

Authority: Licensing and Standards Committee Item LS6.1, adopted as amended, by City of Toronto Council on September 30, October 1 and 2, 2015 and Section 169-26B of City of Toronto Municipal Code Chapter 169, Officials, City

CITY OF TORONTO

BY-LAW No. 1047-2015

To amend City of Toronto Municipal Code Chapter 545, Licensing, respecting owners and drivers of taxicabs, owners and drivers of limousines, taxicab brokers and limousine service companies.

Whereas the *City of Toronto Act, 2006* grants the City of Toronto the authority to enact by-laws respecting business licensing, the economic, social, and environmental well-being of the City, the health, safety, and well-being of persons, and the protection of persons and property, including consumer protection; and

Whereas there has been a proliferation of taxicab and limousine services operating outside of the provisions of City of Toronto Municipal Code Chapter 545, Licensing, governing owners and drivers of taxicabs and limousines, taxicab brokers and limousine service companies; and

Whereas persons enabled by the use of modern technology have advanced narrow interpretations of the provisions of Chapter 545 to justify the operation of unlicensed and unregulated taxicab and limousine services, including brokerage services; and

Whereas the operation of unlicensed and unregulated taxicab and limousine services, including brokerage services, is contrary to the public interest, the economic, social, and environmental well-being of the City, the health, safety, and well-being of persons, and the protection of persons and property, including consumer protection; and

Whereas City Council deems it necessary and expedient to amend Chapter 545 to ensure that all taxicab and limousine services, including brokerage services, are operated by persons licensed and regulated by the City regardless of the type of technology used in the provision of those services; and

Whereas a technical amendment is necessary to reflect the decision of the Superior Court of Justice in *Toronto Taxi Alliance v. City of Toronto* which quashed the provision of Chapter 545 that required the mandatory conversion of all standard taxicabs to Toronto Taxicab Licences by July 1, 2024;

The Council of the City of Toronto enacts:

1. Municipal Code Chapter 545, Licensing, § 545-1 is amended by:
 - A. deleting the definition of "taxicab" and replacing it with the following:

TAXICAB:

 - A. A passenger motor vehicle for hire having a seating capacity of six or fewer passengers exclusive of the driver, which may be hired by pre-arrangement or by hail for the transport of persons, including an

ambassador taxicab, a standard taxicab, a Toronto Taxicab and an accessible taxicab.

- B. When used in reference to a taxicab, "owner" includes:
- (1) The owner of a taxicab licensed as such or required to be licensed as such under this chapter; and
 - (2) The holder of the plate portion of a permit issued by the Ministry of Transportation, and, where the records of the Ministry of Transportation indicate that the motor vehicle is leased, the lessee, who is registered as such with the Ministry of Transportation.

- B. deleting the definition of "taxicab broker" and replacing it with the following:

TAXICAB BROKER:

- A. Any person who accepts, solicits, or brokers requests for taxicab service in any manner, including any person who offers or licenses a smartphone application, website, or other technology that connects passengers with taxicab service or is held out as being for the purpose of connecting passengers with taxicab service, in relation to a taxicab that is not owned by that person, his or her immediate family, or his or her employer.
- B. In this definition "person" includes multiple persons who, acting together, carry on the business of a taxicab broker, despite the fact that no single one of those persons carries on the activity in its entirety, and such persons shall be subject to § 545-2A, and may be held jointly and severally responsible for each other's actions.

- C. deleting the definition of "limousine service company" and replacing it with the following:

LIMOUSINE SERVICE COMPANY:

- A. Any person who accepts, solicits, or brokers requests for limousine service in any manner, including any person who offers or licenses a smartphone application, website, or any other technology that connects passengers with limousine service or is held out as being for the purpose of connecting passengers with limousine service.
- B. In this definition "person" includes multiple persons who, acting together, carry on the business of a limousine service company, despite the fact that no single one of those persons carries on the activity in its entirety, and such persons shall be subject to § 545-2A, and may be held jointly and severally responsible for each other's actions.

2. Municipal Code Chapter 545, Licensing, is amended by adding the following sections:

§ 545-130.1. Prohibition on dispatch of unlicensed taxicabs.

No person shall dispatch or otherwise communicate requests for taxicab service to a driver in any manner or enter into an arrangement or agreement with a driver to connect the driver with passengers seeking taxicab service unless the driver and the owner of the taxicab are licensed as such under this Chapter.

§ 545-491. Prohibition on dispatch of unlicensed limousines.

No person shall dispatch or otherwise communicate requests for limousine service to a driver in any manner or enter into an arrangement or agreement with a driver to connect the driver with passengers seeking limousine service unless the driver and the owner of the limousine are licensed as such under this Chapter.

3. Municipal Code Chapter 545, Licensing, § 545-134B(3) is deleted.
4. Municipal Code Chapter 545, Licensing, § 545-133B is amended by deleting the number 290 and replacing it with the number 390.
5. Municipal Code Chapter 545, Licensing, Appendix C, Tariff A, Taxicab Rates and Fares is amended by changing the rate "for the first 0.143 km or part thereof" from \$4.25 to \$3.25.
6. Sections 1, 2, and 3 of this by-law shall come into force on the date of enactment and Sections 4 and 5 of this by-law shall come into force on November 1, 2015.

Enacted and passed on October 2, 2015.

Frances Nunziata,
Speaker

Ulli S. Watkiss,
City Clerk

(Seal of the City)