



**TAXI LICENSING COMMISSION  
BY-LAW NO. 2**

**A BY-LAW RESPECTING  
THE TAXI LICENSING COMMISSION  
OF  
THE CORPORATION OF THE CITY OF KINGSTON  
AND  
THE CORPORATION OF THE TOWNSHIP OF LOYALIST**

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*Passed: June 26, 2019*

As amended by:

By-Law # 2019-01      December 10, 2019

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**BY-LAW NO. 2****A BY-LAW RESPECTING THE TAXI LICENSING COMMISSION OF THE CORPORATION OF THE CITY OF KINGSTON AND THE CORPORATION OF THE TOWNSHIP OF LOYALIST**

**WHEREAS** *The City of Kingston and the Townships of Kingston, Pittsburgh and Ernestown Act, 1989*, as amended, provides for the establishment of a Taxi Licensing Commission to pass By-Laws for licensing, regulating and governing the owners, drivers, and brokers of taxicabs;

**AND WHEREAS** a Minister's Order has resulted in amalgamation of the former City of Kingston, Pittsburgh Township and Kingston Township, into the new City of Kingston, and the former Ernestown Township, Village of Bath and Amherst Island into Loyalist Township;

**AND WHEREAS** the Taxi Licensing Commission wishes to license, regulate and govern the owners, drivers, and brokers of taxicabs in accordance with its statutory authority;

**NOW THEREFORE** the Taxi Licensing Commission hereby enacts as follows:

**GENERAL DEFINITIONS**

1(1) In this By-Law,

**“Area of the Commission”** means the geographic area in which the Commission has been granted authority to license, regulate and govern the owners, drivers, and brokers of taxicabs under *The City of Kingston and the Townships of Kingston, Pittsburgh and Ernestown Act, 1989*, as amended.

**“Broker”** means a person, including a corporation, who accepts calls for Taxicabs used for hire and owned by someone other than the person, his/her/their immediate family or the person's employer.

**“Broker Licence”** means a licence issued by the Commission authorizing a person, including a corporation, to operate as a Broker.

**“Commission”** means the Taxi Licensing Commission established under *The City of Kingston and the Townships of Kingston, Pittsburgh and Ernestown Act, 1989*, as amended.

**“Driver”** means a person to whom the Commission has issued a Driver Badge under this By-Law.

**“Driver Badge”** means a badge issued by the Commission authorizing the person to drive a Taxicab.

**“Fare”** means the charge or fee for the Taxicab service.

**“Good Character”** means having attributes that are consistent with the public interest and the protection thereof, including honesty, integrity, reliability and adherence to the law and, without limiting the generality of the foregoing, an individual will not be considered to be of Good Character if he/she/they has/have:

- (a) been convicted of a driving-related offence or a number of driving-related offences within the last the last three (3) years at any given time (time spent in custody as the result of a conviction shall not be included) which the Licence Inspector or the

Commission, in his/her/their/its discretion, considers to be of more than a minor nature and/or as demonstrating irresponsibility or recklessness in driving;

- (b) has been, at any time, convicted of an offence, including but not limited to convictions for sexual assault, assault, assault with a weapon, murder, manslaughter or other crimes under any one of the following Acts:
1. the Criminal Code, RSC, 1985, c. C-46;
  2. the Food and Drugs Act, RSC 1985, c F-27;
  3. the Controlled Drugs and Substances Act, SC 1996, c. 19;
- for which a pardon has not been granted under the Criminal Records Act (Canada) and has not been revoked; or
- (c) any current outstanding warrants or criminal charges pending before any courts.

**“Independent Operator”** means a Plateholder who accepts calls for a Taxicab used for hire and who is the sole Plateholder and Driver of said Taxicab and is not affiliated with any Broker.

**“Lease Agreement”** means a document, in a form set by the Commission, wherein a limited interest in a Taxi Plate and/or registered Taxicab is temporarily transferred by a Plateholder, and containing terms and conditions prescribed by the Commission and any other terms and conditions not contravening this Bylaw.

**“Lessee”** means a Broker, Plateholder or Driver who has entered into a Taxicab Lease or Taxi Plate Lease (as permitted under this By-Law) with a Plateholder through which the lessee Broker, Plateholder, or Driver acquires certain rights from the lessor Plateholder and undertakes to fulfill certain responsibilities with respect to the use of the lessor Plateholder’s Taxicab and/or Taxi Plate in providing Taxicab Service in compliance with this By-Law.

**“Lessor”** means a Plateholder who has entered into a Taxicab Lease or Taxi Plate lease (as permitted under this By-Law) with a Broker, Plateholder, or Driver through which the lessor Plateholder gives certain rights to the lessee Broker, Plateholder, or Driver but maintains the responsibility to ensure that the lessee Broker, Plateholder, or Driver carries on or engages in providing Taxicab Service in compliance with the provisions of this By-Law.

**“Licence Inspector”** means the individual appointed by the Commission as a licence inspector in accordance with *The City of Kingston and the Townships of Kingston, Pittsburgh and Ernestown Act, 1989*, as amended.

**“Taxicab Lease”** means a written contract, agreement, understanding or other arrangement in writing whereby a Lessor permits a Lessee to manage, operate, control, have custody of, or otherwise employ the Lessor’s Taxicab and its Taxi Plate (other than permitting a Driver to drive a Taxicab for one normal shift where the Taxicab is returned to the Plateholder at the end of such shift) whereby the Lessor remains responsible for insurance, ownership of the Taxicab, safeties, and renewal signing, and includes a power of attorney, management contract and any other arrangement or agreement whereby any person other than the Plateholder is allowed to exercise or does exercise any of the rights of a Plateholder set out herein in relation to the Taxicab and its Taxi Plate.

**“Taxi Plate Lease”** means a contract, agreement, understanding or other arrangement in writing whereby a Lessor permits a Lessee to manage, operate, control, have custody of, or otherwise employ the Lessor’s Taxi Plate only (other than permitting a Driver to drive a Taxicab for one normal shift where the Taxicab is returned to the Plateholder at the end of such shift) and whereby the Lessee is responsible for insurance, safeties, ownership of Taxicab and renewal signing, and includes a power of attorney, management contract and any other arrangement or agreement whereby any person other than the Plateholder is allowed to exercise or does exercise any of the rights of a Plateholder set out herein in relation to the leased Taxi Plate.

**“Plateholder”** means a person to whom the Commission has issued a Plateholder Badge under this By-Law and who has been issued one or more Taxi Plates by the Commission.

**“Plateholder Badge”** means a badge issued by the Commission authorizing a person as a Plateholder and permitting the person to hold one or more Taxi Plates issued by the Commission.

**“Taxi Plate”** means a numbered metal plate issued by the Commission to a Plateholder to be affixed to a specific Taxicab that is registered with the Commission in relation to the metal plate.

**“Taxicab”** means a motor vehicle that is used for hire for the transportation of passengers from place to place.

**“Taxicab Service”** means the transportation of passengers by Taxicab.

**“Taximeter”** means an electronic device approved by the Commission to be used in a Taxicab and which measures the distance traveled and computes the Fare to be charged.

**“Winter Tire”** means a tire that is marked on at least one sidewall with the Alpine Symbol specified in Transport Canada’s Technical Standards Document No. 139.

## **BADGES, LICENCES AND TAXI PLATES**

- 2 (1) (a) A person may be issued a Plateholder Badge or Driver Badge under this By-Law upon application to the Licence Inspector requesting same. The application shall be delivered to the Licence Inspector at the Commission's office and shall be in the form attached as Schedules “B”, and “D” to this By-Law. An applicant will be required to undergo a criminal reference check (CPIC) with the City of Kingston Police or the Ontario Provincial Police, including a vulnerable sector screening. Vulnerable sector screening requiring fingerprinting shall require a sworn affidavit to be signed at the Commission’s office to proceed with the application process. The Licence Inspector shall perform a Driver’s Record search and, if/when the Licence Inspector has satisfied himself that all of the conditions required by the law and this By-Law have been complied with, the Licence Inspector may endorse the said application.
- (b) Applicants for a new Driver Badge and late renewal applicants for a Driver Badge shall have thirty (30) days commencing after the applicant's personal notification that the Licence Inspector has endorsed his/her/their application to meet the requirements of this By-Law to be issued a Driver Badge.
- (c) A Broker Licence, Plateholder Badge, Driver Badge or Taxi Plate issued under this By-Law remains the sole property of the Commission.
- (2) (a) Provided that the application is in conformity with the provisions of this By-Law, and is in conformity with all other By-Laws, provincial regulations and laws, and federal regulations and laws, the Licence Inspector shall issue the Broker Licence, Plateholder Badge, Driver Badge or Taxi Plate (as the case may be), if available. If the application does not meet the requirements of this By-Law or other By-Laws or statutes, the Licence Inspector shall reject the application and shall not issue the Broker Licence, Plateholder Badge, Driver Badge or Taxi Plate (as the case may be) and shall notify the applicant. An applicant may appeal a rejection of an application to the Commission.
- (b) If a Broker Licence, Plateholder Badge, Driver Badge or Taxi Plate (as the case may be) is not available, upon receipt by the Commission of the request of the applicant and the

required fee, the Licence Inspector shall place the name of the applicant on the waiting list for the applicable Broker Licence, Placeholder Badge, Driver Badge or Taxi Plate (as the case may be), subject to Section 2(13) of this By-Law.

- (3)
  - (a) A Placeholder shall not use or operate a Taxicab or permit a Taxicab to be used or operated without the Taxicab having a Taxi Plate affixed to the left side of the rear bumper, and such Placeholder, prior to obtaining his/her/their Placeholder Badge or Taxi Plate, shall pay the fee as set out in this By-Law.
  - (b) Every Broker, Driver and/or Placeholder shall at all times while operating a Taxicab have in his/her/their possession his/her/their Driver Badge. Further, Brokers and Placeholders are to ensure that their Drivers have their Driver Badge in their possession at all times while providing Taxicab Service.
  - (c) Taxicabs in private use shall have top signs removed from the car.
- (4)
  - (a) No Broker Licence, Driver Badge, Placeholder Badge or Taxi Plate shall be granted unless the applicant is of Good Character, duly licensed to drive under the law of the Province, possesses a knowledge of the City of Kingston and the Township of Loyalist and the taxi tariff. A requirement for being granted a Placeholder Badge or Driver Badge shall be that an applicant must have (i) no driver's licence suspensions in the two (2) years immediately prior to the application and; (ii) no driving-related criminal or provincial offence convictions which the Licence Inspector or the Commission, in his/her/their/its discretion, consider(s) to be of more than a minor nature and/or as demonstrating irresponsibility or recklessness in driving, in the three (3) years immediately prior to the application.
  - (b) New applicants for a Placeholder Badge or Driver Badge must pass a written or oral examination set by the Commission.
  - (c) Where an applicant fails the initial examination referred to in Section 2(4)(b) the applicant shall be permitted one (1) additional examination at no charge. For any re-examination(s) thereafter, the applicant shall pay the fee set out in Schedule "F" to this By-Law.
  - (d) No Placeholder Badge, Driver Badge or Taxi Plate shall be granted until the applicant has complied with the safety requirements as outlined by the Commission.
- (5) Taxi Plates issued by the Commission must be registered to a specific vehicle and every Placeholder of more than one Taxi Plate must have a separate Taxi Plate for each vehicle to be used as a Taxicab.
- (6) No Placeholder shall transfer or permit to be transferred a Taxi Plate from one Taxicab to another for any reason, except for the transfer of a Taxi Plate from the Placeholder's Taxicab to a replacement Taxicab subject to the Placeholder registering the transfer with the Commission and the replacement Taxicab being registered with the Commission.
- (7) The Commission may refuse to grant a Broker Licence, Driver Badge, Placeholder Badge or Taxi Plate to an applicant who has unpaid fines or fees owing to the Commission until such time as the fines or fees are paid to the Commission.
- (8) All Broker Licences, Driver Badges, Placeholder Badges and Taxi Plates issued by the Commission shall be valid for a calendar year and in each case shall expire in each year on the 31<sup>st</sup> day of December unless they are sooner cancelled or revoked. Any application for a Broker Licence, Driver Badge, Placeholder Badge or Taxi Plate or a renewal application submitted after November 30<sup>th</sup> in any year which is approved by the Licence Inspector shall be considered for the purposes of this By-Law as having been approved for the following calendar year and the balance of the period of month of December of the year in question upon a Broker Licence,

Driver Badge, Placeholder Badge or Taxi Plate being issued for the following year without a further fee for the current year. Incomplete applications or applications received after December 15<sup>th</sup> of each year shall be subject to a fee in accordance with Schedule "F" to this By-Law.

- (9) (a) A person may be granted a Broker Licence under this By-Law upon application to the Licence Inspector requesting same, which application shall be delivered to the Licence Inspector at the Commission's office and shall be in the form attached to this By-Law as Schedule "C". An applicant will be required to undergo a criminal reference check (CPIC) with the City of Kingston Police or the Ontario Provincial Police, including a vulnerable sector screening. Vulnerable sector screening requiring fingerprinting shall require a sworn affidavit to be signed at the Commission's office to proceed with the application process. If/when the Licence Inspector has satisfied himself that all of the conditions required by the law and subsection 2(4) of this By-Law have been complied with, the Licence Inspector may endorse the said application.
- (b) In the event that a Broker merges with another Broker to form one new entity with both original Brokers having already paid the appropriate Broker Licence fees for the year, it will not be necessary for the new Broker entity to pay any additional Broker Licence fees for the remainder of that year.
- (10) No applicant for a Broker Licence shall be issued a Broker Licence unless:
- (a) the applicant has been a Placeholder or Driver for a period of at least two (2) years immediately preceding the application;
- (b) the premises from which the Broker proposes to carry on its business is situated within the Area of the Commission and complies with the zoning, building and property standards requirements of the municipality in which the premises are/will be situated; and
- (c) the applicant has complied with the provisions of subsection 2(9).
- (11) Every applicant for a Broker Licence shall disclose the number of Taxicabs and the names of the Placeholder and Drivers, with their Placeholder Badge and Driver Badge numbers, that the applicant anticipates will operate in association with the applicant if a Broker Licence is issued.

### **Survivor Clause**

- (12) (a) In the event of the death of a Placeholder, the legal representative of the Placeholder's estate (or other legally authorized representative), shall have a period of six (6) months within which to arrange for the continuance or sale of the assets of the business without the Placeholder's Placeholder Badge and Taxi Plate(s) being revoked, provided that the death of the Placeholder is reported to the Commission within fourteen (14) days of the death of the Placeholder. The legal representative of the Placeholder's estate (or other legally authorized representative) must comply in all other respects with this By-law.

The legal representative of the Placeholder's estate (or other legally authorized representative) shall be permitted to continue to operate under the Placeholder's Placeholder Badge and using the Placeholder's Taxi Plate(s) while arranging the continuance or sale of the assets within six (6) months of the date of the death of the Placeholder. Operations under the Placeholder's Placeholder Badge and using the Placeholder's Taxi Plate(s) by the legal representative of the Placeholder's estate (or other legally authorized representative) beyond the six (6) month period is subject to the Commission's approval.

- (b) When the death of the Placeholder is reported to the Commission under the above subsection 2(12)(a), the legal representative of the Placeholder's estate (or other legally



authorized representative) will have three options:

- (i) Return the Placeholder's Placeholder Badge and Taxi Plate(s) within fourteen (14) days of the death of the Placeholder and indicate that there is no intention to continue to operate under the Placeholder's Placeholder Badge and using the Placeholder's Taxi Plate(s) or to sell the assets. In this case, after a four (4) week grace period to allow the legal representative of the Placeholder's estate (or other legally authorized representative) to reconsider his/her/their options, the Placeholder's Placeholder Badge will be revoked and the Placeholder's Taxi Plate(s) will be offered to the first eligible applicant on the waiting list.
- (ii) Indicate his/her/their intentions to continue to operate under the Placeholder's Placeholder Badge and using the Placeholder's Taxi Plate(s) while maintaining the option of selling the assets of the business within the six (6) month period set out in subsection 2(12)(a); or
- (iii) Indicate his/her/their intention to seek buyers of the assets of the Placeholder's business. The Licence Inspector shall notify the top ten (10) persons on the waiting list and shall accept bids from those persons for the assets of the Placeholder's business and direct the bids to the legal representative of the Placeholder's estate (or other legally authorized representative). The legal representative of the Placeholder's estate (or other legally authorized representative) can accept a bid from the waiting list bidders or choose other bids. Any bidder other than a person named on the waiting list prior to By-Law 2010-46 must have maintained a valid Placeholder Badge or Driver Badge for a minimum of twenty-four (24) months prior to the Placeholder's death.

Should the legal representative of the Placeholder's estate (or other legally authorized representative) decide to sell the assets to someone other than (a) person(s) on the waiting list, then regardless of the number of Taxi Plates held by the deceased Placeholder, one additional Taxi Plate will be released to the waiting list after the six (6) month business continuation period in 2(12)(a) has expired.

- (c) Under 2(12)(b)(ii), the legal representative of the Placeholder's estate (or other legally authorized representative), upon submitting proof of successor rights to the Commission, must comply with all of the provisions of this By-Law to qualify to have the deceased Placeholder's Taxi Plate(s) transferred to him and shall pay new Placeholder Badge fees as per Schedule "F".
  - (d) Under 2(12)(b)(iii), upon proof of purchase of the said assets, the purchasing Placeholder must have a valid Class G Ontario driver's licence and comply with all provision of this By-Law No. 2 in order to have the deceased Placeholder's Taxi Plate(s) transferred to the purchasing Placeholder.
  - (e) A new Placeholder or Driver must have a valid Class G Ontario driver's licence and comply with all provisions of By-Law No. 2.
- (13) The Commission shall maintain a waiting list for those persons wishing to obtain a Taxi Plate. The following terms apply to the waiting list:
- (a) Only individuals currently approved for a Placeholder Badge or Driver Badge can have their name placed on the waiting list.
  - (b) A name shall appear only once every 15 names.

- (c) A \$50.00 non-refundable deposit, to be applied towards the Taxi Plate fee(s) must be paid in order for a name to be placed on the list.
  - (d) The waiting list shall be compiled on a first come, first served basis.
  - (e) An applicant must make the request to have his/her/their name placed on the list in person.
  - (f) After the Licence Inspector notifies an individual on the waiting list of an available Taxi Plate, the individual shall have thirty (30) days to qualify under this By-Law. Notification shall be verbal either in person or by telephone.
  - (g) If the individual does not qualify to become a Placeholder in accordance with the requirements of this By-Law within the thirty (30) day period following notification from the Licence Inspector, the individual shall have his/her/their name removed from the waiting list.
  - (h) To remain on the waiting list, all individuals must maintain a valid Placeholder Badge or Driver Badge. A person named on the waiting list prior to the passing of Bylaw 2010-46 shall be exempt from this requirement.
  - (i) Notwithstanding the above, any individual that obtains a Taxi Plate through any means shall have his/her/their name removed from the highest position on the waiting list.
- (14) No applicant for a Placeholder Badge or Driver Badge shall be issued a Placeholder Badge or Driver Badge unless he/she/they provide(s) proof of association with a Broker. This provision does not apply to any Placeholder who was an Independent Operator prior to January 1, 2005.

### **EQUIPMENT AND ITS USES**

- 3
- (1) No Broker, Placeholder or Driver shall carry, or permit to be carried, in any Taxicab a load in excess of that authorized by this By-Law.
  - (2) No Placeholder or Driver shall carry in any Taxicab a greater number of occupants or persons than the manufacturer's rating of seating capacity for the vehicle (a minimum of 4 seat belts to accommodate 4 adult passengers and 1 seatbelt for the driver) and all Taxicabs shall be not less than four (4) door vehicle models.
  - (3) A leased vehicle that is to be permitted to be used as a Taxicab must be leased for a minimum of one (1) year in duration except where it is used as a temporary replacement vehicle and is authorized by the Commission as such. At the time that a leased vehicle to be used as a Taxicab is registered with the Commission by a vehicle lessee, the applicant/vehicle lessee shall present to the Commission an executed lease in writing bearing the following particulars:
    - (a) a full description of the vehicle being leased;
    - (b) the term of the lease;
    - (c) the amount of money paid per month;
    - (d) the owner of the vehicle being leased (dealership or leasing company); and
    - (e) the identity of the lessee.

- (4) Every Plateholder shall ensure that, at all times, a vehicle registered in relation to a Taxi Plate and to be used as a Taxicab is:
- (a) equipped with working power door locks;
  - (b) equipped with a minimum of one of the following safety equipment items (approved by the Commission):
    - (i) Camera
    - (ii) Shanghai Shield
    - (iii) 911 Emergency Light

[Suppliers and specifications for safety equipment will be provided at the Commission's Office.]
  - (c) clean and in good repair as to its exterior, meeting the following requirements:
    - (i) paint must be one color, unless it is a two-tone design as approved by manufacturing specifications;
    - (ii) no peeling paint, dents, or rust holes or rust showing on exterior body;
    - (iii) bumpers and grill must be in A-one condition; and
    - (iv) all molding and pin-striping must be in place and in one piece as provided by manufacturer's specifications;
  - (d) clean, dry and in good repair as to its interior;
  - (e) free from mechanical defects;
  - (f) equipped with the Taxi Plate issued by the Commission in relation to the vehicle securely affixed to the Taxicab on the left side of the rear bumper of the vehicle in a clearly visible location compliant to all relevant regulations and bylaws; and
  - (g) marked with 4 ½ inch black or white numbers in contrast with the vehicle's colour stating the Taxi Plate number, which markings shall be located on the left front and right front fenders ahead of the front doors, but not past the wheel well and near the top of the fender.
  - (h) effective December 1, 2020, equipped with tires of the same type, tread pattern, size, speed rating and load index on all drive wheels and trailing axles.
  - (i) effective December 1, 2020, equipped with Winter Tires on all drive wheels and trailing axles between December 1 and March 15.
- (5) A Plateholder will have ten (10) business days from the date notice of non-compliance is given by the Licence Inspector in relation to a requirement under subsection 3(4) to comply.
- (6) (a) All Plateholders shall submit a Safety Standard Certificate issued by a provincially authorized motor vehicle inspection mechanic for each Taxicab registered with the Commission twice yearly; first when a Taxi Plate is issued and then every six (6) months thereafter. New vehicles require Safety Standard Certificates issued six (6) months from the application date.

- (b) The submission by a Plateholder of a Safety Standard Certificate that is invalid shall be a violation of this By-Law and shall be grounds for the consideration of a suspension or revocation of the Plateholder's Plateholder Badge and/or Taxi Plate(s).
  - (c) The Commission reserves the right to require a Plateholder to produce a Safety Standard Certificate during the term of the Plateholder Badge or Taxi Plate at any time, upon request of the Licence Inspector, and to require that a new Safety Standard Certificate be produced from a properly certified mechanic satisfactory to the Commission. If the Commission requires the production of such an additional Safety Standard Certificate and the vehicle does not meet the Commission's requirements for an acceptable Safety Standard Certificate, the Plateholder shall pay for the additional Safety Standard Certificate; if the vehicle does meet the Commission's requirements for an acceptable Safety Standard Certificate then the additional Safety Standard Certificate shall be paid for by the Commission.
  - (d) Subject to 3(5)(c), Safety Standard Certificates shall be at the Plateholder's cost, and the onus shall be on the Plateholder to produce said Safety Standard Certificates to the Licence Inspector when requested.
  - (e) If a Plateholder fails to comply with the requirements of subsections 3(5)(a) or 3(5)(c), the Plateholder's Taxi Plate will be suspended. The Plateholder will have thirty (30) days from the date of the suspension to comply. If compliance is not met within thirty (30) days, the Taxi Plate will be revoked and reissued to the next individual on the waiting list.
- (7) The use of a scanner and/or multi-band radio or any other device to monitor frequencies in any Taxicab or in any portion of premises used for receiving or dispatching of calls for Taxicabs, by any person with a Broker Licence, Plateholder Badge or Driver Badge, for the purpose of intercepting and using transmitted information for purposes other than those for which the call was dispatched, and specifically the stealing of calls from the person or persons to whom the call was dispatched, is prohibited.
  - (8) No vehicle with any windows tinted to a degree greater than the manufacturer's standard tinting levels will be accepted for registration with the Commission in relation to a Taxi Plate.
  - (9) A van may be approved by and registered with the Commission for use as a Taxicab provided that any van which has a step-in height of more than 18" at the sliding side door(s) while unloaded has installed at all passenger entrances and exits, running boards or steps and is equipped with seat belts for all passengers inclusive of the driver, notwithstanding that the Licence Inspector may require running boards on any vehicle used as a Taxicab.
  - (10) A vehicle being used as a Taxicab shall not be older than ten (10) years of age. A vehicle approved for use as a Taxicab prior to March 28, 2007, can be no older than twelve (12) years of age.
  - (11) Advertising on Taxicabs shall be allowed. All advertising shall comply with *Highway Traffic Act* and applicable regulations and approval must be received from the Licence Inspector.

## TAXIMETERS

- 3.1 (1) Every Plateholder shall ensure that a vehicle being used by the Plateholder as a Taxicab is equipped with a Taximeter that shall be:
  - (a) attached to the vehicle in such a position that the Fare computed is visible from any seated

- position within the vehicle;
- (b) connected to the vehicle's roof sign in such a manner that the roof sign shall be lighted when the vehicle is available for hire and extinguished when the Taximeter is in operation;
  - (c) adjusted in accordance with the tariff set out in Schedule "A" to this By-Law, as amended from time to time, said adjustment to be made no later than 31 days after the tariff prescribed in Schedule "A" comes into effect;
  - (d) tested for compliance with the tariff prescribed in Schedule "A" to this By-Law in a manner determined by the Commission (before being sealed, if applicable);
  - (e) clearly illuminated so as to be visible to passengers in the vehicle between dusk and dawn;
  - (f) kept in good working condition at all times;
  - (g) used only when the seal is intact, if applicable;
  - (h) display at all times the running cost of a trip, including the cost of Harmonized Sales Tax;
  - (i) used for no longer than six (6) months without re-testing (and re-sealing, if applicable);
  - (j) tested (and sealed, if applicable) before being put into service if the Taximeter has been replaced, repaired altered, adjusted or broken;
  - (k) tested (and sealed, if applicable) when the vehicle's transmission, differential, or tires are replaced, repaired, altered, or adjusted tire size changed; and
  - (l) tested (and sealed, if applicable) after being attached to a vehicle before the vehicle is used as a Taxicab.
- (2) The seal referred to in 3.1(1) shall be a Taximeter seal approved by the Commission after consultation with the Licence Inspector. The Taximeter seal shall be installed in the manner deemed appropriate by the Commission.
- (3) The Licence Inspector shall seal or re-seal a Taximeter, where applicable, in the manner deemed appropriate by the Commission, designed to prevent the removal of the outer cover of the Taximeter or any cover that will allow calibration tampering of the Taximeter.
- (4) Every Plateholder shall ensure that his/her/their Taxicab is submitted to the Licence Inspector for testing (and (re)sealing, if applicable) of the Taximeter or inspection of the Taxicab whenever the Licence Inspector deems it necessary and makes an appointment for the inspection of the Taxicab. If the Taxicab is not produced at the time and place appointed for such inspection, the Licence Inspector shall suspend the Plateholder's Taxi Plate for the vehicle for a minimum period of twenty-four (24) hours.
- (5) A Taximeter installed in a Taxicab shall dispense printed receipts containing the following information:
- (a) the Taxi Plate number of the Taxicab;
  - (b) the date of the trip;

- (c) the times of commencement and completion of the trip;
  - (d) the distance traveled during the trip, measured in kilometres or parts thereof;
  - (e) any extra charges permitted in respect of services performed by the driver as provided in Schedule "A" hereto;
  - (f) the running total cost of the trip, including Harmonized Sales Tax, as well as the amount of the Harmonized Sales Tax separately;
  - (g) the name and telephone number of the Broker with which the Taxicab is affiliated; and
  - (h) the Plateholder's registration number for Harmonized Sales Tax.
- (6) Only an electronic device approved by the Commission may be used as a Taximeter. The Commission may approve devices that operate as a Taximeter (including traditional Taximeter devices and virtual Taximeters). Information regarding approved devices will be available from the Licence Inspector. The use of any device not already approved by the Commission as a Taximeter must be approved by the Commission before being put into service.
- (7) The Licence Inspector shall ensure accurate calibration of the approved Taximeters.

#### **RIGHT OF INSPECTION**

- 4 The Plateholder of every vehicle in respect of which a Taxi Plate has been issued under this By-Law shall, when required, submit his/her/their vehicle for examination by the Licence Inspector or a police officer, and no Plateholder or Driver shall, at any time, prevent or hinder the said Licence Inspector or police officer from entering his/her/their garage or other premises or buildings for the purpose of inspecting same, provided that the right of inspection does not include a dwelling unit.

#### **BROKER LICENCE, PLATEHOLDER BADGE, DRIVER BADGE AND TAXI PLATE NUMBERS**

- 5 (1) A Taxi Plate furnished by the Commission shall be returned immediately to the Commission upon notification to the Plateholder of the Plateholder's Plateholder Badge or the Taxi Plate being rescinded or suspended, except when section 2(12) is implemented.
- 6 (1) Whenever a Taxi Plate, or the number on a Taxi Plate, becomes obliterated or defaced, the Plateholder shall forthwith apply to the Commission for replacement.
- (2) Every Broker shall keep his/her/their/its Broker Licence posted in some conspicuous place on the premises in respect to which the Broker Licence is issued and every Broker shall, when requested to by any person authorized by the Commission, produce the Broker Licence for inspection.
- (3) No Plateholder shall lease or cause to be leased to another person or persons his/her/their Plateholder Badge, Taxicab(s) and/or Taxi Plate(s). Notwithstanding the foregoing, Taxicab Leases and Taxi Plate Leases are allowed as provided in Schedule "E" to this By-Law. The Commission shall, upon any person being found to have leased a Taxicab and/or Taxi Plate other than as permitted under this By-Law, revoke such Plateholder's Plateholder Badge and/or Taxi Plate(s) and seize the corresponding Taxi Plates. The Commission may reject future applications from persons found to have leased a Taxicab and/or Taxi Plate(s) to or from another person contrary to this By-Law.

**GENERAL PROVISIONS – PLATEHOLDERS**

- 7 (1) No person other than a Plateholder shall keep a Taxicab for the purpose of transporting a passenger from a point within the Area of the Commission to any other point within the Area of the Commission or from a point within the Area of the Commission to a point within five (5) kilometres beyond the Area of the Commission.
- (2) A Plateholder is permitted to drive, as a Driver, a Taxicab registered with the Commission in relation to the Taxi Plate issued to the Plateholder for that Taxicab.
- 8 When a Plateholder employs or contracts a person to drive a Taxicab, he/she/they shall notify the Licence Inspector that he/she/they has/have employed or contracted such driver. When any person ceases to be employed or contracted as a driver of a Taxicab, the Plateholder shall notify the Licence Inspector to such effect.
- 9 Every Plateholder shall, while employing or contracting any person to drive a Taxicab, be responsible for ensuring that the person has a Driver Badge.
- 10 Every Plateholder shall ensure that any person driving a Plateholder's vehicle as a Taxicab has a Driver Badge and complies with sections 15 and 16.
- 11 Every Plateholder shall keep a record in his/her/their office or Taxicab of the date, time, origin and destination of each trip, the name of the driver of the Taxicab, the Taxi Plate number of the Taxicab, and the Fare charged for each trip. Such records shall be retained for at least ninety (90) days. Full information shall be given by the Plateholder and/or Driver of the Taxicab to any police officer, constable or the Licence Inspector upon being required to do so with reference to the address of the house or place to and from which the Plateholder's Taxicab has driven any passenger, with a description of the passenger, the passenger's name and address if known to him/her, or with reference to all matters within his/her/their knowledge relating to such passenger.
- 12 An applicant for a Plateholder Badge or Taxi Plate shall satisfy the Licence Inspector before a Plateholder Badge or Taxi Plate is issued that he/she/they has/have a telephone. In the case of a Broker, the Broker must satisfy the Licence Inspector that he/she/they/it is/are the owner or lessee of premises that meet the requirements set out in subsection 26(6) and has/have a telephone.
- 13 No Driver shall operate a Taxicab for more than twelve (12) hours in any period of twenty-four (24) consecutive hours and no Plateholder shall be on duty as a Driver for more than twelve (12) hours in any period of twenty-four (24) consecutive hours.
- 14 (1) Every Plateholder shall keep a current list of his/her/their Drivers' home addresses in his/her/their office.
- (2) Every Independent Operator shall notify the Licence Inspector of any change of his/her/their office address within seven (7) days of changing location.
- 14.1 (1) Effective January 1, 1996, the total number of Taxi Plates issued by the Commission shall be limited to a ratio of not more than one Taxi Plate to every 800 residents within the Area of the Commission. Notwithstanding the foregoing, the minimum number of Taxi Plates issued by the Commission shall not be less than one hundred and ninety-four (194).
- (2) Effective February 28, 2007, the total number of Taxi Plates issued will be increased by two (2) yearly over the next five (5) years with annual review of this policy each September.

**GENERAL PROVISIONS – DRIVERS**

- 15 Every Driver shall have on his/her/their person the photo identification of the Driver as supplied by the Commission when providing Taxicab Service.
- 16 (1) While providing Taxicab Service, every Driver shall:
1. be neat and clean in appearance;
  2. wear clothing that is clean and not ripped;
  3. wear socks or stockings and shoes
  4. be permitted to wear;
    - dress shorts that come within 15 inches off the knees;
    - hats and peaked caps without offensive or obscene slogans;
    - T-shirts and sweatshirts without offensive or obscene slogans; and/or
    - hats, peaked caps, T-shirts, or sweatshirts with manufacturers' trademarks or with slogans relating to the use of a Taxicab as a business.
  5. not be permitted to wear:
    - cut-off jeans or pants, skirts which are higher than 15 inches off the knees
    - shirts which do not have sleeves;
    - gym shorts, sweat pants, or jogging suits; and/or
    - hats, T-shirts, or sweatshirts with offensive or obscene slogans.
- (2) A Driver violating section 16(1) has committed an offence and may be subject to penalty in accordance with section 61.
- 17 (1) Every Placeholder and Driver shall notify the Commission whenever he/she/they cease(s) to be affiliated with one Broker and becomes affiliated with another Broker, and shall pay to the Commission such fee as is set out in Schedule "F" of this By-Law.
- (2) Every Placeholder shall inform the Commission whenever he/she/they change(s) a vehicle affiliated with a Placeholder's Badge and/or Taxi Plate and shall and pay to the Commission the fee set out in Schedule "F" of this By-Law.
- 18 A Driver shall transport no more than one passenger, or a number of passengers traveling as one group, in a Taxicab, nor shall he/she/they carry in a Taxicab more persons (including the driver) than the manufacturer's rated capacity of the vehicle, with a seatbelt for each occupant, and in no event shall a Driver allow more persons in a Taxicab than there are seats available.
- 19 Every Driver who finds any property lost or left in his/her/their Taxicab shall immediately upon the termination of a shift deliver the property to his/her/their affiliated Broker with all information in his/her/their possession regarding same.
- 20 Every Driver shall drive the Taxicab operated by him/her by the most direct route to the requested



destination unless the passenger or passengers traveling as one group direct(s) or authorize(s) the Driver of the Taxicab to use a route other than the most direct route.

- 21 Every Driver shall, when called upon to do so, assist any police officer by conveying in his/her/their Taxicab any prisoner to the common jail or police station and convey to a hospital or elsewhere as may be required any person who has been wounded or who has met with an accident or been taken suddenly ill (provided such illness is not of an infectious nature) and shall be entitled to the Fare or charge specified in the tariff provided by this By- Law.
  - 22 Every Driver shall, when responding to a call at a residence, communicate with an adult, if possible, at the residence upon arrival.
  - 23 No Driver shall refuse to permit a guide dog (as defined in the *Blind Persons' Rights Act*) serving as a guide or leader for a blind person to enter and remain in a Taxicab.
  - 24 No Broker, Placeholder or Driver shall, because of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, gender identity, gender expression, age, marital status, family status or disability, discriminate against any member of the public in the carrying on of the taxicab trade or providing Taxicab Service.
  - 25 No person other than a Placeholder or Driver shall drive or operate a Taxicab for the purpose of transporting a passenger from a point within the Area of the Commission to any other point within the Area of the Commission or from a point within the Area of the Commission to a point within five (5) kilometres beyond the Area of the Commission.
- 25.1 (1) A Driver shall not:
1. use any tariff card other than a current tariff card obtained from Commission, such tariff card to be available on demand in the Taxicab;
  2. operate a Taxicab for hire while carrying a passenger or goods without keeping the Taximeter in operation at all times;
  3. charge any Fare for the use of a Taxicab other than that recorded on the Taximeter and printed receipt, which shall include any amounts in addition to the basic Fare for special services provided to a passenger as set out in the tariff in Schedule "A" to this By-Law;
  4. charge for time lost through defects or inefficiency of the Taxicab or incompetence in driving;
  5. charge for time consumed by the early arrival of the Taxicab in response to an appointment made in advance;
  6. charge for time consumed in providing Taxicab Service to a person who has not made an appointment for Taxicab Service in advance until the passenger and the Driver are seated in the Taxicab;
  7. demand or receive any higher Fare or charge than the charge specified in the tariff provided by Schedule "A" of this By-Law;
  8. if applicable, operate the Taxicab when the seal on the Taximeter is not intact; or
  9. charge a passenger for the cost of proceeding to an establishment for change or for waiting time while a passenger obtains change when the amount tendered in payment for the Fare is of greater value than the sum due and in the amount of twenty dollars (\$20.00) or less.

- (2) Each Broker and Plateholder shall be responsible for complaints dealing with customer service and as such, the following shall apply:
  - (a) Each Taxicab shall be furnished with a self-addressed Service Enquiry Card. A Driver shall offer the passenger(s) a Service Enquiry Card at the completion of their business transaction.
  - (b) Brokers will receive the Service Enquiry Card from the passenger(s) and distribute same to the appropriate Plateholder for response.
  - (c) Any service inquiries received by the Commission shall be referred to the appropriate Broker or Plateholder.
  - (d) The Commission may, from time to time, hire riders to evaluate customer service and compliance with other aspects of this By-Law.

### **GENERAL PROVISIONS - BROKERS**

- 26 (1) No person other than a Broker shall accept calls in any manner for Taxicabs that are used for hire and owned by someone other than the person, his/her/their immediate family or the person's employer.
- (2) No person other than a Broker shall dispatch Taxicabs in response to calls for the pickup of passengers within the Area of the Commission.
- (3) No Broker Licence shall be transferred.
- (4) A Broker shall:
  - (a) maintain an office within the Area of the Commission from which the Broker's Taxicab Service brokerage business is conducted;
  - (b) keep a record showing, in respect of his/her/their brokerage, every Taxicab dispatched on a trip, the time of dispatch, the place of pick-up and the destination of such trip;
  - (c) ensure that the record referred to in the preceding paragraph (b) is retained for a period of at least ninety (90) days and, on request, made available for inspection by the Licence Inspector;
  - (d) require all Plateholders who have entered into arrangements with him for the provision of taxicab brokerage services to use a similar roof sign and shall produce and file a sample of the roof sign with the Licence Inspector;
  - (e) provide the Licence Inspector, by January 15th each year, with a list showing the following:
    - (a) Plateholder Badge and Taxi Plate number(s) affiliated with the Broker;
    - (b) name(s) of the Plateholder(s) affiliated with the Broker;
    - (c) name(s) of the Driver(s) affiliated with the Broker, and their Driver Badge number(s);

- (d) Taxicab top sign number(s);
  - (e) make(s), model(s) and year(s) of vehicles being used as Taxicabs; and
  - (f) VINs of vehicles being used as Taxicabs.
- (f) notify the Licence Inspector in writing within five (5) days of any additions or deletions from the list provided under the foregoing paragraph 26(4)(e);
- (g) carry on the taxicab brokerage business twenty-four (24) hours a day during the term of his/her/their/its Broker Licence unless otherwise directed by the Commission;
- (h) supply the Licence Inspector with a copy of his/her/their/its federal radio licence call sign and frequency number, if any;
- (i) dispatch a Taxicab to any person requesting Taxicab Service within the Area of the Commission unless the person requesting Taxicab Service has not paid for a previous trip and these facts are verified by the Broker;
- (j) carry on business only in the name in which he/she/they/it hold(s) its Broker Licence;
- (k) on instruction of the Licence Inspector, not dispatch calls to a Taxicab of a particular Placeholder or operated/driven by a particular Driver;
- (l) have his/her/their/its own separate radio system, frequency and telephone system for receiving and dispatching calls for his/her/their/its own taxicab brokerage business, and shall not use another Broker's radio system, frequency or telephone system; and
- (m) ensure that any person employed by him/her/it for accepting and dispatching calls shall comply with the provisions of this By- Law in the same manner as the Broker.
- (5) No Broker shall:
- (a) permit or allow any person other than a dispatcher or telephone operator to use any radio system, frequency or telephone system in his/her/their/its ownership or under his/her/their/its control, to receive or dispatch calls;
  - (b) permit or allow any person that is not a Driver or Placeholder to operate any vehicle displaying identifying marks, equipment or signs indicating that such person is operating a vehicle kept for hire;
  - (c) permit or allow any Driver or Placeholder to operate any vehicle displaying identifying marks, equipment or signs indicating that such person is operating a vehicle kept for hire unless the vehicle has a Taxi Plate and is registered with the Commission;
  - (d) dispatch or direct orders for parcel delivery to a Driver unless the Driver first consents to make the parcel delivery;
  - (e) require any Driver to accept any order necessitating an expenditure of money by the Driver on behalf of the customer;
  - (f) enter into an agreement for the provision of taxicab brokerage service with a Driver or Placeholder who is already affiliated with another Broker;
  - (g) make any charge or financial demand, directly or indirectly, of a Placeholder other than for

- dues for which the Broker and Plateholder have contracted;
- (h) dispatch to any person a Taxicab which is not on the list provided to the Licence Inspector pursuant to Section 26(4)(e) of this By-Law;
  - (i) charge a tariff or enter into an agreement to charge a tariff which is not in accordance with Schedule "A" to this By-Law;
  - (j) having as his/her/their/its sole intent the prevention of the reception of incoming calls from the public for Taxicab Service, remove or permit the removal of the receiver from the hook of any telephone, direct line, courtesy or lift phone normally used by the Broker for the accepting of such calls or agree to arrange with any other person to prevent or interfere in any way with the reception of such calls;
- (6) A Broker's office, as described in clause 26(4)(a), shall have facilities such as adequate off-street parking for all Taxicabs of the Plateholder(s) affiliated with the Broker, for the convenience of the public and employees and the Broker shall employ a staff of Drivers sufficient in number to enable rendering service and transporting passengers at all times of the day or night

#### **GENERAL PROVISIONS - BROKERS, PLATEHOLDERS AND DRIVERS**

- 27 No Broker, Plateholder or Driver shall knowingly assist, co-operate or enter into collusion with any passenger in committing or attempting to commit any breach of the law or permit his/her/their/its Taxicab to be used for any unlawful purpose whatsoever.
- 28 (1) Every Broker, Plateholder and Driver shall serve the first person requiring the service of his/her/their/its Broker's Taxicab Service at any place within the Area of the Commission at any specified time of day or night and, if he/she/they/it plead(s) some previous engagement, he/she/they/it shall upon demand give the name and address of the person to whom he/she/they/it is/are so engaged, together with the time and place of such engagement. He/She/They/It shall punctually keep all his/her/their/its appointments or engagements and shall not accept any engagement that a previous appointment would prevent him/her/it from fulfilling provided, however, that he/she/they/it shall not be compelled to accept any order from a person who owes him/her/it for a previous fare or service, unless and until the same is paid.
- (2) Every Plateholder and Driver shall, unless he/she/they has/have some previous order, serve the first passenger or passengers traveling as one group requiring the service of his/her/their Taxicab at any place within the Area of the Commission at any specified time of day or night provided, however, that he/she/they shall not be compelled to accept any order from a person who owes him/her from a previous fare or service unless, and until, the same is paid. Notwithstanding the foregoing, a driver may discharge a passenger in his/her/their Taxicab who is abusive or whose conduct contravenes any law.
- 29 Every Plateholder and Driver shall take due care of all property delivered or entrusted to him/her for conveyance or safekeeping.
- 30 When a Driver's photo identification, Driver Badge, or the numbers of a Taxi Plate are defaced, lost or destroyed, the same may be replaced by the Licence Inspector upon the Driver's photo identification, Driver Badge or Taxi Plate being satisfactorily accounted for, in the Licence Inspector's discretion, and the cost of such replacement shall be as provided for in Schedule "F" to

this By-Law.

- 31 No Plateholder or Driver shall be entitled to receive or recover any amount greater than any Fare or charge under this By-Law from any person or persons from whom he/she/they shall have demanded any Fare or charge.
- 31.1 Every Plateholder shall ensure that his/her/their Taxicab(s) is/are equipped with roof lights and that such roof lights shall be turned on by the Taxicab's Driver when the Taxicab is available for hire and extinguished when the Taximeter is turned on.

### **TARIFF**

- 32(1) (1) The rates or fares to be charged by Brokers, Plateholders and Drivers within the Area of the Commission or from within the Area of the Commission to any point not more than five (5) kilometres beyond its limits, shall be no higher and no less than the amount contained in Schedule "A" to this By-Law.
- (2) No person engaging a Taxicab shall pay a greater fare for the use of that Taxicab than for the most direct route unless the person directs or authorizes the Driver of the Taxicab to use a route other than the most direct route.
- (3) The Driver of a Taxicab shall pre-arrange the Fare with the customer prior to commencement of the trip for a flat rate trip which ends more than five (5) kilometres beyond the Area of the Commission.
- 33 (1) Every Plateholder shall keep the tariff card furnished by the Licence Inspector in his/her/their Taxicab(s) and no person shall remove or otherwise dispose of the said tariff card.
- (2) Every Plateholder shall ensure that the sign furnished by the Commission in accordance with subsection 34(2), if any, is placed in his/her/their Taxicab(s) in a location clearly visible to any passenger therein.
- 34 (1) The Commission shall furnish to each Plateholder and Broker a tariff card containing the tariff as set forth on Schedule "A" to this By-Law, and such other provisions of this By-Law as the said Commission may approve.
- (2) The Commission may create a sign indicating that the tariff can be requested. If the Commission creates such a sign, it shall furnish each Plateholder and Broker with the sign.
- (3) No person engaging any Taxicab shall refuse, so soon as his/her/their order is completed, to pay the Fare for his/her/their trip.

### **INSURANCE**

- 35 Every person who applies for a Plateholder Badge or Taxi Plate shall, before such Plateholder Badge or Taxi Plate is issued, in the case of new applicants, file with the Licence Inspector a policy or policies of insurance or certificates, for a minimum of six (6) months duration, of endorsement issued by a company or companies authorized to issue indemnity insurance policies in the Province of Ontario respecting each vehicle for which a Taxi Plate is sought, and insuring the applicant to the amount of at least two million (\$2,000,000.00) inclusive, public liability and property damages for

each vehicle, exclusive of costs and interest against liability for damages resulting from injury to or death of one (1) or more persons and property damage in any one accident. In the case of renewal applicants, the applicant shall file the required insurance certificate or certificates, covering a minimum of six (6) months duration, on the effective date of the renewal of the insurance policy.

- 36(1) (1) Insurance policies referred to in section 35 shall be kept in force by the Placeholder during such period for which a Taxi Plate is issued to him/her, or any renewal thereof in effect. Should the Placeholder fail to renew the same from time to time, pay the premiums due thereon, or wish to vary amounts of the insurance policy, the Placeholder shall, at least thirty (30) days prior to cancellation or variation of any policy, notify the Commission by registered mail of his/her/their intention to cancel or make any variation in the amounts of the said policy or advise of loss of insurance coverage, and an endorsement to the effect shall be inserted in the policy by the company issuing same, if applicable.
- (2) If a valid insurance policy is not supplied to the Licence Inspector by office closure on the day the policy expires according to the Commission's records, the vehicle will be considered uninsured and the Taxi Plate for the vehicle will be suspended until a valid insurance policy is supplied. The Placeholder shall have thirty (30) days from the expiration date to produce a valid insurance policy. If no valid insurance policy is produced to the Licence Inspector within the thirty (30) day period, the Taxi Plate will be revoked and be issued to a new applicant.

### **SMOKING IN TAXICABS**

- 37 (1) No person shall smoke or vape (including using e-cigarettes or other vapour products) in a Taxicab, whether a no smoking sign is posted or not.
- (2) Every Broker, Placeholder and/or Driver in charge of a Taxicab shall ensure compliance with section 37 of this By-Law.
- 37.1 (1) Every Broker, Placeholder, and/or Driver of a Taxicab must ensure that at least two signs, as prescribed in Schedule "G" to this By-Law, are posted and maintained on the windows of the Taxicab in his/her/their/its charge in such a manner that they are visible from the outside and the inside of the vehicle so as to identify clearly that smoking and vaping is prohibited.
- (2) Every Broker, Placeholder and/or Driver of a Taxicab must ensure that at least one sign stating "Kingston Area Taxi Commission By-Law #2002-03", as prescribed in Schedule "G", is posted in the Taxicab in his/her/their/its charge.
- (3) No person shall remove, deface, damage or otherwise vandalize any sign required to be displayed in any Taxicab.

### **LICENCE INSPECTOR**

38 The Licence Inspector may:

- (1) suspend any Broker Licence, Placeholder Badge, Driver Badge or Taxi Plate as provided by this By-Law if the Broker, Placeholder or Driver has been convicted of a criminal offence in the three (3) years prior to the suspension;

- (2) suspend any Broker Licence, Placeholder Badge, Driver Badge or Taxi Plate for such time and subject to such conditions as provided by this By-Law if the Licence Inspector has reason to believe that a Safety Standards Certificate under the *Highway Traffic Act* was denied with respect to a motor vehicle used as a Taxicab and, without the appropriate repairs having been made, the motor vehicle is being used on any public highway;
- (3) order a Broker, Placeholder or Driver to stop using any motor vehicle as a Taxicab until such time as the Broker, Placeholder or Driver provides the Licence Inspector with a satisfactory Safety Standards Certificate issued under the *Highway Traffic Act* with respect to the motor vehicle;
- (4) at any time, with cause, perform a Driver's Record search from the Ministry of Transportation of Ontario for any Broker, Placeholder or Driver;
- (5) be appointed a By-Law Enforcement Officer or Provincial Offences Officer for the purpose of issuing tickets or summonses to any person in breach of any provision of this By-Law;
- (6) suspend any Placeholder Badge, Driver Badge or Taxi Plate for such time and subject to such conditions as provided by this Bylaw if the Licence Inspector has reason to believe that the Placeholder or Driver has used offensive or obscene language or inappropriate conduct while operating a Taxicab;
- (7) direct a Broker to not dispatch calls to a Taxicab of a particular Placeholder or Driver if, in the opinion of the Licence Inspector, the Placeholder or Driver may have contravened any section of this By-Law which substantially affects the public;
- (8) administer the provisions of this By-Law on behalf of the Commission, including enforcement, together with such other By-law Enforcement Officers and Provincial Offences Officers as the Licence Inspector may retain to assist him/her as he/she/they may deem necessary; and
- (9) impose any condition on a Broker Licence, Placeholder Badge or Driver Badge to be issued or renewed under this By-Law as he/she/they deem(s) necessary to ensure the safety of the public or property, or for the protection of passengers.

### **RENEWAL, REFUSAL OR SUSPENSION OF LICENCE, BADGE OR PLATE**

- 39 The Commission shall not be obliged under any circumstances to issue a Broker Licence, Placeholder Badge, Driver Badge or Taxi Plate under this By-Law and shall have power to refuse, suspend, revoke or cancel a Broker Licence, Placeholder Badge, Driver Badge or Taxi Plate at any time with cause, which cause shall include, but not be limited to a breach of this By-Law, or other By-Law or law, or anything which may be in any way adverse to the public interest.
- 40 (1) The Commission shall not refuse to issue a Broker Licence, Placeholder Badge, Driver Badge or Taxi Plate or revoke or cancel a Broker Licence, Placeholder Badge, Driver Badge or Taxi Plate of any person without affording that person an opportunity to be heard.
- (2) Despite subsection 40(1), a Broker Licence, Placeholder Badge, Driver Badge or Taxi Plate may be temporarily suspended by the Licence Inspector or the Commission for up to two (2) weeks or until a hearing is held by the Commission, whichever occurs first.
- 41 The Licence Inspector shall renew a Broker Licence, Placeholder Badge, Driver Badge or Taxi Plate, as applicable, upon:

- (a) The renewal applicant:
- (i) submitting his/her/their renewal application on or before December 15<sup>th</sup>;
  - (ii) where applicable, filing the following:
    - a. proof of insurance;
    - b. proof of the vehicle to be used as a Taxicab being in good repair, except in the case of a new vehicle obtained directly from a motor vehicle agency within three (3) months from the effective date of the motor vehicle registration; and
    - c. leasing agreement for the motor vehicle.
  - (iii) where applicable, providing the Licence Inspector with any or all of the following as the Licence Inspector may require:
    - a. current driver's licence issued by the Province of Ontario;
    - b. authorization for the Commission to perform a Driver's Abstract information search from the Ministry of Transportation of Ontario, the results of which must show the applicant meets all requirements for the applicant to be issued a Broker Licence, Placeholder Badge or Driver Badge (as applicable).
    - c. Ontario Motor Vehicle Registration permits for the period for which the renewal is applied for, issued pursuant to the *Highway Traffic Act*, as amended.
    - d. a completed a criminal reference check (CPIC) which shall be valid for the current renewal period. However, current year renewal Brokers, Placeholder and Drivers shall not be required to submit vulnerable sector screening.
- (b) where applicable, the Licence Inspector satisfying himself that:
- (i) the renewal applicant has maintained his/her/their Good Character as defined under section 1;
  - (ii) the existing photographs of the renewal applicant are adequate since the issuance of the original Broker Licence, Placeholder Badge, Driver Badge or Taxi Plate, or any renewal thereof, and have been taken within two (2) years of the application for renewal;
  - (iii) the renewal applicant has complied with any applicable zoning, building or property standards requirements;
  - (iv) the renewal applicant has complied with the safety requirements as set out by the Commission.

for the period for which the original Broker Licence, Placeholder Badge, Driver Badge or Taxi Plate, or any renewal thereof, was granted.

- 41.1 If the renewal applicant fails to comply with the provisions of section 41, the Licence Inspector shall refuse to renew the Broker Licence, Placeholder Badge, Driver Badge or Taxi Plate applied for and shall give the renewal applicant notice of his/her/their refusal in writing, said notice to be served personally or by registered mail to the renewal applicant and such refusal to renew shall be deemed to be a refusal to issue the Broker Licence, Placeholder Badge, Driver Badge or Taxi Plate applied for.



- 41.2 (1) Applications for renewals will be received by the Commission from October 1<sup>st</sup> to December 15<sup>th</sup> without penalty.
- (2) If an application for a renewal is approved, the Commission will issue the renewal no later than December 31<sup>st</sup>.
- (3) Renewal applications will be received from December 16<sup>th</sup> to December 31<sup>st</sup> with a late submission fee. The Commission will issue the renewal in a timely fashion.
- (4) Any person applying for renewal of a Broker Licence, Placeholder Badge, Driver Badge or Taxi Plate after the 31<sup>st</sup> day of December in each year shall be considered to be a new applicant pursuant to the provisions of this By-Law and shall be required to take a written or oral test and pay the appropriate fee.
- 42 The Licence Inspector shall keep a complete record of all Broker Licences, Placeholder Badges, Driver Badges and Taxi Plates granted under this By-Law and such record shall be in numerical and chronological sequence.
- 43 The Licence Inspector shall, upon receipt of an application for a Broker Licence, Placeholder Badge, Driver Badge or Taxi Plate make or cause to be made all investigations required by law or by the Commission, relating to such application.
- 44 If the investigations referred to in section 43 hereof do not disclose any reason to believe that the applicant may not be of Good Character, or that issuing the Broker Licence, Placeholder Badge, Driver Badge or Taxi Plate will not in any way be adverse to public interest, and in the absence of written instructions to the contrary from the Commission, the Licence Inspector shall issue the Broker Licence, Placeholder Badge, Driver Badge or Taxi Plate (as applicable) upon payment by the applicant of the appropriate fee. The applicant, on receipt of such notice shall, within thirty (30) days of the service of such notice, meet the requirements in order for the Broker Licence, Placeholder Badge, Driver Badge or Taxi Plate to be issued.
- 45 If the investigations referred to in section 43 hereof discloses any reason to believe that the applicant may not be of Good Character, or that issuing the Broker Licence, Placeholder Badge, Driver Badge or Taxi Plate may be in any way adverse to the public interest, the Licence Inspector shall refuse to issue the applicant the Broker Licence, Placeholder Badge, Driver Badge or Taxi Plate applied for and shall give the applicant notice of his/her/their refusal in writing, said notice to be served personally or by registered mail to the applicant at the address shown on the application.
- 46 (1) An applicant in receipt of a notice given pursuant to Section 45 of this By-Law, within fourteen (14) days of the service of the notice, may apply in writing to the Commission for a review of the refusal of the Licence Inspector to issue the Broker Licence, Placeholder Badge, Driver Badge or Taxi Plate applied for, by filing an application for a review along with a \$25.00 non-refundable fee with the Licence Inspector.
- (2) The Licence Inspector, after receipt of the application referred to in the preceding subsection (1), shall transmit to the Commission and the applicant:
- (a) a copy of the original application as completed by the applicant and copies of any supporting documentation filed with the Licence Inspector;
- (b) a copy of the applicant's application for a review; and
- (c) a copy of the Licence Inspector's refusal and reasons therefor.
- (3) The Commission shall determine the time and date of the review and shall give notice to the Licence Inspector of its determination. The Licence Inspector shall give notice in writing to

the applicant, said notice to be served personally or by registered mail to the applicant at his/her/their address as shown on the application. The review hearing shall be on at least fourteen (14) days' notice, be before a quorum of the Commission and shall be held at the time and date set out in the notice.

- (4) The applicant may be represented at the review hearing by counsel and he/she/they or his/her/their counsel shall have the right to adduce evidence, submit argument in support of his/her/their application for a Broker Licence, Placeholder Badge, Driver Badge or Taxi Plate, and cross-examine any witnesses adverse in interest to him.
  - (5) The Licence Inspector may be represented at the review hearing by counsel or a designate who is entitled to adduce evidence and submit arguments in reply to evidence and argument on behalf of the applicant and shall have the right to cross-examine any of the applicant's witnesses.
  - (6) At the review hearing, the onus shall be upon the applicant to show cause why he/she/they should be granted the Broker Licence, Placeholder Badge, Driver Badge or Taxi Plate applied for.
  - (7) The Commission shall give its decision in writing to the Licence Inspector within seven (7) days of the date of the completion of the review hearing.
  - (8) The Licence Inspector shall notify the applicant of the Commission's decision by serving a copy personally or by registered mail to the applicant at his/her/their address as shown on the application.
  - (9) If the applicant signifies at the review hearing that he/she/they is/are prepared to accept conditions upon his/her/their Broker Licence, Placeholder Badge, Driver Badge or Taxi Plate and will make no objection to such conditions, the Commission may render a decision granting the applicant the Broker Licence, Placeholder Badge, Driver Badge or Taxi Plate applied for upon such conditions as it considers appropriate and as are authorized by law.
  - (10) All review hearings shall be held *in camera*.
  - (11) The Commission's decision shall be final and binding.
  - (12) If the Commission renders a decision granting the applicant the Broker Licence, Placeholder Badge, Driver Badge or Taxi Plate applied for, the Broker Licence, Placeholder Badge, Driver Badge or Taxi Plate shall be issued upon payment of the appropriate fee and the applicant shall within thirty (30) days of the service of a copy of the decision meet the requirements in order for the Broker Licence, Placeholder Badge, Driver Badge or Taxi Plate to be issued.
- 47 Every Placeholder who replaces a motor vehicle for which the a Taxi Plate was issued shall apply to the Licence Inspector for a transfer of the Taxi Plate from the one motor vehicle to the replacement motor vehicle prior to the replacement vehicle being put into service as a Taxicab and shall file:
- (1) proof of insurance;
  - (2) proof that the vehicle is in good repair as specified in paragraph 3(4)(d).
  - (3) where applicable, the leasing agreement for the motor vehicle, specifying as a minimum requirement:
    - (a) the make, model, serial number and year of the motor vehicle;

- (b) the motor vehicle permit plate number issued pursuant to the *Highway Traffic Act*;
    - (c) the Commission Taxi Plate number; and
  - (4) the current motor vehicle ownership issued pursuant to the *Highway Traffic Act*.
- 48 Upon the Licence Inspector being furnished with satisfactory proof that the applicant has complied with the provisions of Section 47 hereof, the Licence Inspector shall transfer the Taxi Plate to the replacement motor vehicle upon receipt of the transfer fee provided for in this By-Law.
- 49 In the event of an application for a transfer being refused by the Licence Inspector, the Licence Inspector shall give the applicant notice of his/her/their refusal in writing, said notice to be served personally or by registered mail to the applicant at the address shown on the application.
- 50 An applicant in receipt of a notice given pursuant to section 49 of this By-Law may apply in writing to the Commission for a review of the refusal of the Licence Inspector to issue the transfer applied for by filing with the Licence Inspector his/her/their application for a review and the provisions of section 46 of this By-Law apply *mutatis mutandis*.
- 51 (1) The Licence Inspector is authorized to:
- (a) inspect each vehicle operated, provided or used as a Taxicab;
  - (b) require that each vehicle that is operated, provided or used as a Taxicab be submitted for inspection;
  - (c) ensure that each Placeholder produces his/her/their vehicle for inspection at the time; and
  - (d) inspect as much of a house, place or premises as is used for the carrying on of a Taxicab brokerage business.
- (2) The inspection of vehicles operated, provided or used as Taxicabs may include an inspection by a motor mechanic.
- (3) No person shall obstruct, hinder or otherwise interfere with the aforesaid inspection.
- 52 (1) Every Broker, Placeholder and/or Driver shall notify or cause to be notified the Licence Inspector in writing within five (5) days of the happening of any of the following events
- (a) sale, transfer or termination of his/her/their/its Taxicab business;
  - (b) retirement;
  - (c) in the situation where the Broker, Placeholder or Driver provided the name and address of the Placeholder who is the Broker, Placeholder or Driver's business affiliate or employer, any change in the named business affiliate or employer;
  - (d) any suspension or revocation of his/her/their driver's licence; or
  - (e) any change in his/her/their/its address, telephone number or Ontario licence number of motor vehicle that is registered with the Ontario Ministry of Transportation and appropriate insurance endorsement in respect of the motor vehicle, if applicable.
- (2) Every Placeholder shall notify or cause to be notified the Licence Inspector in writing within five (5) days of the termination of the leasing agreement for the motor vehicle registered to

his/her/their Placeholder's Badge or Taxi Plate with the Licence Inspector.

- 53 (1) A Placeholder shall keep, and shall file with the Commission, every proof of insurance required pursuant to the provisions of this By-Law in force for the period for which his/her/their Placeholder Badge or Taxi Plate for the vehicle is in effect, inclusive of any renewal thereof.
- (2) No person who is required to file proof of insurance with the Licence Inspector under this Bylaw shall fail to maintain in force and to renew the same timely and to pay the premium due thereon.
- (3) The Licence Inspector shall suspend the Placeholder Badge or Taxi Plate of a Placeholder that does not provide proof of insurance with the expiration of the policy of insurance.
- (4) If a Placeholder fails to file proof of insurance as required by the preceding subsection (1), the Licence Inspector shall forthwith remove the Taxi Plates, and transmit a report to the Commission and the provisions of section 55 hereof apply.
- 54 No person shall give false or incorrect information for the purposes of obtaining a Broker Licence, Placeholder Badge, Driver Badge or Taxi Plate pursuant to this By-Law.
- 55 (1) The Commission, after a hearing, may revoke any or each of the Broker Licences, Placeholder Badges, Driver Badges or Taxi Plates of a Broker, Placeholder or Driver for cause and without limiting the generality of the foregoing, for:
- (a) a breach of the law;
  - (b) anything which may be in any way adverse to the public interest;
  - (c) any other matter which the Commission is authorized by law to consider; or
  - (d) any violation of the provisions of this By-Law.
- (2) The Commission may suspend a Broker Licence, Placeholder Badge, Driver Badge or Taxi Plate for cause for any period to a maximum of one (1) year in lieu of revocation as provided for in the preceding subsection (1) hereof.
- (3) The Licence Inspector may suspend, with immediate effect, for cause any Broker Licence, Placeholder Badge, Driver Badge or Taxi Plate for any period of time up to two (2) weeks or until the next meeting of the Commission, whichever is greater, and upon suspending any Broker Licence, Placeholder Badge, Driver Badge or Taxi Plate shall notify the Commission as to the suspension.
- (4) The Licence Inspector may report to the Commission any breaches by the Broker, Placeholder or Driver as referred to in the preceding subsection (1) hereof.
- (5) Upon receipt of the report and the \$25.00 non-refundable hearing fee referred to in the preceding subsection (4) hereof, the Commission shall determine the time and date of the hearing, which shall be on at least fourteen (14) days' notice, and give notice of its determination to the Licence Inspector. The Licence Inspector shall give notice in writing to the Broker, Placeholder or Driver, with said notice to:
- (a) include a statement;
    - (i) as to the time, date, place and purpose of the hearing; and

- (ii) that if the Broker, Plateholder or Driver does not attend the hearing, the Commission may proceed in his/her/their/its absence and he/she/they/it will not be entitled to any further notice
    - (b) be served personally or by registered mail to the Broker, Plateholder or Driver at his/her/their/its address last known to the Licence Inspector; and
    - (c) where the Good Character, propriety of conduct, or competence of a Broker, Plateholder or Driver is an issue, contain reasonable information of any allegations with respect thereto.
  - (6) The Licence Inspector shall transmit to the Commission copies of all information relating to the Broker Licence, Plateholder Badge, Driver Badge or Taxi Plate.
- 56 Notwithstanding any of the provisions of this By-Law, any proceedings may be disposed of by a decision of the Commission given:
- 1. without a hearing; or
  - 2. without compliance with any other requirements of the *Statutory Powers Procedure Act*, as amended, or of this By-Law incorporating such requirements;
- where the Broker, Plateholder or Driver has waived such hearing or compliance.
- 57
- (1) The hearing shall be before a quorum of the Commission and shall be held at the time, date and place set out in the notice referred to in section 55 hereof.
  - (2) The Licence Inspector may be represented at the hearing by legal counsel or designate who is entitled to adduce evidence and submit argument.
  - (3) The Broker, Plateholder or Driver may, at the hearing
    - (a) be represented by legal counsel or an agent;
    - (b) call and examine witnesses and present his/her/their/its arguments and submissions; and
    - (c) conduct cross-examination of witnesses reasonably required for a full and fair disclosure.
  - (4) The Commission shall give its decision in writing to the Licence Inspector within seven (7) days of the date of the completion of the hearing.
  - (5) The Licence Inspector, in receipt of the decision referred to in the preceding subsection (4) hereof, shall notify the Broker, Plateholder or Driver of the decision by serving a copy personally or by registered mail to:
    - (a) the Broker, Plateholder or Driver at his/her/their/its address last known to the Licence Inspector; or
    - (b) the counsel or agent of the Broker, Plateholder or Driver, if any, at his/her/their/its address as stated to the Commission.
  - (6) All hearings shall be held *in camera*.
  - (7) The Commission's decision shall be final and binding.

- 58 (1) Upon receipt of a notice of the decision of the Commission suspending or revoking a Broker Licence, Plateholder Badge, Driver Badge or Taxi Plate, the Broker, Plateholder or Driver shall within twenty-four (24) hours of service of notice by registered mail, or immediately if the notice is personally served, return the Broker Licence, Plateholder Badge, Driver Badge or Taxi Plate(s) to the Licence Inspector, and the Licence Inspector shall have access to any premises, vehicles, or other property of the Broker, Plateholder or Driver for the purpose of receiving or taking the same.
- (2) No person shall refuse to deliver a suspended or revoked Broker Licence, Plateholder Badge, Driver Badge or Taxi Plate to the Licence Inspector or shall in any way prevent or hinder the Licence Inspector from receiving or taking the same.
- (3) Where a Broker Licence, Plateholder Badge, Driver Badge or Taxi Plate is revoked, the Broker, Plateholder or Driver is entitled to a refund or a part of the associated fee proportionate to the unexpired part of the term for which it was granted, such refund to be pro-rated on a monthly basis.
- (4) No Broker, Plateholder or Driver shall operate or carry on the activity for which the Broker Licence, Plateholder Badge or Driver Badge, as the case may be, was issued while his/her/their/its Broker Licence, Plateholder Badge or Driver Badge is under suspension.
- 59 The Broker Licence, Plateholder Badge, Driver Badge, and Taxi Plate fees to be paid under this By-Law are as outlined in Schedule "F" attached hereto.
- 59.1 When a Broker, Plateholder, or Driver obtains a Plateholder Badge, Driver Badge or Taxi Plate during the period December 1<sup>st</sup> to June 30<sup>th</sup>, the fee for the full year shall be paid as outlined in Schedule "F" attached hereto. When such Plateholder Badges, Driver Badges or Taxi Plates are obtained during the period July 1<sup>st</sup> to November 30<sup>th</sup>, the fee shall be one-half (1/2) of the yearly fee, as outlined in Schedule "F" attached hereto.

### **SCHOOL BOARD AGREEMENTS**

- 60 None of the provisions of this By-Law shall apply to prevent any Broker, Plateholder or Driver from entering into an agreement with any school board in the Area of the Commission for conveying fares in a Taxicab within the Area of the Commission pursuant to the terms of any such agreement.

### **PENALTY**

- 61 Every person who contravenes any provision of this by-law is guilty of an offence and upon conviction is liable to a fine as provided for in the *Provincial Offences Act*, RSO 1990, c. P. 33, as amended.



**SCHEDULE "A" TO BY-LAW NO. 2  
TAXI LICENSING COMMISSION**



**TARIFF**

The rates or fares to be charged by the Brokers, Plateholders, and Drivers of Taxicabs from a point within the Area of the Commission to any other point within the Area of the Commission or from a point within the Area of the Commission to a point within five (5) kilometres beyond the Area of the Commission shall be calculated as follows, inclusive of Harmonized Sales Tax:

- 1 If the Taximeter is not on, the ride is free.
  
- 2 Distance travelled, number of passengers and waiting time:
 

(1)	For the first 135 metres or part thereof (\$0.10 administration fee paid to Commission)	\$4.25
(2)	For each additional 135 metres or part thereof	\$0.25
(3)	For each additional passenger in excess of one (charge does not apply when specific request for van for passengers)	\$0.50
	There shall be no charge for children under twelve (12) years of age in the charge of an adult.	
(4)	For waiting time while under engagement for each twenty-five (25) seconds	\$0.25
  
- 3 Baggage:
 

(1)	For use of trunk or storage area	\$0.50
(2)	Briefcases and parcels of comparable size — if loaded or unloaded by passenger	NO CHARGE
(3)	Manual wheelchairs, including loading and unloading by driver	NO CHARGE
(4)	"Service" dogs accompanying special needs people	NO CHARGE
(5)	Walkers used for medical reasons	NO CHARGE
(6)	Large items (e.g. bicycles, skis, etc.)	At the discretion of the Driver, to be agreed upon between the Driver and passenger(s) before commencement of the trip, but no less than \$2.00
(7)	Delivery of any parcel or document where no passenger is carried	No less than \$6.35 (minimum charge)

- 4 Specific request for vans for passengers (no fee for additional passengers in excess of one) \$2.50  
**VAN REQUEST FEE DOES NOT APPLY FOR ACCESSIBLE VAN CALLS**
- 5 The Driver of a Taxicab shall pre-arrange the fare with the customer prior to commencement of the trip for flat rate trips which originate within the Area of the Commission and end more than five (5) kilometres beyond the Area of the Commission.
- 6 Taxicabs may be rented by one passenger or passengers traveling as one group at an hourly rate for a minimum period of one hour. The charge for renting a Taxicab for one (1) hour for use within the Area of the Commission and/or from within the Area of the Commission and any point(s) not more than five kilometres beyond the Area of the Commission, inclusive of HST, shall be:
1. For the first hour: \$42.40
  2. For each fifteen (15) minutes, or portion thereof, after the first hour: \$10.55
- 7 (1) Extensive clean up charge (inclusive of all labour and applicable taxes), which may be charged in the event of unusual sanitary accidents caused by a passenger. \$80.50

The extensive cleanup charge must be shown on the printed receipt from the Taximeter





SCHEDULE "B" TO BY-LAW NO. 2
TAXI LICENSING COMMISSION



TAXI LICENSING COMMISSION
1201 Division Street, Unit 12, Kingston ON K7K 6X4
Telephone: (613) 547-3763 Fax: (613) 547-2857 Cell: (613) 532-1241
E-mail: kingstontaxicomm@cogeco.net

PLATE #
TOP SIGN #

APPLICATION FOR TAXI PLATEHOLDER BADGE/TAXI PLATE/ACCESSIBLE TAXI PLATE
TAXICAB LEASE/TAXI PLATE LEASE

PLATEHOLDER/LESSOR

NAME : (First and Last Name)

CURRENT ADDRESS: UNIT NUMBER:

CITY: PROVINCE: POSTAL CODE:

TELEPHONE NUMBER: CELL PHONE:

(If applicable) I enter into this lease agreement involving currently associated with (Plate Number) (Broker)

VEHICLE INFORMATION:

Year: Make: Model: Colour:

VIN: Ontario Plate Number:

Insurance Broker: Policy Number:

Safety Equipment Installed:

VEHICLE REPLACEMENT DATE: RENEWAL DATE:

FEE: FEE:

LESSEE (if applicable)

I, Badge Number (First and Last Name) (Badge Number)

Address: Unit Number:

City: Province: Postal Code:

Telephone Number: Cell Phone:

enter into this lease agreement with (Lessor)

Effective Date: Termination Date:

THE LESSEE OR LESSOR SHALL BE ALLOWED TO TERMINATE LEASE AGREEMENT EARLY ONLY WHEN AGREEABLE TO BOTH SIGNED PARTIES HEREIN. THE LESSOR AND LESSEE SHALL ABIDE BY ALL TERMS AND CONDITIONS SET OUT IN BY-LAW NO.2.

THE DEATH OF LESSOR/LESSEE SHALL TERMINATE THIS LEASE.

- TAXICAB LEASE - Lessor is responsible for insurance, safeties, ownership, renewal signing.
TAXI PLATE LEASE - Lessee is responsible for insurance, safeties, ownership, renewal signing.

DATED at Kingston, Ontario this day of, 2.

PLATEHOLDER/LESSOR: LESSEE (if applicable): (signature) (signature)

LICENCE INSPECTOR/ASSIGNEE:

The personal information contained in this form is collected under the authority of By-Law No. 2 and will be used to determine eligibility for Taxi Plateholder Badge/Taxi Plate/Lease. Questions about this application should be addressed to the Licence Inspector.



SCHEDULE "C" TO BY-LAW NO. 2  
TAXI LICENSING COMMISSION



**TAXI BROKER'S LICENCE APPLICATION**

NEW APPLICANT/ RENEWAL/ RELOCATION APPLICATION

DATE: \_\_\_\_\_

NAME: \_\_\_\_\_

BUSINESS ADDRESS: \_\_\_\_\_

TELEPHONE: \_\_\_\_\_ CELL PHONE: \_\_\_\_\_ EMAIL: \_\_\_\_\_

BIRTH DATE: \_\_\_\_\_

NUMBER OF YEARS RESIDENT IN ONTARIO: \_\_\_\_\_

NUMBER OF YEARS LICENSED AS TAXI PLATEHOLDER OR DRIVER: \_\_\_\_\_

MOST RECENT TAXI PLATEHOLDER OR DRIVER BADGE NUMBER: \_\_\_\_\_

NUMBER OF OFFICE EMPLOYEES: \_\_\_\_\_

IF PARTNERSHIP, NAMES AND ADDRESSES OF EACH PARTNER:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

APPROXIMATE NUMBER OF DRIVERS AND PLATEHOLDERS: \_\_\_\_\_

**FOR NEW APPLICANTS AND RENEWALS: A LIST OF PLATEHOLDERS, PLATE NUMBERS AND DRIVER BADGE NUMBERS MUST BE SUPPLIED TO THE TAXI LICENSING COMMISSION OFFICE.**

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Home Address

**FOR NEW APPLICANTS/RELOCATIONS ONLY:**

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Home Address

DECLARED before me at the  
\_\_\_\_\_ of \_\_\_\_\_ )  
this \_\_\_\_\_ day of 20\_\_\_\_ )

\_\_\_\_\_  
Commissioner, Notary Public  
Justice of the Peace.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

The property identified above as the business address would appear to be zoned \_\_\_\_\_  
For which a taxi brokerage business would be a permitted use. At the present time, there are no outstanding  
work orders against this property under the Municipal Building and Property Standards requirements of the  
Municipality of \_\_\_\_\_

DATED \_\_\_\_\_

\_\_\_\_\_  
Chief Building Official

(By-Law No. 8 – 1991;  
By-Law No. 14 – 1991)

Personal information contained in this form is collected under the authority of By-Law No. 2 and will be used to determine eligibility for a taxi broker's licence. Questions about this application should be addressed to the Commission Licence Inspector, 1201 Division Street, Unit 12, Kingston ON K7K 6X4, (613) 547-3763.



SCHEDULE "D" TO BY-LAW NO. 2  
TAXI LICENSING COMMISSION



APPLICATION FOR DRIVER BADGE/ACCESSIBLE DRIVER BADGE

DRIVER #

DATE OF APPLICATION: \_\_\_\_\_

TAXI COMPANY: \_\_\_\_\_

SEX: MALE  FEMALE  OTHER

HAVE YOU PREVIOUSLY BEEN LICENSED AS TAXI DRIVER? Yes  No

ONTARIO DRIVER'S LICENCE #: \_\_\_\_\_

NAME: \_\_\_\_\_  
(LAST NAME) (FIRST NAME) (MIDDLE NAME) (MAIDEN NAME)

DATE OF BIRTH: \_\_\_\_/\_\_\_\_/\_\_\_\_ HEIGHT: \_\_\_\_\_ WEIGHT: \_\_\_\_\_ AGE: \_\_\_\_\_  
(DAY) (MONTH) (YEAR)

RESIDENCE TELEPHONE: \_\_\_\_\_ CELL/BUSINESS TELEPHONE: \_\_\_\_\_

CURRENT ADDRESS: \_\_\_\_\_

CITY: \_\_\_\_\_ PROVINCE: \_\_\_\_\_ POSTAL CODE: \_\_\_\_\_

PAST ADDRESS: \_\_\_\_\_

**FOR OFFICE USE ONLY**

I certify that I have reviewed By-Law No. 2 and am abiding by all the terms and conditions of this by-law.

As the witness of this application I have confirmed the identification of the applicant.

↙

\_\_\_\_\_  
*(SIGNATURE of APPLICANT)*

\_\_\_\_\_  
*(SIGNATURE OF WITNESS)*

\_\_\_\_\_  
*(WITNESS PRINT NAME)*

The personal information contained in this form is collected under the authority of By-Law No. 2 and will be used to determine eligibility for a Driver Badge. Questions about this application should be addressed to the Licence Inspector.



## SCHEDULE "E" TO BY-LAW NO. 2 TAXI LICENSING COMMISSION



### LEASING

- 1 Except as provided in this Schedule, no Placeholder shall lease his/her/their Taxicab or Taxi Plate. This provision does not apply to any Placeholder who has leased his/her/their Taxi Plate with the prior express consent of the Commission.
  
- 2 Notwithstanding section (1) above, a Placeholder may lease his/her/their Taxicab or Taxi Plate provided that:
  - (1) the Lessee shall possess a valid Broker Licence, Placeholder Badge or Driver Badge issued by the Commission and the lessee shall be a licensed Broker, Placeholder, or Driver for 2 full years (24 months) prior to lease applications;
  - (2) under the terms of the lease the Placeholder (Lessor) provides a motor vehicle equipped, inspected, approved and registered in accordance with By-Law No. 2; or leases only the Taxi Plate in accordance with By-Law No. 2;
  - (3) the lease is in the form of the Lease Agreement and provides that the Placeholder or Lessor is responsible for maintenance, safeties, and insurance on the vehicle; or the Lessee is designated; and
  - (4) a signed copy of the Lease Agreement shall be filed with the Commission and all fees paid as per Schedule "F" to By-Law No. 2.
  
- 3 The written Lease Agreement shall be a document approved by the Commission provided that it discloses and gives full particulars of:
  - (1) the date of execution
  - (2) the names, telephone numbers, and business addresses of all parties thereto
  - (3) its effective date
  - (4) its termination date; and
  - (5) a full description of the vehicle which is the subject to the lease, including the serial number, the Provincial plate number, the Taxi Plate number issued by the Commission in respect of such vehicle.
  
- 4
  - (1) No Lessee shall sub-lease or purport to sub-lease or lease to any person, a vehicle which is the subject matter of a Lease Agreement to such Lessee.
  - (2) No Placeholder shall, by a term in a Lease Agreement or otherwise, permit any Lessee or other person to lease or sub-lease or purport to lease or sub-lease, the vehicle which is the subject matter of a Lease Agreement.
  - (3) No person shall be a party to a Lease Agreement or purported lease of a vehicle to which the Placeholder is not a party.
  
- 5 Every Broker, Placeholder or Driver who enters into or purports to enter into any Taxicab Lease or Taxi Plate Lease or purported lease of a Taxicab or Taxi Plate, other than in accordance with this

Schedule, shall in addition to any penalty to which he/she/they may be liable under By-Law No. 2, be required to attend a hearing before the Commission to show cause why his/her/their/its Broker Licence, Plateholder Badge, Driver Badge and/or Taxi Plate(s) should not be suspended or revoked.

- 6 Every Plateholder/Lessee shall notify the Commission in writing of the expiration or other sooner termination of any Lease Agreement to which he/she/they is/are a party or of any change in custody and control over his/her/their Taxicab, forthwith.
- 7 Every Plateholder shall:
- (1) ensure that every Driver or Lessee and every other person involved in the operation of his/her/their vehicle complies in full with the requirements of this By-Law; and
  - (2) maintain knowledge at all times of the identity of any person having custody of or control over his/her/their Taxicab.
- 8 Every Plateholder shall ensure that every Lease Agreement filed with the Commission sets out fully and accurately all of the facts and terms required by By-Law No. 2.
- 9 No person shall enter into or be a party to any agreement or transaction purporting to transfer, assign, or lease or otherwise convey rights over a Taxi Plate, or give or receive any consideration or remuneration therefore, except as part of a transaction permitted by this Schedule.
- 10 The length of leases shall be yearly from one year to a maximum of three years. A registration fee shall be charged as per Schedule "F" to By-Law No. 2.
- 11 All leases longer than one year shall be reviewed annually and a fee paid as per Schedule "F" to By-Law No. 2.
- 12 A Plateholder leasing his/her/their Taxi Plate without registering the Lease Agreement with the Commission shall have his/her/their Taxi Plate(s) suspended. The Plateholder shall be required to attend a hearing before the Commission after paying the hearing fee as per Schedule "F" to By-Law No. 2 to determine further suspension or revocation of his/her/their Taxi Plate(s).
- 13 The death of a Lessor shall terminate the lease.
- 14 Notwithstanding section 13 above, Estates of a deceased Plateholder shall be allowed to continue the Lease Agreement in accordance with subsection 2(12) of By-Law No. 2.

#### **Revocation of Taxi Plate - Taxi Plate Lease**

- 15 If a Plateholder who is a party to a Taxi Plate Lease has his/her/their Taxi Plate revoked, the Lessee may continue to use the Taxi Plate in accordance with By-Law No. 2 and pay all applicable fees to the Commission. The Lease Agreement fees which were to be paid to the Plateholder shall no longer apply. When the term of the Lease Agreement expires the Taxi Plate(s) shall be returned to the Commission and offered to the next person on the waiting list

#### **Revocation of Taxi Plate - Taxicab Lease**

- 16 If a Plateholder who is a party to a Taxicab Lease has his/her/their Taxi Plate revoked, the Lessee may continue the Lease Agreement in accordance with By-Law No. 2 and pay all applicable fees to the Commission. The Lessor shall allow the Lessee to continue the business (vehicle, meter, radio etc.) for the duration of the term of the Lease Agreement. Upon expiry of the term of the Lease Agreement the Taxi Plate shall be returned to the Commission and offered to the next person on the waiting list.

**Lease Agreement Termination**

17 Revocation of a Lessee's Driver Badge or death of a Lessee shall terminate the lease.

**Refusal of Lease**

18 Where the Licence Inspector denies or refuses to approve a proposed Lease Agreement, the Plateholder may appeal the decision to the Commission in writing within fourteen (14) days. A \$25 hearing fee applies. The Commission shall schedule a hearing and give notice to the Plateholder (registered letter or verbal) of such hearing within fourteen (14) days. The Commission shall receive all pertinent information regarding the lessor and lessee from the Licence Inspector. The Commission shall render a decision within seven (7) days of the hearing. The Commission may deny or refuse the lease agreement or approve the lease on specified terms and conditions



## SCHEDULE "F" TO BY-LAW NO. 2 TAXI LICENSING COMMISSION



### FEES

#### Fees

##### For New Driver Badges

- 1 \$140.00 per annum for each non-renewal application (\$20.00 of this total amount is non-refundable) cost of Criminal Reference Check (CPIC) including a Vulnerable Sector Check, is at applicant's expense, subject to current CPIC policy.
- 2 November Driver Badge fee options are: \$70.00 and renew in December, or \$180.00 and the Driver Badge is valid until December 31<sup>st</sup> of the next year.

##### For New Broker Licences

- 3 \$3,500.00 per annum for Brokers on first application

##### For New Plateholders Badges/Taxi Plates

- 4 \$600.00 per annum for each Taxicab for first Plateholder Badge/Taxi Plate issued. The waiting list fee of \$50.00 will be deducted from the Taxi Plate fee if applicable.

#### Renewal Fees

- 5
  - (1) \$250.00 per annum for each Taxi Plate on consecutive renewals. Cost of Criminal Reference Check (CPIC) is at applicant's expense, subject to current CPIC policy.
  - (2) \$135.00 per annum for Driver Badge on consecutive renewals. Cost of Criminal Reference Check (CPIC) is at applicant's expense, subject to current CPIC policy.
  - (3) \$2,000.00 per annum for Broker Licence on consecutive renewals.
  - (4) \$50.00 surcharge for completed application received after December 15<sup>th</sup> of each year.

#### Leasing Fees

- 7 The following leasing fees apply:

(1)	Taxicab Lease - Lease Agreement Registration	\$70.00
(2)	Taxi Plate Lease – Lease Agreement Registration	\$70.00
(3)	Annual Review for Taxicab Lease - Lease Agreement Registration (over 1 year lease minimum)	\$40.00
(4)	Annual Review for Taxi Plate Lease – Lease Agreement Registration (over 1 year lease minimum)	\$40.00

**Other Fees**

8 The following other fees apply:

(1)	Replacement — Photo I.D. Cards	\$20.00
(2)	Driver and Plateholder transfer fee	\$20.00
(3)	Transfer for vehicle replacements	\$20.00
(4)	Re-examination after two (2) attempts	\$20.00
(5)	Replacement of Taxi Plate	\$50.00
(6)	Non-refundable deposit for new applications	\$20.00
(7)	Hearing Fee	\$25.00
(8)	Hearing Fee (Illegal Lease)	\$150.00
(9)	Copied documents requested from the Taxi Licensing Commission Office	\$5.00
(10)	Copy of Taxi Licensing Commission By-Law No. 2	\$5.00





**SCHEDULE "G" TO BY-LAW NO. 2  
TAXI LICENSING COMMISSION**



**NO SMOKING SIGNAGE IN TAXICABS**

**SIZE OF SIGNS IN TAXIS**

Every Broker, Plateholder and/or Driver must ensure that at least two symbols/signs, as prescribed in this Schedule, are posted and maintained on the windows of the Taxicab in such a manner that they are visible from the outside and the inside of the vehicle and on each opposing side of the vehicle so as to identify clearly that smoking and/or vaping is prohibited.

The diameter of the circle in the graphic symbol required must not be less than nine centimeters. The following graphic symbol — on a white background with the circle and the interdictory stroke in red — must be used:



Every Broker, Plateholder and/or Driver must ensure that at least one sign, as prescribed below, is posted and maintained inside of the Taxicab in such a manner that it/they is/are visible from the outside and the inside of the vehicle.

Size maximum 5 ¼ inches square



**Kingston Area Taxi Commission By-Law #  
2002-03**