

# Chapter 327 – Vehicle for Hire

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## **1.0 Definitions**

### **1.1 Accessible Taxicab – defined**

“Accessible Taxicab – means a class of Taxicab which is constructed or modified to permit the loading, transporting and unloading of an individual in a wheelchair or other appliance or device used to assist an individual with a Disability.

### **1.2 Accessible TNC Vehicle – defined**

“Accessible TNC Vehicle – means a class of Vehicle which is constructed or modified to permit the loading, transporting and unloading of an individual in a wheelchair or other appliance or device used to assist an individual with a Disability.

### **1.3 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.

### **1.4 Broker – defined**

“Broker” means any Person who accepts, orders for, or Dispatches a Vehicle for Hire and includes a Taxicab Broker and a Transportation Network Company.

### **1.5 Brokerage – defined**

“Brokerage” means the business of a Broker and shall be deemed to include the premises where the business is carried on.

### **1.6 Call – defined**

“Call” or “Calls” within the meaning of this Chapter shall include a request or direction for the use of a Taxicab, transmitted by soft meter, radio, cell phone, by Personal request of a prospective Passenger, or in any other manner.

### **1.7 City – defined**

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

### **1.8 Committee – defined**

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

### **1.9 Compensation – defined**

“Compensation” includes any rate, remuneration, reimbursement or reward of any kind paid, payable or promised, or received or demanded, directly or indirectly.

### **1.10 Conveyance Service – defined**

“Conveyance Service” means conveying one or more Persons in exchange for a fee or other consideration.

### **1.11 Corporation – defined**

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

### **1.12 Council – defined**

“Council” means the Municipal Council of the Corporation.

### **1.13 Disability – defined**

“Disability” has the same meaning as that defined in the *Human Rights Code, R.S.O. 1990, c. H19, section 10(1)*, as amended from time to time.

### **1.14 Dispatch – defined**

“Dispatch” or “Dispatches” means the sending of a Vehicle for Hire to a location for the purpose of offering or providing transportation to a Passenger, and includes but is not limited to:

- a) receiving Calls from prospective Passengers and directing a Person operating a Vehicle for Hire to attend at the Passenger’s requested location;
- b) offering or operating any part of a mobile application or other electronic service that receives requests for transportation services from prospective Passengers and connects such requests to a Person operating a Vehicle for Hire; or
- c) any other action that results in a Passenger and Vehicle for Hire being in the same place at the same time for the purpose of providing the Passenger with Vehicle for Hire services, regardless of whether the Vehicle for Hire services are actually provided to the Passenger.

### **1.15 Driver – defined**

“Driver” means the individual who has care and control of a Taxicab, or private Vehicle for Hire.

### **1.16 Issuer of Licences – defined**

“Issuer of Licences” means the Clerk of The Corporation of the City of Brantford, their designate, or any other Person so designated by Council to the position of Issuer of Licences.

### **1.17 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.

### **1.18 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.

### **1.19 Motor Vehicle – defined**

“Motor Vehicle” includes an automobile, truck, trailer, motorcycle and any other vehicle propelled or driven otherwise than by human or animal muscular power.

### **1.20 Operate – defined**

“Operate” means to manage, oversee, supervise, control, or run a Taxicab or to act as a Taxicab Broker, and “Operates”, “operation”, and “operating” shall have corresponding meanings.

### **1.21 Operator – defined**

“Operator” means a Person who, alone or with others, Operates, manages, supervises, oversees, runs or controls a Taxicab, or acts as a Taxicab Broker and exercises control over the business on behalf of the business Owner, and, without limiting the generality of the foregoing, includes a Taxicab Owner.

### **1.22 Owner – defined**

“Owner” means any Person to own or keep or lease or use any Taxicab or TNC vehicle under the control of this Chapter.

### **1.23 Passenger – defined**

“Passenger” means any Person, not including the Driver, seated in a Taxicab, Accessible Taxicab, TNC Vehicle, or Accessible TNC Vehicle and includes a Person engaging or attempting to engage a Taxicab, Accessible Taxicab, TNC Vehicle or Accessible TNC Vehicle to provide a Conveyance Service.

### **1.24 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.

### **1.25 Provincial Offences Officer – defined**

“Provincial Offences Officer” means, as the case may be:

- a) a police officer;
- b) a constable appointed under any law;
- c) a municipal law enforcement officer referred to in subsection 101 (4) of the *Municipal Act, 2001, S.O. 2001, c. 25* or subsection 79 (1) of the *City of Toronto Act, 2006, S.O. 2006, c. 11, Schedule A* in the exercise of its functions;

- d) a municipal by-law enforcement officer of a municipality or one of its local boards in the exercise of his functions;
- e) an official, employee, or agent of a municipality or one of its local boards whose responsibilities include the execution of a municipal by-law, law, or regulation or the application of a law in the exercise of its functions;
- f) a Person designated under subsection (3). (“Provincial Offences Officer”).

### **1.26 Police Record Check – defined**

“Police Record Check” means a criminal record and judicial matters check that is a result of a search of both the local police records where the Applicant resides, and the national databases maintained by the Canadian Police Information Centre.

### **1.27 Safety Standards Certificate – defined**

“Safety Standards Certificate” means a Safety Standards Certificate issued in accordance with the *Highway Traffic Act, R.S.O. 1990, c. H.8*; and confirms that the vehicle met the minimum safety standards on the date the certificate was issued.

### **1.28 Taxicab – defined**

“Taxicab” means a Motor Vehicle providing transportation to Passengers in response to street hails from Passengers or in response to a request for service receive through a Taxicab Broker as well as any vehicle providing transportation services that display any sign or markings identifying, or likely to be perceived by a member of the public as identifying the vehicle to be a Taxicab.

### **1.29 Taxicab Broker – defined**

“Taxicab Broker” shall mean any Person who accepts Calls in any manner and Dispatches Taxicabs that are used for hire.

### **1.30 Transportation Network Company – defined**

“Transportation Network Company” “TNC” or “TNC Broker” means a Person or organization that performs Dispatch services only by offering or operating any part of a mobile application or other electronic service that receives requests for transportation services directly from prospective Passengers and connects such requests directly to a Person operating a Vehicle for Hire.

### **1.31 TNC Vehicle – defined**

“Transportation Network Company vehicle” or “TNC Vehicle” means a private Vehicle for Hire that provides transportation services directly through a TNC App but does not include a Taxicab.

### **1.32 TNC Vehicle for Hire – defined**

“TNC Vehicle for Hire” means a Motor Vehicle that is available for or providing a Conveyance Service but does not include a Taxicab, or Accessible Taxicab.

### **1.33 TNC Vehicle for Hire Driver – defined**

“TNC Vehicle for Hire Driver” means a Person who is registered with a Transportation Network Company Broker to Operate a vehicle for the conveyance of Passengers.

### **1.34 Vehicle for Hire – defined**

“Vehicle for Hire” means a Taxicab or a TNC vehicle.

### **1.35 Vulnerable Sector Check**

“Vulnerable Sector Check” means a criminal information report that is a result of a search of both the local police records where the Applicant resides, and the national databases maintained by the Canadian Police Information Centre, which includes additional information beyond that included in a Police Record Check

## **2.0 General Provisions**

### **2.1 Licenses – delegated authority – Issuer of Licences**

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

### **2.2 Administration – Clerk’s Department**

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

### **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.

### **2.4 Application – Schedules – Administrative**

This Chapter is also applicable to the following Schedules:

- Schedule “A” – Taxicab Requirements
- Schedule “B” - Transportation Network Company (TNC) Requirements
- Schedule “C” – Vehicle for Hire Fees
- Schedule “D” – Notice of Hearing

## **2.5 Duties – Issuer of Licences**

The Issuer of Licences shall have carriage of all administration and supervision over all Persons licensed under this Chapter and over all vehicles for hire and the equipment used by them, and the following shall be the duties of the Issuer of Licences in connection with the provisions of this Chapter:

- a) To review applications for Licences and renewals, as well as any relevant reports for the revoking of any Licences.
- b) To make all necessary enquiries concerning applications for Licences 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 licences, including review of a Police Record Check provided annually, and a Vulnerable Sector Check provided either with a new application, or as requested by the Issuer of Licences, and without limiting the generality of the foregoing, investigate any police record.
- d) To keep a register of all licences granted by the Issuer of Licences, which register shall contain the name or names of the Applicants, the number of Taxicabs kept by each Applicant for a Licence, the amount paid for the same, the date of the Licence, and such further particulars as the Issuer of Licences may require.
- e) To receive reports and information from the appropriate authorities in order to determine or verify if an Applicant is entitled to a Licence or a Licence holder is entitled to maintain a Licence under the provisions of this Chapter.
- f) To issue such licences the Issuer of Licences deems appropriate after a complete review of the reports and information relevant to the issuance of said licence, and to revoke, suspend, or decline to issue, such licences as the Issuer of Licences deems to be unsuitable based on the requirements of this Chapter.
- g) To impose such terms and conditions as the Issuer of Licences deems appropriate on any licences granted in order to ensure compliance with this Chapter.

## **2.6 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.

## **2.7 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.

## **2.8 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. Unless otherwise stated, the requirements of the Schedules to this Chapter shall be in addition to all other requirements of this Chapter.

## **2.9 Conflict of Laws**

If there is a conflict between a provision of this Chapter and a provision of any other Chapter or piece of legislation, then the more restrictive provision shall apply.

## **2.10 Interpretation – Singular/Gendered**

In this Chapter, unless the context otherwise requires words importing the singular shall include the plural and use of the masculine shall include the feminine, where applicable.

## **2.11 Interpretation – Schedules**

The Schedules appended to this Chapter are incorporated into and form part of this Chapter.

## **2.12 Prior Versions**

All licenses issued pursuant to prior versions of Chapter 327 shall be deemed to be issued under this version, during the period for which they have been issued, and remain in full force and effect until the expiry date set out on the Licence unless for some other reason than the amendment of the Chapter, they are forfeited or revoked.

# **3.0 Application of Chapter**

## **3.1 Exception**

Except where otherwise provided, the provisions of this By-law shall apply to the operation of a Vehicle for Hire within the City. This by-law shall not apply to:

- a) any means of conveyance which does not constitute a Motor Vehicle pursuant to the *Highway Traffic Act*;
- b) a Motor Vehicle with a seating capacity of eleven (11) or more individuals, including the Driver;
- c) an ambulance while providing medical or paramedical services;
- d) a funeral hearse which is owned, Operated, and maintained by a funeral home or other funerary service provider;

- e) designated driver services for which a designated driver drives the customer in the customer's vehicle to at least one destination;
- f) courtesy vehicles in association with Motor Vehicle repair shops where a customer is driven to a predetermined destination;
- g) a conveyance which begins from outside the City, where the Vehicle for Hire can legally Operate in the municipality in which the conveyance begins;
- h) a Taxicab that is conveying property or Passengers from any point within the City to an airport situated outside the City, if:
  - i. the airport is owned and Operated by the Crown in right of Canada and the Taxicab bears a valid and subsisting plate issued in respect of the airport under the Government Airport Concession Operations Regulations made under the *Department of Transport Act, R.S.C., 1985, c. T-18*; or
  - ii. the airport is Operated by a corporation or other body designated by the Governor in Council as a designated airport authority under the *Airport Transfer (Miscellaneous Matters) Act, S.C. 1992, c. 5* and the Taxicab bears a valid and subsisting permit or Licence issued by the designated airport authority;
- i) a Motor Vehicle used to transport pupils, senior citizens, or Persons with disabilities which is owned and Operated by, or Operated under a contract with the County, a school board, private schools, charitable organizations, or not-for-profit organizations;
- j) a Passenger transportation system which is established, owned, and maintained by, or Operated pursuant to a contract with a municipality, including but not limited to any applicable municipal transit program;
- k) buses owned and Operated by a corporation or organization solely for its own purposes without Compensation for transportation;
- l) marine vessels;
- m) railway systems of railway companies incorporated under federal or provincial statutes; or
- n) aviation systems.

## **4.0 Application for Licences and Renewal of Licences**

### **4.1 Application Submission**

Every application for a Licence or application to renew a Licence shall be made to the Issuer of Licences in the format prescribed by the Issuer of Licences. All Applicants, including those seeking a Licence as a Driver, Owner, Operator, Broker, or TNC shall be subject to this section. Without limitation, every application for a Licence or a renewal shall include the following information:

- a) payment of the prescribed fee as set out in Schedule “C” – Fees;
- b) a completed application form in the format prescribed by the Issuer of Licences;
- c) any other documentation or information as may be required in any other part of this By-law, including any Schedule to this Chapter, or by the Issuer of Licences, including, but not limited to, affidavits in support of the application or application for renewal;
- d) proof of a valid insurance policy where applicable, or as requested by the Issuer of Licences;
- e) If the Applicant is an individual;
  - i. the name, date of birth, municipal address, telephone number, and if applicable, email address of each Applicant;
  - ii. a sworn statement by the Applicant certifying the accuracy, truthfulness and completeness of the application;
- f) if the Applicant is a partnership:
  - i. the name, address and telephone number of each partner;
  - ii. if the Applicant or Licensee is a partnership, details of each partner's interest in the partnership;
  - iii. a sworn statement by each partner certifying the accuracy, truthfulness and completeness of the application;
- g) if the Applicant is a corporation:
  - i. the address of its head office, the name, address and telephone number of each director and officer;
  - ii. a copy of the incorporating documentation, a copy of the last initial notice or notice of change which has been filed with the provincial or federal government and a Certificate of Status issued by the Ministry of Government and Consumer Services dated no later than thirty (30) days prior to the date of the application;
  - iii. a sworn statement by an officer of said corporation who is duly authorized for that purpose certifying the accuracy, truthfulness and completeness of the application;

- iv. a statement from an officer of the corporation that the Applicant is able to carry on the operation of a Taxicab Brokerage, a TNC Brokerage, or as the Owner of a Cab, as applicable, and to the satisfaction of the Issuer of Licences.
- h) In the event the Applicant is seeking a Licence as a Driver:
- i. proof that the Applicant at least eighteen (18) years of age;
  - ii. proof of a current and valid Ontario Driver's Licence;
  - iii. a Driver's Record Search dated within the previous sixty (60) days;
  - iv. a Vulnerable Sector Check to be provided by new applicants, or a Police Record Check to be provided by those Applicants who are renewing their Licence, either applicable document must be dated within the previous sixty (60) days; and or
  - v. new applicants shall include a letter of potential employment from the Broker for whom they will be driving.

## **4.2 Expiration**

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. Notwithstanding the expiration of said license, the Issuer of Licences shall have the discretion to allow the Applicant to submit an application for renewal under this Chapter rather than a new application. In the event the Applicant has not submitted such renewal application prior to the 30th day of April next after the date of issuance they shall no longer be entitled to submit a renewal application, and shall be required to provide a new application. The Applicant shall be subject to such fees as applicable under Schedule "C".

## **4.3 Renewal of Licences**

Notwithstanding the requirements of section 4.1 applications for renewal may, at the discretion of the Issuer of Licences, be submitted prior to full completeness in the event the Applicant has submitted a request for a Police Record Check and has not yet received the completed Police Record Check. In such cases the Applicant will be required to submit a sworn statement certifying that they have made efforts to obtain said Police Record Check and shall provide it as soon as reasonably possible. The renewal application shall lapse after thirty (30) days and the Applicant will be required to submit a fresh application and shall not be entitled to treat their application as a renewal.

## **4.4 Investigations**

Every application may be subject to investigations by, and comments or recommendations from the municipal, provincial, or federal departments or agencies as the Issuer of Licences deems necessary. This includes, but is not limited to, investigations by, and comments or recommendations from, police officers and Municipal Law Enforcement Officers appointed by the Corporation.

## **5.0 Licence – Issuance**

### **5.1 Compliance with Requirements**

When an application for a new Licence or renewal of a Licence is made in accordance with this Chapter and the Applicant meets all the requirements of this Chapter, the Issuer of Licences, having regard to sections 6.2 and 6.3, shall issue a Licence.

### **5.2 Accessible Taxicab Licenses**

To ensure adequate Accessible Taxicab service to the residents of Brantford, a ratio of one (1) Accessible Taxicab Owner Licence for every eighteen (18) Taxicab Owner Licences be maintained.

### **5.3 License Types**

The following Licences may be issued pursuant to this Chapter in accordance with the provisions of this Chapter and the corresponding Schedules. Every Applicant and Licensee shall comply with all provisions of this Chapter and the corresponding Schedules:

- a) Taxicab Broker (Schedule “A”)
- b) Taxicab Owner (Schedule “A”)
- c) Taxicab Driver (Schedule “A”)
- d) TNC Broker (Schedule “B”)
- e) TNC Vehicle Driver (Schedule “B”)

### **5.4 Authority – Issuer of Licences**

While having regard to the requirements of sections 4 and 5 of this Chapter the Issuer of Licences shall have the power and authority to:

- a) issue a new Licence;
- b) renew a Licence;
- c) deny the issuance or renewal of a Licence;
- d) revoke a Licence;
- e) suspend a Licence; and
- f) impose terms or conditions on a Licence, including a new Licence or a previously issued Licence.

### **5.5 Licence – Ineligible**

The following Persons are not eligible to receive a Licence or may have their Licence suspended or revoked at the discretion of the Issuer of Licences:

- a) any Person who provided a false statement on their application;
- b) any Person under the age of eighteen (18) years;

- c) any Person who does not hold a valid “G” Ontario Drivers Licence;
- d) any Person who is currently under a prohibition order issued in any court within Canada that prohibits the operation of a Motor Vehicle;
- e) any Person who has accumulated nine (9) or more demerit points on their driving record;
- f) any Person in contravention of this Chapter;
- g) any Person convicted of an offence under the *Highway Traffic Act, Liquor Licence Act, R.S.O. 1990, c. L. 19, Smoke Free Ontario Act, 2017, S.O. 2017, c.26, Schedule 3*, or any other Act or By-Law as it relates to the use or operation of a Taxicab, at the discretion of the Issuer of Licences;
- h) any Person, partner, officer or director that has been convicted of a criminal offence for which a pardon has not been granted;
- i) 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;
- j) any Person, partner, officer or director that has been convicted of any sexual offence involving a minor or minors;
- k) 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, R.S.C., 1985, c. C-46* and the *Controlled Drugs and Substances Act, S.C. 1996, c.19*;
- l) any Person convicted of a Summary Offence under the Criminal Code of Canada within the last three (3) years;
- m) any Person who has been convicted of any criminal offence for which in the opinion of the Issuer of Licences, it would be in the best interest of public safety to deem them ineligible; and
- n) any Person who is the subject of outstanding criminal charges.

## **6.0 Licence – Refusal – Suspension – Revocation**

### **6.1 Refusal – Issue – Non-Compliance**

The Issuer of Licences shall refuse to issue a Licence to any Applicant who does not comply with the requirements of this Chapter.

### **6.2 Refusal – Revocation – Conduct**

The Issuer of Licences may refuse to grant a Licence to any Applicant, or revoke or suspend a Licence of any Licensee, where the Issuer of Licences 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 or partnership, will not carry on or engage in the business in accordance with the law or with honesty and integrity.

### **6.3 Refusal – revocation – previous non-compliance**

In making the determination to refuse to issue or to revoke a Licence, the Issuer of Licences may take into consideration:

- a) the Licensee or Applicant's past breaches of this Chapter;
- b) failure to comply with the requirements of other applicable by-laws of the Corporation or of any local board thereof;
- c) 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.

### **6.4 Suspension – Immediate Danger – Health and Safety**

The Issuer of Licences may, without a hearing, suspend a Licence for a period not to exceed fourteen (14) days, upon providing the Licensee with written or verbal reasons for the suspension, where, in the sole opinion of the Issuer of Licences, the continuation of the business poses an immediate danger to the health or safety of any Person or to any property.

### **6.5 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.

### **6.6 Suspension – Immediate Danger Reinstatement**

Where the Issuer of Licences suspends a Licence the Issuer of Licences 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 Licences.

### **6.7 Suspension – Immediate Danger Revocation**

Where the Issuer of Licences suspends a Licence and the Licensee fails or refuses to satisfy the conditions provided by the Issuer of Licences, the Licence shall automatically lapse fourteen (14) days after suspension, unless compliance has been re-established or the Licensee has entered into a compliance plan.

## **6.8 Refusal – Notice – Grounds – Appeal – Limitation**

Where the Issuer of Licences refuses to issue a Licence to any Applicant, or where the Issuer of Licences revokes the Licence of any Licensee, the Issuer of Licences 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 Licences within fifteen (15) days as set out in this Chapter.

## **6.9 Appeal – in Writing – to Council**

Where the Issuer of Licences refuses to grant a Licence or revokes a Licence under this Chapter, the Applicant or Licensee may appeal this decision to Council, or such Committee to which Council has delegated this power, by filing with the Issuer of Licences an appeal of the said decision in writing within fifteen (15) days of being notified of the decision of the Issuer of Licences.

## **6.10 Appeal – Procedures**

Upon receipt of an appeal from the Applicant or the Licensee, the Issuer of Licences, shall follow the procedure set out herein. The Clerk shall schedule a hearing before the Committee. The Clerk shall give the Applicant or Licensee reasonable written notice of the scheduled appeal in accordance with the requirements of the *Statutory Powers Procedures Act, R.S.O. 1990, c S. 22*.

## **7.0 Compliance**

### **7.1 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.

### **7.2 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.

## **8.0 Prohibitions**

### **8.1 Valid Licence**

No Person without a valid Licence shall own, Operate, permit the operation of, drive for a, or drive a:

- a) TNC;
- b) Brokerage; or
- c) Vehicle for Hire.

### **8.2 Business Restriction**

No Person shall carry on business under Schedule “A” or Schedule “B” other than in the name that appears on the Licence issued to them under said Schedules.

### **8.3 False Representation**

No Person shall make false or intentionally misleading recitals of fact, statement, or representation, orally or in any agreement, statutory declaration, or application form required by this Chapter, to the Corporation or the Issuer of Licences. The making of such a false or intentionally misleading recital of fact, statement, or representation constitutes an offence.

### **8.4 Public Representation**

No Person shall represent to the public that the Person is licensed under this Chapter if the Person is not so licensed.

### **8.5 Driver Restriction**

No Person or Brokerage shall employ or engage the services of a Driver or a TNC Driver that does not meet the requirements of this Chapter.

### **8.6 Owner Restriction**

No Person shall own, Operate or permit the operation of a Vehicle for Hire that does not meet the requirements of this Chapter.

### **8.7 Operation Restrictions**

No Person shall own, Operate or permit the operation of a TNC, a Brokerage, or a Vehicle for Hire, other than in accordance with the terms and conditions of the applicable Licence and this Chapter.

### **8.8 Qualifications**

No Person shall drive a Vehicle for Hire without evidence of the following in their possession:

- a) proof of Ownership of the Motor Vehicle;

- b) a valid insurance card or slip;
- c) a valid Ontario Driver's Licence;
- d) any other document as required by this Chapter.

## **8.9 Vehicle Maintenance**

No Person shall Operate or permit the operation of a Vehicle for Hire that requires mechanical or exterior repair, unless in the sole opinion of the Issuer of Licences the required repairs are solely cosmetic and do not present a safety hazard.

## **8.10 Cash Payment**

No Person shall permit, request, or accept payment by cash for transportation services provided by a TNC or TNC Driver.

## **8.11 Licence Plate**

No Person shall own or Operate a Taxicab without a valid Licence plate issued by the Corporation.

## **8.12 TNC Identification**

No Person shall own or Operate a TNC vehicle without a valid TNC Identifier issued by the Corporation, displayed in or on the TNC vehicle.

## **8.13 Obstruction of Enforcement**

No Person shall hinder or obstruct or attempt to hinder or obstruct any Person who is exercising a power or performing a duty under this by-law, including by refusing to identify themselves when requested to do so by a Licensing Compliance Officer, Municipal Law Enforcement Officer, or Police Officer.

## **8.14 Compliance**

No Person shall fail to comply with an Order issued pursuant to this Chapter.

# **9.0 Enforcement**

## **9.1 Contravention**

Any Person who contravenes any provision of this Chapter, any Schedule to which it applies, an Order or a condition of a Licence, is guilty of an offence and is liable to a fine, and such other penalties as provided in the *Provincial Offences Act, R.S.O. 1990, c. P.33* and the *Municipal Act, 2001*.

## **9.2 By-Law Enforcement 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.

### **9.3 Director and Officer Responsibility**

A director or officer of a corporation who knowingly assists with, or enables the contravention of any provision of this By-law, including any Schedule attached hereto, is guilty of an offence.

### **9.4 Ongoing Contravention**

Where a contravention is committed on or continues for more than one (1) day, the Person, and or director, and or officer, who commits an offence under section 9.1, or assists with, or enables an offence under section 9.3 is liable to be convicted for a separate offence for each day on which it is committed or continued. For clarity, in the case of an Order, a contravention continues for every day or part of a day past the date set out in the Order by which the work must be completed, action taken or discontinued, as the case may be.

### **9.5 Charges**

In addition to sections 9.1 and 9.3 any Person, and or director, and or officer who is charged with an offence under this Chapter by the laying of an information under Part III of the *Provincial Offences Act* and is found guilty of the offence, is subject to the following fines pursuant to *section 429 of the Municipal Act, 2001*:

- a) A Person convicted under this By-law is liable to a maximum fine of \$25,000.00 upon a first conviction and a maximum fine of \$50,000.00 for each subsequent conviction.
- b) Despite where the Person convicted is a corporation, said corporation is liable to a maximum fine of \$50,000.00 upon a first conviction and a maximum fine of \$100,000.00 for any subsequent conviction.
- c) If this Chapter is contravened and a conviction entered, in addition to any other remedy and to any penalty imposed by this Chapter, the court in which the conviction has been entered and any court of competent jurisdiction thereafter may make an order to either:
  - i. prohibit the continuation or repetition of the offence by the Person convicted; or,
  - ii. require the Person convicted to correct the contravention in the manner and within the period that the court considers appropriate.

## **10.0 Schedule “A” – Taxicab Requirements**

### **10.1 General Requirements for Taxicab Brokers, Owners, and Drivers**

- a) Any Broker, Owner or Driver in violation of this Chapter may have their Licence suspended until a hearing can be conducted.
- b) All Brokers, Owners/Operators, shall by February 1st of each year, provide the Issuer of Licences with the name, current address and date of birth of the Licensees in their employment.
- c) All Brokers, Owners, or Drivers Licenced under this Chapter shall be prohibited from charging a higher fare, or additional fee, for a Person with a Disability, or for charging a fee for the transportation or storage of mobility aids or assistive devices. This shall include a service animal as defined in the *Accessibility for Ontarians with Disabilities Act*.
- d) Corporations licensed by the Issuer of Licences are required to notify the Issuer of Licences of the identity of all Owners, shareholders, and in advance of any changes thereof.
- e) All fees as prescribed in Schedule “C” of this Chapter shall be payable to the Corporation.
- f) If a Licence is not renewed by the date of expiration of said Licence or the date of such exception as has been granted under section 4.2 of this Chapter, 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.

### **10.2 Taxicab Broker Requirements**

All Persons and or Organizations acting as a Taxicab Broker shall adhere to the provisions of this Chapter in general and shall specifically adhere to and be subject to the following requirements:

- a) No Person shall act as a Taxicab Broker for hire within the City without having a current Licence issued under the provisions of this Chapter.
- b) All Taxicab Brokers shall, by February 1st of each year, provide the Issuer of Licences 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.
- c) Keep a record of trips dispatched showing date, time, origin, destination, vehicle Licence number and Driver. Records to be kept in an orderly manner for a period of twelve (12) months and open for inspection by the Issuer of Licenses or any designated officer.
- d) Require that all vehicles and drivers dispatched are properly licensed under this Chapter.

### 10.3 Taxicab Owner Requirements

All Persons acting as a Taxicab Owner shall adhere to the provisions of this Chapter in general and shall specifically adhere to and be subject to the following requirements:

- a) No Person shall 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.
- b) Taxicab Owner Licenses will be assigned to Persons and include the name of the associated Taxicab Broker.
- c) No Person shall enjoy a vested right in the continuance of a vehicle Licence plate and upon the issuance, renewal, cancellation or suspension thereof, the value of a Licence shall be the property of the Corporation.
- d) Every Person licensed as an Owner under this Chapter under the provisions of this Chapter who intends to withdraw or terminate their services pursuant to such Licence will give forty-eight (48) hours' notice in writing to the Issuer of Licences of such intention. Upon the expiration of the forty-eight (48) hour notice of the Licensee, will surrender such Licence to the Issuer of Licences forthwith.
- e) Every Person licensed as an Owner under this Chapter shall upon changing their address, notify the Issuer of Licences within forty-eight (48) hours, providing the new address.
- f) Every Person licensed as an Owner under this Chapter is required to notify the Issuer of Licences of any change to their associated Taxicab Broker.
- g) Every Person licensed as an Owner under this Chapter shall submit with their application, a Safety Standards Certificate 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.
- h) Every Person licensed as an Owner under this Chapter 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 their name or leased by them.
- i) Every Owner of more than one Taxicab required to be licensed under this Chapter shall obtain a separate Licence for each vehicle.
- j) Every Person licensed as a Taxicab Owner shall:
  - i. Keep a record of trips 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 (12) months and open for inspection by the Issuer of Licences or any designated officer.
  - ii. 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.

- iii. Submit their vehicle(s) for examination as required by the Issuer of Licences, and at all times maintain their vehicle(s) to meet the standards of a Safety Standards Certificate.
- iv. Require that Persons engaged as Taxicab Drivers are properly licensed under this Chapter.
- v. 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.
- vi. 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.
- vii. 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.
- viii. 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, as required by the Provincial Offences Officer, an emergency 911 sticker identifying the emergency lighting warning system.
- ix. 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.
- x. 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.
- xi. Any violation of 10.1 (c) of this Chapter will result in the Licence being immediately suspended.

#### **10.4 Taxicab Owners - Insurance - 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 two million (\$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 (30) days prior notice in writing is delivered to the Issuer of Licences.

## **10.5 Taxicab Owners - 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. Each taximeter shall be:
  - i. illuminated between dusk and dawn;
  - ii. so placed as to be conveniently seen at all times by the Passenger or Passengers thereof;
  - iii. kept in good working order at all times and not used when defective in any way.
- b) 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 (7) 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 Licences 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 ensure that the notice is clearly visible;
  - vii. ensure that any such system is in proper working order within the vehicle while on duty.

Failure to abide by the provisions of this section shall be grounds on which the Issuer of Licences may place the vehicle out of service, at the Issuer of Licences sole discretion.

## **10.6 Taxicab Driver Requirements**

All Persons acting as a Taxicab Driver shall adhere to the provisions of this Chapter in general and shall specifically adhere to and be subject to the following requirements:

- a) No Person shall 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.
- b) Every Applicant for a Taxicab Driver's Licence, upon approval from the Issuer of Licences, 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, to receive a valid identification card.

- c) Every Person licensed as a Driver under this Chapter under the provisions of this Chapter who intends to withdraw or terminate their services pursuant to such Licence will give forty-eight (48) hours' notice in writing to the Issuer of Licences of such intention. Upon the expiration of the forty-eight (48) hour notice of the Licensee, will surrender such Licence to the Issuer of Licences forthwith.
- d) Every Person licensed as a Driver under this Chapter shall upon changing their address, notify the Issuer of Licences within forty-eight (48) hours, providing the new address.
- e) Every Person licensed as Driver under this Chapter is required to notify the Issuer of Licenses of any change to their associated Taxicab Broker.
- f) All Persons acting as a Driver must:
  - i. examine the Motor Vehicle for mechanical defects, interior and exterior damage, and immediately report any defects to the Owner and the Broker, prior to operating the Motor Vehicle;
  - ii. carry their Ontario Driver's Licence with them at all times when operating the Motor Vehicle;
  - iii. carry and display the Licence issued to them by the Issuer of Licenses in such a manner that is visible to a Passenger;
  - iv. immediately report any collision to the Owner and the Broker;
  - v. immediately report any suspension of their Ontario Driver's Licence to the Owner, Broker and the Issuer of Licences;
  - vi. keep and maintain all transportation services records for at least one (1) year;
  - vii. create and keep daily a record in written or electronic form details of all transportation services which includes the following:
    - 1. the Driver's name, the date and the Taxicab's Provincial Licence Plate number;
    - 2. the location and time of the beginning and end of each transportation service provided; and
    - 3. the amount of the fare collected for each transportation service provided.
- g) All Persons acting as a Driver must not:
  - i. Operate a Motor Vehicle when their ability to perform their duties is impaired in any way;
  - ii. Operate a Taxicab when the Taxicab meter has been broken or removed.

- h) Drivers have the right under this Chapter to refuse to provide transportation services where a Passenger:
- i. has not paid a previous fare;
  - ii. is disorderly;
  - iii. refuses to give a destination; or
  - iv. is not obeying the law

## 11.0 Schedule “B” – Transportation Network Company Requirements

### 11.1 General Requirements for Transportation Network Companies

- a) All TNC Licence holders shall provide to the Corporation the name, telephone and email contact information for the Person authorized to receive and respond on behalf of the TNC to any and all communications from the Corporation relating to the TNC’s Licence or the TNC’s conduct of its business.
- b) TNC Licence holders shall be prohibited from charging a higher fare, or additional fee, for a Person with a Disability, or for charging a fee for the transportation or storage of mobility aids or assistive devices. This shall include a service animal as defined in the *Accessibility for Ontarians with Disabilities Act*.
- c) All TNC Licence holders shall provide proof that there are adequate data security measures in place to protect the Personal data of Passengers and TNC Drivers collected by the TNC, to the satisfaction of the Issuer of Licences.
- d) All TNC Licence holders shall maintain, and provide to the Corporation as requested by the Issuer of Licences, documentation demonstrating that the TNC App:
  - i. provides to the Passenger requesting the transportation service at the time the transportation service is arranged:
    1. the TNC name and contact information;
    2. the first name and a photograph of the TNC Driver;
    3. the make, model and Provincial Licence Plate number of the TNC vehicle;
    4. the estimated fare including any surcharge; and
    5. the current location of the TNC vehicle;
  - ii. provides a process allowing a Passenger to accept or refuse the transportation service prior to it commencing and keeps a record of such acceptance or refusal;
  - iii. provides a secure payment mechanism;
  - iv. provides a printed or electronic receipt to the Passenger at the end of the transportation service that includes the following information:
    1. the fare and any surcharges paid;
    2. the date, time, duration and distance of the transportation service;
    3. the pick-up location and the destination;
    4. the first name of the TNC Driver.
  - v. incorporates a global positioning system in which all transportation services are recorded.

## 11.2 Insurance Requirements for TNCs

In addition to the other requirements set out in this Chapter, an Applicant or Licensee for a TNC Licence or renewal of a TNC Licence shall submit the following annually to the satisfaction of the Issuer of Licences:

a) **Commercial General Liability Insurance**

Commercial General Liability, underwritten by an insurer licensed to conduct business in the Province of Ontario, for a limit of not less than two million (\$2,000,000) per occurrence. The policy shall be in the name of the TNC and shall include an extension for a standard provincial and territorial form of non-owned automobile liability policy. This policy shall include but not be limited to:

- i. Name The Corporation of the City of Brantford as an Additional Insured
- ii. Cross-liability and severability of interest
- iii. Blanket Contractual
- iv. Products and Completed Operations
- v. Premises and Operations Liability
- vi. Personal Injury Liability
- vii. Contingent Employers Liability
- viii. Owners and Contractors Protective
- ix. The policy shall include thirty (30) days' notice of cancellation
- x. The policy shall contain an indemnification in favour of the Corporation in a form acceptable to the Issuer of Licences

b) Every TNC shall obtain and maintain proof that every TNC Driver affiliated with the TNC has third party motor vehicle liability insurance for owned, non-owned, or leased TNC vehicles, which shall be in effect at all times during the provision of transportation services:

- i. be endorsed to provide the Issuer of Licences with at least fifteen (15) days' notice in writing of a proposed cancellation or expiration of the insurance policy, or of a variation in the amount of the policy; and
- ii. insure against loss or damage resulting from bodily injury to or the death of one or more persons, or from loss or damage to property occurring while in the post-acceptance period resulting from any one accident and include the IPCF 6TN Permission to Carry Paying Passengers for a TNC endorsement or an equivalent endorsement acceptable to the Issuer of Licences, with limits of not less than two million dollars (\$2,000,000) per occurrence.

c) Every TNC shall keep such records of the TNC Driver's insurance coverage for a period of three (3) years after the TNC Driver ceases to be affiliated with the TNC.

- d) Every TNC shall produce proof of any TNC Driver's insurance coverage to the City upon request of the Issuer of Licences.

### **11.3 TNC Licence Terms and Conditions – Duties and Responsibilities**

- a) A TNC shall:
  - i. ensure that all TNC Drivers meet the requirements of this Schedule;
  - ii. ensure that those acting as a TNC Driver are required to:
    - 1. examine the TNC vehicle for mechanical defects interior and exterior damage, and immediately report any defects to the TNC, prior to operating the TNC Vehicle;
    - 2. carry their Ontario Driver's Licence with them at all times when operating the Motor Vehicle;
    - 3. carry and display the TNC identifier issued to them by the Issuer of Licences in such a manner that is visible to a Passenger;
    - 4. immediately report any collision to the TNC;
    - 5. immediately report any suspension of their Ontario Driver's Licence to the TNC, and to immediately cease driving for the TNC;
  - iii. ensure that those acting as a TNC Driver are required not to:
    - 1. operate a Motor Vehicle when their ability to perform their duties is impaired in any way;
    - 2. operate a TNC Vehicle if the TNC app is non-operational.
  - iv. ensure that all TNC Drivers have provided a Safety Standards Certificate in respect of the TNC vehicle dated within sixty (60) days of applying for affiliation with the TNC, and annually thereafter;
  - v. ensure that Driver training is available for all affiliated TNC Drivers on the use of the TNC App;
  - vi. where the transportation service requested requires an accessible vehicle and the TNC is unable to provide such service, direct the Person requesting the transportation service to a TNC Driver who can provide the service if possible;
  - vii. have a dispute resolution process for dealing with any complaints regarding fares, customer service or any other issues arising from the TNC's operations;
  - viii. not obstruct access or use of the TNC App by the Issuer of Licences or a Licensing Compliance Officer, or Municipal Law Enforcement Officer, including but not limited to the creation and use of an account as a Passenger or as a TNC Driver;

- ix. make available to the public on its TNC App, and by any other means of its choice, the following information:
  - 1. the insurance coverage required to be maintained by the TNC and by a TNC Driver;
  - 2. the applicable screening process for a TNC Driver and a TNC vehicle; and
  - 3. that TNC Driver cannot accept cash payment for transportation services.
- x. provide to the Passenger requesting the transportation service at the time the transportation service is arranged:
  - 1. the TNC name and contact information;
  - 2. the first name and a photograph of the TNC Driver;
  - 3. the make, model and Provincial Licence Plate number of the TNC vehicle;
  - 4. the estimated fare including any surcharge; and
  - 5. the current location of the TNC vehicle.
- xi. provide a link to the Passenger requesting the transportation service to provide a rating or otherwise comment on the TNC Driver and the TNC vehicle;
- xii. provide a process allowing a Passenger to accept or refuse the transportation service prior to it commencing;
- xiii. provide a printed or electronic receipt upon request to the Passenger at the end of the transportation service that includes the following information:
  - 1. the fare and any surcharges paid;
  - 2. the date, time, duration and distance of the transportation service;
  - 3. the pick-up location and the destination;
  - 4. the first name of the TNC Driver;
- xiv. provide a secure payment mechanism; and
- xv. ensure the TNC App Operates in accordance with documentation submitted as part of the Licence application demonstrating that the TNC App meets all the required functionality as required by this Chapter.

b) A TNC shall not:

- i. permit a TNC Driver to access the TNC App:

1. where the TNC has a reasonable belief that the TNC Driver does not meet the TNC Driver requirements set out in this Chapter; or
  2. where the Issuer of Licences has notified the TNC that, based on an investigation, the Corporation has determined that the TNC Driver does not meet the TNC Driver requirements set out in this Chapter; and
  3. where access to the TNC App has been removed, the TNC shall not reinstate access until the Issuer of Licences is satisfied the TNC Driver is in compliance with the TNC Driver requirements set out in this Chapter;
  4. require or permit a Driver of a Motor Vehicle of which they are the Owner to work when that Person's ability to perform their duties is impaired by fatigue, illness or otherwise;
  5. require that the law of any jurisdiction other than Ontario be applied in relation to the use of the TNC App in the City by TNC Drivers or Passengers.
- c) All TNCs are encouraged to ensure that their affiliated TNC App is accessible to a Person with a Disability.
- d) In addition to all the requirements of this Schedule, every TNC shall remit to the Corporation the per trip fee as set out in Schedule "C". Such per trip fees shall be paid for each trip made by a TNC Vehicle that is governed by this Chapter. Remittance of said fees shall be made to the Corporation monthly as prescribed by the Issuer of Licences, following the month to which the remittance relates. The TNC shall provide, alongside the fees records establishing the basis of the Calculation of the said per trip charges. These records must contain only the information needed to calculate trip fees for TNC Vehicles governed by this Chapter, the submission of additional data shall be deemed non-compliance with this Chapter.

#### **11.4 TNC Licence Terms and Conditions – Records**

- a) A TNC shall create and maintain in a readily accessible electronic format satisfactory to the Issuer of Licences, which shall be submitted to the Corporation upon request from the Issuer of Licences:
- i. a list of all TNC Drivers affiliated with the TNC operating within the City. For greater clarity, the list shall include only those Drivers picking up Passengers within the City, and shall not include Drivers making pick-ups outside of the City, providing a list which is inclusive of TNC Drivers who are not operating within the City shall be deemed non-compliance with this Chapter. This list shall contain:
    1. the legal name of the TNC Driver;

2. the model year, make, model and Provincial Licence Plate number of the TNC vehicle Operated by the TNC Driver;
  3. proof of current valid Ontario Driver's Licence for each TNC Driver;
  4. proof of Ownership of the TNC vehicle Operated by the TNC Driver;
  5. proof of payment for the applicable licensing fee;
  6. proof of a Driver's Record Search dated within sixty (60) days of applying for affiliation with the TNC;
  7. proof of a Vulnerable Sector Check dated within sixty (60) days of applying for affiliation with the TNC;
  8. proof of a Police Record Check performed annually each year the TNC Driver continues to be affiliated with the TNC;
  9. a Safety Standards Certificate in respect of the TNC vehicle dated within sixty (60) days of applying for affiliation with the TNC; and
  10. where the TNC vehicle runs on propane or natural gas, a safety check certificate dated within the previous sixty (60) days of applying for affiliation with the TNC.
- ii. A list of all orders and transportation services completed by affiliated TNC Drivers who are operating subject to this Chapter. Providing a list which is inclusive of orders and transportation services completed by Drivers who are not operating within the City shall be deemed non-compliance with this Chapter. This list shall include:
1. the date, time and receipt of the order;
  2. the name of the TNC Driver and the Provincial Licence Plate number of the TNC vehicle;
  3. the pick-up location and the destination;
  4. the distance, date and time the transportation service started and terminated;
  5. the length of time elapsed between the order and the start of the transportation service; and
  6. the fare paid for the transportation service.
- iii. A list of all transportation services that cannot be completed by an affiliated TNC Driver including for transportation services where an accessible vehicle is required.
- iv. A list of the total number of transportation services provided by the TNC beginning in the City;
- v. A list of the total number of TNC Drivers providing transportation services beginning in the City; and

- vi. A list of the total number of TNC Vehicles providing transportation services beginning in the City, including clear confirmation of the number of Accessible TNC Vehicles providing transportation services beginning in the City.
- b) On the 1<sup>st</sup> day of every month following the issuance of a TNC Licence, the TNC shall provide the Issuer of Licences with an up-to-date list in a readily accessible electronic format satisfactory to the Issuer of Licences of every affiliated TNC Driver and TNC vehicle that includes:
  - i. the full name and address of every TNC Driver;
  - ii. the make, model and Provincial Licence Plate number of every TNC vehicle; and
  - iii. confirmation that each TNC Driver meets the requirements of this Chapter.
- c) A TNC shall keep and maintain all records required to be kept under this Chapter for a period of three (3) years except for Motor Vehicle insurance coverage records, which shall be retained for three (3) years after the TNC Driver ceases to be affiliated with the TNC.
- d) Prior to the collection of any Personal information, a TNC shall obtain consent from any affiliated TNC Driver for such collection and future disclosure to the Issuer of Licences for the purposes of investigating complaints and potential breaches of this Chapter.

### **11.5 TNC Licence Terms and Conditions - TNC Vehicle Requirements**

A TNC vehicle shall:

- a) have a minimum of four (4) doors and useable trunk capacity;
- b) be equipped with operable air-conditioning and heating;
- c) be equipped with working seatbelts for its maximum Passenger capacity;
- d) be clean and maintained in a good repair and free from interior damage and exterior damage;
- e) display in a visible location on or in the exterior of the TNC Vehicle the TNC Identifier;
- f) bear the compliance label required by Motor Vehicle Safety Regulation C.R.C., c. 1038 of the *Motor Vehicle Safety Act; S.C.1993, c. 16*, as amended; and
- g) submit vehicle for inspection as required by the Issuer of Licences.

### **11.6 TNC Licence Terms and Conditions - TNC Accessibility Surcharge**

All funds collected from the Accessibility Surcharge will be used towards increasing accessible transportation within the City, including but not limited to accessible public

transit solutions. The Accessibility Surcharge shall be levied on all trips made by a TNC vehicle except for Accessible TNC vehicles.

### **11.7 TNC Documentation Requirements**

Every TNC shall be obligated to provide such documents as requested by the Issuer of Licences in relation to the requirements of this Chapter, or more specifically this Schedule.

## 12.0 Schedule “C” – Fees

Table 1 – Taxi Licence Fees

Licensing Category	New Licence Fee	Renewal Licence Fee	Late Fee
Taxi Broker	\$500.00	\$135.00	\$50.00
Taxi Owner/Vehicle	\$65.00	\$65.00	\$50.00
Taxi Driver	\$75.00	\$50.00	\$50.00

Table 2 – TNC Licence Fees

Number of Vehicles	Annual Fee
1-24	\$1,500.00
25-50	\$3,000.00
51-100	\$5,500.00
101+	\$7,000.00

Table 3 – TNC Trip Fees Based on Vehicle Type

TNC Per Trip Fee	Accessible Initiatives Fee	Standard Fee
TNC Vehicle (Non-Accessible)	0.11	0.11
Accessible TNC Vehicle	0.00	0.11

### 13.0 Schedule “D” – 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, or other Committee so delegated, 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 58 Dalhousie, 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 this . . . . day of . . . . . , 20 . . . . .

.....

City Clerk