

THE REGIONAL MUNICIPALITY OF NIAGARA

BY-LAW NO. 2018-75

A BY-LAW TO LICENCE, REGULATE AND GOVERN VEHICLES FOR HIRE (TAXICABS, TRANSPORTATION NETWORK COMPANY VEHICLES, SPECIALTY VEHICLES, AUXILIARY SERVICES VEHICLES, SHUTTLE BUSES, SIGHTSEEING VEHICLES, CALECHE, TOW TRUCKS) AND BUSINESSES (SECOND-HAND GOOD STORES AND DEALERS, SALVAGE YARDS, AUTO-WRECKING YARDS AND TAXICAB BROKERS)

WHEREAS the Council of The Regional Municipality of Niagara is authorized by section 11 of the *Municipal Act, 2001, S.O. 2001, c. 25*, as amended, to pass by-laws for the licensing, regulating and governing of various businesses;

NOW THEREFORE the Council of The Regional Municipality of Niagara enacts as follows:

DEFINITIONS

1. In this By-law,
 - (a) "*Annual Licence*" means a licence issued to an applicant which expires on the expiry date shown on the license;
 - (b) "*Appeal Tribunal*" means the all-citizen tribunal duly appointed by Council to conduct hearings under this By-law;
 - (c) "*Area Municipality*" means a lower-tier municipality within the Regional Municipality of Niagara;
 - (d) "*Auto Wrecking Yard*" means any premise used for the purpose of buying and/or selling used vehicles or their parts for the purpose of wrecking, dismantling or resale;
 - (e) "*Auxiliary Services Vehicle*" means a Motor Vehicle that, in addition to transportation, provides to the customer personal service such as additional support and assistance, including through the door accompaniment or other special needs and daily living assistance. Such transportation has no

specified route of travel and has a destination controlled by the passenger or passengers transported therein. An Auxiliary Services Vehicle shall not include a sightseeing vehicle, a shuttle vehicle, as taxicab, or specialty vehicle;

- (f) *"Business Licence"* means a licence issued pursuant to this By-law relating to the classes of licences described in subsection 2(a) through 2(s);
- (g) *"Caleche"* means a horse-drawn vehicle used on sightseeing trips or otherwise for hire;
- (h) *"Change in Actual Control"* includes any arrangement or agreement whereby the beneficial or other interest in a business is transferred to a person other than the licensee in respect of that business which results in the transferee being given the right to operate the business as if he owned the business;
- (i) *"Dealer"* means a person in the occupation of buying and/or selling second-hand goods, from other than a permanent location, and includes persons who go from house to house or along highways for the purpose of collecting, purchasing or obtaining second-hand goods;
- (j) *"Driver"* means a person driving a vehicle required to be a licenced vehicle and includes a driver of a TNC vehicle as defined below;
- (k) *"Paratransit Specialty Vehicle"* means a specialty vehicle, as defined in subsection 1(gg), which is equipped to transport persons with physical, emotional or mental disabilities, as well as their equipment, which is not otherwise used as a taxicab and which is in compliance with Regulation 629 made under the *Highway Traffic Act*, as amended and the Canadian Standards Association's Standard D409-M84, as amended;
- (l) *"Hirer"* means the owner of a towed vehicle, or in the absence of such owner,
 - (i) the agent of the owner of a towed vehicle, duly authorized by such owner to exercise control on the owner's behalf over such vehicle, or
 - (ii) any person having lawful custody of a towed vehicle or the legal right to possession thereof;

- (m) *"Licence"* means annual licence, excluding a temporary licence, issued pursuant to the provisions of this By-law;
- (n) *"Licenced Vehicle"* means a vehicle used for any of the trades, callings, businesses and occupations mentioned in subsection 2(a) through 2(l) inclusive, for which the owner has obtained a licence pursuant to this By-law;
- (o) *"Licencing Enforcement Officer"* means any member of the Licencing Division responsible for the enforcement of this By-law;
- (p) *"Licencing Officer"* means the Licencing Officer of the Licencing Division and his or her designates;
- (q) *"Motor Vehicle"* means a motor vehicle defined in accordance with the provisions of the *Highway Traffic Act*;
- (r) *"Operator"* includes a driver;
- (s) *"Owner"* includes a lessee of a vehicle, and includes any person, proprietorship, limited partnership, corporation or other entity which carries on business in the Regional Municipality of Niagara and which acts as an agency in respect of the hiring of any other vehicles described in section 3 of this By-law for use by any person and, with respect to business licences, includes the owner, proprietor, partner, or controlling shareholder of a business notwithstanding that the property on which the business is located may be owned by a third party, but does not include a TNC;
- (t) *"Paratransit Taxicab"* means a taxicab, as defined in subsection 1(gg), the primary purpose of which is the transportation of persons with physical, emotional or mental disabilities and which is in compliance with Regulation 629, made under the *Highway Traffic Act, R.S.O. 1990, c.H.8*, as amended, and the Canadian Standards Association's Standard D409-M84, as amended, and includes a Paratransit TNC Vehicle;
- (u) *"Paratransit TNC Vehicle"* has the same meaning as Paratransit Taxicab, but limited to transportation services arranged through a TNC;
- (v) *"Person"* includes any partnership, firm or corporation, and includes a TNC;

- (w) *"Regional Area"* or *"Region"* means the geographic area of the Regional Municipality of Niagara;
- (x) *"Salvage Yard"* means any premise used for the purpose of buying and/or selling scrap salvage of any kind and includes an automobile wrecking yard or premises;
- (y) *"Scanning Equipment"* means radio or other equipment capable of monitoring and receiving different radio frequencies including but not limited to police, fire or emergency medical services;
- (z) *"Second-hand Goods"* means any clothing, books, furniture, jewellery or other chattels acquired after use or ownership by a previous owner and includes waste paper, bottles, bicycles, automobile tires, old metal and other scrap material and salvage, but does not include antiques, works of art and guns;
- (aa) *"Second-hand Goods Store"* means any premise used either wholly or in part for the purpose of buying and/or selling second-hand used goods;
- (bb) *"Shuttle Vehicle"* means a motor vehicle for hire for the transportation of passengers from place to place, which has a route of travel not controlled by passengers. A shuttle vehicle does not include a specialty vehicle or a sightseeing vehicle or a vehicle operated and controlled by the Niagara Transit Commission;
- (cc) *"Sightseeing Vehicle"* means a motor vehicle which is hired for the purpose of sightseeing to pick up and discharge its passengers and which has a route of travel that is not controlled by the passenger;
- (dd) *"Spare Vehicle"* is a vehicle owned by a licensee for use in the place and stead of a licenced vehicle at such times that the licenced vehicle is for any reason unable to be operated;
- (ee) *"Specialty Vehicle"* means a motor vehicle for hire including, but not limited to a limousine, an historic vehicle or any other vehicle which is approved by the Board as a specialty vehicle for the transportation of passengers, and which has no specified route of travel and which has a destination or route controlled by the passenger or passengers transported therein. A specialty

vehicle shall not include a sightseeing vehicle, a shuttle vehicle, a taxicab, or a vehicle used to transport a child to and from school;

- (ff) "*Taxicab*" means a motor vehicle for hire for transportation of passengers from place to place, and includes a TNC Vehicle, but does not include a specialty vehicle, a sightseeing vehicle or a shuttle vehicle;
- (gg) "*Taxicab Broker*" means any person who operates, controls or accepts calls by any manner for taxicabs that are used for hire;
- (hh) "*Temporary Licence*" means a licence other than an annual licence which is issued to an applicant who is found not to be a person mentioned in subsection 9(a) and not to exceed ninety (90) calendar days;
- (ii) "*Tow Truck*" means a tow truck as defined in the *Highway Traffic Act* used for hire for the purpose of pulling or transporting another vehicle;
- (jj) "*Towed Vehicle*" means a vehicle,
 - (i) towed or otherwise conveyed by a tow truck;
 - (ii) in respect of which a contract or agreement is made or intended to be made for the towing or otherwise conveying of such vehicle, or for the provision of other services thereto, by the owner or driver of a tow truck;
- (kk) "*Transfer*" includes,
 - (i) the sale or transfer of ownership of vehicles in respect of which licences are issued by the Board, and
 - (ii) the sale or transfer of the shares or assets, or the change in actual control, of a corporation, partnership, proprietorship or other organization to which a licence or licences have been issued by the Board;
- (ll) "*Year Date*" means the figures appearing under the heading "year" in the description of the motor vehicle portion of the current Ministry of Transportation and Communications passenger vehicle permit for any vehicle;

- (mm) *“Transportation Network Company” or “TNC”* means any person who offers, operates, or facilitates transportation services for compensation using software, an application, or a telecommunications platform (a *“Platform”*) to communicate with passengers, but does not include a Taxicab Owner and does not include any person facilitating transportation that satisfies the definition of carpooling pursuant to the *Public Vehicles Act*;
- (nn) *“TNC Vehicle”* means a motor vehicle for hire for transportation of passengers from place to place, whose transportation services are arranged through a Platform, but does not include a Taxicab dispatched electronically in a manner similar to a TNC as contemplated by subsection 29(u), and by sections 45 and 58;
- (oo) *“Vehicle”* means a vehicle as defined in the *Highway Traffic Act*; and
- (pp) *“Substantial fence”* means fencing that meets municipal standards regarding composition within the municipality that it is situated within;
- (qq) *“Auxiliary Services Vehicle Owner”* means the owner of the Auxiliary Services Vehicle; and
- (rr) *“Auxiliary Services Vehicle Driver”* means the driver of the Auxiliary Services vehicle.

PART I – CLASSES OF LICENCES

- 2. Every,
 - (a) owner of a taxicab;
 - (b) driver of a taxicab;
 - (c) owner of a specialty vehicle;
 - (d) driver of a specialty vehicle;
 - (e) owner of a sightseeing vehicle;
 - (f) driver of a sightseeing vehicle;

- (g) owner of a caleche;
- (h) driver of a caleche;
- (i) owner of a tow truck;
- (j) driver of a tow truck;
- (k) owner of a shuttle vehicle;
- (l) driver of a shuttle vehicle;
- (m) owner of a second-hand goods store;
- (n) dealer in second-hand goods;
- (o) owner of a salvage yard;
- (p) owner of an auto-wrecking yard;
- (q) taxicab broker;
- (r) TNC;
- (s) TNC vehicle driver;

shall procure, and maintain in good standing a licence from the Licencing Officer authorizing him to carry on or engage in any trade, calling, business, or occupation listed above within the boundaries of any area municipality.

3. (a) No person shall carry on or engage in any trade, calling, business or occupation listed in section 2 in the Region unless he has a valid and current licence permitting him to do so.
- (b) For the purposes of this By-law, a person shall be deemed to be carrying on or engaging in any of the said trades, callings, businesses or occupations listed in section 2 in the Region if, in respect of the persons referred to in subsections 2(a) through 2(s), his usual business address is in the Region, or in the case of a TNC, the TNC provides its defined function for drivers and passengers in the Region.

- (c) Notwithstanding any other provisions in this By-law, a licence issued by the Licencing Officer to a person in respect to all vehicles shall apply to all area municipalities situated within the regional area.
 - (d) In this Part, "licence" includes a temporary licence or an annual licence.
 - (e) The requirement to procure and maintain a taxicab broker licence shall not apply in circumstances where an individual is employed by a licenced taxicab broker.
4. (a) An owner of a vehicle shall not permit any person to operate that vehicle while that person is carrying on or engaging in any of the said trades, callings, businesses or occupations listed in section 2 in the Region unless the owner of the vehicle has a valid and current licence from the Board issued in relation to that vehicle.
- (b) An application for a licence or the issuance of a licence pursuant to this By-law does not relieve an applicant or licensee, as the case may be, from the obligation to comply with all other applicable laws.

PART II – DRIVER'S LICENCES

5. This Part applies to initial and renewal applications and to refusals, suspension and revocation processes for all Driver licences.

Applications – Initial and Renewal

- 5.1 (a) Any person wishing to make application for a driver's licence, or a renewal thereof, respecting any vehicle referred to in section 2, shall file with the Licencing Officer, the following documents,
- (i) a completed application in Form 1;
 - (ii) a valid Ontario driver's licence, to be photocopied by the Issuer;
 - (iii) in the case of an initial application, a letter confirming employment as a driver from an owner of a licenced vehicle, or in the case of TNC Driver, written or electronic confirmation of affiliation with a TNC;

- (iv) the fee prescribed in *the Fees and Charges By-law, as amended*, by way of cash, certified cheque, credit card or debit;
 - (v) in respect of a TNC Driver application, the vehicle information referenced in subsection 18(f) of the By-law, except for the fee referenced in subsection 18(f)(vi); and
 - (vi) in respect of a TNC Driver applicant who intends to use a rental vehicle as a TNC vehicle, written confirmation from the rental company that it permits commercial use of such vehicle.
- (b) Any reference in this Part to "applicant", "application", "licence" or "licencee" shall mean "applicant under this Part", "application under this Part", "licence under this Part" or "licencee under this Part", respectively.
- (c) (i) In the case of driver licence renewals, the documents and fees referred to in subsection 6(a) must be delivered to the Licencing Officer on or before the close of business on the expiry date of the licence;
- (ii) outstanding fines owing to the Licencing Division that have been imposed pursuant to any provision of this By-law must be satisfied;
- failing which the licence will expire, and the licencee will be required to file a new application for a licence.
- (d) In the event that the licencee delivers the documents and fees referred to in subsection 6(a) to the Licencing Division after the expiry date of the drivers licence, but within thirty (30) days of the expiry date, the licencee shall be required to pay a late filing fee as prescribed in *the Fees and Charges By-law, as amended*.
6. Notwithstanding any other provision of this By-law, an annual taxicab driver licence shall not be issued to any person until that person has successfully completed the taxicab driver course through the Licencing Division.
7. The applicant shall ensure all supporting documentation for the licence being sought is provided as part of the application process.

8. Upon receipt of an application, the Applicant shall make or cause to be made, all investigations and searches required by law or by the Licencing Division to be made relative to such application.
9. (a) Upon the completion of the investigations and searches referred to in section 8 relating to an initial application for a licence, the Licencing Officer may issue a temporary licence to an applicant, provided that the applicant is not a person who,
 - (i) has been convicted of a criminal offence during the preceding five (5) years;
 - (ii) has been convicted of an indictable offence at any time under any statute of Canada including, but not limited to, the *Criminal Code of Canada*, or the *Controlled Drugs & Substances Act*;
 - (iii) has had his driving privileges suspended for any reason during the preceding five (5) years, or
 - (iv) is the subject of outstanding criminal charges at the date of the application.
- (b) In the event that a temporary licence is issued, or in the case of taxi drivers a temporary licence, and provided that the applicant has successfully completed the taxicab driver course, the Licencing Officer shall grant an annual licence to the applicant unless, in the opinion of the Licencing Officer, it would be contrary to the public interest to do so.
10. Upon completion of the investigations and searches referred to in section 8 above relating to an application for a renewal of an existing licence, the Licencing Officer may issue an annual licence unless the applicant is found to be a person referred to in subsection 9(a) above.
11. In the event that an applicant is found to be a person falling within the class of persons referred to in subsection 9(a) above, the Licencing Officer may issue a licence to the applicant or may refuse to issue any licence to the applicant.

Refusals, Suspension and Revocation Processes

12. In the event that the Licencing Officer refuses to issue either a temporary licence or an annual licence to an applicant, the Licencing Officer shall give notice of the refusal in Form 2 to the applicant within five (5) business days from the date of filing of the application.

13.
 - (a) In the event that an applicant files a Notice of Appeal as provided in this section, the appeal shall be heard by the Appeal Tribunal after the date of the filing of the Notice of Appeal and the applicant shall be given notice of the hearing date in Form 9.

 - (b) After the hearing of the appeal, the Licencing Officer may refuse to approve the issuance of a temporary licence or an annual licence, or may approve the issuance of a temporary licence or an annual licence on such terms and conditions as the Appeal Tribunal may require.

 - (c) The decision of the Appeal Tribunal shall be made not later than seven (7) days after the hearing of the appeal and the applicant shall be given notice of the decision in Form 4 forthwith after the hearing of the appeal.

 - (d) In the event that an applicant does not file a Notice of Appeal as provided in this section, the applicant shall be deemed to accept the decision of the Licencing Officer relating to his or her licence application.

14.
 - (a) The Issuer may suspend any quarterly, bi-annual, annual or temporary driver's licence issued pursuant to this Part if,
 - (i) the licencee's Ontario driver's licence is suspended for any reason;

 - (ii) the licencee is charged with an offence under the *Criminal Code of Canada* or the *Controlled Drugs and Substances Act*;

 - (iii) the licencee is charged with an offence under the *Liquor Licence Act* for the Province of Ontario if the charge relates in any way to the use or operation of a licenced vehicle;

 - (iv) the licencee contravenes any provision or provisions of this By-law on three (3) or more occasions within any twenty-four (24) month period and is found guilty in respect of any three (3) or more of those contraventions, or

- (v) the Licensing Officer becomes aware of any fact or facts which, if known at the time of initial application, may have resulted in the licence not being issued to the licensee.
- (b)
 - (i) Notice of the suspension of the licence as provided in this section shall be in Form 5 and the suspension shall be effective on the date that the notice is delivered to the licensee or alternatively, on the date that a copy of the notice is left at the licensee's address, and the suspension shall continue until the next regularly scheduled Appeal Tribunal hearing.
 - (ii) The notice of suspension in Form 5 shall be accompanied by written notification to the licensee of the Appeal Tribunal's intention to hold a hearing with respect to the suspension, provided that the licensee advises the Board of his or her intention to dispute the suspension.
- (c) Upon the suspension becoming effective, the licensee,
 - (i) shall return to the Licencing Officer or to his agent, any licence or approval in respect of the licence;
 - (ii) shall permit any person authorized by the Licencing Officer to have access to any premises, vehicle or other property of the licensee for the purpose of retrieving or taking the aforementioned licence or any other property issued by the Licencing Officer.
 - (iii) shall not prevent or hinder such person from receiving or taking same.
- (d) Except for a licence suspended pursuant to subsection 14(a)(i), where the licensee has indicated his or her intention to dispute the suspension, the Appeal Tribunal shall conduct a hearing on the date specified in the notice of suspension to decide whether to continue the suspension, revoke the licence, or reissue the licence, whether or not the licensee or his representative attends such meeting.
- (e) At the hearing of the Appeal Tribunal to consider the question of suspension, revocation, or reissuance of the licence, the Tribunal shall hear representations and evidence from the Issuer and from the licensee.

- (f) The decision of the Appeal Tribunal to continue the suspension, to revoke the licence, or to reissue the licence, with or without terms and conditions, shall be made within seven (7) days from the date of the hearing and the licensee shall be given notice of the decision on Form 4 forthwith after the date of the decision.
- (g) Notwithstanding the subsection 14(a)(i) above, the Licencing Officer may suspend an annual or temporary driver's licence issued pursuant to this part if the licensee's Ontario driver's licence has been suspended for any reason.
- (h) A licence suspended pursuant to subsection 14(a)(i) may be reissued by the Licencing Officer upon satisfactory evidence that the Ontario driver's licence of the licensee is no longer under suspension.

PART III – VEHICLE OWNER LICENCES

Applications – Initial and Renewals

15. This Part does not apply to TNCs.

- 15.1 (a) Any person wishing to make application for an owner's licence respecting any vehicle referred to in section 2 shall file with the Issuer the following:
- (i) a completed application in Form 6,
 - (ii) an application fee prescribed in *the Fees and Charges By-law, as amended*.
 - (iii) the owner's proposed business plan for the operation of the vehicle for hire.
- (b) Any reference in this Part to "applicant", "application", "licence" or "licensee" shall mean "applicant under this Part", "application under this Part", "licence under this Part" or "licensee under this Part", respectively.

Quotas

16. (a) The Licencing Officer may set quotas in respect of the number of Taxicab Owner licences, including Paratransit Taxicab Owner's licences that may

be issued for an area municipality.

- (b) The quotas for Taxicabs and Paratransit Taxicabs are set out in Schedule 1 to this by-law. Effective on the enactment of this by-law, the quotas and all provisions related to quotas remain in effect, except that each vehicle licence issued under this part in respect of a given area municipality shall be valid throughout the Region in accordance with subsection 4(c) above.
- 17.
- (a) For applications relating to Taxicab Owner licences, the Licencing Officer shall place the applicant's name on the waiting list for the area municipality to which the application relates, to a maximum of five (5) licences per applicant.
 - (b) The position of each applicant on the relevant waiting list for each area municipality shall be determined by the order of receipt of the application by the Licensing Officer.
 - (c) In the event that an applicant wishes to withdraw his application from the waiting list prior to the time that his application is considered, or in the event that the application is refused, the applicant's name shall be removed from the waiting list and the application fee, less \$100.00, shall be refunded in full without interest.
 - (d) In the event that an applicant wishes to withdraw his application from the waiting list after the Licencing Officer has considered his application and after the Licencing Officer has granted a licence to the applicant, the licence shall not be issued and the applicant shall forfeit his application fee.
 - (e) In the event that a waiting list applicant wishes to renew his position on the waiting list, the applicant shall pay the prescribed renewal fee, or the application shall be removed from the waiting list if not received within 30 days of expiry and the initial deposit refunded minus application fee per plate.
 - (f) In the event that a licence is granted and issued to the applicant by the Licencing Officer, the application fee shall be credited toward the total fee chargeable by the Licencing Officer in respect of the issue of the licence.

Applications – Initial, Renewals and Refusals

18. (a) When the quota of issued taxi owner's licences in an area municipality is not full for any reason, or if there is no quota in effect relating to the class of licence for which an application is made, the Licencing Officer shall make, or cause to be made, all investigations and inquiries and conduct, or cause to be conducted, all searches which are relevant to the consideration of the application which is first in order on the waiting list at that time.
- (b) The applicant shall supply to the Licencing Officer all documents and all information requested relating to the application, and the Licencing Officer shall make a decision to grant a licence to the applicant or to refuse to grant a licence to the applicant and the Licencing Officer shall give notice in Form 8 to the applicant of his proposed recommendation.
- (c) Upon refusal of the Licencing Officer to issue a licence, a hearing of the Appeal Tribunal shall be scheduled, and the applicant shall be given notice of the hearing in Form 9 and shall be entitled to attend the hearing and adduce evidence and make submissions either personally or through a representative.
- (d) At the hearing, the Appeal Tribunal shall hear and consider the recommendation of the Licencing Officer and the evidence adduced in support thereof and shall hear and consider evidence from the applicant in the event that the applicant or his representative attends.
- (e) The Appeal Tribunal, after consideration of all evidence adduced and all submissions made at the hearing, shall make a decision to grant a licence to the applicant or to refuse to grant a licence to the applicant and shall provide written notice of its decision in Form 4 to the applicant.
- (f) Before the licence is issued to the applicant, the applicant shall provide to the Licencing Officer the following:
- (i) particulars of the vehicle or vehicles to be used in relation to the licence being issued;
 - (ii) proof of ownership of the vehicle, or where the vehicle is leased, a copy of the vehicle lease;

- (iii) a current safety standards certificate, save tow trucks and sightseeing vehicles for which can be provided valid annual inspection certificates issued by the Ministry;
 - (iv) proof of insurance in the amounts prescribed by this By-law;
 - (v) any other information relating to the use of the licence which the Licencing Officer may in its sole discretion require;
 - (vi) the fee prescribed in *the Fees and Charges By-law, as amended*, less any application fee already paid;
 - (vii) in respect of vehicles using propane fuel, a certificate from a person duly qualified to provide such certificate dated not more than thirty (30) days prior to the approval of the licence application;
 - (viii) in respect of a paratransit taxicab or paratransit specialty vehicle, a bus accessible vehicle annual inspection certificate and supporting documentation that the vehicle meets Regulation 629 made under the *Highway Traffic Act*, as amended and the Canadian Standards Association's Standard D409-M84, as amended; and
 - (ix) where the licence is a taxicab owner licence, that sections 37, 38 and 39 of Part V of this By-law have been complied with.
- (g) When a vehicle owner changes his/her broker affiliation, the owner shall provide to the Board the information in 18(f) above, except for the fee prescribed under 18(f)(vi). This information shall be provided to the Board within seven (7) days of the date of the change in affiliation.
- (h) Notwithstanding that the licence has not been issued, the fee referred to in subsection 18(f)(vi) above shall be paid by the applicant within thirty (30) days of the granting of the licence and in the event that the fee is not so paid, the licence shall be deemed to be revoked.
- (i) Subject to section 21, in the event that a licence is not issued pursuant to subsection 18(f) on or before the renewal date for that class of licence, the licence shall be deemed to be revoked, notwithstanding that the prescribed fee has been paid.

- (j) No owner shall permit any vehicle to be operated using a Regional licence unless he has first complied with the requirements of subsection 18(f) above respecting the vehicle intended to be used.
 - (k) No licensee shall permit any licence issued under this By-law to be used on a vehicle where ownership of the vehicle is retained by another party, except in the case of a leased vehicle, in which case, a copy of a written lease shall be filed with the Issuer.
19. The Licencing Officer shall revoke a licence in the event that the licensee ceases to maintain a business premises in respect of the business to which the licence relates within the regional area.
20. (a) A licensee wishing to renew a licence shall file with the Licencing Officer, on or before the expiry date shown on the licence, the following documents:
- (i) a completed application in Form 6;
 - (ii) particulars of the vehicle to be used in relation to the licence being issued;
 - (iii) proof of ownership of the vehicle, or where the vehicle is leased, a copy of the vehicle lease;
 - (iv) a current safety standards certificate, save tow trucks and sightseeing vehicles for which can be provided annual inspection certificate issued by the Ministry;
 - (v) proof of insurance in the amounts prescribed by this By-law;
 - (vi) any other information relating to the use of the licence which the Board may in its sole discretion require;
 - (vii) the renewal fee prescribed in *the Fees and Charges By-law, as amended*;
 - (viii) in respect of a Paratransit Taxicab, or Paratransit Specialty Vehicle, a bus accessible vehicle annual inspection certificate and supporting documentation that the vehicle meets Regulation 629 made under the *Highway Traffic Act*, as amended and the Canadian Standards

Association's Standard D409-M84, as amended; and

- (ix) in respect of vehicles using propane fuel, a certificate from a person duly qualified to provide such certificate dated not more than thirty (30) days prior to the approval of the licence application; and
 - (x) outstanding fines owing to the Licencing Officer that have been imposed pursuant to any provision of this By-law must be satisfied.
- (b) Upon receipt of the documents referred to in this section, the Licencing Officer shall grant a renewal of the licence, unless the Licencing Officer decides that the licence not be renewed, and in that event, the licensee shall be given notice and a hearing shall be conducted in like manner to the provisions of section 18.
- (c) In the event that a licence is not renewed, the licensee shall surrender the licence plate to the Issuer or her agent immediately.
- (d) In the event that the licensee delivers the documents and fees referred to in subsection 20(a) to the Licencing Officer after the expiry date of the licence, but within thirty (30) days of the expiry date, the licensee shall be required to pay a late filing fee as prescribed in *the Fees and Charges By-law, as amended*.
- (e) In the event that the licensee does not deliver the documents and fees referred to in subsection 20(a), the vehicle shall not be operated, and unless within 30 days the licensee delivers the documents required by subsection 20(a) together with the late renewal fee prescribed by subsection 20(d), the licence will expire and the licensee will be required to file a new file for the licence, subject to all the terms and conditions of this Part.

Non-Use Status

21. (a) The Licencing Officer may issue a licence designated as a non-use status licence pursuant to this section in respect of an initial application for a licence, a renewal of an existing licence, or the transfer of an existing licence.
- (b) Unless non-use status has been granted by the Licencing Officer in respect of vehicle licence under subsection 21(a) above, the licensee must activate

the licence within sixty (60) days of acquisition with respect to any licence for which a quota exists and where there is a waiting list. Failure to so activate the licence shall result in the licence being forfeited.

- (c) No person shall operate, or permit to be operated, any vehicle using a non-use status licence.
- (d) Any person wishing to make an initial application for a licence and to designate non-use status to the licence shall comply with the provisions of subsections 18(a) through 18(c) inclusive.
- (e) The applicant shall pay the application, transfer or renewal fee prescribed by this By-law within thirty (30) days of the date of the granting, transfer or renewal of the licence notwithstanding that the licence has not been issued, and in the event that the fee is not so paid, the licence shall be deemed to be revoked.
- (f)
 - (i) In the event that a licensee qualifies for a licence in all other respects, the Licencing Officer shall, at the request of the licensee, designate non-use status to the licence provided that there is no applicable waiting list.
 - (ii) In the event that a licensee qualifies for a licence in all other respects, the Licencing Officer shall, at the request of the licensee, designate non-use status to the licence in circumstances where there is a waiting list in respect of the particular class to which the licence relates, for a period of up to sixty (60) days from the date of payment of the prescribed fee.
- (g) No owner shall permit any vehicle to be operated using a licence unless he has first complied with the requirements of subsection 18(f) of this By-law respecting the vehicle intended to be used.
- (h) In the event that a licensee does not comply with the provisions of subsection 18(f) in respect of each non-use status licence issued to him within the time limits set out in subsection 21(e) above, the licence shall be deemed to be revoked.
- (i)
 - (i) The provisions of subsections 21(a), 21(b), 21(f), and 21(g) shall apply without change to a transfer or transfers of a licence or licences

from one person to another.

- (ii) Any person wishing to make application for the transfer of a licence and to designate non-use status to the licence so transferred shall comply with the provisions of section 22 of this By-law.
- (j) The provisions of subsections 21(a), 21(b), 21(e) and 21(f) shall apply without change to a person wishing to renew a licence and designates such licence to non-use status.
- (k) Any person wishing to make an application for a renewal of a licence and to designate non-use status to the licence shall comply with the provisions of section 20 of this By-law.
- (l) Where, following an increase in quota, a vehicle owner licence for a taxicab is offered under section 18, the taxicab owner who accepts the licence accepts and agrees to abide by the following conditions:
 - (i) that the plate be paid for and procured in thirty (30) days and that all requirements of subsection 18(f) be complied with;
 - (ii) that a new plate may not be procured by an owner that has a plate on non-use unless the non-use plate can be procured within the thirty (30) day time limit;
 - (iii) that non-use status cannot be applied for within one (1) year of issuance or the plate will be cancelled;
 - (iv) that there can be no transfer of licence for one (1) year, unless such transfer is approved by the Licencing Officer.

Transfers

- 22. (a) Any licensee who proposes to transfer to another person, the privileges of using a licence, shall file with the Licencing Officer prior to the transfer taking effect, the following:
 - (i) a completed letter of intent to transfer in Form 7 executed by the licensee and the proposed transferee;

- (ii) any other documents or information which the Licencing Officer may require after reviewing the application for transfer, and
 - (iii) an application fee prescribed in *the Fees and Charges By-law, as amended*.
- (b)
 - (i) Before the transfer may be approved, the proposed transferee shall comply with the provisions of section 15 and the question of the transfer of the licence shall be considered by the Licencing Officer in like manner as an initial application for an owner's licence pursuant to section 18 save and except the provisions relating to waiting lists and quotas.
 - (ii) In the event that an applicant wishes to withdraw his application after the Licencing Officer has considered his application and approved the transfer, the licence shall not be issued and the applicant shall forfeit his application fee.
- (c) Where a licensee is a corporation or a partnership, any change in actual or legal control of the licensee, resulting from:
 - (i) a transfer of existing shares or the issue of new shares in the case of a corporation;
 - (ii) any management agreement, other than a contract of employment with an employee who is neither,
 - (1) in the case of a corporation, a shareholder or a director of the corporation, nor
 - (2) in the case of a partnership, a partner in the partnership, entered into by the licensee respecting the operation of the business to which the licence relates,
 - (iii) any trust agreement entered into relating to ownership of any or all of the business operated by the corporation or the partnership to which the licence relates;
 - (iv) any agreement to sell all or any part of the business operated by the corporation or the partnership to which the licence relates;

- (v) any change in the financial contribution of the partners in the case of a partnership, or
- (vi) any other reason or cause resulting in an actual or legal change in control of the business to which the licence relates,

shall be reported to the Licencing Officer forthwith by the licensee and the provisions of this Part relating to the transfer of licences shall apply in full force and effect.

- (d) A licensee who is a corporation or a partnership shall notify the Licencing Officer forthwith of:
 - (i) in the case of a corporation, any transfer of existing shares or issue of new shares in the capital stock of the corporation, and
 - (ii) in the case of a partnership, the admission of any new partners to the partnership, the retirement or expulsion of any existing partners from the partnership, and the change in any financial contribution made by partners or other persons to the partnership.
- (e) A licensee who is not a corporation or a partnership shall notify the Licencing Officer forthwith of any change in actual or legal control of the business to which the licence relates.
- (f) This section applies to any change in actual or legal control of any business operated by a licensee that occurred prior to the date that this By-law takes effect, unless such change was approved by the Licencing Officer.

Suspension and Revocations Processes

- 23. (a) When the Licencing Officer believes, on reasonable and probable grounds, that a licenced vehicle or its equipment is not safe, the Licencing Officer shall suspend the licence and require by written notice that the licensee produce a valid safety standards certificate relating to that vehicle dated after the date of notice.
- (b) No licensee shall permit a vehicle to be operated as a licenced vehicle after receipt of the notice referred to in this section until he has provided to the

- Licencing Officer, a valid safety standards certificate as required in this section.
- (c) No driver shall operate and no owner shall permit to be operated a vehicle as a licenced vehicle after receipt of the notice referred to in this section until the Licencing Officer has been provided with a valid safety standards certificate as required in this section.
 - (d) A licensee, whose licence has been suspended under this section, may apply to the Licencing Officer to have the licence reinstated upon production of a valid safety standards certificate and upon receipt of the safety standards certificate, the Licencing Officer shall reinstate the licence.
24. (a) A licensee and a driver employed by him shall produce, in respect of any licenced vehicle being operated by the driver, evidence of insurance as required under this By-law forthwith upon demand of the Licencing Officer.
- (b) If a licensee or a driver employed by him does not produce evidence of insurance when demanded pursuant to this section, the Licencing Officer shall suspend the licence forthwith.
- (c) A licensee whose licence has been suspended under this section, may apply to the Licencing Officer to have the licence reinstated upon production of satisfactory proof of insurance as required under this By-law and upon receipt of that proof of insurance, the Licencing Officer shall reinstate the licence.
- (d) If a licensee does not apply for reinstatement of a suspended licence pursuant to subsection 23(e) or subsection 24(c), and does not apply for a non-use renewal pursuant to section 21 within thirty (30) days of the date of suspension of the licence, the licence may be revoked without notice to the licensee, and may be reissued to another applicant.
25. (a) If, during the term of a licence, the Licencing Officer becomes aware of any fact or facts which, if known at the time of the initial application, may have resulted in the licence not being issued to the licensee, the Licencing Officer may suspend the licence immediately and make a recommendation that the licence be revoked and the Licencing Officer shall give notice in Form 8 to the licensee of his proposed recommendation.

- (b) Upon the recommendation of the Licencing Officer, a hearing of the Appeal Tribunal shall be scheduled, and the licensee shall be given notice of the hearing in Form 9 and shall be entitled to attend the hearing and adduce evidence and make submissions either personally or through a representative.
- (c) At the hearing, the Appeal Tribunal shall hear and consider the recommendation of the Licencing Officer and the evidence adduced in support thereof, and shall hear and consider evidence from the applicant in the event that the applicant or his representative attends.
- (d) The Appeal Tribunal, after consideration of all evidence adduced and all submissions made at the hearing, shall decide whether to revoke the licence, or to impose such conditions as the Licencing Officer considers appropriate, and shall give notice of its decision in Form 4 to the licensee.

Spare Vehicles

26. (a) A vehicle owner licensee may register with the Licencing Officer particulars of a spare vehicle, which vehicle is to be used in place of a licenced vehicle, when the licenced vehicle is for any reason unable to be operated.
- (b) No vehicle owner licensee shall use a spare vehicle in place of a licenced vehicle unless the spare vehicle has first been approved by the Licencing Officer.
- (c) The Licencing Officer may approve a vehicle for use as a spare vehicle upon the licensee providing to the Issuer the following:
- (a) a completed spare vehicle application;
 - (b) proof of ownership of the spare vehicle, or where the vehicle is leased, a copy of the vehicle lease;
 - (c) a current safety standards certificate relating to the spare vehicle;
 - (d) proof of insurance in the amounts prescribed by this By-law relating to spare vehicles; and
 - (e) the spare vehicle fee prescribed in *the Fees and Charges By-law*, as

amended.

- (d) The spare vehicle shall be made in a similar manner as a regular taxicab with “SPARE” and the number provided by the Issuer.
- (e) The Licencing Officer may renew the approval of the vehicle for use as a spare upon the licensee providing to the documents as set out in subsection 26(c) above.
- (f) The licensee shall notify the Licencing Officer immediately by facsimile or e-mail of the use of the spare vehicle as a licenced vehicle.
- (g) The licensee shall notify the Licencing Officer by facsimile or e-mail of the resumption of the use of the licenced vehicle and the cessation of use of the spare vehicle.
- (h) The regional plate of the vehicle being substituted shall be placed on the spare vehicle.
- (i) A vehicle used as a spare must comply with all requirements of this By-law relating to vehicles.

PART IV – TNC LICENCES AND TNC VEHICLE DRIVER LICENCES

TNC Licences

27. In this Part, “Driver” means a TNC Vehicle Driver.

27.1 Any person wishing to make an application for an annual TNC licence, or a renewal thereof, shall file with the Licencing Officer the following information/documents in paper or electronic format:

- (a) A completed application in the form required;
- (b) A list of all Drivers in Niagara affiliated with the TNC, which list shall include the following information:
 - (i) confirmation of the affiliation between the TNC and the Driver;
 - (ii) the full name and date of birth of the Driver;
 - (iii) the address and phone number of the Driver;

- (iv) the make, model and Ontario licence plate number of the Vehicle affiliated with the TNC and approved by the Issuer to be operated by the Driver as a TNC Vehicle; and
 - (v) a passport style photograph of the Driver.
- (c) Evidence satisfactory to the Licencing Officer that the TNC is able to meet the requirements of this by-law respecting maintenance and production of records.
- (d) The applicable licencing fee as *prescribed in the Fees and Charges By-law, as amended*, to this by-law.
- (e) An indemnity in favour of The Regional Municipality of Niagara from and against claims, demands, losses, costs, damages, actions, suits or proceedings that arise out of or are attributable to the TNC's business and/or services.
- (f) Proof satisfactory to the Licencing Officer of compliance with the insurance requirements of Part XIII of this By-law.
28. (a) Upon receipt of the information described in section 27.1 above, and upon completion of the necessary searches, the Licencing Officer may issue the licence or refuse to issue the licence.
- (b) If the Licencing Officer refuses to issue the TNC licence, the provisions of subsections 18(c) through (e) shall apply with the necessary modifications.
29. The following conditions apply to a TNC licence:
- (a) No Driver shall be placed on a TNC platform unless the Driver has been issued a TNC Driver Licence in accordance with the process described in Part II of this By-law;
 - (b) A TNC shall provide to the Licencing Officer on Monday of each week a list of all drivers eligible to access the relevant Platform;
 - (c) A TNC shall ensure that all Drivers who access the relevant Platform are covered by insurance as required by Part XIII of this By-law;
 - (d) A TNC shall notify the Licencing Officer when a Driver is removed from the

relevant Platform for any reason within twenty-four (24) hours of such removal;

- (e) A TNC shall ensure that driver training is available for all Drivers with whom it is affiliated in the Region;
- (f) A TNC shall ensure that all Drivers with whom it is affiliated in the Region shall comply with the provisions of this By-law;
- (g) A TNC shall retain all records respecting transportation services offered, operated or facilitated by it in the Region for a period of at least three (3) years. The specific records shall include the information described in Schedule 6 to this By-law;
- (h) A TNC shall produce to the Licencing Officer upon request of the Issuer any such records in electronic format within fourteen (14) days of the date of the request, including records required as part of random audits or investigations conducted by the Licencing Officer to evaluate compliance with the by-law;
- (i) Where any records referenced in 29(g) are required for law enforcement purposes, a TNC shall make the requested records available to the requesting agency as soon as possible, and in any event within 7 days;
- (j) A TNC shall create a confidential driver account for enforcement use by the Licencing Officer which allows the ability to monitor the location and activity of all drivers who are actively on the TNC platform without the knowledge of the drivers.
- (k) A TNC shall create a passenger account for use by the Licencing Officer for the purposes of enforcement which shall allow enforcement staff to book and take rides with drivers at no charge and without the knowledge of the driver that the passenger is an enforcement officer, or alternatively shall reimburse the Licencing Unit for the cost of rides booked and taken for enforcement purposes.
- (l) A TNC shall submit to audits of its records as may be requested by the Licencing Officer, and shall provide the requested records for the audit within fourteen (14) days of the request being made;

- (m) A TNC shall provide a name, telephone number and email address to which the Licencing Officer may send any communications, including any requests for information required to be provided pursuant to this By-law;
- (n) A TNC shall not impose any mandatory arbitration clause on TNC Vehicle Drivers or passengers whose transportation is offered, operated or facilitated by the TNC, and further shall not require that the law of any jurisdiction other than Ontario be applied in relation to the use of the relevant Platform in the Region by Drivers or passengers;
- (o) A TNC shall remit to the Licencing Officer the per trip charges *prescribed in the Fees and Charges By-law, as amended*, on a monthly basis, such remittance to be made to the Licencing Officer by the 15th of the month following the month to which the remittance relates, and upon request, shall provide the records establishing the basis of the calculation of the said per trip charges;
- (p) A TNC shall ensure that a Driver cannot access the relevant Platform immediately upon receiving a request from the Licencing Officer to do so; and
- (q) A TNC shall comply with all applicable laws including the *Police Records Checks Reform Act, 2015*, as amended, and the *Accessibility for Ontarians with Disabilities Act, 2005*, as amended, and further shall ensure that its Drivers comply with the *Accessibility for Ontarians with Disabilities Act, 2005*, as amended.
- (r) A TNC shall disclose on its website and/or its software, application or telecommunications Platform used to communicate between passengers and Drivers, and make available for the public:
 - (i) fares to be charged, together with an explanation of the method used to calculate those fares;
 - (ii) the criteria applied by the TNC to drivers and vehicles allowed to operate on or through the relevant Platform;
 - (iii) information on the types or categories of services available to passengers through the relevant Platform;

- (iv) a clear explanation of insurance coverages of a TNC and the TNC Vehicle, including detailed information on how to submit a claim;
 - (v) advise that personal information collected by the TNC may be disclosed to the Licencing Officer for the purposes of licencing enforcement when the passenger obtains transportation services within or from the Region.
- (s) A TNC may set fares to be charged to passengers transported by Drivers subject to the following conditions:
- (i) The fares shall not be less than \$3.75 per trip;
 - (ii) The fare for a trip shall be communicated to a potential passenger clearly and transparently prior to the start of the trip;
 - (iii) The Driver shall not commence the trip until the passenger has provided electronic acceptance of the fare communicated in accordance with (ii) above;
 - (iv) The Driver shall charge the passenger the communicated and accepted fare in accordance with (ii) and (iii) above;
 - (v) A TNC shall ensure that a record is maintained of the passenger's acceptance of the fare as provided in (iii) above;
 - (vi) In addition to the fare information outline above, a TNC shall provide passengers with the following information prior to the start of a trip:
 - (1) The vehicle make and model;
 - (2) Driver's first name;
 - (3) Ontario licence plate number of the Driver's vehicle; and
 - (4) Driver's photograph.
 - (vii) At the conclusion of every trip, a TNC shall provide, or require its driver to provide to the passenger an electronic or paper receipt containing at least the following information:
 - (1) The fare charged including the amount of surcharge if any;
 - (2) The date and total time of the trip;

- (3) The start and end locations of the trip;
 - (4) The driver name and provincial licence plate number of the vehicle.
-
- (t) A TNC Licence is not transferrable.
 - (u) The provisions of subsections 29(r) and 29(s) apply with the necessary modifications to Taxicab Drivers, Taxicab Owners and Taxicab Brokers in respect of any trip arranged through electronic means in a manner similar to a TNC.
 - (v) A TNC shall ensure that its Drivers affix securely to the rear facing window of the TNC Vehicle, a clearly visible magnetic or other decal approved by the Licencing Officer disclosing the name of the TNC with whom the Driver is affiliated at all times that the Driver is operating his Vehicle as a TNC Vehicle.
 - (w) A TNC shall ensure that any complaint against a driver provided to him or her by a member of the public is forwarded electronically or in writing, to the Licencing Officer within twenty-four (24) hours of receipt of the complaint.
 - (x) A TNC Licence expires on May 31st of each year and must be renewed prior to that date in accordance with the provisions of this section 28.

Driver Licences

29.1 The provisions of Part II of this By-law apply to initial and renewal TNC Driver Licence Applications, and to refusals, suspensions and revocation processes in respect of TNC Driver Licences.

29.2 The following conditions apply to Driver licences:

- (a) A Driver shall charge fares in accordance with the provisions of subsection 29(s);
- (b) No Driver shall pick up passengers at cab stands through ride solicitation, by responding to street hails or through telephone arranged rides;
- (c) A Driver while having care and control of a licenced Vehicle, shall not permit any person, other than another driver licenced under this By-law, to operate

the motor vehicle;

- (d) A Driver shall not operate a licenced Vehicle which contains more occupants than the number of seats normally available for occupancy for the vehicle,
- (e) No Driver shall take on any additional passenger after the commencement of the trip, without the consent of the passenger or passengers already in the vehicle, unless emergency conditions exist.
- (f) No Driver shall accept any person as a passenger within fifty (50) meters of a public taxicab stand unless the Driver has made a prior arrangement through the TNC Platform with that passenger to accept him as a passenger at that place.
- (g) A Driver shall deliver all property or money found in his taxicab immediately to the owner thereof, or if the owner cannot be located immediately, to the nearest police station together with any information concerning the owner of the property or money which is in the possession of the driver.
- (h) A Driver shall investigate immediately, any mechanical defect in his licenced Vehicle reported to him by any person.
- (i) A Driver shall not operate a licenced Vehicle if he reasonably believes the Vehicle or its equipment is unsafe;
- (j) A Driver shall not operate a licenced Vehicle that is not insured as required by this By-law;
- (k) No Driver shall operate a TNC Vehicle unless the interior and exterior of the vehicle are clean and in good repair and the Vehicle and its equipment are free from mechanical defects.
- (l) A Driver shall provide to the Issuer a valid safety standards certificate for his/her TNC Vehicle annually prior to the expiry date of the annual licence.
- (m) A Driver shall submit his licenced vehicles for examination or inspection at any time when required by the Licencing Officer;
- (n) No Driver shall operate a vehicle as a TNC Vehicle unless the vehicle is not

more than ten (10) years old.

- (o) A Driver shall maintain in good standing, a valid and subsisting driver's licence issued by the Province of Ontario;
- (p) A Driver shall notify the Licencing Officer, writing or by electronic means, of any change of address within six (6) days of the change;
- (q) A Driver shall produce to the Licencing Officer, upon demand, his driver's licence issued by the Province of Ontario.
- (r) A Driver shall, at the request of any passenger, peace officer or by-law enforcement officer, provide evidence of the issuance of a licence pursuant to this by-law;
- (s) A Driver shall produce to the Licencing Officer upon request any paper or electronic record respecting his work as a TNC driver licenced under this By-law, and further shall retain all such records for a minimum period of three (3) years;
- (t) A Driver shall consent to disclosure by the TNC to the Licencing Officer of all information provided to the TNC upon request for the purpose of auditing compliance with this by-law, investigating complaints or potential breaches of the by-law, or for general law enforcement purposes;
- (u) A TNC Driver shall affix securely to the rear facing window of the TNC Vehicle, a clearly visible magnetic or other decal approved by the Licencing Officer disclosing the name of the TNC with whom the Driver is affiliated at all times that the Driver is operating his Vehicle as a TNC Vehicle.
- (v) A Driver shall comply with the *Accessibility for Ontarioans with Disabilities Act*, 2005, as amended.

Suspension and Revocation of TNC Licence

29.3 The Licencing Officer may, in his sole discretion, suspend a TNC licence in any of the following circumstances:

- (a) the Licencing Officer easonably believes that the TNC is permitting Drivers to access its Platform contrary to the provisions of this By-law;

- (b) the TNC is found guilty of three offences of contravening the provisions of this By-law within any 24 month period;
- (c) the Licencing Officer becomes aware of any facts which, if known at the time that the TNC licence was issued, would have resulted in refusal of the licence;

29.3.1 If the Licencing Officer suspends a TNC licence, the provisions of subsections 18(c) through (e) apply with the necessary modifications.

Suspension and Revocation of Driver Licences

29.4 The provisions of Part II of this By-law apply to suspension and revocation of TNC Driver Licences.

29.4.1 In the event that an issuer suspends a TNC Driver licence, he shall notify the affiliated TNC and such TNC shall remove the Driver from its platform immediately pending resolution of the appeal process described in Part II of this By-law.

PART V – GENERAL PROVISIONS RELATING TO DRIVERS & OWNERS

30. The general provisions relating to owners and drivers in this Part apply to all owners and drivers required to be licenced under this By-law.

- (a) A driver,
 - (i) shall maintain in good standing, a valid and subsisting driver's licence issued by the Province of Ontario;
 - (ii) shall list on his application for a licence or any renewal application therefor, all employers for whom he is working as a driver at the time of such application, or in the case of a TNC Driver, all TNC's with whom the Driver is affiliated;
 - (iii) shall notify the Licencing Officer forthwith, in writing, of any change in his employment as a driver, or in the case of a TNC Driver, of any change in his TNC affiliation;
 - (iv) shall notify the Licencing Officer, in writing, of any change of address

within six (6) days of the change;

- (v) shall inspect a licenced vehicle which he intends to operate at the commencement of each work shift and at the conclusion of each work shift;
 - (vi) shall report any mechanical defects which are disclosed during these inspections forthwith to the owner of the motor vehicle or, in the case of a TNC Driver, shall not operate the vehicle if the mechanical defects can reasonably affect the safety of the vehicle, until such defects are corrected;
 - (vii) shall submit the licenced vehicle in his care and control for examination or inspection at any time by the Licencing Officer;
 - (viii) shall report to his employer, any accident in which the driver has been involved while operating a licenced vehicle forthwith, or in the case of a TNC Driver, to his affiliated TNC and to the Licencing Officer;
 - (ix) except for TNC Drivers, shall return a licenced vehicle, to his employer promptly at the conclusion of the driver's work shift if required by the owner;
 - (x) shall produce to the Licencing Officer, upon demand of that officer, his driver's licence issued pursuant to this By-law, and
 - (xi) shall produce to the Licencing Officer, upon demand of that officer, his driver's licence issued by the Province of Ontario.
- (b) A driver,
- (i) shall not operate any motor vehicle required to be a licenced vehicle unless he has a valid and subsisting driver's licence issued by the Province of Ontario;
 - (ii) shall not operate any vehicle required to be a licenced vehicle unless it is a licenced vehicle;
 - (iii) while having care and control of a licenced vehicle, shall not permit

any person, other than another driver licenced under this By-law, to operate the motor vehicle, and in the case of a TNC Driver, shall not permit any person to operate the motor vehicle as a TNC vehicle;

- (iv) shall, at the request of any passenger, peace officer or by-law enforcement officer, provide evidence of the issuance of a licence pursuant to this by-law;
 - (v) shall not operate a licenced vehicle if he reasonably believes the vehicle or its equipment is unsafe;
 - (vi) shall not operate a licenced vehicle that is not insured as required by this By-law;
 - (vii) shall not operate a licenced vehicle which contains more occupants than the number of seats normally available for occupancy for the vehicle, and
 - (viii) shall not operate a licenced vehicle while any scanning equipment is located in the vehicle.
- (c) A licence issued to a driver pursuant to the provisions of this By-law is valid only where the vehicle being operated by the driver is a vehicle which is also licenced pursuant to the provisions of this By-law, or in the case of a TNC Driver vehicle, where the vehicle is approved by the Licencing Officer and the TNC pursuant to the provisions of this By-law.
31. (a) An owner of a licenced vehicle,
- (i) shall affix securely to each licenced vehicle owned by him, in a position approved by the Licencing Officer, the metal licence plate supplied bearing the licence identification number;
 - (ii) shall affix securely to each licenced vehicle owned by him, in a position approved by the Licencing Officer, a notice to the public of a number the public may call in the event the public wishes to contact the licencing authority to make a comment about the conduct of the driver or the condition of the vehicle;
 - (iii) shall ensure that such metal licence plate remains so affixed, or if

- such plate is removed or lost, shall report the removal or loss to the Licencing Officer and affix a duplicate plate issued in the manner set out in subsection 28(a)(i);
- (iv) shall submit his licenced vehicles for examination or inspection at any time when required by the Licencing Officer;
 - (v) shall investigate immediately, any mechanical defect in his licenced vehicle reported to him by a driver or any other person;
 - (vi) shall report any change of his business address or his residence address to the Licencing Officer with 6 (six) days of the change;
 - (vii) If failing to submit his licenced vehicle as required in subsection 28(a)(iv), the licence for the vehicle shall be suspended and not reinstated until a valid safety standard certificate and current vehicle documentation is presented to the Licencing Officer.
- (b) An owner of a licenced vehicle,
- (i) shall not operate the licenced vehicle until he has first procured a driver's licence as provided in PART II of this By-law;
 - (ii) shall not permit that vehicle to be operated if the vehicle or its equipment is unsafe;
 - (iii) shall not permit that vehicle to be operated unless it is insured as required by this By-law;
 - (iv) shall not permit any person, other than a licenced driver employed by him, to operate his licenced vehicle;
 - (v) shall not prevent or hinder a person authorized by the Licencing Officer from entering a licenced vehicle owned by him for the purpose of inspecting the licenced vehicle;
 - (vi) shall not permit a licenced vehicle in respect of which a mechanical defect has been reported to him, to be operated until he has inspected and ensured that the mechanical defect, if any, has been corrected;

- (vii) shall not permit a driver to operate the licenced vehicle unless the driver complies with the provisions of section 27;
 - (viii) shall not use or permit to be used any name, roof sign, colour scheme or emblem which is similar to one being used by another owner under this By-law, and
 - (ix) shall not permit a licenced vehicle to be operated while any scanning equipment is located in the vehicle.
- (c) An owner of a licenced vehicle shall ensure that any complaint against a driver provided to him or her by a member of the public is forwarded, in writing, to the Licencing Officer.

PART VI - GENERAL PROVISIONS RELATING TO TAXICABS

32. Sections 33 through 39 in this PART apply to Taxicab Drivers; sections 40 through 44 apply to Taxicab Owners, and; section 45 applies to Taxicab Drivers, Owners and Brokers.
33. (a) No driver shall operate a taxicab unless it is equipped with a taximeter in proper working order, which taximeter shall compute fares to be paid in accordance with distance travelled and time elapsed.
- (b) In respect of intramunicipal trips a driver shall activate the taximeter to compute the fares to be paid in accordance with distance travelled and time elapsed immediately upon a passenger entering the vehicle, and shall keep the taximeter so activated throughout the trip.
- (c) A driver may charge fares computed on a flat rate in respect of trips crossing borders of area municipalities, or in respect of trips outside the regional area, provided that the amount of the fare is agreed upon between the driver and passenger prior to the commencement of the trip.
- (d) A driver shall, upon request of the Licencing Officer, provide all particulars of an agreement entered into relative to the charging of fares, including any written contract or other document, and any invoices, receipts or other evidence of payment, immediately upon such request being made.

34. (a) A driver shall follow the shortest possible route to the destination requested by a passenger unless the passenger designates another route.
- (b) No driver shall knowingly mislead or deceive any passenger or potential passenger as to the location or distance to a place to which the passenger or potential passenger intends or wishes to travel.
35. No driver shall operate a taxicab unless,
- (a) the interior and exterior of the taxicab are clean and in good repair;
- (b) the taxicab and its equipment are free from mechanical defects, and
- (c) it is equipped with a taximeter which complies with all requirements mentioned in section 37.
36. (a) A driver shall maintain a daily record (hereinafter called the "trip record") in a form as prescribed by the Licencing Officer of all trips made by him as a driver of the taxicab, and the trip record shall be prepared immediately upon the conclusion of a trip and prior to the commencement of the next trip, and shall contain the following information:
- (i) the number issued to the owner of the taxicab by the Licencing Officer;
- (ii) the point of origin and the point of conclusion of the trip;
- (iii) the fare charged, and
- (iv) time passenger picked up and time passenger dropped off.
- (b) A driver shall submit his trip record for a work shift to the vehicle owner at the conclusion of that shift.
- (c) A driver shall submit all monies collected during a shift to the Taxicab Broker, where applicable and where required by the Broker.
37. (a) No driver shall accept any person as a passenger within fifty (50) meters of a public taxicab stand when there are one (1) or more taxicabs at the stand, unless the driver has made a prior arrangement with that passenger to

accept him as a passenger at that place.

- (b) A driver who wishes to enter a public taxicab stand with his taxicab shall do so by taking a position at the end of the line formed by the taxicabs already at the stand.
 - (c) A driver who has entered a public taxicab stand shall remain in the driver's seat of his taxicab at all times while waiting to be hired.
 - (d) A driver shall not operate a taxicab equipped with a scanning device.
38. (a) A driver shall serve the first person requiring the service of his taxicab at any place within the area municipality to which the vehicle owner's licence relates at any time, unless,
- (i) he has reasonable concerns for his safety;
 - (ii) he has reasonable concerns that his fare may not be paid, or
 - (iii) he has made prior arrangements to accept another passenger, the proof of which lies upon the driver in any proceeding under this By-law.
- (b) A driver shall deliver all property or money found in his taxicab immediately to the owner thereof, or if the owner cannot be located immediately, to the nearest police station together with any information concerning the owner of the property or money which is in the possession of the driver.
 - (c) No driver, other than a driver of a taxicab which is being used for the transportation of children to and from school, shall take on any additional passenger after the commencement of the trip without the consent of the first passenger taken on during that trip, unless emergency conditions exist.
39. A driver,
- (a) shall display a current tariff card, decal, or other method as approved by the Licencing Officer setting out the rates to be charged in a conspicuous place in the taxicab;
 - (b) shall charge rates to passengers in accordance with the rate schedule set

out on the tariff card;

- (c) upon the request of the passenger, shall provide a receipt in respect of the fare paid showing the amount of the fare paid, the vehicle owner's licence plate number of the taxicab and the date; and
- (d) shall make available vehicle registrations and identification information in an accessible format to persons with disabilities who are passengers.

40. An owner,

- (a) shall affix a taximeter, to register distances travelled and time elapsed and to compute fares to be paid, in a conspicuous place in the taxicab, such place to be approved by the Licencing Officer;
- (b) shall submit any taximeter for testing and inspection by such person as the Licencing Officer may designate at the times required by that person;
- (c) shall adjust the taximeter in accordance with rates prescribed from time to time by the Licencing Officer;
- (d) maintain the taximeter in proper working condition.

41. (a) No owner shall permit a taxicab to be operated unless,

- (i) the interior and exterior of the taxicab are clean and in good repair;
- (ii) the taxicab and its equipment are free from mechanical defects, and
- (iii) it is equipped with a taximeter which complies with all requirements of section 37.

(b) No owner shall permit a taxicab to be operated unless the vehicle is no more than 10 years old.

42. (a) An owner shall,

- (i) paint or affix securely on both sides of the taxicab, the number of the metal number issued by the Licencing Officer, in contrasting colours, in numbers at least ten (10) centimetres high;

- (ii) display, in a conspicuous place in or on the taxicab, a current tariff card, decal, or other method as approved by the Licencing Officer, setting out rates to be charged, and the number of the licence plate issued by the Licencing Officer;
 - (iii) affix a sign on the roof of the taxicab indicating that the vehicle is a taxicab;
 - (iv) install and maintain in proper working order a roof light that turns off when the meter is activated, or alternatively, a dashboard light that turns on when the meter is activated, both of which lights must be installed so that they are clearly visible to persons outside the taxicab;
 - (v) paint or affix securely on both sides of the taxicab the taxicab company name at least ten (10) centimetres high; and
 - (vi) ensure that vehicle registration and identification information is available in an accessible format to persons with disabilities who are passengers.
- (b) No owner shall permit any advertisement to be displayed on or within a taxicab unless the advertisement is approved in advance by the Licencing Officer in accordance with the criteria established, from time to time.
- (c) An owner of a licenced vehicle shall provide the Licencing Officer a valid safety standards certificate for each licenced taxicab vehicle every 6 month period of a one year licencing term.
43. (a) No owner shall permit any driver to operate the taxicab unless the driver maintains a trip record as provided in section 36.
- (b) An owner of a taxicab shall,
- (i) keep the trip record referred to in this section for a period of at least twelve (12) months; and
 - (ii) permit any person authorized by the Licencing Officer to inspect the trip record on the premises, or

- (iii) to remove the trip record from the premises for the purpose of inspection, or
 - (iv) provide to a person authorized by the Licencing Officer to inspect trip records by delivering to the Licencing Officer (personally or electronically) requested trip records within two (2) days of receiving notification.
44. (a) Except for a Taxicab which has arranged a ride for a passenger through electronic means in a manner similar to a TNC, an owner of a taxicab shall ensure that drivers of his taxicabs charge rates to passengers in accordance with the rate schedule set out on the tariff card issued by the Licencing Officer, or in accordance with an agreement for services of the taxicab pursuant to subsection 41(d).
- (b) In the event that the Licencing Officer changes the metered rates to be charged to passengers for the use of a taxicab, the owner of a taxicab shall make the necessary mechanical changes to the taximeter within three (3) weeks from the date of approval of the rate change by the Licencing Officer.
 - (c) An owner shall provide to the driver, upon request of a driver, a receipt for all monies turned over to the owner by the driver at the end of the driver's shift.
 - (d) An owner may charge fares, or permit a driver to charge fares, computed on a flat rate in respect of trips crossing borders of area municipalities, or trips outside the regional area, provided that the amount of the fare is agreed between the driver and the passenger, or between the owner and the passenger, prior to the commencement of the trip.
 - (e) An owner may offer, or permit a driver to offer, a maximum 10% discount of the approved taximeter fares to senior citizens and students with proper identification.
 - (f) An owner shall, upon request of the Licencing Officer, provide all particulars of an agreement entered into relative to the charging of fares including any written contract or other documents, and any invoices, receipts or other evidence of payment.

- (g) An owner shall ensure that drivers operating the owner's taxicabs comply with the provisions of section 30.
 - (h) An owner shall not permit any person employed by him, or associated in any manner with him, to use scanning equipment in the owner's business.
45. In the case where a Taxicab arranges a trip through electronic means in a manner similar to a TNC, the provisions of subsections 29(r), and 29(s) apply with the necessary modifications.

PART VII - GENERAL PROVISIONS RELATING TO SIGHTSEEING VEHICLES, CALECHES, SPECIALTY VEHICLES & SHUTTLE VEHICLES

46. Sections 47 and 48 relate to sightseeing vehicles; section 49 relates to caleches; section 50- relates to specialty vehicles; section 50.1 relates to Auxiliary Services Vehicles, and; sections 51 and 52 relate to shuttle vehicles.
47. A driver of a sightseeing vehicle shall not,
- (a) operate a sightseeing vehicle unless a fire extinguisher in proper working order is securely mounted in a place approved by the Board and readily accessible to the driver near the entrance to the vehicle;
 - (b) operate a sightseeing vehicle which is equipped to carry more than twenty-five (25) passengers unless the vehicle is equipped with a microphone and loudspeaker system in proper working order to enable all passengers to listen to the commentary of the driver or other person relating to points of interest on the tour being conducted;
 - (i) Nothing in subsection 47(b) shall be interpreted as meaning that a driver is not required to comply with the Distracted Driver Legislation in the *Highway Traffic Act*;
 - (c) operate a sightseeing vehicle unless:
 - (i) the interior and exterior of the vehicle are clean and in good repair, and
 - (ii) the vehicle and its equipment are free from mechanical defects.

48. (a) An owner of a sightseeing vehicle shall file with the Licencing Officer at the time of his application for an owner's licence and at the time of any applications for renewals thereof, descriptive materials disclosing the routes to be followed on sightseeing tours operated by him or his employees, the stops to be made, the approximate length of time for the tours, the approximate length of time at each stop on the tour and the charges for such tours.
- (b) An owner of a sightseeing vehicle shall not permit the operation of a vehicle unless it is equipped with a fire extinguisher in proper working order;
- (c) An owner of a sightseeing vehicle shall not permit the operation of a vehicle which is equipped to carry more than twenty-five (25) passengers unless the vehicle is equipped with a microphone and loudspeaker system in proper working order to enable all passengers to listen to the commentary of the driver or other person relating to points of interest on the tour;
- (i) Nothing in subsection 44(c) shall be interpreted as meaning that a driver is not required to comply with the Distracted Driver Legislation in the *Highway Traffic Act*;
- (ii) An owner of a sightseeing vehicle shall not permit the operation of a vehicle unless:
- (1) the interior and exterior of the vehicle are clean and in good repair, and
- (2) the vehicle and its equipment are free from mechanical defects.
- (d) An owner of a sightseeing vehicle shall ensure that a driver of the vehicle holds the appropriate Ontario driver's licence for that class of vehicle.
49. (a) An owner of a caleche shall not,
- (i) permit the operation of a caleche unless,
- (1) it is free from any mechanical defects;
- (2) its interior and exterior are clean and in good repair, and

- (3) it is properly maintained;
 - (ii) permit the operation of a caleche unless he ensures that the horse being used in connection with the caleche is in sound condition, good health, well fed and watered.
 - (iii) permit the operation of a caleche unless he produces a letter of approval from the municipality in which he intends to carry on business.
 - (b) An owner of a caleche shall produce, on demand by the Licencing Officer, a certificate of a qualified veterinarian as to the condition of any horse being used for the purpose of drawing a caleche.
50. (a) An owner of a specialty vehicle shall,
- (i) provide to the Licencing Officer at the time that the licence is issued, a schedule of fees to be charged in respect of the use of the vehicle and its driver;
 - (ii) charge fees for the use of the vehicle and its driver in accordance with the schedule of fees so provided;
 - (iii)
 - (1) charge a minimum one (1) hour fee of \$50.00 for the use of the vehicle and its driver, which fee shall be in accordance with the fee schedule so provided;
 - (2) a driver may charge a flat rate in respect of intermunicipal trips provided that the amount of the fare is agreed upon between the driver and passenger prior to the commencement of the trip;
 - (iv) ensure that a driver operating the owner's vehicle charges fees in accordance with the schedule of fees so provided;
 - (v) ensures that a driver operating the owner's vehicle charges a minimum one (1) hour fee for the use of the vehicle and its driver, which fee shall be in accordance with the fee schedule so provided;

- (vi) notify the Licencing Officer in writing of any proposed change in the fee schedule prior to invoking such change;
- (vii) maintain a trip record which shall be kept in the licenced vehicle at all times and prepared immediately upon the conclusion of a trip and which shall contain the following information:
 - (1) the name and address of the person hiring the vehicle;
 - (2) the time of the commencement of the trip and the time of the conclusion of the trip;
 - (3) the address of the place of origin of the trip and the address of the place of final discharge of the passengers at the conclusion of the trip; and
 - (4) the fee charged;
- (viii) ensure that a driver operating the owner's vehicle maintains such trip record;
- (ix) keep the trip record referred to in this section for a period of at least twelve (12) months;
- (x) permit any person authorized by the Licencing Officer to inspect the trip record on the premises or to remove the trip record from the premises for the purposes of inspection;
- (xi) provide to a person authorized by the Licencing Officer to inspect trip records by delivering (personally or electronically) requested trip records within two (2) days of receiving notification;
- (xii) not permit any advertisement to be displayed on the specialty vehicle unless the advertisement is approved in advance by the Licencing Officer;
- (xiii) shall ensure that the front driver's side window clearly display a licence or licence renewal sticker issued by the Licencing Officer; and

- (xiv) ensure that a specialty vehicle, with the exception of a specialty vehicle used for patient transfer, is pre-booked at least one hour in advance of its use.
 - (b) An owner of a specialty vehicle shall not permit the operation of his specialty vehicle unless,
 - (i) the interior and exterior are clean and in good repair, and
 - (ii) the vehicle and its equipment are free from mechanical defects.
 - (c) A driver of a specialty vehicle shall,
 - (i) charge fees in accordance with the schedule of fees provided to the Licencing Officer by the owner pursuant to subsection 46(a)(iii), and
 - (ii) maintain a trip record as provided in subsection 50(a)(vii).
 - (d) A driver of a specialty vehicle shall not operate a specialty vehicle unless,
 - (i) the interior and exterior of the vehicle are clean and in good repair, and
 - (ii) the vehicle and its equipment are free from mechanical defects.
 - (e) An owner of a paratransit specialty vehicle shall paint or affix securely on both sides of the paratransit specialty vehicle, the number of the licence issued by the Licencing Officer, in contrasting colours, in numbers at least 10 centimetres high.
- 50.1 (a) Except as provided in subsection 50.1(b), the provisions of section 50 of this By-law apply to Auxiliary Services Vehicles.
- (b) The minimum one hour charge set out in subsection 50(a)(v) does not apply to Auxiliary Services Vehicles.
51. A driver of a shuttle vehicle shall not,
- (a) operate a shuttle vehicle unless a fire extinguisher in proper working order is securely mounted in a place approved by the Licencing Officer and readily

- accessible to the driver near the entrance of the vehicle;
- (b) operate a shuttle vehicle along routes not approved in advance by the Licencing Officer, and
 - (c) operate a shuttle vehicle unless,
 - (i) the interior and exterior of the vehicle are clean and in good repair, and
 - (ii) the vehicle and its equipment are free from mechanical defects.
52. (a) An owner of a shuttle vehicle shall file with the Licencing Officer at the time of his application for owner's licence and at the time of any application for renewal thereof, descriptive materials disclosing the routes to be followed on the shuttle operated by him or his employees, the stops to be made, and the approximately length of time at each stop.
- (b) An owner of a shuttle vehicle shall not,
 - (i) permit the operation of a vehicle unless it is equipped with a fire extinguisher in proper working order of a type approved by the Licencing Officer, and
 - (ii) permit the operation of the vehicle along routes not approved in advance by the Licencing Officer, and
 - (iii) permit the operation a shuttle vehicle unless,
 - (1) the interior and exterior of the vehicle are clean and in good repair; and
 - (2) the vehicle and its equipment are free from mechanical defects.
 - (c) An owner of a shuttle vehicle shall ensure that a driver of a shuttle vehicle holds the appropriate Ontario driver's licence for that class of vehicle.

PART VIII - GENERAL PROVISIONS RELATING TO TOW TRUCKS

53. Section 54 relates to owners of tow trucks, and section 55 relates to drivers of tow trucks.
54. (a) An owner shall not permit a tow truck, owned by him, to be operated unless it is insured in accordance with the provisions of this By-law, which insurance shall include third party liability insurance coverage and insurance coverage on towed vehicles in the amounts specified in PART XIII of this By-law.
- (b) An owner shall,
- (i) provide to the Licencing Officer at the time that the licence is issued or renewed, a schedule of fees to be charged in respect of the use of his vehicle, its equipment and its driver, including particulars of fees to be charged in respect of any contract entered into by the owner relating to the use of the tow truck, its equipment and its driver;
 - (ii) charge fees for the use of the vehicle, its equipment and its driver in accordance with the schedule of fees so provided, and ensure that no fee is charged for any equipment which is a requirement pursuant to provincial or other legislation;
 - (iii) ensure that a driver operating the tow truck charges fees in accordance with the schedule of fees so provided;
 - (iv) maintain at least one legible copy of the schedule of fees in the tow truck, and available for inspection by any hirer, at all times that the tow truck is being operated;
 - (v) ensure that a driver operating the owner's vehicle keeps a legible copy of the schedule of fees in the tow truck, and available for inspection by any hirer, at all times that the tow truck is being operated;
 - (vi) notify the Licencing Officer in writing, on company letterhead, of any proposed change in the fee schedule prior to invoking such change;
 - (vii) ensure that the driver of a tow truck maintains the run sheet mentioned in section 51;

- (viii) keep the run sheet referred to in section 51 for a period of at least twelve (12) months;
 - (ix) permit any person authorized by the Licencing Officer to inspect the record on the premises or in the vehicle or to remove the record from the premises or from the vehicle for the purposes of inspection;
 - (x) provide to a person authorized by the Licencing Officer to inspect trip records by delivering (personally or electronically) requested trip records within two (2) days of receiving notification;
 - (xi) paint or affix securely, on both sides of the tow truck, the number of the metal licence plate issued by the Licencing Officer, in contrasting colours, in numbers at least ten (10) centimetres high;
 - (xii) not permit operation of a tow truck unless a fire extinguisher is securely mounted in a place approved by the Licencing Officer and readily accessible to the driver near the entrance to the vehicle;
 - (xiii) ensure that the Niagara Regional Police are notified each and every time a vehicle is towed without the knowledge of the owner of the vehicle;
 - (xiv) display clearly the name of the tow company on both sides of the cab doors of a minimum height of ten (10) centimetres; and
 - (xv) display the plate on the frame of the roof light in order to be seen from the rear of the vehicle.
- (c) An owner shall not request, accept or give, or permit any employee to request, accept or give, any gift, fee, payment or other remuneration to or from any person other than a hirer in exchange for any service relating to the use of a tow truck, its equipment or its driver.
- (d) An owner shall not permit any person employed by him, or associated in any manner with him, to use scanning equipment in the owner's business.
55. (a) A driver shall not operate a tow truck unless it is insured in accordance with the provisions of section 50 and PART XIII.

- (b) A driver shall,
 - (i) charge fees for the use of the vehicle, its equipment and its driver in accordance with the schedule of fees provided by the owner to the Licencing Officer pursuant to subsection 54(b)(i);
 - (ii) maintain at least one (1) legible copy of the schedule of fees in the tow truck, and available for inspection by any hirer, at all times that the tow truck is being operated;
 - (iii) upon the request of the hirer, provide a receipt in respect of the fee paid by the hirer showing the amount paid, the vehicle owner's licence plate number of the tow truck and the date;
 - (iv) maintain a run sheet which shall be kept in the licenced vehicle at all times and which shall be prepared immediately upon the conclusion of services rendered to a hirer and which shall contain the following information:
 - (1) the licence plate number issued to the owner of the tow truck;
 - (2) the name and address of the hirer;
 - (3) a description of the vehicle towed or conveyed including the provincial motor vehicle permit number of any such vehicle;
 - (4) the nature of the services provided to the hirer;
 - (5) the time of the commencement of the services rendered to the hirer and the time of the conclusion of the services, and
 - (6) the amount charged and collected for the services.
 - (v) shall not operate a tow truck unless a fire extinguisher is securely mounted in a place approved by the Licencing Officer and readily accessible near the entrance to the vehicle.
- (c) A driver shall not make or convey, or permit to be made or conveyed, or an owner shall not direct to be made, an offer of services of a tow truck while that driver is within two hundred (200) metres of the scene of an accident or

an apparent accident, or within two hundred (200) metres of a vehicle involved in an accident, unless the driver is requested to attend at the scene or the vehicle by,

- (i) a hirer,
- (ii) a peace officer as defined in the *Criminal Code of Canada*,
- (iii) any other person authorized by law to direct the removal of a vehicle or vehicles from the scene of an accident;

unless emergency conditions exist which endanger the safety of any person.

- (d) No driver shall operate a licenced tow truck while any scanning equipment is located in the vehicle.
- (e) A driver shall notify the Niagara Regional Police each and every time a vehicle is towed without the knowledge of the owner of the vehicle.

PART IX- BUSINESS LICENCES

56. (a) Any person wishing to make application for a business licence, relating to any of the businesses mentioned in subsections 3(m) to 3(p), shall file with the Licencing Officer an application in Form 11, and in respect of second-hand goods stores, salvage yards and auto-wrecking yards, such of the following documentation if applicable as he has been able to obtain:
- (i) a letter of approval from the area municipality in which the business is proposed to be located, to the effect that the operation of the business is unobjectionable on zoning grounds;
 - (ii) a letter of approval from the fire department of the area municipality in which the business is proposed to be located, to the effect that the operation of the business is unobjectionable on fire safety grounds;
 - (iii) a letter from the building department of the area municipality in which the business is proposed to be located has no objection to the operation of business;

- (iv) notification from the Ministry of the Environment to the effect that the operation of the business in the particular location is unobjectionable on environmental grounds; and
 - (v) a letter from the Niagara Escarpment Commission to the effect that the operation of the business in the particular location does not violate the Niagara Escarpment Plan.
- (b) The provisions of section 18 of this By-law apply to any person wishing to apply for a licence under this Part, save and except the provisions relating to quotas and the provisions of subsections 18(f) to 18(i).
 - (c) In the case of an application for renewal under this Part, the Licencing Officer shall issue a renewal of the licence unless the Licencing Officer recommends that the licence not be renewed, and in that event, the licensee shall be given notice and, where the licensee has indicated a desire to have the matter heard before the Appeal Tribunal, a hearing shall be conducted in like manner to the provisions of section 18, save and except the provisions relating to quotas and the provisions of subsections 18(f) to 18(i).
 - (d) The provisions of subsection 52(a) apply without change to any person proposing to transfer to another person the privileges of using a licence issued under this Part.
 - (e) The provisions of section 25 apply without change to any application to suspend or revoke a licence issued under this Part.
 - (f) At the time that the Licencing Officer grants a licence to an applicant under this Part, the applicant shall pay a licencing fee in an amount prescribed, payable by certified cheque, Visa, MasterCard or debit.
 - (g) Outstanding fines owing to the Licencing Officer that have been imposed pursuant to any provision of this By-law must be satisfied.

PART X - PROVISIONS RELATING TO TAXICAB BROKERS

57. (a) A taxicab broker shall,
- (i) maintain a record of every taxicab dispatched by him on a trip, which record shall include,

- (1) the number of the vehicle owner licence issued by the Licencing Officer;
 - (2) the date and time of each dispatch;
 - (3) the place of origin of each intended trip and the intended place of discharge at the conclusion of the trip, and
 - (4) the name of the driver;
- (ii) keep the record referred to in this section for a period of at least twelve (12) months;
 - (iii) permit any person authorized by the Licencing Officer to inspect the record on the premises or to remove the record from the premises for the purpose of inspection;
 - (iv) provide to a person authorized by the Licencing Officer to inspect trip records by delivering (personally or electronically) requested trip records within two (2) days of receiving notification.
 - (v) provide to the Licencing Officer, a current list of all taxicabs, vehicle owners and dispatchers in respect of which he acts as a taxi broker, which list shall contain the number of the vehicle owner licence issued by the Licencing Officer and the name of the owner of the taxicab, and
 - (vi) advise the Issuer of any addition to or deletion from the list referred to in this section forthwith.
- (b) A taxicab broker shall not act as a broker in respect of any taxicab or vehicle owner not contained in the list provided to the Licencing Officer under this section.
 - (c) A taxicab broker shall not use scanning equipment in the course of his business.
58. The provisions of subsections 29(r) and 29(s) apply with the necessary modifications to Taxicab Brokers in a case where a trip is arranged through electronic means in a manner similar to a TNC.

PART XI - RELATING TO OWNERS OF SECOND-HAND GOODS STORES, DEALERS IN SECOND-HAND GOODS, OWNERS OF AUTO WRECKING YARDS, OWNERS OF SALVAGE YARDS

59. In this Part, "owner" means "owner licenced under Part VIII" and includes "owner" in all matters relating to auto wrecking yards and salvage yards.
60. This By-law does not apply to charitable organizations as defined by any statute of Canada or any statute of the Province of Ontario.
61. Every owner and dealer shall,
- (a) report any change of his residence address in writing to the Licencing Officer within two (2) days of the change, and
 - (b) produce his licence to permit the change to be entered thereon at the time of notification of the change.
62. (a) An owner and dealer shall not purchase, accept in exchange, receive, or permit an employee to purchase, accept in exchange or receive any goods, articles or other chattels from:
- (i) a person under the age of eighteen (18) years without the written consent of the parent or guardian of that person, or
 - (ii) a person apparently under the influence of alcohol or drugs.
- (b) In any proceeding under this section, the onus of proving that a person is not under the age of eighteen (18) years shall be on the owner or dealer.
63. (a) In respect of second-hand goods stores, an owner,
- (i) shall not alter, repair, sell, exchange, dispose of or in any way deal with any goods, articles or other chattels received by him in the course of his business, except for used clothing, (excluding fur and leather coats), used records, used paperback books, and used household furnishings, and
 - (ii) shall not remove any of the said goods, articles, or other chattels

from the premises, until after the expiration of twenty-one (21) days, from the date that he received the goods.

- (b) All items retained for twenty-one (21) days and offered for sale must be labelled with purchase date until sold.
 - (c) An owner of a second-hand goods store shall produce for inspection on demand the Licencing Officer, such goods, articles or other chattels received by him in the course of his business which are being retained pursuant to the provisions of this section.
64. In respect of salvage yards and auto wrecking yards, an owner,
- (a) shall enclose the salvage yard or auto wrecking yard with a substantial fence which is approved by the Licencing Officer or a person designated by the Licencing Officer to provide such approval;
 - (b) shall ensure that the fence enclosing the salvage yard or auto wrecking yard shall be constructed to a height of at least 1.8 meters and not more than 3.1 meters;
 - (c) shall not place or stack, or permit to be placed or stacked, any merchandise or material to a height greater than the height of the fence constructed pursuant to this subsection within five (5) meters of that fence, and
 - (d) shall not store, display or place any merchandise outside the fenced area of the yard.
65. (a) Except for dealers in second-hand goods, a licence issued under PART VIII shall be posted in a conspicuous place on the business premises of the licensee.
- (b) In respect of dealers in second-hand goods, a licence issued under PART VIII shall be posted in a conspicuous place at any place where the dealer may from time to time operate his business.
66. (a) The Licencing Officer shall provide to all owners and dealers, a book which is referred to in this section as the "Register". The Register in respect of wrecking or second hand goods establishments shall be in the form as provided in Schedule 4 and the Register in respect of salvage yards shall

be in the form as provided in Schedule 5.

- (b) An owner shall keep the Register on the premises at all times unless it is removed pursuant to subsection 61(f)(ii).
- (c) An owner and a dealer shall record all transactions in the Register immediately upon completion of the transaction in ink and in legible handwriting, printing or typing, except that an owner shall not be required to record receipt of used clothing, (excluding fur and leather coats), used records, used paperback books and used household furnishings in the Register.
- (d) An owner shall complete all columns in the Register in respect of each transaction made in the course of his business.
- (e) An owner shall not destroy or mutilate any part of the Register.
- (f) An owner shall,
 - (i) produce the Register for inspection on demand of a person authorized by the Licencing Officer to inspect the Register,
 - (ii) permit such person to remove the Register from the premises upon that person providing to the owner a substitute Register, for the purpose of such inspection, and
 - (iii) provide a detailed description of each purchased item sufficient to identify such item and enter such description on the Register.
- (g) An owner shall obtain two (2) pieces of identification, one of which shall have a photograph, and enter such information on the Register.
- (h) An owner shall not offer exclusive re-purchasing rights to a seller.
- (i) The Register shall remain the property of the Licencing Officer.
- (j) An owner shall deliver to the Licencing Officer electronically, or by prepaid post, on Monday of each week, an accurate and legible transcript of all transactions noted in the Register for the preceding week.

- (k) An owner shall ensure that his employees comply with the provisions of this section.
67. (a) An owner or a dealer shall,
- (i) make all reasonable efforts to obtain the name, address and description of any person offering to him, any goods or articles which he reasonably believes may have been stolen, or otherwise unlawfully obtained, and
 - (ii) report all known facts concerning such person to the nearest police station or police officer forthwith.
- (b) Without limiting the generality of subsection 62(a) of this section, an owner shall report any apparent removal or defacement of a serial number or model number of any goods or articles offered to him or received by him.

PART XII – GENERAL PROVISIONS

68. (a) The Licencing Officer shall perform the function of issuing licences. The Licencing Officer shall have the authority to delegate his powers to other members of the Licencing Division for the purpose of carrying out administrative or enforcement functions in his absence.
- (b) The Appeal Tribunal shall among other things oversee public hearings, determine and fix licencing quotas and tariffs, make recommendations from time to time relating to insurance requirements and fees of licences, review all monthly reports filed by licencing personnel and generally perform all other acts necessary in connection with the administration of the licencing functions.
69. (a) The quotas for applicable classes of licences referred to in section 2 are listed in Schedule 1 to this By-law.
- (b) The fees *prescribed in the Fees and Charges By-law, as amended*, to this By-law shall be paid by the respective classes of applicants or licencees referred to in section 3 in respect of applications for annual or temporary licences by means of cash, certified cheque, credit card or debit.

- (c) The tariff of rates to be charged by taxicab owners and drivers licenced under this By-law is listed in Schedule 3 to this By-law.
70. In any proceeding before the Appeal Tribunal under this By-law that may result in the suspension or revocation of an existing temporary or annual licence, or in the refusal to issue or reissue such licence upon application therefor, the onus shall be on the Issuer to establish on a balance of probabilities, that the continuation or the issuance of the licence would be contrary to the public interest.
71. All records required to be maintained by a licensee pursuant to this By-law shall be kept in English and completed in ink and in legible handwriting, printing or typing, or in electronic format in English.
72. In this By-law, words importing the singular shall include the plural, and words importing the masculine gender shall include the feminine gender and corporations or partnerships if the context so requires.
73. Any reference in this By-law to forms shall be construed as meaning those forms provided by the Issuer for the purposes of carrying out the administrative functions of this By-law.
74. All licences issued shall be signed by the Licencing Officer, and the signature may be stamped, printed or mechanically reproduced on the licence.
75. (a) For all classes of licences mentioned in section 2, save and except TNC, tow truck, shuttle, and sightseeing licences, issued in respect of the Town of Grimsby, the Town of Lincoln, the City of St. Catharines, the City of Thorold and the Township of West Lincoln, the expiry date of the licence shall be March 31 in each year.
- (b) For all classes of licences mentioned in section 2, save and except TNC, tow truck licences, issued in respect of the Town of Fort Erie, the Town of Niagara-on-the-Lake and the City of Niagara Falls, the expiry date of the licence shall be April 30 of each year.
- (c) For all classes of licences mentioned in section 2, save and except TNC, sightseeing and shuttle licences, issued in respect of the Town of Pelham, the City of Port Colborne, the Township of Wainfleet and the City of Welland, the expiry date of the licence shall be May 31 of each year.

- (d) For tow truck licences issued with respect to any area municipality, the expiry date of the licence shall be May 31 of each year.
 - (e) For sightseeing and shuttle licences issued with respect to any area municipality, the expiry date of the licence, including the non-use renewal date if applicable, shall be April 30 of each year with renewal fee payment to be paid at the time of activation of the licence.
 - (f) For all TNC licences issued in a year, the expiry date shall be May 31st of each year.
 - (g) For all TNC Vehicle Driver licences issued in a year, the expiry date shall be three (3) months, six (6) months or twelve (12) months from the date of issue, as the case may be, and the expiry date shall be shown clearly on the licence.
76. (a) Any notice required by this By-law to be given to an applicant or to a licensee under PART II may be given:
- (i) by mailing a copy of the notice by prepaid ordinary post to the residence address of the applicant or the licensee, as the case may be, listed on his most recent application for a licence, or
 - (ii) by delivering a copy of the notice personally to the applicant or licensee, or
 - (iii) by leaving a copy of the notice at the residence address of the applicant or licensee listed on the most recent application for a licence, or
 - (iv) by leaving a copy of the notice at the address of the applicant's proposed employer or at the licensee's employer listed on the most recent application for a licence, or.
 - (v) in the case of a TNC, by email sent to the TNC.
- (b) Any notice required by this By-law to be given to an applicant or to a licensee under PART III or PART VIII may be given:
- (i) by mailing a copy of the notice by prepaid ordinary post to the

business address of the applicant or the licensee, as the case may be, listed on his most recent application for a licence, or

- (ii) by delivering a copy of the notice personally to the applicant or licensee, or
- (iii) by leaving a copy of the notice at the business address of the applicant or licensee listed on the most recent application for a licence.

77. (a) In the event that an applicant in respect of any licence authorized to be issued pursuant to this By-law makes a false statement or misleading statement on the application for licence, the Licencing Officer may refuse to issue a licence or temporary licence.
- (b) In the event that a licensee in respect of a licence issued pursuant to this By-law is found to have made a false or misleading statement on any document filed, the Licencing Officer may suspend the licence forthwith and make a recommendation that the licence be suspended or revoked.
- (c) The Licencing Officer shall follow the procedures set out in sections 14 and 25 relating to a suspension or revocation of driver licences, owner licences and business licences, respectively.
78. Any reference to time in this By-law shall be computed without including Saturdays, Sundays and holidays unless otherwise mentioned in this bylaw.

PART XIII – INSURANCE

79. (a) Except for owners of caleches, sightseeing vehicles, shuttle vehicles and tow trucks, and except for TNC Vehicles, an owner of a licenced vehicle shall not permit his vehicle to be operated unless,
- (i) he has procured and maintained in good standing, a standard commercial liability automobile policy of insurance providing for third party liability insurance coverage of at least two million dollars (\$2,000,000.) per occurrence for the use designated in the licence; and
 - (ii) the policy of insurance contains an endorsement requiring that the

insurer gives to the Board at least ten (10) days notice of any proposed cancellation or variation of the policy.

- (b) The insurance requirements for TNC's and TNC Vehicles are as follows:
- (i) A TNC shall ensure that each TNC Vehicle affiliated or registered with it is insured under a policy of automobile insurance for \$2,000,000 (exclusive of interest and costs) or more to provide coverage for:
 - (1) Loss or damage resulting from bodily injury to or the death of one or more persons;
 - (2) Loss or damage to property resulting from an accident; and
 - (3) Third-party liability.
 - (iii) The TNC shall deposit a certificate of any applicable automobile insurance policy with the Issuer.
 - (iv) Any applicable automobile insurance policy shall be endorsed to give the Licencing Officer at least 30 days' prior notice in writing of any cancellation, expiration or variation in the amount of the policy.
 - (v) For each trip, the applicable automobile insurance policy for a TNC Vehicle shall provide coverage from and including the point in time that a request for transportation is accepted by a TNC Driver and until the TNC Driver has completed the trip.
 - (vi) The applicable automobile insurance policy for the TNC Vehicle shall identify the TNC Driver using that TNC Vehicle as a named insured or, in the alternative, the TNC shall have an automobile liability insurance policy in place that provides at least equivalent insurance coverage that meets or exceeds all of the insurance requirements for TNC Vehicles required for this by-law.
 - (vii) When the TNC has an automobile insurance policy in place to satisfy the insurance requirements of this section, the TNC shall provide a certificate of the policy to the Issuer.
 - (viii) Where the TNC requires TNC Drivers to have individual automobile insurance policies in place to satisfy the insurance requirements of this section, the TNC shall retain on file a certificate of each TNC

Driver's policy and produce it to the Issuer or a police officer upon request.

- (ix) A TNC shall have commercial general liability business insurance coverage of at least \$5,000,000.
 - (x) The insurance policy referred to in subsection (viii) shall contain a term or endorsement requiring that the Licencing Officer shall receive at least 30 days prior notice in writing from the insurer of any cancellation, expiration or variation in the amount of the policy.
 - (x) The Licencing Officer may immediately suspend the licence of a TNC and TNC Driver, without a hearing, if a TNC or TNC Driver fails to comply with any or all of the insurance requirements of this chapter at any time, until the automobile liability insurance or commercial general liability insurance policy, as applicable, is reinstated or renewed or an equivalent replacement insurance policy is in place.
- (c) An owner of a caleche shall not permit his vehicle to be operated unless,
- (i) he has procured and maintained in good standing a policy of insurance providing for third party liability of at least one million dollars (\$1,000,000) insurance coverage for the use designated in the licence; and
 - (ii) the policy of insurance contains an endorsement requiring that the insurer gives to the Licencing Officer at least ten (10) days notice of any proposed cancellation or variation of the policy.
- (d) An owner of a tow truck shall not permit his vehicle to be operated unless,
- (i) he has procured and maintained in good standing, a standard automobile policy of insurance providing for third party liability of at least two million dollars (\$2,000,000.) insurance coverage for the use designated in the licence;
 - (ii) the policy of insurance contains an endorsement requiring that the insurer gives to the Licencing Officer at least ten (10) days notice of any proposed cancellation or variation of the policy, and
 - (iii) the policy contains an endorsement providing insurance coverage on

towed vehicles of at least fifty thousand dollars (\$50,000).

- (e) An owner of a sightseeing vehicle or a shuttle vehicle shall not permit his vehicle to operate unless,
 - (i) he has procured and maintained in good standing a standard automobile policy of insurance providing for third party liability of at least the dollar limits noted below in coverage for the use designated in the licence:

<u>Vehicle Passenger Capacity</u>	<u>Minimum Passenger Capacity Liability Insurance</u>
1 – 7	\$2,000,000
8 – 12	\$5,000,000
13 +	\$8,000,000

- (ii) the policy of insurance contains an endorsement requiring that the insurer give to the Licencing Officer at least ten (10) days notice in writing of any proposed cancellation or variation of the policy.
- (f) A dealer in second-hand goods shall not operate a vehicle from house to house or along a highway for the purpose of collecting, purchasing or obtaining second-hand goods unless,
 - (i) he has procured and maintained in good standing, a standard automobile policy of insurance providing for third party liability of at least one million dollars (\$1,000,000.) insurance coverage for the use designated in the licence; and
 - (ii) the policy of insurance contains an endorsement requiring that the insurer gives to the Licencing Officer at least ten (10) days notice of any proposed cancellation or variation of the policy.

PART XIV - PENALTIES

80. Every person who contravenes any provision of this By-law, or any amendment thereto, is guilty of an offence and on conviction, is liable to a fine:

- (a) not exceeding twenty-five thousand dollars (\$25,000);

- (b) where a corporation is convicted of an offence under this by-law, the maximum penalty that may be imposed on the corporation is fifty thousand (\$50,000).

PART XV - ENACTMENT

81. That this by-law shall come into force and effect on June 1, 2019.

THE REGIONAL MUNICIPALITY OF NIAGARA

Alan Caslin, Regional Chair

Tina McKinnon, Deputy Regional Clerk

Passed: September 13, 2018

Schedule 1

QUOTAS FOR CLASSES OF LICENCES

NIAGARA REGION MUNICIPALITIES	TAXICABS	PARATRANSIT TAXICABS
Fort Erie	13	2
Grimsby	7	1
Lincoln	2	1
Niagara Falls	101	15
Niagara-on-the-Lake	7	1
Pelham	2	1
Port Colborne	16	2
St. Catharines	90	13
Thorold	13	2
Welland	45	7
West Lincoln	1	1

Schedule 2

Deleted

Please refer to the Fees and Charges By-law, as amended.

Schedule 3

TAXIMETER TARIFFS

MUNICIPALITY	DROP (\$)	DISTANCE	WAITING TIME (S)
Grimsby	\$3.75	0.27 per 110 meters	\$26.22/hour
Lincoln	\$3.75	0.27 per 110 meters	\$26.22/hour
Niagara Falls	\$3.75	0.27 per 110 meters	\$26.22/hour
Niagara-on-the-Lake	\$3.75	0.27 per 110 meters	\$26.22/hour
Pelham	\$3.75	0.27 per 110 meters	\$26.22/hour
Port Colborne	\$3.75	0.27 per 110 meters	\$26.22/hour
Thorold	\$3.75	0.27 per 110 meters	\$26.22/hour
Welland	\$3.75	0.27 per 110 meters	\$26.22/hour

Schedule 6

A TNC shall maintain business records which include at least the following information:

- (a) For trips involving one passenger commencing or terminating in the Region:
 - i. pick up location and destination (by reference to the intersection);
 - ii. date/time the trip commenced and terminated; and
 - iii. length of time elapsing between the passenger's service request and commencement of the trip.
- (b) For trips involving more than one passenger/fare commenced or terminating within the Region:
 - i. total number of passengers paying separate fares;
 - ii. pick up location(s) and destination(s) (by reference to the intersection) for each trip;
 - iii. date/times the trip commenced and terminated;
 - iv. length of time that elapsed between the time the passenger(s) requested service and the trip commenced for each passenger;
 - v. the fare(s) paid for the trip; and
 - vi. number of trips involving multiple passengers paying separate fares.
- (c) Where requests made for trips to commence or terminate in the Region that were not provided as a result of driver cancellation:
 - i. pick-up location and destination (by reference to the intersection); and
 - ii. date/time the trip was requested.
- (d) A TNC shall maintain and provide driver and vehicle records for all trips commencing in the Region, including:
 - i. driver name;
 - ii. vehicle licence plate number;
 - iii. type of service;
 - iv. total hours/minutes the driver was available to provide transportation services through the Platform for requested time period;
 - v. data reflecting the following periods:
 - (1) Period 1: time period beginning when a TNC Vehicle Driver has logged onto a TNC Platform and indicated that they are available to receive or agree to passenger trip requests;
 - (2) Period 2: time period beginning when a TNC trip is arranged and concluding when a TNC Vehicle Driver has arrived at a location to pick up a passenger; and
 - (3) Period 3: time period beginning when a TNC Vehicle Driver picks up a passenger(s) and concluding when the passenger(s) has arrived at their destination(s).