

Licensing Requirements & Regulations for Private Transportation Companies

1. In this By-law,

“applicant” means a person applying for a PTC license or for the renewal of a PTC License under this By-law;

“Chief License Inspector” means the Chief of By-law and Regulatory Services in the Emergency and Protective Services Department, City Operations Portfolio, or an authorized representative;

“Chief of Police” means the Chief of Police of the Ottawa Police Service and includes an authorized representative;

“City” means the City of Ottawa as constituted on January 1, 2001 under the *City of Ottawa Act, 1999*;

“City Clerk and Solicitor” means the City Clerk and Solicitor of the City, or an authorized representative;

“Council” means the Council of the City;

“Highway Traffic Act” means the *Highway Traffic Act*, R.S.O. 1990, c.H. 8, as amended, and includes any Regulation passed under it;

“License and Property Standards Committee” means the License and Property Standards Committee established by Council for the purposes of hearing applications and appeals relating to licenses and property standards;

“Municipal Law Enforcement Officer” means an individual who is appointed by Council to enforce this By-law;

“person” includes an individual, a corporation, a partnership, and an association, and includes a licensee or an applicant for a license under this By-law as the context requires;

“police officer” means a Chief of police or any other police officer, but does not include a special constable, a municipal law enforcement officer or an auxiliary member of a police force;

“Private Transportation Company” means any person that offers, facilitates, or operates prearranged transportation services for compensation using any software or application or telecommunications

platform to connect passengers with PTC Drivers and may also be referred to as “PTC” for the purposes of this By-law;

“PTC Driver” means an individual who is affiliated with a Private Transportation Company to transport passengers for compensation using a PTC Vehicle; and,

“PTC license” means a license issued under this By-law; and,

“PTC Vehicle” means a motor vehicle with a capacity to carry a maximum of 6 passengers plus the driver that is used by a PTC Driver to provide transportation services that are offered or facilitated by the Private Transportation Company.

LICENSE REQUIRED

2. (1) Every person who owns or operates a Private Transportation Company shall obtain a PTC License under this By-law.
- (2) A PTC License issued under this By-law is not transferable.
3. Any License issued under this By-law remains at all times the property of the City of Ottawa.

EXEMPTIONS

4. This By-law does not apply to:
 - (a) taxicab services dispatched by a licensed taxicab broker and taxicab services provided by a licensed taxiplate holder or a licensed taxicab driver under the authority of the Taxi By-law, being By-law No. 2012-258, as amended, or any successor by-law of the City;
 - (b) limousine services provided by a limousine service provider duly Licensed under the Licensing By-law, being By-law No. 2002-189, as amended, or any successor By-law of the City; and,
 - (c) a passenger transportation system provided by the City of Ottawa such as the public transit services known as OC Transpo and ParaTranspo.

CONDITIONS FOR ISSUANCE OF A PTC LICENSE

5. (1) The Chief License Inspector shall only issue a PTC License under this by-law if the applicant:
 - (a) has provided proof that the applicant is at least eighteen (18) years of age, if the applicant is an individual;

- (b) has provided proof that the corporation is legally entitled to conduct business in Ontario, if the applicant is a corporation, including but not limited to:
 - (i) letters of incorporation or other incorporating documents, duly certified by the proper government official or department of the Province of Ontario or of the Government of Canada; and,
 - (ii) a certified copy of an annual return which contains a list of all shareholders of the corporation,
- (c) has provided the names and addresses of each member of the partnership as well as the name under which the partnership intends to carry on business, if the applicant is a partnership,
- (d) has provided a duly completed application form prescribed by the Chief License Inspector for a PTC License;
- (e) has paid the licensing fee prescribed in By-law A;
- (f) has provided the address and contact information of a place of business in Ontario, which is not a post office box, to which the City may send during business hours any notice or documentation or communication that may be required under this By-law and at which the applicant or the applicant's agent will accept receipt of such notice, documentation or communication;
- (g) has provided proof of insurance of the insurance required under this By-law, to the satisfaction of the City Clerk and Solicitor; and
- (h) has provided any other information required by the Chief License inspector for the purposes of issuance of a PTC License.

CONDITIONS FOR RENEWAL OF PTC LICENSE

- 6. (1) A PTC License issued by the Chief License Inspector is valid for a period of 1 year and expires on the expiry date set out in By-law A.
- (2) A PTC License may be renewed by the Chief License Inspector upon the provision by the Licensee, prior to the expiry of the License, of the following:
 - (a) a duly completed renewal application as prescribed by the Chief License Inspector for a PTC License;
 - (b) proof of insurance of the insurance required under this By-law;
 - (c) payment of the renewal fee prescribed in By-law A; and,
 - (d) any other information required by the Chief License Inspector for the purposes of renewal of a PTC License.
- 7. (1) The Chief License Inspector is authorized on behalf of the City to receive and consider applications for the issuance or renewal of PTC Licenses, and to conduct all investigations necessary to ensure that a PTC License is issued in accordance with this By-law, and to issue or renew a PTC License in accordance with this By-law.

- (2) Despite Sections 6 and 7, if, in the opinion of the Chief License Inspector following a review of the relevant investigations or inspections undertaken pursuant to subsection (1), the applicant's or Licensee's actions are deemed to be adverse to the public interest or to public safety, the Chief License Inspector may refuse to issue or to renew the License.
8. The Chief License Inspector may impose such additional conditions for the issuance, renewal, or holding of a PTC License under this By-law that she or he deems necessary to ensure public safety or consumer protection, and such conditions shall be satisfied prior to the issuance or renewal of the License.
9. Despite any other provision of this By-law, no PTC License shall be issued or renewed if the applicant or Licensee has any unpaid fines imposed under the *Provincial Offences Act*, R.S.O. 1990, c.P.33, as amended.

REQUIREMENTS RELATING TO PTC

COMMUNICATIONS TO PASSENGERS

10. Any software or application or telecommunications platform used by a Private Transportation Company to connect passengers with PTC Drivers must:
- (a) at the time of the arranging of the trip, disclose to the passenger requesting the transportation service:
 - (i) the first name and photograph of the PTC Driver who will provide the transportation service;
 - (ii) a description of the make, model, colour and License plate of the PTC Vehicle that will be used to provide the transportation service;
 - (iii) the applicable rate being charged for the trip,
 - (iv) the surcharge for the trip, if any;
 - (v) an estimate of the total cost of the trip, if requested by the passenger;
 - (vi) allow the passenger to track the location and route of the PTC Vehicle providing the transportation service; and
 - (vii) provide the ability for the passenger to rate the PTC Driver and PTC Vehicle used to provide the transportation service.
 - (b) include a process by which the passenger accepts or refuses the transportation service prior to the trip commencing and keeping a record of such acceptance or refusal;
 - (c) provide a secure payment mechanism for the trip;
 - (d) provide a print or electronic receipt to the passenger at the end of the trip or shortly thereafter that includes information confirming:
 - (i) the rate and surcharge charged for the trip;
 - (ii) the total amount paid for the trip;
 - (iii) the date and time of the trip;

- (iv) the destination(s) of origin and the final destination(s) of the trip;
- (v) the total time and total distance of the trip;
- (vi) the first name of the PTC Driver who provided the transportation service; and,
- (vii) the make, model and License plate number of the PTC Vehicle used to provide the transportation service.

11. No Private Transportation Company shall fail to make available to the public, in an easily accessible format on its software or application or telecommunications platform and by any other means of its choice, information about:

- (a) the insurance coverage required to be maintained by the PTC and by PTC Drivers under this By-law, including the amount and type of the insurance coverage, and the parties and properties insured ;
- (b) information about the transportation services offered by PTC Drivers;
- (c) the applicable screening process for PTC Drivers and PTC Vehicles; and,
- (d) notification that PTC Drivers are prohibited from soliciting, accepting requests for services transportation services that are not prearranged using the software or application or telecommunications platform of the PTC which the PTC Driver is affiliated, including accepting street hails or picking up fares at taxi stands.

DATA ON TRIPS

12. (1) No Private Transportation Company shall fail to create and maintain records of the following information in a format accessible by the Chief License Inspector, for a period of not less than 3 years following the conclusion of the trip:
- (a) the total number of trips requested and fulfilled, and requested and not fulfilled, annually;
 - (b) for each trip provided by the transportation service, the date and time of the trip requested and fulfilled with its geographic start point and endpoint, such as 3 digit postal code;
 - (c) for each trip requested and not fulfilled, the reason for the cancellation of the trip, and geographic start point, such as 3 digit postal code, if available; and,
 - (d) the PTC Driver and PTC Vehicle information corresponding with each requested trip, including:
 - (i) the full name of the PTC Driver,
 - (ii) the License plate number of the PTC Vehicle,
 - (iii) the date, time and duration of the trip,
 - (iv) the start point and destination of the trip,
 - (v) the hours and minutes spent by the PTC Vehicle, and, transporting the passenger(s), including time spent enroute to pick up the passenger(s).

- (2) No Private Transportation Company shall fail to make available to the Chief License Inspector the records or information required pursuant to subsection (1) within 48 hours following a request by the Chief License Inspector.

INDEMNIFICATION AND INSURANCE

13. Every Private Transportation Company agrees to indemnify and save harmless the City of Ottawa, its employees and agents from any and all claims, demands, causes or action costs or damages howsoever caused that the City may suffer, incur or be liable for resulting from the issuance of a License under this By-law or from the performance or non-performance of the Private Transportation Company under this By-law whether or not such performance or non-performance arises with or without negligence on the part of the Private Transportation Company, its employees, directors or agents.
14. Every Private Transportation Company shall obtain and maintain while Licensed under this By-law the following minimum insurance requirements:
- (a) Commercial General Liability insurance subject to limits of not less than Five Million Dollars (\$5,000,000.00) inclusive per occurrence for bodily injury, death and damage to property including loss of use, that includes: blanket contractual liability; premises, property and operations liability; products and completed operations liability; contingent employers liability; personal injury, owners and contractors protective coverage; broad form property damage; occurrence property damage; employees as additional insured, and cross liability and severability of interest provision;
 - (b) such Commercial General Liability policy shall be in the name of the Private Transportation Company and the City of Ottawa shall be named as an additional insured;
 - (c) the Private Transportation Company shall also obtain Non-Owned Automobile insurance with limits of not less than Five Million Dollars (\$5,000,000) per occurrence; and,
 - (d) the insurance required under clauses (a) and (c) shall contain an endorsement to provide that the City of Ottawa no less than 30 days prior written notice from the insurer of any cancellation.

IDENTIFICATION CARD

15. (1) A Private Transportation Company shall issue to every PTC Driver that meets the requirements of this By-law and that is affiliated with the PTC a current and up-to-date identification card in written or accessible electronic form bearing the following information:
- (a) the first and last name and photograph of the PTC Driver;

- (b) the make, model, colour, and license plate number of the PTC Vehicle used by the PTC Driver, and,
 - (c) the name and contact information of the Private Transportation Company with which the PTC Driver is affiliated.
- (2) Every Private Transportation Company and PTC Driver shall not fail to ensure that the identification card required under subsection (1):
- (a) is in the PTC Vehicle at all times when transportation services affiliated with the Private Transportation Company are offered and provided, and,
 - (b) is produced immediately upon request of a Municipal Law Enforcement Officer or police officer.

CLI ACCESS TO PLATFORM

16. (1) Every Private Transportation Company shall provide to the Chief License Inspector direct access to its software, application, or telecommunications platform used to provide the transportation service for the purposes of allowing the CLI to inspect and investigate, in real time, compliance with this By-law and to determine the location of any PTC Vehicle providing transportation services affiliated with the PTC.

(2) No Private Transportation Company shall interfere with or hamper the Chief License Inspector's inspection or investigation.

REQUIREMENTS RELATING TO PTC DRIVER

17. (1) Every Private Transportation Company shall ensure that a PTC Driver meets the following requirements at all times when providing transportation services using a PTC Vehicle:
- (a) holds a valid and current unrestricted Class G driver's license issued by the Province of Ontario pursuant to the *Highway Traffic Act*, or a current and valid driver's License of the appropriate class issued by the Province of Quebec;
 - (b) has provided to the PTC original documents from the issuing agency outlining acceptable results of investigations related to the applicant for a Police Record Check for persons seeking employment to serve the vulnerable sector of the population, dated less than 90 days prior to the date of commencement as a PTC Driver;
 - (c) has provided to the PTC an acceptable Statement of Driving Record dated within thirty (30) days prior to commencement as a PTC Driver and then annually thereafter, issued by the Ministry of Transportation of Ontario or the Contrôle routier Québec; and,
 - (d) prior to commencement as a PTC Driver and then annually thereafter, provision of a signed declaration confirming that he or she does not have any outstanding criminal charges or warrants pending before any courts

- (2) For the purposes of clauses (b) and (c) of subsection (1), an acceptable result shall be one that meets the guidelines provided to the PTC by the Chief License Inspector, who may vary the guidelines from time to time.
 - (3) Every Private Transportation Company shall keep copies of the documents and information required to under clauses (b), (c) and (d) of subsection (1) for a period of not less than 3 years after the Individual ceases to be affiliated with the PTC. .
18. (1) Every Private Transportation Company shall ensure that every PTC Driver obtains and maintains, at all times during the provision of transportation services using a PTC Vehicle, Automobile Liability Insurance for owned vehicles with limits of not less than \$5,000,000.00 inclusive per occurrence for bodily injury, death and damage to property. The Automobile Liability Insurance shall include the NPCF 6TN – *Permission to Carry Paying Passengers for a Transportation Network Company* endorsement, or an equivalent endorsement acceptable to the City Clerk and Solicitor.
- (2) The insurance coverage required by subsection (1) shall include the City of Ottawa as additional insured and shall include a provision whereby the City of Ottawa will be provided with no less than 30 days prior notice of any cancellation or variation to the policy.
 - (3) No Private Transportation Company shall fail to obtain proof of insurance from every PTC Driver evidencing compliance with the requirements of subsections (1) and (2) prior affiliation of the PTC Driver, and On an annual basis thereafter, and shall keep such records for a period of Not less than 3 years after the individual ceases to be affiliated with the PTC.
19. No Private Transportation Company shall fail to keep an up-to-date list of every affiliated PTC Driver and PTC Vehicle in a readily accessible format that includes:
- (a) the full name and address of every PTC Driver; and,
 - (b) the make, model, colour and License plate of every PTC Vehicle.
20. No Private Transportation Company shall fail to make available to the Chief License Inspector the records or information required pursuant to Sections 17, 18 and 19 within 48 hours following a request by the Chief License Inspector.

REQUIREMENTS RELATING TO PTC VEHICLE

21. (1) Every Private Transportation Company shall ensure that a PTC Vehicle meets the following requirements in respect of a PTC Vehicle at

all times when providing the transportation service:

- (a) the PTC Vehicle is the subject of a valid and current Ontario Ministry of Transportation Safety Standards Certificate, prior to commencement of use as a PTC Vehicle, and then annually thereafter if the vehicle is 5 years old or less, or biannually thereafter if the vehicle is more than 5 years old;
 - (b) the PTC Vehicle is the subject of a valid motor vehicle permit issued pursuant to the *Highway Traffic Act* prior to commencement of use as a PTC Vehicle and annually thereafter; and,
 - (c) the PTC Vehicle is less than 10 model years old (not including the year of the vehicle).
- (2) Every Private Transportation Company shall obtain and maintain records required under subsection (1) for a period of not less than 3 years after the PTC Vehicle is no longer used to provide the transportation service.
 - (3) No Private Transportation Company shall fail to make available to the Chief License Inspector the records required to be kept under subsection (2) within 48 hours following a request of the Chief License Inspector.

PROHIBITIONS

- 22. (1) No person shall publish or cause to be published or make any representation that the person is licensed under this By-law if they are not so licensed.
- (2) No person shall publish or cause to be published or make any representation that the person is authorized to provide services as a PTC Driver if they are not so authorized under this By-law.
- (3) No PTC Driver shall solicit or accept requests for transportation services that are not prearranged using the software or application or telecommunications platform of the PTC which the PTC Driver is affiliated, including street hails or picking up fares at taxi stands.
- (4) No Private Transportation Company shall offer or facilitate prearranged transportation service for compensation using any software or application or telecommunications platform to connect any passenger with a driver or with a vehicle that do not meet the requirements of this By-law.
- (5) No PTC Driver shall provide transportation services affiliated with the PTC if the PTC Driver does not have the insurance required under this By-law.
- (6) No Private Transportation Company shall permit and no PTC Driver shall accept payment by cash for a transportation service facilitated by the Private Transportation Company.

GENERAL REGULATIONS

23. (1) No person shall give false or incorrect information for the purposes of obtaining or renewing a PTC License.
- (2) No Private Transportation Company shall fail to notify the Chief License Inspector in writing of any change in any of the information contained in, or provided with a license or renewal application within two (2) days of the change.
- (3) Every Transportation Network Provider and PTC Driver is governed by this By-law and shall comply with all other municipal by-laws and provincial and federal statutes and regulations.
- (4) No Private Transportation Company shall fail to comply with any condition imposed under this By-law.
- (5) No Private Transportation Company shall fail to produce a PTC License, or document or other record for inspection when directed to do so by the Chief License Inspector, a municipal law enforcement officer, or a police officer.
- (6) Every Private Transportation Company shall be responsible for obtaining all required permits, Licenses or other authorizations, and for paying all applicable fees and taxes, that may be required by any level of government or from any agency in relation the licensed business.

REFUSAL, REVOCATION AND SUSPENSION OF A LICENSE

REFUSAL OF A LICENSE

24. (1) The Chief License Inspector shall refuse to issue or to renew a license under this By-law if the conditions for issuance in Sections 5 and 6, as applicable, have not been met.
- (2) The Chief License Inspector shall give the applicant notice of the refusal to issue or renew the license applied for in writing, said notice to be served personally or by registered mail to the applicant at the address shown on the application.
- (3) The Chief License Inspector shall return the license fee paid at the time of the application in respect of such license after the expiration of fourteen (14) days of having served the notice provided that an application for review of the refusal to issue the license has not been filed.

APPLICATION FOR REVIEW OF REFUSAL

25. An applicant in receipt of a notice of refusal given pursuant to Section 24 may, within fourteen (14) days of having been served the notice, apply in writing for a review of the refusal to issue the license applied for by filing the request for a review with the Chief License Inspector, and the provisions of Sections 27 to 28 shall apply.

REPORT FOR REVIEW OF STATUS OF LICENSEE

26. The Chief License Inspector may report to the License and Property Standards Committee any breaches by the licensee of this by-law with a request to consider the status of the license.

DATE OF REVIEW HEARING

27. The Chief License Inspector,
 (a) upon receipt of the application referred to in Section 25, or
 (b) upon reporting to the License as set out in Section 26,
 shall determine a date with the Committee Coordinator of the License and Property Standards Committee for the review hearing by the License and Property Standards Committee which shall be at least fourteen (14) days hence.

NOTICE OF REVIEW HEARING

28. Upon determination of the review hearing date, the Chief License Inspector shall give notice in writing to the applicant or licensee, said notice to:
 (a) include a statement,
 (i) as to the time, date, place and purpose of the review hearing,
 and
 (ii) that, if the applicant does not attend the review hearing, the License and Property Standards Committee may proceed in the absence of the applicant or licensee and the applicant or licensee will not be entitled to any further notice,
 (b) be served personally or by registered mail to the applicant or licensee at the address last on file with the Chief License Inspector, and
 (c) where the good character, propriety of conduct or competence of a licensee is an issue, contain reasonable information of any allegations with respect thereto.

HEARING

29. (1) The License and Property Standards Committee shall hold the review hearing at the time, place and date set out in the notice referred to in Section 28.

(2) The applicant or licensee may be represented at the review hearing by counsel, and the applicant or licensee or the counsel shall have the right to adduce evidence, submit argument in support of the application for a license or the status quo of the license and cross-examine witnesses adverse in interest.

- (3) The City shall be represented at the review hearing by either the Chief License Inspector or the City Solicitor, who is entitled to adduce evidence and submit arguments in reply to evidence and argument on behalf of the applicant or licensee.
- (4) At the review hearing, the onus shall be upon the applicant or licensee to show cause why,
 - (a) the license applied for should be granted,
 - (b) the license should not be suspended or revoked , or
 - (c) conditions should not be imposed on the license.
- (5) All review hearings shall be public hearings unless the applicant or licensee requests that the hearing be held in camera and the License and Property Standards Committee may approve the request by a simple majority in accordance with the *Statutory Powers Procedure Act*, R.S.O. 1990, Chap. S.22, as amended.
- (6) The License and Property Standards Committee's decision shall be final and binding.

LICENSE AND PROPERTY STANDARDS COMMITTEE DECISION

30. The License and Property Standards Committee shall give its decision in writing to the Chief License Inspector within seven (7) days of the date of the completion of the review hearing.

WAIVER OF HEARING

31. Despite any of the provisions of this by-law, any proceedings may be disposed of by a decision of the License and Property Standards Committee given,

- (a) without a hearing, or
- (b) without compliance with any other requirements of the *Statutory Powers Procedure Act*, R.S.O. 1990, Chap. S.22, as amended, or of this by-law incorporating such requirements,

where the licensee has waived such hearing or compliance.

32. (1) The Chief License Inspector shall notify the applicant or licensee of the decision by serving a copy personally or by registered mail to:
 - (a) the applicant or licensee at the address shown on the application, or last on file with the Chief License Inspector, or
 - (b) the counsel or agent of the applicant or licensee, if any, at the address as stated to the License and Property Standards Committee.
- (2) If the decision rendered is to grant the applicant the license applied for, the license shall be issued.

- (3) If the decision is to suspend or revoke the license, the licensee shall within twenty-four (24) hours of service of notice by registered mail, or immediately if the notice is personally served, return the license to the Chief License Inspector, and the Chief License Inspector shall have access to any premises or other property of the licensee for the purpose of receiving or taking the same.
- (4) If the decision is to impose conditions on the license, the licensee shall within twenty-four (24) hours of service of notice by registered mail, or immediately if the notice is personally served, advise the Chief License Inspector as to his or her acceptance of the conditions.

INSPECTION

33. (1) The Chief License Inspector is hereby authorized to:
- (a) inspect:
 - (i) as much of any place or premise as is used for the carrying on of the licensed business of the PTC,
 - (ii) any books, records or other documents of or relating to any such business, and,
 - (iii) each PTC Vehicle operated, provided or used in the business, and,
 - (b) require that each PTC Vehicle operated, provided or used in the business be submitted for inspection.
- (2) During an inspection conducted under subsection (1), the Chief License Inspector, may, with the assistance of any other person:
- (a) require the production for inspection of any document or thing relevant to the inspection;
 - (b) require the production of information relevant to the inspection; and,
 - (c) make examinations or take tests, samples or photographs necessary for the inspection.
- (3) No person shall obstruct, hinder or otherwise interfere with any of the inspections referred to in this Section.

ENFORCEMENT

34. This By-law may be enforced by the Chief License Inspector, municipal law enforcement officers who have been appointed for that purpose or by officers of the Ottawa Police Service, or any police officer working under the direction of the Chief of Police.
35. Every person who contravenes any of the provisions of this by-law is guilty of an offence.

FINES

36. Every person who is convicted of an offence under this by-law is liable to a minimum fine not exceeding \$500 and to a maximum fine not exceeding \$100,000, pursuant to s. 429(1) and (3) of the *Municipal Act, 2001*.

PROHIBITION ORDER

37. When a person has been convicted of an offence under this by-law,
(a) the Ontario Court of Justice, or
(b) any court of competent jurisdiction thereafter
may, in addition to any other penalty imposed on the person convicted, make an order prohibiting the continuation or repetition of the offence by the person convicted.

Schedule A – Annual Fees

Private Transportation Company – 1 to 24 vehicles	\$807.00 + \$.105/trip
Private Transportation Company – 25 to 99 affiliated vehicles	\$2,469.00 + \$.105/trip
Private Transportation Company – 100 or more affiliated vehicles	\$7,253.00 + \$.105/trip
Processing fee for all fees noted above	\$55.00

