



City of
Peterborough

To: **Members of the General Committee**

From: **John Kennedy, City Clerk**

Meeting Date: **March 13, 2023**

Subject: Licensing of Transportation Network Companies, Taxis and Limousines, Report CLSCLK23-006

Purpose

A report to recommend the transfer of administrative duties of the licensing program for Transportation Network Companies (TNC's), Taxi cabs and limousines from Police Services to City staff.

Recommendations

That Council approve the recommendations outlined in Report CLSCLK23-006, dated March 13, 2023 of the City Clerk as follows:

- a) That, at the request of the Peterborough Police Services Board, Council approve the transfer of the administration of the licensing of Transportation Network Companies, Taxis and Limousines from Peterborough Police Services to the Clerk's Office.
- b) That staff be directed to provide a subsequent report to Council with recommendations to implement the licensing program, including the appropriate by-laws and the timing of the transfer of responsibilities.

Budget and Financial Implications

There will be operational costs to administer the licensing of TNC's, Taxis and Limousines. In the short term, staff will use existing budgets and business license resources to implement the new licenses, however, it may be necessary to review the

adequacy of resources required to administer these additional licenses as the program evolves.

Background

As early as the 1960's the Peterborough Police Services Board (PSB) has licensed, regulated and governed the owners and drivers of taxicabs within the City of Peterborough by delegation of the authority from Council. In an effort to ensure public safety, taxicab owners and drivers must provide a criminal background check as part of the licensing requirements. In the event a driver has been charged with a criminal offence, they are responsible to notify the PSB of the offence. Other licensing requirements include proof of insurance and vehicle mechanical fitness.

In 2011 the PSB received inquiries about licensing limousine operators. The PSB sought delegated authority from Council at that time to license this sector. Limousine operators are subject to the same licensing provisions as taxi cabs.

The City of Peterborough received a request from the PSB in January 2019 to extend the delegation to the licensing of TNC's, sometimes referred to as ride shares. TNC's are the latest mode of transportation and have grown exponentially over the past number of years. Council at its meeting in May of 2019, through Report CLSCLK19-010, approved By-law 19-057, to delegate authority to the PSB to license TNC's.

Prior to COVID, staff from Legal Services and the Clerk's Office were involved in discussions with members of the PSB and the Police Service regarding the regulation of TNC's and the administrative burden to license taxi cabs and limousines. Due to COVID these discussions were suspended until 2022. Evolving from these discussions was a request by the PSB for City staff to administer the licensing of these services, to assist the Police Service in directing their resources towards ensuring the safety and wellbeing of the community. Attached as Appendix A to the report is the letter from the PSB dated April 25, 2022 requesting City staff administer the licensing program. In the summer of 2022, staff met with members of the Police Service to continue the discussions and the request for City staff to administer the licensing of TNC's, taxi cabs and limousines.

When the **Comprehensive Ontario Police Services Act, 2019** is in force (and repeals the **Police Services Act**), the duty to provide "adequate and effective policing" will expressly not include enforcement of municipal by-laws although a Police Services Board or the OPP (presumably for a fee) could determine to do so. Peterborough's new Police Chief recently referenced the pending change within the context of a public deputation on the Police Services budget. Report IPSBD23-001, Enforcement Services Review Project Update, is also included in the March 13, 2023 General Committee agenda. This report summarizes the Enforcement Services Review Project and makes various short, medium and long term objectives. Recommendation 6 in Chart 1 of the report indicates, "That Licensing should take responsibility to process taxi and rideshare

licenses and staff consider possible improvements to the Taxi By-law concerning the roles of various parties”.

Staff understand from discussions with the PSB that the current administration of the licensing for TNC's, taxis and limousines is burdensome and involves several resources to administer these programs. If the Clerk's Office were to assume responsibility for the licensing of the programs, staff from Legal Services and the Clerk's Office believe there are opportunities to reduce some of the administrative burden by involving the companies in some of the administrative functions pursuant to authority delegated to them by Council. Subject to Council's approval, it would be staff's intentions to reduce the administrative burden when drafting the regulations for these licensing programs. Reducing the administrative burden will make it more feasible to absorb these additional licensing programs into the Clerk's Office current licensing portfolio. As these programs would be new to City staff, some time would be required to realize the full impact on resources.

Peterborough Police Service, through an RFP process every 4 years, awards tow contracts to companies who meet the criteria in the RFP to be placed on a call list for police facilitated tows. The list of tow truck companies on the call list does not include all tow companies located in the city and area.

The **Towing and Storage Safety and Enforcement Act, 2021** (Act) regulates the tow truck industry in Ontario. O. Reg. 417/22 under the Act is scheduled to come into force and effect on July 1, 2023. The Act and associated regulation will require both tow truck companies and their drivers to meet the prescribed qualifications and requirements to obtain a tow certificate, tow driver's certificate or vehicle storage certificate to provide towing services in Ontario. Examples of the criteria involved to obtain a certificate include, but are not limited to, possessing a valid Commercial Vehicle Operator's Registration Certificate or CVOR, to be a fully licensed driver under Ontario Regulation 340/94 (Drivers' Licences) made under the Highway Traffic Act, have not been convicted or found guilty of an offence under the Criminal Code (Canada) committed by means of a motor vehicle or while driving or having the care or control of a motor vehicle, has successfully completed a tow truck driver training course and is a fit and proper person to be a tow truck driver, having regard to the applicant's character, integrity and past conduct.

As these comprehensive towing regulations come into force and effect July 1, 2023, staff feel it would be prudent to monitor the effect of these new regulations on the local towing industry and continue discussions with the PSB to determine if there is a future, local need for supplementary towing regulations.

At present, staff are engaged in a project to move the current business license programs to a modern database as the current software application is end of life. It is anticipated the current business license programs will be functional in the new database late first quarter-early second quarter of 2023. Once the new database is functional and

staff are familiar with its operation, staff would be in a position to consider new licensing programs.

If Council approves the transfer of the licensing for TNC's, taxis and limousines from the PSB to the Clerks Office, staff will commence the process to shift the responsibility for the programs to the Clerk's Office. Next steps to achieve this transition include: engaging the various companies affected by this transition, continue to meet with the PSB to obtain relevant licensing information, build the licensing program in the new database, draft the licensing regulations with the intent to reduce the burden to administer the licensing program and return to Council to seek approval of the new licensing regulations.

Submitted by,

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City Clerk

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Attachments:

Appendix A – April 25, 2022 letter from the Police Services Board