

## ATTACHMENT NO. 2 – DRAFT BILL

Authority: Planning and Transportation Committee Report No. 4, Clause No. 1, as adopted by City of Toronto Council on May 17, 18 and 19, 2005 and Licensing and Standards Committee Report No. \*, Clause No. \*, as adopted by City of Toronto Council on \*

Enacted by Council: \*

### CITY OF TORONTO

**Bill No.:**

#### **BY-LAW No.**

#### **To correct By-Law 706-2005, a by-law to amend City of Toronto Municipal Code Chapter 545, Licensing, respecting limousines and limousine service companies**

WHEREAS By-law No. 706-2005, a by-law to amend City of Toronto Municipal Code Chapter 545, Licensing, respecting limousines and limousine service companies, was enacted on July 21, 2005; and

WHEREAS section 6 of By-law No. 706-2005 added Article XXXIX to Chapter 545; and

WHEREAS prior to the enactment of By-Law 706-2005, limousine businesses were regulated by Article VIII of Chapter 545, which article also regulates taxicabs; and

WHEREAS Planning and Transportation Committee Report No. 4, Clause No. 1, as adopted by City of Toronto Council on May 17, 18 and 19, 2005 was implemented by the mechanism of creating a new article governing limousine businesses, thus separating the regulations governing limousine businesses from those governing taxicab businesses; and

WHEREAS Article XXXIX was intended to incorporate the provisions of Article VIII which governed limousine businesses and to implement Planning and Transportation Committee Report No. 4, Clause No. 1, as adopted by City of Toronto Council on May 17, 18 and 19, 2005 ; and

WHEREAS Article XXXIX contains various drafting and other errors such that some provisions of Article VIII that did not apply to limousine businesses were inadvertently included in Article XXXIX, some provisions of Article VIII that did apply to limousine businesses were inadvertently excluded from Article XXXIX, and some aspects of Planning and Transportation Committee Report No. 4, Clause No. 1, as adopted by City of Toronto Council on May 17, 18 and 19, 2005 were not accurately implemented; and

WHEREAS recommendation 1(c) contained in Planning and Transportation Committee Report No. 4, Clause No. 1, as adopted by Council on May 17, 18 and 19, 2005, and section 545-489 of Article XXXIX, which implements that recommendation, are ambiguous and have been clarified by the adoption of Licensing and Standards Committee Report No. \*, Clause No. \*; and

WHEREAS the preamble to By-law No. 706-2005 incorrectly describes the purpose of the regulation of rates and fares contained in that by-law, which purpose is described in Planning and

Transportation Committee Report No. 4, Clause No. 1, as adopted by Council on May 17, 18 and 19, 2005; and

WHEREAS By-law No. 706-2005 therefore does not accurately reflect Planning and Transportation Committee Report No. 4, Clause No. 1, as adopted by Council on May 17, 18 and 19, 2005;

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

1. The fifth paragraph of the preamble to By-law No. 706-2005 is deleted and the following is substituted in its place:

WHEREAS a minimum rate for limousine transportation services is necessary to deter direct competition between limousines and taxicabs and to establish and maintain a clear distinction between limousine transportation services and taxicab transportation services; and

2. Article XXXIX of Toronto Municipal Code Chapter 545 is amended by deleting and renumbering where necessary the following sections and subsections: §§ 545-476 C; 545-477 D, E and F; 545-478 A(2) and (3); 479 C and D; 480 A(3), B, D(7), E, H(3) and I; 545-482 I; 545-484; 545-488 E, F, M and S; and 545-491.
3. Article XXXIX is further amended by deleting the phrase “or limousine service company” from the following sections and subsections: 545-480 C; 545-482 F; and 545-488 H.
4. Subsections 545-482 C and 545-488 G(2) and (3) are amended by deleting the phrase “owner, driver or limousine service company” and subsections 545-488 O and P are amended by deleting the phrase “driver, owner or limousine service company” and in each subsection the deleted phrase is replaced with the phrase “owner or driver”.
5. Section 545-472 of Article XXXIX is amended by deleting the phrases “CHILD SAFETY LOCK” and “TWO WAY RADIO” and their corresponding definitions.
6. Subsection 545-473 A is amended by deleting the phrase, “driver, owner or owner of a limousine service company” and replacing it with the word “person”.
7. Subsection 545-473 B is amended by deleting the word “driver” from the phrase “every applicant for a driver” and replacing it with the phrase “driver’s licence”.
8. Subsection 545-473 C is amended by adding the phrase “any licensed limousine” after the phrase “may act as a driver of” and deleting subsections (1) and (2).
9. Subsection 545-473 D is amended by deleting the phrase “driving his or her own limousine” and replacing it with the phrase “who drives”.
10. Subsection 545-473 E is amended by deleting the phrase “his or her limousine”.

**11.** Section 545-474 is deleted and replaced with the following:

§ 545-474. Sales and transfers, death of owner.

A. Sale of a limousine; issuance of new licence to purchaser.

- (1) No owner's licence shall be transferred, but, subject to any other provisions of this chapter, an owner may sell his or her limousine and its equipment to any person, and upon such sale the owner's licence issued in respect of such limousine shall be terminated.
- (2) Subject to Subsection A(3), the Municipal Licensing and Standards Division may, in its discretion, issue a new licence to the purchaser of a limousine and its equipment if the new applicant qualifies under all other provisions of this chapter.
- (3) Notwithstanding Subsections A(1) and (2), 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 the 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 its decision.

B. Death of owner.

- (1) In this subsection, "owner" includes any person who directly or indirectly owns the controlling interest in a corporation holding one or more limousine owner's licences, and "limousine" includes the shares in such corporation owned or controlled by such owner.
- (2) Upon the death of the owner of a limousine, the owner's licence issued in respect of such limousine shall be terminated.
- (3) Upon receiving notice of the death of the owner of a limousine, 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 deceased owner pending disposition of the limousine by the personal representative or representatives of the deceased owner.
- (4) Where a licence has been issued to the estate of a deceased limousine owner in accordance with Subsection B(3), his or her personal representative or representatives shall be deemed to be the owner of the limousine for the purposes of this chapter.
- (5) Where a licence has been issued to the estate of the deceased limousine

owner in accordance with Subsection B(3), the licence shall terminate one year from the date of death of the deceased limousine owner.

- (6) The Toronto Licensing Tribunal may, in its discretion, extend the one-year period referred to in Subsection B(5) either before or after its expiry.
  - (7) Upon the sale, transfer or other disposition of a limousine by the personal representative or representatives of a deceased limousine owner, the licence issued in respect of such limousine shall be terminated, and the Municipal Licensing and Standards Division may, in its discretion, issue a new licence to the person purchasing or otherwise obtaining the limousine, and the provisions of this chapter requiring a fee to be paid upon the issuance of a licence to a purchaser of a limousine on a sale approved by the Toronto Licensing Tribunal shall apply.
12. Subsection 545-475 A is amended by deleting the word “limousine” and adding the phrase “that holds an owner’s licence” after the word “company” and before the word “shall”.
13. Subsections 545-475 B(1) and C(1) are amended by deleting the phrase “or limousine service company licences”.
14. Subsection 545-475 D(1) is amended by deleting the phrase “or limousine service company’s licences”.
15. Subsection 545-478 A(1) is amended by deleting the phrase “as prescribed regularly thereafter as required by the Municipal Licensing and Standards Division” and replacing it with the phrase “on a regularly scheduled basis at least twice annually thereafter.”
16. Section 545-480 is amended by adding the following subsection:
  - A.1. Every driver and every owner shall at all times when driving a limousine have his or her photograph and name affixed in a place in the limousine approved by the Executive Director or his or her designate in such manner that the name and photograph are plainly visible to and readable by passengers in the back seat.
17. Subsection 545-480 F is amended by deleting the phrase “no limousine service company shall permit and no owner shall exhibit” and replacing it with the phrase “no owner shall exhibit or permit to be exhibited”.

- 18.** Subsection 545-481 is deleted and replaced with the following:

§ 545-481. Advertising.

- A. No owner shall display or permit the display of any advertisement on his or her limousine.
- B. No owner or driver shall permit his or her services or the services of his or her limousine to be advertised in any way, except by himself or herself, or by some licensed owner with whom he or she is associated.
- C. No owner of a limousine shall in any advertisement made or permitted to be made by him or her use or permit the use of the words “taxi,” “taxicab,” “cab” or any other word or words which indicate or could be reasonably interpreted to indicate that the limousine is a taxicab or is available for service as a taxicab as defined by this chapter.

- 19.** Subsection 545-482 A is deleted and replaced by the following:

A. Minimum Rates.

Notwithstanding anything else in this chapter, the minimum rates or fares to be quoted and charged by an owner, driver, limousine service company or any person in its employ shall be \$70.00 (+ G.S.T.) per hour for the first two hours or part thereof.

- 20.** Subsection 545-482 D is amended by deleting the phrase, “and limousine service company”.
- 21.** Subsection 545-483 A(2) is amended by deleting the word “and” where it appears in between the word “trip” and the phrase “as soon as”.
- 22.** Subsection 545-486 A is amended by adding the phrase “at least 20 minutes before the pre-arranged pick up time” after the word “company” and before the comma.

**23.** Subsection 545-488 L is deleted and replaced with the following:

- L. Right to refuse service to certain passengers.
- (1) Except as provided in Subsection L(2), a driver or owner who drives who refuses to serve a person who has pre-arranged the service of his or her limousine is guilty of an offence.
  - (2) A driver or an owner who drives may refuse to serve a person who has pre-arranged the service of his or her limousine, provided that the driver or owner who drives immediately records his or her reasons for such refusal on his or her service log, if the person requiring the service:
    - (a) Owes the owner or driver for a previous fare or service;
    - (b) Asks to be driven to a remote place in circumstances which such owner or driver reasonably believes to be unsafe; or
    - (c) Is unduly obnoxious or abusive.
  - (3) An owner who drives his or her limousine, or a driver, is guilty of an offence who:
    - (a) Refuses to serve a person requesting the services of his or her limousine;
    - (b) Pleads some previous engagement; and
    - (c) Does not give the name and address of the person to whom he or she is so engaged together with the time and place of such engagement.

**24.** Section 489 is deleted and replaced with the following:

§ 545-489. Fleet ratios to be maintained.

- A. Every limousine service company shall have and maintain service agreements for at least one stretch limousine and at least two sedan limousines.
- B. Subject to subsection 545-489A, a limousine service company that has and maintains a service agreement for one stretch limousine may have service agreements for up to four sedan limousines.

- C. A limousine service company that has and maintains service agreements for five vehicles in accordance with subsections A and B may enter into service agreements for additional sedan limousines provided that it shall have and maintain service agreements for at least one stretch limousine for each six additional sedan limousines.
- D. This section does not apply to the vehicles owned or operated by a limousine service company if the company was licensed as a livery cab owner as of May 19, 2005, and if the vehicles were owned or operated by that company as of May 19, 2005.
25. Subsections 545-490 B and D are amended by deleting the word “provision” where it appears after the word “service” in each subsection.
26. This By-Law is deemed to have to come into effect on September 1, 2005.

ENACTED AND PASSED this \* day of \*, A.D. 2007.

Mayor

City Clerk

(Corporate Seal)