



Kingston Area Taxi Commission Meeting 08-2023

Wednesday, August 9, 2023 at 7:00pm
in virtual electronic format hosted on Zoom and Facebook LIVE.

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Call Meeting to Order

Roll Call

Approval of Agenda

Disclosure of Potential Pecuniary Interest

Presentations

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Motions of Congratulations, Recognition, Sympathy, Condolences and Speedy Recovery

Standing Committee Items

Accessible Committee Items

Deferred Motions

Reports

Report Number 08: Received from the Chair, Kingston Area Taxi Commission

Report Number 08 (Amended)

To the Members of the Kingston Area Taxi Commission:

The Chair reports and recommends as follows:

All items listed on this Committee Report shall be the subject of one motion. Any member may ask for any item(s) included in the Committee Report to be separated from that motion, whereupon the Report of the Committee without the separated item(s) shall be put and the separated item(s) shall be considered immediately thereafter.

1. **That** the Kingston Area Taxi Commission amend By-Law Number 2, section 7(2), a By-Law to “General Provisions – Placeholder” as follows:



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- 7(2) A Plateholder is permitted to drive any Taxicab registered with the Commission, as a Driver only if;
- (a) The Plateholder is additionally licensed under this By-Law as a Driver,
 - (b) Possesses a valid Taxi Driver's License, and;
 - (c) Carries on their person a valid Taxi Driver's License while in the operation of a Taxicab.

2. **That** the Kingston Area Taxi Commission amend By-Law Number 2, section 4, and section 5, a By-Law to "Schedule F – Fees" associated to Plateholders, specifically, to accommodate the separation of Taxi Driver's License (Badge) and Taxi Plate as follows:

For New Plateholders Taxi Driver's Licence / Badges / Taxi Plates

- 4 Whereas a Plateholder Application be approved for a Taxi Plate, Plateholders are required to pay the following initial fees:
- (a) \$600 per issuance of a Taxi Plate;
 - (b) \$120 per issuance of a Validation Tag per Taxi Plate, and;
 - (c) \$120 per issuance of a Taxi Driver's License and Taxi Badge
 - i. Notwithstanding 4(c), in the event a Plateholder will not be engaged in the operation of any taxicab, a "null" Taxi Driver's License will be issued, and the fee associated with 4(c) shall be set at \$60, and;
 - ii. Therefore, should a Plateholder invoke 4(c)(i), a Taxi Badge will not be issued.

Renewal Fees

- 5(1) Plateholders are required to pay the following annual renewal fees:
- (a) \$120 per annum on consecutive renewals for each Validation Tag per Taxi Plate, and;



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(b) \$120 per annum on consecutive renewals for a Taxi Badge and Taxi Driver's License.

- i. Notwithstanding 5(1)(b), in the event a Placeholder will not be engaged in the operation of any taxicab and having invoked 4(c)(i), the fee associated with 5(1)(b) shall be set at \$60.

Information Reports

Information Reports from Commission Members

Miscellaneous Business

Miscellaneous Business Items are voted on as one motion.

New Motions

1. Moved by Commissioner Dowser
Seconded by Commissioner Fraser

Separation of Taxi License and Taxi Plate
23-009 (as amended) (See Report TC-23-004 (amended))

Whereas In review of the licensing provisions contained within By-Law Number 2, specific to the Definitions and the General Provisions of both Drivers and Placeholder contained within, are in conflict;

Whereas only individuals who are licensed as a "Driver" and are issued a "Driver Badge" are permitted or authorised to drive a taxicab;

Whereas there are no provisions permitting or authorising a "Placeholder" to drive a taxicab;

Whereas a provision exists to allow Placeholder to drive a taxicab only if it is in relation to the Taxi Plate issued to that Placeholder for that Taxicab;

Whereas this provision does not negate the conflict and restricts a Placeholder to operating taxicabs that have only their issued Taxi Plate assigned, restricting a Placeholder's ability to earn income as a Driver;



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Whereas other municipalities have clear separations of Placeholder and Driver Badges, otherwise known as “Licenses”, and the provisions related to driving or operating a taxicab;

Whereas amending the By-Law would provide access to income for Placeholder who wish to drive a taxicab as a Driver, ensures compliance with the By-Law, and eliminates the conflict.

Therefore Be It Resolved That the Kingston Area Taxi Commission amend By-Law Number 2, section 7(2), a By-Law to “General Provisions – Placeholder” as follows, and;

Therefore Be It Resolved That the Kingston Area Taxi Commission amend By-Law Number 2, Schedule F, section 4, and section 5, a By-Law to “Schedule F – Fees” as follows:

General Provisions – Placeholder

- 7(2) A Placeholder is permitted to drive any Taxicab registered with the Commission, as a Driver only if;
- (d) The Placeholder is additionally licensed under this By-Law as a Driver,
 - (e) Possesses a valid Taxi Driver’s License, and;
 - (f) Carries on their person a valid Taxi Driver’s License while in the operation of a Taxicab.

Schedule F - Fees

For New Placeholder Taxi Driver’s Licence / Badges / Taxi Plates

- 4 Whereas a Placeholder Application be approved for a Taxi Plate, Placeholder are required to pay the following initial fees:
- (d) \$600 per issuance of a Taxi Plate;
 - (e) \$120 per issuance of a Validation Tag per Taxi Plate, and;
 - (f) \$120 per issuance of a Taxi Driver’s License and Taxi Badge
 - i. Notwithstanding 4(c), in the event a Placeholder will not be engaged in the operation of any taxicab, a “null” Taxi Driver’s



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License will be issued, and the fee associated with 4(c) shall be set at \$60, and;

- ii. Therefore, should a Placeholder invoke 4(c)(i), a Taxi Badge will not be issued.

Renewal Fees

5(1) Plateholders are required to pay the following annual renewal fees:

(c) \$120 per annum on consecutive renewals for each Validation Tag per Taxi Plate, and;

(d) \$120 per annum on consecutive renewals for a Taxi Badge and Taxi Driver's License.

- i. Notwithstanding 5(1)(b), in the event a Placeholder will not be engaged in the operation of any taxicab and having invoked 4(c)(i), the fee associated with 5(1)(b) shall be set at \$60.

Notices on Motions

Minutes

That the Minutes of Kingston Area Taxi Commission Meeting 07-2023, held Wednesday, July 12, 2023, be confirmed.

(Distributed to all members of the Commission on July 28, 2023)

Tabling Documents

Communications

Other Business

1. Status of Taxicab Inspections

A status update on current Taxicab Inspections per the general meeting of the Taxi Commission, meeting 07-2023, held on Wednesday, July 14, 2023.

2. Industry Health Benefits



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A recap in brief regarding the Industry Health Benefits per the meeting of the Standing Committee, meeting SC-06-2023, held Tuesday, August 1, 2023, per the general meeting of the Taxi Commission, meeting 06-2023, held on Wednesday, June 10, 2023.

“That the Kingston Area Taxi Commission, provide a presentation outlining the process to enroll in group benefits at its earliest convenience.”

By-Laws

- a) **That** By-Law (1) be given their third reading.
 - b) **That** By-Law (2) be given their first and second reading.
 - c) **That** Clause 3.28 of By-Law Number 2 be invoked for the purpose of giving By-Law (2) three readings.
 - d) **That** By-Law (2) be given their third reading.
1. A By-Law to Amend By-Law Number 2, section 7(2), a By-Law to “General Provisions – Plateholders”

Three Readings

(Clause 1, Report Number 08, June 14)

2. A By-Law to amend By-Law Number 2, Schedule F, section 4, and section 5, a By-Law to “Schedule F – Fees” associated to Plateholders, specifically, to accommodate the separation of Taxi Driver’s License (Badge) and Taxi Plate

Three Readings

(Clause 2, Report Number 08)

Adjournment



Kingston Area Tax Licensing Commission Taxi Commission

Report Number: TC-23-004 (Amended)

To: Members of the Kingston Area Tax Commission
From: Commissioner Dowser, Chair, Kingston Area Tax Commission
Resource Staff: NA
Date of Meeting: June 14, 2023 (amended) – Returned August 9, 2023
Subject: Separation of Taxi Driver’s License and Taxi Plate

Commission Strategic Plan Alignment:

Theme: Administration

Goal: See above

Executive Summary:

The purpose of this report is to provide the Commission with the logic and overview of the proposed separation of the Taxi License and Taxi Plate.

1. Separation of Taxi Driver’s License and Taxi Plate

In review of the licensing provisions of By-Law Number 2, specific to the Definitions and the General Provisions of both Drivers and Plateholders contained within, it would be reasonable to conclude that these are in conflict.

Per the Definitions, only individuals who are licensed as a “Driver” and are issued a “Driver Badge” are permitted or authorised to drive a taxicab, whereas there are no provisions permitting or authorising a “Plateholder” to drive a taxicab, as illustrated below:

“**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.

“**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.

Per the General Provisions – Plateholder, a provision exists to allow Plateholders to drive a taxicab only if it is in relation to the Taxi Plate issued to that Plateholder for that Taxicab, as illustrated below:



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Report Number: TC-23-004 (Amended)

- 7(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.

However, this provision does not negate the conflict present and in principle, restricts a Plateholder to operating taxicabs that have only their issued Taxi Plate assigned, restricting a Plateholders ability to earn income as a Driver.

Example: John Doe, who is a Plateholder and has been issued Taxi Plate 123, is only permitted to drive or operate the taxicab to which Taxi Plate 123 attached. John is not permitted to drive or operate any other taxicab in whole or part as a Driver.

Example: John Doe, who is a Plateholder and has been issued Taxi Plate 123, chooses to enter into a lease agreement to lease their Taxi Plate 123 to another duly licensed Plateholder in accordance with the By-Law, John is not permitted to drive or operate any other taxicab in whole or part as a Driver.

In the examples above, John Doe is restricted to driving or operating only taxicabs in relation to the Taxi Plate(s) issued to him. John can not drive or operate any other taxicab that is not in relation to his Taxi Plates. Should John lease his plate, he is no longer permitted to drive or operate any other taxicab in whole or part.

Additionally, Plateholders could potentially drive taxicabs with Taxi Plates unrelated to their Plateholder Badge under the assumption that said Badge authorises them to do so. However, this would be in contravention of the By-Law and would be subject to enforcement actions.

In discussion with other municipalities, there is a clear separation of Plateholder and Driver Badges, otherwise known as “Licenses”, and the provisions related to driving or operating a taxicab. Should a Plateholder wish to drive any taxicab, they are permitted to do so only if they also possess a valid Taxi Driver’s License, which ultimately does not restrict a Plateholders ability to earn income as a Driver.

Example: John Doe, who is a Plateholder and has been issued Taxi Plate 123, and holds a valid Taxi Driver’s License, then John is permitted to drive or operate any other taxicab in whole or part as a Driver.

Example: John Doe, who is a Plateholder and has been issued Taxi Plate 123, and holds a valid Taxi Driver’s License, chooses to enter into a lease agreement to lease their Taxi Plate 123 to another duly licensed Plateholder in accordance with the By-Law, then John is permitted to drive or operate any other taxicab in whole or part as a Driver.

By amending the By-Law per the recommendations below, would provide access to income for Plateholders who wish to drive a taxicab as a Driver, ensures compliance with the By-Law, and eliminates the conflict in the By-Law between the Definitions and General Provisions.



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Additionally, the Commission would be able to, where necessary and for example, adjust fees in accordance with the market specific to the Taxi Driver's License and Plateholder License separately.

It is recommended that changes to the "Fee Schedule" be applied to the 2024 season as detailed in the amended Schedule F – Fees, section 5, effective January 1, 2023, and;

Plateholders who have multiple Taxi Plates whom have already renewed based upon the current Schedule F, be issued a refund accordingly.

Recommendations:

1. **That** the Kingston Area Taxi Commission amend By-Law Number 2, section 7(2), a By-Law to "General Provisions – Plateholders" as follows:

7(2) A Plateholder is permitted to drive any Taxicab registered with the Commission, as a Driver only if;

(a) The Plateholder is additionally licensed under this By-Law as a Driver,

(b) Possesses a valid Taxi Driver's License, and;

(c) Carries on their person a valid Taxi Driver's License while in the operation of a Taxicab.

2. **That** the Kingston Area Taxi Commission amend By-Law Number 2, section 4, and section 5, a By-Law to "Schedule F – Fees" associated to Plateholders, specifically, to accommodate the separation of Taxi Driver's License (Badge) and Taxi Plate as follows:

For New Plateholders Taxi Driver's Licence / Badges / Taxi Plates

4 Whereas a Plateholder Application be approved for a Taxi Plate, Plateholders are required to pay the following initial fees:

(a) \$600 per issuance of a Taxi Plate;

(b) \$120 per issuance of a Validation Tag per Taxi Plate, and;

(c) \$120 per issuance of a Taxi Driver's License and Taxi Badge

i. Notwithstanding 4(c), in the event a Plateholder will not be engaged in the operation of any taxicab, a "null" Taxi Driver's License will be issued, and the fee associated with 4(c) shall be set at \$60, and;

ii. Therefore, should a Plateholder invoke 4(c)(i), a Taxi Badge will not be issued.



**Kingston Area Taxi Licensing Commission
Taxi Commission**

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Renewal Fees

5(1) Plateholders are required to pay the following annual renewal fees:

- (a) \$120 per annum on consecutive renewals for each Validation Tag per Taxi Plate, and;
- (b) \$120 per annum on consecutive renewals for a Taxi Badge and Taxi Driver's License.
 - i. Notwithstanding 5(1)(b), in the event a Plateholder will not be engaged in the operation of any taxicab and having invoked 4(c)(i), the fee associated with 5(1)(b) shall be set at \$60.