

Authority: Notice of Motion J(18), moved by Councillor Cho, seconded by Councillor Lindsay Luby, adopted as amended, by City of Toronto Council on October 26, 27 and 28, 2004

Enacted by Council: October 28, 2004

CITY OF TORONTO

BY-LAW No. 1004-2004

To amend City of Toronto Municipal Code Chapter 545, Licensing, respecting age of vehicle requirements for taxicabs.

WHEREAS Section 150 of the *Municipal Act, 2001*, grants local municipalities the authority to license, regulate and govern any business wholly or partly carried on within the municipality for purposes of health and safety, consumer protection and / or nuisance control, and s. 155 grants further licensing powers with respect to the owners and drivers of taxicabs; and

WHEREAS the task force review of the taxi industry in the City of Toronto conducted in 1998 determined that, on average, older vehicles used as taxicabs are more likely to be found unsafe and dangerous; and

WHEREAS to address the health and safety issues arising from that determination, the reforms to taxicab regulation resulting from the task force review included changes to the provisions restricting the age of vehicles that could be used as taxicabs, and the phase-in period for these changes is now complete; and

WHEREAS at its meeting of September 28, 29, 30 and October 1, 2004, the Council of the City of Toronto amended Clause No. 3 of Planning and Transportation Committee Report No. 6 by deleting the recommendations of the Planning and Transportation Committee and adopting instead the staff recommendations; and

WHEREAS at its meeting of October 26, 27 and 28, 2004, the Council of the City of Toronto re-opened this matter and adopted as amended the recommendations of the Planning and Transportation Committee in lieu of the recommendations adopted at the previous meeting; and

WHEREAS the Council of the City of Toronto considers that the further refinements to the age of vehicles provisions contained in the Planning and Transportation Committee's recommendations as adopted better balance the needs of and the realities facing the taxicab industry while continuing to adequately protect health and safety;

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

1. Subsection 545-140 is repealed and replaced with the following:

§ 545-140. Age of Vehicles.

- A. Definition.

In this section the following term shall have the meaning indicated:

NEW VEHICLE – a motor vehicle that has not been previously bought, sold or leased by a licensed vehicle dealer.

B. Standard taxicabs age restrictions.

A motor vehicle that by year date is more than five model years old shall not be used as a standard taxicab.

C. Exception, owner-operated standard taxicabs.

- (1) Despite Subsection B, a standard taxicab that is operated exclusively by the owner of the taxicab shall not be more than six model years old by year date.
- (2) Despite Subsection C(1), a standard taxicab that is operated exclusively by the owner of the taxicab may be seven model years old by year date provided that it was a new vehicle when it became registered as a taxicab.

D. Ambassador taxicabs age restrictions.

- (1) The holder of an ambassador taxicab licence shall provide a motor vehicle that by year date is no more than two model years old for use as that owner's ambassador taxicab.
- (2) A motor vehicle that by year date is more than six model years old shall not be used as an Ambassador taxicab.
- (3) Despite Subsection D(2), an Ambassador taxicab may be seven model years old by year date provided that it was a new vehicle when it became registered as a taxicab.

E. Exception, standard, owner-operated standard and Ambassador age restrictions.

A motor vehicle that, by year date, is one or two model years older than the year date prescribed by Subsections B, C and D may be used as a taxicab if such motor vehicle:

- (1) 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
- (2) Is fuelled by natural gas, provided that vehicles acquired after 2004 have been converted to natural gas within 180 days of the acquisition of the vehicle.

F. Accessible taxicabs.

Every owner of an accessible taxicab shall ensure that the vehicle used as his or her accessible taxicab:

- (1) 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;
- (2) Complies with the Canadian Standards Association CAN3-D409-M84 vehicle standards, as amended; and
- (3) Is equipped with a fully functioning two-way communications device.

G. Accessible taxicab age restrictions.

- (1) The holder of an accessible taxicab licence shall provide a motor vehicle that by year date is no more than two model years old for use as that owner's accessible taxicab.
- (2) A motor vehicle that by year date is more than seven model years old shall not be used as an accessible taxicab.

H. Replacement vehicles.

- (1) A vehicle shall not be used as a replacement vehicle for a taxicab, unless it is registered as a taxicab or has been registered as a taxicab in the 45 day period immediately preceding the date of application to use the vehicle as a replacement vehicle, where the vehicle is:
 - (a) More than two model years old by year date; or
 - (b) Branded by the Ontario Ministry of Transportation as a rebuilt vehicle.
- (2) Despite any other provision in this Article, a taxicab shall not be replaced with a motor vehicle that has been used as a police vehicle in any jurisdiction or as a taxicab in any jurisdiction except the City of Toronto.

I. Vehicles that were purchased or leased as new or replacement vehicles since January 1999 may continue to operate as taxicabs in accordance with this Chapter.

J. Where a taxicab is required to be replaced in the last inspection period of 2004, the vehicle may be replaced in the first inspection period of 2005.

K. Every vehicle used as a taxicab shall have been registered in Ontario at the time of its original purchase and shall have maintained continuous registration in Ontario from the time of its original purchase.

2. This By-law is deemed to have come into force on September 30, 2004.

ENACTED AND PASSED this 28th day of October, A.D. 2004.

DAVID R. MILLER,
Mayor

ULLI S. WATKISS
City Clerk

(Corporate Seal)