

THE REGIONAL MUNICIPALITY OF NIAGARA

BY-LAW NO. 2021-58

A BY-LAW TO LICENCE, REGULATE AND GOVERN
VEHICLES USED FOR HIRE (SPECIALTY VEHICLES,
SHUTTLE BUSES, SIGHTSEEING VEHICLES, CALECHE)

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, 2001*, 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, c.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 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, c.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, c.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 vehicles used for hire, including specialty vehicles, shuttle buses, sightseeing vehicles and caleches, for the purposes of ensuring the health and safety of both passengers and drivers, for the protection of persons and property and to ensure consumer protection, and to ensure that efficient vehicle-for-hire 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 Vehicle for Hire” means a motor vehicle which is equipped and used to transport persons with physical, emotional or mental disabilities, as well as their equipment, in exchange for a fee or other consideration and which is in compliance 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;

“Applicant” means a Person applying for a Licence or a renewal of a Licence under this By-law;

“Area Municipality” means any one of the municipalities or corporations of the Town of Fort Erie, Town of Grimsby, Town of Lincoln, City of Niagara Falls, Town of Niagara-on-the-Lake, Town of Pelham, City of Port Colborne, City of St. Catharines, City of Thorold, Township of Wainfleet, City of Welland, and/or Township of West Lincoln;

“Caleche” means a horse-drawn vehicle used on sightseeing trips or otherwise for hire;

“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;

"Driver" means the person licenced under this By-law who drives and has care and control of a Vehicle for Hire 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" means a global positioning system that allows a person to determine the exact geographic location of a vehicle licenced under this by-law;

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

"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 By-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 Municipal Law Enforcement Officer, Licensing Officer, or Police Officer;

"Passenger" means any individual travelling in a Vehicle for Hire other than the Driver;

"Person" includes an individual, a corporation, and a partnership;

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

"Private Ambulance/Medical Transport" means a motor vehicle, licenced as a Vehicle for Hire, which has the job of transporting patients to, from or between places of medical treatment, such as hospital or dialysis center, for non-urgent care;

"Provincial Licence" means any form of Licence or certification required to be held by the Licensee pursuant to applicable Provincial laws;

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

"Shuttle Vehicle" means a motor vehicle for hire for the transportation of passengers from place to place. A Shuttle Vehicle may include a Private Ambulance/Medical Transport and an Accessible Vehicle for Hire. A Shuttle Vehicle does not include a vehicle operated and controlled by a Municipality or the Province of Ontario and used as public transit.

"Sightseeing Vehicle" means a motor vehicle which is hired for the purpose of sightseeing to pick up and discharge its passengers and which has a route of travel that is not controlled by the passenger;

"Spare Vehicle" means a Vehicle owned by a Licensee that has been authorized by the Licensing Officer for temporary use in the place of and instead of a Vehicle for Hire licenced under this By-law;

"Specialty Vehicle" means a Vehicle for Hire including, but not limited to a limousine, a historical vehicle, a rickshaw or any other Vehicle which is approved by the Licensing Officer as a Specialty Vehicle;

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

“Taxicab” means a motor vehicle for hire for transportation of passengers from place to place and includes a Transportation Network Company Vehicle, but does not include a Vehicle for Hire;

“Transportation Network Company” or “TNC” means any person who offers, operates, or facilitates prearranged transportation services for compensation using any software or application or telecommunications platform or a digital network to connect passengers with TNC drivers, but does not include a licenced Taxicab

“Vehicle” means a vehicle as defined in the *Highway Traffic Act*;

“Vehicle for Hire” means a Motor Vehicle or non-motor assisted Vehicle that is used by a Person to offer, facilitate or operate a transportation service for one or more Passengers in exchange for a fee or other consideration, but does not include a Taxicab or Transportation Network Company;

“Vehicle for Hire Driver Licence” means a Vehicle for Hire Driver Licence as issued by the Licensing Officer under this By-law;

“Vehicle for Hire Business Licence” means a Vehicle for Hire Business Licence as issued by the Licensing Officer under this By-law;

“Vehicle for Hire Service” means the use of a Vehicle, either motorized or non-motor assisted, that is licenced as a Vehicle for Hire under this By-law, for the transportation of Passengers in exchange for a fee or other consideration;

“Vehicle for Hire Vehicle Licence” means a Vehicle for Hire Vehicle Licence as issued by the Licensing Officer under this By-law; and,

“Vehicle for Hire Vehicle Plate” or “Vehicle Plate” means a numbered metal plate that is issued by the Licensing Officer under this By-law, to be attached to a licenced Vehicle for Hire.

PART II LICENCE CLASSES

2. (1) The Licensing Officer shall issue Licences for the following classes:
 - (a) Vehicle for Hire Business;
 - (b) Vehicle for Hire Driver (covers all classes of Vehicles under this By-law);

- (c) Vehicle for Hire Vehicle; and,
 - (d) Vehicle for Hire Vehicle Plate.
- (2) The Licensing Officer shall issue Licences for the following sub-classes:
 - (a) Sightseeing Business;
 - (b) Sightseeing Vehicle;
 - (c) Sightseeing Vehicle Plate;
 - (d) Specialty Business;
 - (e) Specialty Vehicle;
 - (f) Specialty Vehicle Plate;
 - (g) Shuttle Business;
 - (h) Shuttle Vehicle;
 - (i) Shuttle Vehicle Plate;
 - (j) Caleche Business;
 - (k) Caleche Coach Operator;
 - (l) Caleche Carriage Plate; and,
 - (m) Caleche Horse.
- 3.
 - (1) No Person shall carry on or engage in the provision of a Vehicle for Hire Service or business 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 issue, unless otherwise stated in this By-law. For Licence renewals, 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 transferable upon approval by the Licensing Officer, and remain the property of the Region.

PART III VEHICLE FOR HIRE BUSINESS LICENCE

Prohibition

4. No Person shall operate as a Vehicle for Hire Business without first having obtained a Vehicle for Hire Business Licence in accordance with this By-law.

Licence Application

5. Every application for a Vehicle for Hire Business 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 Vehicle for Hire Business Licence or a renewal 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 dates of birth, and addresses 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 Persons who hold a Vehicle for Hire Vehicle Licence and Vehicle for Hire Driver Licence who currently use or will use the Applicant as their Vehicle for Hire Business;

- (8) A Certificate of Insurance 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 to 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 a Vehicle for Hire Business suspended or revoked in the Region or any other municipality in 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 Vehicle for Hire by-law of the Region or other municipality in Canada in regard to a Vehicle for Hire Business;
 - (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"; and
 - (12) Payment in full of the prescribed fee in accordance with the Fees and Charges By-law.
6. The Licensing Officer shall issue a Vehicle for Hire Business Licence to an Applicant that has satisfied the requirements of this By-law, based on the appropriate Business Licence subclass as set out in subsection 2 (2).

General Licence Requirements

7. Every Vehicle for Hire Business licenced under this By-law shall:
- (1) Have a physical business premises and telephone number associated with the Vehicle for Hire Business, for the benefit of customers who wish to make contact with the Vehicle for Hire Business;
 - (2) Have a digital dispatch system and automated vehicle locator system (GPS) that allows the Vehicle for Hire Business to communicate with and locate a Vehicle for Hire that operates through the Vehicle for Hire Business;
 - (3) Maintain a written or electronic record for a period of twelve (12) months for each Vehicle for Hire trip that is dispatched by the Vehicle for Hire Business;
 - (4) Ensure that each Person holding a Vehicle for Hire Vehicle Licence or Vehicle for Hire Driver Licence who operates through the Vehicle for Hire Business is trained in regard to the proper operation of a Vehicle for Hire and the provisions of this By-law;
 - (5) Ensure that each Person holding a Vehicle for Hire Driver Licence who operates through the Vehicle for Hire Business has completed driver and sensitivity training that includes the following topics:
 - (a) The safe operation of a Motor Vehicle including safe operation during inclement weather;
 - (b) The proper operation of Vehicle for Hire equipment and devices which may include a, PA system, dispatch system and credit card/debit card machine, as applicable;
 - (c) The proper response to an emergency situation which includes a passenger illness and Motor Vehicle accident;
 - (d) The provision of Vehicle for Hire Services in a manner that respects the dignity and independence of persons with disabilities; and,
 - (e) The provision of Vehicle for Hire Services in a manner that is free from discrimination and is in compliance with the *Human Rights Code*;

- (6) Ensure that each Person holding a Vehicle for Hire Driver Licence who operates through the Vehicle for Hire Business and provides an Accessible Vehicle for Hire Service has completed the accessibility training as designated by the Licensing Officer;
- (7) Take all reasonable steps to ensure that each Vehicle for Hire Vehicle Licensee or Vehicle for Hire Driver Licensee who operates through the Vehicle for Hire Business complies with the requirements of this By-law;
- (8) Report to the Licensing Officer, within twenty-four (24) hours, any known contravention of this By-law by a Person holding a Vehicle for Hire Vehicle Licence or Vehicle for Hire Driver Licence who operates through the Vehicle for Hire Business;
- (9) Report to the Licensing Officer, within twenty-four (24) hours, any known:
 - (a) charge or conviction pursuant to the Criminal Code, *Controlled Drugs and Substances Act* or *Highway Traffic Act*; or
 - (b) Ontario driver's licence suspension; or
 - (c) expiry, suspension, revocation or conditions imposed on a Provincial Licence;of any Vehicle for Hire Driver Licensee who operates through that Vehicle for Hire Business;
- (10) Report to the Licensing Officer, within twenty-four (24) hours:
 - (a) any known motor vehicle accident that is reportable pursuant to section 199 of the *Highway Traffic Act*, or any successor provision; or
 - (b) personal injury; or,
 - (c) cancellation of insurance;involving a Vehicle for Hire that operates through the Vehicle for Hire Business.

- (11) Report within twenty-four (24) hours, to the Licensing Officer if the Vehicle for Hire Business has terminated any Person who holds a Vehicle for Hire Vehicle Licence or Vehicle for Hire Driver Licence and is affiliated with the Vehicle for Hire Business; and
- (12) Provide the Licensing Officer, by the fifteenth (15th) day of every month, the following statistical information for the preceding month in relation to Vehicle for Hire Services provided through the Vehicle for Hire Business:
 - (a) The total number of Vehicle for Hire trips provided and Passengers conveyed;
 - (b) The total number of Accessible Vehicle for Hire trips and non-accessible Vehicle for Hire trips for each Accessible Vehicle for Hire, if applicable; and,
 - (c) For those Vehicle for Hire Businesses that provides a pre-arranged Vehicle for Hire 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 Vehicle for Hire Service.

Vehicle for Hire Business Licence Transfer

- 8. The Licensing Officer may approve the transfer of a Vehicle for Hire Business Licence from one Person to another upon the parties providing to the Licensing Officer:
 - (1) A completed application for transfer of a business in a form provided by the Licensing Officer;
 - (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 Vehicle for Hire Business Licence, as set out in Part III of this By-law.

PART IV VEHICLE FOR HIRE VEHICLE LICENCE AND VEHICLE FOR HIRE VEHICLE PLATES

Prohibition

9. (1) No Person shall cause or permit a Vehicle to be used as a Vehicle for Hire without first having obtained a:
 - (a) Vehicle for Hire Vehicle Licence for the Vehicle; and
 - (b) Vehicle for Hire Vehicle Plate to be affixed to the Vehicle.
- (2) No Person shall allow or permit another Person to provide or attempt to provide a Vehicle for Hire Service using a Vehicle licenced as a Vehicle for Hire unless:
 - (a) such Person holds a valid Vehicle for Hire Driver Licence; and
 - (b) the Vehicle for Hire Vehicle Plate is affixed to the Vehicle.
10. No Licensee shall affix or permit any other Person to affix a Vehicle Plate to any Vehicle other than the Vehicle for Hire for which the Vehicle Plate was issued under this By-Law.

Licence Application

11. Every application for a Vehicle for Hire Vehicle and/or Vehicle 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 Vehicle for Hire Vehicle Licence, Vehicle for Hire Vehicle 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, dates of birth and addresses 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 Vehicle for Hire;
- (8) A valid vehicle permit in the Applicant's full legal name for the Vehicle for Hire 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 vehicle to be used as a Vehicle for Hire;
- (10) For vehicles holding seven (7) passengers or less, exclusive of the driver, and based on the year appearing on the vehicle permit, if the Vehicle for Hire is:
 - (i) Between zero and three (3) years of age with less than 40,000 kilometres, a safety inspection is not required;
 - (ii) Between three (3) and seven (7) years of age or has more than 75,000 kilometres, a valid Ontario Motor Vehicle Inspection Certificate, issued not less than 36 days from the date submitted to the Licensing Officer, showing that the Vehicle for Hire has passed the applicable safety inspection, is required; or,
 - (iii) Greater than seven (7) years of age, a valid Ontario Motor Vehicle Inspection Certificate, issued not less than 36 days from the date submitted to the Licensing Officer, showing that the Vehicle for Hire has passed the applicable safety inspection, is required every six (6) months.
- (11) For vehicles holding eight (8) or more passengers, either a six (6) month or twelve (12) month Ontario Motor Vehicle Inspection Certificate is required. The Vehicle can only operate if the inspection certificate dates are valid while the Vehicle is operating;

- (12) If the Vehicle for Hire 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 issue that the Vehicle for Hire has passed all applicable propane and natural gas safety inspections;
 - (13) Proof of automobile insurance in accordance with the requirements set out in section 14 of this By-law;
 - (14) A declaration signed by a Vehicle for Hire Business Licensee confirming the Applicant's affiliation or employment with the Vehicle for Hire Business. A declaration is required from each Vehicle for Hire Business 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 Vehicle for Hire of any class 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 Vehicle for Hire by-law of the Region or other municipality in Canada in regard to the ownership of a Vehicle for Hire of any class 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"; and
 - (18) Payment in full of the prescribed fee in accordance with the Fees and Charges By-law.
12. (1) The Licensing Officer shall issue a Vehicle for Hire Vehicle Licence and Vehicle Plate to an Applicant that has satisfied the requirements of this By-law, based on the appropriate Licence subclasses as set out in subsection 2 (2) of this By-law.
- (2) A Vehicle for Hire Vehicle Licence and Vehicle Plate Licence may be issued for a term of one (1) month; six (6) months; or twelve (12) months.
13. (1) The Licensing Officer may set a limit or quota on the number of Vehicle for Hire 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 Vehicle for Hire Plates to be issued by the Licensing Officer will be offered to Applicants who meet the application requirements for a Vehicle for Hire Vehicle Licence set out in section 11 of this By-law, in order of when completed applications are 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.

General Licence and Plate Requirements

- 14. (1) Every Vehicle for Hire Vehicle Licensee shall maintain on file with the Region a Certificate of Insurance for each Vehicle for Hire identifying and confirming the following minimum insurance requirements:
 - (a) Up to seven (7) passengers requires a minimum limit of liability of TWO MILLION DOLLARS (\$2,000,000.00) per occurrence;
 - (b) Eight (8) to twelve (12) passengers requires FIVE MILLION DOLLARS (\$5,000,000.00) per occurrence; and,
 - (c) Thirteen (13) or more passengers requires EIGHT MILLION DOLLARS (\$8,000,000.00) per occurrence.
 - (2) The amounts listed in subsection (1) are 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.
 - (3) 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.
- 15. Every Vehicle for Hire licenced under this By-law shall be equipped with an operational:
 - (1) GPS that sets out and records the location of the Vehicle for Hire;

- (2) Dispatch system that allows communication between the Driver and Vehicle for Hire Business; and,
 - (3) Fire extinguisher and first aid kit to be stored within the Vehicle at all times.
- 16. Every Person that holds a Vehicle for Hire Vehicle Plate shall display:
 - (1) The Vehicle for Hire Vehicle Plate on the rear of the Vehicle for Hire with the exception of limousines, historic vehicles, and vehicles approved by the Licensing Officer. For these Vehicles, the Plate must be kept in the Vehicle and made readily available for inspection on demand by a Passenger or an Officer; and
 - (2) Two (2) decals that are a minimum of 200 square centimeters each in area in visible locations on the exterior of the Vehicle for Hire that visibly displays in large print the name or trademark of their Vehicle for Hire Business.
- 17. Every Person that holds a Vehicle for Hire Vehicle Licence shall ensure that their Licence is kept within the Vehicle for Hire and is available for inspection upon request by Passengers or an Officer.
- 18. A Vehicle for Hire Vehicle Licence is specific to the Vehicle for Hire for which it has been issued. When a Vehicle for Hire Vehicle is replaced with another Vehicle, the Vehicle Plate that is associated with that Vehicle for Hire may be transferred to the replacement vehicle, provided:
 - (1) The Licensee applies to the Licensing Officer for a new Vehicle for Hire Vehicle Licence and meets the applicable requirements for a Vehicle for Hire Vehicle Licence under this By-law;
 - (2) A Vehicle for Hire Vehicle Licence is issued for the replacement vehicle; and,
 - (3) The Licensee pays the transfer fee in accordance with the Fees and Charges By-law.

19. The Licensing Officer may approve a transfer of ownership of the Vehicle for Hire Vehicle Licence and/or Vehicle for Hire Plate from one Person to another upon the parties providing to the Licensing Officer:
 - (1) A completed application for transfer of a business 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 the applicable requirements for Vehicle for Hire Vehicle Licence and/or Vehicle for Hire Plate under this By-law.
20. Notwithstanding any other provision of this By-law, a Licensing Officer may provide approval for the transfer of a Vehicle for Hire Plate in the event of the plate holder's death, subject to completion and approval of the required transfer application within thirty (30) days, failing which, the Vehicle for Hire Plate shall be surrendered.
21. A Vehicle for Hire Vehicle Licence and Vehicle for Hire Plate shall only be issued to an Applicant who has the use of or is affiliated with a Vehicle for Hire Business that is licenced under this By-law.
22. A Vehicle for Hire Vehicle Licence and Vehicle for Hire Plate may be associated, loaned, leased or rented to one or more Vehicle for Hire Businesses licenced under this By-law.
23. A Licensee may hold multiple Vehicle for Hire Vehicle Licences and Vehicle for Hire Plates.
24. All Vehicle for Hire Vehicle 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 Vehicle for Hire Plate is not returned.

Special Licence Requirements

25. (1) A Licensee may apply for a non-use status designation of a Vehicle for Hire Vehicle 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 Vehicle for Hire that bears a Vehicle for Hire Vehicle Plate that is has been designated for non-use status.
 - (3) Vehicle for Hire Vehicle 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.
26. A Vehicle for Hire operating as a Sightseeing Vehicle must have an operating PA system.
27. In order to be granted a Licence under subsections 2(2)(j),(k), and (m) of this By-law and be permitted operate a Caleche business; the Applicant/Licensee shall demonstrate and ensure that every horse utilized in the Caleche business is:
- (a) free of any disease or sores, in good health, and fit to pull a Caleche in an urban setting without posing a danger to the public or itself as certified by a veterinarian;
 - (b) clean;
 - (c) shod on all four (4) hooves;
 - (d) readily identifiable/distinguishable form other horses by an appropriate marker in a manner that does not wound or harm the horse;
 - (e) properly fed provided with adequate clean drinking water;
 - (f) allowed to rest after each ride to preserve its health and passengers' safety;
 - (g) properly hitched up, namely to ensure that the horse can breathe and move freely;
 - (h) equipped with a leather harness free from cracks or rough patches that could cause injury;
 - (i) hitched up, at most 9 hours, from the time the horse was taken out (the maximum duration prescribed includes the time required to get to and from the stable and the site of the Caleche operations);
 - (j) protected with a blanket while at a stand, from November 1 to April 30, unless the outside temperature exceeds 15°C;

- (k) equipped with a bag for droppings, affixed to the harness in such a way that the horse is neither injured, nor hindered in its movements, and that the content is out of passengers' sight.
28. Every Licensee under subsections 2(2)(j),(k), and (m) of this By-law must submit, by April 1 and September 1 of every year, a certificate signed by a veterinarian, for each horse utilized in the Caleche business, stating that the horse is free of any disease or sores, is in good health and that it is fit to pull a Caleche in an urban setting without posing a danger to the public or itself. The veterinarian examination must take place within the two weeks prior to the date of the certificate being submitted.
29. Every Licensee under subsections 2(2)(j),(k), and (m) of this By-law must ensure that when the outside temperature reaches -20°C or below, excluding wind chill, or when it reaches 28°C or above, excluding humidex, the Caleche operations are immediately halted and all horses are returned to their stables . Should it be impossible to obtain the recorded temperature in accordance with the first paragraph, the temperature must be obtained from Environment Canada.
30. The Licensing Officer may order a Licensee to immediately cease Caleche operations and that the horses utilized in the Caleche operations be returned to the stable in the following cases:
- (a) The horse harnessed to it does not meet the requirements of this By-law;
 - (b) The Caleche does not meet the requirements of this By-law;
 - (c) The outside temperatures listed in section 29 of this By-law are reached.
31. The Licensing Officer may order a Licensee to have a horse utilized in Caleche operations examined by a veterinarian at the Licensee's expense and refrain from using the horse in Caleche operations until a veterinarian certificate indicating that the horse is fit for work, to the satisfaction of the Licensing Officer, is received.
32. A Caleche that is being used as a Vehicle for Hire and that is associated with a Caleche Carriage Plate must be in good service and have all necessary operating and safety equipment, including a brake and a slow moving vehicle sign.
33. No person shall cause or permit the operation of a Caleche that does not meet the requirements of this By-law.

Spare Vehicle Registration

34. (1) A Vehicle for Hire Vehicle Licensee may apply to the Licensing Officer for a Spare Vehicle to be used on a temporary basis in place of a Vehicle for Hire that is licenced under this By-law, when that Vehicle for Hire is, for any reason, unable to be operated.
- (2) No Vehicle for Hire Vehicle Licensee shall use a Spare Vehicle in place of a Vehicle for Hire licenced under this By-law unless the Spare Vehicle Licence and Spare Vehicle Plate have been issued by the Licensing Officer.
- (3) The Licensing Officer may approve a Vehicle for temporary use as a Spare Vehicle upon the Licensee providing to the Licensing Officer:
- (a) A completed Spare Vehicle application;
 - (b) The Spare Vehicle application fee as prescribed in the Fees and Charges By-law; and
 - (c) Confirmation the application requirements for a Vehicle for Hire 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 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 as a licenced Vehicle for Hire.
- (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 Vehicle for Hire and cessation of the use of the Spare Vehicle.

- (8) A Vehicle used as a Spare Vehicle must comply with all requirements of this By-law relating to the operation of Vehicles for Hire.
35. (1) Despite section 34 of this By-law, a Vehicle for Hire Business Licensee may apply to the Licensing Officer for temporary use of a Spare Vehicle, in addition to the Licensee's other licenced Vehicles for Hire, for a specified period of time in order to provide increased Vehicle for Hire Services, subject to the following conditions:
- (a) 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;
 - (b) the Applicant has submitted the appropriate application and paid the appropriate fees in accordance with the Fees and Charges By-law;
 - (c) the Applicant has identified on the application the times and dates for which the Spare Vehicle will be used; and
 - (d) the Applicant has provided confirmation that all of the Application requirements for a Vehicle for Hire Vehicle Licence, as set out in section 11 of this By-law, are met with respect to the proposed Spare Vehicle.
- (2) Upon approval of the application set out in subsection (1) and registration of the Spare Vehicle, the Licensing Officer shall provide to the Licensee a temporary approval to use the main Vehicle for Hire Plate in addition to the Spare Plate for the approved period of time.

PART V VEHICLE FOR HIRE DRIVER LICENCE

Prohibition

36. (1) No Person shall provide or attempt to provide a Vehicle for Hire Service unless that Person is the holder of a Vehicle for Hire Driver Licence.
- (2) No Driver shall provide or attempt to provide a Vehicle for Hire Services unless they are affiliated with a Vehicle for Hire Business.

Licence Application

37. A Vehicle for Hire Driver Licence is valid for all classes of Vehicles licenced under this By-law.
38. Every application for a Vehicle for Hire Driver Licence and renewal Licence shall be made to the Licensing Officer in a format provided by the Licensing Officer. Without limitation, every application for a Vehicle for Hire 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) For those Vehicles that require a valid driver's licence for operation, proof of a valid, unrestricted, Class G driver's licence issued by the Province of Ontario with at least two (2) years driving experience and proof the Person has the proper class of licence to drive the class of Vehicle for Hire being operated under this By-law;
 - (3) Two (2) pieces of government issued identification, one (1) being photo identification;
 - (4) Confirmation that the Applicant is legally eligible to work in Canada;
 - (5) Confirmation that the Applicant has not had a Vehicle For Hire 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";
 - (7) Ontario Ministry of Transportation three (3) year driver's abstract, if applicable;
 - (8) A declaration signed by the Applicant confirming that he or she does not have any current outstanding police investigations, charges or warrants pending before any courts pursuant to the *Criminal Code*, *Controlled Drugs and Substances Act* or the *Highway Traffic Act*;

- (9) A declaration signed by a Vehicle for Hire Business Licensee confirming the Applicant's affiliation or employment with the Vehicle for Hire Business. A declaration is required from each Vehicle for Hire Business that the Applicant is affiliated with or employed by; and,
 - (10) Confirmation from the Applicant's affiliated Vehicle for Hire Business that the Applicant has successfully completed required driver training.
39. An Applicant for a Vehicle for Hire Driver Licence shall submit to a photograph being taken of them for use on the Vehicle for Hire Driver Licence.
40. (1) The Licensing Officer shall issue a Vehicle for Hire Driver Licence to an Applicant that has satisfied the requirements of this By-law, based on the appropriate Driver Licence subclass as set out in subsection 2(2) above.
- (2) A Vehicle for Hire Vehicle Licence and Vehicle Plate Licence may be issued for a term of one (1) month; six (6) months; or twelve (12) months.

General Licence Requirements

41. Every Vehicle for Hire Driver Licensee, while operating a Vehicle for Hire 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 Vehicle for Hire Driver Licence number upon request;
 - (2) Shall ensure the Vehicle for Hire Vehicle Licence is in the Vehicle at all times;
 - (3) Shall ensure the Vehicle proof of insurance slip is in the Vehicle;
 - (4) Shall ensure the Vehicle ownership is in the Vehicle, if applicable;
 - (5) Shall ensure the Vehicle for Hire Plate is affixed to the Vehicle as prescribed in this By-law; and,
 - (6) Shall ensure an operational fire extinguisher and a first aid kit are both stored within the vehicle.
42. Every Vehicle for Hire Driver Licensee, while operating a Vehicle for Hire licenced under this By-law, shall ensure that the GPS, PA system and dispatch system for the Vehicle for Hire is operational, if applicable.

43. No Vehicle for Hire Driver Licensee shall:

- (1) Verbally solicit any Person for the purposes of providing a Vehicle for Hire Service;
- (2) Obstruct the use of any sidewalk, access way, street, roadway, driveway or highway with a Vehicle for Hire licenced under this By-law;
- (3) Permit their Vehicle for Hire as licenced under this By-law to remain idling:
 - (a) For a period that exceeds ten (10) minutes when the outdoor temperature is between ten (10) degrees Celsius and twenty (20) degrees Celsius; or
 - (b) When the Vehicle for Hire is not occupied by a Passenger;
- (4) Permit their Vehicle for Hire 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:
 - (a) Taking on a Passenger or Passengers who have already engaged the Vehicle for Hire; or
 - (b) Discharging a Passenger or Passengers from the Vehicle for Hire;
- (5) Carry a number of Passengers during a Vehicle for Hire trip that exceeds the manufacturer's rating of seating capacity and available seat belts, if equipped, for the Vehicle for Hire;
- (6) Smoke tobacco or cannabis or permit tobacco or cannabis to be smoked in the Vehicle for Hire licenced under this By-law;
- (7) Consume or be under the influence of any alcohol while operating a Vehicle for Hire 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 Vehicle for Hire licenced under this By-law;
- (9) Permit the consumption of any alcohol in the Vehicle for Hire licenced under this By-law;

- (10) Use an electronic cigarette or permit the use of an electronic cigarette in the Vehicle for Hire licenced under this By-law;
 - (11) Operate a Vehicle for Hire that is not licensed under this By-law.
44. Every Vehicle for Hire Driver Licensee that is operating an Accessible Vehicle for Hire shall give priority to Persons with disabilities.
45. Every Vehicle for Hire Driver Licensee providing an Accessible Vehicle for Hire Service shall securely fasten all mobility devices while the Accessible Vehicle for Hire is in motion.
46. (1) Every Vehicle for Hire 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 Schedule “A” criteria of this By-law or of any Motor Vehicle accident involving a Vehicle for Hire licenced under this By-law.
- (2) Every Vehicle for Hire 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* or the *Highway Traffic 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 Vehicle for Hire 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 Drivers Abstract.

Special Licence Requirements

47. No Vehicle for Hire Driver shall provide a Vehicle for Hire Service unless the service provided is for a minimum rate of charge, exclusive of HST, of not less than:
- (1) Ten dollars (\$10.00) for Sightseeing, Shuttle or Specialty Vehicle for Hire Services; and,

- (2) Five dollars (\$5.00) for Caleche Vehicle for Hire Services.

PART VI GENERAL

Prohibitions

48. No Person shall:

- (1) Hinder or obstruct, or attempt to hinder or obstruct the driver or the operation of a Vehicle for Hire licenced under this By-law;
- (2) Molest, startle or otherwise interfere with a horse being used for a Caleche licenced under this By-law;
- (3) Evade payment for a Vehicle for Hire Service once provided;
- (4) Obstruct a pick-up or drop off location for a Vehicle for Hire;
- (5) Give false or incorrect information for the purposes of obtaining or renewing a Licence;
- (6) Hinder or obstruct, or attempt to hinder or obstruct, either directly or indirectly, any Person who is exercising a power or performing a duty under this By-law, including carrying out an inspection;
- (7) Charge a higher fare or an additional fee for Persons with disabilities than for Persons without disabilities for the same trip; and,
- (8) Charge a fee for the storage of mobility aids or mobility assistive devices in relation to a Vehicle for Hire Service.

Licence Application Process

49. Every Applicant shall provide payment in full, at the time the application is submitted, of the applicable fee prescribed in accordance with the Fees and Charges By-law.
50. All Applicants shall provide the Licensing Officer with such other information and documentation as requested by the Licensing Officer.

51. 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, address and insurance information, that was provided to the Licensing Officer pursuant to this By-law.

Licence Requirements

52. (1) Every Licensee shall hold such Licence subject to the requirements and criteria as imposed in this By-law, including the compliance with criteria imposed in order to be licensed under Parts III, IV and V.
- (2) In the event a Licensee cannot comply with the requirements as set out in subsection (1) above, the Licensee shall cease to provide Vehicle for Hire Services immediately and 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) above, shall be deemed suspended; but may be reinstated and returned to the Licensee upon the Licensee providing satisfactory proof of compliance with all applicable requirements of the application for the Licence in issue.
53. 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.

Reporting

54. Any report to the Licensing Officer that is required pursuant to this By-law may be made during a Statutory Holiday, before or after business hours by submitting the report via electronic mail or leaving a voicemail message to the email address or telephone number for the Licensing Officer, as publicly posted on the Region's website from time to time.

PART VII INSPECTIONS

55. Every Licensee shall allow the Licensing Officer, a Municipal By-Law Enforcement Officer or Police Officer, upon demand, to enter upon and inspect a Vehicle for Hire Business premises and/ or a Vehicle for Hire to ensure that all provisions of this By-law have been satisfied.

56. Upon inspection, every Person shall produce all relevant Licences and permits, invoices, vouchers or like documents, trip records, 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.
57. 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 VIII POWERS OF THE LICENSING OFFICER

58. 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.
59. 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.
60. 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, that 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 operation of the business 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 been convicted of a criminal offence which causes the Licensing Officer to believe it would not be in the interest of public safety and/or consumer protection to issue or maintain such a Licence.
61. 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 necessary in the opinion of the Licensing Officer to give effect to this By-law.
62. 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.
63. (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.
64. Where no appeal is registered within the required time period, the decision of the Licensing Officer shall be final.
65. Where a licence issued under this By-law has been suspended or revoked or special conditions have been placed on the licence, the Person shall return the applicable licence to the Licensing Officer within twenty four (24) hours of service of written notice.

Appeal

66. The power and authority to conduct hearings of appeals under this By-law are hereby delegated to the Licensing Appeals Committee (the "Committee").
67. 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.
68. (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 63 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 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.
- (3) A notice of hearing shall include:
- (a) A statement of the time, date, location, and purpose of the hearing;
and,

- (b) 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), 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 served in accordance with the service provisions contained in section 63 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 IX ORDERS

69. (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:
- (a) reasonable particulars of the contravention adequate to identify the contravention; and,
 - (b) 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 63 of this By-law.
70. Every Person shall comply with an Order issued under the authority of this By-law.

PART X PENALTY

71. 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 the appropriate penalty, as provided for by the *Provincial Offences Act*, R.S.O. 1990, Chapter P. 33, as amended.

72. A director or officer of a corporation who knowingly concurs in the contravention of any provision of this By-law or an Order made under this By-law is guilty of an offence.
73. (1) Notwithstanding section 71 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).
74. 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 impose conditions.

PART XI ADMINISTRATION AND ENFORCEMENT

75. (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 have the authority, at their sole discretion, to:
- (a) prescribe administrative forms, registers and electronic data software required under this By-law;
 - (b) establish policies, procedures, operational protocols, inspection criteria and frequency, Licence criteria, and operational hours;
 - (c) receive and process all applications for all Licences and renewals of Licences under this By-law;

- (d) pro-rate any licensing or administrative fees that may be charged under this By-law;
 - (e) issue any Licence where the Applicant meets criteria and conditions under this By-law;
 - (f) renew, deny, suspend, revoke, restrict or place special conditions on any Licence issued pursuant to this By-law;
 - (g) designate any accessibility training or other required training pursuant to this By-law;
 - (h) verify any information provided by an Applicant or Licensee; and,
 - (i) demand from a Licensee any records, information, documentation, licences or any other thing pursuant to the administration and enforcement of this By-law.
76. 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.
77. 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.
78. Any Person who obstructs or interferes with an Officer in the discharge of their duties shall be considered in violation of this By-law.
79. Any Person who provides false information to an Officer shall be deemed to have obstructed or interfered with that Person in the execution of their duties.

Survival

80. 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

81. This By-law may be cited as the "Vehicle for Hire By-law".

By-law Commencement / Transition

82. (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.
- (3) Notwithstanding subsection (1), all Licences issued under No. By-law 2018-75, including any suspensions, revocations, denials, renewals or special conditions imposed on such Persons holding licences by the Region, 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 Licences issued under the provisions of By-law 2018-75 must come into compliance with all provisions of this By-law upon the renewal date of their Licence, or twelve (12) months from the date this By-law comes into force, which length of time is greater.
- (5) Notwithstanding subsection (4) of this section, a Person holding a licence 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.

83. 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: August 26, 2021

Schedule "A"

Standard Character and Driving Record 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 for which, in the opinion of the Licensing Officer, it would not be in the interest of public safety 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.

Schedule "A"

Standard Character and Driving Record Criteria

(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:
 - i) Careless Driving;
 - ii) Racing or Stunt Driving; or
 - iii) 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 has received a Record Suspension or Pardon for the offence by the Parole Board of Canada.