



City of
Peterborough

To: Members of the General Committee

From: David J. Potts, Commissioner, Legislative Services

Meeting Date: June 17, 2024

Report: Licencing of Driving Services, Report LSCLK24-007

Subject

A report to recommend a licensing system for the regulation of driving services in the City of Peterborough.

Recommendation

That Council approve the recommendation outlined in Report LSCLK24-007 dated June 17, 2024 of the Commissioner, Legislative Services as follows:

That Licensing By-law 21-075 and User Fees By-law 23-159 be amended to establish a licensing system for the regulation of driving services effective July 31, 2024 in the form of amending by-law attached as Appendix A to Report LSCLK24-007.

Executive Summary

- On March 27, 2023, in response to Report CLSCLK23-006, Council approved the transfer of the administration of the licensing of Transportation Network Companies (TNCs), Taxis and Limousines from Peterborough Police Service (PPS) to the Clerk's Office.
- This report recommends a licensing system for the regulation of driving services by amending the Licensing By-law to add to it a Schedule B and to amend the User Fees By-law to add applicable fees in the form of amending by-law attached as Appendix A. Appendix B is the Licensing By-law as it is proposed to be amended.

- It is proposed to scope the licensing system to two licensing classes. Brokers and drivers would each require licences. Standards respecting vehicles used in the provision of driving services would be addressed by conditions to each of the two classes of licences. It is also proposed to delegate to Brokers authority to issue licences for drivers on behalf of the City.

Background

On March 27, 2023 in response to Report CLSCLK23-006, Council approved the following:

- a) That, at the request of the Peterborough Police Service Board, Council approve the transfer of the administration of the licensing of Transportation Network Companies, Taxis and Limousines from PPS 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.

For decades the Peterborough Police Service Board (PSB) has licensed taxicab services within the City of Peterborough by delegation of authority from Council. In 2011, the PSB sought delegated authority from Council to license limousine operators. Limousine operators are subject to the same licensing provisions as taxicabs. In January, 2019, PSB sought delegated authority from Council to license transportation TNC's, sometimes referred to as ride shares. In May, 2019, Council delegated authority to the PSB to license TNC's.

In 2023, PSB requested that responsibility for the administration of these various classes of licences be transferred back to the City to permit PPS to direct its resources toward its core responsibility to ensure adequate and effecting policing. Further, the **Community Safety and Policing Act, 2019 (CSPA)** is now in force effective April 1. The CSPA repeals the **Police Services Act**. One of its changes is that the duty to provide "adequate and effective policing" will no longer include enforcement of municipal by-laws (although a Police Service Board or the OPP (presumably for a fee) could determine to do so).

On May 27, 2023 Council approved recommendations in Report IPSBD23-001, Enforcement Services Review Project Update, including to establish various short, medium and long term objectives. Recommendation 6 in Chart 1 of the report indicates "That the City Clerks Office should oversee the administration of (i.e., could include delegated authority) to process taxi and rideshare licenses and staff consider possible improvements to the Taxi By-law concerning the roles of various parties".

Sharing Administrative Burden with Brokers

Following Council's approval of recommendation a) of Report CLSCLK23-006, staff began the development of a new electronic system to assist in the administration of the licensing system and began to exchange information with staff from PPS. PPS advises that the current administration of the licensing for TNC's, taxis and limousines is burdensome and involves several resources to administer these programs. It is, accordingly, proposed to transfer some of the administrative burden by delegating to Brokers the authority to administer drivers' licences, subject to any specific directions by the Clerk. Brokers' licences, in turn, would include conditions to ensure their and their drivers' compliance with the Licensing By-law. Reducing the administrative burden will make it more feasible to absorb these additional licensing programs into the Clerk's Office's current licensing portfolio. Once the new program is fully operational, staff will assess whether any additional resources are required to administer these additional licence classes via future budget submissions.

Two Licensing Classes: Brokers and Drivers

Licensing By-law 21-075 was passed by Council in June of 2021. The body of the Licensing By-law establishes standards applicable to all classes, the means to enforce those standards including suspension or revocation of a licence, a system of fines, a system of administrative monetary penalties and rights of appeal. The schedules to the Licensing By-law establish standards applicable to specific licensing classes. The licensing of Driving Services is proposed to be addressed in a new Schedule B to the Licensing By-law.

The proposed by-law would establish two classes of licence: one for Brokers and another for drivers associated with the Broker. Brokers, once licensed, would be authorized to issue City licenses to drivers, subject to the Licensing By-law's requirements including any directions by the Clerk. The development of a website portal will facilitate efficient exchanges of information between the Clerk's office and Brokers to enable Clerks staff to audit the Brokers' compliance with the Licensing By-law's requirements including any directions by the clerk.

Accessibility

Section 79 of Ontario Regulation 191/11, Integrated Accessibility Standards, under the **Accessibility for Ontarians with Disabilities Act, 2005, S.O. 2005, c. 11 (AODA)**, requires that a municipality consult with its Accessibility Advisory Committee to determine the portion of on-demand accessible taxicabs required in the community. Further, municipalities must identify the progress made toward meeting the need for on-demand accessibility taxicabs in its accessibility plan.

Staff met with the Accessibility Advisory Committee (AAC) to discuss the proposed licensing of driving services. AAC's concerns related to availability of sufficient accessible taxi cabs for evening and overnight hours.

Staff consulted with the local taxicab company with a fleet of approximately 60 vehicles. Its principals advised that, in addition to the accessible taxicabs that provide services during the day, typically two accessible vehicles are available overnight for service.

A review of other municipal licensing regulations determined that some municipalities establish a ratio of regular cabs to accessible taxicabs, requiring that there is one accessible cab required to operate 24/7 for a specified number of regular cabs. This ratio can be determined based on population or the demand in the community for the accessible service. The draft by-law proposes to address accessibility by imposing on Brokers who may dispatch to 25 or more drivers the requirement to have a minimum of at least 1 accessible "Vehicle for Hire" available plus an additional accessible Vehicle for Hire for each 10 Vehicles for Hire on the road at any given time.

Surge Pricing Protection

As a consumer protection measure, some municipalities set the rates that taxicabs must charge passengers for each trip. Determination of an annual adjustment to the rate may be tied to the Consumer Price Index (CPI) rate for Ontario. Some municipalities set a rate for taxicab fares but do not set a rate for TNCs for which they require a licence. Some municipalities, such as the City of Barrie, the Municipality of Chatham-Kent, the Town of Milton and the City of Brantford do not set rates for taxicab fares.

Pursuant to section 156 of the **Municipal Act, 2001 (Act)**, a local municipality specifically has jurisdiction to establish rates or fares respecting "taxicabs". The Act does not define "taxicab" but the proposed by-law's defined term, "Vehicle for Hire" would include vehicles traditionally understood to be taxicabs. In any event, despite this specific jurisdiction, the process for a municipality to determine appropriate fares for a private sector business is challenging and, to some, may seem arbitrary in the result.

The proposed driving services licensing system may better facilitate the entry of new participants to the market which, in turn, may increase competition and, to that extent, introduce some measure of consumer protection. It is, therefore, proposed that Brokers would determine their own fares subject to protections for consumers against "surge pricing". Surge pricing can occur at peak demand times, especially when there may be a special event occurring in the community that increases the temporary demand for transportation services, such as a sporting or cultural event or celebrations involving a statutory holiday.

Licensing Fees

A municipality may establish fees including related to the administration of a licensing system. A municipal licensing fee must reasonably relate to the municipality's cost of administering the licensing system.

It is proposed that User Fee By-law 23-159 be amended to establish two Vehicle for Hire annual fees: Broker (\$250) and Driver (\$50). The proposed amending by-law (Appendix A) would effect the amendment.

A scan of licensing fees was conducted across various municipalities. Fees vary and are inconsistent. The draft by-law proposes to regulate taxis, limousines and TNC brokers and drivers in a similar manner. Staff have considered the City's cost to administer the licensing system, including with regard to the proposed transfer of some administrative burden to the Brokers. Staff will monitor with a view to potential future adjustments, as applicable. In the event any in-year fees have already been paid by a broker or driver, staff propose adjustments be made accordingly to prevent a duplication of fees.

Effective Date

It is proposed that the amendments be effective July 31, 2024 to afford a period of time for Brokers to transition to the new program, to minimize disruption and to allow continuity of service for Brokers and members of the public that use these services.

Repeals

The amending by-law (Appendix A) will repeal the following by-laws on July 31, 2024:

- By-law 14-141, being a By-law to Delegate Authority to the Peterborough Police Services Board to license, regulate and govern the owners and drivers of Taxicabs in the City of Peterborough;
- By-law 14-142, being a By-law to delegate authority to the Peterborough Police Services Board to license, regulate and govern the owners and drivers of limousines in the City of Peterborough; and
- By-law 19-057, being a By-law to Delegate Authority to the Peterborough Police Services Board to license, regulate and govern the owners and drivers of Transportation Network Companies in the City of Peterborough.

Strategic Plan

Strategic Pillar: Governance & Fiscal Sustainability

Strategic Initiative: Support review / update of City's By-laws to make them effective and efficient, meeting the needs of our growing City.

Implementing a licensing system will assist in the efficient regulation of private driving services.

Engagement and Consultation

Staff undertook the following:

- Meeting with the Accessibility Advisory Committee to exchange information and receive input regarding accessibility matters related to the proposed driving services licensing system;
- Consulting owners of taxi, limousine and rideshare companies to exchange information on the proposed transition of responsibilities to the Clerk's Office and the proposed driving services licensing system;
- Consulting staff from the City's Transit Division regarding the current accessible municipal service; and
- Meeting periodically with PPS staff to plan for the transition of responsibilities to the Clerk's Office.

Budget and Financial Implications

The software application to assist in Clerk's Office's administration of the City's existing licensing systems and the proposed driving services licensing system are part of the Amanda Approvals On-Line Portal Project (Project), involving the Infrastructure, Planning & Growth Management Department. The enhancements to the software application to facilitate the licensing program are funded through the Project and are estimated to cost \$55,000. Starting in 2025, the Clerk's Office operating budget will require approximately \$5,000 annually for software licensing fees, maintenance and support of the database functions related to the Clerk's Office programs.

As the proposed driving services licensing system shares some of the administrative burden with Brokers, staff anticipate existing 2024 budgets and resources will be sufficient to implement the proposed system. Staff will monitor the evolution of the driving services licensing system to determine the adequacy of resources to administer it in the future.

Attachments

Appendix A: Draft By-law to amend Licensing By-law 21-075 and User Fees By-law 23-159

Appendix B: Consolidated Licensing By-law 21-075 as it is proposed to be amended by the addition of a new Schedule B, Driving Services

Submitted by,

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The Corporation of the City of Peterborough

By-Law Number 24-[Insert number]

Being a By-law to amend Licensing By-law 21-075 and User Fees By-law 23-159 to establish a licensing system for Driving Services

The Corporation of the City of Peterborough by its Council hereby enacts as follows:

1. Licensing By-law 21-075 is amended by adding Schedule B: Driving Services in the form comprising Schedule A to this By-law.
2. Schedule A to User Fees By-law 23-159 is amended by adding under the Legislative Services Department, Clerks Administration section under the general ledger header, 10290-420000 Business Licences, the following fees per annum per licence:
 - a) Vehicle for Hire – Broker \$250
 - b) Vehicle for Hire – Driver \$50
3. The following By-laws are repealed:
 - a) By-law 14-141, being a By-law to Delegate Authority to the Peterborough Police Services Board to license, regulate and govern the owners and drivers of Taxicabs in the City of Peterborough;
 - b) By-law 14-142, being a By-law to delegate authority to the Peterborough Police Services Board to license, regulate and govern the owners and drivers of limousines in the City of Peterborough; and
 - c) By-law 19-057, being a By-law to Delegate Authority to the Peterborough Police Services Board to license, regulate and govern the owners and drivers of Transportation Network Companies in the City of Peterborough.
4. This By-law is in effect on July 31, 2024.

By-law passed this 8th day of April, 2024.

Jeff Leal, Mayor

John Kennedy, City Clerk

Schedule A to By-law 24-XXX

Schedule B: Driving Services

Interpretation

1. In this By-law:
 - a) “Accessible Vehicle for Hire” means a Vehicle for Hire that that is designed or modified so as to be capable of being used for the purpose of transporting individuals with disabilities whether or not it is also used to transport individuals without disabilities;
 - b) “App” means any software or application or telecommunications platform capable of connecting a Driver and a Passenger for the purposes of the services of a Vehicle for Hire;
 - c) “Broker” means a Person to whom or to which a Broker’s Licence has been issued pursuant to this By-law.
 - d) “Broker’s Licence” means a Licence issued to a Broker pursuant to this By-law.
 - e) “Dispatch” means the act or service of sending or directing a Vehicle for Hire to an individual who has requested the services of a Vehicle for Hire but does not include a Hail.
 - f) “Driver” means an individual to whom or to which a Driving Services Licence has been issued pursuant to this By-law.
 - g) “Driving Services Licence” means a Licence issued to a Driver pursuant to this By-law.
 - h) “Fare” means the total consideration to be given or paid for a Trip.
 - i) “Hail” means the act of an individual who solicits directly from a Driver the services of a Vehicle for Hire.
 - j) “MTO” means the Ontario Ministry of Transportation.
 - k) “Officer” is as defined in the City’s Inspection By-law 23-112.
 - l) “Passenger” means each individual in a Vehicle for Hire other than the Driver.
 - m) “Taximeter” means a device that, for each Trip, measures:
 - i) the distance traveled by a Vehicle for Hire; and

- ii) that part or those parts of the Fare to be charged for waiting time.
- n) "Trip" means the route, distance and time travelled from the time and location at which a Passenger enters the Vehicle for Hire until the time that the Passenger exits the Vehicle for Hire at the final destination.
- o) "Vehicle for Hire" means a motor vehicle as defined in the Highway Traffic Act having a seating capacity of not more than nine (9) individuals, exclusive of the driver, that is used to offer, facilitate or provide transportation of one or more individuals for compensation.

Driving Services Licence Applications

2. The City Clerk may refuse to issue a Driving Services Licence unless the City Clerk is satisfied that the Applicant is an individual who:
 - a) holds a current, valid Class G driver's licence issued by the Province of Ontario pursuant to the Highway Traffic Act;
 - b) is the subject of a satisfactory Police Record Check for individuals seeking to serve vulnerable sectors of the population dated no earlier than ninety (90) days prior to the date that the Application is submitted; and
 - c) is the subject of a satisfactory Statement of Driving Record issued by MTO no earlier than thirty (30) days prior to the date that the Application is submitted.
3. A Broker may, if permitted by the City Clerk, and must, if directed by the City Clerk, exercise the authority delegated to the City Clerk pursuant to sections 10, 11, 12 and 13 of this By-law and pursuant to section 2 of this Schedule B respecting Drivers and Driving Services Licences, subject to compliance with those sections, to any conditions or directions related to the permission imposed or given by the City Clerk and to the following:
 - a) the Broker must refuse to accept an Application that does not comply with section 10 of this By-law;
 - b) the Broker must refuse to issue a Driving Services Licence that does not comply with section 2 of this Schedule B;
 - c) the Broker must not collect personal information except:
 - i) personal information that relates only to the Applicant;
 - ii) directly from the Applicant;

- iii) after giving notice to the Applicant in a form acceptable to the City Clerk and pursuant to subsection 28(2) of the Municipal Freedom of Information and Protection of Privacy Act;
- iv) with the Applicant's consent given only after the individual has received the notice referred in the immediately preceding clause iii); and
- v) only such personal information that, in the City Clerk's determination, is necessary to the proper administration of the Driving Services Licence.

Driving Services Licences

4. No Person may operate or provide the services of a Vehicle for Hire except a Driver pursuant to a Driving Services Licence and except pursuant to the following conditions, each of which is a condition of obtaining and continuing to hold a Driving Services Licence:
- a) the Driver:
 - i) complies with this By-law;
 - ii) holds a current, valid Class G driver's licence issued by the Province of Ontario pursuant to the Highway Traffic Act;
 - iii) carries on the Driver's person a copy of the Driver's Driving Services Licence;
 - iv) forthwith produces for inspection the Driver's Driving Services Licence when requested to do so by an Officer, the City Clerk or by a Passenger;
 - v) takes the most direct route for the Trip except as otherwise directed by a Passenger;
 - vi) forthwith provides to a Passenger when requested to do so by the Passenger a receipt showing the:
 - (1) Driver's full name and Driving Services Licence number;
 - (2) Date and time of the Trip;
 - (3) Trip's points of origin and destination; and the
 - (4) Fare for the Trip including applicable taxes;
 - b) the Driver does not operate or provide the services of a Vehicle for Hire in response to a:

- i) Dispatch except a Dispatch by a Broker who or that complies with this By-law; or to a
- ii) Hail except in compliance with the conditions applicable to Hails as set out in section 5 of this Schedule B;
- c) the Driver complies with the conditions applicable to:
 - i) Fares as set out in section 6 of this Schedule B; and to
 - ii) Vehicles for Hire as set out in section 7 of this Schedule B.

Hails

5. No Driver may operate or provide the services of a Vehicle for Hire in response to a Hail except pursuant to the following conditions applicable to Hails:
- a) the Vehicle for Hire is equipped with a Taximeter;
 - b) The Taximeter is:
 - i) attached to the Vehicle for Hire in such a position that the Fare computed thereon is visible from any seated position within the Taximeter;
 - ii) illuminated and is clearly visible to each Passenger;
 - iii) maintained in good working order;
 - iv) functioning at all times during a Trip;
 - v) accurately computing Fares;
 - vi) sealed and re-sealed from time to time to the City Clerk's satisfaction;
 - vii) used only when its seal is intact; and is
 - viii) submitted for inspection and testing from time to time as and when directed by the City Clerk or by a Broker.

Fares

6. A Driver must not demand or accept consideration, payment or compensation for a Trip except a Fare pursuant to the following conditions applicable to Fares:
- a) the Fare for each Trip is accurately computed by an App or by a Taximeter;

- b) the Fare must not include a charge for transporting a Passenger's accessibility devices, if any;
- c) if requested by the Passenger, the Driver must accept payment of the Fare by credit card or debit card;
- d) where the Fare is computed by a Taximeter, the maximum Fare must not exceed by 100% the least expensive Fare that would have been paid for the same Trip within the four-day period immediately preceding the Trip;
- e) where the Fare is computed by an App, the maximum Fare must not:
 - i) exceed the aggregate of all amounts comprising the Fare for which the App has notified the Passenger prior to the commencement of the Trip; and must not
 - ii) exceed by 100% the least expensive Fare that would have been paid for the same Trip within the four-day period immediately preceding the Trip.

Vehicles for Hire

7. No Person may operate a Vehicle for Hire except a Driver pursuant to the following conditions applicable to Vehicles for Hire:
 - a) it is solely owned by the Driver or, alternatively, is operated by the Driver as a Vehicle for Hire pursuant to an agreement in writing with all owners of the Vehicle for Hire;
 - b) it is, in the City Clerk's determination, adequately insured for its use as a Vehicle for Hire;
 - c) it is mechanically sound and safe for use as a Vehicle for Hire;
 - d) without limiting the immediately preceding paragraph c), it has been inspected at an inspection station licensed by MTO and has met the minimum safety standards evidenced by a safety standards certificate issued by or on behalf of MTO on a day that is no earlier than six (6) months prior to any day on which the Vehicle for Hire is operated;
 - e) the Driver's Driving Services Licence is prominently displayed within the Vehicle for Hire so as to be readable at all times by each Passenger;
 - f) the Driver's Driving Services Licence number is prominently affixed to and displayed on the Vehicle for Hire's exterior in reflective characters not less than fifteen (15) centimetres in height in a colour that contrasts with the Vehicle for Hire's colour so as to be readable at all times; and

- g) it is equipped to accept payments by debit card and credit card.

Brokers' Licences

- 8. No Person may Dispatch except a Broker pursuant to a Broker's Licence and except pursuant to the following conditions, each of which is a condition to obtaining and continuing to hold a Broker's Licence:
 - a) the Broker complies with this By-law;
 - b) the Dispatch is to a Driver;
 - c) the Vehicle for Hire is operated by a Driver;
 - d) the Driver complies with this By-law;
 - e) if the Vehicle for Hire is equipped not equipped with a Taximeter, the Dispatch is undertaken via an App;
 - f) if the Dispatch is undertaken other than via an App, the Driver complies with the conditions applicable to Hails set out in section 5 to this Schedule B.
 - g) the Broker maintains a record of each request of the Broker for Dispatch including:
 - i) the date and time of each such request;
 - ii) the proposed commencement point and destination point of the Trip the subject of the request;
 - iii) if the request for Dispatch was cancelled or if the Trip was not completed, the reasons for such cancellation or failure to complete the Trip;
 - iv) for each Trip, the time of the Vehicle for Hire's arrival at
 - (1) the commencement point; and at
 - (2) the destination point;
 - v) the Fare; and
 - vi) the Driver's name and Driving Services Licence number.
 - h) where the number of Drivers to whom the Broker may Dispatch exceeds twenty-five, irrespective of the number of such Drivers who are, at any time, engaged in operating or providing the services of a Vehicle for Hire, the Broker must ensure that there are no fewer than the greater of the

following numbers of Drivers operating or providing the services of Accessible Vehicles for Hire:

- i) one; and
- ii) one for every ten Vehicles for Hire then being operated by such Drivers.



The Corporation of the City of Peterborough

By-Law Number 21-075

Being a by-law to establish a system of licences.

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Recitals

1. Council has determined that it is appropriate and desirable to provide for a system of licences for certain matters and businesses within the City of Peterborough.

Now therefore, The Corporation of the City of Peterborough by its Council hereby enacts as follows:

Short Title

1. This By-Law may be referred to as the “Licensing By-law”.

Interpretation

2. Unless otherwise stated:
 - a) a reference to any statute or regulation refers to a statute or regulation of Ontario as it may be amended or replaced from time to time;
 - b) a reference to a by-law refers to a by-law of the City as it may be amended or replaced from time to time; and
 - c) a reference to a section, paragraph, clause or schedule is a reference to this By-law's section, paragraph, clause or schedule.
3. The table of contents and headings in this By-law are for convenience only and do not form part of this By-law.
4. If any part of this By-law is determined to be invalid by a court of competent jurisdiction, the invalid part is severed and the remainder continues to be valid.
5. In the event of any inconsistency between a provision of this By-law and of any other City by-law, the provision that, in the opinion of the City Clerk, more restrictively regulates prevails to the extent of the inconsistency.
6. The requirements of each schedule to this By-law are in addition to the requirements of the body of this By-law.
7. This By-law applies within the territorial limits of the City.
8. In this By-law:
 - a) "Applicant" means each Person who or that submits an Application.
 - b) "Application" means an application for a Licence.
 - c) "By-law" means this By-law including its schedules.
 - d) "City" means The Corporation of the City of Peterborough or the geographic area of the City of Peterborough as the context requires.
 - e) "City Clerk" means the City's Clerk and includes the City's Deputy City Clerk.
 - f) "Council" means the City's Council.
 - g) "Hearing Officer" means a hearing officer appointed pursuant to Hearing Officer By-law 20-077.
 - h) "Licence" means a licence described in a schedule to this By-law.
 - i) "Licence Decision Notice" means a notice described in section 13.
 - j) "Licence Revocation Notice" means a notice described in section 20.
 - k) "Licensee" means a Person to whom or to which a Licence has been issued.
 - l) "Person" includes an individual, corporation or partnership.

Licence Required

9. No Person may undertake an activity for which a Licence is required except pursuant to a Licence.

Licence Applications

10. The City Clerk may refuse to accept an Application unless the City Clerk is satisfied that:
 - a) the Application is complete, legible and submitted on forms from time to time established by the City Clerk;
 - b) an individual Applicant is not a minor;
 - c) a corporate Applicant is incorporated pursuant to the laws of Ontario and is in good standing; and
 - d) the Application is accompanied by payment in full of any fee established by Council.
11. The City Clerk may issue a Licence to an Applicant if the City Clerk is satisfied that the Application complies with section 10 and that the Applicant has complied and will comply at all times with this By-law. The City Clerk may otherwise refuse to issue a Licence.
12. In addition to conditions otherwise imposed pursuant to this By-law, the City Clerk may, at any time and from time to time, impose conditions to a Licence as the City Clerk determines are necessary to maintain the general intent and purpose of this By-law.
13. If the City Clerk issues a Licence with conditions pursuant to section 12 or refuses to issue a Licence pursuant to section 11, the City Clerk must give to the Applicant as soon as is reasonably practicable a Licence Decision Notice that includes the following information:
 - a) where a Licence is issued with conditions pursuant to section 12, particulars of the conditions;
 - b) where a Licence is refused, particulars of the reasons for refusing to issue the Licence;
 - c) information respecting the process by which the Applicant may exercise the Applicant's right to appeal to the Hearing Officer against the conditions or the refusal to issue the Licence; and
 - d) a statement that the City Clerk's decision, unless modified or rescinded by a Hearing Officer, will be final and not subject to review including review by any Court.
14. An Applicant who or that receives a Licence Decision Notice may appeal the conditions or the refusal to the Hearing Officer pursuant to section 23.
15. A Licence Decision Notice that is not appealed pursuant to section 23 is final and is not subject to review including review by any Court.
16. A Licence expires on the earlier of:
 - a) the first (1st) anniversary of the day on which it was issued; and
 - b) the day on which it is revoked.

Conditions Applicable to all Licences

17. Each of the following is a condition of obtaining and continuing to hold a Licence:
- a) the Licensee complies with all applicable law respecting the matter or business the subject of the Licence including this By-law;
 - b) the Licensee notifies the City Clerk in writing of any change to the information provided in an Application within three (3) days of the change;
 - c) without limiting paragraph a), the Licensee complies with all conditions to the Licence imposed pursuant to section 12;
 - d) the Licensee provides to the City Clerk such information as the City Clerk may from time to time require in relation to this By-law; and
 - e) the Licensee is not indebted to the City for any fee, fine or penalty.

Administration of By-law

18. The City Clerk may do such things as the City Clerk considers appropriate in the administration of this By-law including:
- a) determining Application requirements and related forms for the purposes of paragraph 10.a);
 - b) requiring information pursuant to paragraph 17.d); and
 - c) making any determination that a Schedule to this By-law contemplates is to be made by the City Clerk.
19. It is Council's opinion that the powers delegated pursuant to this By-law are of a minor nature having regard to the number of people, the size of geographic area and the time period affected by an exercise of the power.

Licence Revocation

20. In addition to any other remedy, where the City Clerk has reason to believe that a Licensee has not complied with this By-law, the City Clerk may give to the Licensee a Licence Revocation Notice that includes the following information:
- a) a statement that the Licence is to be revoked on a day which is no fewer than fourteen (14) days following the day on which the notice is given;
 - b) particulars of the reasons for which the Licence is to be revoked;
 - c) information respecting the process by which the Licensee may exercise the Licensee's right to appeal to the Hearing Officer against the Licence Revocation Notice; and
 - d) a statement that the City Clerk's decision to revoke the Licence, unless modified or rescinded by a Hearing Officer, will be final and not subject to review including review by any Court.
21. A Licensee to whom or to which a Licence Revocation Notice has been given may appeal to a Hearing Officer against the pending Licence revocation pursuant to section 23.

22. Where the Licensee to whom or to which a Licence Revocation Notice is given does not appeal against it pursuant to section 23, the Licence will be deemed to be revoked on the fourteenth (14th) day following the day on which the Licence Revocation Notice was given.

Appeal to Hearing Officer

23. The following rules and conditions apply to appeals to the Hearing Officer:

- a) A Licensee's right to appeal expires if it has not been exercised in the manner prescribed in paragraph b) before 4:30 p.m. on the tenth (10th) day after the Licence Decision Notice or the Licence Revocation Notice has been given to the Licensee.
- b) A right to appeal is exercised by:
 - i) giving to the City Clerk written notice of the appeal that includes particulars of all grounds upon which the appeal is made; and by
 - ii) paying the fee from time to time prescribed by Council.
- c) The City Clerk will give to the Licensee no fewer than seven (7) days' notice of the date, time and place of the hearing of the appeal.
- d) Where the Licensee fails to appear at the time and place scheduled for a hearing of the appeal, the Licensee's appeal is deemed to be dismissed and the Licensee must pay to the City an administrative fee as from time to time prescribed by Council.
- e) Subject to paragraph d), the Hearing Officer may not decide the appeal unless the Hearing Officer has given each of the Licensee and the City Clerk an opportunity to be heard at the time and place scheduled for the hearing of the appeal.
- f) The Licensee is only entitled to be heard to the extent of the particulars included in the Licensee's notice given pursuant to clause b)i).
- g) The Hearing Officer may make any decision that the City Clerk could have made pursuant to this By-law.
- h) The decision of the Hearing Officer is final and not subject to review including review by any Court.

Administrative Penalties

24. AMP System By-law 20-073 applies to each administrative penalty issued pursuant to this By-law.

25. Subject to section 26, each person that contravenes this By-law is, upon issuance of a penalty notice in accordance with AMP System By-law 20-073, liable to pay to the City an administrative penalty of:

- a) \$175 for the remainder of the first day on which the contravention occurs; and
- b) \$275 for each subsequent day on which the contravention continues.

26. Each Person that contravenes this By-law by undertaking an activity without a required Licence is, upon issuance of a penalty notice in accordance with AMP System By-law 20-073, liable to pay to the City an administrative penalty of:
- a) \$500 for the remainder of the first day on which the contravention occurs; and
 - b) \$750 for each subsequent day on which the contravention continues.

Offences

27. Subject to section 28, each Person that contravenes this By-law is guilty of an offence and, upon conviction, is liable to a fine for each day or part of a day on which the offence occurs or continues of:
- a) not less than \$300 and not more than \$10,000 for a first conviction of an offence;
 - b) not less than \$400 and not more than \$25,000 for a second conviction of the same offence; and
 - c) not less than \$500 and not more than \$50,000 for a third or subsequent conviction of the same offence.
28. A Person is not guilty of an offence for which a penalty notice has been issued pursuant to sections 25 or 26.

General

29. For the purposes of a prosecution under the Provincial Offences Act, a proceeding under this By-law and a proceeding under AMP System By-law 20-073, the holding out to the public that an activity for which a Licence is required is being undertaken without the required Licence is admissible in evidence as proof, in the absence of evidence to the contrary, that the activity is being undertaken without the required Licence.
30. Any notice to be given to a Person other than the City is sufficiently given:
- a) when given verbally to the Person;
 - b) when delivered in writing to the Person;
 - c) on the third (3rd) day after it is sent by regular lettermail to the Person's last known address; or
 - d) when sent to the Person by e-mail or by other means of electronic transmission.
31. For the purpose of paragraphs 30.c) and 30.d), a Person's last known address, last known e-mail address and other means of electronic transmission are deemed to include those provided pursuant to paragraph 10.a) as they may be changed pursuant to paragraph 17.b).
32. Any notice to be given to the City is sufficiently given:
- a) on the third (3rd) day after it is sent by regular lettermail to "Licensing Division, City Clerk Services, 500 George Street North, Peterborough, Ontario, K9H 3R9; or
 - b) when sent by e-mail to clerks@peterborough.ca

33. No proceeding for damages or otherwise may be commenced against the City, a member of Council, or an officer, employee or agent of the City or a Person acting under the instructions of the officer, employee or agent for any act done in good faith in the performance or intended performance of a duty or authority under this By-law or for any alleged neglect or default in the performance in good faith of the duty or authority.

34. This By-law is in effect when it is passed.

By-law passed this 28th day of June, 2021.

[Mayor]

[City Clerk]

Schedule A: Tree Service Providers

1. In this By-law:
 - a) “Tree Service Provider” means an individual to whom a Tree Service Provider Licence has been issued pursuant to this By-law.
 - b) “Tree Service Provider Licence” means a Licence issued to a Tree Service Provider pursuant to this By-law.
2. The City Clerk may refuse to issue a Tree Service Provider Licence unless the City Clerk is satisfied that the Applicant is an individual and:
 - a) has an Ontario College diploma or University degree in urban forestry, arboriculture or equivalent diploma or degree; or
 - b) has one or more of the following designations that is current and in good standing:
 - i) an Arborist qualified by the Ontario College of Trades;
 - ii) an Arborist certified by the International Society of Arboriculture;
 - iii) a consulting arborist registered as a member with the American Society of Consulting Arborists; or
 - iv) a Registered Professional Forester as defined in the Professional Foresters Act, 2000, S.O. 2000, c. 18.

Schedule B: Driving Services

Interpretation

1. In this By-law:

- a) "Accessible Vehicle for Hire" means a Vehicle for Hire that that is designed or modified so as to be capable of being used for the purpose of transporting individuals with disabilities whether or not it is also used to transport individuals without disabilities;
- b) "App" means any software or application or telecommunications platform capable of connecting a Driver and a Passenger for the purposes of the services of a Vehicle for Hire;
- c) "Broker" means a Person to whom or to which a Broker's Licence has been issued pursuant to this By-law.
- d) "Broker's Licence" means a Licence issued to a Broker pursuant to this By-law.
- e) "Dispatch" means the act or service of sending or directing a Vehicle for Hire to an individual who has requested the services of a Vehicle for Hire but does not include a Hail.
- f) "Driver" means an individual to whom or to which a Driving Services Licence has been issued pursuant to this By-law.
- g) "Driving Services Licence" means a Licence issued to a Driver pursuant to this By-law.
- h) "Fare" means the total consideration to be given or paid for a Trip.
- i) "Hail" means the act of an individual who solicits directly from a Driver the services of a Vehicle for Hire.
- j) "MTO" means the Ontario Ministry of Transportation.
- k) "Officer" is as defined in the City's Inspection By-law 23-112.
- l) "Passenger" means each individual in a Vehicle for Hire other than the Driver.
- m) "Taximeter" means a device that, for each Trip, measures:
 - i) the distance traveled by a Vehicle for Hire; and
 - ii) that part or those parts of the Fare to be charged for waiting time.

- n) "Trip" means the route, distance and time travelled from the time and location at which a Passenger enters the Vehicle for Hire until the time that the Passenger exits the Vehicle for Hire at the final destination.
- o) "Vehicle for Hire" means a motor vehicle as defined in the Highway Traffic Act having a seating capacity of not more than nine (9) individuals, exclusive of the driver, that is used to offer, facilitate or provide transportation of one or more individuals for compensation.

Driving Services Licence Applications

- 2. The City Clerk may refuse to issue a Driving Services Licence unless the City Clerk is satisfied that the Applicant is an individual who:
 - a) holds a current, valid Class G driver's licence issued by the Province of Ontario pursuant to the Highway Traffic Act;
 - b) is the subject of a satisfactory Police Record Check for individuals seeking to serve vulnerable sectors of the population dated no earlier than ninety (90) days prior to the date that the Application is submitted; and
 - c) is the subject of a satisfactory Statement of Driving Record issued by MTO no earlier than thirty (30) days prior to the date that the Application is submitted.
- 3. A Broker may, if permitted by the City Clerk, and must, if directed by the City Clerk, exercise the authority delegated to the City Clerk pursuant to sections 10, 11, 12 and 13 of this By-law and pursuant to section 2 of this Schedule B respecting Drivers and Driving Services Licences, subject to compliance with those sections, to any conditions or directions related to the permission imposed or given by the City Clerk and to the following:
 - a) the Broker must refuse to accept an Application that does not comply with section 10 of this By-law;
 - b) the Broker must refuse to issue a Driving Services Licence that does not comply with section 2 of this Schedule B;
 - c) the Broker must not collect personal information except:
 - i) personal information that relates only to the Applicant;
 - ii) directly from the Applicant;
 - iii) after giving notice to the Applicant in a form acceptable to the City Clerk and pursuant to subsection 28(2) of the Municipal Freedom of Information and Protection of Privacy Act;
 - iv) with the Applicant's consent given only after the individual has received the notice referred in the immediately preceding clause iii); and
 - v) only such personal information that, in the City Clerk's determination, is necessary to the proper administration of the Driving Services Licence.

Driving Services Licences

4. No Person may operate or provide the services of a Vehicle for Hire except a Driver pursuant to a Driving Services Licence and except pursuant to the following conditions, each of which is a condition of obtaining and continuing to hold a Driving Services Licence:
 - a) the Driver:
 - i) complies with this By-law;
 - ii) holds a current, valid Class G driver's licence issued by the Province of Ontario pursuant to the Highway Traffic Act;
 - iii) carries on the Driver's person a copy of the Driver's Driving Services Licence;
 - iv) forthwith produces for inspection the Driver's Driving Services Licence when requested to do so by an Officer, the City Clerk or by a Passenger;
 - v) takes the most direct route for the Trip except as otherwise directed by a Passenger;
 - vi) forthwith provides to a Passenger when requested to do so by the Passenger a receipt showing the:
 - (1) Driver's full name and Driving Services Licence number;
 - (2) Date and time of the Trip;
 - (3) Trip's points of origin and destination; and the
 - (4) Fare for the Trip including applicable taxes;
 - b) the Driver does not operate or provide the services of a Vehicle for Hire in response to a:
 - i) Dispatch except a Dispatch by a Broker who or that complies with this By-law; or to a
 - ii) Hail except in compliance with the conditions applicable to Hails as set out in section 5 of this Schedule B;
 - c) the Driver complies with the conditions applicable to:
 - i) Fares as set out in section 6 of this Schedule B; and to
 - ii) Vehicles for Hire as set out in section 7 of this Schedule B.

Hails

5. No Driver may operate or provide the services of a Vehicle for Hire in response to a Hail except pursuant to the following conditions applicable to Hails:
 - a) the Vehicle for Hire is equipped with a Taximeter;
 - b) The Taximeter is:
 - i) attached to the Vehicle for Hire in such a position that the Fare computed thereon is visible from any seated position within the Taximeter;
 - ii) illuminated and is clearly visible to each Passenger;
 - iii) maintained in good working order;
 - iv) functioning at all times during a Trip;
 - v) accurately computing Fares;
 - vi) sealed and re-sealed from time to time to the City Clerk's satisfaction;
 - vii) used only when its seal is intact; and is
 - viii) submitted for inspection and testing from time to time as and when directed by the City Clerk or by a Broker.

Fares

6. A Driver must not demand or accept consideration, payment or compensation for a Trip except a Fare pursuant to the following conditions applicable to Fares:
 - a) the Fare for each Trip is accurately computed by an App or by a Taximeter;
 - b) the Fare must not include a charge for transporting a Passenger's accessibility devices, if any;
 - c) if requested by the Passenger, the Driver must accept payment of the Fare by credit card or debit card;
 - d) where the Fare is computed by a Taximeter, the maximum Fare must not exceed by 100% the least expensive Fare that would have been paid for the same Trip within the four-day period immediately preceding the Trip;
 - e) where the Fare is computed by an App, the maximum Fare must not:
 - i) exceed the aggregate of all amounts comprising the Fare for which the App has notified the Passenger prior to the commencement of the Trip; and must not

- ii) exceed by 100% the least expensive Fare that would have been paid for the same Trip within the four-day period immediately preceding the Trip.

Vehicles for Hire

- 7. No Person may operate a Vehicle for Hire except a Driver pursuant to the following conditions applicable to Vehicles for Hire:
 - a) it is solely owned by the Driver or, alternatively, is operated by the Driver as a Vehicle for Hire pursuant to an agreement in writing with all owners of the Vehicle for Hire;
 - b) it is, in the City Clerk's determination, adequately insured for its use as a Vehicle for Hire;
 - c) it is mechanically sound and safe for use as a Vehicle for Hire;
 - d) without limiting the immediately preceding paragraph c), it has been inspected at an inspection station licensed by MTO and has met the minimum safety standards evidenced by a safety standards certificate issued by or on behalf of MTO on a day that is no earlier than six (6) months prior to any day on which the Vehicle for Hire is operated;
 - e) the Driver's Driving Services Licence is prominently displayed within the Vehicle for Hire so as to be readable at all times by each Passenger;
 - f) the Driver's Driving Services Licence number is prominently affixed to and displayed on the Vehicle for Hire's exterior in reflective characters not less than fifteen (15) centimetres in height in a colour that contrasts with the Vehicle for Hire's colour so as to be readable at all times; and
 - g) it is equipped to accept payments by debit card and credit card.

Brokers' Licences

- 8. No Person may Dispatch except a Broker pursuant to a Broker's Licence and except pursuant to the following conditions, each of which is a condition to obtaining and continuing to hold a Broker's Licence:
 - a) the Broker complies with this By-law;
 - b) the Dispatch is to a Driver;
 - c) the Vehicle for Hire is operated by a Driver;
 - d) the Driver complies with this By-law;
 - e) if the Vehicle for Hire is equipped not equipped with a Taximeter, the Dispatch is undertaken via an App;

- f) if the Dispatch is undertaken other than via an App, the Driver complies with the conditions applicable to Hails set out in section 5 to this Schedule B.
- g) the Broker maintains a record of each request of the Broker for Dispatch including:
 - i) the date and time of each such request;
 - ii) the proposed commencement point and destination point of the Trip the subject of the request;
 - iii) if the request for Dispatch was cancelled or if the Trip was not completed, the reasons for such cancellation or failure to complete the Trip;
 - iv) for each Trip, the time of the Vehicle for Hire's arrival at
 - (1) the commencement point; and at
 - (2) the destination point;
 - v) the Fare; and
 - vi) the Driver's name and Driving Services Licence number.
- h) where the number of Drivers to whom the Broker may Dispatch exceeds twenty-five, irrespective of the number of such Drivers who are, at any time, engaged in operating or providing the services of a Vehicle for Hire, the Broker must ensure that there are no fewer than the greater of the following numbers of Drivers operating or providing the services of Accessible Vehicles for Hire:
 - i) one; and
 - ii) one for every ten Vehicles for Hire then being operated by such Drivers.