



STAFF REPORT ACTION REQUIRED

City Council Motion: Review of Uber Operations, Technologies and Benefits and Impact on the Current Taxicab Industry

Date:	December 07, 2015
To:	Licensing & Standards Committee, City of Toronto
From:	Andy Pringle, Chair, Toronto Police Services Board

SUMMARY

The purpose of this report is to provide the Licensing & Standards Committee with an update on the action taken by the Toronto Police Services Board with respect to City Council's request for information on the enforcement of unlicensed taxicabs.

RECOMMENDATION

It is recommended that the Licensing & Standards Committee receive this report for information.

FINANCIAL IMPACT

There are no financial implications related to the receipt of this report.

ISSUE BACKGROUND

At its meeting on September 17, 2015, the Toronto Police Services Board ('the Board') was in receipt of City Council's July 7, 8 and 9, 2015 decision arising from Motion MM.8.28 pertaining to a "Review of Uber Operations, Technologies and Benefits and Impact on the Current Taxicab Industry."

COMMENTS

The Board noted that point no. 3 within MM8.28 asked the Board to request the Chief of Police to enforce the *Highway Traffic Act* ("HTA"), City by-laws and all other applicable laws in respect to unlicensed drivers who transport passengers in a motor vehicle for compensation.

Staff report for action on Review of Uber Operations

Following consideration of this matter, the Board decided that it would take no further action and requested that this decision be conveyed to City Council. Correspondence was sent to the City Clerk on October 02, 2015 (copy attached).

Subsequent to the October 02, 2015 correspondence, I received correspondence from the City Clerk (dated October 14, 2015) with respect to City Council's September 30, October 01 and 02, 2015 inquiry as to the status of its July 7, 8 and 9, 2015 request for information.

Given the most recent correspondence from the City Clerk and several requests from members of the taxi industry to deliver deputations to the Board with respect to UBER's ride sharing service, I asked Chief Saunders to explain whether the Toronto Police Service has authority to deal with UBER insofar as its enforcement of City By-Laws and the *HTA*.

At the Board meeting held on November 12, 2015, Chief Saunders said that the police are hampered from becoming involved in enforcing the laws relating to the Uber matter by several issues. They include the fact that Peace Officers are not protected by current legislation when they operate in an undercover capacity under the *Highway Traffic Act* or City by-laws. In a judgement related to the city's attempt to get an injunction, the judge found that making arrangements for a ride on the Uber application (app) was not the same as a making a "call" anticipated in the legislation and so the mechanics of obtaining an Uber ride does not constitute an offence under the existing law. He cited the fact that Uber drivers are under no obligation to identify themselves as Uber drivers (apart from the requirement to produce a driver's licence, ownership and insurance paper as required by the *HTA* and the *CAIA*). He also advised the Board that the proof of each transaction was very complicated to obtain – from the identity of the person actually making the "arrangement" via an app on a cell phone to proving the financial connection between the passenger and the driver. The Chief advised that the Police are waiting for changes to the city's regulation of ground transportation to clarify the situation.

CONCLUSION

Given that the Board's September 17, 2015 decision with respect to the enforcement of unlicensed taxicabs was originally conveyed in correspondence dated October 02, 2015 and in light of the Chief's explanation provided to the Board on November 12, 2015, I can reiterate that the Board will take no action with respect to this matter.

A copy of the correspondence dated October 02, 2015, in the form attached as Appendix "A" to this report, regarding this matter is provided for information. A copy of the Minute with respect to the Chief's November 12, 2015 explanation is also attached as Appendix "B".

CONTACT

Andy Pringle, Chair
Toronto Police Services Board
Telephone No. 416-808-8080
Fax No. 416-808-8082

SIGNATURE

Andy Pringle
Chair

ATTACHMENT

Appendix A – correspondence dated October 02, 2015

x: uber.doc

Appendix "A"



Toronto Police Services Board

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October 2, 2015

Ms. Ulli S. Watkiss
City Clerk
Toronto City Hall
100 Queen St. W.
Toronto ON M5H 2N2

Dear Ms. Watkiss:

**RE: CITY COUNCIL MOTION: REVIEW OF UBER OPERATIONS,
TECHNOLOGIES AND BENEFITS AND IMPACT ON THE CURRENT
TAXICAB INDUSTRY**

At its meeting on September 17, 2015, the Toronto Police Services Board (the "Board") considered City Council Motion MM8.28 considered on July 7, 8, and 9, 2015, regarding the Review of Uber Operations, Technologies and Benefits and Impact on the Current Taxicab Industry. Item no. 3 of the Motion requested "the Toronto Police Services Board to request the Chief of Police to enforce the Highway Traffic Act, City by-laws and all other applicable laws in respect to unlicensed drivers who transport passengers in a motor vehicle for compensation."

Following a lengthy discussion with its legal counsel and with the Chief of Police with respect to all aspects of this matter, the Board decided that it would take no further action and authorized the Chair to advise City Council of this decision.

Please feel free to contact the Board office should you require any further information.

Yours truly,

A handwritten signature in black ink, appearing to read "AP", with a long horizontal line extending to the right.

Andy Pringle
Chair

Appendix “B”

THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE TORONTO POLICE SERVICES BOARD HELD ON NOVEMBER 12, 2015

#P279. UBER – CITY OF TORONTO

Chair Pringle advised that he had recently received several requests from members of the taxi industry to deliver deputations to the Board with respect to UBER’s ride sharing services which are now operating in Toronto. The taxi industry believes that UBER drivers are operating as unlicensed taxicabs. Chair Pringle asked Chief Saunders to explain whether the TPS has authority to deal with UBER insofar as its enforcement of City By-Laws and the *Highway Traffic Act*.

Chief Saunders said that the police are hampered from becoming involved in enforcing the laws relating to the Uber matter by several issues. They include the fact that Peace Officers are not protected by current legislation when they operate in an undercover capacity under the Highway Traffic Act or City by-laws. In a judgement related to the city’s attempt to get an injunction, the judge found that making arrangements for a ride on the Uber application (app) was not the same as a making a “call” anticipated in the legislation and so the mechanics of obtaining an Uber ride does not constitute an offence under the existing law. He cited the fact that Uber drivers are under no obligation to identify themselves as Uber drivers (apart from the requirement to produce a driver’s licence, ownership and insurance paper as required by the HTA and the CAIA). He also advised the Board that the proof of each transaction was very complicated to obtain – from the identity of the person actually making the “arrangement” via an app on a cell phone to proving the financial connection between the passenger and the driver. The Chief advised that the Police are waiting for changes to the city’s regulation of ground transportation to clarify the situation.

The Board received the foregoing.

Moved by: A. Pringle

Staff report for action on review of Uber Operations