

Authority: The Special Committee to Review the Final Report of the Toronto Transition Team Report No. 6, Clause No. 2, as adopted by City of Toronto Council on May 13 and 14, 1998; Emergency and Protective Services Committee Report No. 13, Clause No. 1, as adopted by City of Toronto Council on November 25, 26 and 27, 1998; and Planning and Transportation Committee Report No. 3, Clause No. 2, as adopted by City of Toronto Council on July 27, 28, 29 and 30, 1999

Enacted by Council: July 29, 1999

CITY OF TORONTO

BY-LAW No. 478-1999

To further amend By-law No. 20-85, a by-law “Respecting the licensing, regulating and governing of trades, callings, businesses and occupations in the Metropolitan Area”, being a by-law of the former Municipality of Metropolitan Toronto, respecting cabs.

The Council of the City of Toronto HEREBY ENACTS as follows:

1. Schedule 8 of By-law No. 20-85, as amended, a by-law “Respecting the licensing, regulating and governing of trades, callings, businesses and occupations in the Metropolitan Area”, a by-law of the former Municipality of Metropolitan Toronto, is repealed and Schedule “A” to this by-law is inserted in lieu thereof.

2. Schedule “A” attached hereto shall form part of this by-law.

3. By-law No. 20-85, as amended, is further amended by adding the following subsection:

1(42.2) “Taxicab” means an Ambassador Taxicab and a Standard Taxicab.

4. Schedule 1 to By-law No. 20-85, as amended, is further amended by deleting the words “when issued to a cab owner on a waiting list” in the first column thereof under the heading “cab” and by deleting the number “3977.00” in the second column thereof under the heading “cabs”.

5. (1) Notwithstanding the enactment of this by-law, all licences heretofore issued pursuant to By-law No. 20-85 prior to the enactment of this by-law, shall, during the period for which the same have been issued, remain in full force and effect unless for some other reason the same are terminated, suspended, forfeited or revoked, and the enactment of this by-law shall not affect any offence committed in contravention of By-law No. 20-85, as amended, nor any penalty incurred in respect thereof, nor any investigation, legal proceeding or remedy thereunder.

(2) Any investigation or legal proceeding commenced under or in respect of Schedule 8 to By-law No. 20-85 prior to the enactment of this by-law shall be taken up and continued under and in conformity with this by-law.

6. (1) Subject to subsection 2 of this section, this By-law shall come into force on the date of its enactment.

(2) Sections 35 and 43 and subsections 26(10) and (11) of Schedule "A" to this By-law shall come into force on September 1, 1999.

ENACTED AND PASSED this 29th day of July, A.D. 1999.

CASE OOTES,
Deputy Mayor

NOVINA WONG,
City Clerk

(Corporate Seal)

SCHEDULE “A” TO BY-LAW No. 478-1999

SCHEDULE 8 TO BY-LAW NO. 20-85

Relating to Owners and Drivers of Cabs

I - INTERPRETATION

1. In this Schedule:

- (1) “Ambassador Taxicab” means a taxicab in respect of which a licence is first issued after the enactment of By-law No. 478-1999, but does not include a taxicab in respect of which a licence is issued as a result of a sale of a Standard taxicab;
- (2) “Ambassador Taxicab Training Course” means the Ambassador Taxicab Training Course approved by the Executive Director;
- (3) “Driver” means a driver of a cab who is licensed as such or required to be licensed as such under this By-law, and includes an owner who drives a cab;
- (4) “Drivers’ List” means the list maintained by the Municipal Licensing and Standards Division in accordance with section 16 of this Schedule.
- (5) “Fleet” means any number of Standard taxicabs or livery cabs in excess of one owned by the same owner;
- (6) “His or her cab” and “his or her taxicab”
 - (a) when used in reference to an owner, refer to a cab in respect of which such owner is licensed under this by-law;
 - (b) when used in reference to a driver, refer to a cab driven or otherwise operated by such driver;
 - (c) when used in reference to a person operating or exercising rights over a taxicab pursuant to a notice of designated custodian, a notice of designated agent, or a lease, refer to the relationship between such person and such taxicab.
- (7) “Individual person” means a natural person;
- (8) “To operate” when used in reference to a cab, includes to drive a cab, and to make a vehicle available to the public for use as a cab but does not include the services performed by a taxicab broker licensed under this By-law;

- (9) “Notice of designated custodian” means a notice filed with the Municipal Licensing and Standards Division in accordance with section 58, and “designated custodian” means a person designated under such notice;
- (10) “Notice of designated agent” means a notice filed with the Municipal Licensing and Standards Division in accordance with section 59, and “designated agent” means a person designated under such notice;
- (11) “Owner” means owner of a cab or of cabs licensed as such or required to be licensed as such under this By-law;
- (12) “Passenger” means any person in a cab other than the driver;
- (13) “Sale” means the sale of one or more Standard taxicabs or livery cabs in respect of which licences are issued under this by-law, accompanied by an application to the Municipal Licensing and Standards Division for the issue of new licences;
- (14) “Sale of a Standard taxicab” includes the sale or transfer, by one or more transactions, of the controlling interest in a corporation referred to in section 107 of this Schedule and any transaction or transactions by which such controlling interest is acquired
- (15) “Standard Taxicab” means a taxicab in respect of which a taxicab owner’s licence was issued prior to the enactment of By-law No. 478-1999, and includes all taxicabs in respect of which licences are issued as a result of a sale of a Standard taxicab, regardless of when such licences are issued; and
- (16) “Year date” means the figures appearing under the heading “year” in the description of motor vehicle portion of the current Ontario Ministry of Transportation passenger motor vehicle permit for any vehicle.

II - ISSUANCE AND RENEWAL OF CAB DRIVER’S LICENCES

2. (1) In addition to any information required to be furnished under this By-law, every applicant for a licence as a driver:

- (a) shall produce a valid driver’s licence with his application;
- (b) shall submit with his application three photographs of himself, one of such photographs to be attached to the licence and the other two to be filed with the Municipal Licensing and Standards Division and, upon application for renewal of any licence, shall furnish new photographs if required so to do by the Municipal Licensing and Standards Division;
- (c) shall be examined by the Municipal Licensing and Standards Division as to his or her knowledge of skills relating to taxicab

driving as set out in a curriculum approved by the Executive Director or his or her designate; and

- (d) before being examined, each applicant shall pay to the Municipal Licensing and Standards Division the prescribed examination fee.

(2) Except as provided in this section, no owner shall be granted a cab driver's licence.

(3) An owner who has complied with the provision of subsection (1) of this section and whose licence has been so endorsed by the Municipal Licensing and Standards Division, may act as driver of

- (a) any cab of which he is the owner; and
- (b) any other cab unless he has not completed the 5 year term of probation attached to an owner's licence issued to a person on the Drivers' List referred to in section 17 of this Schedule.

(4) Notwithstanding clause (3)(b) of this section, an owner who has not completed the 5 year term of probation referred to therein, who ordinarily drives his cab on a regular shift basis, and whose cab is temporarily out of operation due to damage caused by an accident or due to mechanical breakdown, may, upon application to the Municipal Licensing and Standards Division, be issued a temporary cab driver's licence authorizing him to drive a cab not owned by him until his own cab can be returned to service, provided that the applicant:

- (a) attends at the office of the Municipal Licensing and Standards Division, completes the prescribed form of application for such licence and pays the prescribed fee therefor;
- (b) provides proof, in a form satisfactory to the Municipal Licensing and Standards Division, that his cab cannot be operated, together with the reasons therefor; and
- (c) subject to section 37 of this Schedule, turns in the cab owner's licence, picture card and taxicab plate issued to him by the Municipal Licensing and Standards Division.

(5) Every owner to whom a temporary driver's licence is issued under this section shall, forthwith upon his cab being repaired and operable as a taxicab, re-attend with the cab at the Municipal Licensing and Standards Division office, and provide to the Municipal Licensing and Standards Division a certificate of mechanical fitness, at which time his temporary cab driver's licence issued to him under this subsection shall expire and his licence, picture card and plate may be returned to him.

(6) A cab owner who has been issued a temporary cab driver's licence under subsection 4, may, during the subsistence of such licence, drive any taxicab in respect of which the

owner is licensed by the Municipal Licensing and Standards Division, and any motor vehicle for which spare plates have been issued to him under section 37 of this Schedule.

(7) The Toronto Licensing Tribunal may revoke a temporary driver's licence for failure by the licensee to comply with the provisions of this section or for any other cause authorized by law.

3. (1) Where a person previously licensed as a driver fails to renew his or her licence for more than three consecutive years, such person shall be examined in accordance with paragraphs 2(1)(c) and (d) of this Schedule.

(2) Where a person previously licensed as a driver fails to renew his or her licence for any period up to and including three years, such person shall be examined in accordance with paragraphs 2(1)(c) and (d) of this Schedule but shall not be required to attend any classes or courses in relation to such examination.

(3) Despite subsections (1) and (2) of this section, the Executive Director or his or her designate, may, for compassionate reasons only:

- (a) exempt any person from subsections (1) and (2) of this section, or
- (b) direct that the licence be renewed on the condition that the applicant comply with subsection (1) or (2) of this section as soon as possible.

III - ISSUANCE OF TAXICAB OWNER'S LICENCES

4. No taxicab owner's licence may be issued except in accordance with sections 5, 56, 57, and 107 of this Schedule.

5. Subject to this Schedule, Ambassador taxicab licences may be issued to:

- (1) persons on the drivers' list; and
- (2) an owner of a Standard taxicab who wishes to obtain the issuance of an Ambassador taxicab licence by converting his or her Standard taxicab licence to an Ambassador taxicab licence in accordance with section 6 of this Schedule.

6. (1) An owner of a Standard taxicab who has met the requirements of subsection 3(1) of this Schedule and whose licence has been endorsed to permit him or her to drive a taxicab may, upon application to the Municipal Licensing and Standards Division, be issued an Ambassador taxicab licence and upon the issuance of such Ambassador taxicab licence, such owner's Standard taxicab licence shall be terminated.

(2) An owner of a Standard taxicab licence shall not be issued an Ambassador taxicab licence unless such owner complies with all other provisions of this by-law applicable to the operation of an Ambassador taxicab and successfully completes the Ambassador Taxicab Training Course within the three year period immediately prior to the issuance of the said Ambassador taxicab licence.

(3) An owner whose Standard taxicab licence has been terminated in accordance with subsection (1) of this section may, upon application to the Municipal Licensing and Standards Division, be issued a Standard taxicab licence and upon the issuance of such Standard taxicab licence, such owner's Ambassador taxicab licence shall be terminated.

7. (1) In this section "qualified persons" means persons who:

- (a) successfully complete the Ambassador Taxicab Training Course;
- (b) pay the prescribed fee for attendance at the Ambassador Taxicab Training Course, plus any applicable taxes;
- (c) comply with all provisions of this by-law applicable to the operation of an Ambassador taxicab; and
- (d) are entitled to the issuance of a licence in accordance with this by-law.

(2) The Municipal Licensing and Standards Division shall issue no more than 100 Ambassador Taxicab licences each year to qualified persons on the drivers' list.

8. (1) In this section, "Notice of Election" means a Notice of Election form approved by the Executive Director, describing the elections available under section 9 of this Schedule.

(2) When a person on the drivers' list is eligible for the issuance of an Ambassador Taxicab licence by reason of such person's position on the drivers' list, the Municipal Licensing and Standards Division shall notify such person of such eligibility by a notice in writing sent by regular pre-paid mail to such person's last known address on file with the Municipal Licensing and Standards Division.

(3) The notice referred to in subsection (2) of this section shall include:

- (a) the date of the next available Ambassador Taxicab Training Course; and
- (b) a Notice of Election.

9. A person on the drivers' list who is eligible for the issuance of an Ambassador Taxicab licence by reason of such person's position on the drivers' list shall, within 30 days of the date of the notice prescribed by subsection 8(2) of this Schedule:

- (1) elect to attend the next available Ambassador Taxicab Training Course; or
- (2) elect to defer attendance at the Ambassador Taxicab Training Course for a period of one year, or
- (3) elect not to attend the Ambassador Taxicab Training Course,

by completing a Notice of Election and filing it with the Municipal Licensing and Standards Division.

10. (1) A person who fails to make the election referred to in section 9 of this Schedule shall be deemed to have elected to defer attendance at the Ambassador Taxicab Training Course for a period of one year.

(2) A person who has elected to defer attendance at the Ambassador Taxicab Training Course shall retain his or her position on the drivers' list unless such person has deferred attendance more than twice, in which case such person shall be re-positioned to the bottom of the Drivers' List.

(3) A person who has elected not to attend the Ambassador Taxicab Training Course shall be struck from the Drivers' List.

(4) A person who elects to attend the next available Ambassador Taxicab Training Course shall, prior to registering for the said course, attend in person at the offices of the Municipal Licensing and Standards Division and shall complete the prescribed forms.

(5) A person who elects to attend the next available Ambassador Taxicab Training Course but does not register for the said course or does not meet the minimum attendance requirement of the said course shall be deemed to have elected to defer attendance at the Ambassador Taxicab Training Course for a period of one year.

11. (1) A person on the drivers' list who fails the Ambassador Taxicab Training Course shall retain his or her position on the drivers' list and may re-attend at the next available Ambassador Taxicab Training Course or, if eligible to do so, may re-take the Ambassador Taxicab Training Course examinations at the next available Ambassador Taxicab Training Course.

(2) Despite subsection (1) of this section, a person on the drivers' list who fails the Ambassador Taxicab Training Course more than once, or who does not re-attend at the said Course or re-take the examinations in accordance with subsection (1) of this section, shall be struck from the drivers' list.

12. (1) An applicant on the Drivers' List shall, within ninety days of completing the Ambassador Taxicab Training Course, comply with all other provisions of this by-law pertaining to the operation of an Ambassador Taxicab and shall commence operating his or her Ambassador Taxicab.

(2) Subject to subsection (3) of this section, an applicant who fails to commence operating his or her Ambassador Taxicab within the ninety day period prescribed by subsection (1) of this section shall be re-positioned to the bottom of the Drivers' List.

(3) An applicant may, prior to the expiry of the ninety day period prescribed by subsection (1) of this section, apply to the Toronto Licensing Tribunal for an extension of such ninety day period, which extension shall not be granted unless the applicant satisfies the Toronto Licensing Tribunal that his or her failure to comply fully with the provisions of subsection (1) of this section is the result of illness, injury or pregnancy.

13. (1) Notwithstanding any other provision of this By-law, the owner of an Ambassador taxicab licence shall not lease, transfer, or sell his or her Ambassador taxicab, or give up possession, custody or control of such taxicab or allow any other person to manage or operate such Ambassador taxicab.

(2) Notwithstanding any other provision of this By-law, no owner or driver shall have possession, custody or control of an Ambassador taxicab or manage or operate an Ambassador taxicab not owned by such owner or driver.

14. The number of Standard taxicab owners' licences which may be issued under this by-law shall not exceed the number issued at the date of the enactment of By-law No. 478-1999.

15. Subject to subsection 6(3) and sections 56, 57, and 107 of this Schedule, when a Standard taxicab owner's licence is revoked, cancelled or otherwise terminated, such licence shall not be re-issued.

IV - DRIVERS' LIST

16. (1) The Municipal Licensing and Standards Division shall keep a list of the taxicab drivers desiring to obtain an Ambassador taxicab licence and such Drivers' List shall be open and accessible to the public and, subject to all other conditions and qualifications set out elsewhere in this By-law, when the number of Ambassador taxicab licences is to be increased amongst the persons on the Drivers' List, priority shall be given by order of seniority of application.

(2) No person shall be placed on the Drivers' List unless and until the following qualifications are met:

- (a) the applicant is not at the time of the application licensed as an owner and has not been so licensed for a period of five years immediately preceding the application;
- (b) the applicant is not, and has not been during the period of five years immediately preceding the application, a shareholder or partner in any company or firm having an interest, whether direct or indirect, in an owner's licence;
- (c) neither the applicant, nor any corporation in which he or she holds or has ever held a controlling interest, nor any partnership in which he or she is or ever has been a partner, has been granted a taxicab owner's licence from any List established pursuant to this By-law or any predecessor thereof;
- (d) subject to subsection (8) of this section, the applicant is and has been licensed as a driver continuously by the Municipal Licensing and Standards Division without revocation, lapse, or suspension for at least three years immediately preceding the application, and has been continuously, and is presently, earning a living in the City of Toronto

(on a full-time basis and not on a part-time basis), as a driver during the whole of such three year period.

(3) Every person applying to be placed on the Drivers' List, shall, at the time of application, file with the Municipal Licensing and Standards Division a statutory declaration on a form supplied by the Municipal Licensing and Standards Division setting out:

- (a) the name of every employer of the applicant during the three years immediately preceding the application; and
- (b) the amount of income earned from employment as a driver during the three years immediately preceding the application, and the amount of income from all other sources during such period.

(4) Every person on the Drivers' List shall on or before the 30th day of April in every year thereafter file with the Municipal Licensing and Standards Division a statutory declaration on a form supplied by the Municipal Licensing and Standards Division setting out the information referred to in paragraphs (a) and (b) of subsection (3) of this Section, with respect to the preceding year.

(5) (a) Every person on the Drivers' List shall:

- (i) on or before the 30th day of April in every year thereafter, file with the Municipal Licensing and Standards Division a statement in writing signed by every person by whom he or she was employed, or provided service to, as a taxicab driver, indicating the period of such employment or during which such services were provided; and
- (ii) upon request, in writing, from the Municipal Licensing and Standards Division, file with the Municipal Licensing and Standards Division a copy of part of his or her Income Tax Return for the preceding year in the form in which it was submitted to the Federal Government. The required part shall be restricted to name, address, date of birth, employer, those lines related to sources of income and, if submitted to the Federal Government, the Statement of Income and Expenditure for the year.

(b) No owner, broker, dispatcher or other person shall fail or refuse to comply with a request by a driver for a written statement referred to in subparagraph (i) of paragraph (a) of this subsection.

(c) Requests made under subparagraph (ii) of paragraph (a) of this subsection shall be limited to conduct an audit of no more than ten (10) percent of all statutory declarations, as referred to in subsections (3) and (4) of this section, filed with the Municipal Licensing and Standards Division in any given year.

- (6) (a) An applicant on the Drivers' List shall cease to continue to be eligible for an Ambassador taxicab licence and shall be struck off the Drivers' List if at any time thereafter but before an Ambassador taxicab licence has been issued:
- (i) the applicant acquires, by purchase or otherwise, an owner's licence or an interest of any kind, whether direct or indirect, in an owner's licence or becomes or remains a shareholder in, or a partner in, or acquires or retains some other interest in, a company or firm which holds or acquires an owner's licence; or
 - (ii) subject to subsection (9) of this section, the applicant's licence as a driver lapses or is revoked; or
 - (iii) subject to subsection (8) of this section, the applicant ceases to earn a living in the City of Toronto on a full-time basis as a driver, provided that a driver whose licence has been suspended under this By-law shall be deemed not to cease to earn a living on a full-time basis as a driver during the period of suspension; or
 - (iv) the applicant fails to file with the Municipal Licensing and Standards Division any of the documents required by subsection (4) or (5) of this section.
- (b) An applicant who has been struck off the Drivers' List shall be notified of such action forthwith by the Licensing Municipal Standards Division by letter addressed to the applicant at the last address of record furnished by the applicant to the Municipal Licensing and Standards Division.

(7) Notwithstanding subsection (1), where the licence of a taxicab driver on the Drivers' List is suspended under this By-law, the seniority of his or her application for an Ambassador taxicab licence shall be reduced by a period of:

- (a) time equivalent to the period of the suspension imposed under section 27 of this By-law; or
- (b) one year if the suspension is under subsection 18(2) of this Schedule

and the provisions of this section shall apply, mutatis mutandis, to any subsequent suspension.

- (8) (a) Where an applicant satisfies the Toronto Licensing Tribunal that his or her failure to comply fully with the provisions of subsection (5) or sub-paragraph (6)(a)(iii) of this section is the result of illness or injury and is entirely beyond the control of the applicant and that the interruption in service is not in all the circumstances excessive, the

Toronto Licensing Tribunal may deem the employment service of the applicant to be uninterrupted.

- (b) Subject to paragraph (c) of this subsection, where an applicant satisfies the Toronto Licensing Tribunal that failure to comply fully with the provisions of subsection (5) or sub-paragraph (6)(a)(iii) of this section is the result of the applicant's pregnancy and that the interruption in service is not more than six consecutive months, the Toronto Licensing Tribunal may deem the employment service of the applicant to be uninterrupted.
- (c) For the purposes of paragraph (b) of this subsection, an applicant shall, within thirty days of returning to earning a living on a full-time basis as a driver file with the Municipal Licensing and Standards Division a written statement signed by a duly qualified medical practitioner, confirming the period of time during which the applicant was pregnant.

(9) The Toronto Licensing Tribunal, may, if it deems the employment service of an applicant to be uninterrupted for or during a particular period of time under subsection (8) of this section, deem, for the purpose of permitting such applicant to remain on the Drivers' List, that his or her licence as a driver has not lapsed during the said period.

(10) Notwithstanding the enactment of By-law No. 478-1999 the drivers' list established pursuant to section 65 of Schedule 8 to By-law No. 20-85 in force prior to the enactment of By-law No. 478-1999 shall be taken up and continued under and in conformity with section 16 of this Schedule.

- (11) (a) Notwithstanding the enactment of By-law No.'s. 77-87 and 478-1999, and subject to paragraph (b) of this subsection, the provisions of sections 65 and 66 of Schedule 8 to By-law No. 20-85, as amended, in force prior to the enactment of By-law No. 77-87, shall remain applicable to every person licensed as a driver under this By-law who is employed as a dispatcher or fleet manager as of the date of the enactment of By-law No. 77-87.
- (b) for the purposes of this subsection only,
 - (i) Any reference in section 65 of Schedule 8 to By-law No. 20-85, as amended, to fleet manager for a corporate owner shall be deemed to include reference to a fleet manager.
 - (ii) Reference in paragraph 66(1)(b) of Schedule 8 to By-law No. 20-85, as amended, to dispatcher is deemed to include reference to a fleet manager.

17. Notwithstanding the enactment of By-law No. 478-1999, the provisions of subsections 66(1) and (2) and section 69 of Schedule 8 to By-law No. 20-85, as amended, in force prior to the enactment of the said by-law, shall remain applicable to every person to whom a taxicab owner's licence was issued on a probationary basis.

**V- GENERAL PROVISIONS RESPECTING LICENCES
AND LICENCE APPLICATIONS**

18. (1) Every owner not being a corporation and every driver shall be able to speak, read and write the English language.

(2) Every driver, every owner of an Ambassador taxicab and every other owner driving his or her own cab shall have and maintain in good standing at all times an unrestricted and fully privileged passenger vehicle driver's licence issued by the Province of Ontario, and the cab driver's licence, Ambassador taxicab licence, and the driving privileges of an owner conferred under this By-law shall, for all purposes of this By-law, be conclusively deemed suspended during any period in which such driver's licence is under suspension.

19. Every owner who drives his or her cab and every driver shall be of the full age of eighteen years or over.

20. (1) No driver shall drive or act as driver of any cab unless the owner of such cab is licensed under this By-law as a cab owner with respect to such a cab.

(2) Subject to subsection 2(2) of this Schedule, no owner of a livery cab or a Standard taxicab shall permit or allow any person other than a licensed driver to operate his or her cab.

(3) No driver, while having the care and control of a livery cab or a Standard taxicab, shall permit any person other than the owner or an employee of the owner of such cab to drive it.

21. Every owner of more than one cab required to be licensed under this By-law shall take out a separate licence for each cab.

22. Every driver and owner shall carry his or her licence with him or her at all times while operating a cab and shall produce same for inspection when requested to do so by the Municipal Licensing and Standards Division or a police officer.

23. No owner shall by any arrangement or agreement permit any cab not owned by him or her to be driven under the authority of an owner's licence issued to him or her.

24. Every limited liability taxicab company shall file with the Municipal Licensing and Standards Division an Annual Return on a form supplied by the Municipal Licensing and Standards Division, on or before February 28th of each year.

25. (1) The Municipal Licensing and Standards Division and the Toronto Licensing Tribunal may, in their discretion, require any owner or driver to be medically examined by a duly qualified medical practitioner and such medical practitioner may make a report of such examination to the Municipal Licensing and Standards Division or the Toronto Licensing Tribunal, as the case may be.

(2) Every driver and every owner who drives his own cab shall produce to the Municipal Licensing and Standards Division, prior to his licence being issued or renewed, a certificate on a form supplied by the Municipal Licensing and Standards Division, signed by a duly qualified medical practitioner, certifying that such licensee is fit to drive a cab provided that, subject to subsection (1) hereof, no such certificate shall be required by the Municipal Licensing and Standards Division pursuant to this section more than once every three years.

VI - TAXIMETERS

26. Every owner shall have affixed to each taxicab in respect of which such owner is licensed, a taximeter which shall register distances travelled, record trips and units, and compute fares to be paid, and each taximeter shall be:

- (1) submitted for the testing, inspection and sealing by a person designated by the Executive Director at the times required by such person for such purpose;
- (2) illuminated between sunset and sunrise;
- (3) in a raised position in plain view of the passengers and approved by the Executive Director or his or her designate;
- (4) adjusted in accordance with the rates prescribed by Tariff "A" of this Schedule;
- (5) tested by running the cab to which it is attached over a measured track or distance before being sealed, or by such mechanical means as the Executive Director or his or her designate may approve;
- (6) used only when the seal thereon is intact;
- (7) kept in good working condition at all times and not used when defective in any way;
- (8) numbered, and, subject to the provisions of this By-law, shall be of a make and model approved by the Executive Director or his or her designate;
- (9) equipped with:
 - (a) a luminous yellow or illuminated metal plate or flag attached to the top thereof; or

- (b) a light on the top thereof clearly visible from any direction outside the cab;

which plate, flag or light shall be approved by the Executive Director or by his or her designate

- (10) equipped with an automatic receipt dispenser which provides a receipt stating the date, the time of the commencement and conclusion of the trip, the distance travelled, the plate number of the taxicab, the total fare charged and the Municipal Licensing and Standards Division taxicab customer service telephone number.
- (11) programmed to record the income of each driver of the taxicab.

27. The taximeter referred to in section 26 of this Schedule shall be set up in such a manner that:

- (1) when the said taximeter is in operation:
 - (a) if it is equipped with a plate or flag such plate or flag shall be in a lowered position; or
 - (b) if it is equipped with a light on the top thereof such light shall be illuminated; and
 - (c) the electric sign referred to in paragraph 33(1)(e) of this Schedule shall be extinguished;
- (2) when the said taximeter is not in operation:
 - (a) if it is equipped with a plate or flag such a plate or flag shall be in a raised position clearly visible from any direction outside the cab; or
 - (b) if it is equipped with a light on top thereof such light shall be extinguished; and
 - (c) the electric sign referred to in paragraph 33(1)(e) of this Schedule shall be illuminated.

28. (1) No driver or owner of a cab equipped with a taximeter shall operate or permit to be operated any such cab:

- (a) unless and until the taximeter has been tested and sealed by a person designated by the Commissioner, hereinafter called the meter tester; or

- (b) when the taximeter or the taximeter seal has been changed, repaired, altered, adjusted or broken, unless and until the taximeter has been subsequently tested and sealed by the meter tester;
- (c) when any object within the cab obstructs the view from any direction outside the cab of the light referred to in subsection 26(9) of this Schedule or of the metal plate or flag referred to in the same subsection while such plate or flag is in the raised position; or
- (d) unless the electric sign referred to in paragraph 33(1)(e) of this Schedule is operating in the manner prescribed in section 27 of this Schedule; or
- (e) unless the taximeter is illuminated between sunset and sunrise.

(2) If a taximeter is repaired or altered when the meter tester is off duty the cab to which such taximeter is affixed may be operated without the taximeter having been tested or sealed, until the meter tester is again on duty but only if the owner or driver of such cab has in his possession a certificate from the person who made the repairs or alteration stating the time, date and nature thereof and the place where the work was done and such certificate has been countersigned by the officer in charge of the police station nearest to such place.

VII - SIGNS, ADVERTISING, EQUIPMENT AND MARKINGS

29. Every driver and every owner shall at all times when driving a cab have his or her photograph and name affixed in a place in the cab approved by the Commissioner or his or her designate in such manner that the same is plainly visible to and readable by passengers in the back seat.

30. Every owner shall submit to the Municipal Licensing and Standards Division every plate, poster, handbill, card, novelty or other matter used to advertise his cab business and no such advertising matter shall be used or published until approved by the Municipal Licensing and Standards Division.

31. No owner or driver shall permit his services or the services of his cab to be advertised in any way, except by himself, or by some licensed owner with whom he is associated.

32. No owner of a taxicab shall display or permit the display of any advertisement on or in his taxicab except:

- (1) one exterior advertising poster only, not exceeding 41 centimetres by 122 centimetres in size, placed at the rear end of the cab in such a way as not to obscure the cab licence plates or the vision of the cab driver, such poster to be carried in a suitable rust- and corrosion-resistant frame of sufficient strength to meet all safety and insurance standards;
- (2) not more than five interior advertising signs or placards, each not exceeding 26 centimetres by 31 centimetres in size, placed on the back of the front seat

of the cab in such a way as not to obscure the vision of the driver or his photograph and licence;

- (3) one interior advertising sign or placard on behalf of a public service non-profit organization, not exceeding 13 centimetres by 31 centimetres in size, placed on the back of the front seat of the cab;
- (4) one interior advertising sign or business card on behalf of the owner of the cab, taxicab company, or taxicab brokerage, not exceeding 10.2 centimetres by 10.2 centimetres in size, placed on the back of the front seat of the cab;
- (5) a sign securely fastened on the roof of the cab behind the electric sign referred to in paragraph 33(1)(e) of this Schedule, provided that the said sign:
 - (a) shall comply with such size specifications as the Executive Director may from time to time designate;
 - (b) subject to paragraph (c) of this subsection, may be electrically illuminated on its own circuit separate from that activating the electric sign referred to in paragraph 33(1)(e) of this Schedule;
 - (c) may not be equipped with a device which automatically produces intermittent flashes of light except such a device used only in conjunction with an emergency warning message on the front and back panels of this said sign which contains the words "HELP -- CALL POLICE" in letters no less than 4.5 centimetres high shown in amber light when activated by the driver, and which is visible only from the front or from the rear of the cab; and
 - (d) may not contain any advertising or other message on the front or back panels or visible from the front or from the rear of the cab, other than the emergency warning message referred to in paragraph (c) of this subsection;
- (6) three decals applied to the exterior of the cab containing the brokerage name or affiliation and telephone number
 - (a) no larger than 8 centimetres by 20 centimetres located on the driver's side at the back of the taxicab, and
 - (b) no larger than 35 centimetres by 45 centimetres located on each rear passenger door; and
- (7) interior and exterior signs, licences, public service messages and permits with the approval of the Executive Director.

33. (1) Every owner shall for each taxicab for which he holds a licence provide and maintain therein and thereon while such vehicle is operated as a cab the following equipment and markings:

- (a) a plate supplied by the Municipal Licensing and Standards Division and bearing an identifying number, securely affixed to the back of the cab and such plate shall be affixed in a position approved by the Municipal Licensing and Standards Division;
- (b) the number on the plate referred to in paragraph (a) of this subsection painted on the sides of the cab on the outside in numbers at least 15 centimetres high and of contrasting colour, all to the approval of the Municipal Licensing and Standards Division;
- (c) a tariff card supplied by the Municipal Licensing and Standards Division and bearing the name of the owner of the cab and the number referred to in paragraphs (a) and (b) affixed in a place in the cab approved by the Municipal Licensing and Standards Division in such a manner that the same is plainly readable by passengers in the back seat;
- (d) a holder for the tariff card and photograph and name of the driver or owner in a place in the cab Municipal Licensing and Standards Division as required by sections 29 and 101 of this Schedule;
- (e) on the top of the cab an electric sign, permanently and securely affixed, approved by the Municipal Licensing and Standards Division, indicating that the vehicle is a taxicab, such sign to be co-ordinated with the operation of the taximeter in the manner provided in subsection 26(9) of this Schedule. The electric sign shall not show a name or telephone number of any person, firm or corporation other than the name and telephone number of the person, firm or corporation presently holding the licence as owner of the cab, or of a taxicab broker with whom the said cab is associated. The electric sign shall be maintained by the cab owner in good repair and be clearly readable by persons outside the cab;
- (f) a centre, rear high-mounted stop lamp installed in accordance with the specifications embodied in section 108 of Schedule IV to the Motor Vehicle Safety Regulations, as amended, enacted pursuant to the Motor Vehicle Safety Act (Canada), R.S.C. 1985, c.M-10, as amended;
- (g) a sign or signs, as approved by the Municipal Licensing and Standards Division, affixed in a manner and in a location satisfactory to the Municipal Licensing and Standards Division to indicate clearly to any passenger upon entering or intending to enter or while seated

in the said vehicle that smoking is not permitted unless the driver of the said taxicab consents thereto.

(2) Save as provided in subsection 1 of this section and in section 32 of this Schedule, no owner or driver shall exhibit on or about his cab any number, sign or card other than those approved or issued under this by-law, except his or her motor vehicle plates.

(3) No owner shall use or permit to be used any cab owned by him which simulates a colour scheme or emblem which has been or is being used by any other owner or taxicab broker, unless the approval of the Municipal Licensing and Standards Division is first obtained.

34. Every owner of an Ambassador taxicab shall, in addition to the markings required under section 33 of this Schedule, provide and maintain on his or her Ambassador taxicab such signs or markings as may be approved by the Executive Director, identifying such taxicab as an Ambassador taxicab.

35. (1) Every owner shall securely affix to the back of the front passenger seat of his or her taxicab a Taxicab Passenger Bill of Rights in a form provided by the Commissioner or his or her designate, which form shall state that taxicab passengers have a right to:

- (a) direct the driver on the route to be taken;
- (b) an effective complaints process;
- (c) a free ride if the meter is not in a recording position;
- (d) a quality taxicab which:
 - (i) is in good mechanical and physical condition;
 - (ii) has a clean passenger area and trunk;
 - (iii) is heated or air-conditioned on demand;
 - (iv) has easy access to seatbelts;
 - (v) is a smoke-free environment; and
 - (vi) equipped with a meter that issues receipts noting the date and time of the trip, the distance travelled, the taxicab licence number and the fare charged; and
- (e) a professional driver who:
 - (i) is licensed and knowledgeable;
 - (ii) knows the major routes and destinations in the City of Toronto;
 - (iii) speaks and understands English;
 - (iv) is courteous and provides assistance;
 - (v) provides a safe ride;
 - (vi) knows and obeys the by-laws and all traffic laws; and
 - (vii) offers a silent ride if desired.

(2) The Taxicab Passenger Bill of Rights shall also state that drivers may not recommend hotel accommodations or restaurants unless requested by the passenger.

(3) No owner or driver shall operate, or permit to be operated, his or her taxicab unless a Taxicab Passenger Bill of Rights, as prescribed by this section, is displayed therein in accordance with subsection (1) of this section.

VIII - DUPLICATE TARIFF CARDS AND PLATES

36. (1) Tariff cards or number plates, defaced, lost or destroyed, may be replaced by the Municipal Licensing and Standards Division upon the original tariff card or plate being satisfactorily accounted for and, in the case of a plate, upon payment of the cost of a duplicate plate.

(2) The duplicate plate shall bear the number of the original plate, together with the letter "D" identifying it as a duplicate plate.

(3) The Municipal Licensing and Standards Division may issue a special interim plate.

(4) The interim plate shall be issued during the period required to obtain the duplicate plate and such interim plate shall be returned to the Municipal Licensing and Standards Division forthwith upon demand or immediately upon receipt of a duplicate plate.

(5) No person shall use a number plate in place of which a duplicate has been issued.

(6) No duplicate plate shall be replaced except upon the approval of the Executive Director.

37. (1) In addition to the plates referred to in sections 33 and 36 of this Schedule, the Municipal Licensing and Standards Division may, in its discretion, issue one or more spare plates to an owner permitting him to operate a motor vehicle as a taxicab during such period as a cab owned by him is being repaired provided that:

(a) the spare plate and the plate, or its duplicate, supplied by the Municipal Licensing and Standards Division for the cab being repaired, are securely affixed to such motor vehicle as provided in paragraph 33(1)(a) of this Schedule;

(b) such motor vehicle is equipped, inspected, approved and registered as required by this Schedule;

(c) the owner provides proof of insurance in respect of such motor vehicle as required by this Schedule.

(2) Every owner who permits a plate supplied to him to be affixed to a motor vehicle other than in accordance with this Schedule shall be required to attend before the Toronto

Licensing Tribunal for a hearing to determine whether or not his licence should be suspended, revoked or have conditions placed on it.

IX - CONDITION OF VEHICLES

- 38.** No owner shall use or permit to be used any cab until:
- (1) he has submitted such motor vehicle for approval in accordance with this by-law; and
 - (2) he has attended at the offices of the Municipal Licensing and Standards Division and produced the Provincial motor vehicle permit issued with respect to such motor vehicle.
- 39.** Every owner who uses or permits to be used any motor vehicle as a taxicab without:
- (1) submitting the motor vehicle for approval in accordance with this by-law; and
 - (2) producing to the Municipal Licensing and Standards Division the Provincial motor vehicle permit with respect to such vehicle

and who is found, by the Municipal Licensing and Standards Division, to be operating more motor vehicles as taxicabs than he has taxicab licences, except as provided in this By-law, shall be required to attend before the Toronto Licensing Tribunal for a hearing to determine whether or not his or her licence should be suspended, revoked or have conditions placed on it.

- 40.** No driver or owner shall operate or permit to be operated any cab unless it is:
- (1) equipped with an extra tire and wheel ready for use;
 - (2) clean as to its exterior;
 - (3) in good repair as to its exterior;
 - (4) clean as to its interior;
 - (5) in good repair as to its interior;
 - (6) free from mechanical defects; and
 - (7) equipped with a plate supplied by the Municipal Licensing and Standards Division securely affixed as required by paragraph 33(1)(a) of this Schedule.
- 41.** (1) Every owner who permits the operation of his taxicab, and every driver who operates a taxicab, which is not equipped with seat belts is guilty of an offence.

(2) Every owner who permits the operation of his taxicab and every driver who operates a taxicab that is equipped with seat belts and who does not ensure that such seat belts are plainly visible to or may be conveniently used by a passenger is guilty of an offence.

42. (1) For the purpose of this section:

“Child safety lock” means a locking mechanism or device which, when activated, locks the passenger doors of a taxicab such that the doors can not be opened from within the taxicab but can be opened by persons outside of the taxicab by use of the external door handles;

“Person under a disability” means

(a) a minor; or

(b) a person who is mentally incapable within the meaning of section 45 of the *Substitute Decisions Act, S.O. 1992, c. 30, as amended*.

(2) Subject to subsection (3) of this section, no taxicab may be equipped with any mechanism or device by which a passenger in the taxicab is not able to unlock and open the doors of the taxicab.

(3) Where a taxicab is equipped with a child safety lock, signs stating that the taxicab is so equipped shall be affixed to the windows of the taxicab in a prominent position immediately above the door handles of the taxicab such that the signs are plainly visible to persons entering the taxicab or seated in the taxicab.

(4) No driver of a taxicab shall use or activate a child safety lock while a passenger is in the taxicab except where the passenger is a person under a disability and the driver has received written authorization from the parent or guardian of such person to activate the child safety lock, or from such other persons with authority in law to provide such written authorization.

43. (1) No owner or driver shall operate or permit to be operated his or her taxicab unless such taxicab is equipped with fully functional air-conditioning and heating systems.

(2) Every owner and driver shall, upon the request of a passenger, activate the air-conditioning or heating systems in such owner or driver’s taxicab.

X - VEHICLE EXAMINATIONS

44. (1) Every owner shall submit his cab for examination by a designated mechanic before a licence is issued therefor, and regularly thereafter, in the case of a cab required by this By-law to be equipped with a taximeter, at the same time as he submits his taximeter for examination pursuant to subsection 26(1) of this Schedule.

(2) Where there are reasonable and probable grounds to believe that a cab or its equipment is mechanically defective, the owner or driver shall be given written notice by the

Municipal Licensing and Standards Division requiring such owner or driver to submit his or her cab for examination by a designated mechanic in such notice within twenty-four hours.

(3) Where there are reasonable and probable grounds to believe that a cab is dangerous or unsafe, the cab number plate supplied by the Municipal Licensing and Standards Division may be removed and the owner or driver shall submit his cab for examination by a designated mechanic by the Commissioner forthwith.

(4) An owner or driver who fails to submit his cab for examination by a mechanic as required by this section is guilty of an offence.

(5) (a) Subject to paragraph (b) of this subsection, when a cab is examined by a designated mechanic pursuant to this section who reports in writing that the cab is mechanically defective, the owner shall not operate or permit to be operated such cab until such mechanic certifies in writing that the mechanical defects so reported are corrected.

(b) The Municipal Licensing and Standards Division shall immediately remove the taxicab licence plate supplied by the Municipal Licensing and Standards Division if a designated mechanic reports in writing that the cab referred to in paragraph (a) hereof failed such examination:

(i) on two occasions due to major mechanical defects in any one of the periods designated for mechanical examinations referred to in subsection (1) hereof; or

(ii) on one occasion due to major mechanical defects in each of two consecutive periods designated for mechanical examinations referred to in subsection (1) hereof,

and such plate shall remain removed until such time as a designated mechanic designated certifies in writing that the major mechanical defects so reported are corrected.

(c) for the purpose of this subsection, “major mechanical defect” means mechanical defects directly or indirectly related to any part or parts of the motor vehicle involving or affecting:

(i) its brakes or braking system;

(ii) its steering system;

(iii) its suspension system; or

(iv) its underbody.

(6) When a cab is examined by a designated mechanic who reports in writing that the cab is dangerous or unsafe and his reasons therefor, the Municipal Licensing and Standards Division shall immediately remove the taxicab license plate supplied by the Municipal Licensing and Standards Division, and such plate shall remain removed until such time as the mechanic certifies in writing that the taxicab is no longer dangerous or unsafe.

(7) Except when an owner submits his cab for examination by a designated mechanic before a licence is issued therefor, every owner whose cab is reported by such mechanic as dangerous or unsafe pursuant to subsection (6) hereof, or whose cab is reported by such mechanic to have major mechanical defects on the occasions referred to in paragraph (5)(b) hereof, may be required to attend before the Toronto Licensing Tribunal to determine whether or not his licence should be suspended, revoked or have conditions imposed on it.

(8) For the purpose of this section, “designated mechanic” means a mechanic designated by the Executive Director to conduct examinations of cabs under this By-law.

(9) The Executive Director or his or her designate may prescribe the form of report and certification used by a designated mechanic.

45. (1) Except when an owner submits his or her taxicab for examination before a licence is issued therefor, every owner shall attend in person, and not by an agent, at each scheduled or rescheduled mechanical examination of his or her taxicab conducted pursuant to subsection 44(1) of this Schedule.

(2) Where an owner fails to attend in person at a mechanical examination in accordance with subsection (1) of this section, the taxicab shall not be inspected and the owner shall reschedule the mechanical examination within three days of the original examination date.

(3) Where an owner fails to reschedule a mechanical examination and attend in person at such rescheduled mechanical examination in accordance with subsections (1) and (2) of this section, the Municipal Licensing and Standards Division shall remove such owner’s plate from the taxicab and the plate shall not be returned until such time as the owner submits his or her taxicab for examination and attends in person at such examination.

46. Where an appointment has been made for the inspection of a taxicab pursuant to section 44 hereof and if such taxicab is not produced at the time and place appointed for such inspection, the Executive Director or his or her designate may, notwithstanding anything else contained in this By-law, suspend the taxicab licence in respect of such taxicab until such time as the taxicab has been tested, inspected and approved.

47. (1) Every owner and driver shall, on each work shift before commencing driving, examine for mechanical defects any cab which he is to drive during the shift, and shall similarly examine the same at the end of each shift, and if he is not the owner of the cab shall report forthwith to such owner any mechanical defects of which he is or becomes aware.

(2) Every owner shall check immediately any mechanical defect in his cab reported to him by a driver and shall not in any case operate or permit to be operated as a cab any vehicle not in good mechanical condition.

XI - AGE OF VEHICLES

- 48.** (1) In this section, “second mechanical examination” means the second regularly scheduled mechanical examination pursuant to section 44 of this Schedule.
- (2) (a) No motor vehicle may be used as a Standard taxicab at the time of the second mechanical examination of such taxicab in the year 1999, unless the year date of such motor vehicle is 1992 or later.
- (b) In the year 1999, a motor vehicle used as a Standard taxicab may only be replaced with a motor vehicle with a year date of 1997 or later.
- (3) (a) No motor vehicle may be used as a Standard taxicab at the time of the second mechanical examination of such taxicab in the year 2000, unless the year date of such motor vehicle is 1994 or later.
- (b) In the year 2000, a motor vehicle used as a Standard taxicab may only be replaced with a motor vehicle with a year date of 1999 or later.
- (4) (a) No motor vehicle may be used as a Standard taxicab at the time of the second mechanical examination of such taxicab in the year 2001, unless the year date of such motor vehicle is 1996 or later.
- (b) In the year 2001, a motor vehicle used as a Standard taxicab may only be replaced with a motor vehicle with a year date of 2000 or later.
- (5) (a) No motor vehicle may be used as a Standard taxicab at the time of the second mechanical examination of such taxicab in the year 2002, unless the year date of such motor vehicle is 1998 or later.
- (b) In the year 2002, a motor vehicle used as a Standard taxicab may only be replaced with a motor vehicle with a year date of 2001 or later.
- (6) (a) No motor vehicle may be used as a Standard taxicab at the time of the second mechanical examination of such taxicab in the year 2003, unless the year date of such motor vehicle is 1999 or later
- (b) In the year 2003, a motor vehicle used as a Standard taxicab may only be replaced with a motor vehicle with a year date of 2002 or later.
- (7) (a) After the year 2003, no motor vehicle which, by year date, is older than 5 years, may be used as a Standard taxicab.

(b) After the year 2003, no motor vehicle used as a Standard taxicab may be replaced by a motor vehicle which, by year date, is more than 2 years old.

(8) A motor vehicle with a year date of one or two years earlier than the year dates prescribed by paragraphs 1(a), 2(a), 3(a), 4(a), 5(a), 6(a) and 7(a) of this section and subsection 49(2) of this Schedule may be used as a Standard taxicab if such motor vehicle:

(a) is equipped as a physically-disabled passenger vehicle in accordance with R.R.O. 1990, Reg. 629, as amended, made under the *Highway Traffic Act*, as amended, or

(b) is fuelled by natural gas.

49. (1) The holder of an Ambassador taxicab licence shall provide a motor vehicle which by year date is no more than one year old for use as such owner's Ambassador taxicab.

(2) No motor vehicle used as an Ambassador taxicab shall, by year date, be more than five model years old.

(3) No motor vehicle used as an Ambassador taxicab shall be replaced with a motor vehicle which by year date is more than one year old.

XII - TRIP SHEETS

50. (1) A driver and owner shall keep a daily record in the form attached hereto as Appendix "A" (hereinafter referred to as a "trip sheet") of all trips made by the cab and such record shall contain the following information:

(a) the Provincial motor vehicle permit number of the cab;

(b) the name, address, and identification number of the driver;

(c) the meter readings at the start and finish of each working period;

(d) the date, time and location of the beginning and termination of each trip;

(e) the amount of fare collected for each trip; and

(f) the time of the beginning and termination of each shift or working period.

(2) A driver or an owner who drives a cab shall not obstruct traffic while writing up his trip sheet, but each trip shall be completely recorded prior to the commencement of the next following trip.

51. Every owner shall be responsible for keeping a record containing the following information with respect to every trip upon which each of his cabs is dispatched:

- (1) the Provincial motor vehicle permit number of the cab;
- (2) the date and time of dispatching;
- (3) the name and identification number of the driver.

52. Upon completion of the driver's daily work period the owner shall record the meter readings and the date and time the cab was returned.

53. An owner who hires a driver shall check the daily trip sheet kept by the driver and shall require an entry for each trip recorded on the meter.

54. An owner with three convictions under either sections 52 or 53 or a combination of three convictions under sections 52 and 53 of this Schedule shall be required to attend before the Toronto Licensing Tribunal for a hearing to determine whether or not his or her licence should be suspended, revoked, or have conditions placed on it.

55. The records hereinbefore referred to shall be kept by the owner for at least twelve months and shall be open to inspection by the Municipal Licensing and Standards Division or any person authorized by the Commissioner, and such person shall be permitted to remove such records and retain the same for a reasonable time.

XIII - SALES and TRANSFERS

56. (1) No owner's licence shall be transferred but subject to subsection (3) hereof and to any other provisions of this By-law, an owner may sell his or her Standard taxicab or livery cab and its equipment to any person and upon such sale the owner's licence issued in respect of such cab shall be terminated.

(2) For the purpose of Schedule 1 of this By-law, "Sale of a taxicab" includes the sale or transfer, by one or more transactions, of the controlling interest in a corporation referred to in section 107 of this Schedule and any transaction or transactions by which such controlling interest is acquired, and "Purchaser" includes any person purchasing or otherwise acquiring such interest.

(3) Notwithstanding subsection (1) of this section, no fee shall be payable in respect of a transaction whereby an individual cab owner, not being a corporation, sells or transfers his taxicab to a personal corporation of which he owns fifty percent or more of the issued capital stock.

(4) Subject to subsection (5) hereof the Municipal Licensing and Standards Division may, in its discretion, issue a new licence to the purchaser of such taxicab or livery vehicle and equipment subject to the following conditions:

- (a) that the new applicant qualifies under all other provisions of this By-law and is a resident of the City of Toronto;
- (b) that the applicant and the vendor file with the Municipal Licensing and Standards Division an executed copy of a written agreement between the parties containing all the details of the dealings between the parties in respect of such taxicab and its equipment;
- (c) the agreement must contain a statutory declaration in a form supplied by the Municipal Licensing and Standards Division by both the parties and a further statutory declaration by the solicitor for the purchaser in a form supplied by the Municipal Licensing and Standards Division;
- (d) the agreement shall provide for the vendor to receive the total consideration for the transaction in cash or by certified cheque at the time that the transaction is completed;
- (e) there shall be attached to the agreement a statutory declaration, in a form to be furnished by the Municipal Licensing and Standards Division, to be taken by any person or persons financing the transaction or holding any chattel mortgage, conditional sale contract, lien or charge of any type or description, whether equitable or legal and whether written or verbal, upon or relating to the taxicab or its equipment;
- (f) the making of a false or intentionally misleading recital of fact, statement or representation in any such agreement or statutory declaration required to be attached thereto shall be deemed a violation of the provisions of this By-law;
- (g) an agreement may pertain to more than one taxicab vehicle and its equipment, but the vendor in such agreement shall not be permitted, notwithstanding anything else in this By-law, to purchase or otherwise acquire any additional taxicab owner's licences by any means for a period of five years following the date of the transaction.

(5) Notwithstanding subsections (1) and (4) hereof, the Toronto Licensing Tribunal may, in its discretion, refuse to issue a new licence or licences to a purchaser in a transaction under this section when the Toronto Licensing Tribunal is of the opinion that it is not in the public interest, as determined by the Toronto Licensing Tribunal, that such new licence or licences should be issued, and the Toronto Licensing Tribunal shall, upon demand from any party to the transaction, deliver written reasons for such decision.

57. (1) Upon the death of the owner of a cab the owner's licence issued in respect of such cab shall be terminated.

(a) In this section “owner” includes any person who directly or indirectly owns the controlling interest in a corporation holding one or more cab owner’s licences, and “cab” includes the shares in such corporation owned or controlled by such owner.

(2) Upon receiving notice of the death of the owner of a Standard taxicab or a livery cab the Municipal Licensing and Standards Division may re-issue the licence for its unexpired term or may issue a new licence in the name of the estate of the said deceased owner pending disposition of the said cab by the personal representative or representatives of such deceased owner.

(3) Where a licence has been issued to the estate of a deceased cab owner in accordance with subsection (2), his personal representative or representatives shall be deemed to be the owner of the cab for the purposes of this By-law.

(4) Where a licence has been issued to the estate of the deceased cab owner in accordance with subsection 2, the licence shall terminate one year from the date of death of the deceased cab owner.

(5) The Toronto Licensing Tribunal may, in its discretion, extend the one year period referred to in subsection (4) either before or after its expiry.

(6) Upon the sale, transfer or other disposition of a Standard taxicab or a livery cab by the personal representative or representatives of a deceased cab owner, the licence issued in respect of such cab shall be terminated, and the Licensing and Municipal Standards Division may, in its discretion, issue a new licence to the person purchasing or otherwise obtaining such cab, and the provisions of section 56 of Schedule 8 and the provisions of this By-law requiring a fee to be paid upon the issue of a licence to a purchaser of a taxicab on a sale approved by the Toronto Licensing Tribunal shall apply mutatis mutandis to such person and to such transaction.

XIV - CUSTODY OF TAXICABS

58. (1) Subject to sections 59, 60 and 61, this section applies to every person licensed as the owner of a Standard taxicab.

(2) Every owner who is an individual person shall maintain custody and control over his taxicab and shall not delegate this responsibility.

(3) Every owner which is a partnership shall designate one of the partners who is an individual person to be responsible for maintaining custody and control over its taxicab on behalf of the partnership and such partner shall not delegate this responsibility.

(4) Every owner which is a corporation shall designate one of its officers or employees to be responsible for maintaining custody and control over the said taxicab on behalf of the corporation and such officer or employee shall not delegate this responsibility.

(5) Every owner required by this section to designate any person to be responsible for maintaining custody and control over a taxicab shall make such designation by means of a notice of designated custodian, signed by or on behalf of the said licensed owner and by the person so

designated, showing the business address of each of them, on a form provided by the Municipal Licensing and Standards Division.

- (6) Every notice of designated custodian shall be executed,
 - (a) in the case of a partnership or a corporation licensed as an owner of a taxicab on the date this section comes into force, within 30 days of such date; and
 - (b) in the case of every partnership or corporation receiving a licence as an owner after the date this section comes into force, within 10 days after the issuance of such licence,

and every owner shall file such notice of designated custodian with the Municipal Licensing and Standards Division within 3 days after the last date upon which such notice may be executed pursuant to this subsection.

(7) When any person designated by an owner, as shown on a notice of designated custodian filed with the Municipal Licensing and Standards Division under this section, ceases to have custody or control over the taxicab, the owner shall file with the Municipal Licensing and Standards Division a new notice of designated custodian within 3 days of the date upon which the cessation of custody or control occurred.

XV - DESIGNATED AGENTS

59. (1) An owner of a Standard taxicab licensed as such under this By-law may, by filing with the Municipal Licensing and Standards Division a notice in writing, designate an individual person who is licensed as a driver, owner or taxicab broker under this By-law, as his agent in respect of such owner's taxicab, together with a written consent by such person to act in such capacity.

- (2) A notice of designated agent shall include:
 - (a) the full name of the owner;
 - (b) the number of the licence and plate for the taxicab to which such designation relates;
 - (c) the term for which the person designated therein is granted authority by the owner in respect of the taxicab; and
 - (d) the terms of the agency agreement, including any consideration paid therefor.

(3) If the authority of an agent designated under this section terminates before the end of the term set out in the notice, the owner shall forthwith file a written notice thereof with the Municipal Licensing and Standards Division and, for the purposes of this By-law, the obligations and requirements applicable to such authorized agent shall cease upon the filing of such notice.

(4) No person shall act as an agent for an owner in respect of a taxicab except as permitted by this section.

(5) The designation of an agent by an owner pursuant to this section shall not be deemed to be a lease for the purposes of this By-law unless the agent operates the taxicab, in which case the provisions of section 60 shall apply.

XVI - TAXICAB LEASING

60. (1) In this section,

(a) “Lease” means any contract, agreement, understanding or other arrangement whereby an owner or a designated agent permits another person to manage, operate, control, have custody of, or otherwise employ his taxicab, other than permitting a driver to drive the taxicab for one normal driver’s shift where the taxicab is returned to the owner or such person so designated at the end of such shift, and “to lease a taxicab” includes the act of any owner in entering into or becoming a party to such a contract, agreement, understanding or other arrangement.

(b) Without limiting the generality of paragraph (a), “lease” includes a power of attorney, management contract, “cash-in” agreement, and any other arrangement or agreement whereby any person other than an owner or designated custodian is allowed to exercise or does exercise any of the rights set out in paragraph (a).

(c) In this section,

(i) “Lessee” when used in reference to a taxicab or to a lease of a taxicab, means any person who is permitted to exercise or does exercise any of the rights set out in paragraph (a) pursuant to a lease.

(ii) “Lessor” when used in reference to a taxicab or to the lease of a taxicab, means an owner who enters into or is a party to a lease of his taxicab.

(2) Except as provided in this section, no owner shall lease his taxicab.

(3) An owner or his designated agent may lease his or her Standard taxicab, provided that:

(a) the lessee is an individual person licensed as a taxicab owner, driver or broker under this By-law;

- (b) under the terms of the lease the owner provides a motor vehicle equipped, inspected, approved and registered in accordance with this Schedule;
- (c) the owner leases a taxicab equipped with a two-way radio;
- (d) the lease provides that the owner is responsible for maintenance of and insurance on the taxicab;
- (e) the amount charged under the lease is a fair fee and no additional charges are to be made against the lessee except charges for fuel and parking and traffic violations committed by the lessee in the operation of the taxicab and charged against the owner;
- (f) the plate issued to such owner by the Municipal Licensing and Standards Division is affixed to the taxicab which is the subject matter of the lease, and remains affixed thereto throughout the term of the lease;
- (g) the lease pertains to one vehicle and expires upon the sale or other disposition of such vehicle;
- (h) if the lease is for a period longer than 7 days, it provides that it may be terminated by either party on giving the other party thereto one week's notice in writing;
- (i) the lease is reduced to writing and signed by the parties thereto; and
- (j) a written lease is filed with the Municipal Licensing and Standards Division within 10 days of the date at which the lease, or the exercise of any rights or obligations pursuant thereto, becomes effective, whichever occurs first.

(4) The written lease may be in a form approved by the Municipal Licensing and Standards Division or may be in any form agreed to by the parties thereto provided that it discloses and gives full particulars of:

- (a) the date of its execution;
- (b) the names and business addresses of all parties thereto;
- (c) its effective date;
- (d) its termination date or, in the case of a periodic lease, particulars as to whether the lease is on a daily, weekly, monthly, yearly or other basis;

- (e) full particulars of the consideration given by each party to the lease, including the amount of the leasing fee or rental and a breakdown of all other amounts to be paid by the lessee to the lessor arising out of the lease, together with a list of all services, rights or other consideration given to the lessee by the lessor in return therefor;
- (f) full particulars as to the responsibility of the parties for the maintenance, repairs, gas and oil for the taxicab, and any requirements as to where and how any such repairs or purchases are to be made and as to payment therefor; and
- (g) a full description of the taxicab which is the subject of the lease and all equipment appurtenant thereto, including serial numbers, where applicable, and the Provincial plate number, and the number of the licence and plate granted by the Municipal Licensing and Standards Division in respect of such cab.

- (5) (a) No lessee of a taxicab shall sub-lease or purport to sub-lease or lease to any person a taxicab which is the subject matter of a lease to such lessee.
- (b) No owner shall, by a term in a lease or otherwise, permit any lessee or other person to lease or sub-lease or purport to lease or sub-lease, the taxicab which is the subject matter of a lease.
- (c) No person shall be a party to a lease or purported lease of a taxicab to which neither the owner nor an agent, designated by him under section 59 of this Schedule, is a party.

(6) Any person licensed under this By-law who enters into or purports to enter into any lease or purported lease of a taxicab, other than in accordance with this section, may, in addition to any other penalty to which such person may be liable under this By-law, be required to attend before the Toronto Licensing Tribunal for a hearing to determine whether or not his or her licence should be suspended, revoked or have conditions imposed on it.

(7) Every owner shall notify the Municipal Licensing and Standards Division in writing of the expiration or other sooner termination of any lease to which he is a party or of any change in custody and control over his taxicab, within 10 days thereof. Such notice shall include any notice of designation or new lease entered into by the owner with respect to his taxicab, and a statement as to the identity of the party having custody and control over the taxicab at that time, and of any person managing or operating the taxicab.

XVII - GENERAL PROVISIONS RELATING TO CUSTODY AND LEASING OF TAXICABS

- 61.** (1) Every owner shall:

- (a) ensure that every driver, lessee, designated custodian, designated agent, and every other person involved in the operation of his taxicab complies in full with the requirements imposed by this By-law in respect of such taxicab;
- (b) maintain knowledge at all times of the identity of any person having custody of or control over his taxicab;
- (c) provide full information to the Municipal Licensing and Standards Division as to any of the facts or records required to be maintained or provided by him pursuant to this Schedule, forthwith upon a request therefor by the Municipal Licensing and Standards Division.

(2) Every owner of a Standard taxicab shall ensure that every lease, notice of designated custodian, and notice of designated agent filed with the Municipal Licensing and Standards Division sets out fully and accurately all of the facts and terms required by this By-law.

(3) No owner of a Standard taxicab shall have more than one designated agent with respect to his or her taxicab at any one time.

(4) No owner of a Standard taxicab shall enter into or be a party to more than one lease at any one time with respect to his taxicab.

(5) In addition to any penalty provided by this By-law or any other law, where it appears that any person licensed under this By-law has contravened any of the provisions of sections 58, 59, 60 and 61 of this Schedule, such person may be required to attend before the Toronto Licensing Tribunal for a hearing to determine whether or not his or her licence should be suspended, revoked or have conditions imposed on it.

(6) No person shall enter into or be a party to any agreement or transaction purporting to transfer, assign, lease or otherwise convey rights over a taxicab licence or plate, or give or receive any consideration or remuneration therefor, except as part of a transaction permitted by this By-law.

XVIII - CAB STANDS

62. No driver or owner who is driving a cab shall take on any passenger within 30 metres of a public cab stand when there are one or more cabs upon the stand, except where an arrangement has been previously made with the passenger to take him on at that location.

63. A driver or owner who wishes to enter a public cab stand with his cab shall do so by taking his position at the end of any line formed by cabs already on the stand, and when a driver or owner is either first or second in line at a public cab stand, he shall remain in the driver's seat of his vehicle ready to be hired.

64. No owner or driver shall overcrowd a public cab stand, nor push any cab already on the stand.

65. No owner or driver of a taxicab shall, while waiting for hire or engagement, park on any highway except at a stand authorized and assigned for taxicabs and marked as a taxicab stand by an authorized sign.

66. No owner or driver shall wash, clean or make repairs to his cab while upon any public cab stand unless such repairs are immediately required to render the cab operable.

67. (1) No person driving a cab shall operate such cab from any of the following public cab stands authorized and assigned by By-law, unless he is the owner of such cab in his own personal right and has no contract, agreement or arrangement with a taxicab broker for the obtaining of fares:

Colborne Street, north side, between Victoria Street and Leader Lane.

King Street East, south side, between Victoria Street and King Edward Hotel entrance.

Victoria Street, east side, between Colborne Street and King Edward Hotel entrance.

Victoria Street, east side, immediately south of King Street East.

James Street, west side, north of Queen Street West.

Front Street West, south side, west door Union Station to 15.24 metres east of York Street.

Front Street West, north side, east of entrance to Royal York Hotel.

(2) No person licensed under this By-law shall operate or permit to be operated a livery cab from a public cab stand authorized and assigned by by-law.

XIX - GENERAL PROVISIONS RESPECTING THE OPERATION OF TAXICABS

68. No person licensed under this By-law shall carry in any cab used for hire a greater number of occupants or persons than the manufacturer's rating of seating capacity of such cab inclusive of the driver.

69. No owner or driver shall drive a cab with luggage or other material piled or placed in a manner that obstructs his view.

70. (1) No owner driving his own taxicab or driver of a taxicab carrying a passenger or passengers shall smoke any cigar, cigarette, pipe or any other lighted smoking equipment in the said vehicle unless the passenger or passengers consent thereto.

(2) Notwithstanding section 78 of this Schedule, an owner who drives his taxicab or a driver may refuse

- (a) to serve any persons requesting the service of his cab who smoke; or
- (b) to continue to serve any passengers in his cab where one or more of such passengers smoke

any cigar, cigarette, pipe or any other lighted smoking equipment in the said vehicle unless the driver thereof or the owner driving his own taxicab consents thereto.

(3) In this section, “smoke” or “smoking” includes the carrying of a lighted cigar, cigarette, pipe or any other lighted smoking equipment.

71. Subject to section 79 of this Schedule, every driver and every owner driving his own taxicab shall turn off any radio, tape player or any other sound-producing mechanical device in his taxicab upon being requested so to do by any passenger, and having done so pursuant to such a request shall leave such device or devices in the off position until that passenger’s trip has been completed.

72. (1) For the purpose of this section, “exclusive concession agreement” includes any agreement, whether or not for valuable consideration, which has for its purpose or effect the granting to any person of a right or licence to provide cab service to any public transportation terminal, subway station, hotel, motel, cab stand, or any other place, to the exclusion of one or more other cab.

(2) No owner or driver shall enter into or become a party to an exclusive concession agreement.

(3) No owner or driver shall pay, agree to pay, accept, or agree to accept, a fee or consideration, or do any other act or thing, pursuant to an exclusive concession agreement.

(4) No owner or driver of a cab shall pay or agree to pay any consideration to any person in return for or as a result of any act by such person done for the purpose of soliciting business for such cab or directing or encouraging any person to use such cab at any of the places referred to in subsection (1).

73. No owner shall pay any female driver in his employ wages at a lesser rate than he pays to male drivers in his employ, or if such owner only employs female drivers, at a lesser rate than the prevailing rate paid by other owners to their male drivers.

74. No owner or driver shall take, consume or have in his possession any liquor while he is in charge of his cab, nor shall the use of liquor by him be apparent while he is in charge of any such cab.

75. Every driver licensed under this By-law and every owner, while driving or operating a cab, shall be properly dressed, neat and clean in person, and be civil and well-behaved, and while on any public cab stand shall sit or stand sufficiently close to his cab so as to have it constantly

under close observation, and such drivers or owners shall not in any way obstruct the use of the sidewalk, or make any loud noise or disturbance.

76. Any owner or driver who changes his address shall, within two days after such change, attend at the offices of the Municipal Licensing and Standards Division and notify the Municipal Licensing and Standards Division of such change of address and produce his or her licence for the change to be entered thereon.

77. No person licensed under this By-law shall solicit or employ or allow any runner or other person to assist or act in concert with him in soliciting any person to take or use his cab on any public highway, lane, street, common, park or square.

78. (1) Except as provided in subsection (3), an owner who drives his cab or a driver, who refuses to serve the first person requesting the service of his cab at any place within the City of Toronto at any time of day or night is guilty of an offence.

(2) Notwithstanding any provision in this section, nothing herein permits any owner or driver to contravene the provisions of section 62 of this Schedule.

(3) An owner who drives his cab, or a driver, may refuse to serve the first person requesting the service of his cab if such person requiring the service:

- (a) owes such owner or driver for a previous fare or service;
- (b) upon being requested by such owner or driver, refuses to disclose his final destination before or immediately after entering the cab;
- (c) asks to be driven to a remote place in circumstances which such owner or driver reasonably believes to be unsafe; or
- (d) is unduly obnoxious or abusive;

provided that such owner or driver immediately records his reasons for such refusal on his daily trip record.

(4) An owner who drives his cab, or a driver, may seek police assistance to have removed from his taxicab a person to whom he has a right to refuse service.

(5) An owner who drives his cab, or a driver, who:

- (a) refuses to serve a person requesting the services of his cab;
- (b) pleads some previous engagement; and
- (c) does not give the name and address of the person to whom he is so engaged together with the time and place of such engagement is guilty of an offence.

(6) Subject to subsections (1), (3) and (5) of this section, any driver or owner driving his own taxicab, who has accepted an engagement for the provision of service by his taxicab from a person requesting such service, and who is proceeding directly to fulfil such engagement, may display a card or sign in a form supplied by the Municipal Licensing and Standards Division indicating that this taxicab is on call.

(7) Subject to the provisions of this Schedule, any driver or owner driving his own taxicab, who is off duty or whose taxicab is otherwise not available for service to the public, may display a card or sign in a form supplied by the Municipal Licensing and Standards Division indicating he is off duty.

(8) No owner or driver shall exhibit on or about his taxicab any card, sign or other notice indicating or suggesting that his taxicab is on call or off duty except as permitted by this section.

79. Every driver and every owner driving his own taxicab, whose taxicab is equipped with a two-way radio pursuant to a contract, agreement or arrangement with a taxicab broker for the obtaining of fares, shall activate the said radio when he first enters the said taxicab and maintain it in full operation so as to permit him to receive calls from the said broker throughout the period in which he is operating the said taxicab in the City of Toronto.

80. The Municipal Licensing and Standards Division may, upon receiving information which indicates that a Standard taxicab has not been actively operated in providing taxicab service to the public for two full shifts daily for at least five days during any seven-day period, require that the owner of that Standard taxicab attend before the Toronto Licensing Tribunal for a hearing to determine whether the licence should be suspended, revoked or have conditions placed on it.

81. (1) No driver shall operate a taxicab for more than twelve hours during any period of twenty-four consecutive hours.

(2) No owner shall permit any driver to operate such owner's taxicab for any period in excess of the hours prescribed by this section.

82. Every owner and driver shall take due care of all property delivered or entrusted to him for conveyance or safekeeping. Every driver, immediately upon the termination of any hiring or engagement, shall carefully search his cab for any property lost or left therein, and all property or money left in his cab shall be forthwith delivered over to the person owning the same, or if the owner cannot at once be found, then to the nearest police station, with all information in his possession regarding the same.

83. No driver or owner shall knowingly drive or permit to be driven about the streets in his cab any person for the purpose of soliciting from the cab for acts of prostitution.

84. No owner or driver shall induce any person to employ his cab by knowingly misleading or deceiving such person as to the location or distance of any place or by making any false representation to such person.

85. No person licensed under this By-law who is operating a cab, other than a cab which is actually being used for the transportation of children to and from school or for the transportation of one or more persons with disabilities pursuant to an agreement between any owner or taxicab broker and the Toronto Transit Commission, shall take on any additional passenger after the cab has departed with one or more passengers from any starting point except at the request of a passenger already in the cab or with the approval of the Municipal Licensing and Standards Division due to special emergency conditions.

86. Every driver shall:

- (1) report forthwith to his employer any accident in which he was involved while operating his employer's cab;
- (2) at the expiration of his work period return the cab to his employer and shall not at any time abandon the cab or permit any other person to drive same.

87. (1) The owner or driver of a cab shall, while such cab is being used for the transportation of children to or from school, observe and comply with the following regulations:

- (a) Not more than six children shall be at any one time carried in a standard five passenger cab and not more than eight children shall be carried at any one time in a standard seven passenger cab.
- (b) No child shall be permitted to stand while the cab is in motion.
- (c) The cab shall carry on the front and at the rear thereof signs not less than 27 centimetres by 35 centimetres in size clearly and visibly displaying the words "School Vehicle" in black letters on a white or yellow background.
- (d) The signs referred to in paragraph (c) shall be carried only when the cab is actually engaged in transporting children to or from school and shall be removed when the cab is engaged in any other business.

(2) The rates contained in Tariff "A" to this Schedule shall not apply to cabs being used for the transportation of children to or from school.

88. A driver or owner driving his own cab may carry parcels, letters or documents without carrying a passenger at the same time provided that:

- (1) the driver or owner driving his own cab maintains the taximeter in the taxicab driven by him, in operation throughout the trip;
- (2) the driver or owner driving his own cab takes the shortest possible route to the destination;
- (3) the driver or owner driving his own cab charges the amount of the fare registered on the meter; and

- (4) no passenger is accepted by the driver after he has been engaged to deliver such parcel, letter or document.

89. (1) No driver shall operate, and no owner shall permit any driver to operate, any cab unless the name of the owner of such cab has been endorsed on such driver's Toronto taxicab driver's licence by the Municipal Licensing and Standards Division not later than the next business day after the driver commenced employment with such owner.

(2) In subsection (1) of this section, "business day" means any day on which the offices of the Municipal Licensing and Standards Division are open for business.

(3) Every owner and every lessee of a taxicab, in respect of whose taxicab there is a contract, agreement or arrangement with a taxicab broker for the accepting of calls for service, shall, forthwith after the commencement by every driver of a contract, agreement or arrangement pursuant to which the said driver is to drive the said taxicab, provide to the said taxicab broker the name and Toronto taxicab driver's licence number of the said driver and the time when he first commenced to drive the said taxicab pursuant to the said contract, agreement or arrangement.

(4) Upon the termination of a contract, agreement or arrangement as described in subsection (3) the said owner or lessee shall forthwith notify the taxicab broker of the said termination.

XX - INSURANCE

90. (1) Every owner shall, in respect of each cab for which he holds a licence, procure a policy of insurance endorsed to the effect that the Municipal Licensing and Standards Division will be given at least ten days' notice in writing of any cancellation, expiration or variation in the amount of the policy, and insuring, in at least the amount of \$1,000,000.00 (exclusive of interest and costs) comprehensive against loss or damage resulting from bodily injury to or the death of one or more persons, or from loss or damage to property resulting from any one accident; and the said policy shall make provision for passenger hazard in an amount not less than the foregoing. A certified copy or certificate of such policy shall be deposited with the Municipal Licensing and Standards Division.

(2) The policy of insurance and the certified copy or certificates referred to in subsection (1) shall include the name of every person having an interest in the taxicab, including any lessee of the taxicab under section 60.

91. The Executive Director or his or her designate may, notwithstanding anything else contained in this By-law, suspend a taxicab owner's licence in respect of any cab as to which there has been a failure to comply with section 90 or where there has been a cancellation of a policy of insurance filed under section 90; and such suspension shall continue until there has been satisfactory compliance with section 90.

XXI - RATES and FARES

92. Subject to the provisions of subsections 96(3) and (4) of this Schedule, the rates or fares to be charged by the owners or drivers of taxicabs shall be exactly as shown in Tariff "A" to

this Schedule and no greater or lesser amount shall be demanded or received, provided that owners or drivers may charge a lesser amount to passengers in need who are over 65 years of age or are persons with disabilities.

93. When operating on a meter basis, the rate of fare charged shall be exactly as shown by the taximeter, together with any additional charges authorized by Tariff "A" to this Schedule.

94. No owner or driver shall publish or use a tariff, or demand or receive rates and charges other than those authorized by this By-law, whether such rates and charges are determined by distance or by time.

95. No owner or driver shall be entitled to recover or receive any fare or charge from any person or persons from whom he shall have demanded any fare or charge greater or less than those authorized by this By-law, or to whom he has refused to show his tariff card as provided in this By-law.

96. (1) When a passenger first enters a taxicab which is equipped with a taximeter, the driver of the taxicab shall immediately place the said taximeter in an operating position and maintain it in operation throughout the trip.

(2) Every driver and every owner driving his own taxicab, providing taxicab service to a passenger, shall take the shortest possible route to the destination desired unless the passenger designates another route.

(3) If a call extends more than five kilometres beyond the limits of the City of Toronto, the driver and passenger may agree before the start of the trip to a flat rate, but the driver shall maintain the taximeter in operation at all times within the limits of the City of Toronto or within five kilometres therefrom.

(4) The driver and passenger may, before the start of a trip originating within the City of Toronto and ending at Lester B. Pearson International Airport, agree to a flat rate, and the driver shall place and maintain the meter flag in a recording position within the limits of the City of Toronto and within five kilometres therefrom and the rate or fare to be charged in respect of such trip shall be determined as follows:

- (a) If the meter rate is less than the flat rate, the meter rate shall apply;
or
- (b) If the flat rate is less than the meter rate, the flat rate shall apply.

(5) Every driver or owner who drives his own taxicab shall place the taximeter in the taxicab which he is driving in operation when a passenger is in the said taxicab within the City of Toronto or within five kilometres therefrom.

(6) Every driver or owner who drives his own taxicab, who fails to place his taximeter in operation as required by this section or who fails to maintain it in operation as required by this section and who charges a passenger for a fare for a trip during which such failure occurs is guilty of an offence.

97. At the conclusion of the trip the driver or owner driving his own cab shall call the passenger's attention to the amount of fare registered on the taximeter and place the taximeter in a non-operating position.

98. No licensed person shall make any charge under this By-law for time lost through defects or inefficiency of the cab or incompetency of the driver thereof or for time consumed by the arrival of the cab in response to a call in advance of the time such cab has been requested by the person calling same.

99. The tariff or rates herein authorized shall be computed from the time when or place at which the passenger or passengers first enter the cab to the time when or place at which the passenger or passengers finally discharge the cab.

100. Every driver and owner, while operating a taxicab, shall keep and maintain at all times in such taxicab at least \$20.00 in bills and coins of denominations less than \$20.00, such that change may be provided to passengers of such taxicab.

101. No owner shall allow to be operated and no driver shall operate any cab without having the tariff card supplied by the Municipal Licensing and Standards Division with respect to that cab displayed in the holder provided for in paragraph 33(1)(d) of this Schedule.

102. No owner shall allow to be operated and no driver shall operate any cab without a sign, as approved by the Executive Director or his or her designate, to indicate clearly that the fare as shown on the taximeter includes the goods and services tax.

103. (1) A driver or owner shall give a passenger a receipt showing the driver's or owner's name and identification number, when requested or whenever there is a dispute over the fare.

(2) Despite subsection (1) of this section, effective September 1, 1999, every owner and driver shall give a passenger a receipt containing the information prescribed by subsection 26(10) of this Schedule at the conclusion of each trip.

104. When a dispute arises with a passenger as to the fare, the driver or owner in charge of the cab may, if the passenger agrees, refer the dispute to the officer in charge of the nearest police station, and if the driver or owner was correct in the demand for fare made by him, he may add thereto an amount equal to the proper charge under Tariff "A" for the distance travelled from the place where the dispute arose to the police station, and any reasonable waiting time while the dispute was being investigated.

105. At the expiry of his work shift a driver shall turn over to his employer all money received by him as fares during such shift, retaining, if his working agreement so provides, any amount which may be due to him as a commission, and an owner shall, at the request of the driver, give to each of his drivers at the expiry of the driver's work shift a receipt showing the amount turned over to him by the driver. The driver shall also turn his trip record over to his employer without undue delay and not later than one hour after the end of his shift.

106. Sections 92 and 97 of this Schedule do not apply to taxicab service provided to one or more persons with disabilities pursuant to an agreement between any owner or taxicab broker and the Toronto Transit Commission.

XXII - CORPORATIONS - SHARE TRANSFERS

107. (1) Where a corporation is the holder of a cab owner's licence or licences, the corporation shall forthwith notify the Municipal Licensing and Standards Division in writing of all transfers of existing shares and of the issue of all new shares of the capital stock of the corporation, and the Toronto Licensing Tribunal may, in its discretion, determine whether the licence or licences shall be revoked.

- (2) (a) Where by the transfer or sale of issued shares in, or by the issuance of new shares of, a corporation holding one or more cab owner's licences, the controlling interest in such corporation is sold, transferred or acquired, such licence or licences shall be terminated forthwith, and the Licensing and Municipal Standards Division may issue a new licence or new licences upon payment of the prescribed fee.
- (b) Paragraph (a) of this subsection applies mutatis mutandis to the sale, transfer or acquisition of the controlling interest in a corporation which has a controlling interest, directly or indirectly, through the ownership of shares or otherwise, in a corporation which owns a cab.
- (c) The Toronto Licensing Tribunal may, in its discretion, refuse to issue a new licence or licences to a purchaser in a transaction under this section if it determines that it is not in the public interest so to do or for any other reason which it is authorized by law to consider upon such application.

(3) Where an individual or individuals related to each other, or not operating at arms length, holds or hold the controlling interest in two or more corporations, or has or have at any time within the previous five years held the controlling interest in any one or more of such corporations, no new licence shall be issued to any such corporations if any one of them has within the previous five years been a vendor in a taxicab transaction under the provisions of this By-law.

(4) Where the shares in a corporate owner are held in whole or in part by another corporation, such other corporation shall file with the Municipal Licensing and Standards Division at the same time as the owner, an Annual Return as provided in section 24 of this Schedule and in such Return discloses that the shares in such other corporation are in turn held in whole or in part by a third corporation, then such third corporation shall likewise file an Annual Return under section 24, and so on until the names of living persons not being corporations are shown and identified as the shareholders of any and all corporations having an interest, direct or indirect, in any owner's licence.

XXIII - LIVERY CABS

108. Every person driving a livery cab or otherwise in charge of a livery cab shall be clothed in a uniform of a kind approved by the Municipal Licensing and Standards Division.

109. (1) No owner of a livery cab shall affix a taximeter to his livery cab, or permit a taximeter to remain in his livery cab while it is available for service or otherwise in use as a livery cab.

(2) No person shall drive or otherwise operate a livery cab which is equipped with a taximeter.

110. (1) Subject to subsection 2, no owner of a livery cab shall display or permit the display of, on or in his livery cab, any light, sign, notice, writing, other advertisement or thing which indicates or is intended to indicate to the public that the livery cab is other than a private automobile.

(2) Every owner of a livery cab licensed as such under this by-law shall provide and maintain thereon while such vehicle is operated as a livery cab, a plate, logo or other sign or marker supplied by the Municipal Licensing and Standards Division indicating that the livery cab is so licensed, affixed in such place on the said livery cab as shall be designated by the Executive Director or his or her designate.

(3) No owner of a livery cab shall display or permit the display of any advertisement on or in his livery cab.

(4) No owner of a livery cab shall in any advertisement made or permitted to be made by him, use or permit the use of the words “taxi”, “taxicab”, or any other word or words which indicate or could be reasonably interpreted to indicate that the said livery cab is a taxicab or is available for service as a taxicab.

111. The rate, fare, fee or charge for the conveyance of persons by a livery cab shall be as agreed upon at the time of hiring.

112. (1) (a) In this subsection:

(i) “direct-dial telephone” means a telephone which allows the user to dial other telephone numbers directly without requiring the assistance of an operator, and which can be reached by such direct dialling from other telephones;

(ii) “two-way radio” includes any radio or other device capable of receiving calls for cab service, whether from a dispatcher or brokerage, from members of the public, or otherwise, but does not include:

(a) a one-way paging device which cannot be used to transmit messages or other signals; or

(b) “a direct-dial telephone”.

- (b) No livery cab shall be equipped with, carry or contain a two-way radio.
 - (c) No owner of a livery cab shall place or carry or permit the placing or carrying of, a two-way radio in or on any livery cab owned by him, whether or not such radio is attached or affixed to such cab.
 - (d) No driver shall drive or use any livery cab which is equipped with, carries or contains a two-way radio.
 - (e) This subsection does not prohibit a bona fide customer of any livery cab service from carrying a two-way radio owned by him while in such cab, provided that no owner or driver of a livery cab shall make use of any such radio.
 - (f) A livery cab may be equipped with a direct-dial telephone, provided that:
 - (i) such direct-dial telephone shall be of a type approved by the Municipal Licensing and Standards Division and installed in a manner approved by the Municipal Licensing and Standards Division;
 - (ii) every owner of a livery cab shall, before installing such direct-dial telephone, file a written notice with the Municipal Licensing and Standards Division showing:
 - (a) the type of telephone to be installed and the manner of intended installation; and
 - (b) a description of the vehicle in which the telephone is to be installed, including the number of the licence issued by the Municipal Licensing and Standards Division to the owner in respect of such livery cab;
 - (iii) the owner of such livery cab shall file with the Municipal Licensing and Standards Division on a monthly basis a copy of all billing accounts issued by the supplier of such telephone, including a list of all calls received or placed by means of such telephone, including the date of each such call, the telephone numbers from which and to which each such call was made, the number of minutes taken for each such call, and the cost of each such call.
- (2) A contract for the conveyance of persons by a livery cab shall be arranged through the place of business of the owner of such cab.

(3) No owner or driver of a livery cab shall, at or in any public place or at any of the places referred to in subsection 67 (1) of this Schedule, solicit any person to take or use the said cab, or hold out the said cab as being available for the conveyance of persons.

113. (1) Every owner of a livery cab shall file with the Municipal Licensing and Standards Division a schedule of rates to be charged for the conveyance of passengers in the City of Toronto in respect of every livery cab owned by him and for every other conveyance for which a licence is required under this By-law.

(2) A copy of the applicable schedule of rates filed with the Municipal Licensing and Standards Division as required by this section showing the charges to be collected for services rendered or to be rendered in connection with a livery cab shall at all times be kept by the person licensed as owner of the livery cab in such vehicle to be shown to the hirer on demand and no person licensed under this By-law shall use or publish any other schedule of rates or tariff.

(3) A schedule of rates filed with the Municipal Licensing and Standards Division by an owner may not be altered or amended without the consent of the Municipal Licensing and Standards Division unless 30 days' notice of the owner's intention to change such schedule is given to the Municipal Licensing and Standards Division.

(4) No owner or driver of a livery cab shall publish or use a tariff, or demand or receive rates or charges other than those set out in the applicable schedule of rates filed with the Municipal Licensing and Standards Division as required by this section.

114. No licence may be issued to the owner of a livery cab except in respect of a limousine or other luxury motor vehicle of a type approved by the Executive Director or his or her designate for use as a livery cab.

115. The number of livery cabs authorized to operate pursuant to this By-law shall be limited to 375 and the Municipal Licensing and Standards Division shall ensure that the number of licences issued to owners of livery cabs and outstanding at any one time, pursuant to this By-law, shall be limited to that number.

TARIFF "A"

One to Four Passengers:

For the first 0.235 Km or part thereof	\$ 2.50
For each additional 0.235 Km or part thereof	.25
For waiting time while under engagement, for each 38 seconds	.25

For each Additional Passenger in Excess of Four	.20
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Baggage:

Hand baggage if loaded and unloaded by driver - per bag	.10
Brief cases and parcels of comparable size - if loaded or unloaded by passenger - to a limit of four per passenger	no charge
Bags and cartons containing groceries - if loaded and unloaded by driver - per bag or carton	.10
Maximum charge for baggage - per passenger .30	
Wheel chairs, including loading and unloading by driver	no charge
Charges for trunks and other items not covered by this tariff shall be agreed upon before commencement of the trip	

Children, in the charge of an adult:

Eight years of age and under	free
Over eight years and under twelve years of age	half fare
Over twelve years of age	full fare

Document or Parcel Delivery:

For delivery of any parcel, document or thing where no passenger is carried - minimum charge per trip	\$ 5.00
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TRIP RECORD

Cab No. _____

Driver Start Time _____

Prov. Plate No. _____

Driver Finish Time _____

ODOMETER	METER TRIPS	METER UNITS (FARES)	OWNER'S NAME
In _____	In _____	In _____	
Out _____	Out _____	Out _____	
Total _____	Total _____	Total _____	
			Date _____

Driver _____

Driver's Address _____

Taxicab Driver's Licence No. _____

Pick Up Time	From	To	Drop Off Time	Cash		Charges	
Sub-Total							
Total							

EQUIPMENT FAULTS

Brakes _____ Steering _____ Exhaust System _____ Meter _____

Cleanliness & Damage: Interior _____ Exterior _____

Other Remarks: _____

Driver's Signature _____