

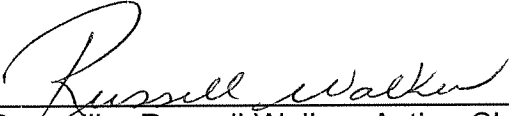
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PO Box 1749
Halifax, Nova Scotia
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Halifax Regional Council
March 9, 2004

TO: Mayor Kelly and Members of Halifax Regional Council

SUBMITTED BY: 
Councillor Russell Walker, Acting Chair, Appeals Committee

DATE: March 2, 2004

SUBJECT: **By-law T-129, Amendment to By-law T-108, Respecting the Regulation of Taxis and Limousines re Cancellation of Insurance**

ORIGIN

Appeals Committee meeting held on March 2, 2004.

RECOMMENDATION

It is recommended that Regional Council:

1. Approve in principle the amendments to By-Law T-108 found in Appendix "A", of this report, and direct staff to arrange for their formal adoption by Council.

BACKGROUND

As the result of an appeal heard on January 26, 2003, the Committee requested that Mr. Anstey bring forward an amendment to By-law T-108 which would ensure that the taxi vehicle owner be required to show proof that he/she has advised the insurance company to notify the Taxi Licensing Office of any change to his/her insurance.

DISCUSSION

During his presentation of the facts of the abovementioned appeal, Mr. Steele advised that the insurance on the vehicle in question had been cancelled months prior to the expiry date on file with the Taxi Office. He further indicated that the Taxi Office is in some cases made aware that the insurance has been cancelled by the Insurance Company and in others are not. In an effort to ensure greater consistency, the Committee requested the Solicitor prepare an appropriate amendment.

BUDGET IMPLICATIONS

There are no budgetary implications inherent in this document.

FINANCIAL MANAGEMENT POLICIES / BUSINESS PLAN

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

ALTERNATIVES

1. Approve in principle the amendments to By-Law T-108 attached as Appendix "A" to this report, and direct staff to arrange for their formal adoption by Council.
2. Refuse to amend the By-law as set out in this report.

ATTACHMENTS

1. Appendix "A", By-law T-129
2. Extract of Minutes of January 26, 2004 Appeals Committee and Extract of Draft Minutes of March 2, 2004 Appeals Committee

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: Sherryl Murphy, Legislative Assistant, 490-6517.

HALIFAX REGIONAL MUNICIPALITY

BY-LAW NUMBER T-129

RESPECTING THE REGULATION OF TAXIS AND LIMOUSINES

BE IT ENACTED by the Council of the Halifax Regional Municipality, under the authority of Section 305 of the Motor Vehicle Act, Chapter 293, R.S.N.S. 1989 that By-law T-108, the Halifax Regional Municipality Taxi and Limousine By-law be and the same is amended as follows:

1. Subsection (1) of Section 12 of said By-law T-108 is amended by adding immediately following clause (v) thereof, the following clause:

(vi) The applicant deposits with the Inspector written proof that the applicant has requested the insurance company issuing the insurance policy pursuant to clause (v) to advise the Inspector of any change to the coverage and terms of the insurance policy issued to the applicant and to notify the Inspector when the insurance policy is no longer in effect.

Done and Passed in Council this day of , 2004.

Mayor

Municipal Clerk

EXTRACT OF MINUTES - JANUARY 26, 2004 APPEALS COMMITTEE

4.1 Cancellation of Halifax Taxi Owners License # H720 - Hieu Nguyen

- A staff report dated January 15, 2004 submitted by Andrea MacDonald was before Council for consideration.

Councillor Mosher reviewed with Mr. Nguyen the process to be followed and introduced the members of the Committee . She confirmed Mr. Nguyen's address and advised that Mr. Nguyen would receive the decision of Committee by registered mail.

Mr. David Steele reviewed the January 15, 2004 staff report and responded to questions from members of the Committee.

Mr. Steele in response to questions from the Municipal Solicitor, indicated that the database which is utilized at the Licensing Division includes the date of expiry of insurance. Mr. Steele noted that a check of expiry dates is done weekly and that is how staff of the Licensing Division became aware that the insurance policy was expired. He went on to note that staff subsequently learned from the insurance company that the insurance had been cancelled in January.

Mr. Nguyen addressed the Committee noting that he had left the payment of the insurance premiums to his wife. He went on to explain that his wife had not made the monthly payment for the insurance as requested. Mr. Nguyen indicated that he was not aware that she was not making the payments. He advised that the insurance company cancelled his insurance for non payment. Mr. Nguyen went on to indicate that his wife had also received the notification of the cancellation of the insurance.

In response to a question, Mr. Nguyen indicated that he only learned he had no insurance when the Commissionaire told him that he had no insurance.

Following a further brief questioning of Mr. Nguyen, Mr. Nguyen, Mr. Steele, and Ms. MacDonald left the meeting.

The Committee deliberated.

The Committee requested that Mr. Anstey bring an amendment to By-law T-108 direct to Council providing that the taxi owner be required to show proof that he/she has advised the insurance company to notify the Taxi Licensing Office of any change to his/her insurance.

MOVED by Councillor Cooper, seconded by Councillor Walker that the decision of the Taxi Inspector be upheld and the appeal denied. MOTION PUT AND PASSED with Councillor Hendsbee voting against the motion.

EXTRACT OF MINUTES - JANUARY 26, 2004 APPEALS COMMITTEE

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The Committee requested that Mr. Anstey bring an amendment to By-law T-108 direct to Council providing that the taxi owner be required to show proof that he/she has advised the insurance company to notify the Taxi Licensing Office of any change to his/her insurance.

MOVED by Councillor Cooper, seconded by Councillor Walker that the decision of the Taxi Inspector be upheld and the appeal denied. MOTION PUT AND PASSED with Councillor Hendsbee voting against the motion.

EXTRACT OF DRAFT MINUTES - MARCH 2, 2004 APPEALS COMMITTEE

**4. REVIEW OF PROPOSED AMENDMENT TO BY-LAW T-108 RE INSURANCE
(REQUEST OF COMMITTEE FROM JANUARY 26, 2004 MEETING)**

- A draft amendment to By-law T-108 regarding insurance was before the Committee for consideration.

Mr. Anstey briefly reviewed the amendment noting that it requires that the driver provide written proof they have requested the Insurance Company to advise the Taxi Inspection Office of any change to insurance.

MOVED by Councillor Cooper, seconded by Councillor Hendsbee that the Appeals Committee recommend that Regional Council approve in principle the amendments to By-Law T-108 as set out in By-law T-129, and direct staff to arrange for their formal adoption by Council.