

## **Schedule "A"**

### **Being a new Schedule 16 to City of Guelph By-law Number**

#### **Taxicab**

The provisions of this Schedule shall apply in respect of Taxicabs.

#### **Interpretation**

1. In addition to the terms defined in Section 1 of this By-law, the following terms shall have the corresponding meanings:
  - a) Accessible Taxicab – means a class of Taxicab which is constructed or modified to permit the loading, transporting and unloading of an individual in a wheelchair or similar appliance or device used to assist an individual with a Disability;
  - b) Disability – means any degree of physical disability, infirmity, malformation or disfigurement that is caused by bodily injury, birth defect or illness and, without limiting the generality of the foregoing, includes diabetes mellitus, epilepsy, brain injury, any degree of paralysis, amputation, lack of physical co-ordination, blindness or visual impediment, deafness or hearing impediment, muteness or speech impediment, or physical reliance on a guide dog or other animal or on a wheelchair or other remedial appliance or device;
  - c) Tariff Card – means a card setting out the current rates as set out in Appendix "A" from time to time;
  - d) Taxicab Driver – means any individual who drives a Taxicab;
  - e) Taxicab Owner – means any Person who owns a Taxicab, and includes any Person who has possession or control of a Taxicab under an installment-purchase agreement, a hire-purchase agreement, or a lease agreement lasting at least one year;
  - f) Regular Taxicab – means a class of Taxicab which is neither an Accessible Taxicab nor a Vehicle for Hire (as defined in another Schedule to this By-law);
  - g) Spare Taxicab - means an additional regular taxicab that the owner of a regular taxicab owns which meets the criteria of this By-law but cannot be placed on the road until the other regular taxicab is removed. This is also applicable to accessible taxi cabs.
  - h) Taxicab – means any motor vehicle having, at the time of manufacture, a normal seating capacity for nine or fewer passengers, used to convey individuals for a fee or other compensation, but does not include a special transportation vehicle licensed under a By-law of the City or under the Ontario Highway Transport Board, a bus, an ambulance, a funeral hearse, or a motor vehicle conveying passengers from any point within the City to an airport situated outside of the City and bearing a valid and subsisting plate or permit issued under the applicable legislation; and
  - i) Taxicab Decal – means a decal provided by the City which shows that the applicable Taxicab is the subject of a Taxicab Owner Business Licence under this Schedule.
2. In the event of any discrepancy or contradiction between the provisions of this Schedule 16 and the Business Licence By-Law, the provisions which provide the greatest protection for the public will prevail.

### **Special Duties and Powers of the Issuer of Licences under This Schedule**

3. The Issuer of Licences shall carry out the following:
  - a) Have supervision over all Persons licensed under this Schedule, together with the equipment used by them, all in accordance with this Schedule;
  - b) Report to the Appeals Committee in respect of the performance of his or her duties when so requested by the Appeals Committee;
  - c) Make all necessary inquiries concerning each application for a Business Licence under this Schedule, to ensure compliance with the law and with this By-law, in order to protect the public;
  - d) If he or she refuses to approve an Applicant for a Taxicab Driver Business Licence, then he or she shall advise the Applicant that the Applicant may appeal the refusal to the Appeals Committee;
  - e) Upon an appeal being filed with the Appeals Committee by an Applicant who has been refused a Business Licence under this Schedule or by a Taxicab Owner or Taxicab Driver whose Business Licence under this Schedule has been suspended or revoked, the Issuer of Licences shall submit a report to the Appeals Committee with documentation supporting his or her decision to refuse, suspend or revoke;
  - f) Keep a record of each Business Licence issued by him or her under this Schedule, which record shall contain the name and address of the Licensee, the fee paid, and the date of issuance of the Business Licence, and, if applicable, the number of vehicles of the Licensee;
  - g) Submit to the Appeals Committee, for its information, a list of all Taxicab Driver Business Licences issued or denied by him or her under this Schedule;
  - h) Provide to each licensed Taxicab Owner, when that Owner's Taxicab Owner Business Licence is issued or renewed in respect of a Taxicab, a Tariff Card and a Taxicab Decal for such Taxicab;
  - i) Provide to each licensed Driver, when that Driver's Taxicab Driver Business Licence is issued or renewed, a photo Taxicab Driver Business Licence;
  - j) Ascertain by inspection and by inquiry from time to time, whether Licensees under this Schedule continue to comply with the law and with this By-law; and
  - k) At any time, for just cause, suspend or revoke a Business Licence issued to any Person under this Schedule, and notify the Licensee that the Licensee may appeal this decision to the Appeals Committee.

### **Business Licenses under This Schedule – General**

4. Every Business Licence issued under this Schedule will be in force for a period of up to one year, and will expire in each year on the 30th day of April, unless earlier revoked or suspended.
5. A Business Licence issued pursuant to this Schedule which is not renewed for twenty-four months will not thereafter be renewed. The previous Licensee may submit a new application if such previous Licensee wishes to become relicensed.

### **Business Licences under this Schedule – Taxicab Owners**

6. No Taxicab Owner shall use or operate or permit to be used or operated, any Taxicab of the Owner without a current Taxicab Owner Business Licence

issued for that Taxicab and the corresponding Taxicab Decal and Tariff Card attached to the Taxicab.

7. An Applicant who wishes to obtain a Taxicab Owner Business Licence shall meet the following requirements:
  - a) Complete an application for a Taxicab Owner Business Licence;
  - b) Pay the applicable fees;
  - c) Comply with all the applicable requirements of this By-law;
  - d) A policy of insurance issued by a company authorized to issue indemnity insurance policies in the Province of Ontario; such policy will insure the applicant in the amount of at least three-million dollars (\$3,000,000.00) and the policy will include Public Liability and Property Damage exclusive of costs and interest, against liability for damages resulting from injury to or death of one or more individuals and Property Damage in any one accident;
  - e) Satisfy the Issuer of Licences that such applicant is employed by or is the owner or lessee of premises within the geographic limits of the City for the operation of a Taxicab business; the premises will have restroom facilities for the convenience of the customers and employees and will be fully accessible to individuals with Disabilities; and
  - f) Employ a staff of licensed Taxicab Drivers sufficient in number to enable service in transporting passengers at all times of the day and night.
8. The following procedure applies to the selection of applications for new Taxicab Owner Business Licences for Regular Taxicabs:
  - a) In this Section, "Regular Licence" means a Taxicab Owner Business Licence in respect of a Regular Taxicab;
  - b) The total number of Regular Licences is restricted as follows:
    - i. As of May 1, 2018, this total is 100, and
    - ii. On May 1 of each year after 2018, the City shall make two new Regular Licences available;
  - c) Persons may apply for any available Regular Licences by submitting their applications;
  - d) On May 2 each year the Issuer of Licences shall determine whether any application for a Regular Licence was received on May 1:
    - i. If no such application was received, then the Issuer of Licences shall repeat this process on each subsequent day until all the available Regular Licences have been issued,
    - ii. If the number of applications received was less than or equal to the number of available Regular Licences, then the Issuer of Licences may (subject to all requirements of this Schedule) issue Regular Licences in respect of such applications, and
    - iii. If the number of applications received was greater than the number of available Regular Licences, then the Issuer of Licences shall follow the prioritization process set out below and issue Regular Licences in respect of the successful applications;
  - e) If Regular Licences remain available after the foregoing procedure in respect of May 2, then the Issuer of Licences shall repeat the foregoing procedure each following day until all available Regular Licences have been issued;

- f) The prioritization process is as follows:
- i. A Taxicab Owner who already holds a Taxicab Owner Business Licence in respect of an Accessible Taxicab that has been operating for the previous twelve months, has priority for one of the available new Regular Licences,
  - ii. If the number of applications from Taxicab Owners who already hold Taxicab Owner Business Licences in respect of Accessible Taxicabs that have been operating for the previous twelve months was greater than the number of available Regular Licences, then the Issuer of Licences shall randomly select from the applications the number equal to the number of available Regular Licences, and
  - iii. If one or more available Regular Licences remain available after the foregoing, then the Issuer of Licences shall randomly select from the remaining applications the number of applications equal to the number of remaining available Regular Licences, if sufficient such applications remain.
9. When the Issuer of Licences issues or renews a Taxicab Owner Business Licence, he or she shall provide the Taxicab Owner with a Taxicab Decal and a Tariff Card for the current year. The Taxicab Owner shall install the Taxicab Decal inside the vehicle, on the windshield, at the bottom, on the driver's side, and shall install the Tariff Card so it will be clearly visible to every passenger.
10. No Taxicab Owner shall transfer, or permit the transfer of, any Taxicab Owner Business Licence, any Taxicab Decal or any Tariff Card from one Taxicab to another without the prior written approval of the Issuer of Licences.
11. Every Taxicab Owner who sells or disposes of a Taxicab shall, within six days after such sale or disposal, give notice in writing of such sale or disposal to the Issuer of Licences, and may, on application to the Issuer of Licences, be authorized to transfer the Taxicab Owner Business Licence, the Taxicab Decal and the Tariff Card to another motor vehicle to replace the motor vehicle sold or disposed of. If such authorization is not given, the Taxicab Owner shall immediately return the Taxicab Owner Business Licence, the Taxicab Decal and the Tariff Card to the Issuer of Licences.
12. The Issuer of Licences may replace a Taxicab Decal or Tariff Card issued pursuant to this Schedule if it has been defaced, lost or destroyed, upon receipt of a satisfactory explanation of the reason for such defacing, loss or destruction and upon payment of the required replacement fee.
13. Every Taxicab Owner shall return that Owner's Taxicab Owner Business Licence, Taxicab Decal and Tariff Card provided under this Schedule to the Issuer of Licences upon request by the Issuer of Licences.
14. A Taxicab Owner may own and operate both Regular Taxicabs and Accessible Taxicabs as long as that Taxicab Owner complies with all applicable provisions of this Schedule.
15. There is no limit on the number of Taxicab Owner Business Licences that may be issued in respect of Accessible Taxicabs.
16. Every Taxicab Owner Business Licence issued under this Schedule for an Accessible Taxicab shall include the word "Accessible" and no Person shall use, or permit to be used, such Taxicab Owner Business Licence for any purpose, or in any way, other than in compliance with the provisions of this Schedule in respect of Accessible Taxicabs.

## **Business Licences under This Schedule – Taxicab Drivers**

17. An Applicant who wishes to obtain a Taxicab Driver Business Licence must meet the following requirements:
  - a) Have a current, valid and non-probationary Class "G" or equivalent driver's licence issued by the Ministry of Transportation of Ontario;
  - b) Undergo a criminal records check and upon request, provide proof of a record that is acceptable to the City;
  - c) Receive a Ministry of Transportation of Ontario driver's record that is satisfactory and upon request, provide proof to the City;
  - d) Receive a letter of employment from a Taxicab Owner proving employment with that Taxicab Owner and upon request, provide proof to the City;
  - e) Pay the fees prescribed;
  - f) Not have any outstanding criminal charges pending before the courts;
  - g) Comply with all the applicable requirements of this By-law; and
  - h) For an Accessible Taxicab Driver Business Licence, possess a certificate of completion of a Wheelchair Securement and Occupant Restraint System Training Program with respect to the handling, safety restraint, transportation, care and safety of passengers with Disabilities and upon request, provide proof to the City.
18. An Applicant may be denied a Taxicab Driver Business Licence under this By-law if he or she has:
  - a) In the past, breached any provision of this By-law as a Licensee under this By-law;
  - b) Been convicted or found guilty under the Criminal Code of Canada, the Highway Traffic Act or the Controlled Drugs and Substances Act for any offence that suggests a concern for public safety, and has not received a pardon for such offence;
  - c) A record of driving offences that suggests a risk to the public;
  - d) A medical history which may affect the safe operation of a Taxicab thereby compromising public safety; or
  - e) Not been honest in filling out the application form.
19. The Issuer of Licences may replace a photo Taxicab Driver Business Licence issued pursuant to this By-Law which is defaced, lost or destroyed, upon receipt of a satisfactory explanation of the reason for such defacing, loss or destruction and upon payment of the required replacement fee.

## **Physical Requirements for Taxicabs**

20. As part of an application for a Taxicab Owner Business Licence in respect of a motor vehicle, the Applicant shall submit proof that the motor vehicle satisfies all the physical requirements of Taxicabs specified in this Schedule.
21. The physical requirements for Taxicabs include:
  - a) Comprising a vehicle body not smaller than a four-door sedan model or a four-door van model, with the tailgate on a van counting as a door;
  - b) Bearing the number plates issued by the Ministry of Transportation of Ontario for the motor vehicle;

- c) Containing a taximeter which:
    - i. Registers and records distances travelled, trips and units,
    - ii. Computes fares for distance and time, and
    - iii. Is attached to the motor vehicle in a location and manner that is approved by the Issuer of Licences and in plain view of passengers;
  - d) Bearing an electric sign, as approved by the Issuer of Licences, secured to the motor vehicle's roof; and
  - e) Bearing the identification number of the Taxicab permanently affixed at the rear, to the right lower corner of the trunk, in text that is high colour contrasted with its background, with the appearance of solid characters, each in a size of at least 3 inches by 1.5 inches.
22. Before a licence is issued under this By-law in respect of any vehicle, the applicant shall provide to the Issuer of Licences a valid Safety Standard Certificate certifying that such vehicle is in a safe condition to be operated on a highway as defined in the Highway Traffic Act. This provision is not applicable to the initial licensing of a new motor vehicle purchased from a dealer of new motor vehicles.
23. Every Owner of an Accessible Taxicab shall provide a certificate of proof that it complies with the applicable Regulations under the Highway Traffic Act and amendments thereto, and with the Canadian Standards Association standard D409-M84, and all other pertinent federal and provincial requirements as may be established and in force from time to time.

#### **Obligations of Licensed Taxicab Owners**

24. No licensed Taxicab Owner shall:
- a) Permit to be carried in the Taxicab more individuals (including the Taxicab Driver) than the seating capacity rating by the motor vehicle's manufacturer;
  - b) Permit to be carried in the Accessible Taxicab more individuals (including the Taxicab Driver) than the capacity recommended by the Ministry of Transportation of Ontario;
  - c) Permit smoking in the Taxicab contrary to the Smoke-Free Ontario Act, 2017;
  - d) Permit any Taxicab Driver to drive the Taxicab for more than fourteen hours within any consecutive twenty-four hour period;
  - e) Solicit any person to use the Taxicab;
  - f) Demand any rate, fare or charge greater than as permitted under this Schedule, unless a passenger is transported out of the City pursuant to a written contract;
  - g) Demand any fare or charge for:
    - i. Time lost for any defect or inefficiency of the Taxicab,
    - ii. Incompetence of the Taxicab Driver, or
    - iii. Time consumed for the arrival of the Taxicab in response to a call in advance of the arrival time requested by the Person calling; or
  - h) Refuse a request for a ride by an individual accompanied by a service animal;

- i) Operate, or allow to be operated, any Taxicab that does not satisfy all the physical requirements for Taxicabs specified in this Schedule;
- j) Operate, or allow to be operated, a Taxicab unless and until its taximeter has been tested and sealed by the Issuer of Licences; or
- k) Operate, or allow to be operated, a Taxicab when such taximeter has been changed, repaired, altered, tampered with, adjusted, or transferred to a different Taxicab unless and until such taximeter has been subsequently retested and resealed by the Issuer of Licences.

25. Every licensed Taxicab Owner shall:

- a) Offer exclusive priority to requests made by or on behalf of individuals with Disabilities requesting Accessible Taxicab service, at any time of the day or night and at any place within the City;
- b) Serve the first Person requiring Taxicab service within the City, provided that the Taxicab Owner may refuse a request from any Person whose previous fare remains unpaid;
- c) Immediately deliver to Guelph Police Service any property lost or left in the Taxicab, together with all information regarding its recovery;
- d) Permit Persons to choose, without interference or interruption, whether to engage the Taxicab Owner's Taxicab;
- e) Keep a current list of every Taxicab Driver's home address at the Taxicab Owner's office;
- f) Notify the Issuer of Licences in writing of the termination of any Taxicab Driver within seven days after the date of such termination;
- g) Keep for two years, in the Taxicab Owner's office or within the vehicle, and provide to the Issuer of Licences upon request, a record in electronic format, for each fare, of:
  - i. The date, time, origin and destination of each trip,
  - ii. The name of the Taxicab Driver,
  - iii. The Taxicab number, and
  - iv. Any other available information about the fare;
- h) Keep in force and renewed, the Insurance required for obtaining the Taxicab Owner Business Licence; and
- i) Ensure that the taximeter in the Taxicab is:
  - i. Illuminated between dusk and dawn,
  - ii. Adjusted in accordance with the tariff prescribed in Appendix "A" as amended from time to time,
  - iii. Used only when the seal thereon is intact and not used longer than twelve months without retesting and resealing,
  - iv. Kept in good working order at all times and not used when defective in any way,

- v. Tested in any ways and by any means prescribed by the Issuer of Licences to verify that it is accurate to within five metres more or five metres less per measured kilometre at a tire pressure recommended by the tire manufacturer, and
- vi. Submitted when requested by the Issuer of Licences for testing, inspection and sealing; and
- j) If the Taxicab is equipped with a camera system, provide notice of the presence of the camera by means of signage that is clearly visible to the public both outside and inside the Taxicab.
- k) Pay the fees prescribed by this By-law;

### **Obligations of Licensed Taxicab Drivers**

26. No licensed Taxicab Driver shall:

- a) Carry in the Taxicab more individuals (including the Taxicab Driver) than the seating capacity rating by the motor vehicle's manufacturer;
- b) Carry in the Accessible Taxicab more individuals (including the Taxicab Driver) than the capacity recommended by the Ministry of Transportation of Ontario;
- c) Smoke or permit smoking in the Taxicab contrary to the Smoke-Free Ontario Act, 2017;
- d) Drive the Taxicab for more than fourteen hours within any consecutive twenty-four hour period;
- e) Solicit any Person to use the Taxicab;
- f) Demand any rate, fare or charge greater than as permitted under this Schedule, unless a passenger is transported out of the City pursuant to a written contract;
- g) Demand any fare or charge for:
  - i. Time lost for any defect or inefficiency of the Taxicab,
  - ii. Incompetence of the Taxicab Driver, or
  - iii. Time consumed for the arrival of the Taxicab in response to a call in advance of the arrival time requested by the Person calling;
- h) Refuse a request for a ride by an individual accompanied by a service animal;
- i) Operate the Taxicab if it does not satisfy all the physical requirements of Taxicabs specified in this Schedule;
- j) Pick up en route any additional passenger after the Taxicab has departed with one or more passengers from any starting point, unless the Person who originally engaged the Taxicab desires such additional passenger to be picked up; or
- k) Operate any Taxicab if he or she fails to maintain a current, valid and non- probationary Class "G" or equivalent driver's licence issued by the Ministry of Transportation of Ontario.

27. Every licensed Taxicab Driver shall:

- a) Offer exclusive priority to requests made by or on behalf of individuals with Disabilities requesting Accessible Taxicab service, at any time of the day or night and at any place within the City;



- b) Serve the first Person requiring Taxicab service within the City, provided that the Taxicab Driver may refuse a request from any Person whose previous fare remains unpaid;
- c) Immediately deliver to Guelph Police Service any property lost or left in the Taxicab, together with all information regarding its recovery;
- d) Permit Persons to choose, without interference or interruption, whether to engage the Taxicab Driver's Taxicab;
- e) Carry on his or her person his or her current photo Taxicab Driver Business Licence provided by the Issuer of Licences and, while driving the Taxicab, produce such photo Taxicab Driver Business Licence and permit any police officer or passenger to view it upon request;
- f) Drive by the most direct route to any destination, unless otherwise directed by the passenger;
- g) When a passenger enters the taxicab, immediately activate the taximeter leave it activated throughout the trip, and, at the conclusion of the trip, upon being paid, deactivate the taximeter;
- h) When carrying a fare who requires the accompaniment or assistance of another individual, treat both individuals as a single fare;
- i) When carrying two or more unrelated fares, who are in agreement to share the service of the Taxicab from a common point of origin to the same point of destination, ensure that each fare shares an equal portion of the amount showing on the meter upon arrival at the point of destination, unless the two or more unrelated fares agree otherwise; and
- j) When carrying two or more unrelated fares, who are in agreement to share the service of the Taxicab from a common point of origin to two or more destinations, treat each stop to discharge a passenger as the end of one trip and the commencement of a new trip, and at the end of such trip, clear the taximeter and restart it for the subsequent trip.

**Schedule 16 Appendix "A" to City of Guelph By-law Number (2009)-18855**

**Rates**

**Regular Taxicabs and Accessible Taxicabs**

By distance:

For the pickup: \$3.20

For each additional one twenty-fourth of a kilometer or part thereof: \$0.1083

By time:

Every 11 seconds: \$0.133

Being equivalent to an hourly rate of: \$34.00