

Chapter 327

Taxicab Licensing

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ARTICLE 1 INTERPRETATION

327.1.1 Applicant – defined

"Applicant" means every person who is required to obtain a licence pursuant to this Chapter, and includes a person who has made application for a licence to the Issuer of Licences but has not yet been granted a licence.

327.1.2 Application – defined

“Application” means an application for a licence, including an application for the renewal or transfer of a licence, for a business to which this Chapter applies.

327.1.3 Appropriate authorities - defined

"Appropriate authorities" means:

- (a) with regard to police matters, the Chief of Police

327.1.4 Cab – defined

‘Cab’ - shall include taxicabs.

327.1.5 Call – defined

“Call” within the meaning of this Chapter shall include a request or direction for the use of a taxicab, transmitted by radio or radio-phone, or by personal request of a prospective passenger, or in any other manner.

327.1.6 City - defined

"City" means the geographic region of the City of Brantford.

327.1.7 Committee – defined

“Committee” means the Mayor and members of Council sitting as the Committee of the Whole for the Corporation.

327.1.8 Corporation - defined

"Corporation" means The Corporation of the City of Brantford.

327.1.9 Council - defined

“Council" means the Municipal Council of the Corporation.

327.1.10 Chief of Police – defined

"Chief of Police" means the person who may, from time to time, be appointed by the Brantford Police Services Board to the position of Chief of Police of the Brantford Police Service.

327.1.11 Issuer of Licenses - defined

“Issuer of Licenses” means the Clerk of The Corporation of the City of Brantford or any other person so designated by Council to the position of Issuer of Licenses.

327.1.12 Licence - defined

“Licence” means a licence issued by the Issuer of Licences or Council, as the case may be, pursuant to this Chapter and the Schedules attached hereto, and shall include a temporary licence and a renewal licence.

327.1.13 Licensee - defined

“Licensee” means a person who has been issued a licence pursuant to this Chapter and the Schedules attached hereto, and “licensed” shall have a corresponding meaning.

327.1.14 Operate – defined

“Operate” means to manage, oversee, supervise, control, or runs a taxicab or is a taxicab broker, and “operates”, “operation”, and “operating” shall have corresponding meanings.

327.1.15 Operator – defined

“Operator” means a person who, alone or with others, operates, manages, supervises, oversees, runs or controls a taxicab or is a taxicab broker and exercises control over the business on behalf of the owner, and, without limiting the generality of the foregoing, includes an owner.

327.1.16 Person - defined

“Person” includes a natural person, a corporation, and the heirs, executors, administrators or other legal representatives of a person to whom the context can apply according to law.

327.1.17 Provincial Offences Officer – defined

“Provincial Offences Officer”:

- (a) a police officer,
- (b) a constable appointed pursuant to any Act,
- (c) a municipal law enforcement officer referred to in subsection 101 (4) of the Municipal Act, 2001 or in subsection 79 (1) of the City of Toronto Act, 2006, while in the discharge of his or her duties,
- (d) a by-law enforcement officer of any municipality or of any local board of any municipality, while in the discharge of his or her duties,
- (e) an officer, employee or agent of any municipality or of any local board of any municipality whose responsibilities include the enforcement of a by-law, an Act or a regulation under an Act, while in the discharge of his or her duties, or
- (f) a person designated under subsection (3); (“agent des infractions provinciales”)

327.1.18 Taxicab – defined

"Taxicab" shall mean a motor vehicle having a normal seating capacity of not more than nine persons, kept or used for hire for the conveyance of passengers either wholly within the City of Brantford or to any point not more than five kilometres beyond its limits, but shall not include a

public vehicle as defined in The Public Vehicles Act, R.S.O., an ambulance, a funeral hearse or a limousine.

327.1.19 Taxicab Broker – defined

“Taxicab Broker” shall mean any person who accepts calls in any manner for taxicabs that are used for hire and that are not owned by that person or that person’s immediate family or employer.

327.1.20 Taxicab Driver – defined

“Taxicab Driver” shall mean a driver of a taxicab who is licensed as such under this Chapter. “Taxicab Driver” may also be referred to as “Driver”.

327.1.21 Taxicab Owner – defined

“Taxicab Owner” shall mean the registered owner of a taxicab who is licensed as such under this Chapter. “Taxicab Owner” may also be referred to as “Owner”.

327.1.22 Legislative references

Any reference to a statute in this Chapter includes a reference to all regulations made pursuant to such statute, all amendments made to such statute, and regulations in force from time to time, and to any statute or regulation which may be passed and which has the effect of supplementing or superseding such statute or regulations.

327.1.23 Time - Eastern Standard

Wherever any time is referred to in this Chapter, the same shall be considered Eastern Standard Time, except that when what is known as daylight saving time is in effect, the reference shall be considered to be to daylight saving time.

327.1.24 Generality of provisions

Wherever a provision of this Chapter requires compliance with a particular law, act, regulation, ordinance, by-law or policy, that provision shall be read not to limit the generality of any other term or provision in this Chapter also requiring compliance with a particular law or all laws, except where the provision expressly limits another term or provision of this Chapter.

ARTICLE 2 GENERAL PROVISIONS

327.2.1 Licenses - delegated authority - Issuer of License

The Issuer of Licenses is hereby delegated authority by Council to issue licenses pursuant to the provisions of this Chapter.

327.2.2 Administration - Clerk's department

The Clerk's Department of the Corporation is responsible for the enforcement and administration of this Chapter.

327.2.3 Severability – Provisions

In the event that any provision or part of this Chapter is found by a court of competent jurisdiction to be invalid, unenforceable, or ultra vires the powers of the Corporation, said provision or part shall be severed from the rest of this Chapter and the remaining Schedules, terms and provisions of this Chapter shall nevertheless remain in full force and effect as if the offending provision or part had never been severed from this Chapter.

327.2.4 Application - Schedules – administrative

This Chapter is also applicable to the following Schedules:

Schedule “A” – Tariff and Tariff Cards

Schedule “B” – Licence Fees Payable

Schedule “C” – Notice of Hearing

327.2.5 Duties – Issuer of Licenses

The Issuer of Licenses shall have supervision over all persons licensed under this Chapter and over all cabs and other vehicles together with the equipment used by them, and the following shall be the duties of the Issuer of Licenses in connection with the provisions of this Chapter:

- (a) To submit to the Issuer of Licenses applications for licenses, transfers of licenses, and reports for the revoking of any licenses.
- (b) To make all necessary enquiries concerning applications for licenses or transfers thereof as may be requisite to secure due observance of the law and this Chapter.
- (c) To make all necessary enquiries concerning the fitness of applicants for licenses, including a criminal record check with vulnerable sector screening, and without limiting the generality of the foregoing, investigate any police record.

(d) To keep a register of all licenses and transfers of licenses granted by the Issuer of Licenses, which register shall contain the name or names of the applicants, and the number of cabs kept by each applicant for a licence, the amount paid for the same and the date of the licence, and such further particulars and such other books and the Issuer of Licenses may order.

(e) To furnish each person taking out a licence with one copy of this Chapter, and each owner with a tariff card, and each driver with an identification number, shown therein.

(f) To issue all transfers of licenses as may be authorized.

(g) To prosecute all persons who shall offend against any of the provisions of this Chapter.

(h) To maintain a priority waiting list of applications for taxi owner's licenses in order of the date on which they are received. This list shall be used in determining the priorities for the issuance of all licenses under the following conditions;

(i) No person is entitled to apply for more than one taxicab owner licenses at any given time. Once a licence has been granted, the applicant may apply again and their name shall be placed at the bottom of the priority list.

(ii) The list shall be compiled on a first come, first service basis.

(iii) After notification of an available taxi plate by the taxi licensing officer, the applicant shall have (30) days to qualify with this Chapter.

(iv) Following the (30) days to comply with the requirements of this Chapter to obtain a new taxi plate, the first named applicant on the waiting list who is unable to comply within (30) days shall have their name removed from the top of the priority list and placed at the bottom.

(i) To ensure that no person applies for more than one taxicab owners licence at any given time. Once a licence has been granted, they may apply again and their name shall be placed at the bottom of the priority list.

(j) Any act authorized or directed to be done under the provisions of this Chapter by the Issuer Of Licenses may be done by any member of the Brantford Police Service except the power to suspend licenses.

(k) To receive reports and information from the appropriate authorities in order to determine or verify if a licence holder is entitled to a licence or is entitled to maintain a licence under the provisions of this Chapter 327.

ARTICLE 3
APPLICANT - LICENSEE – COMPLIANCE

327.3.1 Applicant - restrictions

(a) No person shall:

(i) Own a taxicab for hire within the City without having a current licence issued under the provisions of this Chapter and herein referred to as a Taxicab Owner's Licence.

(ii) Drive a taxicab within the City without having a current valid licence issued under the provisions of this Chapter and herein referred to as a Taxi Driver's Licence.

(iii) Act as a taxicab broker within the City without having a current valid licence issued under the provisions of this Chapter and herein referred to as a Taxicab Broker's Licence.

(b) Every licence issued under the provisions of this Chapter shall, unless sooner revoked or cancelled, expire on the 31st day of March next after the date of issue thereof.

(c) All taxicab drivers' licenses shall be put into operation within thirty days after notification of the applicant of the approval of issue, otherwise they shall be revoked.

(d) All vehicle licenses which remain inoperative for a period of thirty days shall be revoked unless otherwise directed by the Issuer of Licenses.

(e) The number of current valid taxicab owner's licenses shall at all times be limited to ninety-four (94) or such other numbers greater or lesser as Council may by resolution determine from time to time. To ensure adequate accessible taxi service to the residents of the City of Brantford, a ratio of one Accessible Cab Owner Licence for every 18 Taxi Owner Licenses be maintained.

(f) Taxi Owner Licenses will be assigned to persons and include the name of the associated Taxi Broker.

(g) No person shall enjoy a vested right in the continuance of a vehicle licence plate and upon the issue, renewal, transfer, cancellation or suspension thereof, the value of a licence shall be the property of the City of Brantford.

(h) Every person licensed under the provisions of this Chapter who intends to withdraw or terminate their services pursuant to such licence will give forty-eight hours' notice in

writing to the Issuer of Licenses of such intention. Upon the expiration of the forty-eight hour notice of the licensee, will surrender such licence to the Issuer of Licenses forthwith.

(i) Every person licensed under this Chapter shall upon changing their address, notify the Issuer of Licenses within 48 hours, giving the new address.

(j) All brokers, owners/operators, shall by February 1st of each year provide the Issuer of Licenses with the name, current address and date of birth of the licensees in their employment.

(k) By February 1st of each year, unemployed licence holders shall provide their name, current address and date of birth to the Issuer of Licenses.

(l) Corporations licensed by the Issuer of Licenses are required to notify the Issuer of Licenses of the identity of all owners, shareholders, and in advance of any changes thereof.

(m) The transfer of Taxi Owner Licenses may be permitted by the Issuer of Licenses providing there has been five consecutive years of ownership and operation. An exemption may be provided by the Issuer of Licenses in the event of the death of the owner of a taxi owner license.

(n) All licensees of Taxi Owner Licenses are required to notify the Issuer of Licenses of any change to their associated Taxi Broker. Change in associate Taxi Broker would not require five consecutive years of ownership and operation; however, the transfer fee would apply.

327.3.2 Breach - existing by-law - statute - regulation

No applicant or licensee, shall cause, suffer, or permit any breach of any by-law of the Corporation or of any local board thereof, or of any statute, order-in-council, or regulation of the Legislature of the Province of Ontario or of the Parliament of Canada or of any agency, board or commission of either of them, in, upon or in connection with the object, amusement, place or premises, used for or in relation to the business licensed or required to be licensed pursuant to this Chapter.

327.3.3 Compliance - all provisions - Chapter

Every applicant and licensee shall be responsible for full compliance with all provisions of this Chapter and shall be responsible for the due performance and observance of all the provisions of this Chapter by all other persons in or upon the premises, or with whom he/she enjoys a contractual relationship in respect of the premises in relation to which the business is carried out.

ARTICLE 4

LICENCE – APPLICATION

327.4.1 Licence - Application

(a) With respect to brokers and owners/operators, applications for licenses, transfers of a licence, or the renewal of a licence shall be addressed to the Issuer of Licenses and delivered upon such forms as may be prescribed by the Issuer of Licenses with payment of the appropriate licence fee and proof of a valid insurance policy where requested by this Chapter. All such applicants shall be fingerprinted if so required by the Issuer of Licenses.

(i) In making an application as a new company, or through the transfer of a company already in existence, the applicant for a Taxicab Broker's Licence must appear in person, as an officer of the corporation and satisfy the Issuer of Licenses that the applicant is able to carry on the operation of a taxicab brokerage, as defined in Article 1.22 of this Chapter.

(ii) To support any application for a new licence, the applicant must appear in public before the Issuer of Licenses.

(b) All licence and transfer fees as prescribed in Schedule "B" of this Chapter shall be payable to the Issuer of Licenses, who in turn shall transmit such monies to the City Treasurer.

(c) Every vehicle owner shall submit with their application, a certificate of mechanical fitness with respect to any used vehicle to be licensed, certified that said vehicle is in satisfactory condition of mechanical repair and suitable for use as a taxicab.

(d) Every Taxicab Owner/Operator shall provide proof that the vehicle to be Plated has a current motor vehicle permit that is in good standing issued under the Highway Traffic Act and is either registered in his or her name or leased by him or her.

(e) All licence applications and transfers for Taxicab Drivers shall provide to the Issuer of Licenses, a Police Vulnerable Sector Check and any other Police Checks deemed necessary by the Issuer of Licenses. Such Checks must have been completed within 60 days prior to the Issuer of Licenses receiving application.

(f) All new taxicab drivers' licence applications shall include a letter of potential employment from whom they will be driving.

(g) Every applicant for a taxicab driver's licence, upon approval from the Issuer of Licenses, will be photographed, and receive their taxi driver's licence and identification

card. Renewal of their taxi driver's licence will also require the driver to attend at the City Clerk's office, City Hall, to receive a valid identification card.

327.4.2 Applicant - financial responsibility

No person shall be granted or hold a taxicab owner's licence unless the applicant establishes and maintains in effect a current valid policy of insurance issued by a company authorized to do business in Ontario. Such insurance shall apply to the vehicle in respect of which the licence is sought and shall indemnify and protect the owner and the public, including passengers carried in such vehicle of \$2,000,000 legal liability for bodily injury or death of any person or damage to property. The required policy of insurance shall be endorsed with the condition that neither the insurer nor the insured shall cancel the policy unless thirty days prior notice in writing is delivered to the Issuer of Licenses.

ARTICLE 5 LICENCE – ISSUE

327.5.1 Issuance - qualifications

(a) The Issuer of Licenses may, in its discretion, authorize the issuing of any licence with such stipulations and conditions as may be deemed proper.

(b) No person shall be granted a taxicab driver's licence unless they are the holder of a valid Class "G" or equivalent licence for the Province of Ontario.

(c) Every owner of more than one cab required to be licensed under this Chapter shall obtain a separate licence for each cab.

(d) Any broker's licence issued under this Chapter may be transferred to any other person approved by the Issuer of Licenses, the transferee complying with all provisions of this Chapter.

(e) Any act done by or by authority of the Issuer of Licenses under any of the provisions of this Chapter shall be subject to an appeal to the Issuer of Licenses by any person feeling aggrieved.

(f) Every person licensed as a taxicab broker will:

(i) Make out and deliver to the Issuer of Licenses a monthly list of:

(ii) The names of the owner or owners operating taxicabs in association with such broker and the number of taxicabs operating by such owner or owners, and

(iii) The names of all taxicab drivers operating in association with such broker.

(iv) Keep a record of calls received and dispatched, giving date, time, origin, vehicle licence number and driver. Records to be retained in an orderly manner for a period of twelve months on such forms as approved by the Issuer of Licenses and open for inspection to the Issuer of Licenses or any Provincial Offenses Officer.

(v) Ensure that all vehicles and drivers dispatched are properly licensed under this Chapter.

(vi) Upon becoming aware that a taxicab driver in their employment has been charged with an offence under the Liquor Licence Act, the Criminal Code of Canada, or other criminal offence, report the information to the Issuer of Licenses.

327.5.2 Renewal licence - expiration - new application

If a licence is not renewed by the date of expiration of said licence, no renewal of the licence shall be granted and the licensee must complete an application for a new licence and must pay all fees applicable to said application.

327.5.3 Transitional Rule - Existing Licenses Valid

Any Taxicab Broker, Taxicab Driver or Taxicab Owner/Operator License issued by the Brantford Police and which is still valid on the date on which this By-law comes into force, will continue to be valid under this Chapter 327 Taxicab Licensing By-law until such time as the Taxicab Broker, Taxicab Driver or Taxicab Owner/Operator licence expires or is otherwise suspended or revoked in accordance with this Chapter 327 Taxicab Licensing By-law.

ARTICLE 6 LICENCE – REFUSAL – SUSPENSION – REVOCATION

327.6.1 Licence – ineligible

(a) The following persons are not eligible to receive a licence or shall have their licence suspended or revoked:

- i. any person who provided a false statement on their application;
- ii. any person under the age of 19 years;
- iii. any person who does not hold a valid "G" Ontario Drivers Licence;
- iv. any person who is currently under a prohibition order issued in any court within Canada that prohibits the operation of a motor vehicle;
- v. any person who has accumulated nine or more demerit points on his or her driving record;
- vi. any person in contravention of this Chapter;
- vii. any person convicted of an offence under the Highway Traffic Act, Liquor Licence Act, Smoke Free Ontario Act or any other Act or By-Law as it relates in

any way to the use or operation of a Taxicab at the discretion of the Issuer of Licenses;

viii. any person, partner, officer or director that has been convicted of a criminal offence for which a pardon has not been granted;

ix. any person, partner, officer or director that has ever been convicted of any criminal offence involving the possession, distribution, or sale of any child related pornography;

x. any person, partner, officer or director that has been convicted of any sexual offence involving a minor or minors;

xi. any person convicted of an indictable offence within the last five (5) years under any Statute of Canada, including but not limited to the Criminal Code of Canada and the Controlled Drug and Substances Act;

xii. any person convicted of a Summary Offence under the Criminal Code of Canada within the last three (3) years;

xiii. any person who has been convicted of any criminal offence for which in the opinion of the Issuer of Licenses, it would be in the best interest of public safety;

xiv. any person who is the subject of outstanding criminal charges and;

xv. any person who transfers a licence without the consent of the Issuer of Licenses will result in immediate forfeiture of the licence, and possible fine.

327.6.2 Refusal - issue - non-compliance

The Issuer of Licenses shall refuse to issue a licence to any applicant who does not comply with the requirements of this Chapter.

327.6.3 Refusal - revocation - conduct

The Issuer of Licenses may refuse to grant a licence to any applicant, or may revoke or suspend a licence of any licensee, where the Issuer of Licenses has reasonable cause to believe that said applicant or licensee, including the officers, agents, directors, employees or agents of the applicant or licensee where the applicant or licensee is a corporation, will not carry on or engage in the business in accordance with the law or with honesty and integrity.

327.6.4 Refusal - revocation - previous non-compliance

In making the determination to refuse to issue or to revoke a licence pursuant to Section 327.6.3, the Issuer of Licenses may take into consideration the licensee or applicant's past breaches of this Chapter or failure to comply with the requirements of other applicable by-laws of the City of Brantford or of any local board thereof, or failure to comply with any statute, order-in-council, or regulation of the Provincial Legislature or the Parliament of Canada, or of any agency, board or commission thereof, in, upon or in connection with the licensed activity and/or the premises, facilities, equipment, and other personal property used or kept in connection with the business.

327.6.5 Suspension - immediate danger - health and safety

The Issuer of Licenses may, without a hearing, suspend a licence for a period not to exceed fourteen days, upon providing the licensee with written or verbal reasons for the suspension, where, in the sole opinion of the Issuer of Licenses, the continuation of the business poses an immediate danger to the health or safety of any person or to any property.

327.6.6 Operation - under suspension - revocation - prohibited

No person shall engage in or continue to conduct, or permit any person to engage in or continue to conduct, any business for which a licence is required under this Chapter while such licence is suspended or revoked under the provisions of this Chapter.

327.6.7 Suspension - immediate danger - reinstatement

Where the Issuer of Licenses suspends a licence in accordance with Section 327.6.5, the Issuer of Licenses shall provide the licensee with a list of conditions which the licensee must satisfy in order to bring the licensed activity into compliance with this Chapter and, upon satisfaction of the conditions, the licence shall be reinstated by the Issuer of Licenses.

327.6.8 Suspension - immediate danger - revocation

Where the Issuer of Licenses suspends a licence in accordance with Section 327.6.5 and the licensee fails or refuses to satisfy the conditions provided by the Issuer of Licenses in accordance with Section 327.6.7, the Issuer of Licenses shall revoke the licence within fourteen days of the suspension of the licence, due to failure to comply with the provisions of this Chapter.

327.6.9 Refusal - notice - grounds - appeal - limitation

Where the Issuer of Licenses refuses to issue a licence to any applicant, or where the Issuer of Licenses revokes the licence of any licensee, the Issuer of Licenses shall notify the applicant or the licensee, as the case may be, in writing of such decision. Said notice shall set out the grounds upon which the issuance of the licence is refused, or upon which the licence is revoked, and shall state that the applicant or the licensee may appeal such decision by filing an appeal with the Issuer of Licenses within fifteen days as set out in this Chapter.

327.6.10 Appeal - in writing - to Council

Where the Issuer of Licenses refuses to grant a licence or revokes a licence under this Chapter, the applicant or licensee may appeal this decision to Council by filing with the Issuer of Licenses an appeal of the said decision in writing within fifteen days of being notified of the decision of the Issuer of Licenses.

327.6.11 Appeal - procedures

Upon receipt of an appeal from the applicant or the licensee, the Issuer of Licenses, the Committee, and Council shall follow the procedure set out in Article 6.

ARTICLE 7 APPEAL - COMMITTEE - COUNCIL – AUTHORITY

327.7.1 Notice of hearing - mailed - form

Where an appeal of the decision of the Issuer of Licenses to revoke or refuse to issue a licence is filed pursuant to the provisions of this Chapter or a predecessor thereof, the Issuer of Licenses shall fix a date and time for such matter to be considered by the Committee of the Whole, and shall mail a notice of hearing, in the form set out in Schedule “C”, to the applicant or the licensee, as the case may be, at the last address shown in the records of the Issuer of Licenses, and to any other person who has applied to the Issuer of Licenses be heard with regard to the matter.

327.7.2 Notice of hearing - mailed - prior to hearing

A notice of hearing issued pursuant to Section 327.7.1 shall be mailed at least fourteen days prior to the date and time fixed for such hearing.

327.7.3 Hearing - report - received - verbal - written

At a hearing of an appeal filed pursuant to this Chapter, the Committee shall receive a report, either verbally or in writing, from the Issuer of Licenses, which report shall contain input from such other officers or employees of the Corporation who may be involved in the matter being considered by Council.

327.7.4 Hearing - licensee - opportunity

To present evidence at the hearing before the Committee, the licensee or applicant, either personally or through an agent or legal counsel, shall be afforded an opportunity to present such material and evidence relevant to the issue before the Committee as the licensee or applicant may deem expedient, and he/she may ask questions of any person presenting evidence or a report to Committee relevant to the said issue, except where said report is delivered by a solicitor for the Corporation or is received by Council or the Committee in camera.

327.7.5 Hearing - other person - heard - Committee - discretion

The Committee may, in its sole discretion, afford any other person who applies to be heard and who appears to have an interest in the matters under discussion an opportunity to present

material and evidence relevant to the issue before the Committee, and to ask questions of any person presenting evidence or a report to the Committee relevant to the said issues, except where said report is delivered by a solicitor for the Corporation or is received by Council or the Committee in camera.

327.7.6 Committee - debate

The Committee may, after having heard all of the evidence and submissions made to it by the licensee and the Issuer of Licenses, debate the matter to reach its recommendation.

327.7.7 Quorum - Committee

For the purposes of this Article, a quorum of the Committee shall be a majority of the members of the Committee, and a recommendation adopted by the majority of members present shall be the recommendation of the Committee.

327.7.8 Committee - in camera - advice

Nothing in this Chapter shall preclude the Committee or Council from moving in camera, pursuant to the Municipal Act, 2001 or other relevant legislation, to receive information or provide direction with respect to a recommendation or decision made pursuant to this Chapter.

327.7.9 Decision - confirmed by resolution - copy provided

The recommendation made by the Committee shall be presented to Council in open session to be adopted by resolution of Council, and a certified copy of the final resolution of Council shall be mailed to the applicant or licensee, to any person who has appeared before the Committee and requested that a copy of the resolution be provided to them, and to the Issuer of Licenses.

327.7.10 Terms - decision - final

Council may grant a licence, refuse to grant a licence, revoke a licence, or suspend a licence and may make any suspension of licence subject to such terms or conditions as Council may prescribe, in its sole discretion, and a decision made pursuant to the exercise of these powers is final and binding upon the applicant or any licensee, as the case may be.

327.7.11 Considerations – to be regarded

Council, in considering whether or not to grant a licence, refuse to grant a licence, or to revoke or suspend a licence, shall have regard to the provisions set out in Sections 327.7.12 through 327.7.15 inclusive.

327.7.12 Compliance - premises - vehicles - equipment

The Council shall have regard to whether or not the applicant, licensee and the premises, facilities, equipment, and other personal property used or kept for hire in connection with the

carrying on of a business which is licensed or which is required to be licensed pursuant to this Chapter, complies with all requirements of this Chapter.

327.7.13 Remedy - reasonable complaint - received

The Council shall have regard to whether or not the applicant or licensee has failed to promptly remedy any reasonable complaint received with regard to those matters set out in Sections 327.3.1 through 327.3.3 inclusive or has committed past breaches of this Chapter or any predecessor thereof.

327.7.14 Failure - to comply - by-law - statute - regulation

The Council shall have regard to whether or not the applicant or licensee has failed to comply with any requirements of any other applicable by-law of the City or any local board thereof or of any statute, order-in-council, or regulation of the Provincial Legislature or the Parliament of Canada, or of any agency, board or commission thereof, in, upon or in connection with the licensed activity or the premises, facilities, equipment, vehicles and other personal property used or kept for hire in connection with the carrying on of a business which is licensed or which is required to be licensed pursuant to this Chapter or any predecessor thereof.

327.7.15 Fines - unpaid

The Council shall have regard to whether or not the applicant or licensee has any unpaid fines imposed under the Provincial Offences Act, as amended, for the contravention of the Chapter under which the licence was granted, if the fine or any part of the fine is due and unpaid for fifteen days or more.

**ARTICLE 8
REGULATIONS**

327.8.1 Regulations - taxicab owner

Every person licensed as a taxicab owner shall:

- (a) Keep a record of calls answered by vehicles showing date, time, origin, destination, vehicle licence number and driver. Records to be kept in an orderly manner for a period of twelve months and open for inspection of the Issuer of Licenses or any designated officer.
- (b) Display the driver's identification card and the taxi tariff card in the vehicle so as to be conveniently seen and read by any person engaging the taxicab.
- (c) Submit their vehicle(s) for examination prior to a licence being issued and following the completion of each six month period thereafter, or at any time as required by the

Issuer of Licenses, and all times maintain their vehicle(s) to meet the standards of a Safety Standards Certificate.

(d) Upon disposing of a vehicle, within forty-eight hours, attend at the office of the Issuer of Licenses and surrender the licence in respect of such taxicab.

(e) When employing a taxicab driver, notify the Issuer of Licenses within forty-eight hours thereafter that he/she has employed such driver, and when said driver leaves his/her employ, notify the Issuer of Licenses within forty-eight hours to such effect, giving the reasons thereof.

(f) Require that drivers employed have been approved by the company providing the insurance coverage under 327.4.2 of this Chapter.

(g) Require that persons engaged as taxicab drivers are properly licensed under this Chapter.

(h) Prominently display on the rear exterior of the taxicab the numbered metal licence plate provided by the Issuer of Licenses. Owners and drivers of taxicabs are to make available vehicle registration and identification information in an accessible format to persons with disabilities.

(i) Add to both front fenders of the vehicle near the doors, lettering of a contrasting colour to the body paint depicting the number of the issued metal licence plate of a size no smaller than 4 inches high or 10.2 cm.

(i) Add to both front doors of the vehicle, lettering of a contrasting colour to the body paint, depicting the name of the taxicab company, of a size no smaller than 2 inches high or 5 cm.

(j) Equip the taxicab with an emergency lighting warning system, mounted on the exterior of the vehicle, as approved by the Provincial Offences Officer, to provide safety for the taxicab driver. Purchase at cost, as required by the Provincial Offences Officer, an emergency 911 sticker identifying the emergency lighting warning system.

(k) Ensure their vehicle is tint-free at the driver and front passenger windows unless the vehicle is equipped with manufacturer-installed glass that is within the glass itself.

(l) Affix to the interior of the taxicab 'No Smoking' sign(s) in locations so that they may be conveniently seen and read by the driver and all passengers.

(m) Any violation of 327.8.1 (c) of this Chapter will result in the licence being immediately suspended.

327.8.2 Regulations - taxicab driver

(a) Every person licensed as a taxicab driver under this Chapter shall keep a daily record (hereinafter referred to as a “trip” record) of all trips made and such record shall contain the following information:

(i) The taxicab driver’s identification licence number and the taxicab plate number issued under the provisions of this Chapter.

(ii) The amount of the fare collected for each trip.

(iii) The date, time, origin, and destination of each trip and the number of passengers carried.

(b) Every person licensed as a taxicab driver under this Chapter will:

(i) Upon request of any Provincial Offences Officer, provide full information as to passengers carried.

(ii) Place their taxi driver’s identification card, bearing first name only, photo and badge number, in the holder provided so that it may be conveniently seen and read by passengers.

(iii) While on duty display on their person the licence identification card, bearing first name, photo and badge number, furnished by the Issuer of Licenses and shall permit any person to note the number on being requested to do so. The licence identification card shall be worn externally and attached to the clothing in a visible location.

(iv) Travel by the most direct route to the point of destination, unless otherwise directed by the person engaging the taxicab.

(v) When called upon to do so, assist any Brantford Police Officer by conveying in their taxicab any prisoner to the common jail or Police Station and convey to a hospital or elsewhere as may be required any person who has been wounded or who has met with an accident or been taken suddenly ill (provided such illness is not of an infectious nature) and shall be entitled to the fare on charge specified in the tariff provided by this Chapter.

(vi) Search their vehicle at the beginning and termination of their tour of duty for any alcoholic beverages, drugs or any other illegal goods.

(vii) Notify the Issuer of Licenses when charged with any infraction of the Ontario Liquor Licence Act, the Criminal Code of Canada or other criminal offence.

327.8.3 Regulations - equipment and its use

(a) Every owner licensed under this Chapter shall have affixed to each taxicab in respect to which such owner is licensed, a taximeter for registering distances travelled and computing fares to be paid, the type of which shall first be submitted to and approved by the Issuer of Licenses and for all taxicabs so equipped, the following provisions shall apply:

(b) Each taximeter shall be:

(i) submitted when required for testing, inspection and sealing by the Issuer of Licenses.

(ii) illuminated between dusk and dawn.

(iii) so placed as to be conveniently seen at all times by the passenger or passengers thereof.

(iv) used only when the seal therein is intact.

(v) kept in good working order at all times and not used when defective in any way.

(vi) numbered and not used until approved by the Issuer of Licenses.

(vii) adjusted in accordance with the tariff prescribed by Schedule "A" of this Chapter.

(c) The owner or driver of a taxicab equipped with a taximeter shall not operate such taxicab unless and until the taximeter has been tested and sealed by the Issuer of Licenses, nor shall such owner or driver operate such cab when the taximeter has been changed, repaired, altered, tampered with or adjusted, unless and until such taximeter has been subsequently so tested and sealed.

(d) Any owner licensed under this Chapter may install in a taxicab a security camera system. The owner must ensure that the security camera system shall:

(i) be positioned in the front or rear passenger area of the vehicle;

(ii) not provide wireless access to recorded images stored or produced by the system;

(iii) be sturdy and secured with tamper-proof hardware to prevent unauthorized access to images or tampering with the system power source, wiring, wire connections and components;

- (iv) retain an image for a minimum of seven days after being recorded;
- (v) only allow access to the information recorded by the system to Brantford Police, a Provincial Offences Officer, the Issuer of Licenses or the owner of the taxicab company;
- (vi) affix to the interior and exterior of the taxicab a decal or sign that provides notice to the public that the security system is contained within the taxicab, and that the notice is clearly visible.

(e) The owner or driver of a taxicab equipped with a security camera system shall not operate such taxicab unless the system is in proper working order within the vehicle while on duty. Failure to ensure the camera is in good working order would place the vehicle out-of-service at the discretion of the Issuer of Licenses.

(f) Any broker, owner or driver in violation of Chapter 327.8.3 of this Chapter shall have their licence suspended until a hearing can be conducted.

327.8.4 Regulations - tariff and tariff cards

(a) The rates or fares to be charged by the owners or drivers of cabs or motor vehicles to which this Chapter applies for the conveyance of passengers, either wholly within the City of Brantford Limits or to any point not more than five kilometers beyond its limits shall be exactly as shown in Schedule "A" of this Chapter and no higher or lower amount than that contained in said Schedule shall be charged or payable.

(b) No owner or driver licensed under this Chapter shall be entitled to recover or receive any fare or charge from any person or persons from whom any fare or charge greater or less than those authorized by this Chapter or to whom they refused to show their card or tariff as provided in this Chapter.

(c) Owners and drivers of taxicabs are prohibited from charging a higher fare or an additional fee for persons with disabilities than for persons without disabilities for the same trip; and from charging a fee for the storage of mobility aids or mobility assistive devices.

(d) Any person employing any taxicab may require the driver thereof to furnish a receipt for any charges made and paid and the driver shall promptly furnish such receipt upon request together with their name and taxicab plate number.

(e) No owner or driver licensed under this Chapter shall publish or use a tariff or demand or receive rates and charges other than those authorized by this Chapter.

(f) The tariff card furnished by the Issuer of Licenses showing the tariffs as set out in Schedule "A" shall be placed and kept by the person licensed in or upon his cab, and no

person licensed under this Chapter shall use any tariff card or exhibit any tariff other than that shown on the said card, and no person shall lend, exchange otherwise dispose of their tariff cards.

(g) Tariff cards, badges and taxicab plates defaced, lost or destroyed may be replaced by the Issuer of Licenses upon the original being satisfactorily accounted for and replacement costs being paid.

ARTICLE 9 ENFORCEMENT

327.9.1 Fine - for contravention

Every person who contravenes any provision of this Chapter or any of the Schedules to which this Chapter applies, is guilty of an offence and shall, upon conviction thereof, forfeit and pay a penalty pursuant to the provisions of the Provincial Offences Act, as amended.

327.9.2 Fine - inspection - prevented

Any person who refuses to allow the carrying out of an inspection authorized pursuant to this Chapter is guilty of an offence and shall, upon conviction thereof, forfeit and pay a penalty pursuant to the provisions of the Provincial Offences Act, as amended.

327.9.3 Authority - municipal - provincial officers

The provisions of this Chapter shall be enforced by municipal by-law enforcement officers, by any provincial offences officers, and by police officers of the Brantford Police Service.

327.9.4 Prohibition order - municipality

Pursuant to the provisions of section 444 of the Municipal Act, 2001, S.O. 2001, c. 25, where the Corporation is satisfied that a contravention of this Chapter has occurred, the Corporation may make an order requiring the person who contravened this Chapter, or who caused or permitted the contravention, or the owner or occupier of the land on which the contravention occurred, to discontinue the contravening activity. Any person who fails to comply with an order under this section is guilty of an offence and shall, upon conviction, forfeit and pay a penalty pursuant to the provisions of the Provincial Offences Act, as amended.

327.9.5 Prohibition order - courts

Where a person has been convicted of an offence under this Chapter, the Ontario Court of Justice (Provincial Offences Court) in Brantford, or any court of competent jurisdiction thereafter, may, in addition to any other penalty or order imposed, make an order prohibiting the continuation or repetition of the offence of the doing of any act or thing by the person convicted, directed toward the continuation of the repetition of the offence.

327.9.6 Restraining order

Pursuant to the provisions of section 440 of the Municipal Act, 2001, S.O. 2001, c. 25, in addition to any other remedy and to any penalty imposed by this Chapter the contravention of this Chapter may be re-strained by action or application at the instance of the City.

By-law 167-2017, 28 November 2017.

Schedule “A” – Tariff and Tariff Cards

(a) METER RATE WITHIN THE CITY OF BRANTFORD:

- (i) To be defined as a combination of mileage and waiting time as computed by the taxi meter.
- (ii) All fares to be charged on a meter rate basis.

(b) MILEAGE RATE WITHIN THE CITY OF BRANTFORD OR A POINT WITHIN FIVE KILOMETRES OF THE CITY BOUNDARIES:

- (i) First 1/18 km or part thereof \$3.00
- (ii) Each additional 1/18 km or fraction thereof .10

(c) WAITING TIME:

- (i) \$30.00 per hour as computed by taxi meter;
- (ii) Five minutes time on regular calls, and
- (iii) No free time on time calls.

(d) OTHER CHARGES

- (i) Requested van calls (all vans) \$15.00 minimum
- (ii) Excess baggage \$1.00 + meter rate
- (iii) 13% HST, effective July 1, 2010

Schedule “B” - Licence Fees Payable

Category	Fees	
Taxicab Broker	New: \$1,000.00	Renewal: \$132.00
Taxicab Owner/Operator Vehicle	\$64.00/Vehicle	
Taxicab Driver	New: \$72.00	Renewal: \$49.00
Taxicab Owner Transfer Fee	\$1,000.00	
Replacement Card – Driver ID	\$5.00	
Replacement Plate – Taxi	\$10.00	
Police Checks	Pricing Cost Separate – Available through BPS	

All licenses applied for and granted by the Issuer of Licenses after October 1st of each year, (with the exception of a licence for drivers), half of the above rate shall be charged.

Schedule "C" - Notice of Hearing

NOTICE OF HEARING

In the matter of an appeal of the decision of the Issuer of Licences pursuant to Chapter 327 of The City of Brantford Municipal Code

To:

NOTICE IS HEREBY GIVEN that the Committee of the Whole of The Corporation of the City of Brantford shall conduct a hearing at o'clock in the evening, or so soon after that time as the matter can be heard, in the Council Chambers at 100 Wellington Square, Brantford, Ontario for the purpose of considering the following:

(describe matters to be considered, including the name of the licensee or proposed licensee, and the variety of licence in dispute)

AND FURTHER TAKE NOTICE that if you fail to attend at this hearing the matters in dispute may be concluded without further notice to you.

Dated at Brantford thisday of, 20

.....

Clerk