

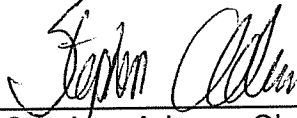
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Halifax Regional Council
April 13, 2004

TO: Mayor Kelly and Members of Halifax Regional Council

SUBMITTED BY: 
Councillor Stephen Adams, Chair, Taxi and Limousine Committee

DATE: April 6, 2004

SUBJECT: By-law T-130 - Various Amendments to By-Law T-108

ORIGIN

Taxi and Limousine Committee meeting of March 22, 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

The Taxi and Limousine Committee at a meeting held on March 22, 2004 considered three proposed amendments to T-108, respecting the Regulation of Taxi and Limousines. The first of these was related to the timing of payment of fees and was referred from the Hotel Standards Committee. The second limited the frequency with which an individual can write the geography test and the final amendment related to limiting the number of taxi owner licenses in the County Zone.

DISCUSSION

The amendment dealing with the timing of payment of fees in essence requires that all fees related to obtaining a taxi license be paid up front. Members of the industry maintain that this will ensure that persons applying for a license are serious about working in the industry.

Concerns relating to the number of times individuals were writing the geography test and the potential for individuals to pass the multiple choice test by simply memorizing the correct letter/number gave rise to the second amendment. These concerns were brought to light in connection with changes to the geography testing recently approved by Council.

Limitation of the number of taxi owner license in the County Zone has been a topic of discussion at the Taxi and Limousine Committee for a number of months. The proposal to limit taxi owner licenses in the County is driver initiated and is the topic of a staff information report.

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. Council approve any one or more of the amendments included in Appendix "A", and direct staff to arrange for their formal adoption by Council.
3. Refuse to amend the By-law as set out in this report.

ATTACHMENTS

1. Explanatory Notes
2. Appendix "A", By-law T-130
3. Extract of Minutes of the February 16, 2004 and of draft minutes of the March 22, 2004 meeting of the Regional Taxi and Limousine Committee
4. E-mail from Hotel Standards Committee to Regional Taxi and Limousine Committee re Payment of Fees.

EXPLANATORY NOTES

1. Clause 1 provides for the payment at the time of the initial application for a taxi driver's license or a limousine driver's license of the cost of the license, the English language proficiency testing and the process prescribed for National Certification.
2. Clause 2 is an incidental amendment to more particularly describe the taxi driver's course.
3. Clause 3 is an incidental change of wording.
4. Clause 4 limits the frequency with which applicants may write the geography test to obtain a driver's license.
5. Clause 5 provides for the removal of a taxi driver's name from the taxi owner's license waiting list in the Halifax zone, if the taxi driver's license lapses for any reason.
6. Clause 6 provides for a limitation of the number of taxi owner's licenses in the Halifax County Zone at 190 licenses and provides a mechanism similar to that in place in the City of Halifax zone for the issuance of new licenses.

APPENDIX A

HALIFAX REGIONAL MUNICIPALITY BY-LAW NUMBER T-130

RESPECTING THE REGULATION OF TAXIS

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 Bylaw T-108, the Taxi and Limousine Bylaw, as amended is hereby further amended as follows:

1. Clause (e) of Section 36 of said Bylaw T-108 is deleted and the following substituted therefore:

- (e) The applicant pays to the Municipality at the time of the application
 - (i) the annual fee for the appropriate driver's license as prescribed by Administrative Order 15;
 - (ii) the cost of the English language proficiency testing; and
 - (iii) the cost of any applicable driver's process required to be taken pursuant to this By-law.

2. Clause (a) of subsection (3) of Section 37 of said By-law T-108 is amended by deleting the words "a taxi driver's course" and by substituting therefore the words "the process prescribed by the National Standards for Taxicab Driver (ISBN 1-896000-27-4, 1st Edition, Printed December 1996)".

3. Subsection(2) of Section 38 of said By-law T-108 is amended by deleting the words "taxi driver course" in the first line thereof and by deleting the word "course" in the second line thereof and by substituting therefor the word "process".

4. Bylaw T-108 is amended by adding immediately following Section 39, the following Section:.

39A If an applicant twice fails to successfully complete an examination on the location of streets and prominent buildings and locations, the applicant shall not be permitted to attempt the examination again for a period of one year from the date on which the applicant last attempted the examination and if the applicant fails to successfully complete the examination on any subsequent occasion, the applicant shall not be permitted to attempt the examination again for a period of one year from the date on which the applicant last

attempted the examination.

5. (1) Subsection (3) of Section 77 of said By-law T-108 is amended by adding immediately following the word “license” in the third line thereof, the words “in any zone in the Halifax Regional Municipality”.

(2) Section 77 of said B-law T-108 is further amended by adding immediately following subsection (7) thereof, the following subsection:

(8) When a taxi driver’s license is cancelled, revoked, surrendered or otherwise lapses, on the conclusion of any applicable appeal process, if the name of the driver is on the waiting list, the name of the taxi driver shall be removed, and if the driver subsequently becomes licensed as a driver in the Halifax zone, the name of the driver shall be added to the end of the waiting list in accordance with subsection (4)

6. Bylaw T-108 is further amended by adding immediately following Section 78, the following Section:

78A (1) Notwithstanding any other provision of this By-law, there shall be a limit of one hundred and ninety taxi owner licences in force in the County zone at any time.

(2) The Inspector shall not issue a new taxi owner licence until the number of such licences falls below the number prescribed by subsection (1), at which time a further number of such licenses may be issued until the number again reaches the number prescribed by subsection (1).

(3) Effective the date this Section comes into effect, the Inspector shall create a waiting list of taxi drivers licensed in the County zone on that date who do not presently hold a taxi owner license in any zone in the Halifax Regional Municipality in their own name or in the name of a corporation of which the taxi driver is a shareholder, with the names of the drivers added to the list in the following order of seniority, namely, the name of the taxi driver first drawn by lot from the names of all licensed taxi drivers not holding owner’s licenses shall be the first name added to the list; the name of the taxi driver second drawn shall be the second name added and so on until there are no further names of licensed taxi drivers not holding owner’s licenses.

(4) When any taxi driver who does not hold a taxi owner’s license in their own name or in the name of a corporation of which the taxi driver is a shareholder is first licensed in the County zone subsequent to the effective date of this Section, and the driver applies to have their name added to the list, the Inspector shall add the name of the driver to the end of the waiting list developed pursuant to subsection (3) in order of the date of the application..

- (5) Whenever new taxi owner licenses can be issued as a result of the total number of licenses in the County zone falling below the number prescribed by subsection (1), persons whose names are on the waiting list shall be offered the first opportunity to obtain a license in order of their seniority and
 - (a) The Inspector shall notify such person forthwith by registered mail addressed to the mailing address of the driver maintained by the License Inspector and the person shall complete all of the requirements for licensing a vehicle pursuant to this by-law within 30 days of delivery of the notification; and
 - (b) If the vehicle is licensed pursuant to sub-clause (a), the name of the person shall be removed from the waiting list; but
 - (c) If the person does not license a vehicle pursuant to sub-clause (a), the name of the person shall be removed from the waiting list and the license shall be offered to the person being entitled to license a vehicle in order of seniority and the procedure set out herein shall apply *mutatis mutandis* to such person; and
 - (d) If the person does not license a vehicle pursuant to subsection (a), upon application, the name of the person may be added to the end of the waiting list
- (6) When a taxi owner's license is issued to a taxi driver pursuant to this Section who is not nationally certified pursuant to subsection (1) of Section 82 of this By-law, the taxi driver shall register for and successfully complete the national certification process pursuant to said subsection (1) of Section 82 of this By-law within one year of the obtaining the taxi owner's license and if the taxi driver fails to obtain such certification within that time, the License Inspector shall immediately revoke the taxi owner's license issued pursuant to this Section and the name of the taxi driver shall be moved to the end of the waiting list.
- (7) Any taxi owner license which is revoked or surrendered, or which ceases to be in force for any reason other than expiration, shall not be renewed or reissued unless the issuance of such license will not result in the number of licenses exceeding the number prescribed by subsection (1).
- (8) When a taxi driver's license is cancelled, revoked, surrendered or otherwise lapses, on the conclusion of any applicable appeal process, if the name of the driver is on the waiting list, the name of the taxi driver shall be removed, and if the driver subsequently becomes licensed as a driver in the Halifax zone, upon application, the name of the driver shall be added to the end of the waiting list in accordance with subsection (4)

**EXTRACT - REGIONAL TAXI AND LIMOUSINE COMMITTEE MINUTES
FEBRUARY 16, 2004**

4.6 Hotel Standards Certification

- A memorandum, with recommendation, from the Hotel Standards Committee, was before the committee.

MOVED by Bob Richards, seconded by Len Wilson, that:

- 1. All fees for taxi licensing and Hotel Standard Certification be paid to the Taxi Inspector's office at the time of application for a Taxi License.**
- 2. That these fees be inclusive of the \$50.00 taxi licensing fee, \$57.50 for English Second Language testing and \$207.00 for Certification process.**
- 3. That the \$207.00 collected for each Hotel Standards Certification application be forwarded to TIANS on a monthly basis.**

Mr. Richards advised that his motion will have the effect of everyone going through the process.

Mr. Anstey advised that this motion would require an amendment to the By-law and it was agreed that Mr. Anstey would write the amendment in a form to be brought back to the Committee for consideration and recommendation to Regional Council.

In response to Mr. Shannon regarding how often an individual could take the test, Mr. Steele advised that a person could come back the following week to take the test for free but if he failed the second time, he would have to pay for any subsequent tests.

Mr. Withrow advised that a motion had been passed on December 14, 1998 that if someone failed twice, they would not be eligible to come back for a year.

MOTION PUT AND PASSED.

**EXTRACT - DRAFT MINUTES - REGIONAL TAXI AND LIMOUSINE COMMITTEE
MARCH 22, 2004**

4.6 Review of Proposed Amendment to Bylaw T-108 re Hotel Standards Certification - Payment of Fees

- A proposed amendment relating to the payment of fees prepared by Wayne Anstey was before the Committee for consideration.

Don Shannon addressed the matter noting that he understood the concept of receiving fees in advance. He went on to express concern that individuals on the waiting list for a owners license might still have a conditional drivers license, but had not yet successfully completed the National Certification program.

In response, Mr. Anstey noted that in order to be eligible for an owners license the individual must possess a valid taxi drivers license. If there are person on the owners license waiting list who do not have a valid drivers license, they would not be eligible to receive the owners license.

A discussion ensued with Mr. Rozee noting that he agreed with paying for the written tests up front, however, he wondered the purpose of paying the TIANS fees in advance.

Councillor Adams noted that if the National Certification fees were paid in advance, the individuals would automatically be in the queue for TIANS evaluation.

MOVED by Bob Richards, seconded by Jeff Rozee that the proposed amendment regarding payment of fees, as distributed, be approved. MOTION PUT AND PASSED UNANIMOUSLY.

**EXTRACT - DRAFT MINUTES - REGIONAL TAXI AND LIMOUSINE COMMITTEE
MARCH 22, 2004**

8.4 Proposed Amendment - Geography Testing - Limit to Examination Opportunities

- A proposed amendment regarding geography testing prepared by Wayne Anstey was distributed to the Committee.

Mr. Anstey briefly reviewed with the Committee the proposed amendment noting that an applicant that fails to successfully complete the geography testing twice will be prohibited from taking the test again for one year. Should the applicant fail the third attempt, he/she will be unable to take the test again for a further two years.

MOVED by Dave Withrow, seconded by Bob Richards that the proposed amendment regarding geography testing, as distributed, be approved.

Don Shannon, referring to the conduct of the test, suggested that staff should ensure that the unsuccessful applicants receive a completely different test on their second and third attempts. Additionally, all applicants should be required to leave their cell phones outside the testing room given the picture taking capabilities of the new phones.

A brief discussion ensued with Mr. Steele indicating that he would provide information relative to when the tests were last changed.

MOTION PUT AND PASSED UNANIMOUSLY.

**EXTRACT - DRAFT MINUTES - REGIONAL TAXI AND LIMOUSINE COMMITTEE
MARCH 22, 2004**

4.9 Review of Proposed Amendment to By-law T-108 re Limitation in the County Zone

- A proposed amendment relating to the limitation of taxi owners licenses in the County prepared by Wayne Anstey was before the Committee for consideration.

In response to a question from Dave Withrow regarding whether or not an individual would be eligible to get an owners license in the County if he/she had an owners license in another zone, Mr. Anstey indicated that you would not be eligible for a taxi owners license in the County if you held a taxi owner's license anywhere in the Halifax Regional Municipality.

MOVED by Jeff Rozee, seconded by Bob Richards that the proposed amendment regarding limitation of taxi owner licenses in the County Zone , as distributed, be approved.

A brief discussion ensued and it was **MOVED by Bob Richards, seconded by Jeff Rozee that the motion be amended to provide that if a driver allows his taxi drivers license to lapse his name be removed from the Halifax and County taxi owners license waiting list. MOTION TO AMEND PUT AND PASSED UNANIMOUSLY.**

MOVED by Dave Withrow, seconded by Len Wilson that the motion be further amended to provide that taxi drivers who want to be added to the taxi owners waiting list make application to do so using the prescribed form of application included in By-law T-108.

Following a brief discussion the **MOTION TO AMEND WAS PUT AND PASSED.**

The **MOTION AS AMENDED WAS PUT AND PASSED UNANIMOUSLY.**

EXTRACT - REGIONAL TAXI AND LIMOUSINE COMMITTEE MINUTES
FEBRUARY 16, 2004

7.1 Limitation in the County Zone - Dave Withrow

MOVED by Dave Withrow, seconded by Bob Richards, that the limit on the number of cars in the County Zone be set at 190.

Without a vote being taken on the motion, the following amendment was placed:

MOVED by Dave Withrow, seconded by Bob Richards, that the Taxi Inspector must create and maintain a waiting list for new applicants for owner's licenses in the County, issuing new licenses only when the prescribed number falls below the set number.

Mr. Steele suggested those drivers who don't have a roof light presently, but hold a permanent license be first on the list.

A member of the public expressed concern and noted there has to be some latitude for those areas that are not currently serviced to be able to have service in the future.

A recorded vote was requested.

MOTION PUT AND PASSED.

Those voting **in favour** of the motion were: Councillor Ron Cooper, Donald Hatcher, Bob Richards, Donald Swinimer, Don Shannon, Jeffrey Rozee, Dave Withrow and Len Wilson.

Those voting **against** the motion were: Cal Demont

Councillor Steve Adams and Derek Mathers were absent.

The motion, as amended, now reads.

MOVED by Dave Withrow, seconded by Bob Richards, that:

1. **The limit on the number of cars in the County Zone be set at 190.**
2. **The Taxi Inspector must create and maintain a waiting list for new applicants for owner's licenses in the County, issuing new licenses only when the prescribed number falls below the set number.**

MOTION PUT AND PASSED UNANIMOUSLY.

EXTRACT - DRAFT MINUTES - REGIONAL TAXI AND LIMOUSINE COMMITTEE
MARCH 22, 2004

4.9 Review of Proposed Amendment to By-law T-108 re Limitation in the County Zone

- A proposed amendment relating to the limitation of taxi owners licenses in the County was before the Committee for consideration.

In response to a question from Dave Withrow regarding whether or not an individual would be eligible to get an owners license in the County if he/she had an owners license in another zone, Mr. Anstey indicated that you would not be eligible for a taxi owners license in the County if you held a taxi owner's license anywhere in the Halifax Regional Municipality.

MOVED by Jeff Rozee, seconded by Bob Richards that the proposed amendment regarding limitation of taxi owner licenses in the County Zone , as distributed, be approved.

A brief discussion ensued and it was **MOVED by Bob Richards, seconded by Jeff Rozee that the motion be amended to provide that if a driver allows his taxi drivers license to lapse his name be removed from the Halifax and County taxi owners license waiting list. MOTION TO AMEND PUT AND PASSED UNANIMOUSLY.**

MOVED by Dave Withrow, seconded by Len Wilson that the motion be further amended to provide that taxi drivers who want to be added to the taxi owners waiting list make application to do so using the prescribed form of application included in By-law T-108.

Following a brief discussion the **MOTION TO AMEND WAS PUT AND PASSED.**

The **MOTION AS AMENDED WAS PUT AND PASSED UNANIMOUSLY.**

From: Chris Newson
To: Sherryll Murphy
Date: 1/29/04 9:53AM
Subject: Motion from Hotel Standards Dec.4/03 meeting - ratified on Jan. 8/04

4.6 Hotel Standards Certification - Communication with Hotels

Ms. Suzanne Leblanc advised there have been 458 drivers certified from 1996 to the present although not all are Hotel Standards Certified. She added there are currently 56 active in the program and 10 of the 56 are waiting to be evaluated. She explained once the person registers they are in a holding pattern to write the exam and be evaluated. The 10 drivers waiting to be evaluated expire between January and April of 2004. Ms. Leblanc also advised it is the responsibility of the individual driver to arrange for a vehicle for his/her evaluation and to notify TIANs they are ready to be evaluated. Ms. Leblanc added there were 119 taxi drivers certified from May 2002 to May 2003.

Mr. Robert Richards advised there are problems with drivers not being evaluated before their license expires. He explained that drivers who take the Certification course must be evaluated within the one year period but if they do not have a vehicle they are not able to be evaluated. He added that drivers are searching for a vehicle to use in order to be evaluated so they do not have to pay the fees and repeat the process the next year.

MOVED BY Mr. Robert Richards, seconded by Mr. Gerald Duffy that the Hotel Standards Committee recommended the Regional Taxi and Limousine Committee ratify the motion that:

1. **All fees for taxi licensing and Hotel Standard Certification be paid to the Taxi Inspector's office at the time of application for a Taxi License.**
2. **That these fees be inclusive of the \$50.00 taxi licensing fee, \$57.50 for English Second Language testing and \$207.00 for Hotel Standards Certification.**
3. **That the \$207.00 collected for each Hotel Standards Certification application be forwarded to TIANs on a monthly basis.**

Mr. Richards explained if the drivers paid the costs up-front the more serious candidates would be the ones to apply and would more likely complete the certification requirements.

MOTION PUT AND PASSED UNANIMOUSLY.

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CC: Dave Steele; Davina Melanson; Steve Adams