

## **Uber Litigation Regarding Limit on Number of PTC Driver Licences**

**Date:** December 6, 2023

**To:** City Council

**From:** City Solicitor

**Wards:** All

### **REASON FOR CONFIDENTIAL INFORMATION**

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This report is about litigation or potential litigation that affects the City or one of its agencies or corporations.

This report contains advice or communications that are subject to solicitor-client privilege.

### **SUMMARY**

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On December 4, 2023, Uber Canada Inc. and Uber Rasier Canada Inc. ("Uber") initiated legal proceedings challenging City Council's decision to adopt the following motion (the "Motion") at its meeting of October 11 and 12, 2023:

"In order to manage current levels of greenhouse gas emissions in Vehicle-for-Hire industry, City Council implement a policy to maintain the net total of vehicle-for-hire and private transportation company driver's licenses at no greater than current levels, as of October 12, 2023, with the exception of owned, but not leased, zero-emission vehicles, until such time as the Executive Director, Municipal Licensing and Standards, reports back on a comprehensive framework, including emissions, congestion and transit impacts, for the Vehicle-for-Hire industry and the appropriate licensing levels for taxicabs and limousine, as well as private transportation company vehicles, including consultation with the industry on fleet composition, by no later than fourth quarter of 2024."

This motion amended Item EC6.6 Transitioning the Vehicle-for-Hire Industry to Net Zero Emissions by 2030 (the "Net Zero Report"). Pursuant to section 214(1) of the City of Toronto Act, Uber's application asks the court to quash the provisions of Council's confirmatory bylaw through which the Motion was enacted.

Uber alleges the City was required and failed to provide public notice of the Motion to impose a limit on the number of VFH or PTC driver licences (the "Cap"), the Motion was passed in bad faith, and the effect of the Motion is to unlawfully discriminate against Uber in the administration of the PTC licensing scheme.

On October 13, 2023, the Municipal Licensing and Standards Division temporarily paused the issuance of new vehicle-for-hire ("VFH") and private transportation company ("PTC") driver licences while it determined how to best implement the Motion adopted by Council.

On November 13, 2023, the Municipal Licensing and Standards Division resumed accepting new applications for VFH and PTC driver licences and resumed issuing new licences in accordance with Chapter 546 and the foregoing Motion, up to the number of licences that existed as of October 12, 2023.

Uber is asking the court to hear the application on an urgent basis. A court attendance has been scheduled for December 19, 2023, at which time the court will consider the scheduling of the application.

## **RECOMMENDATIONS**

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The City Solicitor recommends that:

1. City Council consider the confidential recommendations in Confidential Attachment 1 and instruct staff accordingly.
2. City Council authorize the public release of the confidential recommendations contained in Confidential Attachment 1 at the discretion of the City Solicitor, but that the remainder of Confidential Attachment 1 remain confidential as it contains advice which is subject to solicitor-client and litigation privilege.

## **FINANCIAL IMPACT**

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The financial implications are discussed in Confidential Attachment 1.

## **DECISION HISTORY**

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Item EC6.6 Transitioning the Vehicle-for-Hire Industry to Net Zero Emissions by 2030:  
<https://secure.toronto.ca/council/agenda-item.do?item=2023.EC6.6>

## **CONTACT**

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Michele A. Wright, Deputy Director, Litigation, Legal Services Division, 416-397-5342,  
[Michele.A.Wright@toronto.ca](mailto:Michele.A.Wright@toronto.ca)

Matthew Cornett, Lawyer, Litigation, Legal Services Division, 416-392-7244,  
[Matthew.Cornett@toronto.ca](mailto:Matthew.Cornett@toronto.ca)

## **SIGNATURE**

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Wendy Walberg  
City Solicitor

## **ATTACHMENTS**

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Confidential Attachment 1 - Confidential Information