

Clause embodied in Report No. 8 of the Planning and Transportation Committee, which was before the Council of the City of Toronto at its meeting held on June 18, 19 and 20, 2002.

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**All City of Toronto Licensed Taxicabs
to be the Same Colour**

(City Council on June 18, 19 and 20, 2002, received this Clause.)

(City Council on May 21, 22 and 23, 2002, deferred consideration of this Clause to the next regular meeting of City Council scheduled to be held on June 18, 2002.)

(Clause No. 4 of Report No. 6 of The Planning and Transportation Committee)

This matter is submitted to Council without recommendation.

The Planning and Transportation Committee reports:

- (1) having referred the three submissions (undated, September 14, 2001 and April 25, 2002) from Andrew J. Roman, Partner, Miller Thomson LLP, Barristers & Solicitors to the City Solicitor for review and report back to the Licensing Sub-Committee;
- (2) that motions to defer, receive and adopt the recommendations of the Licensing Sub-Committee contained in the communication (April 12, 2002) from the City Clerk, Licensing Sub-Committee were voted on and each lost on a tie vote.

The Planning and Transportation Committee submits the following communication (April 12, 2002) from the City Clerk, Licensing Sub-Committee:

Recommendations:

The Licensing Sub-Committee recommends that the Planning and Transportation Committee:

- (1) support the concept of requiring all taxicabs at the time of vehicle replacement to be of one colour for the following reasons:
 - (a) ease of identification for enforcement purposes which distinguishes them from out-of-town taxicabs;
 - (b) allows driver to move from one brokerage to another without having to re-paint cars;
 - (c) safety concerns;

- (d) allows for quick identification of all taxis by the public, particularly as it pertains to insurance and safety requirements.
- (2) refer this matter to the Commissioner of Urban Development Services:
- (a) for a report back to the Licensing Sub-Committee on a process for selecting a colour and decal design which would include:
 - (i) involvement by the public in its selection including the concept of establishing a public competition utilizing the City's website in ballot submission;
 - (ii) consultation with the Commissioner of Economic Development, Culture and Tourism and the Design Exchange; and
 - (iii) an indication of the budgetary implications for this process;
 - (b) with a request that she review how Ambassador cabs can be distinguished from standard class cabs if all cabs were the same colour, and report back to the Licensing Sub-Committee;
 - (c) with a request that she consult with the City Solicitor and the Taxicab Advisory Committee and review the trademark issues of existing brokerages and report back to the Licensing Sub-Committee; and
- (3) refer this matter to the Taxicab Advisory Committee for consideration and report back to the Licensing Sub-Committee.

Background:

At its meeting on April 9, 2002, the Licensing Sub-Committee gave consideration to a report (March 21, 2002) from the Commissioner of Urban Development Services reporting on the feasibility of all City of Toronto licensed taxicabs to be the same colour, and recommending that:

- (1) the By-law not be amended to require all City of Toronto licensed taxicabs to be a single colour;
- or-
- (2) that the matter be referred to the Taxicab Advisory Committee for a recommendation as to an appropriate colour and decals for the taxicabs; and
 - (3) be implemented at the time of vehicle replacement to commence no sooner than 2004.

The Sub-Committee also had before it the following communications:

- (February 13, 2002) from the City Clerk, Taxicab Advisory Committee advising that the Taxicab Advisory Committee, at its meeting held on February 11, 2002, recommended that the Licensing Sub-Committee request staff to undertake a public survey with respect to the appropriate single colour for all Toronto taxis;
- (undated) from Arvind Kumar Agarwal;
- (April 8, 2002) from Robert A. Stewart;
- (April 8, 2002) from Miller Thompson, Barrister & Solicitors addressed to Jim Bell, General Manager, Diamond Taxicab Association;
- (April 9, 2002) from Sajid Mughal, Member, Taxi Advisory Committee; and
- (undated) from John McIntyre.

The following persons appeared before the Licensing Sub-Committee in connection with the foregoing matter:

- Arvind Kumar Agarwal;
- Jim Bell, President, General Manager, Diamond Taxicab;
- Sajid Mughal;
- Mohammed Reza Hosseinioun;
- Behrouz Rezahi, Member, C.A.W. Union;
- Ikram Freed;
- George Berger, Ambassador Taxi;
- Andre Oppenheim, General Manager, Maple Leaf Taxi;
- John McIntyre;
- Robert A. Stewart; and
- Martin Ceh-Seremet, Driver's on the Waiting List.

(Report dated March 21, 2002 from the Commissioner,
Urban Development Services, addressed to the
Licensing Sub-Committee)

Purpose:

To report on the feasibility of all City of Toronto licensed taxicabs to be the same colour.

Financial Implications and Impact Statement:

There are no financial implications arising from the adoption of this report.

Recommendations:

It is recommended that:

- (1) the By-law not be amended to require all City of Toronto licensed taxicabs to be a single colour;

-or-

- (2) that the matter be referred to the Taxicab Advisory Committee for a recommendation as to an appropriate colour and decals for the taxicabs; and
- (3) be implemented at the time of vehicle replacement to commence no sooner than 2004.

Background:

At its meeting on October 10, 2001, the Licensing Sub-Committee referred the communication (August 17, 2001) from the Acting City Clerk, Taxicab Advisory Committee, and related material to the Commissioner of Urban Development Services with a request that the Commissioner report to the Licensing Sub-Committee on the following motions:

- (1) that any move to a single-coloured taxicab be phased-in over five years as new vehicles are added;
- (2) that the Commissioner of Urban Development Services be requested to consult with manufacturers, paint manufacturers, the Commissioner of Corporate Services, and the Taxicab Advisory Committee, and recommend an appropriate colour for all City of Toronto licensed taxicabs;
- (3) that the new look for all City of Toronto taxicabs also include some kind of distinctive identity markings that can be affixed as a decal;
- (4) that the Commissioner of Urban Development Services be requested to report on how all vehicles within a brokerage can be required to distinguish uniformly through roof lights and other logos; and
- (5) that if a single-coloured taxi is not supported, that the Commissioner of Urban Development Services be requested to report further on how all taxicabs can be distinguished uniformly within a single brokerage.

Comments:

Phase-in of Single Coloured Taxicabs

If a single colour for taxicabs is adopted, a phase-in period of five years would allow vehicles to be purchased or painted with a specific colour as vehicles are replaced. This would allow the introduction of this initiative with the least expense and inconvenience to the taxicab industry.

Consultation

A number of paint manufacturers, Corporate Services, and the Taxicab Advisory Committee were consulted regarding an appropriate colour for all City of Toronto licensed taxicabs. The persons consulted assumed that vehicle visibility and safety were the prime motivation for recommending a single colour for taxicabs.

The consultations with paint manufacturers revealed that there are no definitive studies which provide evidence of any one particular vehicle colour being more visible and, therefore, safer in operation on the roadways. The visibility of any specific paint colour for a vehicle depends upon the weather conditions and the amount of light available at any particular time of day.

Corporate Services advised that white was chosen for City vehicles as a corporate standard for all City-owned vehicles, but not particularly for visibility and safety reasons.

The Taxicab Advisory Committee was consulted, and no consensus could be found as to an appropriate colour for all taxicabs.

Works and Emergency Services, including Toronto Fire Services, and Emergency Medical Services were also consulted regarding an appropriate vehicle colour. Fire Services advised that red is used for their vehicles because members of the public recognize it, traditionally, as the colour of an emergency vehicle. Emergency Medical Services advised that white was chosen as the standard colour for ambulances as a corporate standard only, and not for visibility or safety reasons. Both reported that reflective striping is used to greatly increase the visibility of emergency vehicles, particularly at night.

Distinctive Identity Markings

The City could require the taxi owner to affix a decal to the taxicab, which would enable patrons to easily identify the vehicle as a City of Toronto licensed taxicab. Consultation would be required in order to decide on an appropriate decal for these vehicles.

Distinguishing Vehicles within a Brokerage

Taxicabs are currently identifiable as belonging to a certain brokerage through the use of distinctive colour schemes for vehicles in a particular brokerage, standardized roof signs, bearing in some cases the name and/or phone number of the particular brokerage, and decals. These decals are used by some brokerages to advertise the name and phone number of the taxicab brokerage. The use of identifying decals could be a requirement for all taxicabs operating within a particular brokerage.

Legal Opinion

Legal Services advised that, absent a convincing reason why requiring all City of Toronto licensed taxicabs to be the same related to the demands of carrying on of the taxicab business, the proposed requirement would likely be found to be aesthetic in nature and *ultra vires* the City's licensing authority.

Additionally, the proposed requirement could be seen as a violation of freedom of expression under the *Canadian Charter of Rights and Freedoms* (the "*Charter*"), and would have to be justified under Section 1 of the *Charter*.

How All Taxicabs can be Identified Uniformly within a Single Brokerage

Currently, all taxicabs within a brokerage are equipped with roof signs, which indicate the name of the brokerage and in some cases the phone number of the particular brokerage. A number of brokerages also require that the taxicab be painted a distinct colour or colour scheme in order to identify the taxicabs operating on behalf of a particular brokerage. This requirement may also include the placing of identifying decals on the taxicab. Given this fact, it would appear that all vehicles operating within a particular brokerage are presently identifiable as being affiliated with that brokerage.

Requirements for Implementation

Given the expense and inconvenience of moving to a single colour for all City of Toronto licensed taxicabs, it is recommended that, if your Committee still wishes to move forward in this respect, that:

- (1) the Taxicab Advisory Committee, in consultation with the industry, be requested to recommend an appropriate colour and decals for the taxicabs; and
- (2) the changes be implemented at the time of vehicle replacement to commence no sooner than 2004.

Conclusions:

There is no clear evidence to suggest that any single colour for City of Toronto licensed taxicabs would provide greater visibility and safety to the public.

City of Toronto Legal Services are of the opinion that a move to a single colour for taxicabs in the City of Toronto may be beyond the licensing authority of the City and further, may result in a challenge under the *Canadian Charter of Rights and Freedoms* and possibly to the By-law itself.

This report was prepared in consultation with the City Solicitor.

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(Communication dated February 13, 2002 from the
City Clerk, Taxicab Advisory Committee
addressed to the Licensing Sub-Committee)

Recommendation:

The Taxicab Advisory Committee (TAC) recommends that the Licensing Subcommittee request staff to undertake a public survey with respect to the appropriate single colour for all Toronto taxis.

Background:

At its meeting held on February 11, 2002, TAC considered a request from the Licensing Subcommittee to consider the appropriate single colour for all Toronto taxis. This request emanated from the Licensing Subcommittee's meeting on October 10, 2001, during consideration of a communication (August 17, 2001) from the Acting City Clerk, Taxicab Advisory Committee. The Licensing Subcommittee requested the Commissioner of Urban Development Services to consult with manufacturers, paint manufacturers, the Commissioner of Corporate Services, and the Taxicab Advisory Committee, and recommend an appropriate colour for all City of Toronto licensed taxicabs.

The following persons addressed TAC regarding this matter:

- Larry Labovitch
- Jim Bell
- Kevin Richardson
- Ikram Freed
- Peter Zahakos
- Wilma Walsh
- Eugene Meikle
- Doug Taylor
- John McIntyre
- Don Souter

Mr. Labovitch and Mr. Bell also submitted written presentations.

Mr. Mark Dimuantas, Policy & Business Planning Officer, Municipal Licensing and Standards, was in attendance to brief TAC members and to gather information in order to report back to the Licensing Subcommittee.

TAC decided to recommend to the Licensing Subcommittee that staff be requested to undertake a public survey with respect to the appropriate single colour for all Toronto taxis.

The Planning and Transportation Committee also had before it the following material and copies thereof are on file in the office of the City Clerk, City Hall:

- the following communications appended to the communication (April 12, 2002) from the City Clerk, Licensing Sub-Committee:
 - (undated) from Larry Labovitch, Kingsboro Taxi forwarding comments respecting the proposal;
 - (September 14, 2001) from Andrew J. Roman, Miller Thomson, LLP., Barristers and Solicitors forwarding comments respecting the proposal;
 - (April 9, 2002) from Arvind Kumar Agarwal forwarding comments respecting the proposal;
 - (April 8, 2002) from Robert A. Stewart forwarding comments respecting the proposal;
 - (April 8, 2002) from Miller Thompson, Barristers & Solicitors addressed to Jim Bell, General Manager, Diamond Taxicab Association forwarding comments respecting the proposal;
 - (April 9, 2002) from Sajid Mughal, Member of the Taxi Advisory Committee forwarding comments respecting the proposal;
 - (undated) from John McIntyre forwarding comments respecting the proposal;
- communication (undated) from Andrew J. Roman, Miller Thomson, Barristers & Solicitors addressed to Jim Bell, Diamond Taxicab Association forwarding comments respecting the proposal;
- communication (September 14, 2001) from Andrew J. Roman, Miller Thomson, Barristers & Solicitors addressed to Jim Bell, Diamond Taxicab Association forwarding comments respecting the proposal;
- communication (April 25, 2002) from Andrew J. Roman addressed to Jim Bell, Diamond Taxicab Association forwarding comments respecting the proposal;
- communication (undated) from Larry Labovitch, Kingsboro Taxi forwarding comments respecting the proposal;
- paper copy of PowerPoint presentation from Peter Zahakos, Co-op Cabs; and
- communication (April 29, 2002) from George Berger, Ambassador Taxi forwarding comments respecting the proposal.

The following persons appeared before the Planning and Transportation Committee in connection with the foregoing matter:

- Andrew Roman, Miller Thompson;
- Gail Souter, General Manager, Beck Taxi;
- Mitch Grossman, Royal Taxi;
- Larry Labovitch, owner/operator, Beck Taxi;
- George Berger, General Manager, Ambassador Taxi;
- Andre Oppenheim, General Manager, Maple Leaf Taxi;
- Ikram Freed;
- Peter Zahakos, General Manager and CEO, Co-op Cabs;
- Walayat Khan, Member of the Taxi Advisory Committee;
- Sajid Mughal, Member of the Taxi Advisory Committee;
- Junior Ebagua;
- Kuldip Virk, T.A.C. Vice Chairman;
- Eugene Meikle, Toronto Taxi Drivers Association;
- Pirooz Bagherzadeh;
- Hakimzadah Mohammed;
- Hossein Rashidiberavi;
- Kevin Richardson;
- Behrouz Rezahi;
- Phillip Paul, Canadian Auto Workers Union;
- Doug Taylor; East End Taxi
- Donald Souter;
- Parminder Singh; and
- John McIntyre, Taxicab Benefits Association.

(City Council on June 18, 19 and 20, 2002, had before it, during consideration of the foregoing Clause, communications received from the following regarding the proposal that all City of Toronto licensed taxicabs be the same colour:

- *(June 10, 2002) from Louis Seta;*
- *(June 11, 2002) from John McIntyre;*
- *(June 11, 2002) from Ikram Freed; and*
- *(June 16, 2002) from Walayat Khan.)*

(City Council also had before it, during consideration of the foregoing Clause, a photograph, entitled "Find The Toronto Taxi", circulated at the request of Councillor Howard Moscoe, Eglinton-Lawrence.)