



Kingston Area Taxi Licensing Commission

Motion to Commission

Motion Number: 22-004

To: Members of the Kingston Area Taxi Commission
From (Mover): Joseph R. Dowser, Chair, Kingston Area Taxi Commission
Resource Staff: NA
Date of Meeting: April 20, 2022
Subject: Penalty

Whereas under the heading titled “Penalty”, By-Law Number 2, sec.61 states: 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.

Whereas municipalities such as Toronto, Mississauga, Ottawa, London, have similar clauses.

Whereas on recommendation from various municipalities such clauses are necessary to enable the Kingston Area Taxi Commission to impose and/or levy fines upon individuals and Corporations who are in contravention of any clauses of the Kingston Area Taxi Commission’s By-Laws.

It is hereby moved:

- 1. That the Kingston Area Taxi Commission repeal By-Law Number 2, sec.61.**
- 2. That the Kingston Area Taxi Commission adopt By-Law Number 2, sec.61, under the Heading “Penalty” with the appended clauses:**

Fine - for contravention

61(1) Every Person who contravenes any provision of this By-law, and every director or officer of a Corporation who concurs in such contravention by the Corporation, is guilty of an offence and on conviction is liable to a fine not exceeding \$25,000.00.

Fine - for contravention – Corporation

61(2) Despite subsection (1) every Corporation which is convicted of an offence under the provisions of this By-law is liable to a fine not exceeding \$50,000.00.

Special Fine - for contravention

61(3) Every person who contravenes any of the provisions of this By-Law and is found guilty of an offence may be subject to a special fine, imposed in addition to any other fine imposed as a result of a contravention of the By-Law, in an amount the court deems appropriate to eliminate or reduce the possible economic advantage that a person may otherwise receive by contravening the By-Law.