

Authority: Planning and Transportation Committee Report No. 3, Clause No. 3,
as adopted by City of Toronto Council on May 18, 19 and 20, 2004
Enacted by Council: December 2, 2004

CITY OF TORONTO

BY-LAW No. 1049-2004

**To amend City of Toronto Municipal Code Chapter 545, Licensing, respecting the
operation of pedicabs in the City of Toronto.**

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

WHEREAS the City of Toronto has received numerous formal complaints about the operation of pedicabs, in particular regarding excessive fares, traffic obstruction and aggressive solicitation; and

WHEREAS the Tourism Division of the City of Toronto and various hotels have informed the City of Toronto that many similar complaints are not reported to Municipal Licensing and Standards enforcement staff; and

WHEREAS consumers will be better protected from excessive rates if the true cost of a pedicab ride is more easily ascertained by requiring pedicab operators to agree to a fare in writing prior to a trip and to attach to their pedicabs clearly visible, City-approved signs stating fares as calculated on a per minute basis and the exchange rate for United States' dollars; and

WHEREAS requiring pedicab operators to issue receipts including the date, time, driver's name and licence number of the pedicab will protect consumers by allowing passengers to check the cost of the trip and providing passengers with the appropriate information to lodge a complaint if necessary; and

WHEREAS pedicabs operating in the roadway could pose a danger to the health and safety of passengers and others using the roadway unless the operator is aware of and properly observes the rules of the road, which can be evidenced by holding a valid Ontario driver's licence; and

WHEREAS pedicabs operating in the roadway during heavy traffic are an impediment and therefore create a nuisance and a danger to the health and safety of passengers and others using the roadway, which can be controlled by prohibiting pedicabs on all City of Toronto roadways during the busiest times; and

WHEREAS the City of Toronto has received complaints about pedicabs creating a nuisance by blocking sidewalks, which can be controlled by prohibiting pedicabs from sidewalks; and

WHEREAS aggressive solicitation must be prohibited to protect consumers from threatening or intimidating behaviour and to control the nuisance resulting from the creation of disturbances or loud noises;

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

1. Article III of Toronto Municipal Code Chapter 545, Licensing, is amended by adding the following definitions to § 545-16 in alphabetical sequence:

TO SOLICIT – includes to offer or make available in any way, or to communicate to any person, the availability of pedicab services, and “solicitation” and “soliciting” have corresponding meanings.

AGGRESSIVE SOLICITATION – To solicit by creating a disturbance or loud noise, physically obstructing or interfering with any person, or continuing to solicit a person after that person has refused an offer of services.

2. The following sections are added to Article III:

§ 545-28.1. No aggressive solicitation.

No owner or driver of a pedicab shall engage in aggressive solicitation.

§ 545-29.1. Operation of pedicabs on streets.

No driver shall operate a pedicab and no owner shall allow a pedicab to be operated on the roadway between the hours of 3:30 p.m. and 6:30 p.m. on Monday through Friday, excluding statutory holidays.

3. Subsection 545-33D of Article III is deleted.

4. Sections 545-29, 545-32 and 545-35 of Article III are deleted and replaced with the following:

§ 545-29. No pedicabs on sidewalks.

No owner or driver shall permit a pedicab to be on a sidewalk or obstruct the roadway while the pedicab is hired or available for hire.

§ 545-32. Receipt; written agreement to fare.

- A. Every owner or driver shall give a passenger a receipt showing the date and time of the trip, the owner’s full name and licence number, the plate number of the pedicab, and the driver’s full name and licence number.
- B. Every owner or driver shall agree in writing to the fare to be charged for every trip prior to commencement of the trip in a form approved by the Commissioner or his or her delegate.

§ 545-35. Drivers to hold valid Ontario driver's licence.

- (1) Every owner and every driver shall hold a valid Ontario driver's licence, which shall be carried with him or her at all times while the pedicab is hired or available for hire, and shall produce his or her Ontario driver's licence for inspection to any Municipal Law Enforcement Officer or peace officer upon request.
 - (2) Every owner shall ensure that the driver of his or her pedicab holds a valid Ontario driver's licence.
5. Section 545-30 of Article III is amended by deleting §§ 545-30B(3), (5) and (6) and replacing them with the following:
- (3) Be 41 centimetres long and 21 centimetres high, with lettering in a highly contrasting colour that is at least 5 centimetres high;
 - (5) State the current rate of exchange for United States' dollars;
 - (6) State that the driver is required to agree to the fare in writing prior to commencement of the trip; and
6. Section 545-30 is further amended by adding the following subsection:
- (7) Be inspected and approved by the Commissioner or his or her delegate.
7. Subsection 545-30B(4) of Article III is amended by adding the phrase "on a per minute basis, including whether the rates or fares are to be charged per passenger" after the word "pedicab" and before the semi-colon.

ENACTED AND PASSED this 2nd day of December, A.D. 2004.

DAVID R. MILLER,
Mayor

ULLI S. WATKISS
City Clerk

(Corporate Seal)