

**5. VEHICLE-FOR-HIRE BY-LAW – ADMINISTRATION – EXTENSION OF TIME  
FOR TAXI PLATE**

**RÈGLEMENT SUR LES VÉHICULES DE LOCATION – ADMINISTRATION –  
PROLONGATION DU DÉLAI DE TRANSFERT DE PLAQUES DE TAXI**

**COMMITTEE RECOMMENDATION**

**That Council approve an extension of 12 months, from the date of approval, for the transfer of the plates of two plate holder licensees, under the Vehicle-for-Hire By-law, as further described in this report.**

**RECOMMANDATION DU COMITÉ**

**Que le Conseil approuve la prolongation de 12 mois, à compter de la date d'approbation, du délai de transfert des plaques de deux détenteurs de plaques de taxi aux termes du Règlement sur les véhicules de location, conformément aux précisions données dans le présent rapport.**

**DOCUMENTATION / DOCUMENTATION**

1. General Manager, Emergency and Protective Services' report dated 9 February 2017 (ACS2017-EPS-GEN-0001).

Rapport du Directeur Général, Services de protection et d'urgence, daté le 9 février 2017 (ACS2017-EPS-GEN-0001).

2. Extract of draft Minutes, Community and Protective Services Committee, 16 February 2017.

Extrait de l'ébauche du procès-verbal, Comité des services communautaires et de protection, le 16 février 2017.

**COMMUNITY AND PROTECTIVE  
SERVICES COMMITTEE  
REPORT 21  
22 FEBRUARY 2017**

36

**COMITÉ DES SERVICES  
COMMUNAUTAIRES ET DE  
PROTECTION  
RAPPORT 21  
LE 22 FÉVRIER 2017**

**Report to  
Rapport au:**

**Community and Protective Services Committee  
Comité des services communautaires et de protection  
16 February 2017 / 16 février 2017**

**and Council  
et au Conseil  
22 February 2017 / 22 février 2017**

**Submitted on February 9, 2017  
Soumis le 9 février 2017**

**Submitted by  
Soumis par:**

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**Ward: CITY WIDE / À L'ÉCHELLE DE LA VILLE      File Number: ACS2017-EPS-GEN-0001**

**SUBJECT: Vehicle-For-Hire By-law – Administration – Extension of Time for  
Taxi Plate**

**OBJET: Règlement sur les véhicules de location – Administration –  
Prolongation du délai de transfert de plaques de taxi**

## **REPORT RECOMMENDATIONS**

**That the Community and Protective Services Committee recommend that Council approve an extension of 12 months, from the date of approval, for the transfer of the plates of two plate holder licensees, under the Vehicle-for-Hire By-law, as further described in this report.**

## **RECOMMANDATIONS DU RAPPORT**

**Que le Comité des services communautaires et de protection recommande au Conseil d'approuver la prolongation de 12 mois, à compter de la date d'approbation, du délai de transfert des plaques de deux détenteurs de plaques de taxi aux termes du Règlement sur les véhicules de location, conformément aux précisions données dans le présent rapport.**

## **BACKGROUND**

The new Vehicle-For-Hire By-law (2016-272), which provides for the licensing and regulation of taxicab, limousine and private transportation company services in Ottawa, and took effect on September 30, 2016, replaced the former Taxi By-law (2012-258) and limousine licensing regulations (Schedule 10 to By-law 2002-189).

Section 99(1) of the Vehicle-For-Hire By-law provides that, in the event of the death of the holder of a standard or accessible taxi plate license, the heirs, executors, administrators, successors or assigns or other legal representatives have a period of twelve (12) months from the date of death of the licensee within which to arrange for the transfer of the license. An original or notarized copy of the licensee's death certificate must be submitted to the City's Chief License Inspector (CLI) to inform the City of the death of the licensee. In addition, the transferee must provide the necessary documentation to the CLI to demonstrate that he or she is eligible for a taxi plate holder license under the By-law, and also to establish that the transferee is the lawful heir to the taxi plate holder's license. In this regard, the nature of the documentation required will depend on the particular situation of the deceased licensee's estate, including whether the deceased died with or without a will, among other factors. The same transfer provisions and prescribed time period existed in the former Taxi By-law.

Once the 12-month period provided by Section 99 of the By-law has expired, a taxi plate license is no longer eligible to be transferred under the By-law. Pursuant to Subsection 2(6) of the Vehicle-for-Hire By-law, neither the Chief License Inspector nor the City's License and Property Standards Committee have the authority to extend the prescribed one-year time frame for a plate holder license transfer in the event of the death of the plate holder. Such an extension would therefore require the specific approval of City Council. Subsection 2(6) of the previous Taxi By-law had also exempted Council from granting such an extension when a time period elapsed. This limitation on Council's jurisdiction was however removed when the previous by-law provisions were repealed following the enactment of the Vehicle-for-Hire By-law.

While in most instances the one-year transfer period provided in the Vehicle-For-Hire By-law following the death of a licensee is sufficient to process a transfer, in certain circumstances challenges may arise. In the two cases outlined in this report, the required documentation and arrangements for the transfer of the respective taxi plate licenses of the deceased were not undertaken or completed within the required 12-month period. In these two cases, delays arose through challenges presented by family members residing outside of Canada, the absence of proper documentation being presented, and an absence of documentation evidencing entitlement of the proposed transferee to the taxi plate license in question, among other issues noted below.

These challenges have created specific situations of special circumstances that require consideration of an exemption under the By-law for fairness. As a result, staff recommends that additional time be provided to the families in question to afford them an opportunity to apply for and fulfill the transfer requirements of the By-law. It is noted that taxi plate licenses would only be issued by the CLI to the prospective transferees if sufficient documentation has been provided to establish that the transferee in question is the lawful heir to the license and that the transferee meets all of the requirements of the By-law for taxi plate holders.

## **DISCUSSION**

The two cases at issue are as follows:

1. Plate #79 – Deceased Licensee S. Awada:

Mr. S. Awada died on August 10, 2014. He was a standard taxi plate holder licensee in relation to Plate #79. In this matter, the heirs, executors, administrators, successors or assigns, or other legal representatives had until August 10, 2015, to arrange for the transfer of the deceased licensee's plate to another person. Staff of By-law & Regulatory Services (BLRS) have determined that, although a verbal inquiry was made by a family member of the deceased in or about October 2014 for a potential transfer of the plate to the deceased's widow, there is no record in BLRS files to support that the required documentation was filed with the CLI within the prescribed one-year period to effect the transfer of the taxi plate license, or to demonstrate the identity of the legal heir to the taxi plate.

While it appears that some documents were provided to BLRS for the CLI's attention within the one-year period, these documents would not have been sufficient to establish the legal heir to the plate. Family members of the deceased have asserted that steps were taken and representations made to City staff within the one-year period to arrange for, or at a minimum, to initiate contact with the City for the transfer of the deceased's taxi plate license. In this case, the widow of the deceased licensee commenced legal proceedings in April 2016 against the City seeking a declaration that Plate #79 be transferred to her. The lawsuit also seeks in the alternative to this relief, a further declaration seeking to challenge the operative By-law provision as well as damages against the City for negligent misrepresentation in relation to the verbal contacts had between the family members and BLRS staff. The City has defended this litigation and none of the allegations have been proven in court.

Staff's recommendation that Council approve the granting of another 12-month period in which to allow the family members to arrange for the lawful transfer of the taxi plate license to an eligible transferee, would, from an administrative fairness perspective, reset the clock in this instance, but would nonetheless require that all other elements of the By-law, including substantive requirements, be met by the heir of the deceased licensee

**2. Plates #573, 574, and 575 – Deceased Licensee P. Denis:**

Mr. P. Denis died on August 15, 2014, and was a standard taxi plate holder licensee in relation to the above-noted three plates. It appears from information available in BLRS

files that discussions occurred between City staff and a family member of the deceased licensee both within and beyond the 12-month transfer period. It appears that there are potentially three heirs to the plates in question, some of whom resided outside of Canada during the period in question. As a result, discussions ensued to determine to whom the plates should be transferred and the most efficient way to effect the transfer.

In this case, however, these discussions proceeded beyond the one-year transfer period, with the effect of staff inadvertently providing an extension of time to the family without the authority to do so under the current By-law or the former Taxi By-law. Given the passage of time and the expiration of prescribed transfer period, staff now recommends that Council allow an additional 12-month period to allow family members to complete the transfer process to one or more eligible transferees for the plates in question.

Based on the foregoing, staff recommends that it is appropriate and administratively fair in the present circumstances that Council approve an extension to the period during which the aforementioned plate holder licenses may be transferred to eligible family members, of twelve months from the date of Council approval of the recommendation. It is noted that in all cases, taxi plate licenses will only be issued by the CLI to the prospective transferee if sufficient documentation has been provided to establish that the transferee in question is the lawful heir to the license and that the transferee meets all of the requirements of the By-law for taxi plate holders.

### **RURAL IMPLICATIONS**

There are no rural implications associated with this report.

### **CONSULTATION**

As the recommendation is purely administrative, no public consultation has been undertaken. The putative heirs of the deceased plate holder licensees who had previously contacted BLRS in relation to these specific taxi plates have been duly notified.

## **LEGAL IMPLICATIONS**

There are no legal impediments to Committee and Council considering the recommendation in this report. It is suggested that extensions of time beyond the prescribed periods in the By-law occur rarely and only where such is justified such as for reasons of administrative fairness. It is also noted that the special circumstances arising in the two situations at issue favour an extension of time in which to allow family members to undertake the required transfer processes situations. As noted above in the report, the issuance of the taxi plate licenses in these cases would occur only where the heir is eligible and is lawfully entitled to the license.

## **RISK MANAGEMENT IMPLICATIONS**

There are no risk implications associated with the recommendation.

## **FINANCIAL IMPLICATIONS**

There are no financial implications with this report.

## **ACCESSIBILITY IMPACTS**

The recommendation does not impact seniors or persons with disabilities.

## **TERM OF COUNCIL PRIORITIES**

There is no direct impact on the 2014-2018 Term of Council Priorities.

## **DISPOSITION**

By-law & Regulatory Services, in conjunction with the City Clerk and Solicitor Department (Legal Services), will implement the Council-approved action.