

**BY-LAW NUMBER 58-22**

**- OF -**

**THE CORPORATION OF THE COUNTY OF BRANT**

A By-law to repeal and replace By-law 53-09 being the Taxi By-law, and to provide for the licensing, regulating, and governing of vehicles for hire, including taxicabs, accessible taxicabs, limousines, private vehicles for hire, and accessible vehicles for hire, owners and brokers.

**WHEREAS** subsection 5(3) of the Municipal Act provides that a municipal power shall be exercised by by-law;

**AND WHEREAS** section 8(1) of the Municipal Act confers broad authority on the municipality to enable the municipality to govern its affairs as it considers appropriate and to enable the municipality to respond to municipal issues;

**AND WHEREAS** pursuant to Subsection 8(3) of the Municipal Act, the by-laws of a municipality may (a) regulate or prohibit regarding a certain matter; (b) require a person to do certain things respecting such matter; and/or (c) provide for a system of licenses respecting that matter;

**AND WHEREAS** subsection 10(1) of the Municipal Act provides that a single-tier municipality may provide any service or thing that the municipality considers necessary or desirable for the public;

**AND WHEREAS** subsection 10(2) of the Municipal Act provides that a single-tier municipality may pass by-laws respecting: in paragraph 5, economic, social and environmental well-being of the municipality, in paragraph 6, Health, safety and well-being of persons; in paragraph 7, Services and things that the municipality is authorized to provide under subsection (1); in paragraph 8, Protection of persons and property, including consumer protection; and in paragraph 11, Business Licensing;

**AND WHEREAS** sections 23.1 and 23.2 of the Municipal Act permits a municipality to delegate its powers and duties under the Municipal Act to an employee of the municipality;

**AND WHEREAS** subsection 151(1) of the provides that, without limiting sections 9,10 and 11 of the Act, a municipality may provide for a system of licences with respect to a business and may;

- (a) prohibit the carrying on or engaging in the business without a licence;
- (b) refuse to grant a licence or to revoke or suspend a licence;
- (c) impose conditions as a requirement of obtaining, continuing to hold or renewing a licence;
- (d) impose special conditions on a business in a class that have not been imposed on all of the businesses in that class in order to obtain, continue

- to hold or renew a licence;
- (e) impose conditions, including special conditions, as a requirement of continuing to hold a licence at any time during the term of the licence;
- (f) licence, regulate or govern real and personal property used for the business and the persons carrying it on or engaged in it; and
- (g) require a person, subject to such conditions as the municipality considers appropriate, to pay an administrative penalty if the municipality is satisfied that the person has failed to comply with the part of a system of licences established by the municipality.

**AND WHEREAS** subsection 151(4) of the Municipal Act confirms that the exercise of its power pursuant to subsection 151(1)(b), (d), (e), and (g) is in the discretion of the municipality, and the municipality shall exercise its discretion,

- (a) upon such grounds as are set out by by-law; or
- (b) in the case of a power under clause (1)(b), (d), or (e), upon the grounds that the conduct of any person, including the officers, directors, employees or agents of a corporation, affords reasonable cause to believe that the person will not carry on or engage in the business in accordance with the law or with honesty and integrity.

**AND WHEREAS** subsection 151(5) of the Municipal Act provides that subsections 151(1) to (4) apply with necessary modifications to a system of licences with respect to any activity, matter or thing for which a by-law may be passed under sections 9, 10 and 11 as if it were a system of licences with respect to a business;

**AND WHEREAS** subsection 156(1) of the Municipal Act provides that without limiting sections 9, 10 and 11, a local municipality, in a by-law under section 151 with respect to the owners and drivers of taxicabs, may:

- (a) establish the rates or fares to be charged for the conveyance of property or passengers either wholly within the municipality or from any point in the municipality to any point outside the municipality;
- (b) provide for the collection of the rates or fares charged for the conveyance; and
- (c) limit the number of taxicabs or any class of them;

**AND WHEREAS** the County Council considers it necessary and desirable for the public to regulate Vehicles for Hire for the purposes of health and safety, consumer protection and service quality to ensure an efficient Vehicle for Hire service is available to all persons including the travelling public in the County of Brant and that such Vehicle for Hire service is provided in a manner that provides a safe environment for both passengers and drivers;

**AND WHEREAS** County Council is of the opinion that the delegation of legislative powers under this by-law to the Licensing Officer and the Manager of Enforcement and Regulatory Services, including without limitation the power to issue and impose

conditions on a licence, prescribe vehicle, operational and reporting standards to be imposed on Licensees as being powers of a minor nature having regard to the number of people, the size of geographic area and the time period affected by the exercise of the power in accordance with subsection 23.2(4) of the Municipal Act;

**AND WHEREAS** subsection 391(1) of the Municipal Act provides that a municipality may impose fees and charges on persons,

- (a) for services or activities provided or done by or on behalf of it;
- (b) for costs payable by it for services or activities provided or done by or on behalf of any other municipality or any local board; and,
- (c) for the use of its property including property under its control;

**AND WHEREAS** the County Council considers it appropriate, desirous, and expedient to license, regulate, and govern vehicles for hire;

**NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE COUNTY OF BRANT HEREBY ENACTS AS FOLLOWS:**

**VEHICLE FOR HIRE BY-LAW**

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## **PART 1 - DEFINITIONS**

1.1. For the purpose of this By-law:

- (1) “**Accessible Taxicab**” means a Taxicab that is wheelchair-accessible permitting the loading, transportation and off-loading of a Person with a disability confined to a wheelchair, or other similar device, without transfer, and is available for or providing a Conveyance Service;
- (2) “**Accessible Driver**” means a Driver of an Accessible Taxicab or Accessible Private Vehicle for Hire, who has been endorsed by the Licensing Officer to permit them to drive an Accessible Taxicab or Accessible Private Vehicle for Hire;
- (3) “**Accessible Private Vehicle for Hire**” means a Private Vehicle for Hire that is wheelchair-accessible permitting the loading, transportation and off-loading of a Person with a disability confined to a wheelchair, or other similar device, without transfer, and is available for or providing a Conveyance Service;
- (4) “**Accessible Private Vehicle for Hire Driver**” means a Private Vehicle for Hire Driver who has been endorsed by the Licensing Officer to permit them to drive an Accessible Private Vehicle for Hire;
- (5) “**Applicant**” means a Person applying for a Licence under this By-law;
- (6) “**Broker**” means any Person who accepts orders for or Dispatches a Vehicle for Hire and includes a Transportation Network Company.
- (7) “**Brokerage**” means the business of a Broker and shall be deemed to include the premises where the business is carried on;
- (8) “**By-law**” means this Vehicle for Hire By-law, as amended from time to time.
- (9) “**Compensation**” includes any rate, remuneration, reimbursement or reward of any kind paid, payable or promised, or received or demanded, directly or indirectly.
- (10) “**Conveyance Service**” means conveying one or more persons in exchange for Compensation;
- (11) “**County**” means The Corporation of the County of Brant;
- (12) “**County of Brant**” means the geographic area contained within the boundaries of The Corporation of the County of Brant.
- (13) “**County Clerk**” means the County Clerk of The Corporation of the County of Brant, and their designate;

- (14) **“County Plated Vehicle”** means a Taxicab, Accessible Taxicab, Limousine, Private Vehicle for Hire or Accessible Private Vehicle for Hire that has an Owner Plate;
- (15) **“Council”** means the Municipal Council of The Corporation of the County of Brant;
- (16) **“Dispatch”** means the sending of a Vehicle for Hire to a location for the purpose of offering or providing Conveyance Services to a Passenger, and includes but is not limited to:
  - i. receiving telephone or radio calls from prospective Passengers and directing a Person operating a Vehicle for Hire to attend at the Passenger’s requested location;
  - ii. 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
  - iii. 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 Conveyance Services, regardless of whether the Vehicle for Hire services are actually provided to the Passenger.
- (17) **“Driver”** means the individual who has care and control of a Taxicab, Accessible Taxicab, Limousine, Private Vehicle for Hire or Accessible Private Vehicle for Hire;
- (18) **“Municipal Law Enforcement Officer”** means a Municipal Law Municipal Law Enforcement Officer appointed by the Council or a police officer;
- (19) **“Fare”** means the amount charged to a Passenger for Conveyance Services provided in a Vehicle for Hire;
- (20) **“Fare Card”** means the Fare Card issued under this By-law which is attached hereto as Schedule “A”
- (21) **“Fee”** means the amount payable to the County as described in the County of Brant Fees and Charges By-Law.
- (22) **“Fleet”** means one or more County Plated Vehicles being Dispatched by a Broker;
- (23) **“General Broker”** means a Broker that Dispatches Taxicabs, Accessible Taxicabs or Limousines;
- (24) **“Highway Traffic Act”** means the *Highway Traffic Act*, R.S.O. 1990, c.H.8,

as it may be amended or replaced from time to time;

- (25) **“Licence”** means a Licence issued under this By-law;
- (26) **“Licensee”** means any Person who holds a Licence;
- (27) **“Licensing Officer”** means the individual assigned responsibility for the administration and enforcement of this By-law and duly appointed by Council as a Municipal Law Enforcement Officer;
- (28) **“Licence Tribunal”** means the tribunal appointed by Council to conduct Licence Hearings;
- (29) **“Limousine”** means a Motor Vehicle which is used for the Conveyance of Passengers for Compensation, and which is hired solely for the Conveyance of Passengers on an hourly basis;
- (30) **“Municipal Act”** means the *Municipal Act, 2001*, S.O. 2001, c.25, as amended or replaced from time to time;
- (31) **“Manager of Enforcement and Regulatory Services”** means the County’s Manager of Enforcement and Regulatory Services and includes their designates;
- (32) **“Municipal Law Enforcement Officer”** means a Municipal Law Enforcement Officer appointed by the Council.
- (33) **“Operate”** means to drive a Taxicab, Accessible Taxicab, Limousine, Private Vehicle for Hire or Accessible Private Vehicle for Hire while it is available for or providing a Conveyance Service; and “Operating” shall have the corresponding meaning;
- (34) **“Owner”** means the Person who holds a Taxicab Owner License, Accessible Taxicab Owner License, or a Limousine Owner License;
- (35) **“Owner Plate”** means a vehicle licence identification issued to the Owner under this By-law corresponding to their Owner License;
- (36) **“Passenger(s)”** means any individual, not including the Driver, seated in a Taxicab, Accessible Taxicab, Limousine, Private Vehicle for Hire or Accessible Private Vehicle for Hire and includes a Person engaging or attempting to engage a Taxicab, Accessible Taxicab, Limousine, Private Vehicle for Hire, Accessible Private Vehicle for Hire to provide a Conveyance Service;
- (37) **“Person”** means a natural person, partnership, or corporation, and includes the heirs, executors, administrators or other legal representatives to whom the context can apply according to law.

- (38) **“Plated”** means to have the Owner Plate affixed to the Vehicle for Hire for which it was issued;
- (39) **“Police Record Check”** means a criminal information report that is a result of a search of the local police records where the Applicant resides and the national databases maintained by the Canadian Police Information Centre; or alternatively, a third-party police record check with a grading of Pass, Fail or Concern.
- (40) **“Private Vehicle for Hire”** means a motor vehicle that is available for or providing a Conveyance Service but does not include a Taxicab, Accessible Taxicab or Limousine;
- (41) **“Private Vehicle for Hire Driver”** means a Person who is registered with a Transportation Network Company Broker to Operate a Private Vehicle for Hire;
- (42) **“Safety Standards Certificate”** means a safety standards certificate issued under the Highway Traffic Act;
- (43) **“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.
- (44) **“Taxicab Driver”** means a Person who holds a Taxicab Driver License;
- (45) **“Taxicab Establishment”** means a property, site or building used as a Dispatch office or an area, site or location intended for the parking of Taxicab and/or limousines when not engaged in transporting persons or goods.
- (46) **“Taxicab Meter”** means an independent self-contained measuring device or technology based alternative approved by the Licensing Officer and used in a Taxicab or Accessible Taxicab to calculate, amongst other things, the rate payable for a Trip;
- (47) **“Taxicab Stand”** means the area set aside and designated by the County to be used by a Taxicab or an Accessible Taxicab while it is waiting for or picking up Passengers;
- (48) **“TNC Broker”** means a Transportation Network Company Broker that registers Private Vehicle for Hire Drivers and Dispatches Private Vehicles for Hire or Accessible Private Vehicles for Hire;
- (49) **“Transportation Network Company”** means a Person that Dispatches only by 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;

- (50) **“Trip”** means each journey in a Vehicle for Hire commencing when a Passenger enters the vehicle, continuing for the period that the vehicle is occupied, and ending when all Passengers exit the vehicle;
- (51) **“Vehicle for Hire”** means a motor vehicle that is conveying or available for conveying one or more persons in exchange for a fee or other consideration and includes without limitation a Taxicab, Accessible Taxicab, Limousine, Private Vehicle for Hire and Accessible Private Vehicle for Hire;
- (52) **“Vehicle for Hire Driver”** means a Person who holds a Taxicab, Accessible Taxicab or Limousine License and includes a Private Vehicle for Hire Driver or Accessible Private Vehicle for Hire Driver.
- (53) **“Vehicle Identification Card”** means the card issued by the Licensing Officer containing the vehicle registration and identification information in an accessible format to persons with disabilities who are Passengers.
- (54) **“Vehicle Identification Sticker”** means the bumper sticker issued by the Licensing Officer containing the vehicle registration and identification information.

## **PART 2 - APPLICATION OF BY-LAW**

2.1 Except where otherwise provided, the provisions of this By-law shall apply to the operation of a Vehicle for Hire within the County of Brant, except:

- (1) Any means of conveyance which does not constitute a motor vehicle pursuant to the Highway Traffic Act;
- (2) a motor vehicle with a seating capacity of 11 or more individuals, including the driver;
- (3) an ambulance while providing medical or paramedical services;
- (4) a funeral hearse which is owned, operated, and maintained by a funeral home or other funerary service provider;
- (5) designated driver services for which a designated driver drives the customer in the customer's vehicle to at least one destination;
- (6) courtesy vehicles in association with motor vehicle repair shops where a customer is driven to a predetermined destination;

- (7) a taxicab that is operating pursuant to a written contract for the use of a taxicab which can legally operate in the municipality in which the conveyance begin or ends; and
  - (8) a taxicab that is used to transport persons with physical, emotional or mental disabilities from any point in the County of Brant to any point outside the County of Brant;
  - (9) a conveyance which begins or ends from outside the County of Brant, where the Vehicle for Hire can legally operate in the municipality in which the conveyance begins or ends;
  - (10) a taxicab that is conveying property or passengers from any point within the County of Brant to an airport situated outside the County of Brant, 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 (Canada)*; 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 (Canada)* and the taxicab bears a valid and subsisting permit or licence issued by the designated airport authority;
  - (11) 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;
  - (12) A passenger transportation system which is established, owned, and maintained by, or operated pursuant to a contract with, the County, including but not limited to the County's Transit/mobility program;
  - (13) Buses owned and operated by a corporation or organization solely for its own purposes without Compensation for transportation;
  - (14) marine vessels;
  - (15) Railway systems of railway companies incorporated under federal or provincial statutes; or
  - (16) Aviation systems.
- 2.2 Except as otherwise provided in subsection 2.1, the applicable fare provisions as set out in Schedule "A" shall apply to the Conveyance of Passengers to and from any point within the County of Brant.

### **PART 3 - PROHIBITIONS**

#### **3.1. No Person shall:**

- (1) own or Operate a Vehicle for Hire without either holding the applicable Licence or being registered with a TNC Broker under this By-law;
- (2) Dispatch a Vehicle for Hire without holding the applicable Licence;
- (3) own or Operate a Vehicle for Hire without a valid Owner Plate as issued by the County, affixed to the Vehicle for Hire;
- (4) Operate a Vehicle for Hire while their Licence issued under this By-law is under suspension;
- (5) act as a Broker while their Licence issued under this By-law is under suspension;
- (6) advertise the use of a Vehicle for Hire without an Owner or a Broker Licence issued under this By-law;
- (7) publish or cause to be published any representation that they hold a Licence, or otherwise hold themselves out as holding a Licence, if they do not;
- (8) 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 Municipal Law Enforcement Officer; or
- (9) Fail to comply with an Order issued pursuant to this bylaw.
- (10) Operate an Accessible Taxicab or Accessible Private Vehicle for Hire without successfully completing a sensitivity course approved by the Manager of Enforcement and Regulatory Services pertaining to the transportation of persons with disabilities.

### **PART 4 - ADMINISTRATION OF BY-LAW**

4.1 The administration of this By-law is assigned to the Licensing Officer who shall generally perform all of the administrative functions conferred upon them by this By-law and without limitation may, in accordance with the provisions of this By-law:

- (1) receive and process all applications for all Licences and renewals of Licences under this By-law;

- (2) issue Licences;
- (3) impose terms and conditions on Licences;
- (4) refuse to issue or renew a Licence; or
- (5) revoke or suspend a Licence.

## **PART 5 - APPLICATION FOR LICENCES AND RENEWALS**

5.1 Every application for a Licence or application to renew a Licence shall be made to the Licensing Officer on the forms provided by Licensing Officer. Without limitation, every application for a Licence or a renewal shall include the following information:

- (1) the name, date of birth, municipal address, telephone number and email address of each Applicant;
- (2) if the Applicant is a partnership, the name, address and telephone number of each partner;
- (3) if the Applicant is a corporation, the address of its head office, the name, address and telephone number of each director and officer;
- (4) a sworn statement by the Applicant certifying the accuracy, truthfulness and completeness of the application;
- (5) if the Applicant is a partnership, a sworn statement by each partner certifying the accuracy, truthfulness and completeness of the application; and
- (6) if the Applicant is a corporation, a sworn statement by an officer of the corporation duly authorized for that purpose certifying the accuracy, truthfulness and completeness of the application.

5.2 Every Person applying for a Licence or a renewal of a Licence shall provide, in full, at the time the application is submitted all of the information requested on the application form as well as:

- (1) payment of the prescribed fee as set out in County of Brant Fees and Charges By-law.
- (2) if the Applicant or Licensee is a corporation, 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;
- (3) if the Applicant or Licensee is a partnership, details of each partner's interest in the partnership; and

(4) any other documentation or information as may be required in any other part of this By-law, including any Schedule to this By-law, or by the Licensing Officer.

5.3 The Licensing Officer may require affidavits in support of an application for, or a renewal of a Licence.

5.4 Every application may be subject to investigations by and comments or recommendations from the municipal, provincial or federal departments or agencies as the Manager of Enforcement and Regulatory Services deems necessary including but not limited to police officers and Municipal Law Enforcement Officers appointed by the County.

## **PART 6 - ISSUANCE OF LICENCES**

6.1 The following classes of Licences may be issued under this By-law in accordance with the provisions of this By-law and the corresponding Schedules and every Applicant and Licensee shall comply with all of the provisions of this By-law and the corresponding Schedules:

- (1) Drivers – Schedule “1”
  - i. Vehicle for Hire Driver
- (2) Owners – Schedule “2”
  - i. Taxicab Owner
  - ii. Limousine Owner
- (3) General Broker – Schedule “3”
- (4) TNC Broker – Schedule “4”

6.2 Every Licence shall be electronic or in the form and manner as provided by the Licensing Officer and shall, without limitation, include on its face:

- (1) the Licence number;
- (2) the name of each Licensee;
- (3) the date the Licence was issued; and
- (4) the date the Licence expires.

6.3 Every Licence that is issued for the first time, and every renewal thereof, is subject to the following conditions of obtaining, continuing to hold and renewing a Licence, all of which shall be performed and observed by the Applicant or the Licensee:

- (1) the Applicant or Licensee shall pay the prescribed fee as set out in County of

Brant Fees and Charges By-law;

(2) the Applicant or Licensee shall pay all fees and fines owed by the Applicant or Licensee to the County; and

(3) the Applicant or Licensee shall meet all of the requirements of this By-law.

6.4 A Licence issued under this By-law shall be valid only for the period of time for which it was issued. A Licence issued under this By-law may be renewed provided the Applicant meets all of the requirements of this By-law. An application for a renewal shall be delivered to the Licensing Officer at least five (5) business days before the expiry date of the Licence being renewed.

6.5 All Licences shall expire on March 31<sup>st</sup> each year.

6.6 The issuance of a Licence or renewal thereof under this By-law is not intended and shall not be construed as permission or consent by the County for the Licensee to contravene or fail to observe or comply with any law of Canada, Ontario or any By-law of the County.

6.7 Every Licence, at all times, is owned by and is the property of the County and is valid only in respect of the Person named therein.

6.8 No Person shall sell, purchase, lease, mortgage, charge, assign, pledge, transfer, seize, distrain or otherwise deal with a Licence, including any right title or interest therein, issued under this By-law.

6.9 All fees and inspection fees paid under this By-law are non-refundable.

6.10 Where an application for a Licence is made or where an application for a Licence renewal is made in accordance with the provisions of this By-law and where the Applicant or Licensee meets all the prerequisites as provided for herein this By-law, the Licensing Officer may issue or renew the Licence, setting out the expiry date as March 31<sup>st</sup> of the next calendar year and in the case of an Owner's Licence, shall also issue an Owner's Plate, fare card, and in the case of a Driver's Licence shall also issue a Driver's identification card and the Applicant shall hold a Licence.

6.11 A Person who is the owner of a Fleet shall take out a separate Licence for each Vehicle for Hire owned by him or her that is to be used as a Taxicab in the County. Where a Fleet owner has been issued four (4) standard Taxicab Licences, the fifth (5<sup>th</sup>) Taxicab Owner's Licence issued must be for an Accessible Taxicab.

6.12 Where a Licensee has filed a renewal application that does not meet all of the requirements of this By-law and there are extenuating circumstances which prevent the Licensee from meeting said requirements prior to the deadline date for renewal, the Licensing Officer may, in the Licensing Officer's sole discretion, issue the Licence subject to the Licensee's compliance with stated conditions within a maximum of sixty (60) days of the date of issue.

6.13 When an Owner's Plate, fare card, Licence, Vehicle Identification Card or Vehicle Identification Sticker is damaged or lost, the Licensee shall apply to the Licensing Officer for a replacement and shall pay the applicable fee under the County Fees and Charges By-law, and the Licensing Officer may issue a replacement.

6.14 Replacement vehicle approval:

(1) An Owner with an Owner's Licence who disposes of his Taxicab or otherwise ceases to use his Taxicab for the purposes permitted under this By-law and acquires another vehicle for the purposes permitted under this By-law, before using the vehicle as a Taxicab shall provide a copy of the current valid passenger motor vehicle permit issued by the Ministry of Transportation in the Owner's name, a copy of the current Certificate of Automobile Insurance, and pay the applicable fee as set out in the County's Fees and Charges By-law.

(2) In addition to the provisions of subsection 6.14(1) an Owner with an Owner's Licence shall produce and file with the Licensing Officer either a valid Annual Inspection Certificate or a valid Safety Standard Certificate issued under the Highway Traffic Act.

(3) In addition to the provisions of subsections (1) and (2), the Owner with an Owner's Licence shall produce and file proof that the liability insurance as specified herein has been transferred to the new vehicle.

(4) Where an Owner with an Owner's Licence meets all the requirements of this subsection 6.14, the Licensing Officer shall prepare a revised Owner's Licence, Vehicle Identification Card and vehicle identification sticker for the replacement vehicle and shall issue it to the Owner upon surrender of original Owner's Licence.

6.15 Where a Taxicab vehicle owner ceases to be Licensed, the registered Owner of the vehicle shall immediately remove from the said vehicle:

- (1) the roof sign;
- (2) identifying decals or markings; and
- (3) the Taxicab Meter, if applicable.

6.16 Vehicle Inspection Approval

- (1) Every Taxicab Owner who has an Owner's Licence shall submit their vehicle(s) for one mandatory inspection per year if requested by a Municipal Law Enforcement Officer.
- (2) Inspections may be conducted by a Municipal Law Enforcement Officer or a licensed mechanic, under contract or employed by the County and may include:
  - i. visual exterior and interior inspections;

- ii. assessment of mechanical fitness;
  - iii. Taxicab Meter accuracy road test.
- (3) In addition to the inspections referred to under subsections (1) and (2), every Owner with an Owner's Licence may be required, with respect to every Taxicab for which they are an Owner, to provide at his own expense either:
- i. a valid Annual Inspection Certificate issued under the Highway Traffic Act, or
  - ii. a valid Safety Standard Certificate issued under the Highway Traffic Act.
- (4) Where a Municipal Law Enforcement Officer believes that a previously approved vehicle no longer meets the inspection approval requirements of this By-law, a Municipal Law Enforcement Officer may at any time order the Owner to submit his Taxicab for the purpose of conducting a re-inspection of the Taxicab to ensure compliance with the provisions of this By-law.

## **PART 7 - REFUSAL TO ISSUE, RENEW, SUSPEND OR REVOKE A LICENCE**

- 7.1 The power and authority to refuse to issue or renew a Licence, to cancel, revoke or suspend a Licence, to impose terms and conditions, including special conditions, on a Licence or to exempt any Person from all or part of this By-law is delegated to the Licensing Officer.
- 7.2 The Licensing Officer may refuse to issue, refuse to renew, revoke or suspend a Licence or impose a term or condition on a Licence on the following grounds:
- (1) the conduct of the Applicant or Licensee affords reasonable grounds for the belief that the Applicant or Licensee will not carry on the activity for which a Licence had been or may be issued or renewed in accordance with the law and with integrity and honesty;
  - (2) the issuance, renewal or continuance of the Licence would be contrary to the public interest;
  - (3) there are reasonable grounds to believe that an application or other documents provided to the Licensing Officer by or on behalf of the Applicant or a Licensee contains a false statement;
  - (4) any information contained in the original application form or any other information provided to the Licensing Officer has ceased to be accurate and the Licensee has not provided up to date accurate information to the Licensing Officer to allow the Licensing Officer to conclude that the Licence



should continue;

(5) the Applicant has failed to comply with this By-law;

(6) an Applicant or Licensee does not meet, at any time, one or more of the requirements of this By-law or any conditions imposed on a Licence;

(7) the Applicant or Licensee is carrying on activities that are or have been, in contravention of this By-law;

(8) the Licensee has failed to comply with any term or condition attached to the Licence issued or renewed under this By-law;

(9) the Applicant or Licensee or any partner, officer or director has been convicted of an offence, for which a pardon has not been granted, pursuant to any one or more of Parts V (Sexual Offences), VIII (Offences Against the Person and Reputation) or IX (Offences Against Property) of the Criminal Code of Canada, R.S.C. 1985 c. C-46, as amended or any other criminal convictions in the preceding five (5) years;

(10) the Applicant or Licensee or any partner, officer or director has been convicted of an indictable offence under any Statue of Canada, including but not limited to the Criminal Code of Canada, the Narcotic Control Act, the Food and Drug Act, and the Controlled Drug and Substances Act during the preceding five (5) years;

(11) the Applicant or Licensee has been convicted of any other criminal offence for which, in the opinion of the Licensing Officer, it would not be in the interest of public safety to issue a licence;

(12) the Applicant or Licensee for a Driver's Licence is currently under a prohibition order issued in any court within Canada that prohibits the operation of a motor vehicle;

(13) the Applicant or Licensee for a Driver's Licence does not have a valid "G" Ontario Driver's Licence or equivalent or their driver's licence is under suspension; or

(14) the Applicant or Licensee for a Driver's Licence has accumulated 9 or more demerit points within a three year period.

### 7.3 Where the Licensing Officer shall determine whether:

(a) a License should be issued, renewed, reinstated, revoked, suspended; or

(b) a term or condition should be imposed on a License.

### 7.4 Where the Licensing Officer has made a decision under section 7.3, written notice of

that decision shall be given to the Applicant.

7.5 The written notice to be given under subsection 7.4 shall:

- (1) set out the grounds for the decision;
- (2) give reasonable particulars of the grounds;
- (3) be signed by the Licensing Officer; and
- (4) state that the Applicant or Licensee is entitled to a hearing before the Licence Tribunal if the Applicant or Licensee files with the Clerk a notice of appeal in writing and pays the non-refundable fee set out in the County's Fees and Charges By-law within seven (7) business days after notice is given.

7.6 Where no notice of appeal is filed within the required time period, the decision of the Licensing Officer shall be final.

7.7 The power and authority to conduct hearings of appeals under this By-law are hereby delegated to the Licence Tribunal.

7.8 On receipt of a valid notice of appeal and the payment of the non-refundable fee set out in County Fees and Charges By-law as required by subsection 7.5 the Clerk shall schedule a hearing before the Licence Tribunal. 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.

7.9 The hearing before the Licence Tribunal shall proceed in accordance with the *Statutory Powers Procedure Act*, R.S.O. 1990, c S. 22.

7.10 The Licence Tribunal may uphold or vary the decision of the Licensing Officer or make any decision that the Licensing Officer was entitled to make in the first instance.

7.11 The decision of the Licence Tribunal is final.

7.12 Written notice referred to anywhere in this By-law is sufficiently served if delivered personally or sent by regular mail to the last known address of that Person and shall be deemed to have been given on the seventh (7<sup>th</sup>) day after it is mailed. Service on a corporation can be effected by regular mail to the address of the corporation's head office.

7.13 Return of the Licence After Revocation or Suspension:

- (1) When a Licence has been revoked or suspended, the holder of the Licence shall return the Licence, Owner's Plate, Vehicle Identification Card, Vehicle Identification Sticker, fare card and the Driver identification card if applicable, to the Licensing Department within twenty-four (24) hours of service of written notice of

the decision of the Licensing Tribunal and a Municipal Law Enforcement Officer may enter upon the business premises or vehicles of the Licensee for the purpose of receiving, taking or removing the said Licence, Owner's Plate, Vehicle Identification Card, Vehicle Identification Sticker, fare card and Driver identification card.

- (2) When a Person has had his Licence revoked or suspended under this By-law, they shall not refuse to deliver or in any way obstruct or prevent a Municipal Law Enforcement Officer from obtaining the Licence or the Owner's Plate in accordance with subsection (1) of this section.
- (3) Right of Inspection of Premises or Vehicles: Any Municipal Law Enforcement Officer or police officer may exercise any of the powers of entry, and inspection in accordance with the Municipal Act.

## **PART 8 - POWERS OF THE MANAGER OF ENFORCEMENT AND REGULATORY SERVICES**

8.1 In addition to any other power, duty or function prescribed by this By-law, the Manager of Enforcement and Regulatory Services may make regulations under this By-law including:

- (1) prescribing the form of any information required to be provided to the Licensing Officer under this By-law;
- (2) prescribing the format and content of any forms or other documents required under this By-law;
- (3) prescribing standards for Vehicles for Hire including without limitation to:
  - i. classes of vehicles that may be used as Limousines;
  - ii. standards related to the condition of Vehicles for Hire;
  - iii. colours and or markings for Vehicles for Hire, including without limitation to roof or top lights;
  - iv. standards related to advertising on the exterior or interior of Vehicles for Hire;
  - v. standards for Taxicab Meters;
  - vi. standards for public notification for consumer protection purposes;
  - vii. submission requirements for supplementary Safety Standards Certificates.

(4) prescribing operational standards for Vehicles for Hire Drivers including without limitation to:

- i. standards for the display of Fares and Licences;
- ii. customer service standards;
- iii. driver training standards;

(5) prescribing standards for the form and content of records required to be kept maintained and released to the Licensing Officer by Brokers under Schedule 3 and 4 of this By-law.

8.2 The Clerk shall maintain a record of all regulations prescribed by the Manager of Enforcement and Regulatory Services under this By-law. The record of all regulations shall be available for public inspection at the office of the Manager of Enforcement and Regulatory Services and the office of the Clerk during normal business hours.

## **PART 9 - NOTIFICATION OF CHANGE OF INFORMATION**

9.1 When a Licensee changes their name, address, affiliated Broker, employer or any other information relating to their Licence, the Licensee shall notify the Licensing Officer within five (5) days after such change and if necessary, as determined by Licensing Officer the Licence shall be returned immediately to Licensing Officer for amendment.

9.2 When the Licence is a corporation and there is any change in the following information given on the application namely: the names and addresses of officers or directors, the location of the corporate head office, change of ownership of shares, the Licensee shall report the change to the Licensing Officer within 5 days of the change and if necessary as determined by the Licensing Officer, the Licence shall be returned immediately to the Licensing Officer for amendment.

## **PART 10 - INSPECTIONS**

10.1 Every Owner or Driver shall submit or cause to be submitted their Vehicle for Hire for inspection when required to do so by the Manager of Enforcement and Regulatory Services or a Municipal Law Enforcement Officer to a place designated by the Manager of Enforcement and Regulatory Services or a Municipal Law Enforcement Officer:

- (1) forthwith if the vehicle is in the presence of the Manager of Enforcement and Regulatory Services, a Municipal Law Enforcement Officer or an Ontario Ministry of Transportation Inspector and the vehicle is in Operation; or
- (2) within 24 hours of receipt of the request, at a time set by the Manager of

Enforcement and Regulatory Services or a Municipal Law Enforcement Officer, if the vehicle is not in the presence of the Manager of Enforcement and Regulatory Services, a Municipal Law Enforcement Officer or an Ontario Ministry of Transportation Inspector.

- 10.2 Every Owner or Driver shall, upon the request of the Manager of Enforcement and Regulatory Services or a Municipal Law Enforcement Officer during an inspection, produce all relevant licenses, permits, invoices, vouchers, appointment books or like documents and the Manager of Enforcement and Regulatory Services or a Municipal Law Enforcement Officer may remove any of these documents for photocopying provided that the Owner or Driver is given a receipt and the documents are returned to them within 48 hours.
- 10.3 Notification of an inspection or an order made under section 10 of this By-law shall be served on an Owner:
- (1) personally;
  - (2) by email to the last known address of the Owner, whether actually received or not;
  - (3) personally, on the Driver Operating the County Plated Vehicle;
  - (4) by leaving a copy with an individual at a Brokerage associated with the Owner; or
  - (5) by facsimile or email to the last known facsimile number or email address of a Broker associated with the Owner.
- 10.4 A Municipal Law Enforcement Officer may require a Driver or an Owner to submit or cause to be submitted their Vehicle for Hire for a random inspection, including an inspection by a designated mechanic or a designated representative of the manufacturer of the Taxicab Meter, at a time and place specified by the Municipal Law Enforcement Officer, to ensure compliance with this By-law.
- 10.5 When the Manager of Enforcement and Regulatory Services or a Municipal Law Enforcement Officer believes on reasonable grounds that a Vehicle for Hire is being Operated such that it is a danger to the health or safety of the public, or does not comply with any requirement of this By-law or any regulation as prescribed by the Licensing Officer either may:
- (1) remove the Owner Plate;
  - (2) order the Driver to have the vehicle towed to a place of repair or other private property at the Driver's or the Owner's expense;
  - (3) order the Owner not to Operate or permit the Operation of the vehicle until the danger is remedied, the vehicle has been inspected by the Manager of

Enforcement and Regulatory Services or a Municipal Law Enforcement Officer and, in the case of a Taxicab or Accessible Taxicab, the Taxicab Meter has been resealed; or

- (4) order the Owner to file with the Licensing Officer a Safety Standards Certificate after the date of the order.

10.6 An Owner whose Vehicle for Hire is deemed unsafe or dangerous due to mechanical defects, may be required to attend before the Licensing Officer to determine whether or not their Licence should be suspended, revoked or have conditions imposed on it.

10.7 For the purpose of section 10.6, mechanical defect includes, but is not limited to, mechanical defects directly or indirectly related to any part or parts of the vehicle involving or affecting one or more of the vehicle's:

- (1) brakes or braking system;
- (2) steering system;
- (3) suspension system;
- (4) under body;
- (5) exhaust system;
- (6) tire conditions;
- (7) lighting;
- (8) glass;
- (9) seat belt operation;
- (10) wheelchair restraints, if applicable;
- (11) heating system; or
- (12) body condition.

10.8 When the vehicle has been in an accident, the Owner shall:

- (1) immediately remove the vehicle from service;
- (2) notify the Licensing Officer of the collision; and
- (3) notify the Licensing Officer of the details of the vehicle's repairs.

10.9 Once the repairs to the vehicle have been completed, the Owner or Driver shall provide the Municipal Law Enforcement Officer with a current Safety Standards

Certificate and the Municipal Law Enforcement Officer shall inspect the vehicle.

10.10 When the Licensing Officer or a Municipal Law Enforcement Officer believes on reasonable grounds that a Vehicle for Hire does not comply with the requirements of this By-law, they may order the Owner to bring it into compliance, and the order shall:

- (1) state the Owner Plate number of the vehicle;
- (2) give reasonable particulars of any repairs to be made;
- (3) indicate the time for compliance with the order;
- (4) give notice that if the order is not complied with the Owner Licence may be suspended; and
- (5) require that the Owner Plate be returned to the Licensing Officer.

## **PART 11 - LICENCE AND OTHER FEES**

11.1 The annual Licence fees and all other fees to be paid to the County under this By-law shall be as listed in the County of Brant Fees and Charges By-law.

## **PART 12 - ENFORCEMENT PROVISIONS**

12.1 The provisions of this By-law shall be enforced by police officers and Municipal Law Enforcement Officers.

12.2 Every Person who contravenes any of the provisions of this By-law, including any Schedule attached hereto or an order to discontinue issued pursuant to this By-law, and every director or officer of a corporation who knowingly concurs in the contravention, pursuant to section 425 of the Municipal Act, is guilty of an offence.

12.3 Pursuant to the provisions of Section 431 of the Municipal Act, when a Person has been convicted of an offence under this By-law, the Ontario Court of Justice or any court of competent jurisdiction thereafter, in addition to any other penalty or order imposed, may make an order prohibiting the continuation or repetition of the offence or the doing of any act or thing by the Person convicted, directed toward the continuation or repetition of the offence.

12.4 Pursuant to the provisions of section 440 of the Municipal Act, in addition to any other remedy and to any penalty imposed by the By-law, any such further contraventions may be restrained by action by the County.

12.5 For the purposes of prosecution, under this By-law and pursuant to section 447.6(4) of the Municipal Act, a statement as to the licensing or non-licensing of any premise

or Person signed by the County Clerk is, without proof of the office or signature, receivable in evidence as proof, in the absence of evidence to the contrary, of the facts stated therein.

- 12.6 The provisions of the Municipal Act, respecting the issuance of court orders, the banning of entry, and the closing of premises shall apply to this By-law where required.
- 12.7 The provisions of section 441 of the Municipal Act, as amended, respecting the collection of unpaid licensing fines, notice of unpaid licensing fines and seizure for unpaid licensing fines shall apply to this By-law where required.
- 12.8 Pursuant to the provisions of section 433 of the Municipal Act, where a Person has been convicted of any offence under this By-law, every fine imposed for contravention of this By-law belongs to the County.
- 12.9 Pursuant to section 444 and 445 of the Municipal Act, where a contravention of this By-law has occurred, the County may make an order requiring the Person who contravened or permitted the contravention of the By-law to discontinue the contravening activity, to do work to correct the contravention.
- 12.10 Pursuant to section 446 of the Municipal Act, where pursuant to this By-law or any other Act, a Person is required to do a matter or thing, in default of it being done by the Person so directed, the matter or thing may be done at the Person's expense, and for that purpose enter upon land at any reasonable time, and the costs including interest calculated at a rate of fifteen percent (15%) from the date the costs were incurred, until the date the costs including interest are paid in full, may be recovered in the same manner as property taxes and may be registered as a lien upon the land
- 12.11 Where a court of competent jurisdiction declares any section or part of a section of this By-law invalid, the remainder of this By-law shall continue in force unless the court makes an order to the contrary.

## **PART 13 - PENALTIES**

- 13.1 Any person who contravenes any provision of this By-law, including any Schedule attached hereto, is guilty of an offence.
- 13.2 A director or officer of a corporation who knowingly concurs in the contravention of any provision of this By-law, including any Schedule attached hereto, is guilty of an offence.
- 13.3 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 any subsequent conviction.
- 13.4 Despite section 13.3 where the person convicted is a corporation, the 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.

13.5 If this By-law is contravened and a conviction entered, in addition to any other remedy and to any penalty imposed by this By-law, the court in which the conviction has been entered and any court of competent jurisdiction thereafter may make an order,

(1) prohibiting the continuation or repetition of the offence by the person convicted; and,

(2) requiring the person convicted to correct the contravention in the manner and within the period that the court considers appropriate.

## **PART 14 GENERAL**

14.1 If any provision or part of this By-law is declared by any court or tribunal of competent jurisdiction to be illegal or inoperative, in whole or in part, or inoperative in particular circumstances, the balance of the By-law, or its application in other circumstances, shall not be affected and shall continue to be in full force and effect.

14.2 If there is a conflict between a provision of this By-law and a provision of any other County By-law or piece of legislation, then the more restrictive provision shall apply.

14.3 Unless otherwise stated, the requirements of the Schedules to this By-law shall be in addition to all other requirements of this By-law.

14.4 The Schedules attached hereto form part of this By-law.

14.5 By-law Number #53-09 as amended is hereby repealed upon the coming into force and effect of this By-law.

- 14.6 All licenses issued pursuant to said By-law Number 53-09 shall be deemed to be issued under this By-law, during the period for which they have been issued, and remain in full force and effect until the expiry date set out in this of By-law unless for some other reason than the repeal of the by-laws they are forfeited or revoked

**READ** a first and second time, this 24<sup>th</sup> day of May, 2022.

**READ** a third time and finally passed in Council, this 24<sup>th</sup> day of May, 2022.

**THE CORPORATION OF THE COUNTY OF BRANT**

\_\_\_\_\_  
David Bailey, Mayor

\_\_\_\_\_  
Alysha Dyjach, Clerk

## **SCHEDULE 1 – VEHICLE FOR HIRE DRIVERS**

### **LICENCE APPLICATIONS, DRIVER'S DUTIES, DRIVER'S PROHIBITIONS**

#### **1. LICENCE APPLICATIONS**

1.1. Every Applicant for a Vehicle for Hire Driver Licence or a renewal thereof, or alternatively, a Broker acting on the behalf of the Applicant shall submit to the Licensing Officer

- (1) a complete application form for the appropriate Licence;
- (2) documentation showing proof of Canadian Citizenship, Landed Immigrant Status, or a Work Permit to work as a Driver issued by the Government of Canada;
- (3) a valid Class G Driver's licence issued by the Province of Ontario which is in good standing according to the records of the Ministry of Transportation;
- (4) proof that the Applicant is at least 18 years of age;
- (5) a Police Record Check dated no later than sixty (60) days prior to the application for a Licence;
- (6) a Ministry of Transportation Driver's abstract dated no later than sixty (60) days prior to the application for a Licence;
- (7) the name of the Broker with whom the Applicant is affiliated.
- (8) In addition to the requirements of Section 1.1 of this Schedule, every person applying for an Accessible Taxicab or Accessible Private Vehicle for Hire, shall provide proof of successful completion of a sensitivity course approved by the Manager of Enforcement and Regulatory Services pertaining to the transportation of persons with disabilities.

#### **2. DRIVER'S DUTIES**

2.1 Every Vehicle for Hire Driver shall:

- (1) carry their Driver's licence issued under the Highway Traffic Act or equivalent, and their Licence at all times while operating a Vehicle for Hire;
- (2) comply with all operational standards for Vehicles for Hire Drivers as prescribed by the Licensing Officer under this By-law;
- (3) report immediately to the Licensing Officer if they are charged or convicted with any offence under the Criminal Code of Canada, the Narcotic Control Act, the Food and Drugs Act, the Controlled Drugs and Substances Act or

the Highway Traffic Act;

- (4) report immediately to the Licensing Officer if their Driver's licence issued under the Highway Traffic Act is cancelled, suspended or revoked or if their Driver's licence has expired, and surrender immediately their Licence to the Licensing Officer;
- (5) unless their Vehicle for Hire has been previously engaged, provide a Conveyance Service to any Person, irrespective of the requested destination, refusing only if the Driver is concerned for their personal safety;
- (6) make available the number of the Owner Plate, if applicable, and the name of the Fleet that the Vehicle for Hire belongs to in an accessible format to Passengers who are persons with disabilities.

## 2.2 Accessible Driver

- (1) In addition to all of the requirements set out in section 2.1 of this Schedule, every Accessible Driver shall:
  - i. ensure that all wheelchairs being transported within the Accessible Taxicab, or Accessible Private Vehicle for Hire, as the case may be, are securely fastened so as to prevent them from moving when the Accessible Taxicab or Accessible Private Vehicle for Hire is in motion;
  - ii. ensure that the Accessible Taxicab or Accessible Private Vehicle for Hire, as the case may be:
    - a. is equipped with an extra tire, wheel and jack ready for use for that vehicle;
    - b. is equipped with wheelchair tie downs;
    - c. is in compliance with the Canadian Standards Association's Standard D409-M84 and all other applicable federal and provincial legislation including without limitation to O. Reg 1990 629 under the Highway Traffic Act;
    - d. is equipped with a first aid kit;
    - e. is equipped with a dry chemical fire extinguisher having an effective total rating of at least 4-Bc and weighing 2.27 kilograms; and
    - f. is equipped with operable air-conditioning and heating;
    - g. give priority for Conveyance Services for persons with disabilities over persons without disabilities.

### 2.3 Taxicab and Accessible Taxicab Drivers

- (1) In addition to all of the requirements set out in section 2.1 of this Schedule, every Taxicab or Accessible Taxicab Driver shall, where a Passenger is paying a Fare as calculated by a Taxicab Meter, engage the Taxicab Meter at the start of the Trip and keep it running throughout the Trip; noting that the Driver has discretion to disengage the Taxicab Meter during periods of traffic disruption.

## 3. DRIVER'S PROHIBITIONS

### 3.1. No Vehicle for Hire Driver shall:

- (1) Smoke or vape inside a Vehicle for Hire;
- (2) Operate a Vehicle for Hire whose Owner does not have an Owner's Licence under this By-law;
- (3) Operate a Vehicle for Hire without the number of the Owner Plate and the name of the Fleet it belongs to displayed on the rear bumper of the Vehicle for Hire;
- (4) Operate a Vehicle for Hire when the Driver has been on duty for more than 14 hours within a 24 hour period, without first taking 10 hours off duty. Within the 14 hours on duty period, a maximum of 12 hours may be consecutive on duty time;
- (5) Operate a Vehicle for Hire that does not comply with the operational standards as set out in the regulations as prescribed by the Licensing Officer.
- (6) Operate a Vehicle for Hire without insurance as required under subsection 1.2(4)ii of Schedule "2" of this By-law.

### 3.2. No Private Vehicle for Hire Driver or Accessible Private Vehicle for Hire Driver shall provide a Conveyance Service without such service being arranged through a mobile application or other electronic service that receives requests for transportation services from Passengers and connects such requests to a Person operating a Vehicle for Hire.

### 3.3. No Private Vehicle for Hire Driver or Accessible Private Vehicle for Hire Driver shall accept payment of a Fare other than through a mobile payment application or other electronic service that receives requests for transportation services from Passengers and connects such requests to a Person operating a Vehicle for Hire.

### 3.4. No Private Vehicle for Hire Driver or Accessible Private Vehicle for Hire Driver shall provide a Conveyance Service without the request for such service being Dispatched by a TNC Broker who holds a valid licence under this By-Law.

**SCHEDULE 2 – VEHICLE FOR HIRE OWNERS**

TAXICAB  
ACCESSIBLE TAXICAB  
LIMOUSINE

**LICENSE APPLICATIONS, VEHICLE REQUIREMENTS, OWNER DUTIES, OWNER PROHIBITIONS****1. LICENSE APPLICATIONS**

- 1.1. A Person who is the Owner of more than one Vehicle for Hire shall take out a separate Licence and Owner Plate for each vehicle.
- 1.2. Every Applicant, or alternatively, a Broker acting on the behalf of the Applicant shall:
  - (1) if the Applicant is an individual, attend at the office of the Licensing Officer in person and complete a written application for such Licence or, alternatively, submit an application electronically;
  - (2) if the Applicant is a partnership, have a partner attend at the office of the Licensing Officer in person and complete a written application for such Licence, or alternatively, submit an application electronically;
  - (3) if the Applicant is a corporation, have an officer or director of the corporation having signing authority attend at the office of the Licensing Officer in person and complete a written application for such Licence, or alternatively, submit an application electronically;
  - (4) file with the Licensing Officer:
    - i. 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;
    - ii. proof of insurance in respect of the vehicle to be Plated indemnifying and protecting the Owner and the public, including Passengers, in the amount of \$2,000,000.00, per occurrence which insurance shall be satisfactory to the Licensing Officer who shall be notified in writing at least 60 days prior to the date of its cancellation or expiry;
    - iii. a Safety Standards Certificate issued within the previous 60 days with respect to the vehicle to be Plated; and
    - iv. submit for inspection and approval by the Manager of Enforcement and Regulatory Services the vehicle that is to be Plated that meets all of the requirements of this Schedule and all standards for Vehicles for Hire prescribed by the Manager of Enforcement and Regulatory Services

under this By-law, if requested by the Manager of Enforcement and Regulatory Services.

- 1.3. Taxicab Owner and Accessible Taxicab Owner: In addition to all of the requirements set out in subsections 1.1 and 1.2 of this Schedule, every Applicant for a Taxicab Owner Licence or Accessible Taxicab Owner Licence or any renewal thereof, shall, upon request of the Licensing Officer, file with the Licensing Officer a certificate of accuracy with respect to the Taxicab Meter installed in the vehicle to be Plated, dated not later than thirty (30) days prior to the application for a Licence, by a qualified mechanic.

## **2. VEHICLE REQUIREMENTS**

- 2.1 Every Owner shall ensure that their Vehicle for Hire:

- (1) has a seating capacity of not more than ten (10) individuals;
- (2) meets all standards for Vehicles for Hire prescribed by the Licensing Officer under this By-law;

- 2.2 For the purpose of this By-law the age of any motor vehicle shall be determined by counting the model year as year zero. No motor vehicle more than 10 (ten) years old may be Plated as a Vehicle for Hire under this By-law. However, if a motor vehicle is Plated at the time this By-law is passed, this section shall apply to the Plated motor vehicle as of April 1, 2024.

- 2.3 Subsection 2.2 does not apply to a Limousine.

- 2.4 In addition to all of the requirements set out in subsection 2.1 and 2.2 of this Schedule, every Taxicab Owner shall ensure that their Taxicab has:

- (1) the Owner Plate issued for the Taxicab securely affixed to its right rear trunk;
- (2) a fully operational Taxicab Meter for registering distance travelled, waiting time, and computing Fares;
- (3) has displayed on the rear bumper of the Taxicab the number of the Owner Plate issued for the Taxicab and the name of the Fleet it belongs to in text that is high colour-contrasted with its background in order to assist with visual recognition, has the appearance of solid characters and is consistently shaped, coloured and positioned with other vehicles in the Fleet;

- 2.5 Accessible Taxicab Owners: In addition to all of the requirements set out in subsections 2.1 and 2.2 of this Schedule, every Accessible Taxicab Owner shall ensure that their Accessible Taxicab:

- (1) has the Owner Plate issued for the Accessible Taxicab securely affixed to its right rear trunk;

- (2) has a fully operational Taxicab Meter for registering distance travelled, waiting time, and computing Fares;
- (3) is equipped with an extra tire, wheel and jack ready for use for that Accessible Taxicab;
- (4) is equipped with wheelchair tie downs;
- (5) is equipped with a first aid kit;
- (6) is equipped with a dry chemical fire extinguisher having an effective total rating of at least 4-B c and weighing 2.27 kilograms;
- (7) is equipped with operable air-conditioning and heating;
- (8) is in compliance with the Canadian Standards Association's Standard D409-M84 and all other federal and provincial legislation including without limitation to R.R.O. 1990, Reg. 629 under the Highway Traffic Act; and
- (9) has displayed on the rear bumper of the Accessible Taxicab the number of the Owner Plate issued for the Accessible Taxicab and the name of the Fleet it belongs to in text that is high colour-contrasted with its background in order to assist with visual recognition, has the appearance of solid characters and is consistently shaped, coloured and positioned with other vehicles in the Fleet.

2.6 Limousine Owners: In addition to all the requirements set out in subsection 2.1 of this Schedule, every Limousine Owner shall ensure that their Limousine has:

- (1) the Owner Plate issued for the Limousine securely affixed to its right rear trunk.

### **3. OWNER'S DUTIES**

3.1. Every Owner shall:

- (1) keep at all times in their Vehicle for Hire, the original or a photocopy of the original of each of the following documents:
  - i. the current Vehicle for Hire Owner Licence;
  - ii. a current Ministry of Transportation passenger motor vehicle permit issued for their Vehicle for Hire;
  - iii. valid certificate of insurance for the Vehicle for Hire obtained in accordance with the requirements of this By-law.
- (2) repair all of their Vehicle for Hire's mechanical defects immediately when



reported by a Driver, the Manager of Enforcement and Regulatory Services or a Municipal Law Enforcement Officer;

- (3) submit their Vehicle for Hire for a safety inspection annually by a motor vehicle inspection mechanic at a motor vehicle inspection station as defined by the Highway Traffic Act and at other times as requested to do so by the Manager of Enforcement and Regulatory Services or a Municipal Law Enforcement Officer;
- (4) maintain insurance on their Vehicle for Hire as required under subsection 1.2(4)ii of this Schedule;
- (5) file with the Licensing Officer at least five (5) days prior to the expiry date of any current insurance policy an insurance renewal policy or certificate of insurance;
- (6) ensure that their Vehicle for Hire complies with all regulations as prescribed by the Licensing Officer under this By-law; and
- (7) ensure that every Driver or lessee or every other Person involved in the operation of the Vehicle for Hire complies with all of the requirements of this By-law.

#### ***Taxicab and Accessible Taxicab Owners***

3.2. In addition to all of the requirements set out in section 3.1 of this Schedule, every Taxicab Owner and Accessible Taxicab Owner shall:

- (1) submit the Taxicab Meter for testing, inspection and sealing by such Person as the Licensing Officer directs at any time; and
- (2) upon request of the Licensing Officer submit a certificate of accuracy satisfactory to the Licensing Officer for any Taxicab Meter for testing, inspection and sealing.

#### **4. OWNER'S PROHIBITIONS**

4.1. No Owner shall:

- (1) Operate or permit their Vehicle for Hire to be Operated without an Owner Plate;
- (2) permit any Person to Operate their Vehicle for Hire without that Person being Vehicle for Hire Driver with a Licence;
- (3) permit their Owner Plate to be used with respect to any other vehicle other than the vehicle for which the Owner Plate was issued;

- (4) require or permit a Driver to Operate the Owner's Vehicle for Hire when the Driver has been on duty for more than 14 hours within a 24-hour period without first taking 10 hours off duty. Within the 14 hour on duty period, a maximum of 12 hours may be consecutive on duty time;
- (5) Operate or permit their Vehicle for Hire to be Operated with mechanical defects;
- (6) Operate or permit their Vehicle for Hire to be Operated in affiliation with a Broker who does not hold a Licence;
- (7) Operate or permit their Vehicle for Hire to be Operated without insurance as required under subsection 1.2(4)ii of this Schedule;
- (8) Operate or permit their Vehicle for Hire to be Operated when it is not in compliance with any regulation as prescribed by the Manager of Enforcement and Regulatory Services under this By-law; or
- (9) Operate or permit a Vehicle for Hire that does not comply with the operational standards as set out in the regulations as prescribed by the Manager of Enforcement and Regulatory Services.

***Taxicab and Accessible Taxicab Owners***

4.2. No Taxicab Owner or Accessible Taxicab Owner shall:

- (1) fail to maintain their Taxicab or Accessible Taxicab in operation for a period of at least 120 successive days; or
- (2) permit a Person to Operate their Taxicab or Accessible Taxicab when the Taxicab Meter is out of order or defective in any way.

### **SCHEDULE 3 – GENERAL BROKER**

#### **LICENSE APPLICATIONS, BROKER'S DUTIES, BROKER'S PROHIBITIONS**

##### **1. LICENSE APPLICATIONS AND RENEWALS**

1.1. Every Applicant for a Broker Licence shall:

- (1) if the Applicant is an individual, complete a written application for such Licence;
- (2) if the Applicant is a partnership, have a partner complete a written application for such Licence;
- (3) if the Applicant is a corporation, have an officer or director of the corporation having signing authority complete a written application for such Licence; and
- (4) file with Licensing Officer proof that the Applicant has a system for receiving Orders and Dispatching Vehicles for Hire.

##### **2. BROKER'S DUTIES**

2.1 Every Broker shall:

- (1) keep a record of all Vehicles for Hire associated with the Broker including: the make, model and VIN for each vehicle, the Owner's name and contact information, and a copy of the Owner's Licence;
- (2) ensure that every Vehicle, Driver or Owner in association with the Broker complies with all provisions of this By-law, including being Licenced;
- (3) maintain an accurate record for at least six (6) months, of all Orders for each Vehicle for Hire including the following information:
  - i. the Owner Licence number;
  - ii. the Driver's name and Driver Licence number;
  - iii. the date and time of Dispatch;
  - iv. the time of arrival at pick up for all Trips;
  - v. the time of arrival at the destination for all Trips;
- (4) comply with all regulations for the form and content of records as prescribed by the Manager of Enforcement and Regulatory Services under this By-law;

- (5) carry on the Brokerage 24 hours a day, 7 days of the week for each week during the term of the Broker Licence;
- (6) Subsection (5) does not apply to a TNC Brokerage;
- (7) upon request, inform a Passenger of the anticipated length of time for a vehicle to arrive at the pick-up location;
- (8) notify the Licensing Officer on a weekly basis of any addition to or deletion of a Vehicle for Hire from the Fleet;
- (9) when Dispatching Accessible Taxicabs or Accessible Private Vehicles for Hire:
  - i. give priority for Conveyance Services for persons with disabilities over persons without disabilities; and
  - ii. record the number of Trips each Accessible Taxicab or Accessible Private Vehicle for Hire has made for persons with disabilities and persons without disabilities;
  - iii. ensure that each Vehicle for Hire that the Broker Dispatches is equipped to accept credit card and debit card payments; and
  - iv. ensure that each Vehicle for Hire that the Broker Dispatches is equipped with a fully functioning global positioning system that is approved by the Licensing Officer.

### **3. BROKER'S PROHIBITIONS**

#### **3.1. No Broker shall:**

- (1) Dispatch any Driver who does not have a Licence;
- (2) Dispatch any Person who is operating a Vehicle for Hire whose Owner does not have a Licence;
- (3) Charge or receive payment for a Trip through a mobile payment application or other electronic service that receives requests for transportation services from Passengers and connects such requests to a Person operating a Vehicle for Hire without:
  - i. communicating to the Passenger clearly and transparently prior to the start of the Trip the full amount to be charged to the Passenger; and
  - ii. receiving from the Passenger acceptance of the full amount to be charged for the Trip prior to the start of the Trip;

- (4) charge or receive payment for a Trip through a mobile payment application or other electronic service that receives requests for transportation services from Passengers and connects such requests to a Person operating a Vehicle for Hire for an amount other than as communicated to and accepted by the Passenger prior to the start of the Trip;
- (5) Dispatch a Vehicle for Hire that does not comply with the operational standards as set out in the regulations as prescribed by the Manager of Enforcement and Regulatory Services.

## **SCHEDULE 4 – TNC BROKER**

### **LICENSE APPLICATIONS, TNC BROKER'S DUTIES, TNC BROKER'S PROHIBITIONS**

#### **1. LICENSE APPLICATIONS AND RENEWALS**

1.1. Every Applicant for a TNC Broker Licence shall:

- (1) if the Applicant is an individual complete a written application for such Licence;
- (2) if the Applicant is a partnership, have a partner complete a written application for such Licence;
- (3) if the Applicant is a corporation, have an officer or director of the corporation having signing authority complete a written application for such Licence;
- (4) file with Licensing Officer proof that the Applicant has a system for receiving Orders and Dispatching Vehicles for Hire; and
- (5) file with the Licensing Officer proof of insurance with respect to all Private Vehicles for Hire indemnifying and protecting the Driver, TNC Broker and the public, including Passengers, in the amount of \$2,000,000.00, which insurance shall be satisfactory to the Licensing Officer.

1.2. A Private Vehicle for Hire Driver or Accessible Private Vehicle for Hire Driver must register with the Transportation Network Company annually as of March 31<sup>st</sup>.

#### **2. TNC BROKER'S DUTIES**

2.1 Every TNC Broker shall:

- (1) keep a record of all Private Vehicle for Hire Drivers registered with the Broker;
- (2) ensure that all Private Vehicle for Hire Drivers submit to the Transportation Network Company annually the following:
  - i. a valid Class G Driver's licence issued by the Province of Ontario
  - ii. proof that they are at least 18 years of age;
  - iii. a Police Record Check dated no older than sixty (60) days prior to registration;

- iv. a Ministry of Transportation abstract dated no older than sixty (60) days prior to registration;
  - v. a Safety Standards Certificate issued within the previous sixty (60) days prior to Driver registration;
- (3) ensure that all submissions be reviewed by the Transportation Network Company before the Driver is registered;
- (4) keep a record of all registered Drivers and their associated vehicles, including: the make, model and VIN for each vehicle, the vehicle owner's name and contact information, and a copy of the vehicle ownership;
- (5) ensure that every Driver in association with the Broker complies with all provisions of this By-law;
- (6) maintain an accurate record for at least six (6) months, of all Orders for each Vehicle for Hire including the following information and provide copies of such records to the County immediately upon request:
  - i. the Driver's name;
  - ii. the Driver's Ontario licence plate number;
  - iii. the date and time of Dispatch;
  - iv. the time of arrival at pick up for all Trips; and
  - v. the time of arrival at the destination for all Trips;
- (7) comply with all regulations for the form and content of records as prescribed by the Manager of Enforcement and Regulatory Services under this By-law;
- (8) upon request, inform a Passenger of the anticipated length of time for a vehicle to arrive at the pick-up location;
- (9) notify the Manager of Enforcement and Regulatory Services on a weekly basis of any addition to or deletion of a Driver from the TNC Broker;
- (10) when Dispatching Accessible Private Vehicles for Hire:
  - i. give priority for Conveyance Services for persons with disabilities over persons without disabilities; and
  - ii. record the number of Trips each Private Vehicle for Hire has made for persons with disabilities and persons without disabilities;
  - iii. ensure that each Vehicle for Hire that its Dispatches is equipped to accept electronic forms of payment;

- iv. ensure that each Private Vehicle for Hire that it Dispatches is equipped with a fully functioning global positioning system that is approved by the Manager of Enforcement and Regulatory Services; and,
  - v. ensure that if any Private Vehicle for Hire that it Dispatches has a mechanical deficit, that such deficit is repaired immediately.
- (11) In addition to all the requirements in section 2.1 of this Schedule, every Transportation Network Company shall remit to the County the per Trip fee referenced in the County of Brant Fees and Charges By-law on a monthly basis, such remittance shall be made to the County by the 15<sup>th</sup> of the month following the month to which the remittance relates, and upon request shall provide the Licensing Officer with record establishing the basis of the calculation of the said per Trip charges.

### **3. BROKER'S PROHIBITIONS**

#### **3.1. No TNC Broker shall:**

- (1) Dispatch any Private Vehicle for Hire Driver who is not registered with the TNC Broker;
- (2) Permit a Driver to Operate a Private Vehicle for Hire when the Driver has been on duty for more than 14 hours within a 24 hour period without first taking 10 hours off duty. Within the 14 hour on duty period, a maximum of 12 hours may be consecutive on duty time;
- (3) Permit a Driver to Operate a Private Vehicle for Hire with mechanical defects;
- (4) Permit a Driver to Operate a Private Vehicle for Hire when the Driver is not in compliance with any regulation as prescribed by the Manager of Enforcement and Regulatory Services under this By-law;
- (5) charge or receive payment for a Trip through a mobile payment application or other electronic service that receives requests for transportation services from Passengers and connects such requests to a Person operating a Vehicle for Hire without:
  - i. communicating to the Passenger clearly and transparently prior to the start of the Trip the full amount to be charged to the Passenger; and
  - ii. receiving from the Passenger acceptance for the full amount to be charged for the Trip prior to the start of the Trip.



- (6) Charge or receive payment for a Trip through a mobile payment application or other electronic service that receives requests for transportation services from Passengers and connects such requests to a Person operating a Vehicle for Hire for an amount other than as communicated to and accepted by the Passenger prior to the start of the Trip;
- (7) Dispatch a Vehicle for Hire that does not comply with the operational standards as set out in the regulations as prescribed by the Manager of Enforcement and Regulatory Services.

**SCHEDULE “A”**  
**COUNTY OF BRANT BY-LAW XX-XX**  
**FARE CARD**



**FARE CARD (HST INCLUDED)**

**METERED RATE- ZONE A (MAXIMUM RATES)**

Base Rate (amount displayed on meter at commencement of the trip)	\$6.00
Rate for every additional kilometer charged out in \$0.10 increments	\$3.30 per km
Rate for Waiting time per stop charged out in \$0.10 increments	\$40.00 per hour

**ZONE RATE – ZONES B,C,D (MAXIMUM RATES)**

See attached Map

**VAN REQUEST CHARGE (OPTIONAL)**

\$20.00

**AFTER-HOURS SURCHARGE 11:00 pm- 6:00 am (OPTIONAL)**

\$20.00

**LIMOUSINES (MINIMUM RATE)**

\$60.00/hr

Loading of luggage, or parcels accompanying passenger or loading, unloading, securing, storing or otherwise handling mobility aids or mobility assistive devices accompanying a passenger

No Fee

**RATE FOR TRIPS WHERE PICK UP OR DROP OFF IS OUTSIDE OF THE COUNTY OF BRANT TO BE DETERMINED BY THE CAB COMPANY**

Failure to exhibit this card prominently in the *taxicab* while *carrying on* or engaged in the conveyance of passengers will be cause for suspension of the license under the provisions of the County of Brant Vehicle for Hire By-Law

No licensed broker, owner or driver shall charge a higher fare or an additional amount for persons with disabilities than for persons without disabilities for the same trip

