

Review of Taxicab Licensing Thresholds

To review the application of the City's business licensing threshold bylaw provisions for taxicab drivers and to analyse their impact on licence holders.

Date:	April 16, 2007
To:	Licensing and Standards Committee
From:	Executive Director, Municipal Licensing and Standards
Wards:	All
Reference Number:	4095

SUMMARY

This report reviews the City's taxicab driver thresholds in response to a request from the Licensing and Standards Committee. It analyses the impact of the thresholds on taxicab drivers and provides observations with respect thereof.

In 2006, out of 9,954 applicants, 110 taxicab drivers licence applicants (both new and renewals) were refused licenses by Municipal Licensing and Standards Division for threshold-related violations. This represents 1.1% of all taxicab driver applicants for that year.

No recommendations to change the existing threshold mechanism are provided given the number of taxicab driver applicants impacted.

Financial Impact

The information in this report has no financial implications beyond those already approved in the current year's budget.

DECISION HISTORY

The City's business licensing thresholds were adopted by Council in January 2004. The thresholds came into force on July 1, 2004.

In July of 2005, Council adopted the recommendations of a report from the Executive Director of Municipal Licensing and Standards Division based on a review of the licensing thresholds. The resulting revisions to the bylaw allowed for more effective enforcement of the bylaw and representation at the City of Toronto Licensing Tribunal hearings.

At its meeting of January 19, 2007, the Licensing and Standards Committee requested that staff provide background information on the application of the bylaw on business license thresholds for taxi drivers, reporting back to the May 4, 2007 meeting of the Committee.

ISSUE BACKGROUND

The development of licensing thresholds was first requested by the Planning and Transportation Committee as a way to deal with licensed businesses that were involved in criminal matters or represented a nuisance to the community.

Licensing thresholds are an administrative mechanism used as part of the evaluation process which new licence applicants and those renewing their licences are scrutinised to determine whether or not the licence should be issued. The thresholds identify offence convictions, and the frequency with which an applicant may be convicted of the specified offences, that may trigger a staff report to the Licensing Tribunal making a recommendation to either grant (with or without conditions), revoke, suspend or set conditions on a licence.

Since their inception, staff has brought two reports forward to address operational issues requiring bylaw amendments. The last of these amendments was made in the summer of 2005.

COMMENTS

The thresholds are divided into those that apply to mobile businesses and those that apply to stationary businesses and trades. The thresholds identify convictions of offences found in the Toronto Municipal Code, the *Criminal Code of Canada*, the *Controlled Substance Act* and, in the case of mobile businesses, the *Highway Traffic Act* that are considered in determining if a licence will be issued. The thresholds are found in Appendix K of Toronto Municipal Code Chapter 545, Licensing:

http://www.toronto.ca/legdocs/municode/1184_545.pdf

Process for new applications

Upon receipt of an application for a licence, Municipal Licensing and Standards Division will make or cause any such investigation as may be necessary with respect to such application. Police reference checks are a part of this process. Relevant information received from the police reference check is entered into the City's licensing computer system. The computer system will flag any person whose conviction record triggers a threshold. When a threshold is triggered, staff is obliged to inform applicants that their licence application has been refused and that they may apply to the Licensing Tribunal to

have the matter considered. If an applicant decides to apply to the Licensing Tribunal for a hearing, staff will write a report citing the threshold violation and make a recommendation(s) to the Licensing Tribunal. The Licensing Tribunal will hear the case and decide on whether to accept, reject or amend the staff recommendation(s). The Licensing Tribunal is not bound to prohibit the issuance of a license based solely on the thresholds as it is a quasi-judicial body, which will weigh all the evidence before it, and cannot have its discretion fettered.

Process for licence renewals

The process for licence renewals is similar. Licensees are generally required to provide a police reference check every four years. However, when a licence applicant has been convicted of a serious offence (i.e., code 01 – 04 in Appendix K) and the Licensing Tribunal has granted the issuance of a license, the licensee is required to annually provide a police reference check until the conviction falls outside of the time frame for which the conviction is considered under the thresholds.

At the time of renewal, if a licensee is approaching a threshold related to convictions against the City of Toronto Municipal Code, Municipal Licensing and Standards Division sends a notice letter advising the licensee of such.

Impact of thresholds on taxi drivers

The thresholds are intended to identify those applicants and licensees who have been convicted of offences which behaviours are incompatible with the type of business, based on health and safety and consumer protection. The thresholds are intended to provide an objective and transparent way of identifying such individuals and of recommending to the Tribunal an appropriate way to deal with the licence.

The table below sets out the number of new and renewal applications refused by Municipal Licensing and Standards Division in 2006 based on thresholds being identified:

Table: Taxicab driver licence application refusals for 2006.

Application Type	Total # of Applications	Total # Refused	(%)
New	1,560	13	0.83
Renewal	8,394	97	1.16
Total	9,954	110	1.11

Source: Progress Licensing System.

The thresholds identified 110 out of 9,954 taxicab driver applicants of which 36 applicants have had the refusal of their application heard by the Licensing Tribunal. Out of the 36 hearings, the Tribunal accepted the staff recommendations 33 times, rejected

them two times and amended the recommendation in one case. Other hearing requests are still pending and the licences of those who paid for their renewal but were refused by staff are deemed to continue until the outcome of the hearing.

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SIGNATURE

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