



STAFF REPORT ACTION REQUIRED

Vehicle Branding and Continuous Registration of Vehicles in Ontario for Use as Toronto Licensed Limousines and Taxicabs

Date:	March 26, 2009
To:	Licensing and Standards Committee
From:	Jim Hart, Executive Director, Municipal Licensing and Standards
Wards:	All
Reference Number:	p:\2009\cluster b\mls\l&s committee\april\vehicle branding and continuous registration in ont.doc

SUMMARY

To report on a proposal to amend the City of Toronto Municipal Code, Chapter 545, Licensing, relating to harmonizing the provisions in the Municipal Code, regarding continuous registration in Ontario, and provincial vehicle branding for vehicles to be used as licensed limousines and taxicabs in the City of Toronto.

Specifically, to not allow vehicles that the Ontario Ministry of Transportation branding program has indicated as "rebuilt" to be registered for use as licensed limousines and taxicabs in the City of Toronto.

RECOMMENDATIONS

The Executive Director, Municipal Licensing and Standards, recommends that:

1. The City of Toronto Municipal Code, Chapter 545, Licensing, be amended to require that vehicles to be used as Toronto licensed limousines not be branded under the Ontario Ministry of Transportation's branding program as a "rebuilt" vehicle;
2. The City of Toronto Municipal Code, Chapter 545, Licensing, be amended to remove the requirement that vehicles to be used as Toronto licensed taxicabs have been registered in Ontario since the time of the original purchase of the vehicle and shall have maintained continuous registration in Ontario from the time of the original purchase;

3. The City Solicitor be directed to prepare the necessary bill to give effect to the recommendations in this report, effective immediately; and
4. All other appropriate City officials be authorized and directed to take the necessary actions to give effect thereto.

See the draft Municipal Code amendments attached to this report as “Appendix A”.

Financial Impact

The adoption of the recommendations in this report will have no financial impact beyond what has already been approved in the current year’s budget.

DECISION HISTORY

At its meeting of June 6, 2008, the Licensing and Standards Committee adopted a motion regarding possible amendments to Article XXXIX, of the City of Toronto Municipal Code, Chapter 545, Licensing, regarding Owners and Drivers of Limousines and Limousine Service Companies (see the link below).

<http://www.toronto.ca/legdocs/mmis/2008/ls/bgrd/backgroundfile-13654.pdf>

These amendments were to include standards and regulations related to the Ontario Ministry of Transportation’s vehicle branding program and continuous registration of vehicles in Ontario, similar to those currently applicable to vehicles used as taxicabs.

Subsequently, at its meeting of February 6, 2009, the Licensing and Standards Committee received the report dated December 15, 2008, from the Executive Director, Municipal Licensing and Standards regarding Vehicle Branding and Continuous Registration of Vehicles in Ontario for Licensed Limousines (see the link below).

<http://www.toronto.ca/legdocs/mmis/2009/ls/bgrd/backgroundfile-18309.pdf>

Further to this, the Licensing and Standards Committee requested that the Executive Director, Municipal Licensing and Standards report back to the Licensing and Standards Committee, at its next meeting on April 16, 2009, on amendments to City of Toronto Municipal Code, Chapter 545, Licensing, necessary to achieve the harmonization of the provisions found in both the taxicab and limousine articles of the Code regarding the Ontario Ministry of Transportation branding program and the continuous registration of vehicles in the Province of Ontario, and directed that the draft amendment clauses:

- 1) delete the continuous registration requirement but add a maximum mileage requirement for out of Ontario vehicles for both limousines and taxicabs; and
- 2) amend the City of Toronto Municipal Code to specify that "no salvage or rebuilt vehicles" are allowed to be used as Toronto licensed limousines or taxicabs; and

ISSUE BACKGROUND

This issue arose due to concerns regarding the condition of used vehicles originating from outside the Province of Ontario being utilized for use as licensed limousines and taxicabs in the City of Toronto.

COMMENTS

The report dated December 15, 2008, from the Executive Director, Municipal Licensing and Standards regarding Vehicle Branding and Continuous Registration of Vehicles in Ontario for Licensed Limousines, recommended not amending the City of Toronto Municipal Code, Chapter 545, Licensing, to require vehicles to be used as Toronto licensed limousine be subject to the vehicle branding program administered by the Ontario Ministry of Transportation and be continuously registered in the Province of Ontario.

The Licensing and Standards Committee considered the recommendations contained in the report and subsequently directed the Executive Director, Municipal Licensing and Standards, to report back to its meeting on April 16, 2009, regarding amendments to the Municipal Code which would harmonize the by-law provisions relating to both taxicabs and limousines regarding the vehicle branding program and continuous registration in the Province of Ontario.

Maximum Mileage Requirements

The Ontario Ministry of Transportation reports that passenger vehicles registered in Ontario travel an average annual driving distance of 16,000 to 20,000 kilometres per year. The Canadian Automobile Association reports an average annual driving distance of 18,000 kilometres for passenger vehicles. The U.S. Federal Highway Administration's National Highway Statistics reports an average annual driving distance of 11,766 miles for passenger vehicles, which is the equivalent of 18,936 kilometres annually.

Odometer Tampering

With the appearance of digital odometers it is assumed by some that odometers cannot be rolled back as easily as in the past. However, this is not the case as odometers can easily be rolled back using a laptop computer and software that will allow the reprogramming of the odometer. These fraudulent adjustments to a vehicle's odometer are almost undetectable. Therefore, the number of kilometres indicated on a used vehicle's odometer may not actually indicate the actual number of kilometres placed on the vehicle by the former owner.

City vs. Highway Kilometres

Another factor to be taken into consideration is the type of kilometres on a used vehicle. City kilometres will produce more wear and tear on a vehicle than highway kilometres and in most cases information on the type of kilometres driven will not be available to the purchaser of the vehicle. Maintenance is also an issue affecting the condition of a used vehicle. If the proper maintenance of the vehicle has been performed the total number of

kilometres on a used vehicle may not be a determining factor for the purchaser of the vehicle.

Taxicab Industry Consultation

Municipal Licensing and Standards' staff consulted with the taxicab industry regarding the issue of the number of kilometres on a used vehicle to be used as a Toronto licensed taxicab or limousine. The general consensus was that the age of vehicle requirements for vehicles to be used as taxicabs and limousines is sufficient for the purpose of determining the eligibility of a vehicle as a Toronto licensed taxicab or limousine.

Therefore, it is recommended that the City of Toronto Municipal Code, Chapter 545, Licensing, not be amended to require a prescribed number of kilometres driven for vehicles that are to be used as Toronto licensed taxicabs and limousines

Public notice has been given in a manner prescribed in the Toronto Municipal Code Chapter 162, Notice, Public.

CONTACT

Mark Dimuantes
Senior Policy & Research Officer
Municipal Licensing and Standards
City Hall, 12th Floor, East Tower
100 Queen St. West
Toronto, Ontario M5H 2N2

Tel: (416) 392-8794
Fax: (416) 392-0797
E-mail: mdimuant@toronto.ca

SIGNATURE

Jim Hart
Executive Director
Municipal Licensing and Standards

Appendix 'A' Draft Amendments to the City of Toronto Municipal Code, Chapter 545,
Licensing, Regarding Age of Vehicle Provisions for Taxicab and
Limousines

Appendix ‘A’

Draft Amendments to the City of Toronto Municipal Code, Chapter 545, Licensing, Regarding Age of Vehicle Provisions for Taxicabs and Limousines

The Executive Director, Municipal Licensing and Standards, recommends that the City of Toronto Municipal Code, Chapter 545, Licensing, be amended by:

1. Repealing **§ 545-140K**, which reads as follows; “Every vehicle used as a taxicab shall have been registered in Ontario at the time of its original purchase and shall have maintained continuous registration in Ontario from the time of its original purchase.”
2. Amending **§ 545-476**, by adding **§ 545-476C**, which contains the following words; “No owner shall use or permit any motor vehicle to be used as a limousine if it is branded by the Ontario Ministry of Transportation as a rebuilt vehicle.”