

EXTRACT OF DRAFT
MINUTES 12
7 AND 8 APRIL 2016

EXTRAIT DE L'ÉBAUCHE
DU PROCÈS-VERBAL 12
LE 7 ET 8 AVRIL 2016

CITY OPERATIONS

EMERGENCY AND PROTECTIVE SERVICES DEPARTMENT

1. REGULATING VEHICLES-FOR-HIRE IN THE CITY OF OTTAWA – TAXIS,
LIMOUSINES AND PRIVATE TRANSPORTATION COMPANIES

ACS2016-COS-EPS-0012

CITY WIDE

REPORT RECOMMENDATION

That the Community and Protective Services Committee recommend that Council:

1. Receive the KMPG report entitled “City of Ottawa Taxi and Limousine Regulation and Service Review”, attached as Document 1 and referenced in this report.
2. Approve new regulations for Private Transportation Companies (PTCs), effective June 30, 2016, as described in this report and in the draft by-law attached as Document 2, including the following:
 - a. Establishing a license fee that includes a per trip charge of \$.105 and an annual license fee that reflects the size of the company, as follows:
 - i. A PTC with 1 to 24 affiliated vehicles: \$ 807;
 - ii. A PTC with 25 to 99 affiliated vehicles: \$ 2,469;

- iii. **A PTC with 100 or more affiliated vehicles: \$ 7,253;**
- b. **Requiring each PTC to obtain minimum insurance levels of \$5 million in Commercial Liability and \$5 million in Non-Owned Automobile insurance for itself, and require that each PTC driver obtain Automobile Insurance suitable for part-time drivers providing transportation services for compensation;**
- c. **Requiring all drivers to provide mandatory annual Police Vulnerable Sector Records Check, Statement of Driving Record and a Ministry of Transportation safety standards certificate for vehicles to the company;**
- d. **Requiring all vehicles be no more than 10 years old, with biannual inspections for vehicles greater than 5 years of age;**
- e. **Requiring that rides can only be procured through a pre-arranged app;**
 - i. **Accepting hails is prohibited;**
 - ii. **Using taxi stands is prohibited;**
- f. **Delegating to the General Manager, Emergency and Protective Services, in consultation with the City Clerk and Solicitor, the authority to negotiate, finalize and execute the establishment of a voluntary, per-trip surcharge for accessibility, with any funds received from this surcharge to be directed to a dedicated reserve fund, as described in this report;**
- g. **Directing that the General Manager, Emergency and Protective Services work with the City's Accessibility Unit, the Accessibility Advisory Committee, Para Transpo and other internal and external stakeholders to develop a strategy with respect to how new fees generated through an accessibility levy could be used to offset costs for a number of programs supporting accessible transportation, including but not limited to enhancing the taxi coupon program, and report back to Committee and Council with a recommended approach;**

- taxicab), and introducing similar insurance requirements for Taxi Brokers;
- m. Including the minor administrative and technical amendments outlined in Document 3.
4. Subject to approval of Recommendation 2, approve the amendments to Schedule 10 to the Licensing By-law (2002-189, as amended) relating to limousine service, effective June 30, 2016, as described in this report and in the drafting instructions attached as Document 4, including the following:
- a. Establishing an auxiliary service category to address other service models, such as special senior assistance services and “responsible choice”-type services;
 - b. Establishing a maximum vehicle age of 10 years, with biannual inspections for vehicles greater than 5 years of age, except for the “vintage” category;
 - c. Refining the definition of limousine and realigning vehicle features to ensure vehicles are “luxury” and are distinguished from other vehicles for hire;
 - d. Requiring a minimum insurance level of \$5 million in Commercial General Liability and Motor Vehicle Liability;
 - e. Requiring all limousine drivers to provide mandatory Police Vulnerable Sector Records Check, to be coordinated by the limousine operator, and an annual acceptable Statement of Driving Record;
 - f. Increasing the minimum fare from \$67.50 for the first 90 minutes and \$45.00 for each additional hour, to \$75.00 and \$50.00 respectively, exclusive of HST;
 - g. Including the minor administrative and technical amendments outlined in Document 4;
5. Petition the Province to approve legislative amendments to:

- a. **Provide enhanced enforcement powers and amend penalties in relation to municipal vehicle-for-hire by-laws and under the Highway Traffic Act for both Municipal and Provincial enforcement staff related to unauthorized vehicles-for-hire, including the ability to:**
 - i. **tie outstanding violations to plate denial;**
 - ii. **issue higher fines (not less than \$500 and no more than \$30,000);**
 - iii. **apply three demerit points for non compliance;**
 - iv. **impose administrative license suspensions.**
 - b. **Provide authority for the City of Ottawa (either through the City of Ottawa Act, 1999 or the Municipal Act, 2001) to impose and implement, as part of any vehicle-for-hire regulations, an accessibility levy to be applied to those Private Transportation Companies that do not offer accessible vehicle-for-hire services to the City's standards, where such payment is to be used to promote and foster accessible transportation services;**
 - c. **Amend the Accessibility for Ontarians with Disabilities Act, 2005 to include a reference to Private Transportation Companies to establish a linkage to the accessibility levy referenced in recommendation 5.b), to ensure that appropriate accessible transportation requirements are mandated for Private Transportation Companies and to foster a more level playing field with taxicabs and accessible taxicabs already captured in the Act and its regulations.**
- 6. Delegate the authority to the General Manager, Emergency and Protective Services and the City Clerk and Solicitor to combine the by-laws referenced in and amended by Recommendations 2, 3 and 4 to create a consolidated Vehicle-for-Hire By-law, and to finalize and make any necessary adjustments to the Vehicle-for-Hire By-law to give effect to the intent of Council.**

Anthony Di Monte, General Manager, Emergency and Protective Services, gave an overview of the report before the Committee. The PowerPoint presentation is held on file with the City Clerk's office. Mr. Di Monte introduced and thanked staff who assisted in the creation of the report. The following staff were also present to answer any questions: Rick O'Connor, City Clerk and Solicitor and Acting City Manager, Susan Jones, Deputy City Manager City Operations and Valerie Bietlot, Legal Counsel.

Following the presentation the Committee heard from the following delegations. The majority of the delegations were in opposition of the of staff recommendations.

The following are points made by the delegations opposed to the staff recommendations:

- The recommendations do not create a level playing field.
 - The taxi drivers are full time taxpaying residents of Ottawa whereas companies such as Uber are large multi-national high tech companies with part time drivers.
 - All rules governing the taxis should be applied to the PTC drivers such as insurance, cameras, courses, etc...
 - Taxi plate owners should be compensated for the reduction in their investment.
 - Companies such as Uber have not been following the rules to date so how can they be trusted to follow the new By-law.
 - Uber drivers should be forced to pay the Harmonized Sales Tax (HST).
 - Feel the KPMG report is unfair and unbalanced.
- 1) Chris Schafer, Public Policy Manager, Uber Canada
 - 2) Joel Harden, Contract Instructor, Department of Law and Legal Studies, Carleton University

- 3) Dean McCracken, Uber Driver
- 4) Richard Szirtes, President West Way Taxi
- 5) Steve Ball, President, Ottawa Gatineau Hotel Association
- 6) Ian Faris, President and CEO, Ottawa Chamber of Commerce
- 7) Chris Bradshaw, Former owner Vrtucar
- 8) Brian Wade, Chair, Accessibility Advisory Committee
- 9) Marc Andre Way, President, Capital Taxi
- 10) *Paul Bendus
- 11) Ingrid Goddard, Uber Driver Partner
- 12) Rafael Kamar, Taxi driver
- 13) Courtney Francis, President, Ziptrack
- 14) Catherine Frechette, Senior Director of Destination Development,
Ottawa Tourism
- 15) *Bob Brown, Council of Canadians with Disabilities
- 16) *Suzanne Mooney
- 17) George Kardaras
- 18) Bahador Ayoubzadeh, Taxi Driver
- 19) Sean McKenny, Ottawa & District Labour Council
- 20) Ahmad S. Abouali, Taxi Driver
- 21) Pierre Nakhle
- 22) Andre Houlahan, Taxi Driver
- 23) K. Kapoor
- 24) *Bob Orr, Assistant to President Unifor

- 25) *Pascal Barrette
- 26) Sean McGee Legal Counsel, Unifor Local 1688
- 27) Amrik Singh, President, Unifor 1688
- 28) Romina Raeisi
- 29) Anupam Kakkar, Uber Driver
- 30) Farid Haddad, Taxi driver
- 31) Catherine Gardner
- 32) Liam Crossan, Taxi Driver

MOTION NO. 12/01

Moved by councillor R. Brockington

That the Community and Protective Services Committee approve that the meeting time be extended past 7:00p.m. pursuant to Subsection 8.(1)(c) of Procedure By-law 2014-441.

CARRIED

The Committee recessed for supper at 6:10 PM and resumed at 6:35 PM

- 33) *Guy Annable
- 34) Ihsanullah Ahmadzai
- 35) Tony Abdou-Hamad
- 36) Shirazul Islam
- 37) Tony Hajjar
- 38) Getachew Ayele
- 39) Dawit Tegegne
- 40) Walid Najib Salika

- 41) Belal Wehbe
- 42) Stuart Ryan
- 43) Gill Balwinder, Capital Taxi
- 44) Ergin Zeng
- 45) Anas Hak
- 46) Abda Trabulsi
- 47) Najah Abou Akrouche
- 48) Mahmut Mahmutoglu

*[* 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.]*

The Committee received 54 pieces of correspondence on the item which are kept on file with the City Clerk's office.

The Committee recessed at 9 PM for the evening and resumed at 10 AM on Friday, 8 April 2016.

Following the recess, staff responded to Committee members' questions regarding the concerns raised by the delegations as well as other concerns listed below:

- Have staff considered the notion of making PTC's a sub section of taxis? Staff stated in the affirmative but the rules and regulations have not been fully examined and their implications.
- Many and various questions regarding accessible taxis and the possibility for PTC's to do same. Staff stated that Ottawa's accessible system is one of the best and feel the present system is more than adequate but will have further discussions with Uber or other PTC's when that time comes.
- Questions with regard to the training program and why dispense with it. Staff stated that it was outdated and no longer needed with the introduction of GPS and various online courses being offered as well as those done by the

companies themselves.

- Feedback of the driver and or company important. Can the taxi industry have something similar to Uber? Various applications are coming out for taxis that can do this as well as the traditional methods of phone and email.
- Discussion with regard to security in vehicles and whether cameras are needed in PTC vehicles and possibility of alternative methods such as audio as well as S.O.S. button.
- Because vehicles are used for hire, both taxi and PTC must be smoke free.
- Encouragement for green fleet.
- The staff from KPMG were present to answer questions with regard to their report.
- The conversation concerning compliance came up several times with regard to Uber not adhering to City of Ottawa By-laws to date. Questions were raised on whether they will do so upon enactment of this By-law and cease operation until it is enacted.
- Discussion on the requirement for \$5 million insurance and how the PTC's will comply.

Committee members then introduced motions as set out below.

MOTION NO. 12/02

Moved by Councillor G. Darouze

WHEREAS the staff report titled, "Regulating Vehicles-for-Hire in the City of Ottawa – Taxis, Limousines and Private Transportation Companies," (ACS2016-COS-EPS-0012) proposes an effective date of June 30, 2016, for recommended by-law and regulatory provisions as follows:

1. **New regulations for Private Transportation Companies (PTCs), as described in the report and in the draft by-law attached as Document 2;**

2. Amendments to the Taxi By-law (2012-258, as amended), as described in the report and in the drafting instructions attached as Document 3, and
3. Amendments to Schedule 10 to the Licensing By-law (2002-189, as amended) relating to limousine service, as described in the report and in the drafting instructions attached as Document 4; and

WHEREAS the taxicab industry has expressed an interest in a longer implementation timeline;

THEREFORE BE IT RESOLVED that the Community and Protective Services Committee recommend that Council approve that the effective date for the by-law and regulatory provisions as outlined in this motion and described in the report titled, "Regulating Vehicles-for-Hire in the City of Ottawa – Taxis, Limousines and Private Transportation Companies," (ACS2016-COS-EPS-0012) be amended to be September 30, 2016.

Motion No. 12/2 CARRIED, on a division of 9 YEAS to 1 NAY, as follows:

YEAS (9): Councillors R. Chiarelli, G. Darouze, K. Egli, J. Mitic, T. Nussbaum, S. Qadri, M. Qaqish, R. Brockington, and D. Deans.

NAYS (1): Councillor M. Fleury

MOTION NO. 12/03

Moved by Councillor T. Nussbaum

WHEREAS the current Taxi By-law (2012-258, as amended) provides that the Chief License Inspector may summarily suspend a license issued under the By-law in cases when the continuation of a business would pose an immediate danger to the health or safety of any person or of any property, in accordance with the summary suspension authority found in Section 151(2) of the *Municipal Act, 2001*; and

WHEREAS it is desirable for the Chief License Inspector to have a similar enforcement tool in respect of Private Transportation Companies and Limousine Service Providers under the circumstances;

THEREFORE BE IT RESOLVED that the Community and Protective Services Committee recommend that Council approve amendments to Document 2, pertaining to Private Transportation Companies, and Document 4, pertaining to Limousine Service Providers, to provide the Chief License Inspector with the same summary suspension authority for limousine and Private Transportation Company licenses as found in Sections 113 – 115 of the Taxi By-law, including:

1. **The authority to suspend a license for emergencies, including issues pertaining to breaches of the by-law by the licensee, conduct adverse to the public interest, and where the licensee's insurance has expired;**
2. **That such authority shall contain the requirement to provide notice to the licensee prior to suspension together with an opportunity to respond;**
3. **That the maximum suspension be 14 days; and**
4. **That the licensee shall be prohibited from conducting the licensed business throughout the period of the suspension.**

CARRIED

MOTION NO. 12/04

Moved by Councillor J. Mitic

WHEREAS the staff report recommends the establishment of a licensing fee for Private Transportation Companies that includes a per trip charge of \$.105 as recommended by KPMG; and

WHEREAS input received from a PTC stakeholder, namely representatives of Uber, indicates that it is operationally difficult for the company to implement a fee of \$.105 and furthermore that a fee consisting of a round number such as \$.11 would be more operationally feasible; and

WHEREAS it is further understood that all user fees, such as licensing fees, will be reviewed on an annual basis as part of the budget process to ensure they are charged on a cost-recovery basis;

THEREFORE BE IT RESOLVED that Community and Protective Services Committee recommends that Council approve that Recommendation 2.a and Schedule A of Document 2, pertaining to the licensing fee for Private Transportation Companies, be amended to \$.11 per trip.

CARRIED

MOTION NO. 12/05

Moved by Councillor Qadri

WHEREAS City Council has identified accessibility as one of the three main public policy considerations of its vehicle-for-hire regulatory regime; and

WHEREAS staff has advised that the City of Ottawa has the most progressive accessible taxi program in Canada which legally requires every licensed accessible taxicab driver to provide accessible taxicab service on a priority basis to any person with a disability who requests such service and that the fare for such trip not exceed the amount shown on the meter; and

WHEREAS the recommended proposals for licensing Private Transportation Companies (PTCs) includes an accessibility levy, first voluntary and then, if provincial legislation is changed, mandatory; and

WHEREAS staff is recommending that there be consultations to develop the strategy for the use of any funds generated through this levy, as follows:

Recommendation 2g:

Directing that the General Manager, Emergency and Protective Services work with the City's Accessibility Unit, the Accessibility Advisory Committee, Para Transpo and other internal and external stakeholders to develop a strategy with respect to how new fees generated through an accessibility levy could be used to offset costs for a number of programs supporting accessible transportation, including but not limited to enhancing the taxi coupon program, and report back to Committee and Council with a recommended approach; and

WHEREAS the Accessibility Advisory Committee has been working on accessible transportation issues with City staff for years, and their expertise will be invaluable in this exercise; and

WHEREAS it is possible that, through these consultations, other issues related to Private Transportation Companies, like the need for amendments to the *Accessibility for Ontarians with Disabilities Act, 2005*, might arise;

THEREFORE BE IT RESOLVED that the Community and Protective Services Committee recommend that Council approve that Recommendation 2g be amended to add the following:

That the General Manager, Emergency and Protective Services be delegated the authority to form a Steering Committee for these consultations that will include the Chair of the Accessibility Advisory Committee, an additional member of the Accessibility Advisory Committee, and Councillor Qadri, as their Council liaison; and

That, should the Steering Committee or the consultations identify that other provincial regulations might need to be amended to help make Private Transportation Companies more accessible, including the need for amendments to *Accessibility for Ontarians with Disabilities Act, 2005*, that the Accessibility Advisory Committee's Workplan be amended to include consideration of these matters, as related to the *Vehicle-for-Hire By-law*.

CARRIED

MOTION NO. 12/06

Moved by Councillor K. Egli

WHEREAS regulations for Private Transportation Companies (PTCs) proposed in the staff report titled, "Regulating Vehicles-for-Hire in the City of Ottawa – Taxis, Limousines and Private Transportation Companies," (ACS2016-COS-EPS-0012) will require specific compliance and enforcement activity to ensure that the by-law is being adhered to and Council's public policy goals are met; and

WHEREAS the staff report proposes compliance and enforcement activities such as spot audits, cross-checks with the licensed company and field inspections, as well as a requirement that each PTC maintain an up-to-date register of affiliated drivers as well as proof of drivers' driving records, police records checks and insurance, and that all required records must be available to the City; and

WHEREAS the KPMG report titled, "Taxi and Limousine Regulation and Service Review," recommends on Page 35 that the City "should develop more effective means of preventing a 'ride sharing', app-based service model company, or [PTC]-like operation, from operating in Ottawa without meeting the proposed regulatory requirements and obtaining the required license", and requiring PTCs to submit their mandatory records to the Chief License Inspector on a regular basis would provide an additional compliance and enforcement mechanism that would complement the proposed activities and enhance public safety and consumer protection;

THEREFORE BE IT RESOLVED that the Community and Protective Services Committee recommend that Council approve that each Private Transportation Company be required to provide to the Chief License Inspector an up-to-date list of all driver information including name, address, confirmation of insurance coverage, confirmation of police records check, appropriate driving record and make, model and year of vehicle and license plate information, including any changes to the list relating to by-law compliance matters, in a form prescribed by the City, no later than 2 weeks prior to the effective date of proposed new By-law, and every three months after the effective date of the By-law or on a schedule that will be provided by the Chief License Inspector, and that an appropriate offence be created in the by-law for non-compliance by the company with this requirement; and

BE IT FURTHER RESOLVED that, should a Private Transportation Company fail to provide the list as described in this motion having been provided with notice from the Chief License Inspector and been given an opportunity to reply as required under the *Municipal Act, 2001*, the Chief License Inspector be delegated the authority to summarily suspend the company's license for a period not to exceed 14 days, until such time as the list is provided to the City's satisfaction, and that furthermore the Chief License Inspector also

take enforcement action for the related offences noted above, which in addition to set fines, may include a minimum fine of \$500 and a maximum of \$100,000 for convictions for such offences.

CARRIED

MOTION NO. 12/07

Moved by Councillor M. Qaqish

WHEREAS the staff report titled, “Regulating Vehicles-for-Hire in the City of Ottawa – Taxis, Limousines and Private Transportation Companies,” (ACS2016-COS-EPS-0012) proposes specific compliance and enforcement activity with respect to Private Transportation Companies (PTCs), including spot audits, cross-checks and field inspections, in order to ensure that the by-law is being adhered to; and

WHEREAS the staff report also proposes a variety of undertakings related to accessibility with respect to the PTC vehicle-for-hire category, including:

1. delegating authority to staff to negotiate, finalize and execute the establishment of a voluntary, per-trip surcharge for accessibility;
2. directing staff to work with stakeholders to develop a strategy with respect to how new fees generated through an accessibility levy could be used to offset costs for a number of programs supporting accessible transportation; and
3. petitioning the Province to approve legislative amendments to provide authority for the City of Ottawa to impose and implement, as part of any vehicle-for-hire regulations, an accessibility levy to be applied to those PTCs that do not offer accessible vehicle-for-hire services to the City’s standards, where such payment is to be used to promote and foster accessible transportation services; and

WHEREAS the Core Strategies discussion paper titled, “Customer Experience,” states on Page 7 that, “Customers expect Uber vehicles to be

properly insured, ...etc., and look for regulatory reviews and governments to ensure that effective policies guidelines (sic) are in place”; and

WHEREAS regulating PTCs is a new initiative and Committee and Council would benefit from understanding how well the regulatory regime is working with respect to Council’s guiding principles of public safety, consumer protection and accessibility are met by placing issues related to the compliance and non-compliance of PTCs and the progress of the recommendations related to accessibility in the public realm, and such reporting would allow Committee and Council to take any remedial action deemed appropriate;

THEREFORE BE IT RESOLVED that the Community and Protective Services Committee recommend that Council direct staff to bring forward a compliance report on Private Transportation Companies (PTCs) as follows:

1. Information with respect to how PTCs have or have not complied with the regulations stipulated in the new by-law, including information about enforcement activities and results; and
2. All progress with respect to any accessibility undertakings approved by Council for the PTC category; and
3. That this staff report be brought forward as an Information Previously Distributed Report to the Community and Protective Services Committee every six months in the first year following the effective date of the proposed new by-law, and on an annual basis after the first year of the by-law taking effect.

CARRIED

MOTION NO. 12/08

Moved by Councillor T. Nussbaum

WHEREAS the proposed licensing regulations for Private Transportation Companies (PTC) require the licensee to maintain data on trips and to

provide such data to the Chief License Inspector upon request, including the start and destination points of the trip; and

WHEREAS it is desirable to respect the privacy of individuals using the PTC services to not be specific about address when reference to intersection or 3 digit postal code is sufficient as an indication of the start and destination points;

THEREFORE BE IT RESOLVED That Community and Protective Services recommend that Council approve that Subsection 12(d), clause (iv) of Document 2 of the staff report, pertaining to proposed regulations for Private Transportation Companies (PTC), be amended such that the location reference be restricted to the nearest intersection or the 3 digit postal code.

CARRIED

MOTION NO. 12/09

Moved by Councillor M. Fleury

WHEREAS businesses supplying taxable goods and services in the course of commercial transactions in Ontario must collect and remit Harmonized Sales Tax (HST) in accordance with the rules and processes established by the Canada Revenue Agency (CRA); and

WHEREAS taxi and limousine operators are required by the CRA to collect and remit HST, keep required records and complete and file required returns in the applicable reporting period; and

WHEREAS, City Council is considering licensing Private Transportation Companies to offer transportation services for compensation in the City of Ottawa, and Council also has an interest in ensuring that all businesses and trades it licenses comply with all applicable Federal and Provincial laws and regulations, including all HST requirements;

THEREFORE BE IT RESOLVED that City Council direct the City Clerk and Solicitor to request that the Canada Revenue Agency review the obligations of Private Transportation Companies and their affiliated drivers to collect

and remit HST in Ontario, and formally respond to the City of Ottawa's request with related requirements and processes, if necessary; and

BE IT FURTHER RESOLVED that the response be reported back to Committee and Council.

CARRIED

MOTION NO. 12/10

Moved by Councillor G. Darouze

WHEREAS the staff report recommends permitting that taxicab rides pre-arranged through an app may be set at a rate below the maximum fare prescribed in the Taxi By-law; and

WHEREAS input received from taxi industry representatives indicates that they are intending to implement an app (eCab) that uses flexible pricing varying with the type of vehicle being requested by and dispatched to a customer, such as larger vehicles or luxury vehicles, and that these specific requests will be addressed by introducing a surcharge of between \$10 and \$15 for this service, with a \$5 cancellation fee should the fare be cancelled at the door; and

WHEREAS staff believes this approach is consistent with the overall vehicle-for-hire framework as long as there is a maximum amount and the customer is aware of and accepts the conditions for this special service in advance;

THEREFORE BE IT RESOLVED that Community and Protective Services Committee recommends that Council approve that Recommendation 3.e and Document 3, pertaining to tariffs prescribed in the Taxi By-law, be amended to provide flexibility of pricing based on different service and vehicle types, specifically the application of a surcharge to a maximum of \$15, and to provide for a \$5 cancellation fee should the fare be cancelled at the door, on the condition that the customer is made aware of the surcharges in advance of accepting the service, and has the opportunity to decline; and

BE IT FURTHER RESOLVED that the aforementioned surcharge shall not apply to a person who requires an accessible vehicle for purposes of a wheelchair, mobility aid or mobility assistive device.

CARRIED

MOTION NO. 12/11

Moved by Councillor R. Brockington

WHEREAS the staff report recommends that Private Transportation Companies (PTCs) ensure that every PTC Vehicle is the subject of a valid Ministry of Transportation Safety Standards Certificate, as is the case with vehicles used in other Vehicle for Hire categories; and

WHEREAS, given that it is reasonable to presume that this sector may be the subject of new legislation at the provincial level and it is desirable to ensure some flexibility in the vehicle safety certification process to account of any changes in such processes that may be imposed by the Ministry of Transportation, and to authorize the Chief License Inspector to approve any future equivalent vehicle safety verification processes that may be available;

THEREFORE BE IT RESOLVED that Community and Protective Services Committee recommend that Council approve amending the vehicle safety certificate requirements across all vehicle for hire categories, specifically in Recommendation 2 and Document 2, pertaining to Private Transportation Companies and their affiliated Drivers; Recommendation 3, and Document 3, pertaining to Taxi Brokers and Taxi Plate Holders (who cover Taxi Drivers); and Recommendation 4, and Document 4, pertaining to Limousine Service providers, to provide that alternative and equivalent vehicle safety verification processes may be used provided they are approved by the Chief License Inspector.

CARRIED

MOTION NO. 12/12

Moved by Councillor R. Brockington

WHEREAS the staff report requires that Private Transportation Companies (PTCs) ensure that every PTC Driver providing the transportation service obtain appropriate automobile liability insurance for consumer protection, as is the case with Drivers affiliated with all the vehicle for hire categories; and

WHEREAS insurance in the Province of Ontario is regulated and approved by the Financial Services Commission of Ontario, and in the future additional insurance products may become available and be approved for PTC Drivers or other vehicle for hire categories which may be advantageous to these entities; and

WHEREAS it is desirable to ensure flexibility in insurance requirements for PTC Drivers and other Drivers of vehicle for hire categories to account for new insurance products provided that the insurance coverage meets the requirements set by the City for adequate consumer protection, as approved by the City Clerk and Solicitor;

THEREFORE BE IT RESOLVED that Community and Protective Services Committee recommend that City Council approve:

- 1. Amending the insurance requirements across all vehicle for hire categories, specifically in Recommendation 2.b. and Document 2, pertaining to Private Transportation Companies and their affiliated Drivers; Recommendation 3.I., and Document 3, pertaining to Taxi Brokers and Taxi Plate Holders (who cover Taxi Drivers); and Recommendation 4.6., and Document 4, pertaining to Limousine Service providers, to provide that alternative and equivalent insurance may be provided by the driver or licensee, as the case may be, to the satisfaction of the City Clerk and Solicitor; and**
- 2. Amending the insurance requirement for Private Transportation Company (PTC) Drivers in Document 2 to add the provision that any equivalent endorsement or automobile liability insurance approved by the Financial Services Commission of Ontario for PTC use may be obtained, subject to approval by the City Clerk and Solicitor, and**

furthermore that such coverage may be maintained by the PTC Driver, the affiliated PTC, or any combination of the two provided that if the PTC Driver fails to obtain the required coverage, or the coverage lapses, such coverage must be maintained by the affiliated PTC.

CARRIED

MOTION NO. 12/13

Moved by Councillor M. Fleury

WHEREAS the taxi industry has done a good job moving to hybrid and electric vehicles to reduce their carbon foot print; and

WHEREAS the 2014 Update on the City's Air Quality and Climate Change Management Plan noted, "The greatest challenge facing Ottawa's transportation sector is the growing population and continued reliance on the automobile as the preferred mode of travel. Growth in vehicle emissions ... indicates that increased automobile ownership and use are outstripping improvements in auto emissions technologies"; and

WHEREAS, on February 24, 2016, City Council approved the following:

That the City continue to work with key stakeholders and community partners to reduce community-wide GHGs produced within the geographic boundary of the City of Ottawa and pursue a new long-term GHG reduction target of 80% below 2012 levels by 2050; and

WHEREAS Vehicles for Hire contribute to Greenhouse Gases;

THEREFORE BE IT RESOLVED that the Community and Protective Services Committee recommend that Council direct the Chief License Inspector to examine what licensing tools the City might be able to use to also encourage Private Transportation Companies and Limousines to use hybrid, electric or other low-emission vehicles and report back as part of the first annual report on the Vehicles-for-Hire By-law.

CARRIED

The following Motions were also put to committee but LOST.

Councillor R. Brockington moved the following motion on behalf of Councillor E. El-Chantiry.

MOTION NO. 12/14

Moved by Councillor R. Brockington

WHEREAS the Taxicab Driver Education Program was put in place several years ago with the intent of producing better trained drivers in customer service and knowledge of the Ottawa area, and must be completed by all taxicab driver's license applicants in order to receive their license; and

WHEREAS the Chief License Inspector may deem it necessary for the purposes of ensuring satisfactory customer service for a licensed taxicab driver to successfully complete a refresher training course with enhanced customer-related training as a condition of his or her license; and

WHEREAS the staff report titled, "Regulating Vehicles-for-Hire in the City of Ottawa – Taxis, Limousines and Private Transportation Companies," (ACS2016-COS-EPS-0012) recommends eliminating the requirement for the Taxicab Driver Education Program and the refresher training course (retaining the Accessible Taxicab Training Course); and

WHEREAS, although the advent of GPS has eliminated the need for drivers to rely on classroom training with respect to wayfinding knowledge, training in customer service will continue to be beneficial in reducing complaints and assisting with improving the quality of taxi service in the Ottawa area, thereby supporting the guiding principles of consumer protection and public safety; and

WHEREAS establishing a basic understanding of customer service would also be beneficial for Private Transportation Company drivers;

THEREFORE BE IT RESOLVED that the Community and Protective Services Committee recommend that Council retain the requirements in the Taxi By-law (2012-258, as amended) that all taxicab driver's license applicants

(Standard and Accessible) must complete the Taxicab Driver Education Program, and that a driver must successfully complete the refresher training course as a condition of his or her license if deemed necessary by the Chief License Inspector based on complaints received or compliance issues noted by the Chief License Inspector for the licensee in question; and

BE IT FURTHER RESOLVED that Private Transportation Company drivers also be required to complete this course; and

BE IT FURTHER RESOLVED that the Chief License Inspector be directed to work with Algonquin College to modernize the Taxicab Driver Education Course such that any part of the curriculum that the City believes is outdated is eliminated, and the course time and tuition is adjusted accordingly.

Motion No. 12/14 LOST, on a division of 2 YEAS to 8 NAYS, as follows:

YEAS (9): Councillors R. Chiarelli and K. Egli.

NAYS (1): Councillor G. Darouze, M. Fleury, J. Mitic, T. Nussbaum, S. Qadri, M. Qaqish, R. Brockington, and D. Deans.

Councillor R. Chiarelli moved the following motion on behalf of Councillor E. El-Chantiry.

MOTION NO. 12/15

Moved by Councillor R. Chiarelli

WHEREAS, in 2005, City Council approved a recommendation that all taxicabs be equipped with security cameras as a means of protecting and enhancing driver and passenger safety and as a deterrent to bad behaviour and acts of violence and that such cameras would be mandatory in 2008; and

WHEREAS the staff report recommends that the requirement for in-vehicle cameras continue to be required for taxicabs in order to maintain public safety, but that the by-law specify minimum standards rather than specific makes and models; and

WHEREAS in-vehicle cameras are not proposed for Private Transportation Companies (PTCs); and

WHEREAS public safety was one of the Council-approved guiding principles of the regulatory review and the data collected by in-vehicle cameras is beneficial to the Ottawa Police Service during criminal investigations; and,

WHEREAS the security cameras in taxicabs are regulated by an Access and Privacy Policy the purpose of which is to strike a balance between enhancing the safety of both taxicab drivers and members of the public, while at the same time protecting the personal information of individuals and minimizing intrusions to personal privacy as much as possible; and

WHEREAS in order to ensure the integrity of the data collected for law enforcement and court proceedings, taxicab security cameras are required to be continually running when the taxi is in operation (not under the control of the driver or occupants) and be tamper proof, and must only be accessed by authorized personnel from the Ottawa Police Service for a law enforcement purpose; and

THEREFORE BE IT RESOLVED that the Community and Protective Services Committee recommend that Council approve amending the Recommendation 2 such that in-vehicle cameras similar to the ones required for taxicabs be required across all vehicle-for-hire categories and be regulated by an appropriate Access and Privacy policy, including the provision of notice by the driver to passengers that a camera is present in the vehicle.

Motion No. 12/15 LOST, on a division of 3 YEAS to 7 NAYS, as follows:

YEAS (3): Councillors R. Chiarelli, K. Egli, and M. Qaqish.

NAYS (7): Councillor G. Darouze, M. Fleury, J. Mitic, T. Nussbaum, S. Qadri, R. Brockington, and D. Deans.

Item 1 of the Agenda, as amended by Motion Nos. 12/2, 12/3, 12/4, 12/5, 12/6, 12/7, 12/8, 12/9, 12/10, 12/11, 12/12 and 12/13, and set out in full below for ease of reference, was then put to Committee:

That the Community and Protective Services Committee recommend that Council:

1. Receive the KMPG report entitled “City of Ottawa Taxi and Limousine Regulation and Service Review”, attached as Document 1 and referenced in this report,
2. Approve new regulations for Private Transportation Companies (PTCs), effective September 30, 2016, as described in this report and in the draft by-law attached as Document 2, as amended, including the following:
 - a. Establishing a license fee that includes a per trip charge of \$.11 and an annual license fee that reflects the size of the company, as follows:
 - i. A PTC with 1 to 24 affiliated vehicles: \$ 807;
 - ii. A PTC with 25 to 99 affiliated vehicles: \$ 2,469;
 - iii. A PTC with 100 or more affiliated vehicles: \$ 7,253;
 - b. Requiring each PTC to obtain minimum insurance levels of \$5 million in Commercial Liability and \$5 million in Non-Owned Automobile insurance for itself, and require that each PTC driver obtain Automobile Insurance suitable for part-time drivers providing transportation services for compensation;
 - c. Requiring all drivers to provide mandatory annual Police Vulnerable Sector Records Check, Statement of Driving Record and a Ministry of Transportation safety standards certificate for vehicles to the company;
 - d. Requiring all vehicles be no more than 10 years old, with biannual inspections for vehicles greater than 5 years of age;
 - e. Requiring that rides can only be procured through a pre-arranged app;
 - i. Accepting hails is prohibited;
 - ii. Using taxi stands is prohibited;

- f. Delegating to the General Manager, Emergency and Protective Services, in consultation with the City Clerk and Solicitor, the authority to negotiate, finalize and execute the establishment of a voluntary, per-trip surcharge for accessibility, with any funds received from this surcharge to be directed to a dedicated reserve fund, as described in this report;
- g. Directing that the General Manager, Emergency and Protective Services work with the City's Accessibility Unit, the Accessibility Advisory Committee, Para Transpo and other internal and external stakeholders to develop a strategy with respect to how new fees generated through an accessibility levy could be used to offset costs for a number of programs supporting accessible transportation, including but not limited to enhancing the taxi coupon program, and report back to Committee and Council with a recommended approach; and
- i. That the General Manager, Emergency and Protective Services be delegated the authority to form a Steering Committee for these consultations that will include the Chair of the Accessibility Advisory Committee, an additional member of the Accessibility Advisory Committee, and Councillor Qadri, as their Council liaison; and
- ii. That, should the Steering Committee or the consultations identify that other provincial regulations might need to be amended to help make Private Transportation Companies more accessible, including the need for amendments to Accessibility for Ontarians with Disabilities Act, 2005, that the Accessibility Advisory Committee's Workplan be amended to include consideration of these matters, as related to the Vehicle-for-Hire By-law;
- h. Requiring that Private Transportation Companies comply with other administration- and enforcement-related requirements with respect to the by-law, as outlined in this report and as amended by the following:

- i. Approve amendments to Document 2, pertaining to Private Transportation Companies to provide the Chief License Inspector with the same summary suspension authority for Private Transportation Company licenses as found in Sections 113 – 115 of the Taxi By-law, including:
 - a) The authority to suspend a license for emergencies, including issues pertaining to breaches of the by-law by the licensee, conduct adverse to the public interest, and where the licensee’s insurance has expired;
 - b) That such authority shall contain the requirement to provide notice to the licensee prior to suspension together with an opportunity to respond;
 - c) That the maximum suspension be 14 days; and
 - d) That the licensee shall be prohibited from conducting the licensed business throughout the period of the suspension.

- ii. That each Private Transportation Company be required to provide to the Chief License Inspector an up-to-date list of all driver information including name, address, confirmation of insurance coverage, confirmation of police records check, appropriate driving record and make, model and year of vehicle and license plate information, including any changes to the list relating to by-law compliance matters, in a form prescribed by the City, no later than 2 weeks prior to the effective date of proposed new By-law, and every three months after the effective date of the By-law or on a schedule that will be provided by the Chief License Inspector, and that an appropriate offence be created in the by-law for non-compliance by the company with this requirement; and

- iii. That, should a Private Transportation Company fail to provide the list as described in this motion having been provided with notice from the Chief License Inspector and been given an opportunity to reply as required under the *Municipal Act, 2001*, the Chief License Inspector be delegated the authority to summarily suspend the company’s license for a period not to

- exceed 14 days, until such time as the list is provided to the City's satisfaction, and that furthermore the Chief License Inspector also take enforcement action for the related offences noted above, which in addition to set fines, may include a minimum fine of \$500 and a maximum of \$100,000 for convictions for such offences;
- iv. Direct staff to bring forward a compliance report on Private Transportation Companies (PTCs) as follows:
- a) Information with respect to how PTCs have or have not complied with the regulations stipulated in the new by-law, including information about enforcement activities and results; and
 - b) All progress with respect to any accessibility undertakings approved by Council for the PTC category; and
 - c) That this staff report be brought forward as an Information Previously Distributed Report to the Community and Protective Services Committee every six months in the first year following the effective date of the proposed new by-law, and on an annual basis after the first year of the by-law taking effect;
- v. Approve that Subsection 12(d), clause (iv) of Document 2 of the staff report, pertaining to proposed regulations for Private Transportation Companies (PTC), be amended such that the location reference be restricted to the nearest intersection or the 3 digit postal code;
- vi. Direct the City Clerk and Solicitor to request that the Canada Revenue Agency review the obligations of Private Transportation Companies and their affiliated drivers to collect and remit HST in Ontario, and formally respond to the City of Ottawa's request with related requirements and processes, if necessary; and

- a) That the response be reported back to Committee and Council.
3. Subject to the approval of Recommendation 2, approve the amendments to the Taxi By-law (2012-258, as amended), effective September 30, 2016, as described in this report and in the drafting instructions attached as Document 3, as amended, including the following:
- a. Reducing standard taxi driver license fee from \$170 to \$96;
 - b. Waiving the accessible taxi driver license fee;
 - c. Eliminating the requirement for the Taxi Driver Education Program and the refresher training course (retaining the Accessible Taxicab Training Course);
 - d. Eliminating the uniform and street guide requirements;
 - e. Permitting that rides pre-arranged through an app may be set at a rate below the maximum fare prescribed in the by-law, as amended by the following:
 - i. To provide flexibility of pricing based on different service and vehicle types, specifically the application of a surcharge to a maximum of \$15, and to provide for a \$5 cancellation fee should the fare be cancelled at the door, on the condition that the customer is made aware of the surcharges in advance of accepting the service, and has the opportunity to decline; and
 - ii. That the aforementioned surcharge shall not apply to a person who requires an accessible vehicle for purposes of a wheelchair, mobility aid or mobility assistive device.
 - f. Eliminating the \$1.50 credit card processing fee;
 - g. Eliminating taxicab vehicle standards with respect to interior and trunk size, seating capacity and window tinting;
 - h. Increasing the allowable vehicle age from 8 to 10 years, with authority delegated to the Chief License Inspector to disqualify a vehicle in the interest of public safety;

- i. Amending the requirement for in-vehicle cameras to specify minimum standards rather than specific makes and models;
 - j. Expanding the regulated area to include the entire City of Ottawa;
 - k. Amending the ratio of plates-to-population from 1:784 to 1:806;
 - l. Increasing liability insurance requirement from \$2 million Commercial General Liability to \$5 million Motor Vehicle Liability for Taxi Plate Holders (covering all drivers who drive a taxicab), and introducing similar insurance requirements for Taxi Brokers;
 - m. Including the minor administrative and technical amendments outlined in Document 3.
4. Subject to approval of Recommendation 2, approve the amendments to Schedule 10 to the Licensing By-law (2002-189, as amended) relating to limousine service, effective September 30, 2016, as described in this report and in the drafting instructions attached as Document 4, as amended, including the following:
 - a. Establishing an auxiliary service category to address other service models, such as special senior assistance services and “responsible choice”-type services;
 - b. Establishing a maximum vehicle age of 10 years, with biannual inspections for vehicles greater than 5 years of age, except for the “vintage” category;
 - c. Refining the definition of limousine and realigning vehicle features to ensure vehicles are “luxury” and are distinguished from other vehicles for hire;
 - d. Requiring a minimum insurance level of \$5 million in Commercial General Liability and Motor Vehicle Liability;
 - e. Requiring all limousine drivers to provide mandatory Police Vulnerable Sector Records Check, to be coordinated by the limousine operator, and an annual acceptable Statement of Driving Record;

- f. Increasing the minimum fare from \$67.50 for the first 90 minutes and \$45.00 for each additional hour, to \$75.00 and \$50.00 respectively, exclusive of HST;
 - g. Including the minor administrative and technical amendments outlined in Document 4, as amended by the following:
 - i. approve amendments to Document 4, pertaining to Limousine Service Providers, to provide the Chief License Inspector with the same summary suspension authority for limousine and Private Transportation Company licenses as found in Sections 113 – 115 of the Taxi By-law, including:
 - a) The authority to suspend a license for emergencies, including issues pertaining to breaches of the by-law by the licensee, conduct adverse to the public interest, and where the licensee's insurance has expired;
 - b) That such authority shall contain the requirement to provide notice to the licensee prior to suspension together with an opportunity to respond;
 - c) That the maximum suspension be 14 days; and
 - d) That the licensee shall be prohibited from conducting the licensed business throughout the period of the suspension.
5. Petition the Province to approve legislative amendments to:
- a. Provide enhanced enforcement powers and amend penalties in relation to municipal vehicle-for-hire by-laws and under the *Highway Traffic Act* for both Municipal and Provincial enforcement staff related to unauthorized vehicles-for-hire, including the ability to:
 - i. Tie outstanding violations to plate denial;
 - ii. Issue higher fines (not less than \$500 and no more than \$30,000);
 - iii. Apply three demerit points for non compliance;

- iv. **Impose administrative license suspensions.**
 - b. **Provide authority for the City of Ottawa (either through the *City of Ottawa Act, 1999* or the *Municipal Act, 2001*) to impose and implement, as part of any vehicle-for-hire regulations, an accessibility levy to be applied to those Private Transportation Companies that do not offer accessible vehicle-for-hire services to the City's standards, where such payment is to be used to promote and foster accessible transportation services;**
 - c. **Amend the *Accessibility for Ontarians with Disabilities Act, 2005* to include a reference to Private Transportation Companies to establish a linkage to the accessibility levy referenced in recommendation 5.b), to ensure that appropriate accessible transportation requirements are mandated for Private Transportation Companies and to foster a more level playing field with taxicabs and accessible taxicabs already captured in the Act and its regulations.**
6. **Delegate the authority to the General Manager, Emergency and Protective Services and the City Clerk and Solicitor to combine the by-laws referenced in and amended by Recommendations 2, 3 and 4 to create a consolidated Vehicle-for-Hire By-law, and to finalize and make any necessary adjustments to the Vehicle-for-Hire By-law to give effect to the intent of Council, as amended by the following:**
- a. **Amending the vehicle safety certificate requirements across all vehicle for hire categories, specifically in Recommendation 2 and Document 2, pertaining to Private Transportation Companies and their affiliated Drivers; Recommendation 3, and Document 3, pertaining to Taxi Brokers and Taxi Plate Holders (who cover Taxi Drivers); and Recommendation 4, and Document 4, pertaining to Limousine Service providers, to provide that alternative and equivalent vehicle safety verification processes may be used provided they are approved by the Chief License Inspector; and**
 - b. **Amending the insurance requirements across all vehicle for hire categories, specifically in Recommendation 2.b. and Document 2, pertaining to Private Transportation Companies and their affiliated**

Drivers; Recommendation 3.I., and Document 3, pertaining to Taxi Brokers and Taxi Plate Holders (who cover Taxi Drivers); and Recommendation 4.6., and Document 4, pertaining to Limousine Service providers, to provide that alternative and equivalent insurance may be provided by the driver or licensee, as the case may be, to the satisfaction of the City Clerk and Solicitor; and

- c.** Amending the insurance requirement for Private Transportation Company (PTC) Drivers in Document 2 to add the provision that any equivalent endorsement or automobile liability insurance approved by the Financial Services Commission of Ontario for PTC use may be obtained, subject to approval by the City Clerk and Solicitor, and furthermore that such coverage may be maintained by the PTC Driver, the affiliated PTC, or any combination of the two provided that if the PTC Driver fails to obtain the required coverage, or the coverage lapses, such coverage must be maintained by the affiliated PTC;
- 7.** Direct the Chief License Inspector to examine what licensing tools the City might be able to use to also encourage Private Transportation Companies and Limousines to use hybrid, electric or other low-emission vehicles and report back as part of the first annual report on the Vehicles-for-Hire By-law.

CARRIED

DIRECTIONS TO STAFF

1. That Legal Staff examine the privacy concerns of installing audio recording technology in Private Transportation Company (PTC) vehicles such as Uber and report back to Committee six months following enactment of the new By-law.
2. That staff consult with Uber representatives and advise at Council of the feasibility of having a voluntary accessibility levy in place by the effective date of the PTC regulations.

3. There has been a PTC that has piloted an S.O.S. button so either driver or rider can enact it, which goes directly to a local police service. That staff provide an update on the feasibility of this technology in Ottawa in the first verbal update on the By-law, after implementation.
4. That staff provide a verbal update three months following enactment of the new By-law.
5. That the Chair of the Community and Protective Services Committee send a letter to Uber demanding cessation of activity until the enactment of the By-law on September 30, 2016 and request how Uber will comply with the new insurance provisions of the By-law.