

- b) maintain the taxicab in the same manner as set out under the provisions for a Taxicab Company; and
- c) engage the services only of a licensed Taxicab Driver.

**10. THAT** section 8.0.0.0.0 (Taxicab Driver) of By-law 2006-265 be amended by deleting 8.2.4.0.0, 8.2.10.0.0 subsections (l) and (k) only, 8.2.14.0.0. Text only, numbering shall remain

**11. THAT** section 8.0.0.0.0 (Taxicab Driver) of By-law 2006-265 be further amended by deleting sections 8.2.8.0.0, 8.2.9.0.0, 8.2.11.0.0 and replacing the sections with the following:

8.2.8.0.0 Every licensee shall keep a daily record, such daily record may be in paper or electronic format, hereinafter referred to as a trip record, of all service requests received by him which result in the transporting of a passenger from one location to another and such trip record shall contain the following information:

- a) the licence number and decal number issued under the provisions of this by-law for the taxicab used for such trip;
  - i) the name, address and licence number of the driver;
  - ii) the amount of fare collected for each trip; and,
  - iii) date, time, origin and destination of each trip.
  - iv) ensure all trip records include the amount of the meter upon arrival at the destination, if applicable, any discount (in \$) applied and the total fare charged for each service request answered by the Taxi Driver.

8.2.9.0.0 Every licensee who drives a taxicab of which he is not the owner shall, once in each calendar day that he has driven, ensure that the owner is delivered or provided electronically, the trip record for that day.

8.2.11.0.0 No person shall, while in charge of a taxicab for hire:

- a) solicit any person to take or use the taxicab he is driving by calling out or shouting. The person wishing to use or engage the taxicab shall be left to choose without interception or solicitation;
- b) take, consume or have in his possession any intoxicant;
- c) obstruct the use of any sidewalk, make any loud noise or disturbance, use any abusive language, molest, annoy or insult any person whatsoever;
- d) employ or allow any runner or other person to assist or act in concert with him in obtaining any passenger;
- e) carry a greater number of persons than the taxicab is intended to seat according to manufacturer's rating or than specified in the license issued under this by-law;
- f) discriminate in any way against any member of the public in the carrying on of the business on any basis under the Human Rights Code;

- g) refuse to serve a person with a disability or fail to permit a service animal to enter any vehicle to which the licence relates;
- h) DELETED;
- i) smoke or allow or permit the smoking of any equipment or product including but not limited to cigar, cigarette, pipe, hookah or any other lit smoking product or vaping product, whether lit by flame or battery powered, in contravention of the City by-law regarding smoking or other applicable legislation, whichever is the most restrictive;
- j) park, stop or otherwise stand the taxicab in any prohibited area;
- k) DELETED.
- l) DELETED

**12. THAT** section 9.0.0.0.0 TAXICAB COMPANY of By-law 2006-265 be amended by deleting sections 9.2.2.0.0, 9.2.6.1.0, 9.2.7.1.0, 9.2.12.0.0, 9.2.13.0.0, 9.2.14.0.0, 9.3.0.0.0 – 9.3.7.0.0, 9.4.0.0.0 – 9.4.6.0.0 and replacing the sections with the following:

9.2.2.0.0 The applicant shall provide to the Issuer of Licences at the time of application, proof of commercial liability insurance in the minimum amount of \$2,000,000 as well as commercial general liability insurance in the amount of \$5,000,000. .

9.2.6.1.0 No person shall use or permit any taxicab to be used as a private transportation company vehicle for hire unless such vehicle is licensed separately under the provisions of this by-law.

9.2.7.1.0 No person shall permit any private transportation company driver or driver for hire to drive a taxicab unless such driver is licensed separately under the provisions of this by-law to do so.

9.2.12.0.0 The applicant shall satisfy the Issuer of Licences that:

- a) any taxicab operated in association with the taxicab company will accept service requests only from the taxicab company;
- b) DELETED
- c) DELETED.
- d) Every Taxicab Company be required to provide to the Issuer of Licences at the time of application and upon change to such information:
  - i. a list of all taxicabs owned by the company identifying the Licence Plate Number, make of vehicle and Vehicle Identification Number;
  - ii. a list of all vehicles not owned by the Taxicab Company but which are intended to be used as a taxicab for the Taxicab Company and operated on behalf of the Taxicab Company identifying the Licence Plate Number, make of vehicle and Vehicle Identification Number;
  - iii. a list of all persons providing a taxicab for use by the Taxicab Company and to be operated on behalf of the Taxicab Company; and

- iv. the name(s) of any person operating as a Taxicab Driver for the Taxicab Company regardless of whether such driver operates a taxicab owned by the Taxicab Company or another person.

9.2.13.0.0 Every licensee shall:

- a) keep an orderly record of all service requests answered by taxicabs owned by him showing date, time, origin, destination, taxicab vehicle licence number and the name of the driver. The records shall be retained for a period of 12 months from date of entry and shall be open for inspection by any Municipal Law Enforcement Officer, Police Officer or other duly appointed individual at any reasonable time and may be removed by such Municipal Law Enforcement Officer, Police Officer or other duly appointed individual and retained for any reasonable period of time;
- b) submit each taxicab owned by him for vehicle safety inspection at any time as required by the Issuer of Licences, a Municipal Law Enforcement Officer, Police Officer or other duly appointed individual and shall file with the Issuer of Licences a valid and current Safety Standards Certificate for each taxicab owned by him and intended to be used as a taxicab in accordance with the provisions of the *Highway Traffic Act*, R.S.O. 1990, c. H8;
- c) ensure that all persons employed by him as a taxicab driver are properly licensed under the provisions of this by-law;
- d) DELETED;
- e) prominently display in each taxicab owned by him a list of rates or fares set out by the company, including but not limited to any discounts, scheduled price variances or surges inclusive and prior to the commencement;
- f) ensure that every Taxicab used by the Taxicab Company is submitted as requested for safety inspection and/or inspection by a Municipal Law Enforcement Officer, Police Officer or other duly authorized individual;
- g) provide that the necessary dispatching equipment, mobile applications or two way communications is available to each driver and maintained in proper working condition; and,
- h) DELETED.
- i) ensure all trip records include the amount of the meter fare upon arrival at the destination, any discount (in \$) applied and the total fare charged for each service request answered by the Taxi Driver.

9.2.14.0.0 The licensee shall ensure that any taxicab operated by him is driven for the transportation exclusively of one person or group of persons in the same party and that only one fare or charge is collected for each specified trip.

9.3.0.0.0 **TAXI TARIFF - RATES AND FARES**

9.3.1.0.0 All rates and fares shall be posted within the taxicab or available through an electronic format to every customer prior to the commencement of any conveyance and shall be agreed upon.

- 9.3.2.0.0 All rates and fares are inclusive of Harmonized Sales Tax (H.S.T.).
- 9.3.3.0.0 Notwithstanding any other section the licensee and a customer may enter into a contract in writing for services to extend for a period of one year or more on runs between fixed points at an agreed tariff.
- 9.3.4.0.0 DELETED.
- 9.3.5.0.0 DELETED.
- 9.3.6.0.0 DELETED.
- 9.3.7.0.0 DELETED.
- 9.4.0.0.0 **EQUIPMENT AND ITS USE**
- 9.4.1.0.0 Every licensee shall have affixed to each taxicab used by him, a taxi meter for registering distances travelled and computing fares to be paid.
- 9.4.2.0.0 Every person shall ensure that:
- a) each taxi meter is:
    - i) DELETED;
    - ii) so placed as to be conveniently seen at all times by the passenger or passengers of the taxicab;
    - iii) used only when the seal thereon is intact;
    - iv) kept in good working order at all times and not used when defective in any way; and,
    - v) DELETED.
- 9.4.3.0.0 DELETED.
- 9.4.4.0.0 DELETED.
- 9.4.5.0.0 DELETED.
- 9.4.6.0.0 Every licensee shall ensure that every taxicab used by the taxicab company has security affixed on the top of the taxicab, an illuminated sign indicating that the vehicle is a taxicab and the trade name under which the taxicab is being operated.

**13. THAT** By-law 2006-265 be amended by adding the following sections.

- 13.0.0.0.0 **PRIVATE TRANSPORTATION COMPANY DRIVER**  
Authority: *Municipal Act*, .2001, S.O. 2001, c. 25

13.1.0.0.0 **PURPOSE**

13.1.1.0.0 The Council of the Corporation of the City of Barrie has deemed it expedient to pass a by-law to license, regulate and govern Private Transportation Company Driver within the City of Barrie to:

- a) ensure that consumers are protected by requiring as a condition of operating that sufficient information is provided to and maintained by the Issuer of Licences to assist in the enforcement of the by-law;
- b) ensure that the Licensee has secured and holds a valid Driver's Licence issued by the Ministry of Transportation for the Province of Ontario;
- c) ensure that the health and safety of its residents and visitors are protected through the establishment of operating standards; and,
- d) ensure that the Licensee complies with all nuisance control regulations;

13.2.0.0.0 **OPERATING CRITERIA**

13.2.1.0.0 No person shall operate or carry on business as a Private Transportation Company Driver within the City without first having been registered to do so.

13.2.2.0.0 The applicant or his designate shall provide to the Issuer of Licences, through the Private Transportation Company, at the time of application:

- a) two (2) pieces of identification, one of which shall be photographic identification detailing the applicant's birth date, legal name and current residential address;
- b) a Criminal Record Check obtained from a Police enforcement agency or other duly appointed agency and dated within 30 days of the date of receipt of the application;
- c) an Ontario Driver's Licence abstract obtained from the Ministry of Transportation and dated within 30 days of the date of receipt of the application.
- d) the applicant's Ontario Driver's Licence with a minimum Class G designation with no driving restrictions.

13.2.3.0.0 The applicant or his designate shall provide to the Issuer of Licences, through the Private Transportation Company, at the time of application, documentation to the satisfaction of the Issuer of Licences from the owner or designate of the Private Transportation Company for whom the applicant is to provide services as a Private Transportation Company Driver confirming that the applicant is employed by or otherwise authorized to provide services as a Private Transportation Company Driver for the said Private Transportation Company.

13.2.4.0.0 No person shall provide any service or operate as a driver for any private transportation company which is not licensed under the provisions of this by-law.

13.2.5.0.0 No person shall drive any vehicle operated as a private transportation company vehicle unless such vehicle is registered under the provisions of this by-law.

13.2.6.0.0 No person providing services or operating as a private transportation company driver shall receive requests for service, in any format from a private transportation company unless such company is licensed under the provisions of this by-law.



- 13.2.7.0.0 Every registered private transportation driver shall keep a daily log, such daily log may be in paper or electronic format, hereinafter referred to as a trip record, of all service requests received by him which result in the transporting of a passenger from one location to another and such trip record shall contain the following information:
- a) the private transportation company vehicle licence number issued under the provisions of this by-law;
    - i) the name, address and licence number of the driver;
    - ii) the amount of remuneration collected for the service;
    - iii) date, time, origin and destination of each trip.
- 13.2.8.0.0 Every person, while in charge of a private transportation company vehicle for hire shall:
- a) produce daily trip records upon the request of any Municipal Law Enforcement Officer, Police Officer or other duly authorized individual;
  - b) upon request of any passenger, give in writing his name, and company contact information along with the licence number issued to the company under the provision of this by-law;
  - c) ensure all daily trip records include the amount of the fare upon arrival at the destination, any discount (in \$) applied and the total fare charged for each service request answered by the Private Transportation Company Driver
- 13.2.9.0.0 No person shall, while in charge of a private transportation company vehicle for hire:
- a) solicit any person to take or use the private transportation company vehicle he is driving by calling out or shouting. The person wishing to use or engage the private transportation company vehicle shall be left to choose without interception or solicitation;
  - b) take, consume or have in his possession any intoxicant;
  - c) obstruct the use of any sidewalk, make any loud noise or disturbance, use any abusive language, molest, annoy or insult any person whatsoever;
  - d) employ or allow any runner or other person to assist or act in concert with him in obtaining any passenger;
  - e) carry a greater number of persons than the private transportation company vehicle is intended to seat according to manufacturer's rating or than specified in the licence issued under this by-law;
  - i) smoke or allow or permit the smoking of any equipment or product including but not limited to cigar, cigarette, pipe, hookah or any other lit smoking product or vaping product whether lit by flame or battery powered, in contravention of the City by-law regarding smoking or other applicable legislation, whichever is the most restrictive;
  - j) park, stop or otherwise stand the private transportation company vehicle in any prohibited area;

- k) park, stop or otherwise stand in a designated taxicab stand for which a sign is posted.
- l) discriminate in any way against any member of the public in the carrying on of the business on any basis under the Human Rights Code.
- m) refuse to serve a person with a disability or fail to permit a service animal to enter any vehicle to which the licence relates

14.0.0.0.0 **PRIVATE TRANSPORTATION COMPANY**  
Authority: *Municipal Act, .2001, S.O. 2001, c. 25*

14.1.0.0.0 **PURPOSE**

14.1.1.0.0 The Council of the Corporation of the City of Barrie has deemed it expedient to pass a by-law to license, regulate and govern Private Transportation Company within the City of Barrie to:

- a) ensure that consumers are protected by requiring minimum liability insurance as a condition of operating a business and by further ensuring that sufficient information is provided to and maintained by the Issuer of Licences to assist in the enforcement of the by-law;
- b) ensure that the Licensee has secured and holds valid liability insurance for the general protection of the consumer; and,
- c) ensure that the Licensee complies with all nuisance regulations.

14.2.0.0.0 **OPERATING CRITERIA**

14.2.1.0.0 No person shall own, operate, carry on or maintain a business as a Private Transportation Company within the City of Barrie without first having obtained a licence to do so.

14.2.2.0.0 The applicant shall provide to the Issuer of Licences at the time of application, proof of commercial liability insurance in the minimum amount of \$2,000,000.

14.2.3.0.0 The applicant shall provide to the Issuer of Licences at the time of application, proof of HST (Harmonized Sales Tax) registration.

14.2.4.0.0 The applicant shall provide to the Issuer of Licences at the time of application, and within fourteen (14) days of any change, a list of all persons operating as a Private Transportation Company Drivers on behalf of the Company. Such listing shall include:

- a) the Name, address and contact number for each individual;
- b) Criminal Records Check issued by a Police enforcement agency or other duly appointed agency valid within 30 days of receipt by the Issuer of Licences;.
- c) a drivers abstract issued by the Ministry of Transportation valid within 30 days of receipt by the Issuer of Licences;
- d) copy of valid Ontario Drivers Licence issued by the Ministry of Transportation

- 14.2.5.0.0 The applicant shall provide to the Issuer of Licences at the time of application, and within fourteen (14) days of any change, a list of all vehicles operating as a Private Transportation Company Vehicles on behalf of the Company. Such listing shall include:
- a) the vehicle identification number and the Ontario licence plate number as issued by the Ministry of Transportation for each vehicle operating on behalf of the private transportation company;
  - b) a valid Safety Standards Certificate issued pursuant to the provisions of the *Highway Traffic Act*, R.S.O. 1990, c. H8, as amended; at the time of application,
  - c) the unique identifier issued to each vehicle operated as a Private Transportation Company Vehicle by such Private Transportation Company.
- 14.2.6.0.0 No person shall use or permit any private transportation company vehicle to be used for hire unless such private transportation company vehicle is registered under the provisions of this by-law.
- 14.2.7.0.0 No person shall permit any driver to drive a private transportation company vehicle unless such driver is registered under the provisions of this by-law to do so.
- 14.2.8.0.0 Every person shall advise the Issuer of Licences within fourteen (14) days of any change in any licence plate issued by the Ministry of Transportation.
- 14.2.9.0.0 The licensee shall ensure that every driver of a private transportation company vehicle shall be familiar with the provisions of this by-law, the laws and regulations relating to traffic and the geography of the City of Barrie.
- 14.2.10.0.0 The licensee shall ensure that every driver of a private transportation company vehicle is the holder of any of a class A, B, C, D, E, F or G driver's licence issued to him by the Ministry of Transportation for the Province of Ontario and that such licence is valid at all times which such driver is engaged in driving any private transportation company vehicle used by the licensee.
- 14.2.11.0.0 The applicant shall be at least 18 years of age to be licensed under this section.
- 14.2.12.0.0 The applicant shall satisfy the Issuer of Licences that:
- a) any private transportation company vehicle operated in association with the company will accept service requests only from the private transportation company;
  - b) Every Private Transportation Company shall be required to provide to the Issuer of Licences at the time of application and upon change to such information:  
:
    - i. a list of all private transportation company vehicles operated by the company identifying the Licence Plate Number, make of vehicle and Vehicle Identification Number;
    - ii. the name(s) of any person operating as a private transportation company driver for the private transportation company.
    - iii. Submit a copy of each driver's criminal records check and driver's abstract for review by the Issuer of Licences at the time of application and within fourteen (14) days of any change.

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- 14.2.13.0.0 Every licensee shall:
- a) keep an orderly record of all service requests answered by vehicles operating on behalf of the private transportation company showing date, time, origin, destination, vehicle licence number and the name of the driver. The records shall be retained for a period of 12 months from date of entry and shall be open for inspection by any Municipal Law Enforcement Officer, Police Officer or other duly appointed individual at any reasonable time and may be removed by such Municipal Law Enforcement Officer, Police Officer or other duly appointed individual and retained for any reasonable period of time;
  - b) submit each private transportation company vehicle for vehicle safety inspection as required by the Issuer of Licences, a Municipal Law Enforcement Officer, Police Officer or other duly appointed individual and shall file with the Issuer of Licences a valid and current Safety Standards Certificate for each vehicle operated on behalf of the company as required by the Issuer of Licences in accordance with the provisions of the *Highway Traffic Act*, R.S.O. 1990, c. H8;
  - c) ensure that all persons employed by him as a private transportation company driver are properly registered under the provisions of this by-law;
  - d) All rates and fares shall be made available through an electronic format to every customer prior to the commencement of any conveyance and shall include any discounts, price variances or surges in effect at the time and the conveyance must be agreed upon prior to commencement;
  - f) provide the necessary or make available the necessary dispatching equipment, mobile software applications or two way communication devices to each driver and maintained in proper working condition; and,
  - h) ensure all trip records include the amount of the fare upon arrival at the destination, any discount (in \$) applied and the total fare charged for each service request answered by the private transportation company driver.
  - i) not permit, encourage or condone the acceptance of hails or the solicitation of passengers by private transportation company drivers, whether on the street or in any manner or any other location.
- 14.2.14.0.0 The licensee shall ensure that any private transportation company vehicle operating on behalf of the company is driven for the transportation exclusively of one person or group of persons in the same party and that only one fare or charge is collected for each specified trip.
- 14.2.15.0.0 The licensee shall notify the Issuer of Licences immediately should a private transportation company driver be suspended or terminated from operating on behalf of the private transportation company and shall not reinstate such driver unless prior approval has been granted by the Issuer of Licences.
- 14.2.16.0.0 The licensee shall ensure that a copy of the private transportation company identifier is filed with the Issuer of Licences at the time of application.
- 14.2.17.0.0 The licensee shall ensure that such identifier is placed on each private transportation company vehicle so as to be visible to the public at all times when operating.

14.2.18.0.0 The licensee shall remit payment and supporting reports to the Issuer of Licences on a Quarterly basis related to a per trip fee as set out in the City Fees By-law as amended from time to time.

14.2.19.0.0 The licensee shall be held liable for any violations found or misconduct done so by any registered private transportation company driver or private transportation company vehicle, to any provision of this by-law and may result in the suspension, revocation or denial of the private transportation company licence.

14.3.0.0.0 **RATES AND FARES**

14.3.1.0.0 Every licensee shall:

- a) ensure all rates and fares are posted within the vehicle or available through an electronic format to every customer prior to the commencement of any conveyance and shall be agreed upon,
- b) ensure each customer is advised immediately and prior to the commencement of any conveyance of any price variance or surging in effect at the time of the request for service,
- c) ensure all rates and fares are inclusive of Harmonized Sales Tax (H.S.T.).
- d) ensure that no driver accepts any payment in cash or any other form of payment for services provided. All payments shall be made through the appropriate mobile software application.
- e) ensure that the customer is provided with a receipt detailing all rates and fares, date of transaction, total time of trip, start / end locations and private transportation company licence number associated with each trip. Such receipt shall be in an electronic format.

14.4.0.0.0 **EQUIPMENT AND ITS USE**

14.4.1.0.0 Every licensee shall ensure each private transportation company driver operating on his behalf, has correctly logged or signed into the applicable mobile software application that will register distances travelled and computing fares to be paid.

14.4.2.0.0 Every Licensee shall be required on an as needed basis, to create anonymous passenger and driver accounts to be used for enforcement purposes by a Municipal Law Enforcement Officer or other duly appointed officer authorized to enforce the provisions of this by-law. Such accounts can be used from time to time to complete random inspections to ensure compliance with the provisions of the by-law.

15.0.0.0.0 **PRIVATE TRANSPORTATION COMPANY VEHICLE**

Authority: *Municipal Act*, .2001, S.O. 2001, c. 25

15.1.0.0.0 **PURPOSE**

15.1.1.0.0 The Council of the Corporation of the City of Barrie has deemed it expedient to pass a by-law to license, regulate and govern Private Transportation Company Vehicles within the City of Barrie to:

- a) ensure that consumers are protected by requiring minimum liability insurance as a condition of operating a business and by further ensuring that sufficient information is provided to and maintained by the Issuer of Licences to assist in the enforcement of the by-law;
- c) ensure that the Licensee has secured and holds valid liability insurance for the general protection of the consumer; and,
- c) ensure that the Licensee complies with all nuisance regulations.

15.2.0.0.0 **OPERATING CRITERIA**

15.2.1.0.0 No person shall own, operate, carry on or maintain a business as a Private Transportation Company Vehicle within the City of Barrie without first having been registered to do so.

15.2.2.0.0 The applicant or his designate shall provide to the private transportation company, at the time of application, proof of automobile liability insurance in the minimum amount of \$2,000,000.

15.2.3.0.0 The applicant or his designate shall provide to the private transportation company, at the time of application, proof of HST (Harmonized Sales Tax) registration.

15.2.4.0.0 The applicant or his designate shall provide to the private transportation company, at the time of application, and within fourteen (14) days of any change, a list of all vehicles operating as a Private Transportation Company Vehicle for the Company. Such listing shall include:

- a) the vehicle identification number and the Ontario licence plate number as issued by the Ministry of Transportation for each vehicle operating on behalf of the private transportation company;
- b) a valid Safety Standards Certificate, for each vehicle, issued pursuant to the provisions of the *Highway Traffic Act*, R.S.O. 1990, c. H8, as amended; at the time of application,
- c) the unique identifier issued to each vehicle operated as a Private Transportation Company Vehicle by such Private Transportation Company.

15.2.5.0.0 No person shall use or permit any private transportation company vehicle to be used for hire unless such private transportation company vehicle is registered under the provisions of this by-law.

15.2.6.0.0 No person shall permit any driver to drive a private transportation company vehicle unless such driver is registered under the provisions of this by-law to do so.

15.2.7.0.0 Every person shall advise the Issuer of Licences within fourteen (14) days of any change in any licence plate issued by the Ministry of Transportation.

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- 15.2.8.0.0 The licensee shall ensure that every registered owner of a private transportation company vehicle shall be familiar with the provisions of this by-law, the laws and regulations relating to traffic and the geography of the City of Barrie.
- 15.2.9.0.0 The applicant or his designate shall be at least 18 years of age to be licensed under this section.
- 15.2.10.0.0 The applicant or his designate shall satisfy the Issuer of Licences that:
- a) any private transportation company vehicle operated in association with the company will accept service requests only from the private transportation company;
  - b) a list of all private transportation company vehicles operated by the him identifies the Licence Plate Number, make of vehicle and Vehicle Identification Number.
- 15.2.11.0.0 Every registered vehicle owner or licensee shall:
- a) keep an orderly record of all service requests answered by vehicles operating on behalf of the private transportation company showing date, time, origin, destination, vehicle licence number and the name of the driver. The records shall be retained for a period of 12 months from date of entry and shall be open for inspection by any Municipal Law Enforcement Officer, Police Officer or other duly appointed individual at any reasonable time and may be removed by such Municipal Law Enforcement Officer, Police Officer or other duly appointed individual and retained for any reasonable period of time;
  - b) submit each registered private transportation company vehicle for vehicle safety inspection as required by the Issuer of Licences, a Municipal Law Enforcement Officer, Police Officer or other duly appointed individual and shall file with the Issuer of Licences a valid and current Safety Standards Certificate for each vehicle operated on behalf of the company as required by the Issuer of Licences in accordance with the provisions of the *Highway Traffic Act*, R.S.O. 1990, c. H8;
  - c) ensure all trip records include the amount of the fare upon arrival at the destination, any discount (in \$) applied and the total fare charged for each service request answered by the private transportation company driver.
  - i) not permit, encourage or condone the acceptance of hails or the solicitation of passengers by private transportation company drivers, whether on the street or in any manner or any other location.
- 15.2.12.0.0 The registered vehicle owner or licensee shall ensure that any private transportation company vehicle operating on behalf of the company is driven for the transportation exclusively of one person or group of persons in the same party and that only one fare or charge is collected for each specified trip.
- 15.2.13.0.0 The registered vehicle owner or licensee shall ensure that such identifier is placed on each private transportation company vehicle so as to be visible to the public at all times, when operating.
- 16.0.0.0.0 **DRIVER FOR HIRE COMPANY**  
Authority: *Municipal Act*, .2001, S.O. 2001, c. 25

16.1.0.0.0 **PURPOSE**

16.1.1.0.0 The Council of the Corporation of the City of Barrie has deemed it expedient to pass a by-law to license, regulate and govern Driver for Hire Company within the City of Barrie to:

- a) ensure that consumers are protected by requiring minimum liability insurance as a condition of operating a business and by further ensuring that sufficient information is provided to and maintained by the Issuer of Licences to assist in the enforcement of the by-law;
- d) ensure that the Licensee has secured and holds valid liability insurance for the general protection of the consumer; and,
- c) ensure that the Licensee complies with all nuisance regulations.

16.2.0.0.0 **DEFINITION – For the purpose of this section only:**

16.2.1.0.0 **CUSTOMER** – means the registered owner or his/her designate, of a private vehicle who requests, hires or contracts a driver.

16.3.0.0.0 **OPERATING CRITERIA**

16.3.1.0.0 No person shall own, operate, carry on or maintain a business as a Driver for Hire Company within the City of Barrie without first having obtained a licence to do so.

16.3.2.0.0 The applicant shall provide to the Issuer of Licences at the time of application, proof of commercial liability insurance in the minimum amount of \$2,000,000.

16.3.3.0.0 The applicant shall provide to the Issuer of Licences at the time of application, proof of HST (Harmonized Sales Tax) registration.

16.3.4.0.0 The applicant shall provide to the Issuer of Licences at the time of application, and within fourteen (14) days of any change, a list of all persons operating as a Driver for Hire - Driver for the Company. Such listing shall include:

- a) the Full Legal Name, residential address, contact number, Criminal Record Check and Driver's Abstract for each individual operating on behalf of the company;

16.3.5.0.0 No person shall use or permit the use of a driver for hire company vehicle to be used to transport customers or clients at any time.

16.3.6.0.0 No person shall permit any person to operate as a driver for hire - driver unless such person is registered under the provisions of this by-law to do so.

16.3.7.0.0 The licensee shall ensure that every driver operating on behalf of the driver for hire company is familiar with the provisions of this by-law, the laws and regulations relating to traffic and the geography of the City of Barrie.

16.3.8.0.0 The licensee shall ensure that every person operating as a driver for hire - driver is the holder of any of a class A, B, C, D, E, F or G driver's licence issued to him by the Ministry of Transportation for the Province of Ontario and that such licence is valid at all times while such driver is engaged in transporting or driving any person or vehicle during the course of conducting business.



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- 16.3.9.0.0 The applicant shall be at least 18 years of age to be licensed under this section.
- 16.3.10.0.0 The applicant shall satisfy the Issuer of Licences that:
- a) any driver for hire - driver operated in association with the company will accept service requests only from the licensed driver for hire company;
  - b) Every driver for hire company be required to provide to the Issuer of Licences at the time of application and within fourteen (14) days upon any change to such information:
    - i. a list of all driver for hire company vehicles operated by or on behalf of the company, identifying the Licence Plate Number, make of vehicle and Vehicle Identification Number;
    - ii. the name(s) of any person operating as a driver for hire - driver for the driver for hire company.
- 16.3.11.0.0 Every licensee shall:
- a) keep an orderly record of all service requests answered by the company showing date, time, origin, destination, and the name of the driver. The records shall be retained for a period of 12 months from date of entry and shall be open for inspection by any Municipal Law Enforcement Officer, Police Officer or other duly appointed individual at any reasonable time and may be removed by such Municipal Law Enforcement Officer, Police Officer or other duly appointed individual and retained for any reasonable period of time;
  - b) ensure that all persons employed by him as a driver for hire - driver are properly registered under the provisions of this by-law;
  - c) All rates and fares shall be made available through an electronic format or paper format to every customer prior to the commencement of any conveyance and shall include any discounts, price variances or surges in effect at the time and the conveyance must be agreed upon prior to commencement;
  - d) provide or make available the necessary dispatching equipment, mobile software applications or two way communication devices to each driver and maintained in proper working condition; and,
  - e) ensure all trip records include the amount of the fare upon arrival at the destination, any discount (in \$) applied and the total fare charged for each service request answered by the driver for hire - driver.
  - f) not permit, encourage or condone the acceptance of hails or the solicitation of passengers by a driver for hire - driver, whether on the street or in any manner or any other location.
- 16.3.12.0.0 The licensee shall notify the Issuer of Licences immediately should a driver for hire - driver be suspended or terminated from operating on behalf of the driver for hire company and shall not reinstate such driver unless prior approval has been granted by the Issuer of Licences.
- 16.3.13.0.0 The licensee shall ensure that at no time does a driver for hire – driver allow a customer or client to enter or be transported in the driver for hire company vehicle as defined by this by-law.

16.3.14.0.0 The licensee shall be held liable for any violations found or misconduct done so by any driver for hire company employee or driver for hire - driver, to any provision of this by-law and may result in the suspension, revocation or denial of the licence.

16.4.0.0.0 **RATES AND FARES**

16.4.1.0.0 Every licensee shall:

- a) ensure all rates and fares are posted within the vehicle or available through an electronic format to every customer prior to the commencement of any conveyance and shall be agreed upon,
- b) ensure each customer is advised immediately and prior to the commencement of any conveyance of any price variance or surging in effect at the time of the request for service,
- c) ensure all rates and fares are inclusive of Harmonized Sales Tax (H.S.T.)
- d) ensure that the customer is provided with a receipt detailing all rates and fares, date of transaction, total time of trip, start / end locations and private transportation company licence number associated with each trip. Such receipt shall be in an electronic format.

6.5.0.0.0 **EQUIPMENT AND ITS USE**

16.5.1.0.0 Every licensee shall ensure each driver for hire- driver operating on his behalf, has correctly logged or signed into the applicable mobile software application that will register distances travelled and computing fares to be paid.

14. **THAT** By-law 2006-265 be amended by deleting section 13.0.0.0.0 and 13.1.0.0.0 and adding the following sections.

17.0.0.0.0 **ENACTMENT**

17.1.0.0.0 THAT this By-law shall come into force and have effect on the 1<sup>st</sup> day of July, 2017.

**READ** a first and second time this \*\* day of \*\*, 2017.

**READ** a third time and finally passed this \*\* day of \*\*, 2017.

**THE CORPORATION OF THE CITY OF BARRIE**

\_\_\_\_\_  
**MAYOR – J. R. LEHMAN**

\_\_\_\_\_  
**CITY CLERK – DAWN. A. MCALPINE**

**APPENDIX "B"**

**Proposed Fee Changes**

<b>Licensing Category</b>	<b>2016 Fee</b>	<b>Proposed Fee (2017)</b>	<b>Difference</b>	<b>Current # Lic. Issued</b>
Taxicab Company	\$455.00	\$533.92	\$78.92	10
Taxicab Driver	\$365.00	\$237.11	-\$127.89	293
Taxicab Vehicle	\$435.00	\$303.07	-\$131.93	173
Ride Sharing/Private Transportation Company (1 - 150) Vehicle & Driver included)		\$3,497.49		
Ride Sharing/Private Transportation Company (151 - 300) Vehicle & Driver included		\$5,192.78		
Ride Sharing/Private Transportation Company (301 - 450) Vehicle & Driver included		\$6,888.07		Based on information provided by UBER, there are between 301-450 active operators in Barrie
Ride Sharing/Private Transportation Company (451 +) Vehicle & Driver included		\$8,602.17		
Ride sharing per trip fee (in addition to company fee)		\$0.11/trip		
Driver for Hire Company (1 - 10 vehicles/drivers)		\$303.07		It is estimated that 10 or less companies are currently operating in Barrie with under 10 drivers
Driver for Hire Company (11 - 20 vehicles/drivers)		\$731.80		
Driver for Hire Company (20 + vehicles/drivers)		\$929.67		

Note: The above fees shall be adjusted annually on the 1st day of January by the change in the Canada wide CPI, as confirmed by the Finance Department (amount to be rounded)