



The Corporation of the City of Temiskaming Shores

Office Consolidated

Vehicles for Hire

By-law No. 2024-097

Being a by-law to Regulate and Licence Vehicles for Hire

By-laws amending original Municipal By-law No. 2024-097:

By-law No. 2024-108

September 17, 2024

Note:

This office consolidation has been prepared to assist the reader in understanding the amendments to By-law No. 2024-097.

The Corporation of the City of Temiskaming Shores
By-law No. 2024-097
Being a by-law to Regulate and Licence Vehicles for Hire

Whereas Section 8 (3) of the Municipal Act 2001, S.O. 2001, c.25, as amended hereinafter referred to as the “Municipal Act, 2001” authorizes a municipality to provide for a system of Licences; and

Whereas Section 9 of the Municipal Act, 2001 provides that a municipality has the capacity, rights, powers and privileges of a natural Person for the purpose of exercising the authority under the Act; and

Whereas Section 11(2) of the Municipal Act, 2001 authorizes a municipality to pass a by-law respecting the health, safety and well-being of Persons and respecting the protection of Persons and property including consumer protection; and

Whereas Sections 9, 11 and 391 of the Municipal Act, 2001 authorize a municipality to impose fees and charges on Persons; and

Whereas Sections 23.1, 23.2 and 23.3 of the Municipal Act, 2001 authorize a municipality to delegate its powers and duties under the Act to a Person; and

Whereas Section 151 of the Municipal Act, 2001 provides that 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 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; and
- f. Licence, regulate or govern real and Personal property used for the business and the Persons carrying it on or engaged in it;

Whereas Section 425 of the Municipal Act, 2001 provides that the council of a municipality may pass by-laws providing that a Person who contravenes a by-law of the municipality passed under the Municipal Act, 2001 is guilty of an offence; and

Whereas Section 426(4) of the Municipal Act, 2001 deems that any Person that hinders or obstructs, or attempts to hinder or obstruct any Person who is exercising or performing a duty under this By-law created under the Municipal Act, 2001 is guilty of an offence; and

Whereas Section 429 of the Municipal Act, 2001 provides that a municipality may establish a system of fines for offences under a by-law of the municipality passed under the Municipal Act, 2001; and

Whereas Section 431 of the Municipal Act, 2001 authorizes that where any by-law of a municipality under the Municipal Act, 2001 is contravened and a conviction entered, in addition to any other remedy and to any penalty imposed by the by-law, the court in which the conviction has been entered and any court of competent jurisdiction thereafter may make an order prohibiting the continuation or repetition of the offence by the Person convicted and requiring the Person convicted to correct the contravention; and

Whereas Section 436 of the Municipal Act, 2001 authorizes a municipality to pass a by-law providing that the municipality may enter on land to conduct inspections; and

Whereas Sections 444 and 445 of the Municipal Act, 2001 authorizes a municipality to make Orders to discontinue, or to correct, the contravention of a by-law; and

Whereas Section 446 of the Municipal Act, 2001 authorizes a municipality to do a matter or thing in default of it being done by the Person directed or required to do it; and

Whereas under Section 10 (1) of the Municipal Act, 2001, S.O. 2001, c.25, as amended, a single-tier municipality may provide any service or thing that the municipality considers necessary or desirable for the public; and

Whereas the Council for the City of Temiskaming Shores deems it desirable and in the public interest to enact a Vehicle for Hire By-law; and

Whereas Council considered Administrative Report No. CS-028-2024 at the August 13, 2024 Committee of the Whole meeting, and directed staff to prepare the necessary by-law to regulate and licence vehicles for hire, for consideration at the August 13, 2024 Regular Council Meeting.

Now therefore the Council of The Corporation of the City of Temiskaming Shores hereby enacts the following as a by-law:

1. That Council adopts a by-law to regulate and licence vehicles for hire within the City, identified as Schedule "A", attached hereto and forming part of this by-law.
2. That By-law 2010-102 and amendment thereto, including By-law No. 2014-012, and No. 2018-092 are hereby repealed.
3. That the Clerk of the City of Temiskaming Shores is hereby authorized to make any minor modifications or corrections of an administrative, numerical, grammatical, semantically or descriptive nature or kind to the By-law and schedule as may be deemed necessary after the passage of this By-law, where such modifications or corrections do not alter the intent of the By-law.

Read a first, second and third time and finally passed this 13th day of August, 2024.

Mayor

Clerk



Schedule "A" to

By-law 2024-097

Being a By-law to Regulate and Licence Vehicles for Hire

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1. SHORT TITLE

- 1.1. The Short Title of this By-law is the "Vehicle for Hire By-law".

2. SCOPE AND INTERPRETATION

- 2.1. Where the provisions of this By-law conflict with the provision of any other By-law in force in the City, the provision that establishes the higher standard to protect the health, safety and welfare of the general public shall prevail.
- 2.2. In the interpretation and application of the provisions of this By-law, unless otherwise stated to the contrary, the provisions shall be held to be the minimum requirements adopted for the promotion of public health, safety, comfort, convenience and general welfare.
- 2.3. The provisions of this By-law shall apply to:
- a) all Vehicle for Hire establishments based within the geographic boundaries of the City; and
 - b) all Vehicles for Hire operated within the geographic boundaries of the City, where the initial pickup for services originates within the geographic boundaries of the City.
- 2.4. Notwithstanding Section 2.3, this By-law is void to the extent that it restricts, limits or prevents owners and drivers of Vehicle for Hire from engaging in conveyance that meet both of the following criteria:
- a) The purpose of the conveyance is to transport persons with physical, emotional or mental disabilities from any point in the Municipality to any point outside the municipality; and
 - b) The conveyance is made pursuant to a written contract for the use of a Vehicle for Hire which can legally operate in the Municipality in which the conveyance begins or ends. 2006, c. 32, Sched. A, s. 156, as amended.

3. DEFINITIONS

- 3.1. **Accessible Taxicab** means a Motor Vehicle that is an Accessible Vehicle and that is licenced as a Taxicab by a municipality.
- 3.2. **Accessible Vehicle** means a Motor Vehicle or a Transit Bus, other than a school bus that is:

- a) designed or modified to be used for the purpose of transporting Persons with disabilities and is used for that purpose, whether or not the vehicle is also used to transport Persons without disabilities, and
 - b) operated:
 - i. for compensation by, for or on behalf of any Person, club, agency or organization, or
 - ii. not for compensation by, for or on behalf of any Person, club, agency or organization that holds itself out as providing a Transportation Service to Persons with disabilities.
- 3.3. **Appeal Committee** means the Council for the City of Temiskaming Shores.
- 3.4. **Applicant** means any Person applying for a Licence under this By-law.
- 3.5. **Broker** means a Person who carries on the business of accepting calls and Dispatching a Taxicab.
- 3.6. **Brokerage** means the general business of a Broker, and includes the land and Premises where such business is carried on.
- 3.7. **Clerk** means the Clerk for the City or any Person designated by the Clerk.
- 3.8. **City** means the Corporation of the City of Temiskaming Shores.
- 3.9. **Police Records Check** means a Police Records Check performed by the Ontario Provincial Police dated within six (6) months of the date of application for the Licence, and must include a vulnerable sector check.
- 3.10. **Dispatch** or **Dispatching** means the communication given in any manner of an order or information to a Driver.
- 3.11. **Driver** means a Person who drives a Vehicle for Hire but does not include a TNC Driver.
- 3.12. **Driver's Abstract** means a Driver's Abstract issued by the Province of Ontario, which contains Driver identification details, and information related to a Driver's driving record including total demerit points and active fine suspensions, Highway Traffic Act and Criminal Code of Canada convictions and suspensions and reinstatements for the past three (3) years.
- 3.13. **Fare** means the amount to be calculated using a Taxicab Meter or TNC App.

- 3.14. **Highway Traffic Act** means the Highway Traffic Act, R.S.O. 1990, c. H. 8, as amended.
- 3.15. **Licence** means an authorization under this By-law to carry on a business specified herein and the document, certificate, plate or card issued which provides evidence of such authority as the context may allow.
- 3.16. **Licencing Officer** means the Person appointed as such by Council.
- 3.17. **Licence Number** means a number issued to the Owner of a Taxicab or Limousine under this By-law.
- 3.18. **Licencee** means any Person licenced under this By-law.
- 3.19. **Limousine** means a Motor Vehicle, with a seating capacity of not more than ten (10) Persons, including the Driver, that provides Transportation Services, and includes a luxury vehicle, stretch vehicles and classic, vintage or specialty vehicles, but does not include station wagons, vehicles designed to accommodate seating for more than ten (10) Persons or a Motor Vehicle equipped with a Taxicab Meter.
- 3.20. **Model Year** means the age of a Motor Vehicle as indicated on the registration documents of said Motor Vehicle with the Province of Ontario.
- 3.21. **Motor Vehicle** includes an automobile, truck, trailer, motorcycle and any other vehicle propelled or driven otherwise than by muscular power.
- 3.22. **Nuisance** means excess or unlawful use of one's property to the extent of unreasonable annoyance or inconvenience to a neighbour or to the public, including, but not limited to noise, noxious odours, and traffic.
- 3.23. **Ontario Driver's Licence** means a valid and current unrestricted Class G Driver's Licence issued by the Province of Ontario in accordance with the Highway Traffic Act.
- 3.24. **Officer** means a Provincial Offences Officer or Municipal Law Enforcement Officer of the City, or any other Person appointed by or under the authority of a City By-law to enforce this By-law.
- 3.25. **Order** means an Order issued under Section 10 of this By-law.
- 3.26. **Order for Transportation** means the act of requesting Transportation Services.

- 3.27. **Owner** means any Person licenced or required to be licenced, to own or keep or lease or use any Taxicab, Limousine or TNC Vehicle under the control of this By-law.
- 3.28. **Ownership** means the Person endorsed under the vehicle portion of a provincial permit according to the records maintained by the Registrar of Motor Vehicles for the Province of Ontario.
- 3.29. **Passenger** means a Person in a Vehicle for Hire other than a Driver or a TNC Driver.
- 3.30. **Person** means a natural Person and a company, corporation, cooperative, partnership, firm, sole proprietorship, trust, association, society, organization or other legal entity.
- 3.31. **Pre-arranged Booking** means an electronic, written, or oral reservation or booking made in advance to request Transportation Services.
- 3.32. **Premises** means lands and structures, or either of them, and includes a Motor Vehicle.
- 3.33. **Provincial Licence Plate** means a number plate issued in accordance with the Highway Traffic Act.
- 3.34. **Provincial Offences Act** means the Provincial Offences Act, R.S.O. 1990, c. P.33, as amended.
- 3.35. **Safety Standards Certificate** means a certificate that confirms a Motor Vehicle complies with the equipment and performance standards prescribed by the Highway Traffic Act.
- 3.36. **Service Animal** includes a guide dog and other trained animal easily identifiable by a harness or vest and used to assist a Person with a disability, as described in subsection 80.45(4) of O. Reg. 191/11, Integrated Accessibility Standards.
- 3.37. **Taxicab** means a Motor Vehicle with a seating capacity of not more than seven (7) Persons, including the Driver, and is licenced under this By-law to provide Transportation Services.
- 3.38. **Taxicab Meter** means a measuring device used to calculate the Fare payable for a Transportation Service but does not include a TNC App.

- 3.39. **Transit Bus** means a class of bus which, while operated on a highway, as defined in the Highway Traffic Act, is designed and intended to be used for Passenger transportation.
- 3.40. **Transportation Network Company** or **TNC** means a Person who receives, relays, authorizes, facilitates, enables or communicates an Order for Transportation Services through a TNC App, but does not include a Broker.
- 3.41. **Transportation Network Company App** or **TNC App** means any software, technology, or service, including a smartphone application or other comparable technology used to connect Passengers with a TNC Driver for Transportation Services.
- 3.42. **Transportation Network Company Driver** or **TNC Driver** means a Person who drives a TNC Vehicle.
- 3.43. **Transportation Network Company Identifier** or **TNC Identifier** means a sign, decal, emblem, symbol or number displaying the logo or name of the TNC through which the TNC Driver is providing Transportation Service to Passengers and such other information as may be required by the Licensing Officer, in a form approved by the Licensing Officer.
- 3.44. **Transportation Network Company vehicle** or **TNC Vehicle** means a private Vehicle for Hire with a seating capacity of not more than seven (7) Persons, including the TNC Driver, that provides Transportation Services through a TNC App but does not include a Taxicab or limousine.
- 3.45. **Transportation Service(s)** means a journey in a Motor Vehicle for compensation or hire and commences when a Passenger enters the Motor Vehicle, continuing for the period that the Motor Vehicle is continuously occupied, and ending when all Passengers or goods exit the Motor Vehicle.
- 3.46. **User Fee By-Law** means the applicable City by-law setting the user fees in respect of vehicles for hire.
- 3.47. **Vehicle for Hire** means a Taxicab, Limousine or a TNC Vehicle.
- 3.48. **Vehicle for Hire Driver** means a Person licenced under this By-law to operate a Vehicle for hire.

4. GENERAL ADMINISTRATION AND EXEMPTIONS

- 4.1. Provisions of this By-law do not apply to:

- a) activities or matters undertaken by the City or a local board of the City;
- b) a Motor Vehicle that is licenced by another municipality or an airport authority and is conveying Passengers from a point in the City to an airport;
- c) a Person who facilitates "carpooling" as provided for in the Public Vehicles Act, R.S.O. 1990, c. P. 54, as amended;
- d) an emergency Motor Vehicle including but not limited to an ambulance, fire department or police vehicle;
- e) a Transit Bus;
- f) a Motor Vehicle used by not-for-profit organizations registered in the province of Ontario for the purpose of transporting a Person as a designated Driver service for which a designated Driver drives the customer in the customer's Motor Vehicle to at least one destination;
- g) a Motor Vehicle used by a not-for-profit organization registered in the Province of Ontario for the purpose of transporting senior citizens or persons with disabilities; or
- h) activities, services or matters undertaken as part of the municipal transit system.

5. PROHIBITIONS OPERATING WITHOUT A LICENCE

- 5.1. No Person without a valid Licence shall own, operate or permit the operation of a:
 - a) TNC;
 - b) Brokerage; or
 - c) Vehicle for Hire.

- 5.2. No Person shall carry on business other than in the name that appears on a Licence within;
 - a) Appendix '1' Taxicab and Limousine Driver Licence Requirements
 - b) Appendix '2' Taxicab and Limousine Owner Licence Requirements
 - c) Appendix '3' Taxicab Broker Licence Requirements
 - d) Appendix '4' TNC Licence Requirements

- 5.3. No Person shall make a false or intentionally misleading recitals of fact, statement, or representation, orally or in any agreement, statutory declaration or application form required by this By-law, to the City, and/or Licensing Officer. The making of such a false or intentionally misleading recital of fact, statement, or representation constitutes an offence.

- 5.4. No Person shall represent to the public that the Person is licenced under this By-law if the Person is not so licenced.
- 5.5. No Owner shall employ or engage the services of a Driver or a TNC Driver that does not meet the requirements of this By-law.
- 5.6. No Person shall own, operate or permit the operation of a Vehicle for Hire that does not meet the requirements of this By-law.
- 5.7. No Person shall own, operate or permit the operation of a TNC or a Brokerage other than in accordance with the requirements of this By-law.
- 5.8. No Person shall drive a Vehicle for Hire without evidence of the following in their possession:
 - a) proof of Ownership of the Vehicle for Hire;
 - b) a valid insurance card or slip;
 - c) a valid Ontario Driver's Licence;
 - d) any other document as required by this By-law.
- 5.9. No Person shall operate or permit the operation of a Vehicle for Hire that does not meet the requirements for a Safety Standards Certificate.
- 5.10. No Person shall remove or tamper with, or cause to be removed or tampered with a Taxicab Meter or a Taxicab Meter seal.
- 5.11. No Person shall permit or accept payment by cash for Transportation Services provided by a TNC or TNC Driver.
- 5.12. No Person shall own or operate a TNC Vehicle without a valid TNC Identifier displayed on the TNC Vehicle.

6. APPROVAL, REFUSAL, SUSPENSION OR REVOCATION

- 6.1. The Licensing Officer shall receive, process and review all applications for all new Licences and renewals of Licences under this By-law, provided all the required information has been provided and all application fees have been paid.
- 6.2. The Licensing Officer 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.
- 6.3. When an application for a new Licence or renewal of a Licence is made in accordance with this By-law, and the Applicant meets all the requirements of this By-law, the Licensing Officer shall issue a Licence.
- 6.4. A Licensing Officer may refuse to issue, renew, revoke, or suspend a Licence at any time where there are reasonable grounds to believe that:
- a) the requirements of this By-law are not met;
 - b) the past or present conduct of any Person, including any partner or 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 respect of which the application is made in accordance with the law or with honesty or integrity;
 - c) the Applicant or Licencee has been previously found in breach or contravention of any provision of this By-law or any other municipal By-law or provincial or federal statute associated with the carrying on of such business;
 - d) the financial position of the Applicant or Licencee affords reasonable grounds to believe that the activity for which he is licenced or is seeking to be licenced will not be carried on in a financially responsible manner;
 - e) the Applicant or Licencee has failed to pay a fine or fines imposed by a court for convictions for breach of this By-law or any other City by-law;
 - f) the Applicant or Licencee has failed to comply with any term, condition or direction of the Licensing Officer or Officer or has failed to permit any investigation or inspection by the Licensing Officer or Officer;
 - g) the Licensing Officer determines it is in the public interest to do so, for reasons of public health, safety, well-being of Persons, the protection of Persons and property, including consumer protection, nuisance, or noise;
 - h) the Applicant or Licencee is carrying on or engaging in activities that are, or will be, if the Applicant or Licencee is licenced, in contravention of this By-law, or any other applicable law;
 - i) the Applicant or Licencee has not paid the required Licence fees;
 - j) in the case of a Driver or TNC Driver, the Applicant or Licencee fails to meet the requirements set out in this By-law;
 - k) the Applicant or Licencee fails to maintain insurance as required by this By-law;
 - l) the Ontario Driver's Licence of the Applicant or Licencee expires, is cancelled, suspended or revoked; or
 - m) the Police Records Check disclosed a criminal conviction.

- 6.5. Where the Licensing Officer is satisfied that the continuation of a business poses an immediate danger to the health or safety of any Person or to any property, the City may suspend a Licence without a hearing subject to the following:
- a) before suspending the Licence, the City shall provide the Licencee with the reasons for the suspension, either orally or in writing, and an opportunity to respond to them; and
 - b) the suspension shall not exceed fourteen (14) days.
- 6.6. Except with respect to a decision under Subsections 6.5, after a decision is made by the Licensing Officer to refuse, revoke, or suspend a Licence, written notice of that decision shall be given to the Applicant or Licencee advising the Applicant or Licencee of the Licensing Officer's decision with respect to the application or Licence.
- 6.7. The written notice to be given under Subsection 6.6 shall:
- a) set out the grounds for the decision;
 - b) give reasonable particulars of the grounds;
 - c) be signed by the Licensing Officer; and
 - d) state that the Applicant or Licencee is entitled to a hearing by the Appeal Committee if the Applicant or Licencee sends a request for a hearing to the Licensing Officer within fifteen (15) days after the notice is delivered, and by paying the required fee pursuant to the User Fee By-Law, as amended from time to time.
- 6.8. Where a Licence has been suspended, and a hearing has occurred the suspension shall remain in force until such time as the Licencee has satisfied the Licensing Officer as to the Licencee's compliance with this By-law and Licence conditions, and that the public interest no longer requires the suspension of such Licence.
- 6.9. Any Licence that has been under suspension for a period in excess of 120 days is automatically revoked, without further notice of by the Licensing Officer.
- 6.10. Where a Licence or application to renew a Licence has been refused, revoked, suspended or cancelled, the Applicant or Licencee is not entitled to a refund of any fee paid under the User Fee By-Law.
- 6.11. No Person shall re-apply to obtain or renew a Licence for a minimum of one (1) year from the later of:

- a) the date of the Licensing Officer's decision to refuse to issue, renew or revoke a Licence;
- b) where the decision of the Licensing Officer is appealed, the date of the Appeal Committee's decision if the Appeal Committee upholds the decision to refuse to issue, renew or revoke the Licence.

7. APPEAL TO THE APPEAL COMMITTEE

7.1. The decision of the Licensing Officer may be appealed by the Applicant or Licencee to the Appeal Committee, by sending a request for an appeal hearing to the Licensing Officer within fifteen (15) days after the notice set out in Subsection 6.6 is delivered. A request for a hearing shall contain the following information:

- a) the name of the appellant;
- b) the decision that is the subject of the appeal;
- c) the detailed grounds of the appeal; and
- d) payment of the required appeal fee pursuant to the User Fee By-Law.

7.2. Where the Licensing Officer receives notice from the Applicant or Licencee in accordance with Section 7.1, the Licensing Officer shall refer the matter to the Appeal Committee and give the Applicant or Licencee notice of the date and time when the Applicant or Licencee will have the opportunity to be heard on the matter by the Appeal Committee.

7.3. Service of any notice on the Applicant or Licencee under Section 7.2 shall be made by Personal delivery, ordinary mail or email transmission. The notice shall be deemed to have been served on the fifth (5th) day after the day of mailing or on the date of Personal service or on the date of the email transmission.

7.4. Where the Licensing Officer does not receive a request for an appeal hearing in accordance with Section 7.1, the decision of the Licensing Officer is final.

8. APPEAL COMMITTEE

8.1. An appeal to the Appeal Committee under Section 7.1 is limited to the grounds articulated as part of the request for appeal.

8.2. The appellant bears the onus in an appeal.

8.3. The Appeal Committee shall have all the powers of a Licensing Officer under Subsection 6.2 of this By-law

- 8.4. At least seven (7) days in advance of the date set for the hearing of the appeal, the appellant and the Licensing Officer shall provide to the Appeal Committee and to each other:
 - a) a list and copies of any documents to be relied on; and
 - b) a list of any witnesses to be called.
- 8.5. Where a matter has been referred to the Appeal Committee at the request of the Applicant or Licencee, and the Applicant or Licencee does not attend the scheduled hearing, the appeal shall be deemed abandoned and the decision of the Licensing Officer shall be final.
- 8.6. At any hearing conducted by the Appeal Committee, the Appeal Committee may consider evidence presented by the Applicant or Licencee, the Licensing Officer, other City staff, or any Public Authority.
- 8.7. Upon the conclusion of a hearing conducted by the Appeal Committee under this By-law, the Appeal Committee shall as soon as reasonably practicable prepare a written report that includes:
 - a) a brief summary of the evidence and arguments presented by the parties;
 - b) the findings made by the Appeal Committee; and
 - c) the decision of the Appeal Committee.
- 8.8. The decision of the Appeal Committee shall be final.

9. LICENCE TERM AND RENEWAL

- 9.1. Every Licence issued under this By-law shall expire within one (1) year of being issued, unless otherwise revoked or suspended prior to that date.
- 9.2. Each Licencee shall be required to renew the said Licence prior to the expiry of the original Licence issued under this By-law, and failing such renewal, the Licencee must discontinue the operation of the business upon the expiry of the Licence.
- 9.3. A Licencee shall operate in compliance with this By-law, the terms and conditions of a Licence, and all federal and provincial legislation.
- 9.4. No Person shall assign, modify, sell, or transfer, any Licence issued under this By-law.

- 9.5. When a Licencee changes their address or any information relating to the Licence, they shall notify the Licensing Officer within five (5) days of the change and shall return the Licence immediately to the Licensing Officer for review.
- 9.6. A Person wishing to renew a Licence shall comply with the application requirements set out in this By-law.
- 9.7. Upon the request of the Licensing Officer or an Officer, a Licencee shall submit:
 - a) a Motor Vehicle for an inspection;
 - b) documents and records required to be kept in accordance with this By-law.
- 9.8. Every Licence shall remain at all times the property of the City and no Person shall enjoy a vested right in a Licence or the continuance of a Licence.

10. INSPECTIONS AND NOTICES

- 10.1. An Officer may at any reasonable time, enter upon and inspect the land of any Person to ensure that the provisions of this By-law are complied with, in accordance with Section 436(1) of the Municipal Act, 2001.
- 10.2. For the purposes of conducting an inspection pursuant to this By-law, an Officer may:
 - a) require the production for inspection of documents or things relevant to the inspection;
 - b) inspect and remove documents or things relevant to the inspection for the purpose of making copies or extracts;
 - c) require information from any Person concerning a matter related to the inspection; and
 - d) alone, or in conjunction with a Person possessing special or expert knowledge, make examinations or take tests, samples or photographs necessary for the purposes of the inspection.
- 10.3. No Person shall prevent, hinder, or obstruct, or attempt to prevent, hinder or obstruct, an Officer who is lawfully exercising a power or performing a duty under this By-law.
- 10.4. Where an Officer has reason to believe that any provision of this By-law or any condition of a Licence has been contravened, the Officer may issue a Notice requiring the Owner, Licencee or such any other Person who contravened this By-law or who caused or permitted the contravention to:

- a) discontinue the contravention; or
- b) do work or take action to correct the contravention.

10.5. A notice under Section 10.4 shall set out:

- a) reasonable particulars of the contravention adequate to identify the contravention;
- b) the location of the Premises on which the contravention occurred, if any; and
- c) the date by which compliance with the notice is required.

10.6. Every Person shall comply with a notice made pursuant to Subsection 10.4.

10.7. Any notice or other document under this By-law may be served by any of the following means:

- a) delivered Personally;
- b) emailed to the last known email address of the Person to whom the Notice is directed;
- c) deposited in the mailbox or mail slot of the Person to whom the Notice is directed;
- d) sent by prepaid regular mail to the last known address of the Person to whom the notice is directed; or
- e) sent by registered mail to the last known address of the Person to whom the Notice is directed.

10.8. Where service under Section 10.7 is affected by:

- a) regular mail, it shall be deemed to be made on the fifth (5th) day after the date of mailing;
- b) registered mail, it shall be deemed to be made on the second (2nd) day after the date of mailing;
- c) any other means, it shall be deemed effective on the day the document served was delivered, posted, emailed or deposited; or
- d) service by multiple means, it shall be deemed effective on earliest applicable date set out in this section.

11. SEVERABILITY

11.1. If a court of competent jurisdiction declares any section or part of this By-law invalid, the remainder of this By-law shall continue in force unless the court makes an order to the contrary.

12. ENFORCEMENT AND PENALTY PROVISIONS

- 12.1. Each Person who contravenes any provision of this By-law, 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 and the Municipal Act, 2001.
- 12.2. Where a contravention is committed on or continues for more than one (1) day, the Person who commits the contravention 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.
- 12.3. In addition to Section 12.1, any Person who is charged with an offence under this By-law 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 minimum fine shall not exceed \$500 and a maximum fine shall not exceed \$100,000;
 - b) in the case of a continuing offence, for each day or part of a day that the offence continues, a minimum fine shall not exceed \$500, and a maximum fine shall not exceed \$10,000, but the total of all daily fines for the offence is not limited to \$100,000; and
 - c) in the case of a multiple offence, for each offence included in the multiple offence the minimum fine shall be \$500 and the maximum fine shall be \$10,000, but the total of all fines for each included offence is not limited to \$100,000.

13. INTERPRETATION

- 13.1. References in this By-law to any statute or statutory provision include references to that statute or statutory provision as it may from time to time be amended, extended or re-enacted.
- 13.2. In this By-law, unless the context otherwise requires words importing the singular shall include the plural and use of the masculine shall include the feminine, where applicable.
- 13.3. The Schedules appended to this By-law are incorporated into and form part of this By-law.

APPENDIX 1: VEHICLE FOR HIRE DRIVER LICENCE REQUIREMENTS

1. APPLICATION REQUIREMENTS

1.1. A Person wishing to operate or permit the operation of a Vehicle for Hire in the City, shall apply for a new Licence or renewal of Licence by providing the Licensing Officer with the following information and documents together with an application fee in accordance with the User Fees By-Law, prior to the expiry of the current Licence:

- a) the applicable licensing fee
- b) proof of being at least 18 years of age;
- c) proof of a current and valid Ontario Driver's Licence;
- d) an acceptable Driver's Abstract dated within the previous sixty (60) days;
- e) an acceptable Police Records Check dated within the previous sixty (60) days;
- f) where an Applicant or Licencee is not the Owner of the Vehicle for Hire, correspondence from the Owner confirming his employment as a Driver or TNC Driver in the form provided by the City;
- g) any documents or required approvals from the approval authority having jurisdiction; and
- h) any other documents as may be required by the Licensing Officer.

2. DUTIES AND RESPONSIBILITIES

2.1. A Driver and TNC Driver shall:

- a) 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;
- b) carry his Ontario Driver's Licence at all times when operating the Motor Vehicle;
- c) carry and display their Licence in such a manner that is visible to a Passenger; and
- d) immediately report:
 - i. any collision to the Owner and Broker; and
 - ii. any suspension of his Ontario Driver's Licence to the Owner, Broker and the Licensing Officer.

2.2. A Driver or TNC Driver shall not:

- a) operate a Motor Vehicle when his ability to perform his duties is impaired by fatigue, illness or otherwise; or
- b) take on any additional Passengers after the Motor Vehicle has departed with one or more Passengers from any one starting point except under the following circumstances:
 - i. in an emergency situation; or
 - ii. when operating exclusively for the transportation of children to and from school in accordance with the requirements of the applicable School Board.

2.3. A Driver or TNC Driver may refuse to provide Transportation Services where a Passenger:

- a) has not paid a previous Fare;
- b) in their opinion, is unwilling or unable to pay the Fare;
- c) is in possession of an animal other than a Service Animal;
- d) is intoxicated or disorderly;
- e) refuses to give a destination; or
- f) is not obeying the law.

2.4. A Driver of a Taxicab shall:

- a) create and keep daily a record in written or electronic form details of all Transportation Services which includes the following:
 - i. the Driver's name, the date and the Taxicab's Provincial Licence Plate number;
 - ii. the location and time of the beginning and end of each Transportation Service provided; and
 - iii. the amount of the Fare collected for each Transportation Service provided; and
- b) keep and maintain all Transportation Services records for at least three (3) years.

2.5. A Driver of a Taxicab shall not operate a Taxicab when the Taxicab Meter seal has been broken or removed.

2.6. A Limousine Driver shall not:

- a) solicit without a Pre-arranged Booking contract for hire; or
- b) hold themselves out as being available for hire in any public place.

APPENDIX 2: TAXICAB AND LIMOUSINE OWNER LICENCE REQUIREMENTS

1. APPLICATION REQUIREMENTS

1.1. In addition to the requirements set out in this By-law, an Applicant or Licencee for an Owner's Licence or renewal of an Owner's Licence shall submit annually the following to the satisfaction of the Licensing Officer:

- a) the applicable licensing fee
- b) proof of being at least 18 years of age;
- c) proof of a current valid Ontario Driver's Licence;
- d) a Safety Standards Certificate dated within the previous sixty (30) days;
- e) proof of Ownership of the Motor Vehicle;
- f) provide proof of third party Motor Vehicle liability insurance for the Motor Vehicle which shall:
 - i. be endorsed to provide the Licensing Officer 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;
 - 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 resulting from any one accident and include provision for Passenger hazard, with limits of not less than two million dollars (\$2,000,000) per occurrence;
 - iii. be endorsed to include all Persons who have any interest in the Motor Vehicle; and
 - iv. not exclude coverage for use of the Motor Vehicle to carry paying Passengers;
- g) where the Motor Vehicle runs on propane or natural gas, a safety check certificate dated within the previous sixty (30) days;
- h) where the Owner of a Taxicab or Limousine is a corporation, a copy of the articles of incorporation or other incorporating documents issued by the Province of Ontario or the Government of Canada, and the business name registration, when applicable;
- i) where the Owner of a Taxicab or Limousine is a sole proprietor, a copy of the business name registration, when applicable;
- j) where the Owner of a Taxicab or Limousine is a registered partnership, a copy of the registered declaration of partnership, the names and addresses of each member of the partnership as well as name under which the partnership intends to carry on business and a copy of the business name registration

- k) where the Owner of a Taxicab or Limousine is issued more than two (2) Licences under this By-law and the Motor Vehicles are stored on a property located in the City, confirmation of compliance with the Zoning By-law.

2. REQUIREMENTS

2.1. A Taxicab or Limousine shall:

- a) have a minimum of four (4) doors and useable trunk capacity that is able to accommodate a wheelchair, walker or similar device used to assist a Person with a disability;
- b) be equipped with operable air-conditioning and heating in both the Driver and Passenger compartments;
- c) be equipped with working seatbelts for its maximum Passenger capacity;
- d) be equipped with a Taxicab Meter which shall be:
 - i. identified with a serial number;
 - ii. illuminated between dusk and dawn;
 - iii. located in a position clearly visible to a Passenger;
 - iv. adjusted in accordance with the Broker's Fare;
 - v. used only when the seal thereon is intact; and
 - vi. kept in good working condition.
- e) be clean and maintained in a good repair and free from interior damage and exterior damage;
- f) display on the exterior of the Taxicab uniform signage that includes the name of the Broker; and
- g) 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.

2.2. Notwithstanding section 2.1.d), Limousines must not to be equipped with a Taxicab Meter. Any Transportation Service offered by a Limousine shall be bound by a contract conforming to this By-law and mutually agreed upon by both parties.

3. DUTIES AND RESPONSIBILITIES

3.1. The Owner of a Taxicab shall:

- a) provide a Taxicab Meter calibration and seal certificate prepared by a qualified mechanic or Tradesperson;
- b) permanently affix the Licence Number to the Motor Vehicle;
- c) ensure an electrically illuminated roof sign that is securely attached to the top of the Taxicab in working condition, and wired to the Taxicab Meter and

working in conjunction with the Taxicab Meter so that it is illuminated when the Taxicab Meter is in the vacant position;

- d) employ or use only the services of Drivers who are licenced under this By-law;
- e) maintain an up-to-date list of all Drivers operating Taxicabs for the Owner, which list shall show the name, address, telephone number of each Driver and shall be provided to the Licensing Officer or other Officer on request;
- f) report immediately to the Licensing Officer if any Driver is involved in any accident or collision connected with the operation of the Taxicab; and
- g) ensure that the Taxicab Meter seal required by this By-law is not removed or tampered with in any fashion.

3.2. The Owner of a Limousine shall:

- a) ensure that there is a signed contract for each Transportation Service that includes:
 - i. client identification;
 - ii. Driver identification;
 - iii. service rendered;
 - iv. Fare charged; and
 - v. date and time of the Transportation Service;
- b) create and maintain in a readily accessible electronic format a list of all Drivers operating its Limousines, which list shall include the following:
 - i. the name of the Driver;
 - ii. the year, make, model and Provincial Licence Plate number of the Limousine operated by the Driver; and
 - iii. the name of the Owner;
- c. keep and maintain all records of repair to the Limousine including all invoices for the duration of its operation as a limousine.

3.3. If a Person owns more than one Motor Vehicle licenced under this Bylaw, the Owner shall be affiliated with a Brokerage or be licenced as a Broker, and comply with the requirements of a Brokerage contained in this By-law.

3.4. No Owner licenced under this By-law, shall:

- a) permit an Licence Number to be used with respect to any other Motor Vehicle, other than the Taxicab for which the Licence Number was issued;
- b) require or permit a Driver or a TNC Driver of a Motor Vehicle of which they are the Owner to work when that Person's ability to perform his duties is impaired by fatigue, illness or otherwise;
- c) permit a Motor Vehicle of which they are the Owner, to be operated with mechanical defects of which the Owner is aware; or

- d) operate a Vehicle for Hire or permit the operation of a Motor Vehicle of which they are the Owner as a Vehicle for Hire without a Licence Number displayed in the location requested by the Licensing Officer, for that Motor Vehicle having been issued under this By-law.

APPENDIX 3: TAXICAB BROKER LICENCE REQUIREMENTS

1. APPLICATION REQUIREMENTS

1.1. In addition to the requirements set out in this By-law, an Applicant or Licencee for a Broker's Licence or renewal of a Broker's Licence shall submit annually the following to the satisfaction of the Licensing Officer:

- a) the applicable licensing fee;
- b) a list of all Taxicab Drivers and Taxicab Owners affiliated with the Broker, which list shall include the following information:
 - i. the name of the Taxicab Driver;
 - ii. the year, make, model and Provincial Licence Plate number of the Taxicab operated by the Taxicab Driver; and
 - iii. the name of the Taxicab Owner and Provincial Licence Plate number of the Taxicab owned by the Owner;
- c) proof of commercial general liability insurance which shall:
 - i. be endorsed to provide the Licensing Officer 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 all claims for Personal injury including bodily injury resulting in death, and property damage with an inclusive limit of not less than two million dollars (\$2,000,000) per occurrence insuring him against liability imposed By-law for any loss or damage resulting from the carrying on of the business to which the Licence relates;
- d) where the Brokerage office is located in the City, confirmation that the Premises where the Brokerage operates complies with the Zoning By-law.

2. DUTIES AND RESPONSIBILITIES

2.1. A Broker shall:

- a) keep in full force and effect commercial general liability insurance in accordance with the requirements of this By-law;
- b) create and maintain in a readily accessible electronic format a list of all Taxicab Drivers and Taxicab Owners affiliated with the Broker, which list shall include the following:
 - i. the name of the Taxicab Driver; and

- ii. the year, make, model and Provincial Licence Plate number of the Taxicab operated by the Taxicab Driver; and
- iii. the name of the Taxicab Owner;

c) ensure each Taxicab that is Dispatched is equipped:

- i. to accept credit card and debit card payments; and
- ii. with a fully functioning global positioning system.

2.2. A Broker shall create and maintain information on all Orders for Transportation Services in a readily accessible electronic format which shall include:

- a) the date, time and receipt of the Order for Transportation Services;
- b) the name of the Taxicab Driver and the Provincial Licence Plate number of the Taxicab Dispatched;
- c) the pick up location and the destination;
- d) the date and time the Transportation Service started and terminated; and
- e) the length of time elapsed between the Order for Transportation Services and the start time of the Transportation Service.

2.3. A Broker shall keep and maintain all records required to be kept under this By-law for a period of three (3) years.

2.4. A Broker shall:

- a) inform a customer of the anticipated time for arrival of the Taxicab;
- b) when a Driver ceases to be affiliated with the Broker, notify the Licensing Officer within three (3) days of the said termination;
- c) provide Transportation Services to all areas in the City; and
- d) provide for off-street parking within the City for every Vehicle for Hire affiliated with the Broker.

2.5. A Broker shall not:

- a) Dispatch a Driver or a Taxicab that does not meet the requirements of this By-law;
- b) permit any Person to drive a Taxicab unless that Person is licenced as a Driver under this By-law;
- c) employ or engage a Driver that has a criminal conviction;
- d) Dispatch a Driver when his ability to perform his duties is impaired by fatigue, illness or otherwise;
- e) require a Taxicab Driver to drive more than an average of twelve (12) hours per day calculated over any seven (7) day period; or

f) operate or permit a Vehicle for Hire to be operated that has known defects.

2.6. A Broker may refuse an Order for Transportation Services where a Passenger has not paid a previous Fare.

APPENDIX 4: FARES

1. DUITES AND RESPONSIBILITIES

1.1. A Driver or TNC Driver shall:

- a) take the shortest possible route to the destination when a Passenger enters a Taxicab or TNC Vehicle, and gives the Driver or TNC Driver the desired destination, unless the Passenger directs otherwise;
- b) commence the calculation of a Fare using the Taxicab Meter or TNC App, and calculate the Fare for providing the Transportation Service using the Taxicab Meter or TNC App, except where a flat rate Fare is applicable;
- c) not commence calculation of the Fare until he has notified the Passenger of his arrival and has waited a reasonable time after the time of the Order for Transportation Services;
- d) not charge for time lost through his own incompetence;
- e) not charge for time elapsed due to early arrival of the Taxicab or TNC Vehicle, in response to the Order for Transportation Services at a fixed time;
- f) when there is a dispute with the Fare give the Passenger a printed or electronic receipt that includes:
 - i. the Fare paid;
 - ii. the date and time of the Transportation Service;
 - iii. the pick up location and destination;
 - iv. the Driver's name;
 - v. the Provincial Licence Plate number of the Taxicab or TNC Vehicle.

1.2. When picking up a Passenger within the City for a Transportation Service with a destination outside the City, a Taxicab Driver may agree with the Passenger before commencement of the Transportation Service to a flat rate Fare where the destination is a minimum of five (5) kilometers outside the limits of the City.

1.3. In the event that a Taxicab Meter ceases to function, the Taxicab can continue to operate for a period of no longer than eighteen (18) hours and the Fares may be calculated from an odometer reading. The odometer reading details shall be recorded by the Driver in his record of Transportation Services.

1.4. A Driver of a Limousine shall:

- a) not charge for time lost through their own incompetence;
- b) when there is a dispute with the Fare give the Passenger a receipt that includes:

- i. the Fare paid;
- ii. the date and time of the Transportation Service;
- iii. the pick up location and destination;
- iv. the Driver's name;
- v. the Provincial Licence Plate number of the limousine;

2. TAXICAB AND TNC FARES

- a) Maximum initial charge of \$4.00 with a minimum end of trip charge of \$5.50.
- b) Maximum additional charge of \$2.25 per kilometer.
- c) For each period of waiting requested by a Passenger they shall be charged a maximum amount to be computed by meter of \$75.00 per hour or \$1.25 per minute.
- d) Special cartage charge of \$0.25 per parcel, to a maximum of three parcels. If the total number of parcels exceeds three, the charge shall be \$2.00 per parcel.
- e) Minimum pickup and delivery charge of \$10.00 for item(s) picked up by the Driver for a customer.
- f) Taxicab Owners and Drivers/ TNC Drivers are prohibited from charging a higher Fare or an additional fee for persons with disabilities than for persons without disabilities for the same trip.
- g) Taxicab Owners and Drivers/ TNC Drivers are prohibited from charging a fee for the storage of mobility aids or mobility assistive devices (i.e. wheelchairs, canes or walkers).

3. LIMOUSINE FARES

- a) Minimum end of trip charge of \$112.50.
- b) Limousine Owners and Drivers are prohibited from charging a higher Fare or an additional fee for Persons with disabilities than for Persons without disabilities for the same trip.
- c) Limousine Owners and Drivers are prohibited from charging a fee for the storage of mobility aids or mobility assistive devices (i.e. wheelchairs, canes or walkers).

APPENDIX 5: TNC LICENCE

1. REQUIREMENTS

1.1. In addition to the requirements set out in this By-law, an Applicant or Licencee for a TNC Licence or renewal of a TNC Licence shall submit the following annually to the satisfaction of the Licensing Officer:

- a) a list of all TNC Drivers affiliated with the TNC, which list shall include the following information:
 - i. the applicable licensing fee;
 - ii. the name of the TNC Driver;
 - iii. the Model Year, make, model and Provincial Licence Plate number of the TNC Vehicle operated by the TNC Driver;
 - iv. proof of a current valid Ontario Driver's Licence of the TNC Driver;
 - v. an acceptable Driver's Abstract dated within sixty (60) days of applying for affiliation with the TNC;
 - vi. an acceptable Police Records Check dated within sixty (60) days of applying for affiliation with the TNC;
 - vii. proof of Ownership of the TNC Vehicle operated by the TNC Driver;
 - viii. a Safety Standards Certificate in respect of the TNC Vehicle dated within sixty (30) days of applying for affiliation with the TNC; and
 - ix. where the TNC Vehicle runs on propane or natural gas, a safety check certificate dated within the previous sixty (30) days of applying for affiliation with the TNC;

- b) proof that every TNC Driver affiliated with the TNC has third party Motor Vehicle liability insurance for 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 Licensing Officer 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 Licensing Officer, with limits of not less than two million dollars (\$2,000,000) per occurrence;

- c) 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 City relating to the TNC's Licence or the TNC's conduct of its business;
- d) 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 Licensing Officer; and
- e) documentation demonstrating that the TNC App:
 - i. provides to the Passenger requesting the Transportation Service at the time the Transportation Service is arranged: the TNC name and contact information;
 - 1. the first name and a photograph of the TNC Driver;
 - 2. the make, model and Provincial Licence Plate number of the TNC Vehicle;
 - 3. the estimated Fare including any surcharge; and
 - 4. 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 as set out in "Schedule D";
 - 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; and
 - 5. incorporates a global positioning system in which all Transportation Services are recorded.

APPENDIX 6: TNC LICENCE TERMS AND CONDITIONS

1. DUTIES AND RESPONSIBILITIES

1.1.A TNC shall:

- a) ensure that the TNC Driver has a Vehicle for Hire Licence issued by the City;
- b) ensure that Driver training is available for all affiliated TNC Drivers on the use of the TNC App;
- c) have a dispute resolution process for dealing with any complaints regarding Fares, customer service or any other issues arising from the TNC's operations;
- d) not obstruct access or use of the TNC App by the Licensing Officer or a Municipal Law Enforcement Officer, including but not limited to the creation and use of an account as a Passenger or as a TNC Driver;
- e) make available to the public on its TNC App, and by any other means of its choice, the following information:
 - i. the insurance coverage required to be maintained by the TNC and by a TNC Driver;
 - ii. the applicable screening process for a TNC Driver and a TNC Vehicle; and
 - iii. that TNC Driver cannot accept cash payment for Transportation Services.
- f) provide to the Passenger requesting the Transportation Service at the time the Transportation Service is arranged:
 - i. the TNC name and contact information;
 - ii. the first name and a photograph of the TNC Driver;
 - iii. the make, model and Provincial Licence Plate number of the TNC Vehicle;
 - iv. the estimated Fare including any surcharge; and
 - v. the current location of the TNC Vehicle;
- g) 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;
- h) provide a process allowing a Passenger to accept or refuse the Transportation Service prior to it commencing;
- i) provide a secure payment mechanism;
- j) provide a printed or electronic receipt to the Passenger at the end of the Transportation Service that includes the following information:
 - i. the Fare as set out in "Schedule D";
 - ii. the date, time, duration and distance of the Transportation Service;

- iii. the pick-up location and the destination; and
 - iv. the first name of the TNC Driver; and
- k) 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 By-law.

1.2. A TNC shall not:

- a) permit a TNC Driver to access the TNC App when in contravention with the following:
 - i. where the TNC has a reasonable belief that the TNC Driver does not meet the TNC Driver requirements set out in this By-law; or
 - ii. where the Licensing Officer has notified the TNC that, based on an investigation, the City has determined that the TNC Driver does not meet the TNC Driver requirements set out in this By-law; and
 - iii. where access to the TNC App has been removed, the TNC shall not reinstate access until the Licensing Officer is satisfied the TNC Driver is in compliance with the TNC Driver requirements set out in this By-law;
- b) require or permit a TNC Driver of a Motor Vehicle of which they are the Owner to work when that Person's ability to perform his duties is impaired by fatigue, illness or otherwise;
- c) 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; or
- d) employ or engage a TNC Driver that has a criminal conviction.

2. RECORDS

2.1. A TNC shall create and maintain in a readily accessible electronic format, which shall be submitted to the City on an annual basis, or upon request from the Licensing Officer or other Officer:

- a) a list of all TNC Drivers affiliated with the TNC, which list shall include the following: i) the name of the TNC Driver; and ii) the Model Year, make, model and Provincial Licence Plate number of the TNC Vehicle operated by the TNC Driver;
- b) information on all Orders for Transportation Services completed by affiliated TNC Drivers which shall include:
 - i. the date, time and receipt of the Order for Transportation Services;
 - ii. the name of the TNC Driver and the Provincial Licence Plate number of the TNC Vehicle;
 - iii. the pick up location and the destination;

- iv. the distance, date and time the Transportation Service started and terminated;
 - v. the length of time elapsed between the Order for Transportation Services and the start of the Transportation Service; and
 - vi. the Fare paid for the Transportation Service;
- c) information for all Transportation Services that cannot be completed by an affiliated TNC Driver;
 - d) the total number of Transportation Services provided by the TNC;
 - e) the total number of TNC Drivers providing Transportation Services;
 - f) the total number of TNC Vehicles providing Transportation Services; and
 - g) Every 3 months following the issuance of a TNC Licence, the TNC shall provide the Licensing Officer with an up-to-date list in a readily accessible electronic format 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 in Subsection 1.1(a) and (b) of Schedule "F".
- 2.2. A TNC shall keep and maintain all records required to be kept under this By-law for a period of three (3) years except: (a) Motor Vehicle insurance coverage records, which shall be retained for three (3) years after the TNC Driver ceases to be affiliated with the TNC;
- 2.3. 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 Licensing Officer for the purposes of investigating complaints and potential breaches of this By-law.

3. TNC VEHICLE REQUIREMENTS

3.1. 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 the exterior of the TNC Vehicle the TNC Identifier; and

- 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.

The Corporation of the City of Temiskaming Shores

APPENDIX 7: Part 1 Provincial Offences Act - Set Fines

By-law No. 2024-097: Vehicle for Hire

Item	Column 1 Short form wording	Column 2 Offence creating provision or Defining offence	Column 3 Set fine
1	Own, operate or permit the operation of TNC, Brokerage or Vehicle for Hire without valid Licence.	Sch. A. Section 5.1.	\$250.00
2	Carry on business with name other than name appearing on Licence.	Sch. A. Section 5.2.	\$250.00
3	Make false, intentionally misleading recitals of fact, statement or representation.	Sch. A. Section 5.3.	\$150.00
4	Represent to public a Person is licenced if the Person is not licenced.	Sch. A. Section 5.4.	\$250.00
5	Employ or engage services of a Driver or TNC Driver that does not meet requirements.	Sch. A. Section 5.5.	\$250.00
6	Own, operate or permit the operation of a Vehicle for Hire that does not meet requirements.	Sch. A. Section 5.6.	\$250.00
7	Own, operate or permit the operation of TNC, Brokerage that does not meet requirements.	Sch. A. Section 5.7.	\$250.00
8	Drive a Vehicle for Hire without proof of Ownership of vehicle.	Sch. A. Section 5.8. a)	\$150.00
9	Drive a Vehicle for Hire without valid insurance.	Sch. A. Section 5.8. b)	\$150.00
10	Drive a Vehicle for Hire without valid Driver's Licence.	Sch. A. Section 5.8. c)	\$150.00
11	Operate or permit operation a Vehicle for Hire that does not meet requirements for Safety Standards Certificate.	Sch. A. Section 5.9.	\$150.00

12	Remove or tamper with a Taxicab Meter or Taxicab Meter seal.	Sch A. Section 5.10.	\$150.00
13	Permit or accept payment by cash for Transportation Services provided by a TNC or TNC Driver.	Sch. A. Section 5.11.	\$150.00
14	Own or operate a TNC Vehicle without valid TNC Identifier displayed.	Sch. A. Section 5.12.	\$150.00
15	Assing, modify, sell, or transfer any Licence under this By-law	Sch. A. Section 9.4.	\$150.00
16	Fail to notify Licensing Officer change in address or any information within five (5) days.	Sch. A. Section 9.5.	\$150.00
17	Fail to submit a Motor Vehicle for inspection upon request from an Officer.	Sch. A. Section 9.7.a)	\$150.00
18	Fail to submit a documents and records for inspection upon request from an Officer.	Sch. A. Section 9.7.b)	\$150.00
19	Prevent, hinder, or obstruct or attempt to prevent, hinder, or obstruct, an Officer.	Sch. A. Section 10.3	\$150.00
20	Fail to comply with a Notice made pursuant Subsection 10.4.	Sch. A. Section 10.6.	\$150.00
Schedule A, Appendix 1 - Vehicle for Hire Driver			
21	Operate Motor Vehicle while impaired by fatigue, illness or otherwise.	Sch. A., Appendix 1. Subsection 2.2.a)	\$150.00
22	Fail to create and keep a record in written or electronic form of all Transportation Services.	Sch. A., Appendix 1. Subsection 2.4.a)	\$150.00
23	Operate a Taxicab when the Taxicab Meter Seal has been broken or removed.	Sch. A., Appendix 1. Section 2.5.	\$150.00
24	Limousine Driver solicit without a pre-arranged booking contract for hire.	Sch. A., Appendix 1. Subsection 2.6. a)	\$150.00
25	Limousine Driver holding out as being available for hire in any public area.	Sch. A., Appendix 1. Subsection 2.6. b)	\$150.00
Schedule A, Appendix 2 – Taxicab & Limousine Owner			
26	Limousine Owner fail to ensure signed contract includes By-law requirements	Sch. A., Appendix 2. Subsection 3.2. a)	\$150.00

27	Limousine Owner fail to create and maintain a list of Drivers operating Limousine.	Sch. A., Appendix 2. Subsection 3.2. b)	\$150.00
28	Limousine Owner fail to keep record of repairs to Limousines.	Sch. A., Appendix 2. Subsection 3.2. c)	\$150.00
29	No Owner shall permit Licence Number to be used on any vehicle other than issued vehicle.	Sch. A., Appendix 2. Subsection 3.4. a)	\$150.00
30	No Owner shall permit or require a Driver to work when Driver is impaired by fatigue, illness or otherwise.	Sch. A., Appendix 2. Subsection 3.4. b)	\$150.00
31	No Owner shall permit Motor Vehicle to operate with mechanical defects	Sch. A., Appendix 2. Subsection 3.4. c)	\$150.00
32	No Owner shall operate or permit to operate a Motor Vehicle without Licence Number displayed.	Sch. A., Appendix 2. Subsection 3.4. d)	\$150.00
Schedule A, Appendix 3 – Taxicab Broker			
33	Fail to keep and maintain all records required under this By-law for a period of three (3) years.	Sch. A., Appendix 3. Section 2.3.	\$150.00
34	Fail to inform customer of estimated time of arrival.	Sch. A., Appendix 3. Subsection 2.4. a)	\$150.00
35	Fail to notify Licensing Officer within three (3) days after the termination of a Driver.	Sch. A., Appendix 3. Subsection 2.4. b)	\$150.00
36	Fail to provide transportation to all areas in the City.	Sch. A., Appendix 3. Subsection 2.4. c)	\$150.00
37	Fail to provide off-street parking.	Sch. A., Appendix 3. Subsection 2.4. d)	\$150.00
38	Dispatch vehicle that does not meet requirements.	Sch. A., Appendix 3. Subsection 2.5. a)	\$150.00
39	Permit Person to drive without valid Driver’s Licence	Sch. A., Appendix 3. Subsection 2.5. b)	\$150.00
40	Employ or engage a Driver with a criminal conviction.	Sch. A., Appendix 3. Subsection 2.5. c)	\$150.00
41	Dispatch a Driver when impaired by fatigue, illness, or otherwise.	Sch. A., Appendix 3. Subsection 2.5. d)	\$150.00

42	Require Driver to drive more than an average of twelve (12) hours a day over seven (7) days.	Sch. A., Appendix 3. Subsection 2.5. e)	\$150.00
43	Operate or permit a Vehicle for Hire that has known defects.	Sch. A., Appendix 3. Subsection 2.5. f)	\$150.00
Schedule A, Appendix 4 – Fares			
44	Driver fail to take shortest route.	Sch. A., Appendix 4. Subsection 1.1.a)	\$150.00
Schedule A, Appendix 6 – TNC License			
45	Obstruct access or use to the TNC App by the Licensing Officer	Sch. A., Appendix 6. Subsection 1.1.b)	\$150.00
46	Permit a TNC Driver access to the TNC App where in contravention with this section.	Sch. A., Appendix 6. Subsection 1.2 a)	\$150.00
47	Require or permit Driver to operate Motor Vehicle when impaired by fatigue, illness, or otherwise.	Sch. A., Appendix 6. Subsection 1.2 b)	\$150.00
48	Require law outside Ontario be applied to TNC Driver or Passenger.	Sch. A., Appendix 6. Subsection 1.2 c)	\$150.00
49	Employ or engage a TNC Driver that has a Criminal Conviction.	Sch. A., Appendix 6. Subsection 1.2 d)	\$150.00
50	Fail to keep and maintain record required under this By-law	Sch. A., Appendix 6. Section 2.2	\$150.00

Note: The general penalty provision for the offences listed above is Schedule A Section 12 of By-law No. 2024-097 a certified copy of which has been filed.