

By-law 2014-115

A By-law of the City of Greater Sudbury for the Licensing, Regulating and Governing of Taxi, Limousine, and Shuttle Transportation In the City of Greater Sudbury

Whereas section 151 of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended (the "*Municipal Act 2001*") confers the power to a municipality to pass by-laws to create a system of licensing with respect to a business;

And Whereas section 156(1) of the *Municipal Act 2001* authorizes a municipality to pass a bylaw to establish rates and fare to be charged by taxicabs, provide for the collection of same and to limit the number of taxicabs or any class of them;

And Whereas the Council of the City of Greater Sudbury deems it desirable to provide a system for the licensing, regulation and governing of taxi, limousine and shuttle transportation in the City of Greater Sudbury, including fixing the number of taxicabs;

Now therefore the Council of the City of Greater Sudbury hereby enacts as follows:

Part 1 Terminology / General

Terminology

1. For the purposes of this By-law:

"Accessible Taxi" means a motor vehicle that is both a Taxi and an Accessible Vehicle;

"Accessible Driver" means a person who holds a valid Accessible Taxi Driver's License;

"Accessible Taxi Owner" means a person who holds a valid Owner's License for an Accessible Taxi;

"Accessible Taxi Owner's License" means a license issued pursuant to this By-law which authorizes the use and operation of the vehicle identified in the License as an Accessible Taxi;

"Accessible Taxi Driver's License" means a license issued which gives authority to drive a Taxi, including an Accessible Taxi, in the City;

"Accessible Vehicle" has the meaning in Regulation 629, RRO 1990, made under the *Highway Traffic Act*, R.S.O. 1990, c.H.8, as amended or replaced from time to time;

"Application is Complete" means the application form is fully completed and signed in accordance with the By-law, all necessary documents have been filed, all applicable fees have been paid, all required tests or Inspections have been completed, or the time for doing so or for remedying any deficiencies thereunder has expired;

"Broker" means any Person who holds a current and valid Broker's License;

"Broker's License" means a license issued under the authority of this By-law that gives authority to accept Calls in any manner for Taxis, Limousines, or Shuttles that are owned by Persons other than the Broker, his or her immediate family or his or her employer and to subsequently dispatch such Taxis, Limousines or Shuttles in response to the Call;

"Business Day" means Monday to Friday inclusive, except for statutory and civic holidays;

"Call" includes a request or direction for the services of a Taxi, Limousine or Shuttle by or on behalf of a prospective passenger, made in any manner;

"Chief Vehicle Inspector" means the person appointed from time to time as the City's Manager of By-law and Enforcement Services and includes her or his authorized designate;

"City" means the municipal corporation of the City of Greater Sudbury or the geographic area of the City of Greater Sudbury as the context requires;

"Council" means the Council of the City of Greater Sudbury;

"Driver" means an individual who holds a Driver's License issued under the authority of this By-law;

"Driver Knowledge Test" means a standard test prepared by the Chief Vehicle Inspector which is intended to determine knowledge of such matters as the streets of the City, the location of major points of origin and destination of trips within the City, the most effective routes to reach these points, the requirements of this By-law and other applicable law, and an understanding of the self study materials prepared and provided by the Chief Vehicle Inspector;

"Driver's License" means a license issued under the authority of this By-law which gives authority for the operation in the City of a Vehicle of the type identified in the License and includes a Taxi Driver's License, an Accessible Taxi Driver's License, a Limousine Driver's License and a Shuttle Driver's License;

"Hearing Committee" means the Hearing Committee authorized pursuant to the City's Procedure By-law, as amended or replaced from time to time;

"Inspection" or "Inspect" includes without limitation a physical, visual or other examination, includes any form of test or inquiry and includes the right to enter a building or onto land to conduct the inspection and also includes the right to take photographs, including digital images and to make copies of documents;

"License" means a current and valid license issued or renewed under the authority of this By-law and includes a Taxi Owner's License, an Accessible Taxi Owner's License, a Limousine Owner's License, a Shuttle Owner's License, a Broker's License, a Taxi Driver's License, an Accessible Taxi Driver's License, a Limousine Driver's License and a Shuttle Driver's License;

"Limousine" means a motor vehicle as defined in the *Highway Traffic Act*, R.S.O. 1990, c.H.8:

- (a) which is hired by unit of time;
- (b) which is hired for the transportation exclusively of one person or group of persons; and
- (c) for which a single charge is assessed and collected for the time hired;

"Limousine Driver's License" means a license issued pursuant to this By-law which gives authority to drive a Limousine in the City;

"Limousine Owner's License" means a license issued pursuant to this By-law which authorizes use and operation of the vehicle identified in the License as a Limousine in accordance with this By-law;

"Maximum Number of Taxi Owner's Licenses" means 131 Taxi Owner's Licenses, inclusive of Accessible Taxis but exclusive of Temporary Airport Ambassador Licenses;

"Officer" includes the Chief Vehicle Inspector, any Municipal By-law Enforcement Officer appointed by Council for the enforcement of this By-law and a duly sworn member of the Greater Sudbury Police Services;

"Owner" means a Person who holds a valid Owner's License;

"Owner's License" means a license issued pursuant to this By-law which gives authority for the operation of the Vehicle identified in the License as an Accessible Taxi, Taxi, Limousine or Shuttle as the case may be, in the City, and includes an Accessible Taxi Owner's License, a Taxi Owner's License, a Limousine Owner's License, and a Shuttle Owner's License;

"Person" includes an individual, a sole proprietorship, a partnership, an unincorporated association, a trust and a corporation;

"Revocation" means the recalling and voiding of a License previously issued under this Bylaw and 'revoke' and "revoked" have similar meaning as required by the context;

"Shuttle Driver's License" means a license issued pursuant to this By-law which gives authority to drive a Shuttle in the City;

"Shuttle" means a motor vehicle as defined in the *Highway Traffic Act*, R.S.O. 1990, c.H.8:

- (a) which has a seating capacity of seven persons or more, inclusive of the driver;
 - (b) which is used to provide Transportation on Demand to individuals or groups on a shared or multiple destination basis; and
 - (c) for which separate charges are assessed and collected from each individual or group of individuals receiving services of the Shuttle;
- but does not include vehicles operated by public transportation agencies of municipal, provincial, or federal governments;

"Shuttle Owner" means a Person who holds a valid Shuttle Owner's License;

"Shuttle Owner's License" means a license issued pursuant to this By-law which authorizes the use and operation of the vehicle identified in the License as a Shuttle in accordance with this By-law;

"Suspension" means the temporary discontinuance of a License previously issued under this By-law and "suspend" and "suspended" have similar meaning as required by the context;

"Taxi" means a motor vehicle, as defined in the *Highway Traffic Act*, R.S.O. 1990, c.H.8:

- (a) which has a seating capacity of not more than seven persons, inclusive of the driver;
- (b) which is hired for one specific trip for the transportation exclusively of one person or group of persons;
- (c) for which only one fare or charge is levied or collected for the trip; and includes an Accessible Taxi;

“Taxi Driver’s License” means a license issued pursuant to this By-law which gives authority to drive a Taxi in the City, other than an Accessible Taxi;

“Taxi Owner” means a Person who holds a valid Taxi Owner’s License;

“Taxi Owner’s License” means a means a license issued pursuant to this By-law which authorizes the use and operation of the vehicle identified in the License to operate or allow same to be operated as a Taxi in accordance with this By-law;

“Transportation on Demand” means transportation offered immediately upon a Call by an individual or group of individuals, either by Vehicles dispatched by Owners or by Brokers in response to requests, or by Vehicles standing at geographic points accessible to individuals or groups of individuals desiring immediate transportation;

“Vehicle” includes an Accessible Taxi, a Taxi, a Limousine and a Shuttle; and

“Vehicle Plate” means the plate issued by the Chief Vehicle Inspector to the holder of an Owner’s License, to be affixed in accordance with this By-law, to the Vehicle identified in the License to which the Vehicle Plate was issued for which it was issued.

Interpretation

2.-(1) Whenever this By-law refers to a person or thing with reference to gender or the gender neutral, the intention is to read the By-law with the gender applicable to the circumstances.

(2) References to items in the plural include the singular, as applicable.

(3) The words “include”, “including” and “includes” are not to be read as limiting the phrases or descriptions that precede them. Any examples provided are intended to be representative examples and not intended to be an exhaustive list.

(4) Headings are inserted for ease of reference only and are not to be used as interpretation aids.

(5) Specific references to laws in the By-law are printed in italic font and are meant to refer to the current laws applicable with the Province of Ontario as at the time the By-law was enacted, as they are amended from time to time.

(6) Any reference to periods of time, stated in numbers of days, shall be deemed applicable on the first Business Day after a Sunday or Statutory holiday if the expiration of the time period occurs on a Sunday or Statutory holiday.

(7) The obligations imposed by this By-law are in addition to obligations otherwise imposed by law or contract.

(8) Where this By-law provides metric and imperial units of measure, the metric unit of measure shall prevail. For convenience only, approximate imperial measurements have been provided in parentheses but are of no force or effect. The abbreviation “mm” stands for millimetres and “m” stands for metres.

(9) Nothing here authorizes a contravention of the City’s Traffic and Parking By-law 2010-1, as amended or replaced.

(10) Terms with capitals shall be read with the meaning in section 1, and other words shall be given their ordinary meaning.

Severability / Conflict

3.-(1) If any section, subsection, part or parts of this By-law is declared by any court of law to be bad, illegal or ultra vires, such section, subsection, part or parts shall be deemed to be severable and all parts hereof are declared to be separate and independent and enacted as such.

(2) Nothing in this By-law relieves any person from complying with any provision of any Federal or Provincial legislation or any other By-law of the City.

(3) Where a provision of this By-law conflicts with the provisions of another By-law in force in the City, the provision that establishes the higher standard to protect the health, safety and welfare of the general public shall prevail.

Application

4.-(1) This By-law shall apply within the geographic limits of the City.

(2) This By-law applies to all Vehicles operated as Accessible Taxis, Taxis, Limousines and Shuttles within the City, to all Owners, Drivers of such Vehicles and all Persons operating as Brokers within the City.

(3) Subsection 4(2) does not prohibit the use of a vehicle as a taxi without a Taxi Owner’s License for a trip which ends in Sudbury, provided the taxi can legally operate in the municipality in which the conveyance begins.

(4) Nothing herein restricts, limits or prevents conveyances which meet the requirements of subsection 156(2) of the *Municipal Act, 2001*, S.O. 2001, c. 25 as amended.

Administration/ Delegation

5.-(1) The administration of this By-law is assigned to the Chief Vehicle Inspector who is delegated the authority to:

- (a) make all decisions required of the Chief Vehicle Inspector under this By-law;
- (b) perform all administrative functions, conduct all Inspections or investigations referred to herein and those incidental to and necessary for the due administration and implementation of this By-law; and
- (c) establish and amend from time to time, such forms, tests and other documents, and such standards, protocols and procedures as the Chief Vehicle Inspector may determine are required to implement and administer this Bylaw.

(2) The Chief Vehicle Inspector may delegate the performance of any one or more of his or her functions under this By-law to one or more persons from time to time as the occasion requires and may impose conditions upon such delegation and may revoke any such delegation. The Chief Vehicle Inspector may continue to exercise any function delegated during the delegation.

(3) Unless specifically provided to the contrary in this By-law, the decisions of the Chief Vehicle Inspector are final and not subject to appeal.

Part 2 – Licenses Required **Owner's License Required**

6.-(1) No Person who owns a vehicle shall authorize or permit the use, operation or driving of that vehicle for the purpose set out in Column A unless:

- (a) such Person holds a valid Owner's License of the type identified in Column B in the chart below which identifies that Vehicle; and
- (b) the Vehicle is being driven or operated by a Person:
 - (i) who holds a valid Driver's License of the type identified in Column C in the chart below; and
 - (ii) whose Driver's License identifies the Owner as the person whose Vehicles may be driven by the Driver.

Column A Purpose of Use	Column B Type of Owner's License	Column C Type of Driver's License
Accessible Taxi	Accessible Taxi Owner's License	Accessible Taxi Driver's License
Taxi	Taxi Owner's License	Taxi Driver's License or Accessible Taxi Driver's License
Limousine	Limousine Owner's License	Limousine Driver's License
Shuttle	Shuttle Owner's License	Shuttle Driver's License

(2) No Person who holds a valid Owner's License shall authorize or permit any vehicle to be operated or driven under the authority of that Owner's License except the Vehicle identified in that Owner's License.

(3) No Person is entitled to have more than one Vehicle identified in an Owner's License, however, nothing herein limits any Person from applying for or holding more than one Owner's License.

Driver's License Required

7.-(1) Unless expressly provided to the contrary in this By-law, no Person shall operate, drive or have control of a Vehicle of the Type in Column A in the chart below unless:

- (a) the Person has a valid Driver's License of the Type identified in Column B of the chart below;
- (b) there is a valid Owner's License of the type identified in Column C of the chart below, issued for that Vehicle; and
- (c) the Driver is operating, driving or has control of the Vehicle with the consent of the Owner who holds the Owner's License for that Vehicle;

Column A Vehicle Type	Column B Type of Driver's License	Column C Type of Owner's License
Accessible Taxi	Accessible Taxi Driver's License	Accessible Taxi Owner's License
Taxi	Taxi Driver's License Or Accessible Taxi Driver's License	Taxi Owner's License
Limousine	Limousine Driver's License	Limousine Owner's License
Shuttle	Shuttle Driver's License	Shuttle Owner's License

Broker's License Required

8. Unless expressly provided to the contrary in this By-law, no person shall carry on the business of a Broker unless such person holds a current Broker's License issued under this By-law. For clarity, an Owner who is dispatching any Vehicle for which the Owner holds an Owner's License either directly or through an employee is not carrying on the business of a Broker.

Part 3 License Applications, Etc.

License Register

9.-(1) The Chief Vehicle Inspector shall maintain a register of Licenses issued under this By-law. The register shall include: the type and number of License issued; the name of the Person to whom the License was issued; in the case of an Owner's License, the identification of the Vehicle to which the License applies; the date of issuance and of each renewal; the status of each License; and such other information as the Chief Vehicle Inspector shall determine.

(2) The Chief Vehicle Inspector shall update the register of Licenses as information is available, in order to keep the register current at all times.

Application for License / Renewal of License - General

10.-(1) Every applicant for a License or renewal of a License under this By-law shall file with the Chief Vehicle Inspector:

- (a) an application in the form established by the Chief Vehicle Inspector from time to time, bearing the signature of the applicant, and where the applicant is a corporation, the signature of a person who has authority to bind the applicant, certifying the accuracy of the information provided;
- (b) in the case of an applicant who is an individual, evidence the applicant is at least 18 years of age;
- (c) all applicable fees determined in accordance with Schedule A; and
- (d) such additional information or documentation as the Chief Vehicle Inspector may require in the circumstances to assess the application.

(2) The Chief Vehicle Inspector may require that information be provided in the form of statutory declaration.

Applicant – Owner's License

11-(1) Every applicant for an Owner's License or for a renewal of an Owner's License shall in addition to complying with section 10, file with the Chief Vehicle Inspector as part of the application:

- (a) in the case of an applicant who is an individual, evidence that the applicant is resident in the City and in the case an applicant which is a corporation, evidence that the head office of the corporation is located in the City;
- (b) a criminal record check dated within 30 days of the date the Application is Complete;
 - (i) for the applicant, where the applicant is an individual; or
 - (ii) for the signing officer of the corporation who signed the application, where the applicant is a corporation;
- (c) evidence that the Vehicle to be used as the Taxi, Limousine or Shuttle, as the case may be:
 - (i) is registered to the applicant in the records of the Ministry of Transportation; or
 - (ii) has been ordered by or on behalf of the applicant and will be on the road within 30 days of the date the Application is Complete; or
 - (iii) is leased by the applicant from a firm or company carrying on the business of leasing vehicles;
- (d) evidence that the Vehicle to be used as the Taxi, Limousine or Shuttle as the case may be, is a model year not more than ten (10) years prior to the year of the application;
- (e) a certified copy of or a current certificate of insurance in effect for the Vehicle, showing at least Two Million Dollars (\$2,000,000) comprehensive liability insurance against loss or damage resulting from bodily injury to or the death of one or more persons or from loss or damage to property resulting from any one accident; providing for passenger hazard coverage of at least Two Million Dollars (\$2,000,000) and endorsed to the effect that the Chief Vehicle Inspector will be given at least 30 days notice in writing of any cancellation, expiry or variation in the amount of the policy;
- (f) evidence that the Vehicle identified in the application meets provincial safety standards in the form of a Safety Standards Certificate issued by a licensed Motor Vehicle Inspection Station, and dated within 30 days prior to the date the Application is Complete. Where the Safety Standards

Certificate has been issued by an individual or individuals employed by a Motor Vehicle Inspection Station that has, in the opinion of the Chief Vehicle Inspector, repeatedly issued Certificate for vehicles found to be unsafe within thirty days of the issue of the Certificate, the Chief Vehicle Inspector may reject the Safety Standards Certificate provided and require that a Safety Standards Certificate be secured from another issuer at the cost of the applicant and submitted as part of the application;

- (g) where the Owner intends to carry on business in a name other than the Owner's own name or intends to carry on business through a Broker, particulars of the proposed business name or the name of the Broker as the case may be;
 - (h) particulars of any Broker which the Owner intends to use to dispatch the Vehicle to be identified in the License;
 - (i) evidence that the Vehicle to be identified in the Owner's License has passed the Inspection or reInspection by the Chief Vehicle Inspector;
 - (j) In the case of an application for a Taxi Owner's License, evidence that:
 - (i) the taximeter installed in the vehicle has passed the Inspection by the Chief Vehicle Inspector; and
 - (ii) evidence that the Vehicle has a seating capacity of seven or fewer Persons, inclusive of the driver; and
 - (k) in the case of an application for a Shuttle Owner's License
 - (i) evidence that the Vehicle has a seating capacity of seven or more Persons inclusive of the driver; and
 - (ii) a copy of the Shuttle tariff of fees and charges which will be relied from issuance or renewal of the Shuttle Owner's License until the renewal or next renewal of the Shuttle Owner's License.
- (2) Every applicant for the issuance or renewal of an Owner's License shall, in addition to complying with section 10 and as part of the application:
- (a) schedule an appointment with the Chief Vehicle Inspector for an Inspection of the Vehicle to be identified in the License applied for;
 - (b) produce the Vehicle for Inspection at the day, place and time of the scheduled appointment; and
 - (c) co-operate as necessary in the Inspection.
- (3) In the event that the Vehicle does not pass the Inspection under subsection 11(2), the applicant may correct the deficiencies identified by the Chief Vehicle Inspector and schedule a reinspection, provided however:

- (a) only one re-Inspection will be permitted as part of the application;
- (b) any re-Inspection must be completed within 7 days following the determination of the unsuccessful result of the first Inspection; and
- (c) any applicable fee determined in accordance with Schedule A shall be paid.

Applicant – Taxi Owner’s License

12. Every applicant for the issuance or renewal of a Taxi Owner’s License shall, in addition to complying with sections 10 and 11 and as part of the application:

- (a) schedule an appointment with the Chief Vehicle Inspector for an Inspection of the taximeter in the Vehicle to which the application for renewal applies, produce the Vehicle at the scheduled appointment and co-operate as necessary in the Inspection of the taximeter; and
- (b) may, in the event that the taximeter does not pass the Inspection, correct the deficiencies identified by the Chief Vehicle Inspector and schedule another Inspection, provided however:
 - (i) only one re-Inspection will be permitted as part of the application;
 - (ii) any re-Inspection must be completed within 7 days following the determination of the unsuccessful result of the first Inspection; and
 - (iii) any applicable fee determined in accordance with Schedule A shall be paid.

Applicant – Driver’s License

13-(1) Every applicant for a Driver’s License or renewal of a Driver’s License, shall, in addition to complying with section 10 file with the Chief Vehicle Inspector as part of the application:

- (a) a ‘Vulnerable Sector Check’ for the applicant, dated within 30 days prior to the date the Application is Complete, providing evidence of any conviction by indictment for any offence under the *Criminal Code*, R.S.C. 1985, C-46, or under any other federal statute, including without limiting the generality of the forgoing, under the *Controlled Drugs and Substances Act*, S.C. 1996, Chapter 19 and the *Food and Drugs Act*, R.S.C. 19985, C-27, any criminal charges resulting in dispositions of ‘withdrawn’ or dismissed’, police contacts related to offences such as theft, weapons, sex offences or violent, harmful and threatening behavior where no charges were laid, and all pardoned criminal convictions;

- (b) evidence the applicant holds a current valid Ontario driver's license permitting the driving of the type of vehicle for the type of License applied for;
 - (c) a Ministry of Transportation Drivers abstract for the applicant, dated within 30 days prior to the date the Application is Complete;
 - (d) a letter addressed to the Chief Vehicle Inspector from an Owner who holds a valid Owner's License and dated within 30 days prior to the date the Application is Complete, stating the intention of that Owner to employ the applicant as a Driver of the Vehicle Licensed under that Owner's License, in the event that the applicant receives a Driver's License for that type of Vehicle;
 - (e) a current photograph of the applicant, to be taken by the Chief Vehicle Inspector; and
 - (f) in the case of the initial application only, evidence that the applicant has achieved a score of at least 75% on the Driver Knowledge Test or that the Hearing Committee has authorized the issuance of a Driver's License with a lower score.
- (2) Every applicant for issuance of a Driver's License:
- (a) shall schedule an appointment with the Chief Vehicle Inspector to complete the Driver Knowledge Test and attend as scheduled to complete the test;
 - (b) pay the fee determined in accordance with Schedule A to write the Driver Knowledge Test unless the fee has been waived by the Hearing Committee on application in accordance with paragraph 33(2)(b); and
 - (c) may, in the event that the applicant achieves a score of less than 75% on the Driver Knowledge Test schedule an appointment for the Chief Vehicle Inspector and pay any applicable fee determined in accordance with Schedule A to write an alternate version of the Driver Knowledge Test, provided however:
 - (i) only one re-write will be permitted; and.
 - (ii) the rewrite must be completed within 14 days following the determination of the unsuccessful result of the first.

(3) An applicant for a Driver's License or an applicant on the first renewal of a Driver's License after the passage of this By-law may request that his or her license expire on a specified date which is not his or her birthday, and thereafter for the purposes of determining the expiry date of the Driver's License, the date chosen shall prevail rather than the birthday of the applicant. Having chosen an alternate date, no further change will be permitted.

Applicant – Accessible Taxi Driver

14. Every applicant for an Accessible Taxi Driver's License, shall, in addition to complying with sections 10 and 13, file with the Chief Vehicle Inspector, a letter directed to the Chief Taxi Inspector, signed by the Accessible Taxi Owner for whom the applicant will be providing services, should the license be issued, confirming that applicant has successfully completed such training as is required to lawfully drive an Accessible Vehicle.

Applicant – Broker's License

15. In addition to complying with section 10, an applicant for a Broker's License or for the renewal of a Broker's License shall file with the Chief Vehicle Inspector as part of the application:

- (a) in the case of an applicant who is an individual, evidence that the applicant is resident in the City and in the case an applicant which is a corporation, evidence that the head office of the corporation is in the City;
- (b) a criminal record check dated within 30 days of the date of the submission of the application:
 - (i) for the applicant, where the applicant is an individual; or
 - (ii) for the signing officer of the corporation who signed the application, where the applicant is a corporation;
- (c) a letter addressed to the Chief Vehicle Inspector from each Owner to whom the applicant will be providing the services of a Broker, confirming that:
 - (i) in the event that the application is approved and the Broker's License issues, the applicant for the Broker's License is entitled to accept calls on behalf of the Owner and to dispatch the Owner's Vehicle to such calls OR to dispatch the call to the Vehicle of an other Owner, as the case may be; and
 - (ii) the Owner is not a member of the immediate family of the applicant for the Broker's License; and

- (iii) the Owner is not the employer of the applicant for the Broker's License

Refund

16. No fees paid pursuant to an application for a License or renewal of a License shall be refunded for any reason.

Part 4

License Issuance / Replacement / Re-Issuance / Expiry / Surrender

Issuance of License /License Conditions

17.-(1)Where an applicant for a License or renewal of a License has complied with the requirements of this By-law and the issuance or renewal of the License is not otherwise prohibited under this By-law, the Chief Vehicle Inspector is authorized to issue a License in a form determined by the Chief Vehicle Inspector.

(2) Every Broker's License and every Owner's License issued by the Chief Vehicle shall specify particulars of:

- (a) the type of License;
- (b) the Person to whom it is issued;
- (c) the effective date of the License;
- (d) the date on which the License will expire if not earlier terminated, or if not renewed;
- (e) the unique number assigned to the License;
- (f) in the case of an Owner's License, the particulars of the Vehicle to which the License relates; and
- (g) such conditions or provisions as the Chief Vehicle Inspector determines to be appropriate in the circumstances.

(3) Every Driver's License issued by the Chief Vehicle Inspector shall set out:

- (a) the License number;
- (b) the name of the Driver;

- (c) a photograph of the Driver;
- (d) the name of the Owner for whom the Driver is authorized to act as a Driver; and
- (e) a statement that it is a Driver's License.

(4) The Chief Vehicle Inspector may impose such conditions or provisions on the issuance of a Driver's License as the Chief Vehicle Inspector determines to be appropriate in the circumstances. In each such case, the Chief Vehicle Inspector shall give notice to the applicant in accordance with section 30 of such conditions or provisions to which the Driver's License is subject.

(5) The Chief Vehicle Inspector issues a License by dating as of the date of issuance and signing the License.

- (6) Every License issued is conditional upon:
- (a) such conditions as may be imposed upon issuance of the License; and
 - (b) continuing compliance with the requirements of this By-law.

Additional Deliverables – License Issuance / Renewal

18. Upon issuance or renewal of License as described in Column A in the chart below, the Chief Vehicle Inspector shall provide to the License holder the additional items identified on the corresponding line in Column B of the chart below:

Column A Licence Issuance/Renewal	Column B Deliverable
Issuance of an Owner's License	<p>a Vehicle Plate, in a form established by the Chief Vehicle Inspector from time to time which is designed to be affixed to the Vehicle for which it was issued and which sets out the type of Vehicle for which it was issued and the Owner's License Number;</p> <p>A holder suitable for holding the Driver's License of the Driver operating or in control of the Vehicle, for attachment to the Vehicle to which the Owner's License applies. A holder suitable for holding the Driver's License of the Driver operating or in control of the Vehicle, for attachment to the Vehicle to which the Owner's License applies.</p>
Issuance of a Taxi Owner's License	<p>a taxi tariff card in a form determined by the Chief Taxi Official from time to time, which sets out:</p> <ul style="list-style-type: none"> (a) current tariffs established in accordance with Schedule B; (b) the process by which and phone number at which a rider in the Taxi may make a complaint to the Chief Vehicle Inspector regarding the condition or safety of the Taxi, or the conduct of the Driver
Renewal of an Owner's License	Renewal Sticker to affix to the Vehicle Plate

Expiry of License/ Extension of License

19.-(1) Unless renewed or revoked prior to expiry, an Owner's or Broker's License issued under this By-law shall expire August 31st next following the issuance or renewal of the License.

(2) Unless renewed or revoked prior to expiry, a Driver's License issued under this By-law shall expire on the birthday of the Driver next following the issuance of the License or the renewal of the License, or on the alternate date requested by the Driver pursuant to subsection 13(3).

(3) A License holder may apply for a renewal of a License prior to the date of expiry of a License.

(4) A License which has expired without renewal is deemed to be Revoked and shall be surrendered by the person named in the expired License to the Chief Vehicle Inspector to the Chief Vehicle Inspector for cancellation.

License Property of City – No Transfer or Lease

20-(1) Every License and Vehicle Plate issued under this By-law remains the property of the City, is personal to the holder thereof and shall be surrendered to the Chief Vehicle Inspector in accordance with this By-law upon Suspension, Revocation or expiry of the License.

(2) No Person who holds a License shall lease, license, transfer, or purport to lease, license or transfer to another Person any or all of the rights under a License issued under this By-law or in any way authorize any other Person to exercise any of the rights exercisable by the holder of a License under this By-law.

(3) Where a License holder acts contrary to 20(2), the License shall be deemed to be Revoked.

Surrender for Re-Issuance - Change in Vehicle or Owner

21-(1) In the event that an Owner wishes to sell the Vehicle identified in the Owner's License and the purchaser of the Vehicle wishes to operate the Vehicle as an Accessible Taxi, a Taxi, Limousine or Shuttle as the case may be, then prior to any transfer:

- (a) the purchaser shall submit an application to the Chief Vehicle Inspector for an Owner's License in accordance with this By-law for that Vehicle; and

- (b) the vendor of the Vehicle shall:
 - (i) complete a request to surrender and re-issue the Owner's License to a named purchaser, in the form established by the Chief Vehicle Inspector from time to time;
 - (ii) surrender his or her Owner's License to the Chief Vehicle Inspector for cancellation and re-issuance in favor of the proposed purchaser; and
 - (iii) leave the Vehicle Plate affixed to the Vehicle identified in the Owner's License.

(2) Where an applicant for an Owner's License in the circumstances in 21(1) otherwise qualifies for the issuance of an Owner's License, despite paragraph 27(c)(ii), the Chief Vehicle Inspector is authorized to re-issue the Owner's License using the same License number as the License surrendered and identifying the same Vehicle but the new Owner.

(3) In the event that an Owner wishes to use as a Taxi, Accessible Taxi, Shuttle or Limousine, a vehicle other than the Vehicle identified in the Owner's License, the Owner shall:

- (a) submit a request to re-issue the License identifying the proposed replacement vehicle to be identified in the re-issued License, in the form established by the Chief Vehicle Inspector, together with such documents or information as the Chief Vehicle Inspector may require to ensure compliance with this By-law and the applicable fee under Schedule A;
- (b) make the proposed replacement vehicle available for Inspection;
- (c) surrender his or her Owner's License to the Chief Vehicle Inspector for cancellation and re-issuance identifying the new Vehicle; and
- (d) in the event the application is approved, remove the Vehicle Plate from the vehicle identified in the surrendered Owner's License and affix it to the Vehicle identified in the re-issued Owner's License.

(4) Any License re-issued under subsection 21(3) shall bear the same License number as the License surrendered and same Owner name but identify the replacement Vehicle.

(5) Where an application under 21(1)(a) or 21(3)(a) is refused and the Owner wishes to continue to operate the Vehicle, the Owner may make a written request to the Chief Vehicle Inspector within 7 days of the refusal, for the return of the Owner's License.

The Chief Vehicle Inspector may, where it is appropriate in the circumstances to do so, return the Owner's License to the Owner. Where no request is made in a timely fashion, the Owner's License is deemed to be Revoked and the Chief Vehicle Inspector may cancel the Owner's License.

Replacement License / Vehicle Plate – Lost, Defaced, Destroyed

22.-(1) Where a License or Vehicle Plate has been defaced, lost or destroyed, the Chief Vehicle Inspector may issue a replacement License upon:

- (a) application in writing in a form established by the Chief Vehicle Inspector from time to time, signed by the holder of the License;
- (b) provision of evidence satisfactory to the Chief Vehicle Inspector that the License or Vehicle Plate has been defaced, lost or destroyed;
- (c) payment of the fee determined in accordance with Schedule A; and
- (d) in the case of a License or Vehicle Plate which has been defaced, the surrender of the defaced License or Vehicle Plate to the Chief Vehicle Inspector.

(2) Despite subsection 22(1), a replacement Accessible Taxi License may be provided to the Accessible Taxi Owner without payment of the fee otherwise applicable.

Replacement Tariff Card

23-(1) The Chief Vehicle Inspector may provide a replacement taxi tariff card upon:

- (a) application in writing by the Accessible Taxi Owner or the Taxi Owner; and
- (b) payment of a fee determined in accordance with Schedule A.

(2) Despite paragraph 23(1)(b), no fee shall be payable for the provision of a taxi tariff card as a result of a change to the fares or rates.

Part 5 – Licenses
Suspension / Revocation / Refusal to Issue or Renew

Deemed Suspension – Death - Owner's License

24-(1) Every Owner's License is deemed to be Suspended on the death of the Owner subject to the right of the Estate Trustee or next of kin of the deceased Owner under subsection 21(1) to apply to surrender the Owner's License for re-issuance to a purchaser of the Vehicle identified in the Owner's License.

(2) Where the License of a deceased Owner has not been surrendered for cancellation and no application under subsection 21(1) has been processed by the Chief Vehicle Inspector within one year of the death of the Owner, the Owner's License shall be deemed Revoked and the Estate Trustee or next of kin of the Owner shall surrender the Owner's License and Vehicle Plate to the Chief Vehicle Inspector.

(3) Where the License of the deceased Owner would otherwise expire during the period of Suspension under subsection 24(1), the Owner's License shall be deemed to be renewed without further action or payment of fees.

Deemed Revocation

25-(1) Every Driver's License and every Broker's License issued to an individual is deemed to be Revoked on the death of the Driver or Broker, as the case may be, whether or not the License is surrendered for cancellation.

(2) Every Owner's License is deemed to be Revoked, whether or not the License and Vehicle Plate are surrendered for cancellation, upon the transfer of the Vehicle to which the License relates, unless the transfer is in accordance with subsections 21(1) and 24(2).

Refuse to Issue or Renew, Right to Suspend or Revoke

26. The Chief Vehicle Inspector shall refuse to issue a License or to renew a License under this By-law and may suspend or revoke a License if:

- (a) in the opinion of the Chief Vehicle Inspector, the past conduct of the applicant, or in the case of a corporate applicant, the past conduct of the directors, officers, employees or agents, provides reasonable grounds for belief that:

- (i) the applicant has not carried on or will not carry on, the trade, business or occupation for which the License is sought in accordance with law and with integrity and honesty; or
 - (ii) the carrying on of the trade, business or occupation by the applicant has infringed or would infringe, the rights of other members of the public, or has endangered, or would endanger, the health and safety of other members of the public; or
 - (iii) the carrying of the trade, business or occupation by the applicant has resulted, or will result, in a breach of this By-law or any other municipal by-law, federal or provincial statute or regulation thereunder;
- (b) the applicant, or in the case of a corporate applicant, the authorized signing officer, does not meet the requirements of this By-law;
- (c) in the case of a Driver's License the applicant had, in the five years prior to the date of the application, a conviction by indictment for any offence under the *Criminal Code*, R.S.C. 1985, C-46, or under any other federal statutes and without limiting the generality of the foregoing, under the *Controlled Drugs and Substances Act*, S.C. 1996, Chapter 19 and the *Food and Drugs Act*, R.S.C. 1985, C. F-27;
- (d) in the case of an Owner's License:
 - (i) the Chief Vehicle Inspector is not satisfied as a result of the Vehicle Inspection or re-Inspection of that the Vehicle meets the requirements of this By-law; or
 - (ii) the Vehicle identified in the License does not comply with or there are, in the opinion of the Chief Vehicle Inspector, reasonable grounds to believe that the Vehicle will not comply with the requirements of this By-law or any other municipal by-law, or any federal or provincial statute or regulation thereunder;
- (e) in the case of a Taxi Owner's License, the Inspection or any reInspection determines that the taximeter is not functioning accurately; or
- (f) in the case of an application for a Broker's License or Owner's License the location of the place of business of the applicant is neither compliant with the Zoning By-law nor a legal non-conforming use.

Additional Reasons to Refuse to Issue or Renew a License

27. In addition to the reasons in section 26, the Chief Vehicle Inspector shall refuse to issue a License or to renew a License under this By-law:

- (a) if the Application is not Complete, 30 days after being submitted;
- (b) in the case of an application for a renewal of any License, any fee assessed under this By-law or a predecessor of this By-law or any fine resulting from a contravention of this Bylaw or a predessor of this By-law remains outstanding;
- (c) in the case of an application for a Taxi Owner's License:
 - (i) issuing a new License would result in more than the Maximum Number of Taxi Owner's Licenses being issued and in effect at any one time; or
 - (ii) there is a License available but there is a waitlist for a Taxi Owner's License under section 39 and the application is not being made pursuant to subsection 21(1);
- (d) in the case of an application for a Driver's License the applicant scores less than 75% on the Driver's Knowledge Test; or
- (e) for any other reason which the Chief Vehicle Inspector considers to be sufficient reason to refuse to issue or to refuse to renew a License.

Additional Reasons to Suspend or Revoke a License

28. In addition to any other reasons provided for in this By-law, the Chief Vehicle Inspector may Suspend or Revoke a License under this By-law:

- (a) in the opinion of the Chief Vehicle Inspector there is a material failure to comply with any requirement set out in this By-law harmful to:
 - (i) public safety; or
 - (ii) the quality of service provided by licensed Vehicles to the travelling public;
- (b) in the opinion of the Chief Vehicle Inspector, there has been a repeated failure to comply with one or more provisions of this By-law;
- (c) in the opinion of the Chief Vehicle Inspector there is or has been a flagrant failure or refusal to comply with this By-law;

- (d) in the opinion of the Chief Vehicle Inspector, the conduct of the holder of the License is or has been of a nature that is detrimental to the enforcement of the Bylaw, the safety of Officers or materially disrespectful of Officers;
- (e) there is a contravention of this By-law of a type for which Revocation or Suspension of a License is specifically provided for; or
- (f) for any other reason which the Chief Vehicle Inspector considers to be a sufficient reason for the Revocation or Suspension.

Notice of Suspension, Revocation, Refusal to Issue or Renew

29. Where the Chief Vehicle Inspector determines that a License should not be issued or renewed or should be Suspended or Revoked, the Chief Vehicle Inspector shall give notice in accordance with section 30 to the applicant or License holder as the case may be of:

- (a) the decision and particulars of the reason for the refusal to issue or renew the License or to Suspend or Revoke the License;
- (b) any rights to request a hearing before the Hearing Committee, the process to do so, and the time limitation for submitting the request;
- (c) in the case of a Suspension or Revocation, the effective date of the Suspension or Revocation;
- (d) in the case of a Suspension, the period of time the Suspension will be in effect and where applicable, any conditions to be met during the suspension period for the Suspension to be terminated; and
- (e) such other information as the Chief Vehicle Inspector considers appropriate in the circumstances.

Notice Requirements

30-(1) Any notice to be given or required to be given by the Chief Vehicle Inspector under this By-law may be given in writing, or may be given orally followed by a written confirmation of the oral notice mailed within 2 Business Days of the oral notice.

(2) Written notice or written confirmation of an oral notice may be served personally or served by registered mail mailed to the address for the applicant /License holder shown in the most recent application for a License or renewal, or such updated address as may have been provided by the applicant/License holder.

(3) Any oral notice shall be deemed to have been served on the date it is given, whether or not the written confirmation is sent in time or received by the applicant or License holder and any notice in writing shall be deemed to have been served on the date it is given if served by personal service, or on the fifth day after mailing if served by registered mail, whether or not it is actually received by the Person to whom it is addressed.

Guidelines for Suspensions

31-(1) The period of suspension to be identified under paragraph 29(d) shall not exceed 7 days in the case of a suspension of an Owner's License under paragraph 26(d), shall not exceed 14 days in the case of a Suspension for a reason related to the health or safety of any person or property and shall not exceed 6 months in any other case.

(2) The Chief Vehicle Inspector may terminate a Notice of Suspension or shorten the duration of the Suspension where:

- (a) any deficiency identified in the Notice of Suspension has been remedied to the satisfaction of the Chief Vehicle Inspector; or
- (b) in the opinion of the Chief Vehicle Inspector it is appropriate in the circumstances to do so.

(3) The Chief Vehicle Inspector may extend the period of a Suspension issued pursuant to paragraph 26(d) where, in the opinion of the Chief Vehicle Inspector, additional time is required to remediate the deficiencies identified in the notice and it is appropriate in the circumstances to provide such additional time.

(4) Where the period of Suspension exceeds the time remaining before the License expires the Suspension shall not prevent the License holder from applying for a renewal of the License and where the Suspension is conditional upon compliance with specified conditions, the Chief Vehicle Inspector may assess the application as if the conditions had been complied with. Any renewal License shall continue to be Suspended. Any Suspended License which is not renewed in a timely manner shall expire.

(5) The Chief Vehicle Inspector may Revoke the License if, at the end of the Suspension period or any extended Suspension period any conditions imposed by the Chief Vehicle Inspector have not been complied with.

(6) The Chief Vehicle Inspector may Revoke a License during a period of Suspension.

Decision Final

32. The decision of the Chief Vehicle Inspector to refuse to issue or renew a License or to Suspend or Revoke shall be final:

- (a) if there is no right of appeal under section 33; or
- (b) no appeal by way of request for a hearing compliant with subsection 34(1) is filed with the Chief Vehicle Inspector.

Part 6 Hearings

Right to a Hearing – Refusal to Issue or Renew a License

33-(1) An applicant may request a hearing in accordance with the procedure in section 34, where the applicant was refused a License or refused renewal of a License or whose License was Suspended or Revoked on the basis of the exercise of the Chief Vehicle inspector's discretion:

- (a) under paragraph 26(1)(a), or 26(1)(d)(ii) in the case of any application for a License or renewal of a License or any Suspension or Revocation of a License;
- (b) under paragraph 27(1)(e) in the case of an application for issuance or renewal of a License;
- (c) under Paragraph 28 (a), (b), (c), (d) or (f) in the case of a Suspension or Revocation; and
- (d) under paragraph 91(2)(b) in the case of an application for a Temporary Airport Ambassador Taxi License.

(2) In addition to the reasons under subsection 33(1) an applicant for a Driver's License may request a hearing in accordance with the procedure in section 34:

- (a) where the applicant was refused a License under paragraph 27(d); or
- (b) to request a waiver of the fee for the Driver Knowledge test based on financial hardship.

Hearings

34-(1) Any Person entitled under this By-law to request a hearing before the Hearing Committee may apply in writing to the Chief Vehicle Inspector for a hearing within 30 days of the effective date of service of the Notice of the decision of the Chief Vehicle Inspector that the hearing relates to.

(2) On receipt of a request for a hearing, the Chief Vehicle Inspector shall review the request to determine if the request is timely and is based on grounds provided for in this By-law. If the Chief Vehicle Inspector determines that the applicant:

- (a) is entitled to a hearing, the Chief Vehicle Inspector shall refer the request to the City Clerk, and advise the applicant to surrender his or her License, and if applicable, Vehicle Plate to the Chief Vehicle Inspector prior to the hearing; or
- (b) does not qualify for a hearing under this Bylaw, the Chief Vehicle Inspector shall advise the applicant of his or her decision and the reason for the refusal.

(3) When asked to do so by the Chief Vehicle Inspector, the City Clerk shall set a date, time and place for a hearing of the appeal before the Hearing Committee and give notice of the date, time and place of the hearing to the applicant, in accordance with section 33.

(4) On the date and time scheduled for the hearing, or such later date as may be set or consented to by the Hearing Committee, the Hearing Committee may hear and view any evidence provided by the Chief Vehicle Inspector and by the applicant and may:

- (a) uphold or deny the Suspension or Revocation of the License or the refusal to issue or renew a License on any grounds open to the Chief Vehicle Inspector;
- (b) in the event that the Suspension of a License is upheld, increase or decrease the duration of the Suspension or impose conditions or change existing conditions for the termination of the Suspension; and
- (c) in the event that the Revocation of a License or refusal to issue a License or renewal of a License is overturned, impose conditions on issuance or renewal of the License.

(5) Upon the Hearing Committee reaching a decision, the City Clerk shall give notice of the decision in writing to the License holder and the Chief Vehicle Inspector shall:

- (a) in the event that the Revocation or Suspension is not upheld, return the License to the License holder;
- (b) in the event that a Suspension was upheld, return the License to the License holder at the end of the Suspension period, provided any conditions imposed have been complied with;
- (c) in the event that a Revocation is upheld, cancel the License; and
- (d) in the event that a refusal to issue a License is not upheld, issue the License to the applicant as directed by the Hearing Committee.

Onus

35. The onus is on the applicant for a license or the license holder as the case may be, to provide evidence to the satisfaction of the Chief Vehicle Inspector that the person is entitled to the issuance or renewal of the License or to have the Suspension of a License terminated.

Part 7 Additional Duties of Chief Vehicle Inspector

Vehicle /Taximeter Inspection

36-(1) The Chief Vehicle Inspector shall arrange to Inspect or shall cause every Vehicle and in the case of a Taxi, every taximeter, which is Licensed or subject of an application for a License under this By-law to be Inspected:

- (a) prior to issuing an Owner's License;
- (b) prior to renewing an Owner's License; and
- (c) at least once after the issuance or renewal of the License and prior to the next following application for a renewal.

(2) In addition to the Inspections required under subsection 36(1), the Chief Vehicle Inspector may conduct an Inspection at any time of any Vehicle, including, where applicable, the taximeter, with or without notice and with or without cause.

(3) Where an Inspection is scheduled by the Chief Vehicle Inspector pursuant to paragraph 36(1)(c), the Chief Vehicle Inspector shall give notice to the Owner of the Vehicle of the day, time and place of the Inspection and any applicable fee. The Chief Vehicle Inspector may reschedule the Inspection from time to time in his or her discretion, on his or her initiative or on the request of the Owner or may refuse to reschedule.

(4) Where the Owner advises the Chief Vehicle Inspector that the Vehicle cannot be produced for Inspection for any reason, the Owner shall advise the Chief Vehicle Inspector of the location of the Vehicle and shall not move or allow the Vehicle to be removed from such location without prior written consent of the Chief Vehicle Inspector.

(5) Whenever the Taxi tariff rates are changed, the Chief Vehicle Inspector shall give notice in accordance with section 30 to each Taxi Owner to cause the Taxi to which the license relates to produce the Taxi at the specified day, time and place to have the taxi meter re-calibrated, tested and sealed.

Vehicle Inspection

37-(1) On an Inspection, including a re-Inspection of a Vehicle and payment of any applicable fee determined in accordance with Schedule A, the Chief Vehicle Inspector may or may designate a person to:

- (a) Inspect the Vehicle to determine if it meets all requirements of this By-law;
- (b) in the case of a taximeter, Inspect the operation of the taximeter by driving the Taxi over a measured track or distance; and
- (c) engage in or cause such other Inspection as may, in the opinion of the Chief Vehicle Inspector, be required to determine if the Vehicle is in compliance with the requirements of this or any other City By-law, or any applicable federal or provincial statute or regulation thereunder.

(2) Where in the opinion of the Chief Vehicle Inspector, there is reason to be concerned regarding the safety of a Vehicle may, despite the provision of a Safety Certificate, require that the Vehicle undergo a mechanical inspection at the cost of the Owner, conducted by an agent appointed by the Chief Vehicle Inspector.

(3) Where required in the circumstances, and provided that an Inspection of a taximeter demonstrates that the taximeter is in good working order and properly calibrated to the taxi tariff rates, the Chief Vehicle Inspector may authorize the sealing of the taximeter.

Annual Taxi Review

38-(1) Each year, the Chief Taxi Inspection shall conduct a review which includes:

- (a) a consideration of Taxi tariffs relative to the taxi cost index described in Schedule C of this By-law;
- (b) a consideration of Maximum Number of Taxi Owner's Licenses relative to the number determined in accordance with the process set out Schedule D;
- (c) a consideration of the number of Accessible Taxi Owner's Licenses issued relative to recommendations of the Accessible Advisory Committee;
- (d) any recommendations arising from consultations with the Accessible Advisory Committee; and
- (e) any other matters which in the opinion of the Chief Vehicle Inspector are of significance, such as the physical condition of the Taxi fleet.

(2) The Chief Vehicle Inspector may recommend to Council, through the Operating Committee, any change to this By-law which, in her or his opinion is appropriate as a result of the annual review.

Wait List for Taxi Owner's License

39-(1) On request of an applicant for a Taxi Owner's License whose application has been rejected on the basis that the Maximum Number of Taxi Licenses has been issued, the Chief Vehicle Inspector shall add the name and contact information of such applicant to the bottom of the wait list maintained by the Chief Vehicle Inspector for such purpose.

(2) The Chief Vehicle Inspector may update the waitlist periodically, removing names of persons who have since been issued a license or who have not renewed their request to be maintained on the wait list, in accordance with guidelines established by the Chief Vehicle Inspector from time to time.

(3) In the event that a Taxi Owner's License becomes available through revocation, surrender or increase in permitted numbers, the Chief Vehicle Inspector shall give notice in accordance with section 30 to the person whose name is at the top of the wait list, at the address provided, advising the person has 14 days from the effective date of the notice to apply for the Taxi License, failing which their name will be removed from the wait list and the next person on the wait list will be given an opportunity to apply.

Any such application shall be processed in the ordinary course.

(4) In the event that the first person named on the wait list fails to apply for the Taxi Owner's License in the prescribed time, the next person on the wait list shall be given the same opportunity to apply for the License, and so on until the Taxi Owner's License is issued or the wait list is exhausted. In the event that the wait list is exhausted and the Taxi Owner's License has not been issued, the License or Licenses shall remain available to subsequent applicants in the order that Applications are Complete.

Part 8

Duties – All License Holders

Change in License Information

40-(1) Every holder of a License issued under this By-law shall advise the Chief Vehicle Inspector in writing, within five Business Days of a change to any information disclosed in the application for a License or for renewal of a License.

(2) In the event that the information shown on the face of the License changes prior to the License expiring, the holder of the License shall, in addition to giving the notice required under subsection 40(1) and at the same time, surrender the License for re-issuance to reflect the corrected information.

Surrender for Cancellation / Deemed Revocation

41-(1) Any holder of a License who no longer intends to exercise the rights thereunder shall surrender the License to the Chief Vehicle Inspector for cancellation and in the case of an Owner's License, shall also surrender the Vehicle Plate.

(2) Where a License has been deemed to be Revoked due to death or other reasons, the License holder shall, and in the case of the death of the License holder, that person's estate trustee or the next of kin shall, surrender the License to the Chief Vehicle Inspector for cancellation. Failure to surrender does not affect the deemed Revocation.

Surrender License – Suspension/ Revocation

42-(1) Every License Holder shall surrender his or her License to the Chief Vehicle Inspector upon Revocation, Suspension or refusal to renew a License:

- (a) for cancellation in the event that the License holder is not entitled to appeal the decision, or does not submit an appeal in a timely manner; or

- (b) to be held by the Chief Vehicle Inspector pending the outcome of an appeal of the decision and cancelled or returned to the License holder as directed by the Hearing Committee.

No Rights during Revocation or Suspension

43. No person shall exercise any rights of a License holder while a License is Suspended or after it is Revoked or deemed to be Suspended or deemed to be Revoked.

Produce License / Identify Self / Co-operate with Inspection

44. Every holder of a License issued under this By-law, shall, when requested to do so by an Officer:

- (a) produce his or her License; and
- (b) identify himself or herself to the Officer and provide such proof of identity as may be requested; and
- (c) co-operate as necessary with an Inspection.

Part 9 Duties – All Owners

Inspection

45. Every Owner shall make the Vehicle identified in the Owner's License or which is identified in an application for an Owner's License or renewal of an Owner's License available to the Chief Vehicle Inspector for Inspection as required by the Chief Vehicle Inspector:

- (a) when applying for an Owner's License or renewal of an Owner's License; and
- (b) at such other time or times as may be required by the Chief Vehicle Inspector.

Vehicle Condition

46. Every Owner shall ensure that the Vehicle identified in the Owner's License at all times:

- (a) meets safety standards under the *Highway Traffic Act*;
- (b) at all times complies with the following standards:
 - (i) the body of the Vehicle is clean and in good repair as to its exterior;
 - (ii) the interior of the Vehicle is clean, free of dust and dirt and does not contain any refuse;
 - (iii) the upholstery of the Vehicle is clean, free of holes, cuts and tears, and does not show any excessive wear;
 - (iv) the side windows in the Vehicle which are intended to open and close are in good repair and in good working order;
 - (v) the Vehicle is equipped with a front and back bumper both of which are securely mounted;
 - (vi) no portion of the exterior of the Vehicle is bent or broken and no such portion protrudes in any such way as to be a hazard to persons or vehicles;
 - (vii) no fender, grille, or moulding on the Vehicle is removed or missing;
 - (viii) every door and the trunk lid on the Vehicle closes securely; and
 - (ix) all door handles and catches on the Vehicle are in good working order; and
- (c) has a functional spare tire and a jack stored in the trunk of the Vehicle.

Vehicle Plate / Driver's License Holder

47-(1) Every holder of a Owner's License shall ensure that at all times:

- (a) the Vehicle Plate is and remains affixed on the rear of the Vehicle for which it was issued, in a location determined by the Chief Vehicle Inspector;
- (b) the Vehicle Plate affixed to the Vehicle in accordance with subsection 47(1)(a) is kept clean and maintained and in good condition, such that Vehicle Plate and numbers thereon can be easily read by pedestrians on the street and occupants of vehicles passing by or following behind the Vehicle;
- (c) any renewal sticker provided by the Chief Vehicle Inspector on the renewal of an Owner's License is and remains affixed to the Vehicle Plate in the location determined by the Chief Vehicle Inspector and is kept clean and maintained in good condition such that the renewal sticker can be easily read by pedestrians on the street and occupants of vehicles passing by or following behind the Vehicle;

- (d) the holder for the Driver's License provided by the Chief Vehicle Inspector is affixed in the front of the Vehicle, in a location determined or approved by the Chief Vehicle Inspector; and
- (e) any Driver of the Vehicle identified in the Owner's License, inserts and maintains the Driver's License in the Driver's License holder while that Driver is in control of the Vehicle.

Required Signage - No Smoking / Forms of Payment

48-(1) Every Owner shall ensure that all times there is installed or placed in the Vehicle identified in the Owner's License a sign or decal to give notice to passengers intending to enter the Vehicle or seated in the Vehicle that smoking is not permitted in the Vehicle:

- (a) in a form established by or approved by the Chief Vehicle Inspector from time to time; and
- (b) in a location in the Vehicle and affixed in a manner established or approved by the Chief Vehicle Inspector.

(2) Every Owner who requires the Driver of the Vehicle identified in the Owner's License to collect the fee or charge for the use of the Vehicle, shall ensure that at all times there is installed or placed in the Vehicle identified in the Owner's License a sign or decal to give notice to passengers intending to enter the Vehicle or seated in the Vehicle of the forms in which payment is accepted, such as cash, debit, credit card:

- (a) in a form established by or approved by the Chief Vehicle Inspector from time to time; and
- (b) in a location in the Vehicle and affixed in a manner established or approved by the Chief Vehicle Inspector.

Advertisements

49-(1) No Owner shall display or permit the display of any advertisement on or in any Vehicle identified in the Owner's License, other than such equipment and markings required under this By-law, unless:

- (a) the advertisement is compliant with this By-law; and
- (b) the advertisement does not interfere with or obstruct the view of any required signs, markings or equipment on the Vehicle.

(2) No Owner install or attach or permit the installation or attachment or permit the continuing placement or attachment of any advertising in, on, or affixed to the Vehicle identified in the Owner's Licence where:

- (a) the advertised product is tobacco or alcohol;
- (b) the advertisement or the product advertised would bring the City into disrepute;
- (c) the advertisement is not suitable for viewing by minors;
- (d) the advertisement is of a racist or homophobic nature;
- (e) the advertisement is of a sexual nature;
- (f) the advertisement is contrary to the regulations and standards set by the Canadian Advertising Council; or
- (g) the execution of the advertisement is of a poor quality or otherwise in the opinion of the Chief Vehicle Inspector, unsuitable for the image of the City.

(3) Every Owner who places or affixes or authorizes the placement or affixing of advertising to the Vehicle identified in the Owner's License shall ensure that, at all times:

- (a) the advertisement is affixed to the Vehicle in a safe and secure fashion; and
- (b) the frame or other device used to mount or install an advertising sign or poster to the Vehicle is rust and corrosion resistant, has sufficient strength to meet all safety and insurance requirements and is otherwise suitable for the purpose intended.

Roof Advertising Signs

50. No Owner shall install or authorize or permit the installation or continuing installation of a roof sign on the Vehicle identified in the Owner's License unless in addition to meeting the requirements of section 49 the Owner ensures continuing compliance with the following requirements:

- (a) there is writing on both sides of the roof sign; and

- (b) the size of the roof sign does not exceed 40 centimetres in height by 118 eighteen centimetres in width; and
- (c) in the case of a Taxi, does not interfere with or obstruct the view of the electric roof sign.

Exterior Advertising Sign

51. No Owner shall install or authorize or permit the installation or continuing placement of an exterior advertising sign on the Vehicle identified in the Owner's License unless, in addition to meeting every other applicable requirement under this By-law the Owner ensures continuing compliance with the following requirements:

- (a) where there is only one exterior advertising sign placed on the Vehicle, the size of the sign does not exceed 45.7 centimetres in height or 111.8 centimeters in width;
- (b) where more than one exterior advertising sign is placed on the Vehicle, none of the exterior advertising signs exceeds 35 centimetres in height by 76.2 centimetres in width;
- (c) any exterior advertising sign is placed at the rear of the Vehicle; and
- (d) the location of the exterior advertising signs on the Vehicle is such that it does not and cannot obscure the provincial license plates, the Vehicle Plate, or the rear view of the Driver or, in the case of a Taxi, the number imprinted, stencilled or painted on the trunk of the Taxi.

Interior Advertising Signs

52. No Owner shall install or authorize or permit the installation of an interior printed or electronic advertising panel on or in the Vehicle identified in the Owner's License unless, in addition to meeting every other applicable requirement under this By-law, the Owner ensures continuing compliance with the following requirements:

- (a) no more than one interior advertising panel shall be placed or affixed in the Vehicle;
- (b) the interior advertising panel must be placed in a location where it will not obstruct:
 - (i) the Driver's view of the road;
 - (ii) an adult passenger's view of the road, or of the driver's license, tariff card, or other notices and postings required by this By-law;

- (c) the interior advertising panel must not reduce the seating capacity or materially affect the comfort of passengers;
 - (d) the interior advertising panel shall not exceed 45 centimetres in width by 30 centimetres in height; and
 - (e) any electronic interior advertising panel, must be designed and installed such that it can be turned off by the Driver on request of a passenger.
- (2) No Owner shall authorize or direct a Driver of the Vehicle identified in the Owner's License to refuse to turn off an electronic advertising panel in the Vehicle:
- (a) at the request of any passenger; and
 - (b) when transporting a child unaccompanied by an adult.

Novelty Body Paint

53-(1) No Owner shall install or authorize or permit the Vehicle identified in the Owner's License to be painted with novelty body paint unless, in addition to meeting every other applicable requirement under this By-law, the Owner ensures continuing compliance with the following requirements:

- (a) the body paint is maintained at all times in good condition, free of rust, perforation, scratches or other damage; and
- (b) the novelty body paint does not interfere with and is not inconsistent with the requirements of this By-law concerning exterior markings and equipment.

Fees for Services of Vehicle

54. No Owner shall authorize or direct a Driver to charge or collect any fee for the operation or use of the Vehicle identified in the Owner's License except a fee determined in accordance with this By-law for the type of Vehicle identified in the Owner's License.

Part 10
Additional Duties – Taxi Owners

Taxi Identification

55-(1) Every Taxi Owner shall at all times ensure that the Taxi Owner's License number and the Taxi Owner's name is imprinted, stencilled or painted on the Taxi identified in the Taxi Owner's License is:

- (a) in numerals or letters as the case may be, which are at least 10 centimetres in height by 3.8 centimetres in width;
- (b) in a color or colors which contrast with the color of the Taxi; and
- (c) placed on both sides of the exterior of the Taxi.

(2) Every Taxi Owner shall ensure that the Owner's License number and Taxi Owner's name imprinted, stencilled or painted on the Taxi identified in the Owner's License in accordance with subsection 55(1) is maintained at all times in good condition, so the number can be easily read by pedestrians on the street and by occupants of vehicles passing by.

Taxi – Illuminated Electric Roof Sign

56. Every Taxi Owner shall in addition to every other applicable requirement under this By-law, ensure that all times there is a illuminated electric sign permanently and securely affixed on top of the Taxi identified in the Taxi Owner's License which:

- (a) identifies the Vehicle as a Taxi;
- (b) sets out the name of the Owner or Broker, or where the Owner is operating under a trade name the trade name under which the Owner operates;
- (c) is maintained in good operating condition at all times; and
- (d) is turned off when the Taxi is engaged and is turned on when the Taxi is available to respond to a Call.

Taxi - Trouble Light

57-(1) Every Taxi Owner shall ensure that the Taxi identified in the Taxi Owner's License is equipped with a device designed to allow a Driver to signal for help when threatened by a passenger in a manner which is unlikely to alert the passenger.

- (2) A Taxi Owner may comply with subsection 57(1) by:
- (a) installing and maintaining in good working order, an illuminated electric sign under section of a type which is designed or equipped such that all or part of the sign will flash intermittently when activated by the Driver by means of a foot operated button or switch located in the foot well of the Driver's seat in the Taxi; or
 - (b) equipping the Taxi and maintaining in good working order, an alternative trouble warning system approved by the Chief Vehicle Inspector prior to installation.
- (3) Every Taxi Owner shall ensure that at all times there is a sign or decal attached or affixed to the trunk of the Taxi, requesting that the police be notified if the trouble light is flashing.
- (4) Every Taxi Owner shall ensure that the sign affixed in accordance with subsection 57(3):
- (a) can be easily read by pedestrians on the street and occupants of vehicles passing by or following behind the Taxi; and
 - (b) is maintained in good condition.

Taxi –Hours of Operation

58-(1) Every Taxi Owner who holds only one Taxi Owner's License ensure that the Taxi identified in the Taxi Owner's License is being operated for hire for at least eight consecutive hours in each twenty-four hour period subject to interruptions beyond the control of the Taxi Owner, such as mechanical breakdown.

(2) Every Taxi Owner who holds more than one Taxi Owner's License shall ensure that the Taxis identified in the Taxi Owner's Licenses are available for dispatch by the Owner or by a Broker twenty-four hours a day, seven days a week, and sufficient Taxi Drivers are on duty at all times, in order that reasonable service is provided to the public in the circumstances.

(3) For the purposes of providing reasonable service pursuant to subsection 58(2) it is not necessary for a Taxi Owner who holds more than one Taxi Owner's License to have each Taxi in operation in each day or for twenty-four hours a day.

Taxi – 30 day Break in Service

59-(1) Every Taxi Owner shall notify the Chief Vehicle Inspector in writing in the event that the Taxi identified in his or her License is out of operation for more than forty-eight consecutive hours due to mechanical breakdown or for any other reason, providing particulars of:

- (a) the reason that the Taxi is out of operation;
- (b) the date and time that the Taxi was taken out of operation; and
- (c) the date on which the Taxi Owner expects the Taxi to returned to operation.

(2) No Taxi Owner shall allow the Taxi identified in his or her Licence to remain out of operation for more than thirty days, whether for reasons of mechanical fitness or otherwise, without securing the prior written consent of the Chief Vehicle Inspector on application, providing such particulars and evidence as the Chief Vehicle Inspector may require. The Chief Vehicle Inspector may consent to the Taxi being out of operation for a further period of up to thirty days such that the Taxi is permitted being out of operation for a maximum period in total of 60 days, or may consent subject to conditions or may refuse such request.

(3) In the event that a Taxi is out of operation for a period in excess of thirty days or such longer period as may be authorized by the Chief Vehicle Inspector or in the event that the Taxi Owner does not comply with subsection (1) or (2), the Chief Vehicle Inspector may Suspend or Revoke the Taxi Owner's License.

(4) Where a Taxi which has been out of operation for more than forty eight hours as a result of a mechanical breakdown or other reason affecting the condition of the Taxi, the Taxi Owner shall provide to the Chief Vehicle Inspector evidence that the Taxi has been inspected for mechanical fitness prior to being returned to operation.

Taximeters Required – Taxis

60-(1) Every Taxi Owner shall ensure at his expense, that all times there is installed in the Taxi identified in the Taxi Owner's License, a properly functioning Taximeter which is capable of accurately:

- (a) recording trips;
- (b) registering distances travelled;
- (c) recording waiting time;
- (d) computing the fares to be paid;

- (e) printing a receipt for the passenger which includes the Vehicle Plate number, date and time of day, any gratuity paid by the passenger and the name and telephone number of the Broker used by the holder of the Taxi Owner's License for that Taxi; and
 - (f) being illuminated.
- (2) No Taxi Owner shall authorize or permit the use or operation of the Taxi identified in the Taxi Owner's License unless at all times the Taximeter in the Taxi identified in the Taxi Owner's License:
- (a) is or has been installed by a person designated by the Chief Vehicle Inspector;
 - (b) is or has been installed in a location approved by the Chief Vehicle Inspector;
 - (c) is or has been Inspected and sealed by a person as designated by the Chief Vehicle Inspector;
 - (d) is in good working order; and
 - (e) bears an undamaged seal.
- (3) No Person shall remove or relocate a taximeter or cause or direct or permit a Taximeter to be removed from or relocated within a Taxi except as directed by the Chief Vehicle Inspector.
- (4) No Person shall conceal a Taximeter or cause or direct or permit a Taximeter to be relocated or concealed.

Taximeter Retesting / Reinspection / Resealing

61. Every Taxi Owner shall make the taximeter in Taxi identified in the Taxi Owner's License available to the Chief Vehicle Inspector for Inspection and sealing or resealing as the case may be a required by the Chief Vehicle Inspector:

- (a) when applying for an Owner's License or renewal of an Owner's License;
- (b) when the Taxi tariff has changed; and
- (c) at such other time or times as may be required by the Chief Vehicle Inspector.

Part 11

Duties – Drivers

Pickup of Passengers

62-(1) Every Driver while operating or in control of a Vehicle for hire shall punctually keep every appointment or engagement except for reasons beyond his control.

(2) Every Taxi Driver while operating or in control of a Taxi for hire shall, unless the Taxi has been previously engaged, provide Taxi services:

- (a) at any place with the City at any specified time, whether by day or night; and
- (b) to any person who may lawfully require the Taxi.

Right to Refuse a Passenger, Etc.

63-(1) Despite subsection 62(2),a Driver may refuse to accept a passenger if such person:

- (a) is or appears to be under the influence of drugs or alcohol or is disorderly;
- (b) is indebted to the Driver or the Owner of the Vehicle, or in the case of a Taxi, to the Taxi Broker with which the Taxi is affiliated;
- (c) is apparently unable to pay for the service requested and in the case of a passenger requesting Taxi services between midnight and 6:00 am., refuses or is unable to pay in advance the estimated fare when requested to do so by the Taxi Driver;
- (d) requests the Driver to carry an animal or any baggage which might be detrimental to the repair, cleanliness or sanitary condition of the Vehicle, with the exception of a guide dog or a service animal for a person with a disability; or
- (e) requests the Driver to carry more baggage than the Vehicle is capable of carrying or baggage or other objects of a type or size which are not suited to the Vehicle.

(2) No Driver who is operating or in control of a Vehicle for hire shall carry in the Vehicle:

- (a) a greater number of persons than permitted in law or recommended by the Ministry of Transportation for the Province of Ontario; or

- (b) a non-paying passenger at the same time as a paying passenger, unless the paying passenger has first agreed to the carriage of the non-paying passenger.
- (3) No Driver shall operate the Vehicle while any person is on any exterior portion of the Vehicle.
- (4) Every Driver of a Vehicle which has an electronic interior advertising panel shall turn off the electronic advertising panel:
 - (a) at the request of any passenger; and
 - (b) when transporting a child unaccompanied by an adult.

General Duties

64-(1) Every Driver shall, at all times while operating or in control of a Vehicle:

- (a) have his or her provincial driver's license on his or person;
- (b) produce his or her provincial driver's license and Driver's License on request of the Chief Vehicle Inspector;
- (c) ensure that the interior and exterior of the Vehicle he or she is operating or in control of:
 - (i) is kept clean, taking into consideration weather conditions; and
 - (ii) is kept in a good state of repair;
- (d) ensure that there is a functional spare tire and jack in the Vehicle; and
- (e) in the case of a Taxi Driver, shall keep the illuminated electric roof sign on the Taxi turned off when the Taxi is engaged and turned on when the Taxi is available to respond to a Call.

Duty re Property of Passenger

65-(1) Every Driver shall take due care of all property delivered or entrusted to the Driver and accepted by the Driver for conveyance or safekeeping.

- (2) Immediately upon termination of any hiring or engagement of the Vehicle, a Driver shall search the Vehicle for any property that may have been lost or left therein.

(3) Any Driver who finds any property or money lost or left in the Vehicle shall forthwith deliver same to the person formerly hiring or engaging the Vehicle or, if the Driver does not know who the property or money belongs to, or if the person cannot be found the Driver shall deliver the property or money lost or left in the Vehicle to the Greater Sudbury Police Station at 190 Brady Street, and provide any information concerning the property loss.

Driver's Behaviour

66-(1) No Driver while on duty shall:

- (a) fail to be properly dressed, neat and clean in his or her person and appearance;
- (b) in any manner impose upon, deceive, insult, abuse or ill-treat:
 - (i) any person engaging the Driver;
 - (ii) any By-law Enforcement Officer;
- (c) be under the influence of any intoxicant or drug;
- (d) take, consume or have in the Driver's possession, any intoxicant or drug;
- (e) solicit any person to take or use the Taxi he or she is operating either by leaving the Taxi or by calling out or shouting from within the Taxi;
- (f) employ or allow any runner or other person or persons to assist or act in concert with him or her to solicit passengers;
- (g) park or stop a Vehicle in such a way as to obstruct traffic or obstruct the use of any abutting sidewalk;
- (h) make any loud noise or cause a disturbance; or
- (i) use profane, obscene or abusive language.

Taxi Stand Behaviours

67-(1) No Taxi Driver shall and no Taxi Owner shall authorize or permit a Taxi Driver to:

- (a) overcrowd a Taxi stand;
- (b) back into a Taxi stand; or

- (c) push or displace any Taxi already at a Taxi stand; or
 - (d) enter, solicit business at, or remain at a Taxi stand the use of which is restricted, and the Taxi is not within the authorized users of that Taxi stand;
 - (e) fail to leave a Taxi stand if asked to do so by the owner of the property on which the Taxi stand is located.
 - (f) molest, annoy or insult the owner or occupants of any building or residence adjoining or nearby the Taxi stand or any person whatsoever;
 - (g) wash or clean a Taxi at the Taxi stand; or
 - (h) make repairs to the Taxi at the Taxi stand.
- (3) No Taxi Driver shall use and no Taxi Owner shall authorize or permit the use of any location on a public highway as a stand for Taxis unless authorized by a By-law of the City for use as a Taxi stand.
- (4) Every Taxi Driver whose Taxi is first or second in line at a Taxi stand shall remain in the driver's seat of the Taxi ready to be hired.
- (5) No Taxi Driver shall enter onto any property where the owner of that property has indicated that entry is prohibited.

Part 12

Duties – Fees for Taxi Services

No Operation of Taxi w/o Functioning Taximeter

68-(1) No Taxi Driver shall drive or operate a Taxi for hire if:

- (a) there is no Taximeter in the Taxi;
- (b) the Taximeter in the Taxi does not bears a current seal placed by the person designated by the Chief Vehicle Inspector;
- (d) the seal on the Taximeter in the Taxi is broken; or
- (e) the Taximeter in the Taxi is out order or defective in any way.

(2) No Taxi Driver shall charge or collect a fee a from a passenger with respect to any trip taken in a Taxi if the Taximeter is out of order or defective in any way.

(3) Every Taxi Driver operating or in control of a Taxi for hire shall ensure that the Taximeter in the Taxi is illuminated between dusk and dawn.

Fees to Comply with By-law

69-(1) No Taxi Driver operating or in control of a Taxi shall charge and no Taxi Owner shall authorize or direct the charging of a fee to a passenger in a Taxi other than a fee determined in accordance with this By-law

(2) The fees to be charged by a Taxi Driver pursuant to subsection 69(1) shall apply to Taxi trips which:

- (a) are wholly within the City; or
- (b) begin within the City but end outside the City.

Fare by Taximeter

70-(1) Except as expressly provided to the contrary in this By-law, every Taxi Driver operating or in control of a Taxi for hire shall charge a passenger a fee for the conveyance of one or more passengers, one or more passengers and their goods, or their goods alone, in accordance with the following requirements:

- (a) the fee charged shall be calculated at the rates set out in the Taxi tariff on Schedule B, and shown on the Taximeter in the Taxi;
- (b) the fee charged is for the use of the Taxi and not be based on the number of persons carried in the Taxi;
- (c) where a passenger has soiled the Taxi, a cleaning fee determined in accordance with Schedule B may be charged in addition to the fee determined in accordance with the Taxi tariff; and
- (d) except as provided in paragraph 70(1)(c), no fee shall be charged in addition to the fee determined in accordance with the Taxi tariff.

(2) Despite subsection 70(1), no Taxi Driver operating or in control of a Taxi shall charge and no Taxi Owner shall authorize or direct the charging of a fee to any person or persons to whom the Taxi Driver has refused to show the current taxi tariff card when requested.

Use of Taximeter

71-(1) Every Taxi Driver shall, while operating or in control of a Taxi for hire:

- (a) put the Taximeter in operation when a passenger first enters the Taxi;
- (b) keep the Taximeter in operation throughout the trip;
- (c) turn the Taximeter off at the conclusion of the trip; and
- (d) call the passenger's attention to the amount of the fare registered on the Taximeter at the conclusion of the trip.

(2) Every Taxi Driver, when operating or in control of a Taxi for hire shall use the shortest possible route to reach the destination specified by the passenger unless the passenger specifically designates another route to the Taxi Driver.

Taxi Tariff Card Requirements

72-(1) Every Taxi Owner shall ensure that the current taxi tariff card is posted in the Taxi identified in the Taxi Owner's License, in the location established by the Chief Vehicle Inspector.

(2) No Taxi Driver shall operate a Taxi for hire unless the current taxi tariff card is displayed in the Taxi in the location established by the Chief Vehicle Inspector.

(3) No Taxi Driver shall and no Taxi Owner shall authorize or permit any Person to:

- (a) exhibit in the Taxi or show to any passenger, any taxi tariff card other than the current taxi tariff card provided by the Chief Taxi Official;
- (b) alter or deface a taxi tariff card;
- (c) lend, exchange or otherwise dispose of a taxi tariff card except to dispose of a taxi tariff card which shows out of date tariffs;
- (d) advertise or promote or otherwise disclose in any way, or in any form or in any media, any fees or charges for use of the Taxi identified in the Taxi Owner's License except fees and charges determined in accordance with the current taxi tariff; or
- (e) calculate or charge a fee on a tariff basis except in accordance with the then current taxi tariff.

Taxi Meter Exception – Written Agreement

73-(1) Despite section 70, a Taxi Owner may enter into a written agreement for the use of the Taxi identified in the Taxi Owner's License, to provide Taxi services to specified passengers or a class of passengers, on a regular basis for a pre-arranged fare or method of calculation of fare, whether or not the passengers are party to the agreement.

(2) Where a Taxi Owner has entered into an agreement of the type described in subsection 73(1) the Taxi Owner shall ensure that:

- (a) any Taxi Driver operating or in control of the Taxi identified in the Taxi Owner's License who is providing services in accordance with the agreement in subsection is familiar with:
 - (i) the fee or manner of calculation of which apply; and
 - (ii) the passengers or class of passengers to which the fee arrangement applies;
- (b) fees are charged for the use of the Taxi in accordance with the Agreement; and
- (c) he or she forthwith provides a copy of the agreement to the Chief Vehicle Inspector.

(2) Every Taxi Driver who is operating or in control of a Taxi for hire and providing services pursuant to an agreement entered into under subsection 73(1), shall charge a fee for the use of the Taxi only in accordance with the Agreement.

Taxi Meter Exception – Flat Rate Fee Agreement

74-(1) Despite section 70, when a Taxi trip is anticipated to be longer than 35 kilometres, the Driver and passenger may agree to a fixed fee before the start of the trip concerned. In each such instance, the Taxi Driver shall:

- (a) place the Taximeter in the Taxi in operation when the trip commences and keep the Taximeter in operation until such time as the Taxi reaches the destination; and
- (b) charge the passenger the fee which is the lower of the agreed upon fixed fee and the fee determined in accordance with the taxi tariff, as shown on the taximeter.

Part 13
Additional Duties – Accessible Taxis

Accessible Taxi – Operate 24-7

75-(1) In addition complying with every other obligation under this By-law applicable to a Taxi Owner and despite subsection 58(1) every Accessible Taxi Owner shall ensure the Accessible Taxi is operated and available for dispatch twenty-four hours a day, seven days a week by the Owner, an employee of the Owner or through a Broker.

Priority to Persons who Require / Referrals

76-(1) Every Accessible Taxi Owner shall ensure that Taxi services are provided to or for the benefit of Persons who require the special facilities of an Accessible Taxi and his or her companion as the first priority use of the Accessible Taxi.

(2) Provided there is no call for Accessible Taxi services by a Person who requires the facilities of an Accessible Taxi, the Accessible Taxi may be used to provide Taxi services to persons who do not require the special facilities of an Accessible Taxi.

(3) Every Taxi Owner and every Broker who receives a Call for Taxi service by or on behalf of person who requires the facilities of an Accessible Taxi shall refer the Call to an Accessible Taxi Owner or Accessible Taxi Driver as the case may be

Records

77. Every Accessible Taxi Owner shall keep accurate written records of the number of trips made in each month for Persons who required the facilities of an Accessible Taxi and make such records available to the Chief Vehicle Inspector for Inspection upon request.

Accessible Advisory Panel

78. Every Accessible Taxi Owner shall, upon notice from the Chief Vehicle Inspector, advising of the particulars of day, time and place, attend a scheduled meeting of the Accessible Advisory Panel established by the City in order to engage in discussions or otherwise to respond to enquiries related to the provision of Accessible Taxi services.

Part 14
Additional Duties – Limousines and Shuttles

Limousine Owner – Advance Booking

79. No Limousine Owner shall provide transportation in the Limousine identified in the Limousine Owner's License to a passenger unless:

- (a) the passenger has requested transportation at least two hours in advance of it being provided; and
- (b) signed a written agreement covering the terms of the service, including the charge to be made for Limousine transportation.

Limousines - Tariff

80-(1) Every Limousine Owner and every Limousine Driver shall charge and collect a minimum fare for Limousine transportation of one and one half hours of service, even if a shorter period of service is requested or provided.

(2) Every Limousine Owner and every Limousine Driver shall charge and collect a rate for Limousine transportation services at a rate which is no less than double the hourly rate for Taxi waiting time, set out in Schedule B, inclusive of H.S.T.

Shuttle Tariff Annually

81-(1) Every Shuttle Owner shall ensure that the current shuttle tariff established by the Owner is posted in the Shuttle identified in the Shuttle Owner's License, in the location established by the Chief Vehicle Inspector.

(2) No Shuttle Driver shall operate a Shuttle for hire unless the current shuttle tariff applicable to the Shuttle is displayed in the Shuttle in the location established by the Chief Vehicle Inspector.

(3) No Shuttle Driver shall and no Shuttle Owner shall authorize or permit any Person to:

- (a) exhibit in the Shuttle or show to any passenger, any shuttle tariff other than the current shuttle tariff established for that Shuttle and filed with the Chief Vehicle Inspector;

- (b) advertise or promote or otherwise disclose in any way, or in any form or in any media, any fees or charges for use of the Shuttle identified in the Shuttle Owner's License except in accordance with the current shuttle tariff filed with the Chief Vehicle Inspector; or
- (c) calculate or charge a fee except in accordance with the then current shuttle tariff filed with the Chief Vehicle Inspector.

Part 15

Additional Duties - Brokers

Hours of Service

82. Every Broker shall ensure that the business of the Broker:

- (a) is open and delivering services twenty-four hours a day, seven days a week; and
- (b) has sufficient staff on hand at all times to provide a reasonable level of service in the circumstances.

Records / Reports

83-(1) Every Broker shall maintain a current written record of:

- (a) the name, address of each Owner who is using the dispatch services of the Broker;
- (b) for each Vehicle for which an Owner is using the dispatch services of the Broker:
 - (i) the Owner's License number;
 - (ii) the make, provincial motor vehicle license number and provincial motor vehicle ownership permit number; and
- (c) the start and end date of each contract with an Owner for provision of dispatch services for the Vehicle identified in the Owner's License.

(2) Every Broker, on request by the Chief Vehicle Inspector, shall provide a written report in the form established by the Chief Vehicle Inspector from time to time, providing such particulars of services provided by the Broker as may be required by the Chief Vehicle Inspector and signed by the Broker to certify to the accuracy of the information provided.

Duty – re Vehicles

84. Every Broker shall:

- (a) before providing dispatch services on behalf of an Owner, ensure:
 - (i) the Owner holds a current Owner's License;
 - (ii) the Vehicle for which the dispatch services are to be provided is the Vehicle identified in the Owner's License; and
 - (ii) the Driver who is to drive or be in control of the Vehicle is duly licensed under the laws of the Province of Ontario and this By-law and authorized by the Owner to drive the Vehicle; and
- (b) require every Owner and Driver associated with the Broker to observe the provisions of this By-law.

Duty re Inspections

85. Every Broker shall, upon request, co-operate with the Chief Vehicle Inspector in arranging for an Inspection of a Vehicle for which the Broker provides dispatch services by forthwith relaying information provided by the Chief Vehicle Inspector to the Owner of the Vehicle and to the Driver who has custody of the Vehicle and without limiting the generality of the foregoing shall:

- (a) use all communications systems normally used to pass on passenger Calls to the Vehicle, to relay the request of the Chief Vehicle Inspector;
- (b) provide any information in the possession of the Broker concerning the whereabouts, telephone numbers and other means of contacting the Vehicle Owner and Drivers who may have custody of the Vehicle; and
- (c) maintain records of efforts to contact the Vehicle Owner and Drivers pursuant to paragraphs (a) and (b) and provide the records to the Chief Vehicle Inspector upon request.

Notice Board

86-(1) Every Broker shall maintain at least one notice board at the Broker's place of business in a place routinely accessible to Drivers and Owners for whom the Broker provides services.

(2) Every Broker shall post on the notice board required under subsection 86(1) such written communications as may be provided by the Chief Vehicle Inspector from time to time for the purpose of posting on such notice board and shall ensure that such notices are not removed without authorization from the Chief Vehicle Inspector.

Part 16

Dispatch Rules – Taxi Owners and Brokers

Dispatch/Trip Record

87-(1) Every Broker and every Taxi Owner who dispatches or causes his or Taxi to be dispatched without the services of a Broker shall complete and maintain an accurate written dispatch / trip record in a form acceptable to the Chief Vehicle Inspector setting out:

- (a) the number of the License of the Owner or Broker as the case may be who is maintaining the dispatch record;
- (b) the date and time that the Call was received;
- (c) the date and time that the Call dispatched;
- (d) if Call was for an Accessible Vehicle;
- (e) the name and License Number of the Owner whose Taxi was dispatched;
- (g) the name and License Number of the Driver to whom the Call is dispatched;
- (e) the address to which the Taxi is dispatched;
- (f) the address at which the passenger was dropped off;
- (g) the time that the Driver picked up the passenger in response to the Call and the time that the Driver dropped off the passenger, or if no passenger was picked up, the reason; and
- (h) the amount charged by the Driver for the trip.

(2) Where a Driver picks up a Call without being dispatched:

- (a) the Driver shall report to the Broker, or to the Owner where the Owner dispatches without the services of a Broker, the particulars in subsection 87(1) as if the Call had been dispatched by the Owner or Broker; and
- (b) the Broker or the Owner as the case may be shall add such information provided to the Dispatch/Trip Records as if the Call had been dispatched by the Broker or Owner.

(3) Every Broker and every Taxi Owner who dispatches or causes his or Taxi to be dispatched without the services of a Broker shall:

- (a) ensure the dispatch/trip Records are kept current and updated within twenty four hours of the Call being received;
 - (b) retain the dispatch/trip records for a period of no less than 12 months from the date of the dispatch; and
 - (c) make the dispatch/trip records available to the Chief Vehicle Inspector for Inspection upon request.
- (4) No Broker and no Taxi Owner who dispatches or causes his or Taxi to be dispatched without the services of a Broker shall falsify or authorize, cause or permit the falsification of the dispatch / trip records required to be maintained under this section.
- (5) In the event that the Broker has not dispatched any Taxis, Accessible Taxis, Shuttles or Limousines as the case may be, the Broker shall make a declaration to that effect.
- (6) Every Broker shall maintain and have available for inspection at the Broker's centre of Taxi dispatch operations, any time during business hours, a record of:
- (a) each Taxi Driver currently on duty and the licence number of each;
 - (b) the Taxi then being driven by each Taxi Driver and the Taxi Owner's License number for that Taxi.
- (7) Upon request by an Officer, the Broker shall make available or cause to be made available the records under subsection 87(6) for Inspection.

Order of Dispatch

- 88.** Every Broker shall dispatch Calls in the order in which the Call is received.

Part 17 Temporary Airport Ambassador Licenses

Terminology

- 89.** For the purposes of this Part 17:

"Agreement" means a current agreement entered into between the Sudbury Airport Community Development Corporation and the Airport Services Owner to provide Taxi and Shuttle services for the benefit of users of the Greater Sudbury Airport for agreed upon rates or fares and upon agreed upon terms;

“Airport Ambassador Owner” is a Person who holds a Temporary Airport Ambassador Owner’s License;

“Airport Ambassador Taxi” is a Taxi identified in a Temporary Ambassador Owner’s License;

“Airport Services Owner” means the Owner or Owners who are the providers of Taxi and Shuttle Services at the Greater Sudbury Airport pursuant to an Agreement; and

“Temporary Airport Ambassador Owner’s License” is a limited License issued pursuant to this By-law to the Airport Services Owner.

Agreement – Effect on Fees

90-(1) Upon entering an Agreement, the Airport Services Owner shall provide a copy of the Agreement to the Chief Vehicle Inspector and upon any amendment to the Agreement, provide a copy of same to the Chief Vehicle Inspector.

(2) Despite anything else provided in this By-law to the contrary, an Airport Services Owner may permit and a Driver may, while providing Taxi or Shuttle Services pursuant to the Agreement, charge fees in accordance with the Agreement, rather than in accordance with this By-law.

Temporary Airport Ambassador Owner’s License

91-(1) In the event that the Airport Services Owner does not hold sufficient Owner’s Licenses to meet the requirements of the Agreement, the Airport Services Owner may apply in writing to the Chief Vehicle Inspector for issuance or renewal of a Temporary Ambassador Airport Taxi License in the same manner as the Owner would apply for any other Taxi Owner’s License save and except that in addition to any other requirements, the applicant shall provide evidence satisfactory to the Chief Vehicle Inspector to support the claim that the Airport Services Owner does not hold sufficient Owner’s Licenses and Temporary Airport Ambassador Owner’s Licenses already issued, to meet the requirements of the Agreement.

(2) The Chief Vehicle Inspector shall process an application for issuance or renewal of a Temporary Ambassador Airport License as it would any other application, except that the Chief Vehicle Inspector:

- (a) shall not refuse the application on the basis that the Maximum Number of Taxi Owner’s Licenses has been issued as otherwise required under paragraph 27(c)(i);

- (b) may refuse to issue or renew the Temporary Ambassador Airport License on the basis that the Chief Vehicle Inspector is not satisfied on the evidence provided that requirements of the Agreement cannot be met by the number of Owner's License held by the Airport Services Owner; and
 - (c) shall not refuse the application on the basis that there is no taximeter in the Vehicle.
- (3) The Chief Vehicle Inspector shall not issue a Temporary Airport Ambassador Taxi License to anyone other than the Airport Services Owner.
- (4) Despite any other provision in this By-law, for the purposes of this Part, "Taxi" shall be deemed to include Temporary Airport Ambassador Taxi, "Taxi Owner" shall be deemed to include the Airport Services Owner, "Taxi License" shall be deemed to include the Temporary Airport Ambassador Taxi License, and Taxi Driver shall be deemed to include the Driver of a Temporary Airport Ambassador Taxi. For additional clarity, except as expressly provided to the contrary in this Part the holder of a Temporary Airport Ambassador Owner's License is bound by all provisions applicable to Taxi Owner.
- (5) Every Temporary Airport Ambassador Taxi License issued, shall, in addition to any other provisions in this By-law affecting Taxi Licenses and Taxi Owners and Taxi Drivers be subject to the following requirements:
- (a) The Airport Services Owner shall not authorize or permit and a Taxi Driver shall not use a Taxi which is identified in a Temporary Airport Ambassador Taxi License except:
 - (i) in the delivery of Taxi services to and from the Greater Sudbury Airport in accordance with the Agreement; and
 - (ii) if every other Taxi owned by the Airport Services Owner is already occupied in the delivery of Taxi services to and from the Greater Sudbury Airport in accordance with the Agreement.
 - (b) The Airport Services Owner shall disclose on the Vehicle identified in the Temporary Airport Ambassador Taxi License, in a location approved or established by the Chief Vehicle Inspector the words "Airport Ambassador Taxi" in a color which contrasts with the color of the Vehicle and in a size which will be easily read.
 - (c) Every Temporary Airport Ambassador Taxi License shall, in addition to any other provisions under this By-law, be deemed to be Revoked upon the expiry or earlier termination of the Agreement and the Airport Services

Owner shall surrender every such License to the Chief Vehicle Inspector for cancellation.

- (5) There shall be no limit to the number of Temporary Airport Ambassador Taxis Licenses which can be issued by the Chief Vehicle Inspector.

Part 18 – Enforcement

Enforcement - No Obstruction Etc.

92-(1) This By-law may be enforced by any Officer.

- (2) No person shall hinder or obstruct, or attempt to hinder or obstruct, any person exercising a power or performing a duty under this By-law.

Offence

93-(1) Every Person who contravenes any of the provisions of this By-law and any director or officer of a corporation who knowingly concurs in such contravention is guilty of an offence and on conviction is liable to a fine as provided for in the *Provincial Offences Act*.

- (2) For the purposes of subsection 93(1), each day on which a person contravenes any of the provisions of this By-law shall be deemed to constitute a separate offence under this By-law.

- (3) The levying and payment of any fine as provided for under the *Provincial Offences Act* shall not relieve a person from the necessity of compliance with the obligations under this By-law.

- (4) The making of a false or intentionally misleading statement or representation in any agreement or request for permission provided for by this By-law shall be deemed to be a violation of the provisions of this By-law.

Prohibition Order

94. When a person has been convicted of an offence under this By-law, the Ontario Court (Provincial Division), or any court of competent jurisdiction thereafter may, in addition to any other penalty imposed on the person convicted, issue an order prohibiting the continuation of the offence or doing of any act or thing by the person convicted directed towards the continuation of the offence.

Confidential Information

95-(1) All information submitted to and collected by the City, will, except as otherwise provided in this section, be available for disclosure to the public in accordance with the *Municipal Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c. M.56 (MFIPPA).

(2) In the event that any Person in submitting information to the City or to the General Manager in any form, as required under this By-law, where such information is confidential or proprietary or otherwise may be exempt from disclosure under the MFIPPA, the Person submitting the information shall so identify that information upon its submission to the City or the General Manager and shall provide sufficient details as to the reason for its purported exemption from disclosure.

Part 19 - Transition

Transition

96-(1) Every Driver's License and every Broker's License in effect on the passage of this By-law continues in force and shall be deemed to be issued under this By-law for regulatory and enforcement purposes.

(2) To comply with the Maximum Number of Taxi Licenses only the first 131 Taxi Owner's Licenses issued under By-law 2008-180 (or a predecessor By-law) based on the chronological order of the date of the first issuance of the License (and not the date of renewal) and still in effect on the passage of this By-law shall continue in force and be deemed to be issued under this By-law for regulatory and enforcement purposes.

(3) Any Taxi Owner's Licenses issued under By-law 2008-180 (or a predecessor By-law) on a date subsequent to the issuance of the 131st Taxi Owner's License determined in accordance with subsection 99(2) shall be deemed to be Revoked upon passage of this By-law.

(3) Every Driver's License in effect upon passage of this By-law shall be deemed to have been amended to reflect an expiry date which is the birthday of the Driver.

(4) Despite anything to the contrary in this By-law, where a Driver's License would otherwise expire prior to September 1st, 2014, the Driver's License shall be deemed to be Renewed without application or other action by the Driver on the date it would otherwise expire, and the first expiry of such Driver's License after the effective date of this By-law shall occur on the birthday of the Driver falling in 2015.

(5) Any rates and charges as established under By-law 2011-276 as amended which were due and payable under that By-law remain due and payable notwithstanding the repeal of the By-law.

Part 20 – General Short Title

97. This Bylaw may be referred to as the “Taxi By-law”.

Schedule

98. The following schedules attached hereto are incorporated into and form a part of this By-law:

Schedule A	Fees and Charges
Schedule B	Taxi Fares and Rates
Schedule C	Estimation of Change in Cost of Taxi Fares
Schedule D	Estimation of Taxi Owners Licenses Required.

Repeals

99-(1) By-law 2008-180 of the City of Greater Sudbury and all amendments thereto are hereby repealed:


(2) Where a By-law is repealed by this By-law, the repeal does not:

- (a) revive any By-law not in force or existing at the time of which the repeal takes effect;
- (b) affect the previous operation of any By-law so repealed;
- (c) affect any right, privilege, obligation or liability acquired, accrued, accruing, or incurred under the By-law so repealed; or
- (d) affect any offence committed against any By-law so repealed or any penalty or forfeiture or punishment incurred in respect thereof; or affect any investigation, legal proceeding or remedy in respect of such privilege, obligation, liability, penalty, forfeiture or punishment.


Effective

100. This By-law shall come into force and take effect immediately upon the final passing thereof.

READ AND PASSED IN OPEN COUNCIL 13TH day of May, 2014



Mayor



Clerk

Schedule A

to By-law 2014-115 of the City of Greater Sudbury

Fees and Charges

Purpose of Fee	Fee or Charge in \$ HST not applicable
Licenses – Issuance or Renewal	
Owner's License other than Accessible Taxi Owner's License or Temporary Airport Ambassador Taxi Owner's License	250
Issuance or renewal of Broker License	250
Issuance or Renewal of Accessible Taxi Owner's or Accessible Taxi Driver's License	Nil
Issuance or Renewal of Driver's License	50
Issuance or Renewal of Temporary Airport Ambassador Taxi Owner's License	200
Additional fees for License Issuance	
To Write Driver Knowledge Test (each time)	50
Replacement / Reissuance of Licenses / Plates / tariff Card	
Replacement of Taxi Tariff Card	5
Replacement of Owner's or Broker's License which has been lost, damaged, defaced	25
Replacement of Driver's License which has been lost, damaged, defaced	15
Re-Issuance of Owner's License for another vehicle	100
Vehicle Plate replacement	200
Inspection Fees	
Taximeter inspection and/or taximeter seal	50
Re-Inspection fee for a Vehicle	100

SCHEDULE "B"

to By-law 2014-115 of the City of Greater Sudbury

PAGE 1 OF 1

TAXI FARES AND RATES AND CLEANUP FEE

Taximeters shall be set to the following rates:

- a. Distance Charges:
 - for the first 112 metres \$3.50
 - for each 112 metres \$0.25
- b. Waiting time:
 - For waiting time while under engagement
 - for each hour \$36.75
 - for each part hour \$0.57 per minute

Cleanup fee chargeable where a passenger has soiled the Vehicle \$50.00

All fees and charges include the applicable Harmonized Sales Tax (HST).

SCHEDULE "C"

To By-law 2014-115 of the City of Greater Sudbury

PAGE 1 OF 1

Estimation of Change In Cost of Operating a Taxicab

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(TO BE ESTABLISHED PRIOR TO AUGUST 31ST, 2014)

Schedule "D"

To By-law 2014-115 of the City of Greater Sudbury

ESTIMATION OF NUMBER OF TAXI OWNERS LICENSES REQUIRED

Obtain the most recent available population estimate for the City of Greater Sudbury from Ontario Census Data and divide by 1,225.