

**EXTRACT OF DRAFT MINUTES 5
COMMUNITY AND PROTECTIVE
SERVICES COMMITTEE
29 AUGUST 2019**

**EXTRAIT DE L'ÉBAUCHE DU
PROCÈS-VERBAL 5
COMITÉ DES SERVICES
COMMUNAUTAIRES ET DE
PROTECTION
LE 29 AOÛT 2019**

2019-2022 BY-LAW REVIEW WORK PLAN

ACS2019-EPS-GEN-0009

CITY WIDE

REPORT RECOMMENDATION

That the Community and Protective Services Committee recommend that Council approve the 2019-2022 By-law Review Work Plan set out in Document 1 and as further outlined in this report.

Chair Sudds gave introductory remarks on the report and the process for the meeting.

Anthony Di Monte, General Manager of Emergency and Protective Services gave a brief summary of the report and introduced Valerie Bietlot, Manager, Public Policy Development. She then gave a PowerPoint presentation on the highlights of the report. A copy of the presentation is held on file with the City Clerk's office.

Following the presentation, motions to be voted later in the meeting were delivered by the proposing Councillors.

The Committee heard from the following delegations:

1. *William Skorupinski - Vice President Automotive Services and Mobility, Canadian Automobile Association (CAA) North and East Ontario – They have concerns for motorists, tow truck drivers and towing businesses, where the absence of regulation, specifically at the provincial level, has resulted in a variety of models across Ontario that have led to inconsistent consumer protection and safety standards

impacting industry operations. Currently, only 17 municipalities in Ontario, (approximately 5% of municipalities) regulate towing through municipal bylaws and licensing. Have worked with the City on stricter Tow Truck by-law.

2. Bob Brown - Speaking in support of the accessible taxi review. Long term advocate and person with disability. Former chair of former City Taxi advisory Committee and involved in accessible taxi file at that file. Concerned that Vehicle for Hire (VFH) accessibility fund did not go towards ensuring viability of the services. Highly recommend review of the accessibility taxis to make sure we have a viable and sustainable industry.
3. *Philippe Parisot – Supports the review of the VFH By-law. He has driven for Uber and as a taxi driver and there needs to be a better way. You can't make ends meet as an Uber driver.
4. Tony Hajjar – Taxi driver and speaking on behalf of taxi drivers. With the last Council when VFH was approved it also added to taxi driver costs. Many plates, especially accessible plates, are being returned to the City. It is expensive to run an accessible vehicle. People are not making enough to cover their expenses and so are returning the plates. A lot of by-laws that are so strict on the taxi industry, while being more lenient on cars like Uber. Wants Council to review all by-laws.
5. Marc Andre Way – Coventry Connections – It was the will of Council in 2016 to take handcuffs off the industry. However, the meter descriptions were not updated and are out of date. Are asking through the motions being presented to allow flexibility to use more than one device as a meter. It is important for the taxi industry to be able to present a new methodology to staff to see if it meets the satisfaction of the City. Allow us to use different forms of meters.
6. Walid Skaff – Taxi driver and owner – Spoke to the issue of the soft meters and the recent proposal from the company not supported by the union and recent vote. He is not against technology. Spoke to the fact that the company wants soft meters. They are concerned that it gives the companies more control and power over drivers.

[* All individuals marked with an asterisk either provided their comments in writing or by email; all such comments are held on file with the City Clerk.]

Following the presentation and delegations committee members asked staff a variety of questions regarding but not limited to these points:

- The scope on the snow plow licensing review will be communicated.
- Directions to staff were communicated on noise, signs and encroachment.

The motions were introduced by the proposing Councillors and discussion on each.

The report recommendation was put to Committee and CARRIED as amended by the following motions.

MOTION CPS 05 - 02

Moved by: Councillor K. Egli

BE IT RESOLVED that pursuant to subsection 89(3) of the Procedure By-law, this motion be added to the agenda for today's meeting, to be considered in conjunction with the 2019-2022 By-law Review Workplan report.

CARRIED

MOTION CPS 05 - 03

Moved by: Councillor K. Egli

WHEREAS the proposed 2019-2022 By-law Review Workplan sets out the by-law reviews for this Term of Council in accordance with the Council-approved By-law Review Framework, and provides for a mid-term Minor Amendments Report scheduled for Q1 2021 for those items that are minor, of an administrative nature, or are limited in scope but that still require a by-law amendment; and,

WHEREAS there is a desire that some minor amendments to the *Vehicle-For-Hire By-law* be implemented immediately;

THEREFORE BE IT RESOLVED that the *Vehicle-For-Hire By-law* (2016-272, as amended) be amended as follows:

1. Amend Subsection 83(1) to reduce the number of taxicab inspections from two (2) per year to one (1) per year for taxicabs that are older than five (5) model years, so that all classes of taxicabs only require one (1) taxicab inspection per year (subject to the Chief License Inspector requiring additional inspections for particular vehicles for public health and safety or consumer protection purposes, in accordance with the by-law);
2. Amend Section 54 to allow the prescribed taxicab identification number located on the side of the taxicab to be removed from the taxicab when it is not in service;
3. Amend Schedule B (Taxicab Tariff) to augment the tariff for cleaning of the taxicab from \$50 to \$150, to be paid by the customer in circumstances when the customer has caused the taxicab to be soiled so that it must be taken out of service in order to be cleaned; and,

THEREFORE BE IT FURTHER RESOLVED that the General Manager, Emergency and Protective Services, prepare the required amending by-laws in consultation with the City Solicitor for enactment by Council as soon as possible.

CARRIED

MOTION CPS 05 - 04

Moved by: Councillor E. El-Chantiry

BE IT RESOLVED that pursuant to subsection 89(3) of the *Procedure By-law*, this motion be added to the agenda be added to the agenda for today's meeting, to be considered in conjunction with the 2019-2022 *By-law Review Workplan report*.

CARRIED

MOTION CPS 05 - 05

Moved by: Councillor E. El-Chantiry

WHEREAS in 2016 City Council approved flexible pricing for taxicab service that does not exceed the prescribed maximum fare set out in the by-law, to be used under certain conditions when an app is used by a taxi broker to connect passengers to taxicab service; and,

WHEREAS alternative technologies to the traditional taximeter may be available to the taxi industry to implement flexible pricing,

THEREFORE BE IT RESOLVED that the *Vehicle-For-Hire By-law* (2016-272, as amended) be amended to authorize the Chief License Inspector to:

1. **Approve the use of alternative technologies for taximeters to allow the implementation of flexible pricing for taxicab service when an app is used, in accordance with Section 90 of the by-law, provided that the alternative technology in question:**
 - a. **ensures an accurate reading of the trip and fare to be charged to the customer;**
 - b. **is secure and tamper-proof; and**
 - c. **meets any other necessary conditions prescribed by the Chief License Inspector for consumer protection; and**
2. **Waive any by-law requirements related to taximeters, as necessary, to implement the alternative technology that meets the Chief License Inspector's requirements.**

BE IT FURTHER RESOLVED that the General Manger, Emergency and Protective Services, prepare the required amending by-laws in consultation with the City Solicitor for enactment by Council as soon as possible.

CARRIED

MOTION CPS 05 - 06

Moved by: Councillor Luloff

WHEREAS the *Vehicle-For-Hire By-law* currently regulates the provision of on-demand accessible taxicab service, including that such accessible taxicab service be available 10 hours a day, 5 days a week, and,

WHEREAS complaints and concerns have been expressed about accessible taxicab services, including the quality and availability of accessible taxicab services and the cost to accessible taxi plate holders of providing accessible taxicab service, and

WHEREAS a targeted study of these complaints and concerns is deemed necessary, and this study goes beyond a review of the current regulations and by-law,

THEREFORE BE IT RESOLVED that the General Manager of Emergency and Protective Services

- 1. Review the feasibility of conducting a study of the complaints and concerns expressed regarding the quality, availability, and costs on-demand accessible taxicab services, including their causes, and recommending any potential solutions for improvements; and**
- 2. In advance of the 2020 Budget process, report back to the Community and Protective Services Committee on the potential scope of work to undertake such study of accessible taxicab services, including the costs associated with such review, the capacity for staff to undertake this review, and the anticipated timelines for the review.**

CARRIED

MOTION CPS 05 - 07

Moved by: Councillor M. Fleury

WHEREAS Ottawa Markets (MSC) is an organization that was created in January 2018, with the Council approval of the Revitalization of the Byward and Parkdale Markets – New Management Model and

Governance Structure report (ACS2017-PIE-ED-0006);

WHEREAS the Planning, infrastructure and Economic Development (PIED) 2019 Work Plan report (ACS2019-PIE-GEN-0002) includes “Ottawa Markets By-law repeal”; and

WHEREAS Ottawa Markets (MSC) is expected to ask City Council to repeal the ByWard Market By-law (2008-449, as amended) and the Parkdale Market By-law (2008-448, as amended) in 2020 to replace it with policies and procedures to be submitted by Ottawa Markets (MSC);

THEREFORE BE IT RESOLVED that the above-noted by-law repeal be added to the 2019-2022 By-law Review Work Plan as an item for the Planning, Infrastructure and Economic Development department in Q4 2020, in consultation with Legal Services, and representatives from Ottawa Markets (MSC).

CARRIED

Moved by Councillor McKenney (On behalf of Menard)

WHEREAS the Vehicle-For-Hire By-law enacted by Council in 2016 prescribes a licensing regime with accompanying regulations and standards for taxicabs, private transportation companies (PTCs), and limousines; and

WHEREAS the current model creates regulatory inequities among the various vehicle-for-hire providers, which may result in a less regulated monopolistic market that will not benefit residents;

WHEREAS the current regulations regarding taxi plate issuance and taxi brokers create a structure that is monopolistic and disfavours individual taxi plate holders and taxi drivers; and,

WHEREAS the working conditions of taxicab drivers and PTC drivers should also be taken into consideration in the regulatory model; and,

WHEREAS complaints have been received from the taxi industry regarding the challenges and high costs of delivering taxicab services generally, and accessible taxicab services in particular; and

WHEREAS the accessible community is also dissatisfied with quality and availability of on-demand accessible taxicab services; and,

WHEREAS a comprehensive review of the regulatory model for vehicles-for-hire in the City is required;

THEREFORE BE IT RESOLVED THAT:

- 1. The Vehicle-For-Hire By-law (2016-272, as amended) be included on the 2019-2022 By-law Review Workplan for Emergency and Protective Services to enable a comprehensive review of the regulatory model for taxis and private transportation companies (PTCs) and to provide recommendations for improvements, including but not limited to a review of the following: the licensing regime and the regulation for the issuance of taxi plates, including the number of plates to be issued and the processes for doing so; the role and regulatory model for dispatching of calls and taxi brokers; the quality and availability of on-demand accessible taxicab services; the efficacy of enforcement of PTC regulations such as prohibitions on street hailing; and the need for driver training across all licensed categories; and**
- 2. BE IT FURTHER RESOLVED THAT that work will begin in 2022 and staff will report back with findings and recommendations in Q3 2024.**

Councillor Menard noted that due to comments from Committee members stating that they would not be supporting the motion he asked that it be withdrawn.

WITHDRAWN

DIRECTION TO STAFF

- 1. Direct PIED staff, in collaboration with Emergency and Protective Services and Transportation Services staff, to consider the feasibility of a new ByWard Market by-law that would include provisions such as the regulation of noise, parking, encroachment, patios and private property signs for the ByWard Market Public Realm report expected to be before**

Council in Q2 2020.

2. Direct staff to evaluate the feasibility of amending the Noise By-law, vis-à-vis the provisions set out in the *Highway Traffic Act*, and include any potential amendments as part of the minor amendment report outlined in the Bylaw Review Workplan.