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December 22, 2015

File: 2523-003

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City of Toronto
Toronto City Hall
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100 Queen St W
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Attention: Ms. Anna Kinastowski

Attention: Ms. Tracey Cook

Dear Ms Cook and Ms Kinastowski:

Re: Accessible Transportation Association of Ontario re Toronto Taxi Bylaw Amendments

We are the litigation lawyers for the Accessible Transportation Association of Ontario, which counts amongst its members “taxpayers” as that term is defined in the *City of Toronto Act, 2006* (“COTA”).

We note the reasons of His Honour Justice Dunphy in *City of Toronto v. Uber Canada Inc. et al.*, 2015 ONSC 3572 in connection with the City’s application brought under s. 380 of COTA. The substance of that application was never decided because Justice Dunphy found that the Uber respondents did not meet the definition of “taxicab brokerage” pursuant to c. 545 of the City of Toronto Municipal Code (the “Code”), amongst other findings.

In September 2015, and in direct response to Justice Dunphy’s findings, City Council passed amendments to c. 545 of the Code so as to capture the operations of the Uber respondents within the definition of “taxicab brokerage”.

There is no debate that the Uber respondents are operating a taxicab brokerage. There is also no debate that Uber refuses to obtain a permit with respect to its UberX service, a point about which His Worship John Tory made colourful remarks in the media. Simply put, the Uber respondents operate in violation of c. 545 of the Code. However, our

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understanding is that Uber has never defied a court order. My clients are thus, perplexed by the City's total refusal to take steps to enforce its own by-law, a by-law specifically crafted to capture Uber.

Section 380 of COTA permits the City or a taxpayer to bring an application to restrain the Uber respondents' contravention of c. 545 of the Code. The Superior Court of Justice at Toronto advises that two-hour applications are being booked from February 1, 2016 onwards. Please advise if the City intends to move to restrain the Uber respondents on what is their flagrant breach of the by-law. The City's new advertising campaign confirms as much, which reads "Only licensed taxis and limos are currently permitted by law."

If we do not hear from you within one week that the City will take steps to enforce its own by-law in the courts, then we will seek instructions that a taxpayer bring the application contemplated in s. 380 of COTA with no further notice to the City.

We look forward to hearing from you.

Sincerely,
Affleck Greene McMurtry LLP



Michael Binetti