North Bay Police Services Board
By-Law No. 26/20

Vehicles for Hire and
Private Transportation Company Vehicles By-Law

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North Bay Police Services Board
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Being a By-Law to provide for the licensing, regulating and governing of vehicles for hire, including taxis, accessible taxis, limousines, private vehicles for hire and accessible vehicles for hire, as well as private transportation company vehicles

WHEREAS section 5(3) of the *Municipal Act, 2001*, SO 2001, c. 25 provides that a municipal power shall be exercised by by-law;

AND WHEREAS section 9 of the *Municipal Act, 2001* provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under the *Municipal Act, 2001* or any other Act;

AND WHEREAS section 10(1) of the *Municipal Act, 2001* provides that a single-tier municipality may provide any service or thing that the municipality considers necessary or desirable for the public;

AND WHEREAS section 10(2) of the *Municipal Act, 2001* provides that a municipality may pass by-laws respecting: in paragraph 6, health, safety and well-being of persons; in paragraph 7, services and things that the municipality is authorized to provide under subsection (1); in paragraph 8, protection of persons and property, including consumer protection; and in paragraph 11, business licensing;

AND WHEREAS section 151(1) of the *Municipal Act*, 2001 provides that, without limiting sections 9, 10 and 11 of the Act, a municipality may provide for a system of licences with respect to a business and may,

(a) prohibit the carrying on or engaging in the business without a licence;
(b) refuse to grant a licence or to revoke or suspend a licence;
(c) impose conditions as a requirement of obtaining, continuing to hold or renewing a licence;
(d) impose special conditions on a business in a class that have not been imposed on all of the businesses in that class in order to obtain, continue to hold or renew a licence; and
(e) impose conditions, including special conditions, as a requirement of continuing to hold a licence at any time during the term of the licence;

AND WHEREAS section 151(5) of the *Municipal Act, 2001* provides that subsection 151(1) applies with necessary modifications to a system of licences with respect to any activity, matter or thing for which a by-law may be passed under sections 9, 10 and 11 as if it were a system of licences with respect to a business;

AND WHEREAS section 156(1) of the *Municipal Act, 2001* provides that, without limiting sections 9, 10 and 11 of the Act, a local municipality, in a by-law under section 151 of the Act with respect to the owners and drivers of taxicabs, may,

(a) establish the rates or fares to be charged for the conveyance of property or passengers either wholly within the municipality or from any point in the municipality to any point outside the municipality;
(b) provide for the collection of the rates or fares charged for the conveyance; and
(c) limit the number of taxicabs or any class of them;

AND WHEREAS the Council for The Corporation of the City of North Bay considers it necessary and desirable for the public to regulate vehicles for hire and public transportation company vehicles for the purposes of health and safety, consumer protection, and service quality to ensure efficient vehicle for hire and public transportation company vehicle services are available to all persons including the travelling public in the City of North Bay and that such services are provided in a manner that provides a safe environment for both passengers and drivers;

AND WHEREAS sections 23.1 and 23.2 of the *Municipal Act, 2001* allow a municipality to delegate its powers and duties;

AND WHEREAS on December 3rd, 2007, the Council for The Corporation of the City of North Bay enacted and passed By-Law No. 2007-228, being a By-Law to Adopt the Delegation of Powers and Duties Policy, formally delegating authority to the North Bay Police Services Board to licence and regulate the business of taxicabs;

AND WHEREAS on September 24th, 2019, the Council for The Corporation of the City of North Bay enacted and passed By-Law No. 2019-64 to amend By-Law No. 2007-228, formally delegating authority to the North Bay Police Services Board to establish, monitor and enforce rules in relation to transportation network companies (ride sharing companies) and limousine services;

AND WHEREAS section 391(1.1) of the *Municipal Act, 2001* provides that a local board may impose fees or charges on persons,

(a) for services or activities provided or done by or on behalf of it;
(b) for costs payable by it for services or activities provided or done by or on behalf of any municipality or other local board; and
(c) for the use of its property including property under its control;

AND WHEREAS section 391(3) of the *Municipal Act, 2001* provides that the costs included in a fee or charge may include costs incurred by the municipality or local board related to administration and enforcement;

AND WHEREAS section 425(2) of the *Municipal Act, 2001* provides that a police services board of a municipality may pass by-laws providing that a person who contravenes a by-law of the board passed under the Act is guilty of an offence;

AND WHEREAS section 444 of the *Municipal Act, 2001* provides that, if a municipality is satisfied that a contravention of a by-law has occurred, the municipality may make an order to discontinue the contravention; and that a by-law passed under section 425 of the Act may provide that any person who contravenes such an order is guilty of an offence;

AND WHEREAS section 429 of the *Municipal Act, 2001* provides that a municipality may establish a system of fines for offences under a by-law of the municipality passed under the Act and sets out parameters for a system of fines;

AND WHEREAS section 431 of the *Municipal Act, 2001* provides that, if any by-law of a local board of a municipality under the Act or any other Act is contravened and a conviction entered, in addition to any other remedy or penalty imposed by the by-law, the court in which the conviction has been entered and any court of competent jurisdiction thereafter may make an order prohibiting the continuation or repetition of the offence by the person convicted;

NOW THEREFORE the North Bay Police Services Board hereby enacts as follows:

Part 1 – Interpretation

1.1 Short Title

This By-Law may be cited as the "Vehicles for Hire and Private Transportation Company Vehicles By-Law".

1.2 Severability

If any provision or part of a provision of this By-Law is declared by a court of competent jurisdiction to be illegal or inoperative in whole or in part, or inoperative in particular circumstances, such provision or part of the provision

shall be deemed to be severable, and the balance of the By-Law, or its application in other circumstances, shall not be affected and shall continue to be in full force and effect.

1.3 Definitions

For the purposes of this By-Law:

"accessible taxi" means a taxi that is equipped as a physically disabled passenger vehicle in accordance with RRO 1990, Reg 629 made under the *Highway Traffic Act*, RSO 1990, c. H.8;

"accessible taxi owner" means a person who holds an accessible taxi owner licence;

"accessible vehicle" means an accessible taxi or an accessible private vehicle for hire or both as the context requires;

"accessible private vehicle for hire" means a private vehicle for hire that is wheelchair accessible permitting the loading, transportation and off-loading of a person with a disability confined to a wheelchair or other similar device without transfer, and is available for or providing a conveyance service, but does not include a taxi, accessible taxi or a limousine;

"applicant" means a person applying for a licence or renewal of a licence under this By-Law;

"Board" means the North Bay Police Services Board;

"broker" means a person who accepts orders for or dispatches a vehicle for hire and which vehicles for hire are not owned by that person or that person's immediate family or employer;

"brokerage" means the business of a broker and shall be deemed to include the premises where the business is carried on;

"Canadian Standards Association" or "CSA" means the standards development organization and certification body accredited as such by the Standards Council of Canada;

"Chief of Police" means the Chief of Police of the North Bay Police Service or his or her designate;

"City of North Bay" or "City" means the area located within the geographic limits of the City of North Bay;

"conveyance service" means conveying one or more persons in exchange for a fare, fee or other consideration wholly within the City of North Bay or from any point in the City to any point outside the City;

"dispatch" means the sending of a vehicle for hire to a location for the purpose of offering or providing transportation to a passenger and includes, but is not limited to,

(a) receiving telephone or radio calls from prospective passengers and directing a person operating a vehicle for hire to attend at the passenger's requested location;

(b) offering or operating any part of a mobile application or other electronic service that receives requests for conveyance services from prospective passengers and connects such requests to a person operating a vehicle for hire; or

(c) any other action that results in a passenger and a vehicle for hire being in the same place at the same time for the purpose of providing the passenger with conveyance services, regardless of whether the conveyance services are actually provided to the passenger;

"driver" means the individual who has care or control of a taxi, accessible taxi, limousine, private vehicle for hire, accessible private vehicle for hire or PTC vehicle;

"fare" means the amount charged to a passenger for transportation provided in a vehicle for hire;

"fleet" means all vehicles for hire operating in association with a brokerage;

"*Highway Traffic Act*" means the *Highway Traffic Act*, RSO 1990, c. H.8 and the regulation made thereunder;

"licence" means a licence issued under this By-Law;

"licensee" means the holder of a licence issued under this By-Law;

"limousine" means a vehicle for hire for the transportation of passengers at a flat rate by agreement and includes a luxury motor vehicle with four or more doors, which is not a station wagon, panel truck, bus or van, and which is not equipped with a meter;

"Ministry of Transportation" means the Ministry of Transportation for Ontario;

"Municipality" means The Corporation of the City of North Bay;

"obstruct" means to hinder, mislead, knowingly provide false information or make false claim or statement, or to prevent the execution of a duty;

"operate" means to drive a taxi, accessible taxi, limousine, private vehicle for hire, accessible private vehicle for hire, or private transportation company vehicle while it is available for or providing a conveyance service, and operating and operation have the corresponding meanings;

"owner" means the person who is the registered owner of a taxi, accessible taxi, limousine, private vehicle for hire or accessible private vehicle for hire;

"police officer" means any sworn police officer employed by the North Bay Police Service, or a special constable employed by the North Bay Police Service to whom any of the duties of the Chief of Police under this By-Law have been delegated;

"police record check" means a criminal information report that is a result of a search of the local police records where the applicant resides and the national databases maintained by the Canadian Police Information Centre, or alternatively, a third party police record check with a grading of pass, fail or concern and in either case, must include a vulnerable sector check for the purpose of safeguarding the wellbeing of vulnerable persons pursuant to s. 6.3 of the *Criminal Records Act*, RSC 1985, c. C-47;

"private transportation company" or "PTC" means a person that offers, operates or facilitates prearranged conveyance services using a private transportation company platform that receives requests for conveyance services from prospective passengers and connects such requests to a PTC driver and PTC vehicle, save and except an individual who connects such requests only to immediate family members, including the individual himself or herself;

"private transportation company driver" or "PTC driver" means any person who is authorized by a private transportation company to use a private transportation company platform to transport passengers in order to provide conveyance services using a PTC vehicle;

"private transportation company identifier" or "PTC identifier" means a sign, decal, emblem or symbol displaying the logo or name of the private transportation company;

"private transportation company platform" or "PTC platform" means any software or application or telecommunications platform to connect passengers with PTC drivers;

"private transportation company vehicle" or "PTC vehicle" means a motor vehicle other than a taxi, limousine or private vehicle for hire, hired to provide conveyance services on behalf of a private transportation company;

"private vehicle for hire" means a motor vehicle that is available for or providing a conveyance service but does not include a taxi, accessible taxi, limousine or PTC vehicle;

"safety standards certificate" means a safety standards certificate issued under the *Highway Traffic Act*;

"smoke" or "smoking" includes the holding, inhaling or exhaling from a lighted cigar, cigarette, pipe, water pipe or hookah, or activated electronic cigarette, regardless of whether the device contains nicotine, tobacco, or medical or recreational cannabis;

"taxi" means a motor vehicle that is available for or providing a conveyance service, but does not include a limousine, private vehicle for hire or an accessible private vehicle for hire or a PTC vehicle;

"taximeter" means a mechanical or electronic device that is operated by a power drive cable attached to the transmission of a vehicle, which measures the distance travelled and waiting time, and computes the fare to be charged to a passenger;

"trip" means a journey in a vehicle for hire or PTC vehicle, commencing when a passenger enters the vehicle, continuing for the period that the vehicle is occupied, and ending when all passengers exit the vehicle;

"valid licence" means a current licence issued under this By-Law, which is not expired and which has not been suspended or revoked;

"vehicle for hire" or "VFH" means a motor vehicle that is conveying or available for conveying one or more persons in exchange for a fare, fee or other consideration and includes without limitation a taxi, accessible taxi, limousine, private vehicle for hire and accessible private vehicle for hire, but does not include a PTC vehicle;

"vehicle for hire plate" or "VFH plate" means the number plate issued by the Chief of Police under this By-Law to the owner of a vehicle for hire, to be displayed on the rear of the vehicle for the purpose of identifying the vehicle as being licensed for operation under this By-Law; and

"VIN" means the unique vehicle identification number assigned to a motor vehicle by the manufacturer.

Part 2 – Exemptions

2.1 Exemptions from By-Law

This By-Law shall not apply to:

(1) a motor vehicle with a seating of 11 or more individuals, including the driver;

(2) an ambulance or hearse;

(3) a school bus as defined under the *Highway Traffic Act* that is licensed under the *Public Vehicles Act*, RSO 1990, c. P.54 while it conveys students to and from school as defined under the *Highway Traffic Act*;

(4) a vehicle for hire that is being operated under a valid contract between the vehicle owner or broker and a school board recognized by the Ontario Ministry of Education or a school operating under a self-governing education agreement with the federal government;

(5) a bus operated under the *Public Vehicles Act* by North Bay Transit;

(6) a bus or other vehicle operated under the *Public Vehicles Act* by North Bay Transit for its Para-Bus service;

(7) any person with whom North Bay Transit enters into an agreement for the conveyance of senior citizens or persons with disabilities;

(8) a motor vehicle used by a not-for-profit organization registered in the Province of Ontario for the purposes of transporting senior citizens or persons with disabilities;

(9) designated driver services for which a designated driver drives the customer in the customer's vehicle to at least one destination; or

(10) courtesy vehicles where a customer is driven to a predetermined location, including, but not limited to those associated with motor vehicle repair shops and hotels.

Part 3 – Administration of By-Law

3.1 Duties of Chief of Police

(1) The administration of this By-Law is assigned to the Chief of Police, who shall generally perform all of the administrative functions in this By-Law and, without limiting the foregoing, the Chief of Police shall:

(a) receive and process all applications for licences and renewals of licences under this By-Law;

(b) issue licences in accordance with the provisions of this By-Law;

(c) impose terms and conditions on licences in accordance with this By-Law;

(d) refuse to issue or renew a licence, or revoke or suspend a licence, in accordance with this By-Law;

(e) maintain a register of all licences and transfers; and

(f) submit reports to the Board as required.

(2) The Chief of Police shall issue a licence or renew a licence where the requirements or conditions of this By-Law have been met.

3.2 Delegation by Chief of Police

The Chief of Police may authorize any member of the North Bay Police Service to exercise any power or perform any duty of the Chief of Police.

3.3 Powers of the Chief of Police

(1) The Board hereby delegates to the Chief of Police the authority to refuse to issue or renew a licence, to revoke or suspend a licence, to impose terms and conditions including special conditions, as provided in subsection (2), and to exempt any person from all or part of this By-Law.

(2) The Chief of Police may refuse to issue or refuse to renew a licence, or revoke or suspend a licence, or impose terms or conditions on a licence on the following grounds:

(a) the conduct of the applicant or licensee or any partner, officer, director, employee or agent of the applicant or licensee, affords reasonable cause to believe that the applicant or licensee will not carry on business in accordance with the law, or with honesty or integrity;

(b) the applicant or licensee is carrying on activities that are in contravention of this By-Law;

(c) there are reasonable grounds to believe that an application or other document provided to the Chief of Police by or on behalf of the applicant or licensee contains a false statement;

(d) any information contained in the original application form or any other information provided to the Chief of Police has ceased to be accurate and the licensee has not provided up-to-date accurate information to the Chief of Police to allow the Chief to conclude that the licence should continue;

(e) the applicant or licensee does not meet, at any time, one or more of the requirements of this By-Law or any conditions imposed on a licence;

(f) the applicant or licensee is not in compliance with any federal, provincial or municipal law, including this By-Law;

(g) the applicant or licensee, or any partner, officer or director, has been convicted of an offence for which a pardon has not been granted, pursuant to the *Criminal Code*, RSC 1985, c C-46, Part V (Sexual Offences), Part VIII (Offences Against the Person and Reputation), or Part IX (Offences Against Property) in the preceding five years;

(h) the applicant or licensee, or any partner, officer or director, has been convicted of an indictable offence under any statute of Canada, including but not limited to the *Criminal Code* and the *Controlled Drugs and Substances Act*, SC 1996, c 19 in the preceding five years;

(i) the applicant or licensee has been convicted of any other criminal offence which causes the Chief of Police to believe that it would not be in the interest of public safety to issue a licence;

(j) the applicant or licensee is currently under a prohibition order issued by a court within Canada, which prohibits the operation of a motor vehicle;

(k) the applicant or licensee does not have a valid class G Ontario driver's licence or equivalent, or his or her driver's licence is under suspension;

(l) the applicant or licensee has accumulated seven or more demerit points under the *Highway Traffic Act* within a three year period;

(m) the applicant is in default of payment of any fine arising from a conviction for an offence under a municipal by-law; or

(n) there are reasonable grounds to believe that the equipment, vehicles or other personal property used or kept for hire in connection with the carrying on of or engaging in the business licensed hereunder are dangerous or unsafe.

(3) Notwithstanding any other provision of this By-Law, the Chief of Police may impose terms and conditions on any licence at the time of issue or renewal or at any time during the term of the licence, including special conditions, as are necessary in the opinion of the Chief of Police to give effect to this By-Law.

(4) Where the Chief of Police is of the opinion, based upon reasonable grounds, that:

(a) an application for a licence or renewal of a licence should be refused;

(b) a reinstatement should not be made;

(c) a licence should be revoked;

(d) a licence should be suspended; or

(e) a term or condition of a licence should be imposed,

the Chief of Police shall make a decision and issue notice as provided below.

(5) Where the Chief of Police has made a decision under subsection (4), the Chief of Police shall give written notice of that decision, and the reasons for it, to the applicant or licensee by regular mail to the last known address of that person, which shall be deemed to have been given on the seventh day following the day on which it is mailed.

(6) Service of notice on a corporation can be effected by regular mail to the address of the corporation's head office.

(7) Service of notice on a partnership can be effected by regular mail to the mailing address of the partnership.

(8) The written notice to be given under subsection (5) shall:

(a) set out the decision;

(b) set out the grounds for the decision, including reasonable particulars; and

(c) state that the applicant or licensee is entitled to request a review of the decision of the Chief of Police by the Board within 15 days of notice being given;

(9) Despite subsection (5), where a licence is voluntarily surrendered by the licensee for revocation, the Chief of Police may revoke the licence without notice to the licensee.

(10) Where no request for review is filed within the required time period, the decision of the Chief of Police is final.

(11) Where a request for review is filed within the required time period, the Board shall hear and determine the matter pursuant to section 3.4 of this By-Law and the rules set out in the *Statutory Powers Procedure Act*, RSO 1990, c S.22.

(12) In addition to any other power, duty or function prescribed by this By-Law, the Chief of Police may make regulations under this By-Law, including:

(a) prescribing the form of any information required to be provided to the Chief of Police under this By-Law;

(b) prescribing standards for the form and content of records required to be kept, maintained and surrendered to the Chief of Police by vehicle for hire owners, brokers and private transportation companies under this By-Law;

(c) prescribing the format and content of any forms or other documents required under this By-Law;

(d) prescribing the standards for vehicles for hire and PTC vehicles including, without limitation, standards relating to:

(i) classes of vehicles that may be used as limousines;

(ii) the condition of vehicles for hire and PTC vehicles;

(iii) colours and markings for vehicles for hire including, without limitation, roof signs or roof lights;

(iv) advertising on the exterior or interior of vehicles for hire and PTC vehicles;

(v) taximeters;

(vi) public notification for consumer protection purposes; and

(vii) submission requirements for supplementary safety standards certificates; and

(e) prescribing operational standards for drivers of vehicles for hire and PTC drivers including, without limitation:

(i) standards for the display of fares and licences;

(ii) customer service standards; and

(iii) driver training standards.

3.4 Requests for Review

(1) Any person who wishes to dispute a decision of the Chief of Police in regard to a refusal to issue or renew a licence, a revocation or suspension of a licence, or the imposition of a special condition on a licence may apply to the Board within 15 days of the date notice is given:

(a) requesting that the Board review the decision of the Chief of Police;

(b) setting out the grounds for the review; and

(c) setting out the relief sought.

(2) In the event of a request for review, the decision of the Chief of Police shall remain in full force and effect until the final determination of the Board is made on the matter.

(3) Within 30 days of receipt of an application for review under subsection (1), the Board shall provide notice of the hearing to the person requesting the review and the Chief of Police:

(a) specifying the time, date, place and purpose of the hearing, which shall be no more than 60 days from the date of the notice;

(b) informing the person that he or she is entitled to attend the hearing, to present evidence and to make submissions regarding the decision of the Chief of Police; and

(c) informing the person that the Board may proceed with the hearing in the person's absence.

(4) The notice of hearing shall be served personally or by registered mail to the person requesting the review.

(5) The Board shall hold the review hearing at the time, date and place set out in the notice.

(6) All hearings shall be public hearings unless the person requests that the hearing be held *in camera* and the Board approves the request by a simple majority in accordance with the *Statutory Powers Procedure Act*.

(7) At the hearing, the onus shall be upon the person requesting the review to show cause why the relief sought should be granted.

(8) When a person, having been provided with written notice of a hearing pursuant to subsection (3), fails to attend at the appointed time, date and place, the Board may proceed in the person's absence and the person will not be entitled to any further notice in the proceedings.

(9) The Board shall be bound by the *Statutory Powers Procedure Act* in hearing the matter.

(10) The Board may uphold, reverse or vary the decision of the Chief of Police or make any decision that the Chief of Police was entitled to make in the first place.

(11) At the conclusion of the hearing the Board may give its decision orally or reserve its decision but, in any event, the Board shall provide its decision in writing with reasons within 15 days of the hearing, to the person requesting the review and the Chief of Police.

(12) The decision of the Board shall be final and binding.

Part 4 – Licence Requirements

4.1 Vehicles for Hire – Licence Required

(1) No person shall:

(a) own, operate or cause or permit the operation of a vehicle for hire for which there is no valid owner licence issued under this By-Law;

(b) operate a vehicle for hire without a valid vehicle for hire driver licence issued under this By-Law;

(c) cause or permit the operation of a vehicle for hire by a person who does not hold a valid vehicle for hire driver licence issued under this By-Law; or

(d) advertise, or cause or permit the advertisement of, the use of a vehicle for hire without a valid owner licence or broker licence issued under this By-Law.

(2) No person shall act as a broker without holding a valid broker licence issued under this By-Law.

(3) Without limiting the generality of subsection (2), no person shall dispatch, or cause or permit the dispatching of, a vehicle for hire except under the authority of a valid broker licence issued under this By-Law.

4.2 Private Transportation Company Vehicles – Licence Required

No person shall:

(1) operate a private transportation company without holding a valid private transportation company licence issued under this By-Law;

(2) own, operate, or cause or permit the operation of, a PTC vehicle unless authorized to operate by a private transportation company that holds a valid private transportation company licence issued under this By-Law;

(3) advertise, or cause or permit the advertisement of, the use of a PTC vehicle without a valid private transportation company licence issued under this By-Law.

4.3 Representation of Licensing Status

No person shall publish or cause to be published any representation that the person is licensed under this By-Law, or hold himself or herself out as being licensed under this By-Law if the person is not so licensed.

Part 5 – Licence Applications and Renewals

5.1 Form and Content of Application – General

(1) Every application for a licence or renewal shall be completed by an individual being at least 18 years of age and, in particular, unless otherwise provided in this By-Law:

(a) if the applicant is an individual, by that individual;

(b) if the applicant is a corporation, by an officer or director of the corporation having signing authority; and

(c) if the applicant is a partnership, by one of the partners.

(2) An applicant shall make application for a licence or renewal of licence to the Chief of Police on the forms provided by the Chief of Police. Without limitation, every application for a licence or renewal shall include at minimum the following information and documentation:

(a) if the applicant is an individual:

(i) the name, date of birth, municipal address, telephone number and email address of the applicant; and

(ii) a sworn statement by the applicant certifying the truthfulness, accuracy and completeness of the application;

(b) if the applicant is a corporation:

(i) the correct legal name of the corporation, and the address of the head office of the corporation;

(ii) the name, address and telephone number of each director and officer;

(iii) proof, satisfactory to the Chief of Police, that the corporation is legally entitled to conduct business in Ontario;

(iv) articles of incorporation or other incorporating documentation duly certified by the proper government official or department of the Province of Ontario or the Government of Canada;

(v) a copy of the last Initial Return or Notice of Change filed with the provincial or federal government;

(vi) a Certificate of Status issued by the Ministry of Government and Consumer Services dated no later than 30 days prior to the date of the application;

(vii) a certified copy of an annual return listing all of the shareholders of the corporation;

(viii) the address and contact information of the corporation's registered business address in the Province of Ontario, which is not a post office box, to which the Board may send during business hours any notice or documentation or communication, together with the name, telephone and email contact information for the person authorized to receive and respond on behalf of the corporation to any and all communications from the Board relating to the corporation's licence or conduct of business; and

(ix) a sworn statement by an officer of the corporation duly authorized for that purpose, certifying the truthfulness, accuracy and completeness of the application; and

(c) if the applicant is a partnership:

(i) the name under which the partnership intends to carry on business and, if that name is not composed of the names of the partners, documentation proving that the firm name is registered to the partnership, duly certified by the proper government official or department of the Province of Ontario or the Government of Canada;

(ii) the mailing address and the address of the principal place of business of the partnership;

(iii) the name, address and telephone number of each partner;

(iv) details of each partner's interest in the partnership; and

(v) a sworn statement by each partner certifying the truthfulness, accuracy and completeness of the application.

(3) Every person applying for a licence or a renewal of a licence shall provide in full, at the time the application is submitted, all of the information requested on the application form as well as:

(a) payment of the prescribed annual fee as set out in Schedule "A" of this By-Law; and

(b) any other documentation or information as may be required in any other part of this By-Law or by the Chief of Police.

(4) The Chief of Police may require additional affidavits in support of an application or a renewal of a licence at his or her discretion.

(5) No person shall give false or incorrect information for the purposes of obtaining a licence under this By-Law.

5.2 Vehicle for Hire Driver Licence – Applications and Renewals

In addition to the requirements of section 5.1, every applicant for a vehicle for hire driver licence, or a renewal thereof or, alternatively, a broker acting on behalf of the applicant, shall submit to the Chief of Police:

(1) documentation showing proof of Canadian citizenship, landed immigrant status, or a work permit to work as a driver issued by the Government of Canada;

(2) proof of a valid class G driver's licence issued by the Province of Ontario, which is in good standing according to the records of the Ministry of Transportation, and demonstrating that the applicant is at least 18 years of age;

(3) in the case of a limousine driver or private vehicle for hire driver, additional proof that the driver has held a class G driver's licence for a minimum of three years;

(4) a Ministry of Transportation driver's abstract dated no more than 30 days prior to the submission;

(5) a police record check with every initial application for a licence and every three years thereafter, that is dated no more than 60 days prior to the submission;

(6) with every application for renewal in the years that a police record check is not required, a sworn affidavit stating that the police record check on file has not changed and that there are no new charges or convictions, subject to section 9.1(12) of this By-Law; and

(7) where the person is applying for a vehicle for hire licence to drive a taxi, the name of the licensed broker with whom the applicant is affiliated.

5.3 Vehicle for Hire Owner Licence – Applications and Renewals

(1) A separate owner licence is required for each vehicle for hire.

(2) In addition to the requirements of section 5.1, every applicant for a vehicle for hire owner licence or renewal thereof or, alternatively, a broker acting on behalf of the applicant, shall file with the Chief of Police:

(a) proof that the vehicle to be licensed:

(i) has a current motor vehicle permit that is in good standing, issued under the *Highway Traffic Act*; and

(ii) is either registered in the applicant's name or leased by the applicant;

(b) proof of insurance that covers conveyance services in respect of the vehicle to be licenced, indemnifying and protecting the owner and the public, including passengers, in the amount of at least $2,000,000.00 (two million dollars) per occurrence, which the owner shall keep in force during the period for which the licence is issued; and

(c) a safety standards certificate issued within the previous 14 days with respect to the vehicle.

(3) Every applicant, or broker acting on behalf of the applicant, shall submit the vehicle for hire for inspection and approval by the Chief of Police, to ensure it meets all of the requirements of this By-Law, if requested by the Chief of Police.

5.4 Broker Licence – Applications and Renewals

In addition to the requirements of section 5.1, every applicant for a broker licence or renewal thereof shall file with the Chief of Police proof that the applicant has a system for receiving orders and dispatching vehicles for hire, satisfactory to the Chief of Police.

5.5 Private Transportation Company Licence – Applications and Renewals

In addition to the requirements of section 5.1, every applicant for a private transportation company licence or renewal thereof shall provide to the Chief of Police:

(1) a PTC identifier to be displayed on its PTC vehicles, that may be in a removable format, for approval by the Chief of Police;

(2) a list of all PTC drivers authorized to use the PTC platform, which list shall include the following information in a searchable electronic database in a form satisfactory to the Chief of Police:

(a) the full name, date of birth, address and phone number of the PTC driver;

(b) the year, make, model and Ontario licence plate number of the vehicle to be operated by the PTC driver as the PTC vehicle; and

(c) confirmation that the PTC driver is authorized to use the PTC platform;

(3) a sworn declaration, sworn by the person required to submit the application pursuant to section 5.1(1) of this By-Law, confirming that all PTC drivers have provided to the private transportation company:

(a) proof that the driver currently holds, and has held for a minimum of three years, a valid class G driver's licence issued by Province of Ontario pursuant to the *Highway Traffic Act*;

(b) proof of being at least 18 years of age; and

(c) proof of Canadian citizenship or landed immigrant status or a work permit to work as a driver issued by the Government of Canada;

(4) a police record check for every PTC driver for every initial application for a licence and every renewal thereafter, dated no more than one year old for existing drivers providing service for a private transportation company and no more than 30 days old for drivers in the first instance;

(5) a Ministry of Transportation driver's abstract for every PTC driver for every initial application for a PTC licence and every renewal thereafter, dated no more than 30 days prior to the submission;

(6) proof of a safety standards certificate dated not more than two weeks prior to the submission, issued by a certified mechanic duly licensed by the Province of Ontario for each vehicle associated with the private transportation company;

(7) proof of automobile liability insurance required by the *Compulsory Automobile Insurance Act*, RSO, c C.25, and an endorsement or an automobile liability insurance form approved by the Financial Services Regulatory Authority of Ontario for use by a PTC driver;

(8) proof of harmonized sales tax registration on behalf of all PTC drivers; and

(9) proof of the applicant's own harmonized sales tax registration.

5.6 Extrinsic Investigation and Recommendation

Every application may be subject to investigations by, and comments or recommendations from, municipal, provincial or federal departments or agencies as the Chief of Police deems necessary.

Part 6 – Issuance of Licences

6.1 Issuance and Form of Licence

(1) Every licence shall be electronic or in the form and manner as provided by the Chief of Police and shall, without limitation, include on its face:

(a) the licence number;

(b) the name of each licensee;

(c) the dates of issue and expiry;

(d) such terms or conditions as the Chief of Police determines should be imposed on the licence; and

(e) in the case of a VFH driver licence, a current photo of the driver, taken by the North Bay Police Service.

(2) For every vehicle for hire owner licence issued, the Chief of Police shall also issue a vehicle for hire plate, to be displayed on the rear of the vehicle for the purpose of identifying the vehicle as being licensed for operation under this By-Law.

(3) No licence shall be issued to any individual who is less than 18 years of age. Where the applicant is a corporation or partnership, no licence shall be issued unless the individual submitting the application on behalf of the corporation pursuant to section 5.1(1) of this By-Law is at least 18 years of age.

6.2 Conditions of Licence

(1) Every licence issued and every renewal thereof is subject to the following conditions of obtaining, continuing to hold, and renewing a licence, all of which shall be performed and observed by the applicant:

(a) the applicant shall pay the prescribed fee as set out in Schedule "A" of this By-Law;

(b) the applicant shall pay all fees and fines owed by the applicant to the Municipality; and

(c) the applicant shall meet all of the requirements of this By-Law.

(2) Every licence issued or renewed under this By-Law shall be valid for a period of one year, unless a shorter or longer period of time is provided by the Chief of Police, which shall be set out on the licence in the issue and expiry dates.

6.3 No Transfer of Licence

(1) A licence issued under this By-Law is only valid in respect to the person named therein and is not transferrable. Every licence, including any accompanying VFH plate, at all times is owned by and remains the property of the Board.

(2) No person shall transfer or lease, or attempt or purport to transfer or lease, any licence issued under this By-Law, or in any way authorize any other person to exercise any of the rights exercisable by the holder of a licence under this By-Law, nor any accompanying VFH plate.

(3) Where a licensee fails to comply with subsection (2), the licence shall be deemed to be revoked.

(4) Upon suspension, revocation or expiry of a licence, the licensee shall immediately deliver and surrender the licence to the Chief of Police.

6.4 Renewal of Licence

(1) A licence issued under this By-Law may be renewed provided the applicant meets all of the requirements of this By-Law.

(2) An application for a renewal of a licence shall be delivered to the Chief of Police on or before the expiry date of the licence.

Part 7 – Fees

7.1 Licence and Other Fees

(1) The annual licence fees and all other fees to be paid to the Board under this By-Law are set out in Schedule "A" to this By-Law.

(2) Notwithstanding subsection (1), in the case of a limousine where the Chief of Police has provided for a licence term of other than one year, the

accompanying licence fee shall be prorated based on the annual fee set out in Schedule "A" and the actual term of the licence.

7.2 Accessible Vehicles for Hire – Waiver of Licensing Fee

The Board shall waive the licence fees for an accessible vehicle for hire that is in full compliance with all requirements of this By-Law including, but not limited to, section 9.2(2).

7.3 Fees are Non-Refundable

All fees paid under this By-Law are non-refundable.

Part 8 – Notification of Change of Information

8.1 General

When a licensee changes his or her name, address, affiliated broker, employer or any other information relating to the licence, he or she shall notify the Chief of Police within two days of the change and, if necessary and as determined by the Chief of Police, shall immediately return the licence to the Chief of Police for amendment.

8.2 Corporations

In addition to the provisions of section 8.1, when the licensee is a corporation, it shall report changes to any of the following information to the Chief of Police within two days of the change and, if necessary and as determined by the Chief of Police, shall immediately return the licence to the Chief of Police for amendment:

(1) the name of the corporation

(2) the mailing address or the address of the principal place of business of the corporation;

(3) the name of any officer or director;

(4) the address or telephone number of any officer or director; or

(5) ownership of shares.

8.3 Partnerships

In addition to the provisions of section 8.1, when the licensee is a partnership, the partners shall report changes to any of the following information to the Chief of Police within two days of the change and, if necessary and as determined by the Chief of Police, shall immediately return the licence to the Chief of Police for amendment:

(1) the name of the partnership;

(2) the mailing address or the address of the principal place of business of the partnership

(3) the name of a partner;

(4) the address or telephone number of a partner; or

(5) a partner's interest in the partnership.

Part 9 – Vehicle for Hire – Driver Regulations

9.1 Vehicle for Hire – Driver Duties

Every VFH driver shall:

(1) carry both his or her driver's licence issued under the *Highway Traffic Act* and his or her VFH driver licence issued by the Chief of Police under this By-Law, at all times while operating a vehicle for hire and surrender those licences forthwith for reasonable inspection upon the demand of a police officer;

(2) have clearly displayed in the interior of the vehicle for hire the VFH driver licence issued by the Chief of Police, so that the licence is clearly visible to any passenger in the vehicle;

(3) in the event that his or her VFH licence is lost or stolen, immediately report the loss or theft to the Chief of Police;

(4) in the event of the loss or theft of the VFH plate from a vehicle being operated by the driver, immediately report the loss or theft to the Chief of Police and to the VFH owner, if the driver is not the owner;

(5) provide conveyance service to the first passenger requiring such service of the vehicle for hire;

(6) convey only as many passengers as there are properly installed and operable seatbelts in the vehicle;

(7) drive the most direct traveled route from the point of pickup of the passenger to the point of destination, unless otherwise directed by the passenger;

(8) present a clean appearance and act in an orderly manner towards the passenger and the public generally;

(9) be civil and courteous and refrain from using profanity;

(10) upon the request of any passenger, give in writing his or her name, the name, address and telephone number of the owner and broker (if operating through a broker), and the licence number for the licence issued under this By-Law for the vehicle being operated;

(11) upon the request of a police officer, provide full information regarding the address of the house or place to or from which he or she has driven any passenger, along with a description, name and address of the passenger, if known to the VFH driver;

(12) report immediately to the Chief of Police if he or she is charged or convicted of any offence under the *Criminal Code*, the *Controlled Drugs and Substances Act*, the *Highway Traffic Act*, or any other provincial statute regulating motor vehicles on highways, or any offence under the *Liquor Licence Act*, RSO 1990 c L.19 involving a motor vehicle;

(13) report immediately to the Chief of Police if his or her driver's licence issued under the *Highway Traffic Act* is cancelled, suspended or revoked, or if it has expired, and immediately surrender his or her VFH driver licence issued under this By-Law to the Chief of Police;

(14) maintain the interior of his or her vehicle for hire in a clean and tidy condition while operating it, including:

(a) in good repair;

(b) with working seat belts;

(c) with every seat securely mounted maintaining its position and adjustment;

(d) with a working dome light that will activate automatically when the vehicle doors open;

(e) with side windows that open and close;

(f) free from all dust, dirt, grease, oil, adhesive resin and any other substance that can be transferred on to the person, clothing or possessions of a passenger;

(g) free of noxious substances; and

(h) free of all waste paper, cans, garbage and any other debris; and

(15) maintain the exterior of his or her vehicle for hire in good condition while operating it, including:

(a) free from exterior body damage which impacts the safe operation of the vehicle;

(b) with securely closing doors and trunk lid; and

(c) with all handles in good repair.

9.2 Accessible Vehicle for Hire – Additional Driver Duties

In addition to the requirements set out in section 9.1, every accessible vehicle for hire driver shall:

(1) ensure that all wheelchairs or scooters being transported in the accessible VFH are securely fastened so as to prevent them from moving when the vehicle is in motion;

(2) ensure that the accessible VFH is:

(a) in compliance with RRO 1990, Reg 629, "Accessible Vehicles" made under the *Highway Traffic Act*, including the applicable CSA Standard as set out in that regulation, and all other applicable federal and provincial legislation; and

(b) equipped with:

(i) wheelchair tie downs;

(ii) an extra tire, wheel and jack ready for use for that vehicle; and

(iii) a first aid kit; and

(3) give priority to conveyance services for persons with disabilities over persons without disabilities.

9.3 Vehicle for Hire – Driver Prohibitions

No vehicle for hire driver shall:

(1) operate a vehicle for hire without the VFH plate issued under this By-Law clearly displayed on the rear of the vehicle;

(2) operate a vehicle for hire that is not mechanically safe;

(3) operate a vehicle for hire without the insurance required by sections 5.3(2)(b) and 10.2(6) of this By-Law;

(4) be under the influence of any intoxicant or take, consume or have in his or her possession any intoxicant while operating a vehicle for hire;

(5) smoke or permit any person to smoke inside a vehicle for hire;

(6) carry more than one party at a time, except with the consent of the first party engaged with the VFH driver;

(7) transport a child under the age of 12 years in the front seat of the vehicle without first disengaging the front seat passenger air bag; or

(8) leave any passenger at any location other than the destination requested by the passenger, unless the driver is unable to take the passenger to the requested destination for one of the following reasons:

(a) the condition of the VFH is such that it cannot be operated safely;

(b) the VFH driver is incapable of operating the vehicle safely; or

(c) the conduct of the passenger is such that the VFH driver can no longer operate the VFH safely and, in such cases, the VFH driver has requested the attendance of the police.

9.4 Parking, Standing or Soliciting Fares

(1) Subject to subsections (2) and (3), no vehicle for hire driver shall park or stand a vehicle for hire for the purpose of soliciting passengers.

(2) Subsection (1) does not prohibit the driver of a vehicle for hire from parking or standing while:

(a) taking on a passenger who has already engaged the vehicle;

(b) discharging a passenger from the vehicle; or

(c) under direction to remain by a passenger who has already engaged the vehicle, and in the continuance of a trip.

(3) Notwithstanding subsection (1), the driver of a taxi may park or stand in a loading zone in the 100 block of Main Street East and Main Street West between 9:00 p.m. and 6:00 a.m.

9.5 Private Vehicle for Hire – Additional Driver Prohibitions

In addition to the prohibitions set out in sections 9.3 and 9.4, no private vehicle for hire driver shall:

(1) be dispatched by two-way radio, or receive orders for conveyance service by any means other than through electronic means or phone calls to one designated number;

(2) solicit or accept passengers without a prearranged engagement.

(3) drive a private vehicle for hire displaying the words "taxicab", "taxi" or "cab";

(4) display a roof sign or roof light on the vehicle for hire; or

(5) operate a private vehicle for hire equipped with a taximeter.

9.6 Vehicle for Hire – Driver Rights

Notwithstanding any other provision of this By-Law, every vehicle for hire driver has the right to refuse a potential passenger on the basis that:

(1) the VFH driver is concerned for his or her personal safety;

(2) the passenger refuses to give his or her destination;

(3) the passenger is in possession of an animal other than a designated medical assistance animal;

(4) the passenger is unruly, obnoxious or rude; or

(5) the VFH driver has a reasonable belief that the customer may not be able to pay the fare.

Part 10 – Vehicle for Hire – Owner Regulations

10.1 Vehicle for Hire – Owner Records

(1) Every owner of a vehicle for hire shall maintain accurate records of all vehicles for hire owned, including the make, model, Ontario licence plate number and VIN for each vehicle, and a copy of the owner's licence issued under this By-Law.

(2) Every owner of a vehicle for hire shall maintain accurate records of all drivers employed, including name, Ontario driver's licence number, VFH driver licence number, address, and telephone number.

(3) Every owner of a vehicle for hire shall maintain accurate records for at least one year of all orders for each vehicle for hire, including the following information:

(a) the date and time of dispatch;

(b) the driver's name and the number of his or her licence issued under this By-Law;

(c) the number of the owner licence issued under this By-Law for the vehicle for hire that is dispatched;

(d) the addresses to which the vehicle is dispatched for pickup and at which the vehicle drops off the fare;

(e) the times of arrival at pickup and drop off at destination; and

(f) the fare charged for all trips.

(4) Every owner of a vehicle for hire shall maintain all records required to be kept pursuant to this By-Law as electronic records in a format that is

consistent with the electronic record keeping requirements of the Canada Revenue Agency.

(5) Upon the request of a police officer, the owner of a vehicle for hire shall forthwith produce any record required to be kept pursuant to this By-Law.

10.2 Vehicle for Hire – Owner Duties

Every owner of a vehicle for hire shall:

(1) keep at all times in the vehicle for hire, the original or a photocopy of each of the following documents:

(a) a current vehicle for hire owner licence issued under this By-Law;

(b) a current motor vehicle permit issued for the vehicle for hire under the *Highway Traffic Act*; and

(c) a valid certificate of insurance for the vehicle for hire obtained in accordance with the requirements of this By-Law;

(2) ensure that the VFH plate issued under this By-Law is clearly displayed on the rear of the vehicle;

(3) in the event of the loss or theft of the VFH plate, immediately report the loss or theft to the Chief of Police;

(4) submit to the Chief of Police a safety standards certificate for the vehicle for hire, dated no more than 14 days prior to submission, at regular intervals based on the age of the vehicle as set out below:

(a) 2 years or less: 1 per year;

(b) greater than 2 years up to 4 years: every 6 months;

(c) greater than 4 years up to 8 years: every 4 months; and

(d) greater than 8 years: every 3 months;

(5) repair all mechanical defects in the vehicle for hire immediately when reported by a driver or the Chief of Police, or when they otherwise come to the owner's attention;

(6) maintain the insurance on the vehicle for hire as required under section 5.3(2)(b) of this By-Law;

(7) at least five days prior to the expiry date of any current insurance policy, file with the Chief of Police an insurance renewal policy or certificate of insurance;

(8) ensure that the vehicle for hire complies with all requirements as set out in this By-Law including, but not limited to, the provisions relating to the condition of the interior and exterior of the vehicle, set out in sections 9.1(14) and (15); and

(9) ensure that every driver operating the owner's vehicle for hire complies with all of the requirements of this By-Law.

10.3 Taxi – Owner Duties

In addition to the requirements set out in section 10.2, every taxi owner and accessible taxi owner shall:

(1) ensure that the taxi is equipped with a roof sign indicating that the vehicle for hire is a taxi; and

(2) if using a taximeter for its conveyance service:

(a) ensure that the taximeter is fully-operational; and

(b) submit the taximeter for testing, inspection and sealing by such person as the Chief of Police directs at any time.

10.4 Accessible Vehicle for Hire – Owner Duties

In addition to the requirements set out in sections 10.2 and 10.3, every owner of an accessible vehicle for hire shall ensure that the accessible VFH complies with all requirements set out in section 9.2(2).

10.5 Vehicle for Hire – Owner Prohibitions

No owner of a vehicle for hire shall:

(1) use or permit his or her owner licence or accompanying VFH plate to be used with respect to any vehicle other than the vehicle for which the licence was issued;

(2) if using the services of a broker, operate or permit the vehicle for hire to be operated in affiliation with a broker who is not licensed under this By-Law;

(3) operate or permit the operation of the vehicle for hire without the insurance required under sections 5.3(2)(b) and 10.2(6) of this By-Law;

(4) operate or permit the operation of the vehicle for hire with any mechanical defect; or

(5) operate or permit the operation of the vehicle for hire when it is not in compliance with the requirements of this By-Law.

10.6 Private Vehicle for Hire – Owner Prohibitions

In addition to the prohibitions set out in section 10.5, no owner of a private vehicle for hire shall:

(1) use or permit the use of a two-way radio in the private VFH, or any other means of receiving orders for conveyance services other than through electronic means or phone calls to one designated number;

(2) solicit or accept passengers, or permit the solicitation or acceptance of passengers, without a prearranged engagement;

(3) display the words "taxicab", "taxi" or "cab" on the private VFH or permit the display of any such word;

(4) display or permit the display of a roof sign or roof light on the private VFH; or

(5) use or permit the use of a taximeter in the private VFH to calculate fares.

Part 11 – Vehicle for Hire – Fares

11.1 Communication of Fares

Every owner and driver of a vehicle for hire shall either post the rates for the vehicle for hire in the vehicle in a manner that is clearly visible to any passenger, or shall otherwise ensure that the passenger is aware of the fare to be charged before providing the conveyance service, including any charges for baggage carried with the passenger, or any other additional charge.

11.2 Fares for Persons with Disabilities

No owner or driver of a vehicle for hire shall charge:

(1) a higher fare or an additional fee for persons with disabilities than for persons without disabilities for the same trip; or

(2) a fee for the storage of mobility aids or mobility assistive devices.

Part 12 – Broker Regulations

12.1 Broker – Records

(1) Every broker shall maintain accurate records of all vehicles for hire associated with the broker, including the make, model, Ontario licence plate number and VIN for each vehicle, the owner's name and contact information, and a copy of the owner's licence issued under this By-Law.

(2) Every broker shall maintain accurate records of all drivers who operate through that broker, including name, Ontario driver's licence number, VFH driver licence number, address, and telephone number.

(3) Every broker shall maintain accurate records for at least one year of all orders for each vehicle for hire, including the following information:

(a) the date and time of dispatch;

(b) the driver's name and the number of his or her licence issued under this By-Law;

(c) the number of the owner licence issued under this By-Law for the vehicle for hire that is dispatched;

(d) the addresses to which the vehicle is dispatched for pickup and at which the vehicle drops off the fare;

(e) the times of arrival at pickup and drop off at destination; and

(f) the fare charged for all trips.

(4) Every broker shall maintain all records required to be kept pursuant to this By-Law as electronic records in a format that is consistent with the electronic record keeping requirements of the Canada Revenue Agency.

(5) Upon the request of a police officer, a broker shall forthwith produce any record required to be kept pursuant to this By-Law.

12.2 Broker – Additional Duties

In addition to the duties set out in section 12.1, every broker shall:

(1) notify the Chief of Police within 72 hours of any addition to or deletion from the broker's fleet;

(2) ensure that every owner and driver working through the brokerage complies with all provisions of this By-Law, including being licensed;

(3) upon request, inform a passenger of the anticipated length of time for a vehicle to arrive at the pickup location; and

(4) upon the request of a police officer, provide full information regarding the dispatch of a vehicle for hire, including the address of the house or place to which the broker dispatched a vehicle for hire, address of pickup of passenger if different from the dispatched address or if the fare was a hailed ride, address of drop off, name and address of the fare, if known to the broker, the name and contact information of the VFH driver and the particulars of the vehicle for hire driven.

12.3 Broker – Accessible Taxi Requirements

(1) When dispatching accessible taxis, every broker shall give priority to conveyance services for persons with disabilities over persons without disabilities.

(2) Every broker shall maintain an accurate record of the number of trips each accessible taxi has made for persons with disabilities and persons without disabilities.

12.4 Broker – Prohibitions

(1) No broker shall dispatch:

(a) any vehicle for hire, unless that vehicle has a current valid owner licence issued under this By-Law;

(b) any driver who is not licensed under this By-Law; or

(c) a vehicle for hire that does not comply with the requirements of this By-Law.

(2) If using a mobile payment application or other electronic service that receives requests for conveyance services from passengers and connects such requests to a person operating a vehicle for hire, a broker shall not charge or receive payment for a trip for any amount other than as communicated to and accepted by the passenger prior to the start of the trip.

Part 13 – Transfer of Taxi Broker and Owner Licences by Estate

13.1 Death of Taxi Broker, Taxi Owner or Accessible Taxi Owner

(1) Upon the death of a taxi broker, taxi owner or accessible taxi owner, this Part applies.

(2) Within 30 days following the death, the executor or administrator of the individual's estate shall file with the Chief of Police:

(a) proof of the death; and

(b) proof of the executor's or administrator's capacity.

(3) The estate of the deceased may continue to hold the licence for up to one year from the date of death.

(4) Notwithstanding subsection (3), in the event that an estate is not wound up within one year from the date of death, the estate may apply to the Chief of Police for an extension of the licence, and the Chief of Police shall not unreasonably withhold consent to the extension.

13.2 Exception to Rule Against Transfers

(1) Notwithstanding the provisions of section 6.3 of this By-Law, and only with the prior written approval of the Chief of Police, the estate of the deceased may transfer the licence to anyone meeting the requirements of this By-Law for holding such licence.

(2) In the event of a transfer of licence occurring pursuant to this Part:

(a) no person and no estate shall accept or arrange for payment in any fashion, and

(b) no person shall offer, provide, or agree to provide payment,

of an amount of money, as consideration for the transfer, that is greater than the licence fee that was paid by the deceased licensee to the Board at the time the licence was originally issued.

Part 14 – Private Transportation Company – Regulations

14.1 PTC – Insurance Requirements

(1) A private transportation company shall maintain commercial general liability business insurance coverage of at least $5,000,000.00 (five million dollars).

(2) A private transportation company shall ensure that, from the moment a ride is accepted up until the moment of passenger drop off, every PTC driver using the PTC's platform and every PTC vehicle used in the service are insured with commercial automobile liability insurance with limits of not less than $2,000,000.00 (two million dollars) per occurrence for bodily injury, death and damage to property.

(3) The automobile liability insurance required by subsection (2) shall be provided through an endorsement or an automobile liability form approved by the Financial Services Regulatory Authority of Ontario for use by a private transportation company or PTC driver.

(4) The automobile liability insurance required by subsection (2) may be maintained by the PTC driver, the private transportation company, or any combination of the two.

(5) The private transportation company shall ensure that the insurance coverage it maintains shall apply in the event that the automobile liability insurance required by subsection (2) lapses or the PTC driver fails to obtain the coverage.

(6) Every private transportation company and PTC driver shall ensure that the insurance policy maintained pursuant to this Part is endorsed to provide that the Board shall be given at least 15 days' notice in writing of any cancellation or material variation to the policy.

14.2 PTC – Duties With Respect to Driver Backgrounds

(1) No person shall provide conveyance services for a private transportation company in any of the following circumstances, which shall be the responsibility of the private transportation company to ascertain and enforce:

(a) the PTC driver has been convicted of an offence for which a pardon has not been granted, that is relevant to the nature of the services of PTC driver or that directly affects the PTC driver's ability to competently and responsibly provide conveyance services, including but not limited to:

(i) an offence under the *Criminal Code*, including but not limited to Part V (Sexual Offences), Part VIII (Offences Against the Person and Reputation) and Part IX (Offences Against Property) in the preceding five years;

(ii) an indictable offence under any statute of Canada, including but not limited to the *Criminal Code* and the *Controlled Drugs and Substances Act* in the preceding five years; or

(iii) any other criminal offence communicated by the Chief of Police to the private transportation company that would cause the Chief concern for the safety of the public to receive conveyance services from an individual who has such a conviction;

(b) the PTC driver's licence issued under the *Highway Traffic Act* has been cancelled, suspended or revoked for any reason; or

(c) the Ministry of Transportation driver's record for the PTC driver shows seven or more demerit points within a three year period.

(2) Every private transportation company shall ensure that, prior to commencement as a PTC driver and annually thereafter, its PTC drivers submit to the private transportation company,:

(a) a police record check dated not more than 30 days prior to the submission;

(b) a Ministry of Transportation driver's abstract dated not more than 30 days prior to the submission; and

(c) proof of current valid insurance in compliance with the requirements of section 14.1(2).

(3) Every private transportation company shall ensure that every PTC driver authorized to use its PTC platform discloses on an ongoing basis and forthwith to the PTC:

(a) any criminal charges or convictions for offences set out in subsection (1)(a);

(b) the cancellation, suspension or revocation of the PTC driver's licence issued by the Ministry of Transportation;

(c) a charge or conviction for any offence under the *Criminal Code*, the *Controlled Drugs and Substances Act*, the *Highway Traffic Act*, or any other provincial statute regulating motor vehicles on highways, or any offence under the *Liquor Licence Act* involving a motor vehicle;

(d) the accumulation of seven or more demerit points on the PTC driver's Ministry of Transportation driver's record within a three year period;

(e) any accidents in which the PTC driver is involved, either directly or indirectly, while operating as a PTC driver; and

(f) any change in insurance.

(4) No private transportation company shall permit a PTC driver to use or access its PTC platform if the PTC driver:

(a) is not in compliance with the background requirements of subsection (1);

(b) fails to maintain the insurance required by section 14.1(2); or

(c) fails to comply with the initial, annual and ongoing duties to report as provided by subsections (2) and (3);

(5) Every private transportation company shall notify the Chief of Police forthwith when a PTC driver is no longer authorized to access the PTC platform for any reason.

14.3 PTC – Records

(1) Every private transportation company shall keep a current list of every PTC driver authorized to access the PTC platform and of every PTC vehicle in a readily accessible electronic format that includes:

(a) the full name and address of every PTC driver;

(b) the make, model and licence plate of every PTC vehicle associated therewith; and

(c) operational data such as police record checks, Ministry of Transportation driver's records, any information reported pursuant to the PTC driver's ongoing duty to report as provided in section 14.2(3), proof of insurance, vehicle inspection records, trip sheets, and driver training.

(2) Prior to the collection of any personal information from a PTC driver, the PTC company shall obtain from the driver a consent for the collection and potential disclosure of the information to the Chief of Police.

(3) Every private transportation company shall maintain accurate records of all PTC vehicles operating through the PTC platform, including the make, model, Ontario licence plate number and VIN for each vehicle, the owner's name and contact information, and the name and contact information of the PTC driver operating the PTC vehicle.

(4) Every private transportation company shall maintain accurate records for at least one year of each order for a PTC vehicle, including the following information:

(a) the date and time the engagement was made;

(b) the date and time of commencement of the trip;

(c) the driver's name and Ontario licence plate number of the PTC vehicle;

(d) the name of the passenger;

(e) the addresses of pickup and drop off of the passenger;

(f) the time of drop off at the destination; and

(g) the fare charged.

(5) Every private transportation company shall maintain all records required to be kept pursuant to this By-Law as electronic records in a format that is consistent with the electronic record keeping requirements of the Canada Revenue Agency.

(6) Upon the request of a police officer, a private transportation company shall produce any records required to be kept pursuant to this By-Law as soon as possible and, in any event, within seven days of the request.

14.4 PTC – Driver Identification

(1) Every private transportation company shall issue to each affiliated PTC driver a current identification card in written or accessible electronic form bearing the following information:

(a) the full name and photograph of the PTC driver;

(b) the make, model and Ontario licence 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 shall issue to each affiliated PTC driver a PTC identifier for the company, as submitted to the Chief of Police for that company pursuant to section 5.5(1) of this By-Law, for display on that driver's PTC vehicle.

(3) Every private transportation company shall ensure that every PTC driver authorized to use its PTC platform:

(a) has the PTC identifier affixed to his or her PTC vehicle in a conspicuous location when operating as a PTC vehicle;

(b) has in his or her possession the identification required by subsection (1) at all times when conveyance services are offered or provided; and

(c) surrenders the identification forthwith upon the request of a police officer.

14.5 PTC – Driver Training

Every private transportation company shall ensure that driver training is provided to every PTC driver, specific to the use of the PTC platform, the handling of passengers, sensitivity towards diversity and accessibility, and providing assistance to passengers in need.

14.6 PTC – Vehicle Safety

Every private transportation company shall ensure that a PTC driver has no access to and is not authorized to use the PTC platform, in the event that:

(1) the Chief of Police has reasonable grounds to believe the vehicle being operated by the PTC driver is unsafe, and conveys that information to the private transportation company;

(2) through information from any other source, the private transportation company has reasonable grounds to believe that the vehicle being operated by the PTC driver is unsafe; or

(3) the safety standard certificate relating to the PTC vehicle is not renewed annually.

14.7 PTC – Fares

(1) Every private transportation company shall ensure that the company and its PTC drivers solely receive and accept orders for conveyance service through the PTC platform.

(2) No private transportation company shall permit, encourage or condone the acceptance of hails, the solicitation of fares by its PTC drivers, or the parking or standing of a PTC vehicle at any location for the purpose of attracting or soliciting fares.

(3) Every private transportation company shall set fares based on market conditions to be charged to passengers transported by PTC drivers.

(4) For every fare, a private transportation company shall, prior to the start of the trip, provide the passenger with:

(a) the make, model and Ontario licence plate number of the PTC vehicle; and

(b) the first name and a photograph of the PTC driver.

(5) Every private transportation company shall ensure that:

(a) the fare for a trip is communicated to the potential passenger clearly and transparently prior to the start of the trip;

(b) the PTC driver does not commence the trip until the passenger has provided electronic acceptance of the fare communicated in accordance with subsection (1);

(c) a record is maintained of the passenger's acceptance of the fare;

(d) the PTC driver charges the passenger the fare communicated and accepted in accordance with subsections (a) and (b);

(e) at the conclusion of the trip, the private transportation company provides the passenger an electronic receipt containing at least the following information:

(i) the fare charged;

(ii) the date, time and total time of the trip;

(iii) the start and end locations of the trip; and

(iv) the PTC driver name and the Ontario licence plate number of the PTC vehicle.

14.8 PTC – Prohibition on Offering Conveyance Services

A private transportation company shall not offer or facilitate conveyance services involving a PTC driver or PTC vehicle that does not meet the requirements of this By-Law.

14.9 PTC – Dispute Resolution

(1) Every private transportation company shall ensure there is a dispute resolution process for dealing with any complaints regarding fees, customer service, or any other issues arising from the private transportation company operation, and that records of such complaints be maintained and made available to the Board or as requested by the Chief of Police.

(2) No private transportation company shall impose a mandatory arbitration clause on PTC drivers or passengers whose transportation is offered, operated or facilitated by the private transportation company.

(3) No private transportation company shall require that the law of any jurisdiction other than Ontario be applied in relation to the use of the PTC platform in the City of North Bay by PTC drivers or passengers.

Part 15 – Private Transportation Company – Driver Regulations

15.1 PTC – Driver Duties

Every PTC driver shall:

(1) notify the private transportation company in writing of any change in any of the information required by the private transportation company prior to accessing the PTC platform including, but not limited to:

(a) criminal charges and convictions;

(b) driver's licence status;

(c) accumulation of demerit points;

(d) accidents; and

(e) insurance coverage;

(2) upon the request of a police officer, forthwith produce his or her driver's licence and proof of insurance, as well as his or her identification card issued by the private transportation company pursuant to this By-Law, and evidence that the driver is validly operating through a PTC platform;

(3) maintain accurate trip records; and

(4) upon the request of a police officer, provide full information regarding the address of the house or place to or from which he or she has driven any passenger, along with a description, name and address of the passenger, if known to the PTC driver;

15.2 PTC – Driver Prohibitions

No PTC driver shall:

(1) solicit fares or accept any request for conveyance services that is not prearranged using the PTC platform that the driver is authorized to use,

including but not limited to street hails, or picking up fares at taxi stands or at any other location;

(2) park or stand a vehicle for hire for the purpose of soliciting or attracting passengers;

(3) accept payment by cash from a passenger;

(4) operate a vehicle as a PTC vehicle unless the vehicle displays the PTC identifier issued by the private transportation company;

(5) operate a vehicle as a PTC vehicle, while displaying a roof sign or roof light, or any markings that have the effect of making the vehicle look like a taxi, or which identify it as being available for hire other than the PTC identifier issued by the private transportation company under this By-Law;

(6) operate a vehicle as a PTC vehicle equipped with a taximeter;

(7) deviate from the shortest possible route to the destination requested by a passenger, as determined by a global positioning system, unless otherwise directed by the passenger; or

(8) leave any passenger at any location other than the destination requested by the passenger, unless the driver is unable to take the passenger to the requested destination for one of the following reasons:

(d) the condition of the PTC vehicle is such that it cannot be operated safely;

(e) the PTC driver is incapable of operating the vehicle safely; or

(f) the conduct of the passenger is such that the PTC driver can no longer operate the PTC vehicle safely and, in such cases, the PTC driver has requested the attendance of the police.

Part 16 – Inspections

16.1 Inspections Required by Chief of Police

(1) The Chief of Police may require a driver or owner of a vehicle for hire, or a PTC driver, to submit his or her vehicle for a random inspection, including an inspection by a designated mechanic or a designated representative of the manufacturer of a taximeter, at a time and place specified by the Chief of Police to ensure that the provisions of this By-Law are being complied with.

(2) Every person required by the Chief of Police, pursuant to subsection (1), to submit a vehicle for inspection shall submit or cause to be submitted the vehicle for inspection:

(a) forthwith, if the vehicle is in the presence of the Chief of Police; or

(b) at a time set by the Chief of Police within the following 24 hours, if the vehicle is not in the presence of the Chief of Police.

(3) During an inspection under section 16.1 of this By-Law, every driver or owner of a vehicle for hire, or a PTC driver shall, upon the request of the Chief of Police, produce all relevant licences, permits, invoices, vouchers, appointment books or like documents and a police officer may remove any of these documents for photocopying provided that a receipt is given and the documents are returned within 48 hours.

(4) When the Chief of Police believes on reasonable grounds that the condition of a PTC vehicle is such that it is a danger to the health and safety of the public, or does not comply with the requirements of this By-Law or any regulation prescribed by the Chief of Police, the Chief of Police shall notify the private transportation company, and the private transportation company shall immediately comply with section 14.6 of this By-Law.

(5) When the Chief of Police believes on reasonable grounds that the condition of a vehicle for hire is such that it is a danger to the health and safety of the public, or does not comply with the requirements of this By-Law, the *Highway Traffic Act,* or any regulation prescribed by the Chief of Police, the Chief of Police may take any action he or she believes necessary to ensure compliance, including:

(a) order the owner to correct any identified deficiency within a reasonable time frame as allowed by the Chief of Police;

(b) remove the VFH plate from the vehicle;

(c) order the driver to have the vehicle towed to a place of repair or other private property at the driver's or owner's expense;

(d) order that the owner not operate or permit the operation of the vehicle until the danger is remedied, the vehicle has been inspected by the Chief of Police and, in the case of a taxi, the taximeter has been resealed; and

(e) order the owner to file with the Chief of Police a safety standards certificate, dated after the date of the Chief's order.

(6) Notification of an inspection or an order made under section 16.1 of this By-Law shall be served in any of the following manners:

(a) personally on the owner;

(b) by regular mail to the last known address of the owner, in which case service shall be deemed to be given on the seventh day following the day on which it is mailed;

(c) personally on the driver;

(d) by leaving a copy with an individual at the brokerage associated with the owner; or

(e) by facsimile or email to the last known facsimile number or email address of a broker associated with the owner.

(7) An owner whose vehicle for hire is deemed unsafe or dangerous due to a mechanical defect may be required to attend before the Chief of Police to determine whether or not the owner's licence should be suspended, revoked, or subject to conditions.

(8) For the purpose of subsection (7), "mechanical defect" includes, but is not limited to, a mechanical defect directly or indirectly related to any part of the vehicle involving or affecting:

(a) the brakes or braking system;

(b) the steering system;

(c) the suspension system;

(d) the under body;

(e) the exhaust system;

(f) the condition of the tires;

(g) lighting;

(h) glass;

(i) seatbelt operation;

(j) wheelchair restraints, if applicable;

(k) the heating system; or

(l) the condition of the body of the vehicle.

(9) When so ordered by the Chief of Police, the owner or driver of a vehicle for hire shall correct the identified deficiency within the time provided by the Chief of Police.

(10) When so ordered by the Chief of Police, the owner of a vehicle for hire shall not permit a vehicle to be operated again as a VFH until:

(a) the owner has had the vehicle repaired as ordered;

(b) the owner has provided the Chief of Police with a current safety standards certificate;

(c) the owner has resubmitted the vehicle to the Chief of Police for inspection; and

(d) the Chief of Police has authorized the vehicle to be operated again as a VFH.

(11) Upon re-inspection and upon determining that a vehicle for hire is in compliance with the requirements of this By-Law and any regulations prescribed by the Chief of Police, the Chief of Police shall return the VFH plate to the owner, if the plate was removed.

16.2 Vehicle for Hire – Collisions

When a vehicle for hire has been in a collision, the owner shall:

(1) immediately remove the vehicle from service;

(2) notify the Chief of Police of the collision; and

(3) upon repair of the vehicle, notify the Chief of Police of the details of the repairs.

16.3 Inspection by Police Officer – Ensuring By-Law Compliance

(1) A police officer may inspect a vehicle for hire or PTC vehicle that is not engaged for the purpose of ensuring compliance with this By-Law.

(2) In addition to the power in subsection (1), a police officer may inspect a vehicle for hire or PTC vehicle at any time to ensure compliance with the licensing requirements of this By-Law.

(3) A police officer may, for the purposes of ensuring compliance with this By-Law, require the production of any record required to be kept by this By-Law.

16.4 Police Investigations

(1) A police officer in the course of a police investigation may require the driver of a vehicle for hire or a PTC driver to provide full information regarding the address of the house or place to or from which he or she has driven any passenger, along with a description, name and address of the passenger, if known to the driver and times of pickup and drop off.

(2) A police officer in the course of a police investigation may require a broker or owner of a vehicle for hire to provide full information regarding the dispatch of a vehicle for hire, including the name and contact information for the driver, vehicle for hire descriptors, address of the house or place to which the broker dispatched a driver, address of pickup of passenger if different from the dispatched address or if the fare was a hailed ride, address of drop off, the name and address of the fare, if known to the broker, and times of pickup and drop off.

(3) A police officer in the course of a police investigation may require a private transportation company to provide full information regarding an order for a PTC vehicle, including the name and contact information for the PTC driver, descriptors of the PTC vehicle, addresses of pickup and drop off of the passenger, the name and address of the passenger, if known to the private transportation company, and times of pickup and drop off.

Part 17 – Offences and Penalties

17.1 Obstruction

No person shall hinder or obstruct, or attempt to hinder or obstruct, any person who is exercising a power or performing a duty under this By-Law.

17.2 Violation of Chief's Order

Every person who contravenes an order made by the Chief of Police under this By-Law is guilty of an offence.

17.3 Offences and Penalty

(1) Every person who contravenes any provision of this By-Law is guilty of an offence.

(2) Any director or officer of a corporation who knowingly concurs in the contravention by the corporation of any provision of this By-Law is guilty of an offence.

(3) Every person who contravenes an order issued by a court pursuant to this By-Law is guilty of an offence.

(4) Every person who is convicted of an offence under this By-Law is liable:

(a) upon a first conviction, to a maximum fine of $5,000.00; and

(b) upon any subsequent conviction, to a maximum fine of $50,000.00, pursuant to sections 429(1) and (3) of the *Municipal Act, 2001*.

(5) Notwithstanding the provisions of subsection (4), where the person convicted is a corporation, the corporation is liable:

(a) upon a first conviction, to a maximum fine of $50,000.00; and

(b) upon any subsequent conviction, to a maximum fine of $100,000.00.

(6) If any provision of this By-Law is contravened and a conviction entered, in addition to any other remedy and to any penalty imposed by this By-Law, the court in which the conviction has been entered and any court of competent jurisdiction thereafter may make an order prohibiting the continuation or repetition of the offence by the person convicted.

Part 18 – Continuation of Licences

18.1 Continuation of Licences

Any licence that was issued under the provision of North Bay Police Services Board By-Law No. 20/14 shall be deemed to be a licence issued under this By-Law and every such licence, unless revoked or suspended, shall continue to be valid until its normal date of expiry.

Part 19 – Coming Into Force

19.1 Coming Into Force

This By-Law shall come into force and effect upon passing.

19.2 Repeal

North Bay Police Services Board By-Law No. 20/14 and any amendments thereto are hereby repealed.

Read a First Time this 15th day of December, 2020.

Read a Second Time this 15th day of December, 2020.

Read a Third Time and Enacted and Passed this 15th day of December, 2020.

Dennis O'Connor
Chair

Tina Chapman
Secretary

SCHEDULE "A"
TO NORTH BAY POLICE SERVICES BOARD BY-LAW NO. 26/20

Fees[1]	
Broker[2]	
Broker – Original Licence	$1,452.85
Broker – Renewal of Licence	$256.67
Broker – Transfer of Broker Licence by Estate	$217.93
Vehicle for Hire Owner[3]	
Vehicle for Hire Owner – Original Licence (per vehicle)[4]	$581.15
Vehicle for Hire Owner – Renewal of Licence (per vehicle)[4]	$237.30
Vehicle for Hire Owner – Change of Vehicle During Term of Licence	$72.65
Vehicle for Hire Owner – Transfer of Licence by Estate (per vehicle)	$193.70
Vehicle for Hire Driver[5]	
Vehicle for Hire Driver – Original Licence	$87.16
Vehicle for Hire Driver – New Licence Applicant Test	$24.20
Vehicle for Hire Driver – Renewal of Licence	$53.27
Replacement and Resealing	
Replacement of Vehicle for Hire Driver Licence (photo identification card)	$14.50
Replacement of Number Plate	$96.85
Resealing of Taximeter During a Licence Year	$9.68
Private Transportation Company	
Private Transportation Company – Original Licence	$5.000.00
Private Transportation Company – Renewal of Licence	$5,000.00

1. All fees include harmonized sales tax (HST).

2. The fee for a broker licence does not cover the licence fee for any vehicle for hire owned by the broker. If the broker is also an owner, the broker must pay the vehicle for hire owner licence fee for each vehicle the broker owns.

3. The fee for a vehicle for hire owner licence does not include the cost of any mechanical fitness inspection ordered by the Chief of Police or otherwise incurred.

4. The fees for an original licence and renewal of licence for an accessible vehicle for hire that is in full compliance with this By-Law shall be waived by the Board, pursuant to section 7.2 of this By-Law.

5. The fee for a vehicle for hire driver licence includes the fee for the photo required for the driver licence.