

THE REGIONAL MUNICIPALITY OF NIAGARA

BY-LAW NO. <>

A BY-LAW TO LICENCE, REGULATE AND GOVERN
OWNERS, DRIVERS AND BROKERS OF TAXICABS AND
TRANSPORTATION NETWORK COMPANY BUSINESSES

WHEREAS the Council of The Regional Municipality of Niagara considers it in the public interest to enact a by-law to licence, regulate and govern various classes of businesses and to repeal the existing Business Licensing By-law No. 2018-75, as amended;

AND WHEREAS Section 9 of the *Municipal Act*, S.O. 2001, c. 25, as amended, provides that a municipality has the capacity, rights, powers and privileges of a natural person;

AND WHEREAS Section 11 of the *Municipal Act*, 2001, S.O. 2001, Chap. 25, as amended, provides The Regional Municipality of Niagara with exclusive jurisdiction to enact by-laws for the licensing, regulating and governing of owners and drivers of taxicabs, taxicab brokers and vehicles used for hire within the Region;

AND WHEREAS Part IV LICENCES (more specifically sections 150 – 165) of the *Municipal Act*, 2001, S.O. 2001, Chap. 25, as amended, authorizes The Regional Municipality of Niagara to regulate and govern businesses, meaning any business wholly or partly carried on within the Region, even if the business is being carried on from a location outside the Region;

AND WHEREAS Section 151 of the *Municipal Act*, 2001, S.O. 2001, Chap. 25, as amended, provides The Regional Municipality of Niagara with the power to provide for a system of licences with respect to a business, and may prohibit the carrying on or engaging in the business without a licence; refuse to grant a licence or to revoke or suspend a licence; impose conditions as a requirement of obtaining, continuing to hold or renewing a licence; impose special conditions on a business in a class that have not been imposed on all of the businesses in that class in order to obtain, continue to hold or renew a licence; impose conditions, including special conditions, as a requirement of continuing to hold a licence at any time during the term of the licence; and licence, regulate or govern real and personal property used for the business and the persons carrying it on or engaged in it;

AND WHEREAS the Council of the Regional Municipality of Niagara has determined that it is appropriate and desirable to licence taxicabs, transportation network companies and taxicab brokers for the purposes of ensuring the health and safety of both passengers and drivers, for the protection of persons and property, to ensure

consumer protection, and to ensure that efficient taxicab and transportation vehicle network services are available to all persons within the Region;

NOW THEREFORE the Council of The Regional Municipality of Niagara enacts as follows:

PART I DEFINITIONS

1. In this By-law, unless context otherwise requires:

"Accessible Taxicab" means a passenger vehicle, other than a school bus, that is designed or modified to be used for the purpose of transporting Persons with disabilities and is used for that purpose, in accordance with Ontario Regulation 629 of the *Highway Traffic Act*, R.S.O. 1990, c. H. 8, as amended and the Standards Council of Canada Standard D409-M84, as amended, and is licenced as a Taxicab by a municipality;

"Accessible Taxicab Service" means the dispatching and use of an Accessible Taxicab for the conveyance of one (1) or more Passengers with disabilities;

"Applicant" means any Person who has applied for a Permit and/or Licence under this By-law;

"Broker" means any person who operates, controls or accepts calls in any manner for the dispatch of either Taxicab Services or TNC Services;

"Controlled Drugs and Substances Act" means the *Controlled Drugs and Substances Act*, S.C. 1996, c. 19, as amended, or any successor legislation;

"Council" means the Council of The Regional Municipality of Niagara;

"Criminal Code" means the *Criminal Code*, R.S.C. 1985, c. C-46, as amended, or any successor legislation;

"Dispatch" means the act or service of sending or directing a Taxicab or TNC Vehicle, by electronic or any other means, to a Person or Persons who have requested Taxicab Services or TNC Services, but does not include a request made directly to a Taxicab Driver, and "Dispatched" and "Dispatching" shall have corresponding meaning;

"Driver" means the Person licenced under this By-law who drives and has care and control of a Taxicab or TNC Vehicle licenced under this By-law;

"Fees and Charges By-law" means a by-law passed by Council of The Regional Municipality of Niagara pursuant to section 391 of the *Municipal Act, 2001* establishing fees and charges for services and activities provided by the Region and for the use of its property, as amended and replaced from time to time.

"GPS" or **"Global Positioning System"** means a global navigation system that provides the geographic location, velocity and time synchronization of a Person or thing using signals from satellites;

"Highway" means a highway as defined in the *Highway Traffic Act*, R.S.O. 1990, c. H. 8;

"Highway Traffic Act" means the *Highway Traffic Act*, R.S.O. 1990, c. H. 8, as amended, or any successor legislation;

"Holiday" means Saturday, Sunday, New Year's Day, Family Day, Good Friday, Easter Monday, Victoria Day, Canada Day, Civic Monday, Labour Day, Thanksgiving Day, Remembrance Day, Christmas Eve, Christmas Day, Boxing Day, New Year's Eve, and any other day fixed as a public holiday by the Federal Government or Ontario Provincial Government;

"Human Rights Code" means the *Human Rights Code*, R.S.O. 1990, c. H-19, as amended, or any successor legislation;

"Licence" means an authorization issued under this By-law to carry on a business specified therein and the document, certificate or card issued shall provide evidence of such authority as the content may allow;

"Licensee" means a Person holding a Licence in accordance with this By-law;

"Licensing Appeals Committee" or **"Committee"** means the all citizen tribunal appointed by Council to conduct hearings under this by-law;

"Licensing Officer" means the Manager of Business Licensing for The Regional Municipality of Niagara or their designate;

"Ministry of Transportation" means the Ministry of Transportation of Ontario or any successor ministry, department or other government body;

"Motor Vehicle" means a motor vehicle as defined in the *Highway Traffic Act*;

"Municipal Act, 2001" means the *Municipal Act, 2001*, S.O.2001, c. 25, as amended from time to time;

"Municipal Law Enforcement Officer" means a municipal law enforcement officer appointed by Council, or an officer, employee or agent of the Region whose responsibilities include the enforcement of this By-law;

"Officer" means a Municipal Law Enforcement Officer, Licensing Officer, or Police Officer;

"Passenger" means any individual travelling in a Taxicab or TNC Vehicle other than the Driver;

“Permit” means a temporary authorization issued under this By-law to carry on a business specified therein and the document, certificate or card issued shall provide evidence of such authority as the content may allow;

“Person” includes an individual, partnership, or corporation;

“Police Officer” means a police officer as defined by the *Police Services Act*, R.S.O. 1990, c. P.15;

“Provincial Licence” means any form of licence or certification required to be held by the Licensee pursuant to applicable Provincial laws in order to carry on a business of a Taxicab Service or TNC Service;

“Public Vehicles Act” means the *Public Vehicles Act*, R.S.O. 1990, c. P. 54, as amended, or any successor legislation;

“Region” means The Regional Municipality of Niagara, as a municipal corporation and, where the context requires, its geographic area;

“Spare Vehicle” means a Motor Vehicle owned by a Licensee that has been authorized by the Licensing Officer for temporary use in the place of and instead of a Taxicab or TNC Vehicle licenced under this By-law;

“Taxicab” means a Motor Vehicle used for transportation of Passengers from place to place, that has a Taxicab Meter.

“Taxicab Meter” means a mechanical or electronic device used to measure time and distance for the purpose of calculating a fare;

“Taxicab Plate” means the Taxicab Licence Plate that is issued by the Licensing Officer under this By-law, and includes the following subclasses of Taxicab Plates: (1) Standard; (2) Accessible; and (3) Spare Vehicle;

“Taxicab Service” means the use or operation of a Taxicab licenced under this By-law for the conveyance of one or more Passengers in exchange for a fee or other consideration, and may include an Accessible Taxicab Service;

“Transportation Network Company” or **“TNC”** means any person who offers, operates, or facilitates pre-arranged transportation services for compensation using any software or application or telecommunications platform to communicate with Passengers, but does not include a Taxicab Owner;

“TNC Vehicle” means a Motor Vehicle that is used for the provision of a TNC Service;

“TNC Service” means the use of a Motor Vehicle licenced under this By-law for the conveyance of one or more Passengers in exchange for a fee or other consideration through a Transportation Network Company;

PART II LICENCE CLASSES

2. (1) The Licensing Officer shall issue Licences for the following classes:

- i. Taxicab Broker;
- ii. Taxicab Plate;
- iii. Taxicab Vehicle;
- iv. Taxicab Driver;
- v. TNC Broker;
- vi. TNC Vehicle; and,
- vii. TNC Driver;

(2) The Licensing Officer shall issue Licences for the following sub-classes:

- i. Taxicab Spare Vehicle;
- ii. Spare Vehicle Taxicab Plate;
- iii. Standard Taxicab Plate; and,
- iv. Accessible Taxicab Plate.

3. (1) No Person shall carry on or engage in the provision of a Taxicab or TNC Service in the Region unless that Person holds a valid and current Licence permitting them to do so.

(2) All Licences are valid for a twelve (12) month period from the date of issuance. For Licence renewals only, if deemed necessary for administrative purposes by the Licensing Officer, the term of a Licence may be adjusted, for example, to align with the term of other Provincial Licences held by the Licensee for the Business, and the Licence fee may be pro-rated accordingly.

(3) Unless otherwise provided for in this By-law, all Licences issued under this By-law are personal to the Licensee, are only transferrable upon approval by the Licensing Officer, and remain the property of the Region.

PART III TAXICAB BROKER LICENCE

Prohibitions

4. No Person shall dispatch a Taxicab for the provision of Taxicab Services without first having obtained a Taxicab Broker Licence in accordance with this By-law.

Taxicab Broker Licence Application

5. Every application for a Taxicab Broker Licence or renewal of such a Licence shall be made to the Licensing Officer in a form provided by the Licensing Officer. Without limitation, every application shall include the following:
 - (1) the full legal name, municipal address, email address and telephone number of each Applicant;
 - (2) If the Applicant is a partnership, the full legal name, address, email address and telephone number of each partner;
 - (3) If the Applicant is a corporation, all current articles of incorporation for the corporation;
 - (4) All current legal documents showing the registered business name of the Applicant, if applicable;
 - (5) The full legal names, addresses and dates of birth for all officers and directors of the Applicant, if applicable;
 - (6) The full legal names and signatures of all Persons having signing authority for the Applicant corporation, if applicable, including a letter outlining the number of signatures required for financial and administrative functions;
 - (7) The full legal names of all Taxicab Vehicle Licensees and Taxicab Driver Licensees who currently use or will use the Applicant as their Taxicab Broker;
 - (8) A Certificate of Insurance (COI) identifying and confirming the following minimum insurance requirements:

Commercial General Liability Insurance ("CGL")

CGL insurance for all services and operations to a limit of not less than FIVE MILLION DOLLARS (\$5,000,000) per occurrence.

The policy will be extended to include:

- a. bodily injury, death and property damage;
- b. cross liability and severability of interest;
- c. blanket contractual;
- d. premises and operations;
- e. personal and advertising injury;
- f. products and completed operations;
- g. owner's and contractors protective;
- h. non-owned Automobile to a limit of not less than TWO MILLION DOLLARS (\$2,000,000);

The policy shall be endorsed to:

- a. include The Regional Municipality of Niagara as an additional insured; and,
- b. contain an undertaking by the insurers to give thirty (30) days prior written notice in the event that there is a material change in the foregoing policies or coverage affecting the Additional Insured(s) or cancellation of coverage before the expiration date of any of the foregoing policies.

Policy Requirements

All policies of insurance shall:

- a) be written with an insurer licensed to do business in Ontario;
- b) be non-contributing with, and will apply only as primary and not excess to any other insurance or self-insurance available to Niagara Region;

Certificates of Insurance

Certificates of insurance originally signed by authorized insurance representatives shall be delivered to the Region prior issuance of the Licence, on a form of Certificate of Insurance which is acceptable to the Region. The Certificate of Insurance must comply with these insurance requirements and must be on the Region's form of Certificate of Insurance, which can be found on the Region's website – www.niagararegion.ca/business/fpr/cert-insurance.aspx. If the Certificate of Insurance is provided in a non-original form (e.g. a facsimile, photocopy or scanned electronic copy), the Applicant acknowledges and agrees that the Region is fully entitled to treat any such Certificate as an original and that the Applicant will be responsible for the accuracy and validity of the information contained therein. All subsequent policy renewals and certificates of insurance thereafter, during the time that the Licence is in force, shall be forwarded to the Region within fifteen (15) days of their renewal date.

- (9) Information on whether the Applicant, or any officer or director of the Applicant, has had a licence in regard to the provision of Taxicab Services suspended or revoked in the Region or in any other municipality within Canada;
- (10) Information on whether the Applicant, or any officer or director of the Applicant, has been convicted of an offence under any previously repealed by-law of the Region or any other municipality within Canada governing the licensing of Taxicab Services;
- (11) A Criminal Record and Judicial Matters check for the Applicant or any officer or director of the Applicant, obtained within sixty (60) days from the date of application, which shall be reviewed in accordance with the criteria in Schedule "A" to this By-law; and,
- (12) Payment in full of the prescribed fee in accordance with the Fees and Charges By-law.

Taxicab Broker Licence Requirements

6. Every Taxicab Broker licenced under this By-law shall:
- (1) Have a physical business premises and telephone number associated with the Taxicab Broker for the benefit of customers who wish to make contact with the Taxicab Broker;
 - (2) Have a digital dispatch system and GPS that allows the Taxicab Broker to communicate with and locate a Taxicab that operates through the Taxicab Broker;
 - (3) Maintain a written or electronic record for a period of twelve (12) months for each Taxicab trip that is dispatched by the Taxicab Broker;
 - (4) Have a minimum of one (1) Taxicab licenced under this By-law, associated or affiliated exclusively with the Taxicab Broker;
 - (5) Ensure that each Person holding a Taxicab Vehicle Licence or Taxicab Driver Licence who operates in association with the Taxicab Broker Licensee is trained in regard to the proper operation of a Taxicab and the provisions of this By-law;
 - (6) Ensure that each Person holding a Taxicab Driver Licence who operates in association with the Taxicab Broker Licensee has completed driver and sensitivity training that includes the following topics:

- i. The safe operation of a Motor Vehicle including safe operation during inclement weather;
 - ii. The proper operation of Taxicab equipment and devices which may include a Taxicab meter, dispatch system and credit card/debit card machine, as applicable;
 - iii. The proper response to an emergency situation which includes passenger illness and Motor Vehicle accidents;
 - iv. The provision of Taxicab Services in a manner that respects the dignity and independence of persons with disabilities; and,
 - v. The provision of Taxicab Services in a manner that is free of discrimination and is in compliance with the *Human Rights Code*;
- (7) Ensure that each Taxicab Driver Licensee with an Accessible Taxicab Plate, who operates in association with the Taxicab Broker Licensee, has completed the accessibility training as designated by the Licensing Officer;
- (8) Take all reasonable steps to ensure that all Taxicab Vehicle Licensees and or Taxicab Driver Licensees who operate in association with the Taxicab Broker Licensee comply with the requirements of this By-law;
- (9) Give priority to persons with disabilities when dispatching Accessible Taxicabs;
- (10) Not charge a surcharge or charges exceeding those contained within the Taxicab Meter tariff rates, as established by the Licensing Officer from time to time to be posted on the Region's website, to Persons with disabilities;
- (11) Report to the Licensing Officer, within twenty-four (24) hours, any known contravention of this By-law by a Taxicab Vehicle Licensee or Taxicab Driver Licensee who is associated with the Taxicab Broker Licensee;
- (12) Report to the Licensing Officer, within twenty-four (24) hours, any known:
- i. Investigation, charge or conviction pursuant to the *Criminal Code*, *Controlled Drugs and Substances Act* or *Highway Traffic Act*; or
 - ii. Ontario driver's licence suspension;
 - iii. expiry, suspension, revocation or conditions imposed on a Provincial Licence;

of a Taxicab Driver Licensee who is associated with the Taxicab Broker Licensee;

- (13) Report to the Licensing Officer, within twenty-four (24) hours:
- i. Any known motor vehicle accident that is reportable pursuant to section 199 of the *Highway Traffic Act* or any successor provision; or
 - ii. Personal injury; or
 - iii. Cancellation of insurance
- involving a Taxicab that is associated with the Taxicab Broker Licensee;
- (14) Report within twenty-four (24) hours, to the Licensing Officer if the Taxicab Broker has terminated any Taxicab Vehicle Licensees or Taxicab Driver Licensees that are associated with the Taxicab Broker Licensee; and
- (15) Provide the Licensing Officer, by the fifteenth (15th) day of every month, the following statistical information for the preceding month in relation to Taxicab Services provided through the Taxicab Broker Licensee:
- i. The total number of Taxicab trips provided and Passengers conveyed;

The total number of Accessible Taxicab trips and Standard Taxicab trips for each Accessible Taxicab, if applicable; and,
 - ii. For those Taxicab Brokers that provides a pre-arranged Taxicab Service through an on-line enabled application, website or telephone, a written or electronic record showing that the passenger accepted the fare or rate to be charged prior to the commencement of the pre-arranged Taxicab Service.

Taxicab Broker Licence Transfer

7. The Licensing Officer may approve the transfer of a Taxicab Broker Licence from one Person to another upon the parties providing to the Licensing Officer:
- (1) A completed transfer application;
 - (2) The transfer application fee as prescribed in the Fees and Charges By-law; and,

- (3) Confirmation of that the new Applicant meets the application requirements for a Taxicab Broker Licence, as set out in Part III of this By-law.

PART IV TAXICAB VEHICLE LICENCE AND TAXICAB PLATE

Prohibition

8. (1) No Person shall provide Taxicab Services without first having obtained a:
 - i. Taxicab Vehicle Licence for the Motor Vehicle used for the provision of such services; and
 - ii. Taxicab Plate to be affixed to the Motor Vehicle used for the provision of such services;
- (2) No Person shall allow or permit another Person to provide or attempt to provide a Taxicab Service using a Motor Vehicle licenced as a Taxicab under this By-law unless such Person holds a valid Taxicab Driver Licence and the Taxicab Plate is affixed to the Motor Vehicle in compliance with this By-law.
9. No Licensee shall affix or permit any other Person to affix their Taxicab Plate to another Motor Vehicle other than the Taxicab for which the Taxicab Plate was issued under this By-Law.

Licence Application

10. Every application for a Taxicab Vehicle and/or Taxicab Plate Licence and renewal Licence shall be made to the Licensing Officer in a form provided by the Licensing Officer. Without limitation, every application for a Taxicab Vehicle Licence and Taxicab Plate Licence, or a renewal of either Licence shall include the following:
 - (1) the full legal name, municipal address, email address and telephone number of each Applicant;
 - (2) If the Applicant is a partnership, the full legal name, address, email address and telephone number of each partner;
 - (3) If the Applicant is a corporation, all current articles of incorporation for the corporation;
 - (4) All current legal documents showing the registered business name of the Applicant, if applicable;

- (5) The full legal names, addresses and dates of birth for all officers and directors of the Applicant, if applicable;
- (6) The full legal names and signatures of all Persons having signing authority for the Applicant corporation, if applicable, including a letter outlining the number of signatures required for financial and administrative functions;
- (7) The make, model, fuel type, vehicle identification number, production year and Ontario licence plate number for the Applicant's Taxicab;
- (8) A valid Motor Vehicle permit in the Applicant's full legal name for the Taxicab as issued by the Ministry of Transportation;
- (9) If leased from a leasing company, a copy of the leasing agreement including an authorization for the leased Motor Vehicle to be used as a Taxicab;
- (10) Based on the year appearing on the Motor Vehicle permit or ownership as issued by the Ministry of transportation, if the Taxicab is:
 - i. less than two (2) years of age and has less than 20,000 kilometers on its odometer, a safety inspection is not required;
 - ii. Between two (2) and seven (7) years of age or has more than 20,000 kilometers on the odometer, a valid Motor Vehicle Inspection Certificate, issued not less than thirty-six (36) days from the date submitted to the Licensing Officer, confirming the Taxicab has passed the applicable safety inspection, is required annually; or,
 - iii. Greater than seven (7) years of age, or has more than 140,000 kilometers on the odometer, a valid Motor Vehicle Inspection Certificate, issued not less than thirty-six (36) days from the date submitted to the Licensing Officer, confirming the Taxicab has passed the applicable safety inspection, is required every six (6) months;
- (11) If the Taxicab operates with propane or natural gas as its primary or secondary fuel source, satisfactory evidence that is no older than thirty (30) days from date of the application that the Taxicab has passed all applicable propane and natural gas safety inspections;
- (12) Proof of automobile insurance in accordance with the requirements set out in section 12 of this By-law;

- (13) A declaration signed by a Taxicab Broker confirming the Applicant's affiliation or employment with that Taxicab Broker. A declaration is required from each Taxicab Broker that the Applicant is affiliated with or employed by;
 - (14) Confirmation that the Applicant, or any officer or director of the Applicant, has not had a licence in regard to the ownership of a Taxicab suspended or revoked by the Region or other municipality in Canada within three (3) years of the current application;
 - (15) Confirmation the Applicant, or any officer or director of the Applicant, has not been convicted of an offence under any Taxicab by-law of the Region or other municipality in Canada in regard to the ownership of a Taxicab in the three (3) year period prior to the date of the application;
 - (16) A Criminal Record and Judicial Matters check for the Applicant or any officer or director of the Applicant, obtained within sixty (60) days from the date of application, which shall be reviewed in accordance with the criteria in Schedule "A" to this By-law; and,
 - (17) Payment of the prescribed fee in accordance with the Fees and Charges By-law.
11. (1) The Licensing Officer may set a limit or quota on the number of Taxicab Plates that may be issued within the Region.
- (2) If a quota or limit as referenced in subsection (1) is put in place, there shall be no waiting list maintained. Any new Taxicab Plates to be issued by the Licensing Officer will be offered to Applicants who meet the application requirements for a Taxicab Vehicle Licence set out in section 10 of this By-law, in order of when completed Applications were received.
 - (3) Any quotas or limits that may be implemented shall remain in effect according to the time limit as determined by the Licensing Officer, not to exceed three (3) years, after which time the Licensing Officer shall conduct a review to determine whether these quotas or limits should be revised.

Taxicab Vehicle Licence and Plate Requirements

12. (1) Every Taxicab Vehicle Licensee shall maintain on file with the Region a certificate of insurance for each Taxicab licenced under this Bylaw, identifying and confirming a minimum limit of liability of TWO MILLION DOLLARS (\$2,000,000.00) per occurrence, exclusive of interest and costs, against liability resulting from bodily injury to or the death of one or more persons, and loss or damage to property.

- (2) Evidence of insurance shall be provided annually through a Certificate of Insurance and, in addition to the limits indicated in subsection (1), shall include evidence of an O.E.F. 6A—Permission to Carry Passengers for Compensation Endorsement.
13. Every Taxicab licenced under this By-law shall be equipped with an operational:
- (1) Taxicab Meter that meets the requirements of this By-law;
 - (2) Illuminated top sign on the roof of the Taxicab that is capable of illuminating when the Taxicab is unoccupied by a Passenger;
 - (3) GPS that sets out and records the location of the Taxicab; and,
 - (4) Dispatch system that allows communication between the Driver and Taxicab Broker.
14. Every Person that holds a Taxicab Plate shall display:
- (1) The Taxicab Plate on the rear of the licensed Taxicab; and
 - (2) Two (2) decals that are a minimum of 200 square centimeters each in area in visible locations on the exterior of the licensed Taxicab that visibly displays in large print the name or trademark of their Taxicab Broker.
15. Every Taxicab Vehicle Licensee shall ensure that their Licence is kept within the Taxicab and is available for inspection upon request by Passengers or Persons authorized to enforce this By-law.
16. A Taxicab Vehicle Licence is specific to the Taxicab for which it has been issued. When a Taxicab is replaced with another Taxicab, the Taxicab Plate that is associated with the previous Taxicab may be transferred to the replacement Taxicab, provided:
- (1) The Licensee applies to the Licensing Officer for a new Taxicab Vehicle Licence and meets the applicable requirements under this By-law for such a Licence;
 - (2) A Taxicab Vehicle Licence is issued for the replacement Taxicab; and,
 - (3) The Licensee pays the transfer fee in accordance with the Fees and Charges By-law.
17. A Taxicab Plate may be leased to another Taxicab Vehicle Licensee provided the Taxicab Plate-holder first provides the Licensing Officer with the details of the

lease arrangement including the term of the lease and confirmation that the Owner of the Taxicab Plate remains responsible for compliance with the requirements of this By-law, and that the lessee meets the requirements for a Taxicab Plate-holder as set out in this By-law.

18. The Licensing Officer may approve a transfer of ownership of a Taxicab Plate from one Person to another upon the parties providing to the Licensing Officer:
 - (1) A completed transfer application, in a form provided by the Licensing Officer;
 - (2) A transfer application fee as prescribed in the Fees and Charges By-law; and,
 - (3) Confirmation that the new Applicant meets all applicable requirements for the Taxicab Plate under this By-law.
19. (1) Notwithstanding any other provision of this By-law, a Licensing Officer may provide approval for the transfer of a Taxicab Plate in the event of the plate holder's death, subject to the completion and approval of the required transfer application within thirty (30) days, failing which, the Taxicab Licence Plate shall be surrendered.
20. A Taxicab Vehicle Licence and Taxicab Plate shall only be issued to an Applicant who is associated or affiliated with a Taxicab Broker that is licenced under this By-law. A Taxicab Vehicle Licence and Taxicab Plate may not be associated with multiple Taxicab Brokers.
21. A Licensee may hold multiple Taxicab Vehicle Licences and/or Taxicab Plates.
22. All Taxicab Plates that are expired are deemed revoked by the Licensing Officer and must be returned to the Licensing Officer. A replacement fee shall be charged to the Plate-holder if the Taxicab Plate is not returned.
23. (1) A Licensee may apply for a non-use status designation of a Taxicab Plate for a period of up to sixty (60) days in a calendar year. This application must be approved by the Licensing Officer and all appropriate fees, in accordance with the Fees and Charges By-law, must be paid.
 - (2) No Person shall operate, or permit to be operated, any Taxicab that bears a Taxicab Plate that is has been designated for non-use status.
 - (3) Taxicab Plates that have been designated for non-use status for more than sixty (60) days in a calendar year shall be returned to the Licensing Officer.

Spare Vehicle Licence and Spare Vehicle Plates

24. (1) A Taxicab Vehicle Licensee may apply to the Licensing Officer for a Licence for a Spare Vehicle to be used on a temporary basis in place of a Taxicab that is licenced under this By-law, when that Taxicab is, for any reason, unable to be operated.
- (2) No Taxicab Vehicle Licensee shall use a Spare Vehicle in place of a Taxicab licenced under this By-law unless a Spare Vehicle Licence and Spare Vehicle Plate have been issued by the Licensing Officer.
- (3) The Licensing Officer may approve a Motor Vehicle for temporary use as a Spare Vehicle upon the Licensee providing to the Licensing Officer:
- i. A completed Spare Vehicle application;
 - ii. The Spare Vehicle application fee as prescribed in the Fees and Charges By-law; and
 - iii. Confirmation the application requirements for a Taxicab Vehicle Licence, as set out in Part IV of this By-law, are met with respect to the proposed Spare Vehicle.
- (4) Upon approval of the application, a Spare Vehicle Licence and a Spare Vehicle Plate, to be affixed to the Spare Vehicle, will be issued to the Applicant.
- (5) The Licensing Officer may renew the Spare Vehicle Licence upon the Licensee submitting to the Licensing Officer all of the documentation and fees set out in subsection (3).
- (6) The Licensee shall notify the Licensing Officer by electronic mail or voicemail within twenty-four (24) hours of the use of the Spare Vehicle in the place of a Taxicab licenced under this By-law.
- (7) The Licensee shall notify the Licensing Officer by electronic mail or voicemail within twenty-four (24) hours of the resumption of the use of the regular licenced Taxicab and cessation of the use of the Spare Vehicle.
- (8) A Motor Vehicle used as a Spare Vehicle must comply with all requirements of a Taxicab licenced under this By-law.
25. Despite section 24, a Taxicab Vehicle Licensee may apply to the Licensing Officer for temporary use of a Spare Vehicle, in addition to the Licensee's other licenced Taxicabs, for a specified period of time in order to provide increased Taxicab Services, subject to the following conditions:

- (1) An application for temporary use of a Spare Vehicle shall be presented to the Licensing Officer at least five (5) business days prior to the proposed date for use;
 - (2) the Applicant has submitted the appropriate application and paid the appropriate fees in accordance with the Fees and Charges By-law;
 - (3) the Applicant has identified on the application the times and dates for which the Spare Vehicle will be used; and
 - (4) the Applicant has provided confirmation that all of the application requirements for a Taxicab Vehicle Licence, as set out in section 10 of this By-law, are met with respect to the proposed Spare Vehicle.
26. Upon approval of the request and registration of the Spare Vehicle, the Licensing Officer shall provide to the Licensee temporary approval to use both the main Taxicab Plate and the Spare Vehicle Plate for the approved period of time.

PART V TAXICAB DRIVER LICENCE

Prohibition

27. (1) No Person shall drive or operate a Taxicab for the purpose of providing a Taxicab Service unless that Person is the holder of a current Taxicab Driver Licence.
- (2) No Driver shall provide or attempt to provide a Taxicab Service unless they are affiliated with a Taxicab Broker.

Licence Application

28. Every application for a Taxicab Driver Licence and renewal Licence shall be made to the Licensing Officer in a form provided by the Licensing Officer. Without limitation, every application for a Taxicab Driver Licence or a renewal shall include the following:
- (1) The Applicant's full legal name, address, telephone number, email address and date of birth;
 - (2) Proof of a valid, unrestricted, Class G driver's licence issued by the Province of Ontario with at least two (2) years driving experience;
 - (3) Two (2) pieces of government issued identification, one being photo identification;

- (4) Confirmation that the Applicant is legally eligible to work in Canada;
 - (5) Confirmation that the Applicant has not had a Taxicab Driver Licence revoked, suspended or denied within three (3) years of the date of application;
 - (6) A Criminal Record and Judicial Matters Check for the Applicant obtained within sixty (60) days from the date of application, which shall be reviewed in accordance with the criteria in Schedule "A" of this By-law;
 - (7) A Ministry of Transportation three (3) year driver's abstract;
 - (8) A declaration signed by the Applicant confirming they do not have any current outstanding police investigations, *Highway Traffic Act* or criminal charges or warrants pending before any courts;
 - (9) A declaration signed by a Taxicab Broker Licensee confirming the Applicant's affiliation or employment with that Taxicab Broker. A declaration is required from each Taxicab Broker that the Applicant is affiliated with or employed by; and,
 - (10) Confirmation from the Applicant's affiliated Taxicab Broker that the Applicant has successfully completed required driver training.
29. An Applicant for a Taxicab Driver Licence shall submit to a photograph being taken of them for use on the Taxicab Driver Licence.

General Licence Requirements

30. Every Taxicab Driver Licensee, while operating a Taxicab licenced under this By-law,
- (1) Shall display their Licence in a location that is clearly visible to all Passengers and shall verbally advise any Passenger of their Taxicab Driver Licence number upon request;
 - (2) Shall ensure the Taxicab Vehicle Licence is in the Taxicab at all times;
 - (3) Shall display the approved Taxicab Meter tariff rates, as established by the Licencing Officer from time to time and posted on the Region's website, in their Taxicab so that they are clearly visible to all Passengers;

- (4) Shall verbally advise a Passenger of the approved Taxicab Meter tariff rates, as established by the Licensing Officer from time to time and posted on the Region's website, upon request;
 - (5) Shall ensure the proof of Motor Vehicle insurance slip is in the Taxicab;
 - (6) Shall ensure all proof of Motor Vehicle ownership documentation is in the Taxicab; and,
 - (7) Shall ensure the Taxicab Plate is affixed to the Taxicab as prescribed in this By-law.
31. Every Taxicab Driver Licensee, while operating a Taxicab licenced under this By-law, shall ensure that the GPS and dispatch system for the Taxicab are operational.
32. No Taxicab Driver Licensee shall:
- (1) Verbally solicit any Person for the purposes of providing a Taxicab Service;
 - (2) Obstruct the use of any sidewalk, access way, street, roadway, driveway or highway with a Taxicab licenced under this By-law;
 - (3) Permit their Taxicab as licenced under this By-law to remain idling:
 - (i) For a period that exceeds ten (10) minutes when the outdoor temperature is between ten (10) degrees Celsius and twenty (20) degrees Celsius; or
 - (ii) When the Taxicab is not occupied by a Passenger;
 - (4) Permit their Taxicab, as licenced under this By-law, to remain standing on any sidewalk, access way, street, roadway, driveway or highway, other than in designated parking areas, unless for the immediate purpose of:
 - (i) Taking on a Passenger or Passengers who have already engaged the Taxicab; or
 - (ii) Discharging a Passenger or Passengers from the Taxicab;
 - (5) Carry a number of Passengers during a Taxicab trip that exceeds the manufacturer's rating of seating capacity and available seat belts for the Taxicab;
 - (6) Smoke tobacco or cannabis or permit tobacco or cannabis to be smoked in the Taxicab as licenced under this By-law;

- (7) Consume or be under the influence of any alcohol while operating a Taxicab licenced under this By-law;
 - (8) Consume, possess or be under the influence of any controlled substance as defined in the *Controlled Drugs and Substances Act* while operating a Taxicab licenced under this By-law;
 - (9) Use an electronic cigarette or permit the use of electronic cigarettes in the Taxicab as licenced under this By-law; Or,
 - (10) Operate a Taxicab that is not licensed under this By-law.
33. Every Taxicab Driver Licensee that is operating an Accessible Taxicab with an Accessible Taxicab Plate shall give priority to Persons with disabilities.
34. Every Taxicab Driver Licence-holder that is operating an Accessible Taxicab shall securely fasten all mobility devices of any Passengers while the Accessible Taxicab is in motion.
35. (1) Every Taxicab Driver Licence-holder shall notify the Licensing Officer within twenty-four (24) hours of any charge or conviction they have received that is in contravention of Schedule "A" criteria of this By-law or of any Motor Vehicle accident involving a Taxicab licenced under this By-law.
- (1) Every Taxicab Driver Licence-holder shall notify the Licensing Officer within twenty-four (24) hours of any police investigation, charge or conviction relating to the Licensee pursuant to the *Criminal Code*, *Highway Traffic Act*, or the *Controlled Drugs and Substances Act* with all particulars relating to the investigation, charge or conviction;
- (2) If the Licensing Officer has reasonable grounds to believe that any of the information that was provided in the Licensee's application for a Taxicab Driver Licence has changed without the Licensee advising of the change, the Licensing Officer may, upon demand, request the Licensee produce an updated:
- (i) Criminal Record and Judicial Matters check; or
 - (ii) A three (3) year Ontario Driver's Abstract.
36. Every Person who holds a Taxicab Driver Licence while operating a Taxicab shall turn off the illuminated top sign when the Taxicab is engaged in a Taxicab Service.

37. (1) Every Person who holds a Taxicab Driver Licence, while providing a Taxicab Service, shall ensure that:
- (i) Their Taxicab Meter is fully operational and accurate;
 - (ii) Their Taxicab Meter is sealed;
 - (iii) Their Taxicab Meter conforms to the maximum fees as prescribed in the approved Taxicab Meter tariff rates as established by the Licensing Officer from time to time and posted on the Region's website;
 - (iv) Their Taxicab Meter is located where it is visible to all Passengers; and,
 - (v) The fee charged to the Passenger or Passengers shall be no greater than the fee appearing on the Meter at the end of the Taxicab Service;
- (2) Subsection (1)(v) of the above section shall not apply where the Taxicab Service is being carried out pursuant to:
- (i) An ongoing written contract between the Taxicab Broker and the Passenger or a third party on behalf of the Passenger for repeated Taxicab Services or Accessible Taxicab Services; or
 - (ii) A pre-arranged Taxicab Service through an on-line enabled application, website or telephone number provided that a written or electronic record is maintained showing that the Passenger accepted the fare or rate prior to commencement of the pre-arranged Taxicab Service, and the Passenger is provided a written or electronic receipt at the conclusion of the pre-arranged Taxicab Service that sets out all rates, fees and surcharges charged, total amount paid, date and time of the Taxicab Service, location of the commencement and conclusion of the Taxicab Service, and the total time and distance of the Taxicab Service.
38. A Taxicab Driver Licensee shall immediately report to the Licensing Officer any malfunctioning Taxicab Meter or any tampering of the Taxicab Meter's seal, and shall cease to provide any Taxicab Service or Accessible Taxicab Service using that Taxicab.
39. The fee for the testing or retesting of a Taxicab Meter shall be in accordance with the Fees and Charges By-law and shall be payable by the Taxicab Plate-holder.

40. (1) A Taxicab Driver Licensee who is engaged in providing a Taxicab Service shall not start their Taxicab Meter until after a Passenger's personal property has been placed in the vehicle, if applicable, and the Passenger is seated in the Taxicab.
- (2) A Taxicab Driver Licensee, who is engaged in providing a Taxicab Service, shall deactivate their Taxicab Meter upon arrival at their Passenger's requested stop. The Taxicab Meter shall not be left running while the Passenger unloads their personal property from the vehicle once at the requested stop.
- (3) Notwithstanding subsection (1), if a Passenger has requested a Taxicab at a specific location, at a specific time, a Taxicab Driver Licensee may charge the applicable Waiting Time Rate, in accordance with the approved Taxicab Meter Tariff Rates as established by the Licensing Officer from time to time and posted on the Region's website, upon arriving at the requested location at the requested time. The Taxicab Meter may not be engaged until the Passenger is seated in the Taxicab.
- (4) No Taxicab Driver Licensee shall charge a surcharge or charges exceeding the approved Taxicab Meter Tariff Rates, as established by the Licensing Officer, from time to time, and posted on the Region's website, to a person with a disability.
- (5) Every Taxicab Driver Licensee shall use the most direct route reasonably possible to the Passenger's requested destination in the circumstances, and in the most efficient manner, unless otherwise directed by the Passenger.

PART VI TRANSPORTATION NETWORK COMPANY (TNC) BROKER LICENCE

Prohibition

41. No Person shall act as a TNC Broker without first having obtained a TNC Broker Licence in accordance with this By-law.

TNC Broker Licence Application

42. Every application for a TNC Broker Licence or renewal of such a Licence shall be made to the Licensing Officer in a form provided by the Licensing Officer. Without limitation, every application shall include the following:
- (1) the full legal name, municipal address, email address and telephone number of each Applicant;

- (2) If the Applicant is a partnership, the name, address, email address and telephone number of each partner;
- (3) If the Applicant is a corporation, all current articles of incorporation for the corporation;
- (4) All current legal documents showing the registered business name of the Applicant, if applicable;
- (5) The full legal names, addresses and dates of birth for all officers and directors of the Applicant, if applicable;
- (6) The full legal names and signatures of all Persons having signing authority for the Applicant corporation, if applicable, including a letter outlining the number of signatures required for financial and administrative functions;
- (7) The full legal names, addresses, contact information and driver's licence numbers of all TNC Driver Licensees who currently use or will use the Applicant as their TNC Broker;
- (8) A Certificate of Insurance (COI) identifying and confirming the following minimum insurance requirements:

Commercial General Liability Insurance ("CGL")

CGL insurance for all services and operations to a limit of not less than FIVE MILLION DOLLARS (\$5,000,000) per occurrence.

The policy will be extended to include:

- i. bodily injury, death and property damage;
- j. cross liability and severability of interest;
- k. blanket contractual;
- l. premises and operations;
- m. personal and advertising injury;
- n. products and completed operations;
- o. owner's and contractors protective;
- p. non-owned Automobile to a limit of not less than TWO MILLION DOLLARS (\$2,000,000);

The policy shall be endorsed to:

- c. include The Regional Municipality of Niagara as an additional insured; and,
- d. contain an undertaking by the insurers to give thirty (30) days prior written notice in the event that there is a material change in the

foregoing policies or coverage affecting the Additional Insured(s) or cancellation of coverage before the expiration date of any of the foregoing policies.

Policy Requirements

All policies of insurance shall:

- c) be written with an insurer licensed to do business in Ontario;
- d) be non-contributing with, and will apply only as primary and not excess to any other insurance or self-insurance available to Niagara Region;

Certificates of Insurance

Certificates of insurance originally signed by authorized insurance representatives shall be delivered to the Region prior issuance of the Licence, on a form of Certificate of Insurance which is acceptable to the Region. The Certificate of Insurance must comply with these insurance requirements and must be on the Region's form of Certificate of Insurance, which can be found on the Region's website – www.niagararegion.ca/business/fpr/cert-insurance.aspx. If the Certificate of Insurance is provided in a non-original form (e.g. a facsimile, photocopy or scanned electronic copy), the Applicant acknowledges and agrees that the Region is fully entitled to treat any such Certificate as an original and that the Applicant will be responsible for the accuracy and validity of the information contained therein. All subsequent policy renewals and certificates of insurance thereafter, during the time that the Licence is in force, shall be forwarded to the Region within fifteen (15) days of their renewal date.

- (9) Information on whether the Applicant, or any officer or director of the Applicant, has had a licence in regard to the provision of a TNC Service suspended or revoked in the Region or in any other municipality within Canada;
- (10) Information on whether the Applicant, or any officer or director of the Applicant, has been convicted of an offence under any previously repealed by-law of the Region or other municipality within Canada governing the licensing of TNC Services;
- (11) A Criminal Record and Judicial Matters check for the Applicant or any officer or director of the Applicant, obtained within sixty (60) days from the date of application, reviewed in accordance with the criteria in Schedule "A"; and,

- (12) Payment in full of the prescribed fee in accordance with the Fees and Charges By-law.

TNC Broker Licence Requirements

43. Every TNC Broker licenced under this By-law shall:

- (1) Have a telephone number, email address or on-line enabled application associated with the TNC Broker for the benefit of customers who wish to make contact with the TNC Broker;
- (2) Have an application-based dispatch system which includes a GPS that allows the TNC Broker to communicate with and locate a TNC Vehicle Licensee that operates through the TNC Broker;
- (3) Have a minimum of one (1) TNC Vehicle licenced under this By-law that operates exclusively through the TNC Broker;
- (4) Maintain a written or electronic record for a period of twelve (12) months for each TNC trip that is dispatched by the TNC Broker;
- (5) Report to the Licensing Officer, by the fifteenth (15th) day of every month, the total number of all TNC trips provided in the previous month, broken down by trips per day. These reports will act as the official record to audit monthly payments as required under subsection (6) below;
- (6) Remit to the Licensing Officer, by the fifteenth (15th) day of every month, the per trip fee payment in accordance with the Fees and Charges By-law, for every trip provided within the Region as reported in subsection (5) above;
- (7) Submit an updated list of the full legal names, dates of birth, contact information, driver's licence numbers and TNC Driver Licence number of all TNC Driver Licensees who are affiliated with the TNC Broker;
- (8) Ensure that each TNC Vehicle Licensee or TNC Driver Licensee who operates through the TNC Broker is trained in regard to the proper operation of a TNC Vehicle and the provisions of this By-law;
- (9) Ensure that each TNC Driver Licensee who operates through the TNC Broker has completed driver and sensitivity training that includes the following topics:
 - i. The safe operation of a Motor Vehicle including safe operation during inclement weather;

- ii. The proper operation of TNC equipment and devices including an online application;
 - iii. The proper response to an emergency situation which includes Passenger illness and Motor Vehicle accidents;
 - iv. The provision of TNC Services in a manner that respects the dignity and independence of persons with disabilities; and,
 - v. The provision of TNC Services in a manner that is free of discrimination and is in compliance with the *Human Rights Code*;
- (10) Take all reasonable steps to ensure that each TNC Vehicle Licensee or TNC Driver Licensee who operates through the TNC Broker complies with the requirements of this By-law;
- (11) Report to the Licensing Officer, within twenty-four (24) hours, any known contravention of this By-law by a TNC Vehicle Licensee or TNC Driver Licensee who operates through the TNC Broker;
- (12) Report to the Licensing Officer, within twenty-four (24) hours, any known:
- i. Investigation, charge or conviction pursuant to the *Criminal Code*, *Controlled Drugs and Substances Act* or *Highway Traffic Act*; or
 - ii. Ontario driver's licence suspension;
 - iii. expiry, suspension, revocation or conditions imposed on a Provincial Licence;
- of a TNC Driver Licensee who operates through that TNC Broker;
- (13) Report to the Licensing Officer, within twenty-four (24) hours:
- i. Any known motor vehicle accident that is reportable pursuant to section 199 of the *Highway Traffic Act* or any successor provision; or
 - ii. Personal injury; or
 - iii. Cancellation of insurance
- involving a TNC Vehicle or TNC Driver licenced under this By-law that operates through that TNC Broker.

- (14) Report within twenty-four (24) hours, to the Licensing Officer if the TNC Broker has terminated any TNC Vehicle Licensee or TNC Driver Licensee that operates through the TNC Broker; and
 - (15) Provide the Licensing Officer, by the fifteenth (15th) day of every month, the following statistical information for the preceding month in relation to TNC Services provided through the TNC Broker:
 - i. The total number of Passengers conveyed; and,
 - ii. a written or electronic record confirming each Passenger accepted the fare or rate to be charged prior to the commencement of the pre-arranged TNC Service;
 - (16) Provide access to their online TNC Service application platform, at no cost, to the Licensing Officer and any Municipal Law Enforcement Officer for the purpose of enforcement of this By-law.
44. The Licensing Officer may approve the transfer of a TNC Broker Licence from one Person to another upon the parties providing to the Licensing Officer:
- (i) A completed transfer application;
 - (ii) The transfer application fee as prescribed in the Fees and Charges By-law; and,
 - (iii) Confirmation of that the new Applicant meets the application requirements for a TNC Broker Licence, as set out in Part VI.

PART VII TRANSPORTATION NETWORK COMPANY VEHICLE LICENCE

Prohibition

- 45. No Person shall cause or permit a Motor Vehicle to be used for the provision of a TNC Service without first having obtained a TNC Vehicle Licence for that Motor Vehicle.
- 46. No Person shall allow or permit another Person to provide or attempt to provide a TNC Service using a Motor Vehicle that has a TNC Vehicle Licence unless such Person holds a valid TNC Driver Licence.

TNC Vehicle Licence Application

- 47. Every application for a TNC Vehicle Licence and renewal Licence shall be made to the Licensing Officer in a form provided by the Licensing Officer. Without limitation, every application for a TNC Vehicle Licence or a renewal of such a Licence shall include the following:

- (1) the full legal name, municipal address, email address and telephone number of each Applicant;
- (2) If the Applicant is a partnership, the name, address, email address and telephone number of each partner;
- (3) If the Applicant is a corporation, all current articles of incorporation for the corporation;
- (4) All current legal documents showing the registered business name of the Applicant, if applicable;
- (5) The full legal names, addresses and dates of birth for all officers and directors of the Applicant, if applicable;
- (6) The full legal names and signatures of all Persons having signing authority for the Applicant corporation, if applicable, including a letter outlining the number of signatures required for financial and administrative functions;
- (7) The make, model, fuel type, vehicle identification number, production year and Ontario licence plate number for the Motor Vehicle to be licenced;
- (8) A valid Motor Vehicle permit in the Applicant's full legal name for the Motor Vehicle to be licenced, as issued by the Ministry of Transportation;
- (9) If leased from a leasing company, a copy of the leasing agreement for the Motor Vehicle to be licenced, including an authorization for the leased Motor Vehicle to be used for the provision of a TNC Service;
- (10) If the Applicant is not the owner or Lessee of the Motor Vehicle to be used in the provision of TNC Services, written authorization from the Motor Vehicle's owner or Lessee allowing the Motor Vehicle to be used by the Applicant for the provision of TNC Services;
- (11) Based on the year appearing on the permit or ownership as issued by the Ministry of Transportation for the Motor Vehicle to be licenced, if the Motor Vehicle is:
 - i. less than two (2) years of age and has less than 20,000 kilometers on its odometer, a safety inspection is not required;
 - ii. Between two (2) and seven (7) years of age or has more than 20,000 kilometers on the odometer, a valid Motor Vehicle Inspection Certificate, issued not less than thirty-six (36) days from the date

submitted to the Licensing Officer, confirming the Motor Vehicle has passed the applicable safety inspection, is required annually; or,

- iii. Greater than seven (7) years of age, or has more than 140,000 kilometers on the odometer, a valid Motor Vehicle Inspection Certificate, issued not less than thirty-six (36) days from the date submitted to the Licensing Officer, confirming the Motor Vehicle has passed the applicable safety inspection, is required every six (6) months;
- (12) If the Applicant's Motor Vehicle operates with propane or natural gas as its primary or secondary fuel source, satisfactory evidence that is no older than thirty (30) days from date of the application that the Motor Vehicle has passed all applicable propane and natural gas safety inspections;
- (13) Proof of automobile insurance in accordance with the requirements set out in section 48 of this By-law;
- (14) A declaration signed by a TNC Broker Licensee confirming the Applicant operates through the TNC Broker Licensee. A declaration is required from each TNC Broker Licensee that the Applicant is affiliated with or employed by;
- (15) Confirmation that the Applicant, or any officer or director of the Applicant, has not had a licence in regard to the ownership of a TNC Vehicle suspended or revoked by the Region or other municipality in Canada within three (3) years of the current application;
- (16) Confirmation the Applicant, or any officer or director of the Applicant, has not been convicted of an offence under any TNC By-law of the Region or other municipality in Canada in regard to the ownership of a TNC Vehicle in the three (3) year period prior to the date of the application;
- (17) A Criminal Record and Judicial Matters check for the Applicant or any officer or director of the Applicant, obtained within sixty (60) days from the date of application, which shall be reviewed in accordance with the criteria in Schedule "A" to this By-law; and,
- (18) Payment of the prescribed fee in accordance with the Fees and Charges By-law.

TNC Vehicle Licence Requirements

- 48.(1) Every TNC Vehicle Licensee shall maintain on file with the Region a certificate of insurance for each TNC Vehicle licenced under this Bylaw, identifying and confirming a minimum limit of liability of TWO MILLION DOLLARS

(\$2,000,000.00) per occurrence, exclusive of interest and costs, against liability resulting from bodily injury to or the death of one or more persons, and loss or damage to property.

- (2) Evidence of insurance shall be provided annually through a Certificate of Insurance and, in addition to the limits indicated in subsection (1), shall include evidence of an O.E.F. 6A—Permission to Carry Passengers for Compensation Endorsement.

49. Every TNC Vehicle licenced under this By-law shall be equipped with an operational:
- (1) GPS or application that sets out and records the location of the Motor Vehicle; and,
 - (2) Dispatch system that allows communication between the TNC Driver and TNC Broker.
50. Every TNC Vehicle Licensee shall display a decal for each TNC Broker Licensee that the Licensee operates through, which is a minimum of 125 square centimeters in area, to be placed in the front right windshield to be visible from the exterior of the Motor Vehicle, which displays the logo and/or trademark of the TNC Broker Licensee.
51. A TNC Vehicle that is licenced under this By-law and is providing a TNC Service shall not have a top sign attached to the exterior of the TNC Vehicle, nor shall it have an illuminated sign inside, projecting outside the TNC Vehicle.
52. A TNC Vehicle that is licenced under this By-law shall not be parked or stopped at a Taxicab stand.
53. Every TNC Vehicle Licensee shall ensure that the TNC Vehicle Licence is kept within the TNC Vehicle and is available for inspection upon request by Passengers or Persons authorized to enforce this By-law.
54. A TNC Vehicle Licence is specific to the TNC Vehicle for which it has been issued. When a Licensee replaces a TNC Vehicle, the Licensee shall apply to the Licensing Officer for a new TNC Vehicle Licence. A TNC Vehicle Licence shall be issued for the replacement TNC Vehicle provided:
- (1) The replacement TNC Vehicle meets the applicable requirements for a TNC Vehicle Licence under this By-law; and,
 - (2) The Licensee pays the applicable fee in accordance with the Fees and Charges By-law.

55. A TNC Vehicle Licence shall only be issued to an Applicant who provides a TNC Service through a TNC Broker that is licenced under this By-law. A TNC Vehicle Licence may be affiliated with multiple TNC Brokers licenced under this By-law.
56. A Licensee may hold multiple TNC Vehicle Licences.

PART VIII TRANSPORTATION NETWORK COMPANY (TNC) DRIVER LICENCE

Prohibition

57. (1) No Person shall provide or attempt to provide a TNC Service unless that Person is the holder of a TNC Driver Licence.
- (2) No Person shall provide or attempt to provide a TNC Service unless they are affiliated with a TNC Broker.

TNC Driver Licence Application

58. Every application for a TNC Driver Licence and renewal Licence shall be made to the Licensing Officer in a form provided by the Licensing Officer. Without limitation, every application for a TNC Driver Licence or a renewal shall include the following:
- (1) The Applicant's full legal name, address, telephone number, email address and date of birth;
 - (2) Proof of a valid, unrestricted, Class G Province of Ontario driver's licence and at least two (2) years driving experience;
 - (3) Two (2) pieces of government issued identification, one being photo identification;
 - (4) Confirmation that the Applicant is legally eligible to work in Canada;
 - (5) Confirmation that the Applicant has not had a TNC Driver Licence revoked, suspended or denied within three (3) years of the date of application;
 - (6) A Criminal Record and Judicial Matters check for the Applicant, obtained within sixty (60) days from the date of application, which shall be reviewed in accordance with the criteria in Schedule "A" to this By-law;
 - (7) A Ministry of Transportation three (3) year driver's abstract;

- (8) A declaration signed by the Applicant confirming they do not have any current outstanding police investigations, *Highway Traffic Act* or criminal charges or warrants pending before any courts;
 - (9) A declaration signed by a TNC Broker Licensee confirming the Applicant operates through that TNC Broker Licensee. A declaration is required from each TNC Broker Licensee that the Applicant is affiliated with or employed by; and,
 - (10) Confirmation from the Applicant's affiliated TNC Broker Licensee that the Applicant has successfully completed required driver training.
59. An Applicant for a TNC Driver Licence shall submit to a photograph being taken of them for use on the TNC Driver Licence.

General Licence Requirements

60. Every TNC Driver Licensee, while operating a TNC Vehicle licenced under this By-law for the provision of TNC Services:
- (1) Shall display their Licence in a location that is clearly visible to all Passengers and shall verbally advise any Passenger of their TNC Driver Licence number, upon request;
 - (2) Shall ensure the TNC Vehicle Licence is in the TNC Vehicle at all times;
 - (3) Shall ensure the proof of the required Motor Vehicle insurance is in the TNC Vehicle at all times;
 - (4) Shall ensure all proof of ownership documentation is in the TNC Vehicle; and,
 - (5) Shall ensure the TNC Broker decal, as required under section 50 of this By-law, is displayed in the front right windshield of the licenced TNC Vehicle.
61. Every TNC Driver Licensee, while operating a TNC Vehicle licenced under this By-law, shall ensure that the TNC Vehicle's GPS and dispatch system are operational.
62. No TNC Driver Licensee shall:
- (1) Verbally solicit any Person for the purposes of providing a TNC Service;
 - (2) Accept any Passengers who have not engaged the Licensee for pre-arranged TNC Services through an online application service operated by the associated TNC Broker;

- (3) Obstruct the use of any sidewalk, access way, street, roadway, driveway or highway with a TNC Vehicle licenced under this By-law while providing a TNC Service;
- (4) park, stop, or stand a TNC Vehicle in any Taxicab Stand while providing a TNC Service in accordance with this By-law;
- (5) charge a fee or attempt to charge a fee to a Passenger or any other Person unless it is the fee or is in accordance with the fee structure that was accepted or agreed to by the Passenger as part of the pre-arranged TNC Service;
- (6) Permit their TNC Vehicle, while providing a TNC Service, to remain idling:
 - (i) For a period that exceeds ten (10) minutes when the outdoor temperature is between ten (10) degrees Celsius and twenty (20) degrees Celsius; or
 - (ii) When the TNC Vehicle is not occupied by a Passenger;
- (4) Permit their TNC Vehicle, while providing TNC Services, to remain standing on any sidewalk, access way, street, roadway, driveway or highway, other than in designated parking areas, unless for the immediate purpose of:
 - (i) Taking on a Passenger or Passengers who have already engaged the TNC Service; or
 - (ii) Discharging a Passenger or Passengers from the TNC Vehicle;
- (5) Carry a number of Passengers that exceeds the manufacturer's rating of seating capacity and available seat belts for the TNC Vehicle licenced under this By-law that is being used to provide the TNC Service;
- (7) Smoke tobacco or cannabis or permit tobacco or cannabis to be smoked in the TNC Vehicle licenced under this By-law, while providing a TNC Service;
- (8) Consume or be under the influence of any alcohol while providing a TNC Service in accordance with this By-law;
- (9) Consume, possess or be under the influence of any controlled substance, as defined in the *Controlled Drugs and Substances Act*, while providing a TNC Service in accordance with this By-law; or
- (10) Use an electronic cigarette or permit the use of electronic cigarettes in a TNC Vehicle, while providing a TNC Service in accordance with this By-law.

69. (1) Every TNC Driver Licensee shall notify the Licensing Officer within twenty-four (24) hours of any charge or conviction they have received that is in contravention of the criteria set out in Schedule "A" to this By-law or of any Motor Vehicle accident involving a TNC Vehicle licenced under this By-law.
- (2) Every TNC Driver Licensee shall notify the Licensing Officer within twenty-four (24) hours of any police investigation, charge or conviction relating to the Licensee pursuant to the *Criminal Code* or the *Controlled Drugs and Substances Act* with all particulars relating to the investigation, charge or conviction;
- (3) If the Licensing Officer has reasonable grounds to believe that any of the information that was provided in the Licensee's application for a TNC Driver Licence has changed without the Licensee advising of the change, the Licensing Officer may, upon demand, request the Licensee produce an updated:
- (i) Criminal Record and Judicial Matters check; or
 - (iii) A three (3) year Ontario Driver's Abstract.
70. Every TNC Driver Licensee shall provide a written or electronic receipt to a Passenger at the conclusion of the TNC Service trip that sets out all rates, fees and surcharges charged, total amount paid, date and time of the TNC Service, location of the commencement and conclusion of the TNC Service, and the total time and distance of the TNC Service.
71. Every TNC Driver Licensee shall use the most direct route reasonably possible to the Passenger's requested destination in the circumstances, and in the most efficient manner, unless otherwise directed by the Passenger.

PART IX GENERAL LICENCE REQUIREMENTS

72. The Licensing Officer shall issue a Licence or a renewal of a Licence to an Applicant that has satisfied the requirements of this By-law, based on the appropriate Licence class and subclass, if applicable, as set out in subsection 2(2) of this By-law.
73. Every Applicant shall provide payment in full, at the time the Application is submitted, of the appropriate fee, as prescribed in accordance with the Fees and Charges Bylaw.
74. Every application for a renewal of a Licence must be received by the Licensing Officer, in full, within thirty (30) days of the expiry date of the Licence.
75. (1) No Applicant shall knowingly misstate or provide false information to the Licensing Officer.

- (2) All Applicants shall provide the Licensing Officer with such other information and documentation as requested by the Licensing Officer.
- (3) Every Applicant and Licensee shall report to the Licensing Officer within twenty-four (24) hours after the event, of any change in any information, including contact and address information and insurance, that was provided to the Licensing Officer pursuant to this By-law.
76. (1) Every Licensee shall hold such Licence subject to the requirements and criteria as imposed in this By-law, including compliance with the criteria set out in Schedule "A" to this By-law.
- (2) In the event a Licensee cannot meet the requirements as set out in subsection (1), the Licensee shall surrender the applicable Licence to the Licensing Officer within twenty four (24) hours of the non-compliance.
- (3) Any Licences that have been surrendered to the Licensing Officer pursuant to subsection (2) shall be returned to the Licensee upon the Licensee providing proof of compliance with the applicable requirements of the application for the Licence in issue.
77. Every Licensee shall comply with all applicable Federal laws, Provincial laws, and Municipal by-laws, while operating Taxicab or TNC Business.
78. (1) No Person shall alter, erase, or modify, or permit the alteration, erasure or modification of any Licence or any part thereof issued under this By-law.
- (2) If a Licence is defaced, destroyed, or lost, the Licensee shall apply to the Licensing Officer for a replacement and, on payment of the prescribed fee in accordance with the Fees and Charges By-law, may be issued a replacement Licence, as required.
79. Any report to the Licensing Officer that is required pursuant to this By-law may be made during a Holiday, before or after business hours by submitting the report via email or leaving a voicemail message for the Licensing Officer, to the email address or telephone number of the Licensing Officer posted on the Region's website from time to time.

PART X DISCRIMINATION

80. No Licensee shall discriminate against any Person because of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, gender identity, gender expression, age, marital status, family status or disability, or otherwise contravene the *Human Rights Code*, in relation to the provision of a Taxicab or TNC Service.
81. Without limiting section 80 of this By-law, no Licensee shall charge:

- (1) A higher fare or an additional fee for Persons with disabilities than for Persons without disabilities for the same trip; or
- (2) A fee for the storage of mobility aids or mobility assistive devices in relation to a Taxicab or TNC Service.

PART XI INSPECTIONS

82. Every Licensee shall allow the Licensing Officer, a Municipal By-Law Enforcement Officer or Police Officer, upon demand, to enter upon and inspect a Taxicab Broker premises and/ or a Motor Vehicle licenced under this By-law to ensure that all provision of this By-law have been satisfied.
83. Upon inspection, every Person shall produce all relevant Licences and permits, invoices, vouchers or like documents, trip records, Provincial Licences and all documents required to be kept and maintained under this By-law, which may be removed for the purpose of photocopying and returned to the Licensee within forty eight (48) hours of removal.
84. No Person shall hinder or obstruct, or attempt to hinder or obstruct, an Officer from carrying out an inspection or withhold, destroy, conceal or refuse to furnish any information or thing required by the Officer inspecting for the purpose of this inspection.

PART XII POWERS OF THE LICENSING OFFICER

85. The power and authority to issue or renew a Licence, refuse to issue or refuse to renew a Licence, to revoke or suspend a Licence, to impose terms and conditions, including special conditions, on a Licence are delegated to the Licensing Officer.
86. When an application for a Licence or for a renewal of a Licence is made in accordance with the provisions of this By-law and the Applicant meets all the requirements of this By-law, the Licensing Officer shall issue a Licence.
87. The Licensing Officer may refuse to issue, refuse to renew, revoke or suspend a Licence, or impose a term or condition on a Licence on the following grounds:
 - (1) The conduct of the Applicant or Licensee, or where the Person is a corporation, the conduct of the corporation's officers, directors, employees or agents, affords reasonable cause to believe that the Person will not carry on or engage in the provision of Taxicab Services or TNC Services, as applicable, in accordance with any applicable Federal law, Provincial law or Municipal By-law, or with honesty and integrity;

- (2) The Licensing Officer has reasonable cause to believe that the granting, renewal or continuation of a Licence under this By-law would pose a danger to the health or safety of any Person or the public in general;
 - (3) The Applicant or Licensee is carrying on activities that are in contravention of this By-law;
 - (4) There are reasonable grounds to believe that an application or other documents provided to the Licensing Officer by or on behalf of the Applicant or Licensee contains a false statement;
 - (5) Any information contained in the original application form or any other information provided to the Licensing Officer has ceased to be accurate and the Licensee has not provided up-to-date accurate information to allow the Licensing Officer to conclude that the Licence should continue;
 - (6) An Applicant does not meet, at any time, one or more of the requirements of this By-law or any conditions imposed on a Licence;
 - (7) An Applicant or Licensee is not in compliance with any applicable Federal law, Provincial law or Municipal By-law, including but not limited to this By-law and any requirement to obtain and maintain a valid Provincial Licence; or
 - (8) The Applicant or Licensee has a police investigation or been charged or been convicted of a criminal or *Highway Traffic Act* offence which provides reasonable grounds for the Licensing Officer to believe it would not be in the interest of public health and safety and/or consumer protection to issue or maintain such a licence.
88. Notwithstanding any other provision of this By-law, the Licensing Officer may impose conditions, including special conditions, on any Licence at issuance, renewal or at any time during the term of the Licence, as are deemed reasonably necessary in the opinion of the Licensing Officer to give effect to this By-law.
89. Where the Licensing Officer has made a decision to deny, suspend, revoke or place conditions, including special conditions, on a licence, the Licensing Officer's written notice of that decision shall:
- (1) Set out the grounds for the decision;
 - (2) Give reasonable particulars of the grounds;
 - (3) Be signed by the Licensing Officer; and,
 - (4) State that the Applicant or Licensee is entitled to request a hearing before the Licensing Appeals Committee if the Applicant or Licensee delivers a request

for a hearing, in writing, accompanied by the applicable fee set out in the Fees and Charges By-law, to the Licensing Officer, within thirty (30) calendar days after the notice is served.

90. (1) Where notice to an Applicant or Licensee is required under this By-law, it is sufficiently given if delivered personally to the Applicant or Licensee, sent by electronic mail, or sent by registered mail to the address provided on the application or Licence, as applicable, of the Applicant or Licensee.
- (2) Where service is effected by registered mail under subsection (1), notice shall be deemed to have been made on the fifth (5th) day after the date of mailing. Service is deemed effective by email at the time it is sent. Personal Service is deemed effective at the time it is given.
91. Where no appeal is registered within the required time period, the decision of the Licensing Officer shall be final.
92. Where a Licence issued under this By-law has been suspended or revoked or special conditions have been placed on the Licence, the Licensee shall return the applicable Licence to the Licensing Officer within twenty four (24) hours of service of written notice.

Appeal

93. The power and authority to conduct hearings of appeals under this By-law are hereby delegated to the Licensing Appeals Committee.
94. The provisions of sections 5 to 15 and 21 to 24 of the *Statutory Powers Procedure Act*, R.S.O. 1990, c. S. 22, as amended, shall apply to all hearings conducted by the Committee under this By-law.
95. (1) When an Applicant is denied a Licence or has their Licence revoked or suspended, or has conditions, including special conditions, placed on their Licence, they may request an appeal hearing before the Licensing Appeals Committee, within thirty (30) calendar days of service of the notice described in section 90 of this By-law, for review of this decision. This request for an appeal shall be made in writing, be sent to the Licensing Officer, and set out the relief sought and the reasons for the appeal.
- (2) When a request for a hearing under subsection (1) and the applicable fee for filing an appeal, as set out in the Region's Fees and Charges By-law, have been received, a hearing shall be scheduled before the Licensing Appeals Committee and notice of the hearing date shall be given to the Applicant or Licensee.
- (3) A notice of hearing shall include:

- (i) A statement of the time, date, location, and purpose of the hearing; and,
 - (ii) A statement that if the Applicant or Licensee does not attend the hearing, the Licensing Appeals Committee may proceed in their absence without notice to them.
- (4) After conducting a hearing under subsection (2) above, the Committee may uphold or vary the decision of the Licensing Officer, or make any decision that the Licensing Officer was entitled to make in the first instance.
- (5) Notice of the Committee's decision, with reasons, shall be provided in writing and served in accordance with the service provisions contained in section 90 of this By-law.
- (6) The Licensing Appeal Committee's decision in respect of refusing, suspending, revoking or attaching conditions to a Licence is final.

PART XIII ORDERS

96. (1) If the Licensing Officer or a Municipal By-Law Enforcement Officer is satisfied that a contravention of this By-law has occurred, the Licensing Officer or Municipal By-Law Enforcement Officer may make an Order requiring the Person who contravened this By-law or who caused or permitted the contravention to discontinue the contravening activity.
- (2) An Order under subsection (1) shall set out:
- (i) reasonable particulars of the contravention adequate to identify the contravention; and,
 - (ii) the date by which there must be compliance with the Order.
- (3) An Order issued under this By-law shall be served in accordance with the service provisions contained in section 90 of this By-law.
97. Every Person shall comply with an Order issued under the authority of this By-law.

PART XIV ADMINISTRATION AND ENFORCEMENT

Penalty

98. Every Person who contravenes any provision of this By-law or an Order under this By-law is guilty of an offence and upon conviction is liable to a fine as provided for by the *Provincial Offences Act*, R.S.O. 1990, Chapter P. 33, as amended.

99. A director or officer of a corporation who knowingly concurs in the contravention of any provision of this By-law of an Order made under this By-law is guilty of an offence.
100. (1) Notwithstanding section 98 of this By-law, each day on which a Person contravenes any provision of this By-law shall be deemed to constitute a continuing offence under this By-law as provided for in section 429(2) of the *Municipal Act, 2001*. For clarity, in the case of an Order, a contravention continues for every day or part of a day past the date set out in the Order by which the work must be complete or action taken, as the case may be.
- (2) For each day or part of a day that the offence continues, the minimum fine shall be ONE HUNDRED DOLLARS (\$100.00) and the maximum fine shall be FIVE THOUSAND DOLLARS (\$5,000.00), and the total of all daily fines for the offence is not limited to ONE HUNDRED THOUSAND DOLLARS (\$100,000.00).
101. If any section of this By-law is contravened and a conviction entered, in addition to any other remedy and to any penalty imposed by the By-law, the court in which the conviction has been entered and any court of competent jurisdiction thereafter may make an order prohibiting the continuation or repetition of the offence by the person convicted or may impose conditions.

Administration and Enforcement

102. (1) The Licensing Officer shall have all necessary authority to carry out the administration and enforcement of this By-law.
- (2) Without limiting subsection (1) of this section, the Licensing Officer shall, at their sole discretion, have the authority to:
- (i) prescribe administrative forms, registers and electronic data software required under this By-law;
 - (ii) establish policies, procedures, operational protocols, inspection criteria and frequency, Licence criteria, and operational hours;
 - (iii) receive and process all applications for all Licences and renewals of licences under this by-law;
 - (iv) pro-rate any licensing or administrative fees that may be charged under this By-law;
 - (v) issue any Licence where the Applicant meets criteria and conditions under this By- law;

- (vi) renew, deny, suspend, revoke, restrict or place special conditions on any Licence issued pursuant to this By-law;
 - (vii) designate any accessibility training or other required training pursuant to this By-law;
 - (viii) verify any information provided by an Applicant or Licensee;
 - (ix) demand from a Licensee any records, information, documentation, licences or any other thing pursuant to the administration and enforcement of this By-law and,
 - (x) Establish Taxicab Meter tariff rates under this By-law.
103. Any Licensee that refuses or otherwise does not supply records, information or any other thing as demanded by the Licensing Officer shall have their Licence suspended. The Licensing Officer may re-instate a Licence if the Licensee supplies the information, record or other thing as demanded.
104. This By-law may be enforced by the Licensing Officer, a Municipal By-Law Enforcement Officer appointed by Council to enforce this By-law, or any Police Officer.
105. Any Person who obstructs or interferes with an Officer in the discharge of their duties under this By-law shall be considered in violation of this By-law.
106. Any Person who provides false information to an Officer shall be deemed to have obstructed or interfered with that Officer in the execution of their duties, and shall be considered in violation of this By-law.

Survival

107. If any section or part of this By-law is found by any court of competent jurisdiction to be illegal or beyond the power of Council to enact, such section or part shall be deemed to be severable and all other sections or parts of this By-law shall be deemed to be separate and independent therefrom and shall continue in full force and effect unless and until similarly found illegal.

Citation

108. This By-law may be cited as the "Taxicab and TNC By-law".

By-law Commencement / Transition

109. (1) By-Law No. 2018-75, being a by-law to licence, regulate and govern vehicles for hire (Taxi's, Transportation Network Company Vehicles, Specialty

Vehicles, Auxiliary Services Vehicles, Shuttle Buses, Sightseeing Vehicles, Caleche, Tow Trucks) and Businesses (Second-Hand Good Stores and Dealers, Salvage Yards, Auto-Wrecking Yards and Taxicab Brokers) and all amendments thereto, is hereby repealed.

(2) Notwithstanding subsection (1), By-law No. 2018-75, as amended, shall continue to apply to proceedings in respect of offences that occurred before its repeal date.

(3) Notwithstanding subsection (1) , all Taxicab and TNC Service-related Licences issued under By-law No. 2018-75, including any suspensions, revocations, denials, renewals or special conditions imposed on Licensees, that are in effect at the time said by-law is repealed, shall be deemed to be Licences as issued under this By-law, together with any such suspensions, revocations, denials, renewals or special conditions, and all the rules, requirements and regulations of this By-law shall apply with necessary modification.

(4) All Persons holding Taxicab and TNC Service-related licences issued under the provisions of By-law No. 2018-75 must come into compliance with all provisions of this By-law upon the renewal date of their Licence or within twelve (12) months from the date this By-law comes into force, whichever date is later.

(5) A Licensee that fails to come into compliance with all provisions of this by-law upon the renewal date of their Licence shall have their Licence revoked.

110. This by-law shall come into force and effect on the date that it is passed.

THE REGIONAL MUNICIPALITY OF NIAGARA

James Bradley, Regional Chair

Ann-Marie Norio, Regional Clerk

Passed: <date>

Schedule "A"

Standard Character Criteria

An application for or renewal of a Licence under this By-law shall be denied where the Applicant:

(Parts 1 to 7 apply to all applicants)

1. Has an undertaking, recognizance, peace bond, probation order or other court or police issued document where the conditions prohibit the applicant from performing the functions of the licence being applied for;
2. Has been convicted of a criminal offence which provides reasonable grounds for the Licensing Officer to believe it would not be in the interest of public health and safety and/or consumer protection to issue or maintain such a Licence. Such offences include, but are not limited to: sexual-based offences, child pornography, trafficking in persons, kidnapping, hostage taking, abduction, crimes against persons under 18 years of age, assault with a weapon, assault causing bodily harm, and, aggravated assault any assault against a Peace Officer;
3. Has been found guilty and convicted of any criminal offence, in the preceding twenty (20) years from the date of the application, where the term of incarceration imposed exceeded ten (10) years;
4. Has been found guilty and convicted of any criminal offence, in the preceding ten (10) years from the date of the application, where the term of incarceration imposed was between two (2) and ten (10) years;
5. Has been found guilty and convicted of any criminal offence, in the preceding five (5) years from the date of the application, where the term of incarceration imposed was less than two (2) years;
6. Has outstanding criminal charges before the courts and is awaiting trial and sentencing; or
7. Is the subject of a current police criminal investigation.

(Parts 8, 9 and 10 shall only apply to Driver Licence applicants)

8. Has been found guilty of any of the following *Highway Traffic Act* offences, in the preceding five (5) years from the date of the application:
 - a. Careless Driving;

- b. Racing or Stunt Driving; or
 - c. Exceeding the Speed Limit by 50 km/hour or more;
9. Has accumulated nine (9) or more demerit points or six (6) or more convictions under the *Highway Traffic Act* on their driving record abstract within three (3) years from the date of the application; or
10. Has had their driver's licence, issued in any province or territory, suspended under the *Highway Traffic Act* or Criminal Code within three (3) years of the date of application.

Paragraphs 2, 3, 4 and 5 shall not apply if the Applicant or Licensee has received a Record Suspension or Pardon for the offence by the Parole Board of Canada.