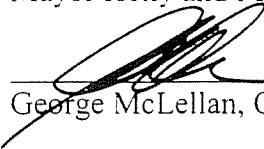
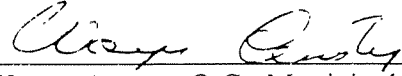


Halifax Regional Council
June 24, 2003
6:00 p.m.

TO: Mayor Kelly and Members of Regional Council

SUBMITTED BY:


George McLellan, Chief Administrative Officer


Wayne Anstey, Q.C., Municipal Solicitor

DATE: June 19, 2003

SUBJECT: First Reading By-Law T-124 & T-125,
Amendments to By-law T-108,
Respecting Taxi and Limousine Licensing
Motion - Councillor Adams - Move First Reading

SUPPLEMENTARY REPORT

ORIGIN

At the meeting of Halifax Regional Council held on June 10, 2003, a resolution was adopted that Regional Council approve in principle the amendments to By-law T-108 found in Attachments A and B to the June 2, 2003 report from the Regional Taxi and Limousine Committee and the Hotel Standards Committee, and direct staff to arrange for their formal adoption by Council.

RECOMMENDATION:

It is recommended that Regional Council give First Reading to By-Laws T-124 and T-125 attached as Appendices "A" and "B" respectively to this report and direct the Municipal Clerk to arrange for a public hearing to be advertised to consider the said By-Law for Second Reading.

BACKGROUND/DISCUSSION:

During the debate surrounding the approval in principle of the amendments respecting the fixed rates to and from the airport and the port, a number of questions were raised. This report is intended to address those issues.

Jurisdiction of Federal Agencies to Set Taxi Rates

It is the opinion of HRM staff that the airport and the port does not have the jurisdiction to fix taxi rates outside the boundaries of their properties. The airport does have a queuing area for taxis and does have a licensing system in place whereby only taxis licensed by the airport are permitted to wait for and receive passengers in that area. A further condition of obtaining that license is that the taxi driver agrees to comply with the fixed taxi rates set by the airport. In staff's view, the airport does have the right to designate who may use areas of their property and to establish regulations with respect to that use. However, where those regulations encroach on areas of legitimate municipal jurisdiction such as setting taxi rates within the municipality, and in fact would cause drivers to violate municipal laws, in staff's view, the airport regulations would be invalid.

It should be clarified that the port does not have a licensing system like the airport and in fact has indicated that they only posted the fixed rates at their facility at the request of the "taxi industry".

The rates posted at both the airport and the port were not approved by the Taxi and Limousine Committee prior to their being posted. The Taxi and Limousine Committee does however feel that fixed rates are desirable as the posting of fixed rates at points of entry to the municipality such as the airport and the port provides new arrivals to the municipality with predictable ground transportation costs. Fixed rates have been in place at the airport since the mid 1970's and appear to have been well received.

Application of Fixed Rates at the Port Property

As presently worded, the fixed rate structure would apply to the whole port property. This was not the intention. Rather the rates were only intended to apply to the compound where cruise ship passengers seek transportation. The By-law has been amended to reflect that.

Fare For Downtown Tour

The most controversy during the debate was surrounding the \$9.00 Canadian (\$6.00 US) fare for the Downtown Halifax/Spring Garden Road area. This was not designed to provide a most direct ride to a downtown destination, but rather was intended to include a short tour of the area lasting appropriately ten minutes to introduce visitors to the highlights of the downtown area and thus would be more expensive than the more direct fare.

Exchange Rate

The port fares are expressed in both Canadian and US dollars as many passengers only carry American currency. The rates were not set using exact exchange rates and vary depending on the

amount of the fare. Since exact exchange rates were not incorporated into the fares, it is felt that it is unlikely that exchange rates will vary enough in the future to necessitate changing them. If they do, however, an amendment to the schedule will be required.

BUDGET IMPLICATIONS

This recommendation has no budget implications.

FINANCIAL MANAGEMENT POLICIES/BUSINESS PLAN

This report complies with the Municipality's Multi-Year Financial Strategy, the approval Operating, Capital and Reserve budgets, policies and procedures regarding withdrawals from the utilization of Operating reserves, as well as any relevant legislation and business plans.

ALTERNATIVES

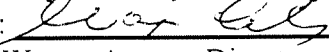
Since Council supported the amendments in principle, it is assumed that Council wishes these amendments to proceed as in staff's opinion, they do represent a convenience to the travelling public. If Council does not approve the amendments respecting the fixed rates, staff will have to take action to contest the actions of the airport and the port in setting and applying them.

ATTACHMENTS:

1. Appendix "A" - Proposed By-Law T-124, Respecting the Inclusion of a Terms Of Reference For The Hotel Standards Committee and the Appointment of on Additional Member to the Hotel Standards Committee by the Hotel Association Of Nova Scotia.
2. Appendix "B" - Proposed By-Law T-125, Respecting Fixed Taxi Fares.

Additional copies of this report and information on its status can be obtained by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

Report prepared by: Wayne Anstey, Q.C., Municipal Solicitor and Vi Carmichael, Municipal Clerk.

Report approved by: 
Wayne Anstey, Director of Legal Services 490-4229

Appendix "A"

HALIFAX REGIONAL MUNICIPALITY
BY-LAW NUMBER T-124

Respecting the Inclusion of a Terms of Reference for the Hotel Standards Committee and the Appointment of an Additional Member to the Hotel Standards Committee by the Hotel Association of Nova Scotia

BE IT ENACTED by the Council of the Halifax Regional Municipality that By-Law T-108, the Halifax Regional Municipality Taxi and Limousine be amended as follows:

1. (1) Section 83 of By-Law T-108 is amended by deleting the word "seven" and by substituting therefor the word "eight".

(2) Said Section 83 is further amended by deleting clause (c) thereof and by substituting therefor the following clause:

(c) two members appointed by the Hotel Association of Halifax

(i) one to act as Chair; and

(ii) the other to represent the hotel industry at the Concierge or Public Service Manager level, this appointment to be on a rotational basis among the Hotels;

2. Said By-Law T-108 is further amended by adding immediately following Section 83 thereof, the following Section:

83A The mandate of the Hotel Standards Committee is to improve the level of service for visitors to the Halifax Regional Municipality and to enhance the working relationship between taxi drivers and the entire tourism industry.

Appendix "B"

**HALIFAX REGIONAL MUNICIPALITY
BY-LAW NUMBER T-125**

Respecting Fixed Taxi Fares

BE IT ENACTED by the Council of the Halifax Regional Municipality that By-law T-108, the Halifax Regional Municipality Taxi and Limousine be amended as follows:

1. Said By-law T-108 is amended by adding immediately following Section 56 thereof, the following Section:

56A Notwithstanding Sections 55 and 56 of this By-law, a taxi driver

- (a) transporting cruiseship passengers from the cruise ship compound at the Halifax Port Corporation property to the destinations outlined in Schedule 3 to this By-law may charge the fares set forth in that Schedule; and
- (b) transporting passengers from the Halifax International Airport to the destinations outlined in Schedule 4 to this By-law may charge the fares set forth in that Schedule.

2. Section 57 of said By-law T-108 is amended by adding immediately following the number "2" in the first line the words and punctuation "and, if the driver charges the fares pursuant to Schedules 3 and 4, a copy of the tariff of fares as set out in those Schedules".

3. Section 62 of said By-law T-108 is amended by adding immediately following the words, number and punctuation "Schedule 2," in the fourth line thereof the words "the driver charges the fares pursuant to Schedules 3 and 4".

4. Said By-law T-108 is amended by adding to the end thereof Schedules 3 and 4 attached hereto.

Schedule 3

Cruiseship Passenger Taxi Rates Per Vehicle
(Rates Include HST)

Destination	\$ American	\$ Canadian	Length Of Tour
Downtown or Spring Garden Road	6.00	9.00	10 minutes
Airport	30.00	42.00	30 minutes
City Tour	30.00	42.00	per hour
Peggy's Cove	90.00	125.00	3 hours
Peggy's Cove/ City Tour	110.00	155.00	4 hours

Schedule 4

Taxi Rates To and From Airport
(Rates Include HST)

Note: In the event that passengers are proceeding to more than one destination, drivers will not charge more than the approved rate for the first destination and the metered rate from the restarted meter for each of the succeeding destinations.

Destination	Details	Rate
Halifax	Peninsula, Mainland north of St. Margaret's Bay Road, Bayer's Lake	\$41.00
	Ragged Lake	\$43.00
	Mainland South of Bay Road	\$43.00
Dartmouth	North of Hwys # 7 & 111 from Forest Hills Drive to McKay Bridge	\$37.00
	City incl. Forrest Hills & east to Montague Road	\$39.00
	Cole Harbour (Portland Estate to Ross Road)	\$41.00
	Cole Harbour Road To Altholea Drive (Treaty Gas)	\$41.00
	Woodside, Pleasant Street at 5 corners to Esso Refinery	\$41.00
	South Beyond Refinery to Shearwater	\$43.00
	Montague Road to Ross Road	\$41.00
Bedford		\$32.00
Sackville	Lower (Cobequid Road to Lucasville Road)	\$32.00
	Cobequid Road to Beaver Bank Windsor Jct. Crossroads	\$32.00
	Middle (Lucasville Road to Springfield Estates)	\$39.00
	Upper (Springfield Estates to County Line)	\$42.00
Airport	Within Property	\$10.00
Aerotech	ADESA, NAVCAN	\$12.00
Beaver Bank	Beaver Bank Windsor Jct. Crossroad to Kinsac Road	\$39.00
	Kinsac Road	\$42.00
	Kinsac Road to Beaver Bank Villa	\$46.00

Bayside		\$75.00
Bayswater		\$100.00
Beechville		\$41.00
Black Point		\$70.00
Boutliers Point		\$75.00
Brookside		\$52.00
Chezzetcook	East	\$75.00
	Head	\$75.00
	West	\$70.00
Cow Bay		\$50.00
Dover	East and West	\$80.00
Dutch Settlement		\$32.00
Eastern Passage		\$50.00
Elderbank		\$49.00
Elmsdale		\$22.00
Enfield		\$18.00
Exhibition Park		\$43.00
Fall River		\$26.00
Five Islands Lake		\$55.00
French Village		\$63.00
Goffs		\$18.00
Glen Haven		\$80.00
Glen Margaret		\$70.00
Grand Lake		\$23.00
Hackett's Cove		\$75.00
Hammonds Plains	Kearney Lake Road to Pockwock Road	\$41.00
	Pockwock Road to End	\$43.00
	Pockwock Road to Highway 103	\$43.00
Harrietsfield		\$52.00
Hatchett Lake		\$52.00

Head of St. Margaret's		\$55.00
Herring Cove		\$55.00
Horne Settlement		\$22.00
Hubbards		\$75.00
Hubley		\$53.00
Indian Harbour		\$80.00
Ingramport		\$70.00
Jeddore	East	\$110.00
	Head	\$90.00
	West	\$100.00
Ketch Harbour		\$60.00
Kingswood		\$41.00
Lakeside		\$43.00
Lakeview		\$28.00
Lake Charlotte		\$105.00
Lake Echo		\$55.00
Lake Fletcher		\$26.00
Lantz		\$26.00
Lawrencetown	Starts at Ross Road/Cole Harbour Road Intersection	\$44.00
	West	\$55.00
	Beach	\$60.00
Lucasville		\$39.00
Meaghers Grant		\$56.00
Milford		\$32.00
Mineville		\$55.00
Musquodoboit	Harbour	\$80.00
	Middle	\$65.00
	Upper	\$85.00
Oakfield		\$18.00
Oldham		\$18.00

Peggy's Cove		\$85.00
Porters Lake		\$60.00
Portugese Cove		\$58.00
Preston	East and North	\$50.00
Prospect		\$70.00
Purcells Cove		\$50.00
Queensland		\$75.00
Sambro		\$60.00
Seabright		\$65.00
Shad Bay		\$57.00
Sheet Harbour		\$140.00
Ship Harbour		\$120.00
Tantallon		\$56.00
Terrance Bay		\$65.00
Timberlea		\$50.00
Upper Tantallon		\$50.00
Waverley		\$26.00
Waverley	Silversides to City Limits	\$30.00
Wellington		\$26.00
Whites Lake		\$55.00
Windsor Junction		\$28.00