
Licensing and Standards Committee

Meeting No. 9
Meeting Date Friday, November 30, 2007
Start Time 9:30 AM
Location Committee Room 1, City Hall

Contact Dela Ting, Acting Administrator
Phone 416-397-7769
E-mail lsc@toronto.ca

Item		Page
LS9.4	Review of Taxicab Licensing Thresholds (Wards: All)	1
LS9.6	Review of Limousine Licensing Regulations, including the Transport of Passengers to the Airport (Wards: All)	3
LS9.7	Court Application and Clarification, Correction, and Updating of By-law No. 706-2005 respecting limousine businesses (Wards: All)	5
LS9.8	Noise from the Operation of Construction Equipment on Sundays and Statutory Holidays (Wards: All)	7

Licensing and Standards Committee

Meeting No.	9	Contact	Dela Ting, Acting Administrator
Meeting Date	Friday, November 30, 2007	Phone	416-397-7769
Start Time	9:30 AM	E-mail	lsc@toronto.ca
Location	Committee Room 1, City Hall		

LS9.4	AMENDED		Wards: All
--------------	---------	--	------------

Review of Taxicab Licensing Thresholds

City Council Decision

City Council on December 11, 12 and 13, 2007, adopted the following motions:

1. City Council adopt the amendments to Appendix K of Toronto Municipal Code Chapter 545, Licensing, in Appendix A of the report (November 13, 2007) from the Executive Director, Municipal Licensing and Standards, to replace the current by-law thresholds with a demerit-point system.

2. City Council adopt the amendments to Toronto Municipal Code Chapter 545, Licensing, in Appendix B of the report (November 13, 2007) from the Executive Director, Municipal Licensing and Standards, to effectively replace the current requirement for taxicab drivers to maintain trip sheets with one to maintain an operator log and, further, when a taxi is being driven by someone other than the licensed owner, it is a responsibility of the owner to ensure that the log is properly maintained, regularly updated and readily available for inspection by a Municipal Licensing and Standards Inspector or a Police Officer.

3. City Council adopt the amendments to Appendix D of Toronto Municipal Code Chapter 545, Licensing, in Appendix C of the report (November 13, 2007) from the Executive Director, Municipal Licensing and Standards, to replace the sample trip sheet with a sample operator log.

4. City Council authorize and direct City staff to take any other action necessary to implement the proposed by-law amendments.

(Public Notice given)

(November 13, 2007) Report from Executive Director, Municipal Licensing and Standards

Committee Recommendations

The Licensing and Standards Committee recommends that Council:

1. adopt the amendments to Appendix K of Toronto Municipal Code Chapter 545, Licensing, in Appendix A of the report (November 13, 2007) from the Executive Director, Municipal Licensing and Standards, to replace the current bylaw thresholds with a demerit-point system;
2. adopt the amendments to Toronto Municipal Code Chapter 545, Licensing, in Appendix B of the report (November 13, 2007) from the Executive Director, Municipal Licensing and Standards, to effectively replace the current requirement for taxicab drivers to maintain trip sheets with one to maintain an operator log;
3. adopt the amendments to Appendix D of Toronto Municipal Code Chapter 545, Licensing, in Appendix C of the report (November 13, 2007) from the Executive Director, Municipal Licensing and Standards, to replace the sample trip sheet with a sample operator log; and
4. authorize and direct City staff to take any other action necessary to implement the proposed bylaw amendments.

Decision Advice and Other Information

The Licensing and Standards Committee requested the Executive Director, Municipal Licensing and Standards, to report to the Licensing and Standards Committee on the feasibility of a by-law amendment that would require the removal of a plate if a driver fails to display a license, or is found to be driving without a valid license and further, under such a system, if a vehicle is found to be driven by an unlicensed driver, the owner be required to appear before the Tribunal.

Financial Impact

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

Summary

In response to a direction from the Licensing and Standards Committee, staff reviewed the City's business licensing thresholds, and specifically with respect to their impact on taxicab drivers.

An industry stakeholder consultation was held on August 28, 2007 to obtain feedback on the issues raised by the Committee.

On the basis of this consultation, and further research and analysis by staff, a number of recommendations were made, of which the main ones were to introduce a "demerit-point" style system for bylaw offences, and to eliminate the requirement for trip sheets and, in their place,

require operator log sheets.

Staff conclude, however, that the way the thresholds are currently structured already address some of the concerns expressed by the Committee. Because of this, staff do not believe that it is necessary to increase the bylaw thresholds to ten convictions (or its equivalent of ten points, under the system that is being proposed in this report), as such a measure would effectively undermine their original purpose.

The City Solicitor was consulted in the preparation of this report.

Background Information

Staff Report from Executive Director, Municipal Licensing and Standards
<http://www.toronto.ca/legdocs/mmis/2007/ls/bgrd/backgroundfile-8935.pdf>

Communications

(November 28, 2007) e-mail from Jim Bell, President, Toronto Taxicab Alliance (LS.New.LS9-4.1)

Speakers

Jim Bell, President, Toronto Taxicab Alliance (TTA) (Submission Filed)
 Aldo Marchese, President, Independent Cab Association
 Hubert Leach
 Balgit Sikand, Operators Association
 Steve Aneni

LS9.6	AMENDED			Ward: All
-------	---------	--	--	-----------

Review of Limousine Licensing Regulations, including the Transport of Passengers to the Airport

Confidential Attachment - Litigation and solicitor-client privilege

City Council Decision

City Council on December 11, 12 and 13, 2007, adopted the following motions:

1. City Council amend Toronto Municipal Code, Chapter 545, Licensing, by removing from Subsection 2B(1) of Chapter 545-2, Licensing, the following wording:

“.....except where such conveyance is made to an airport owned and operated by the Crown in right of Canada situated outside the municipality by a cab rearing a valid and subsisting plate issued in respect of such airport under the Government Airport Concession Operators Regulations made under the Department of Transport Act (Canada).”.

2. City Council direct the City Solicitor to prepare the necessary bill to give effect to the recommendations from this report, as adopted by Council.
3. The City Solicitor be directed to provide a comprehensive report to the Licensing and Standards Committee at its meeting scheduled to be held on February 15, 2008, with respect to the legal implications of the decisions that Council has made to date related to the licensing and regulation of taxis and limousines picking up passengers in the City for transportation to Lester B. Pearson International Airport (the "Airport").
4. Council direct that the confidential attachment to the supplementary report (December 10, 2007) from the City Solicitor (LS9.6a), remain confidential indefinitely, as it contains information pertaining to litigation that affects the City and that is subject to solicitor-client privilege.
5. Council receive, for information, the following Recommendation 2 contained in the supplementary report (December 10, 2007) from the City Solicitor (LS9.6a):

"2. Council adopt the confidential instructions to staff in Attachment 1."
6. City Council authorize and direct City staff to take any other action necessary to implement the recommendations from this report, as adopted by Council.

(Public Notice given)

(November 16, 2007) Report from Executive Director, Municipal Licensing and Standards

Committee Recommendations

The Licensing and Standards Committee recommends that Council:

1. amend Toronto Municipal Code, Chapter 545, Licensing, by:
 - a. removing from Subsection 2B(1) of Chapter 545-2, Licensing, the following wording:

".....except where such conveyance is made to an airport owned and operated by the Crown in right of Canada situated outside the municipality by a cab rearing a valid and subsisting plate issued in respect of such airport under the Government Airport Concession Operators Regulations made under the Department of Transport Act (Canada).";
 - b. adding to the Chapter a provision that will establish a maximum number of licences to be issued for limousine owners, that number equalling the total number of licenses issued or applied for as of November 30, 2007, being the date of the meeting of Licensing and Standards Committee;

2. direct the City Solicitor to prepare the necessary bill to give effect to the recommendations from this report, as adopted by Council; and
3. authorize and direct City staff to take any other action necessary to implement the recommendations from this report, as adopted by Council.

Decision Advice and Other Information

The Licensing and Standards Committee requested:

1. the Executive Director, Municipal Licensing and Standards, in consultation with the General Manager, Economic Development, Culture and Tourism Division, the limousine industry and other appropriate stakeholders to undertake a review of the standards and regulations applicable to limousines licensed by the City of Toronto and report to the Licensing and Standards Committee by December, 2008;
2. the City Solicitor to report directly to City Council, for its meeting on December 11, 2007, on the feasibility of the following amendment:

That Recommendation 2 in the report (November 16, 2007) from the Executive Director, Municipal Licensing and Standards, be amended by adding the following words after 'Committee', "and no further consideration be given to applications that may have been filed by that date but have not been fully processed by that date", so that it reads as follows:

- "2. Adding to the Chapter a provision that will establish a maximum number of licenses to be issued for limousine owners, that number equalling the total number of licenses issued or applied for as of November 30, 2007, being the date of the meeting of Licensing and Standards Committee and no further consideration be given to applications that may have been filed by that date but have not been fully processed by that date";
3. the Executive Director, Municipal Licensing and Standards, to:
 - a. open a dialogue with the Ministry of Transportation to clarify the terms of the Public Vehicles Act, as it applies to picking up passengers in Toronto;
 - b. develop a licensing issuing formula, in consultation with all major stakeholders, accompanied by an economic impact study that must support any future licensing issued in the transportation sector;
 - c. develop a protocol, under an appeals process for enforcement under the City of Toronto Act (COTA) under Authority to Establish Fines: Section 370(1), (2) and (3), where more severe penalties could be sought for offenders of the Act;
 - d. report to the Licensing and Standards Committee on the feasibility of charging doormen at hotels and any other centres for taking payment "cookies", in soliciting transportation for hire vehicles;

- e. administratively clean up the language in the by-laws governing taxis, limousines and liveries and be authorized by Council to make changes as may be required; and
- f. undertake, in cooperation with the brokerages, an education program to notify the public and the drivers of the flat rate to the airport fee schedule now in place.

Financial Impact

There are no financial impacts arising from this report beyond what has already been approved in the current year's budget.

Summary

The language contained in Section 545-2B(1) of Chapter 545, Licensing, of the Toronto Municipal Code (which exempts cabs traveling to Crown-operated airports from the requirement to hold a taxicab license issued by the City, the Exemption) should be repealed. The existing language of the Exemption provision should be repealed because it is not applicable to vehicles picking up passengers within the City for transportation to Lester B. Pearson International Airport (the Airport).

Appropriate staff will undertake a review of the standards and regulations applicable to limousines licensed by the City and report back to Licensing and Standards Committee by December 2008. Consultations will be undertaken with the limousine industry and other appropriate stakeholders and will take into consideration such matters as the types of vehicles that should be used as limousines (including low emission and hybrid technologies), the appropriateness of the ratios adopted, and whether it may be appropriate to re-impose limitations on the number of limousines licenses issued and if so, what number of licenses would be appropriate.

In the interim, the number of limousine licenses issued by the City should be fixed at the total number of licenses currently issued or those applied for as of the date of the meeting of Licensing and Standards Committee, being November 30, 2007.

Background Information

Staff Report from Executive Director, Municipal Licensing and Standards
(<http://www.toronto.ca/legdocs/mmis/2007/ls/bgrd/backgroundfile-8941.pdf>)

Additional Background Information (City Council)

- Report (December 10, 2007) from the City Solicitor ([LS9.6a](#))

Confidential Attachment 1 to the report (December 10, 2007) from the City Solicitor (LS9.6a), remains confidential in its entirety, in accordance with the provisions of the City of Toronto Act, 2006, as it contains information pertaining to litigation that affects the City and that is subject to solicitor-client privilege.

Communications

(November 30, 2007) e-mail from Gerald H. Manley (LS.New.LS9.6.1)

(November 28, 2007) e-mail from Jim Bell, President, Toronto Taxicab Alliance (LS.New.LS9.6.2)

Additional Communication (City Council)

- (December 5, 2007) from Ronald G. Slaght, Lenczner Slaght Royce Smith Griffin, LLP (LS9.6.3)

Speakers

Gerry Manley (Submission Filed)

Hubert Leach

Jim Bell, President, Toronto Taxicab Alliance (TTA) (Submission Filed)

Joe Ironi, obo Ontario Limousines Association

Robert Stewart

Steve Aneni

Jean Dahdaly, Cullitons Limousine

LS9.7	NO AMENDMENT			Ward: All
-------	--------------	--	--	-----------

Court Application and Clarification, Correction, and Updating of By-law No. 706-2005 respecting limousine businesses

Confidential Attachment - Litigation or potential litigation that affects the City and contains advice or communications that are subject to solicitor-client privilege (Confidential Attachment 1)

City Council Decision

City Council on December 11, 12 and 13, 2007, adopted the following motions:

1. City Council confirm that Recommendation (1)(c) contained in Planning and Transportation Committee Report 4, Clause 1, titled "Licensing of Livery Vehicles in the City of Toronto", as adopted by City Council on May 17, 18 and 19, 2005, was intended to mean that every limousine service company shall have and maintain service agreements for at least one stretch limousine and at least two sedan limousines.
2. Council repeal the residency requirement governing limousine owners contained in section 545-142A(4)(a) of Chapter 545, Licensing.
3. Council repeal the advertising approval requirements governing limousine owners contained in section 545-136B of Chapter 545.

4. Council enact the draft bill attached to the report (November 14, 2007) from the City Solicitor.
5. The Confidential Attachment to the report (November 14, 2007) from the City Solicitor remain confidential and not be publicly released.
6. The appropriate City officials be authorized and directed to take all necessary steps to give effect thereto.

Confidential Attachment 1 to the report (November 14, 2007) from the City Solicitor, remains confidential in its entirety, in accordance with the provisions of the City of Toronto Act, 2006, as it contains information related to litigation or potential litigation that affects the City and advice or communications that are subject to solicitor-client privilege.

(November 14, 2007) Report from City Solicitor

Committee Recommendations

The Licensing and Standards Committee recommends that:

1. City Council confirm that recommendation 1(c) contained in Planning and Transportation Committee Report No. 4, Clause 1 titled "Licensing of Livery Vehicles in the City of Toronto", as adopted by City Council on May 17, 18 and 19, 2005, was intended to mean that every limousine service company shall have and maintain service agreements for at least one stretch limousine and at least two sedan limousines;
2. Council repeal the residency requirement governing limousine owners contained in section 545-142A(4)(a) of Chapter 545, Licensing;
3. Council repeal the advertising approval requirements governing limousine owners contained in section 545-136B of Chapter 545;
4. Council enact the draft bill attached to the report (November 14, 2007) from the City Solicitor;
5. the Confidential Attachment to the report (November 14, 2007) from the City Solicitor remain confidential and not be publicly released; and
6. the appropriate City Officials be authorized and directed to take all necessary steps to give effect thereto.

Financial Impact

If adopted, the recommendations contained in this report will have no financial impact beyond what has already been approved in the current year's budget.

Summary

The purpose of this report is to seek clarification of a previous recommendation adopted by City Council respecting stretch/sedan vehicle ratios, to advise of various matters in By-law No. 706-2005 which require correction and to recommend deletion of archaic regulations respecting residency requirements and advertising approvals governing limousine businesses. In addition, this report advises of a court application challenging the validity of By-law No.'s 706-2005 and 217-2006.

Background Information

Staff Report from City Solicitor

(<http://www.toronto.ca/legdocs/mmis/2007/ls/bgrd/backgroundfile-8942.pdf>)

Draft Bill

(<http://www.toronto.ca/legdocs/mmis/2007/ls/bgrd/backgroundfile-8943.pdf>)

Communications

(November 29, 2007) e-mail from Andy Reti, on behalf of the Exemption Committee (LS.New.LS9.7.1)

Speakers

Andy Reti, obo Exemption Committee (Submission Filed)

Hubert Leach

Terry Danylevich, Toronto Livery Association

Robert Stewart

LS9.8	AMENDED			Wards: All
-------	---------	--	--	------------

Noise from the Operation of Construction Equipment on Sundays and Statutory Holidays

City Council Decision

City Council on December 11, 12 and 13, 2007, adopted the following motions:

1. The City of Toronto Municipal Code Chapter 591, Noise be amended to:
 - a. effective January 1, 2008, prohibit noise from the operation of construction equipment on Sundays and holidays, excluding the continuous pouring of concrete and large crane work, necessary municipal work and emergency work that cannot be performed during regular business hours; and
 - b. provide definitions for the following terms:

REGULAR BUSINESS HOURS – 7:00 a.m. to 7:00 p.m. Monday to Friday, 9:00 a.m. to 7:00 p.m. Saturday, and excluding statutory holidays.

LARGE CRANE WORK — The erection and dismantling of a crane or any other crane work that requires a road closure in order for the work to be started and finished.

CONTINUOUS POURING OF CONCRETE — Slip-forming, deck pour or pre-pour operations that cannot be interrupted once the operations have commenced.

NECESSARY MUNICIPAL WORK — City rehabilitation or maintenance processes using construction equipment that must be performed at times that minimize lane closures or lane reductions, or both, of City streets, or minimize use of the Toronto Transit Commission's subway or street car rights-of-ways or any ancillary facilities associated with the transit system, including, but not limited to the following:

- i. deck removal over an expressway or arterial roadway;
 - ii. major intersection rehabilitation; and
 - iii. all Toronto Transit Commission work respecting the transit system, including any ancillary facilities.
2. The City Solicitor be directed to prepare the necessary bill to give effect to the recommendations, as adopted by Council.
 3. The funding required for the enforcement and communication of the by-law amendment be deferred for consideration with Municipal Licensing and Standards 2008 Operating Budget.
 4. City staff be authorized and directed to take any other action necessary to implement the by-law amendments.

Committee Recommendations

The Licensing and Standards Committee recommends to City Council:

1. that the report (May 25, 2007) from the Executive Director, Municipal Licensing and Standards, referred back to the Licensing and Standards Committee by Council on July 16, 17, 18, and 19, 2007, be received; and
2. Municipal Code Chapter 591, Noise, be amended as necessary to delete the amendments respecting construction noise in residential low-rise areas made by By-law No. 505-2006, and that the City Solicitor, in consultation with the Executive Director, Municipal Licensing and Standards, be authorized to introduce the necessary bill in Council.

Summary

City Council, on July 16, 17, 18 and 19, 2007, referred Item LS6.2 entitled "Noise from the Operation of Construction Equipment on Sundays and Statutory Holidays (Ward: All)"

Background Information

City Council Decision - Item 6.2

<http://www.toronto.ca/legdocs/mmis/2007/ls/bgrd/backgroundfile-8889.pdf>

Speakers

David Ward, Ward Crane Rentals Ltd.

Valerie Brennan, Amherst Crane Rentals Ltd.

Submitted Friday, November 30, 2007

Councillor Howard Moscoe, Chair, Licensing and Standards Committee