



PO Box 1749
Halifax, Nova Scotia
B3J 3A5 Canada

Item No. 11.1.5

Halifax Regional Council
December 7, 2010

TO: Mayor Kelly and Members of Halifax Regional Council

SUBMITTED BY: Original Signed by 
Wayne Anstey, Acting Chief Administrative Officer

Original Signed by 
Mike Labrecque, Deputy Chief Administrative Officer

DATE: November 30, 2010

SUBJECT: **By-Law T-108, Section 46(b), Canada Winter Games and Medical Emergencies**

ORIGIN

On November 2, 2010, Regional Council approved a motion to amend By-law T-108, Section 46(b), so that for the duration of the Canada Winter Games (February 11-27) "it shall not be an offence for a driver licenced under this by-law to pick up or to accept a passenger in any zone and to transport that passenger to another location within that zone." A further amendment was also passed permitting the same transportation within a zone when dealing with a passenger during a medical emergency.

RECOMMENDATION:

1. It is recommended that Regional Council amend the by-law such that the exemption from zones for the Canada Winter Games transportation of taxi passenger during February 11-27, 2011, be done by temporary measure of an Administrative Order or a Resolution of Council. To facilitate this, it is recommended that the following wording be added to the existing T-108 section 46(b): "or as otherwise permitted by Administrative Order or Resolution of Council," for which staff are seeking First Reading; and
2. It is further recommended that Regional Council not approve wording to By-law T-108 relative to dealing with the transportation of passengers during a medical emergency situation.

BACKGROUND

On November 2, 2010, Regional Council approved a motion (attached as Appendix A) to amend By-law T-108 section 46(b) so that for the duration of the Canada Winter Games (February 11-27) “it shall not be an offence for a driver licenced under this by-law to pick up or to accept a passenger in any zone and to transport that passenger to another location within that zone.”

Regional Council proposed a further motion to permit the same transportation within a taxi zone when dealing with a passenger during a medical emergency. Legal Services was requested to provide wording for the amendment for First Reading and provide a definition for medical emergency.

DISCUSSION

Regional Council’s proposed amendment relative to the Canada Winter Games transportation of taxi passenger during February 11-27, 2011, would permit taxis to operate zone free for the duration of this period. To accommodate this and similar future requests, staff are suggesting that the by-law be amended to permit zone exemptions to be made by way of an Administrative Order (attached as Appendix B) or a Resolution of Council. This is being suggested so that the by-law will not contain an amendment that serves only for a short period of time and following the date of February 27, 2011 the by-law would not contain wording which is no longer applicable.

Further to Council’s request to consider wording relative to transportation during emergency medical situations and a possible definition of Medical Emergency, the following is provided for consideration:

- *Medical Emergency is an injury or illness that is acute and poses an immediate risk to a person's life or long term health.*” Is noted that in most circumstances only a doctor or a trained medical professional can make such a determination;
- A key component of providing proper care during a medical emergency is to summon the emergency medical services by 911;
- The addition of such wording to the by-law could be considered, however this would place responsibility on taxi drivers to transport persons during such a emergency situation rather than summoning emergency services;
- If such wording was to be added to the by-law and a driver was to refuse a persons request, it may then constitute a refusal of service. It is also noted that a standard ambulance fee is generally significantly more than that of a taxi which may cause some persons to take a taxi when they should request an ambulance;

- The rare circumstances where a possible zone violation may occur would be if an out of zone taxi was dropping off in a zone for which it was not licenced and an individual experiencing a medical emergency was to flag over that out of zone vehicle; and
- If such a circumstance resulted in a zone violation complaint, the investigating officer would utilize discretion when determining if enforcement would be issued.

Based on the aforementioned, the addition of such wording to By-law T-108 is not recommended.

BUDGET IMPLICATIONS

There are no budget implications as a result of this report.

FINANCIAL MANAGEMENT POLICIES / BUSINESS PLAN

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

ALTERNATIVES

1. Council may decide to solely amend By-law T-108 Section 46(b) as originally outlined in the origin, this is not recommended.
2. Council may decide to include wording for a zone exemption relative to the transportation of passengers dealing with a medical emergency or alternate definition of medical treatment, this is not recommended.

ATTACHMENTS

Appendix A: Extract of Draft Regional Council Minutes - November 2, 2010

Appendix B: Administrative Order Number Thirty Nine Respecting Taxi and Limousine Regulations - Taxi Free Zone, Canada Winter Game

Appendix C: By-law Number T-143 Respecting the Regulation of Taxis and Limousines - Amendment to By-law T-108, Section 46(b)

A copy of this report can be obtained online at <http://www.halifax.ca/council/agendasc/cagenda.html> then choose the appropriate meeting date, or by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

Report Prepared by : Bill Moore, Superintendent, Halifax Regional Police 490-4817

Report Approved by: _____
Deputy Chief F. A. Burbridge, Halifax Regional Police 490-7138

Report Approved by: _____
(for) Frank Beazley, Chief of Police, Halifax Regional Police 490-6500

Extract of Draft Regional Council Minutes – November 2, 2010

12.1 Councillor Uteck

MOVED by Councillor Uteck, seconded by Councillor Sloane, that Halifax Regional Council amend Section 46(b) of By-law T-108 as follows: It shall be an offense for a driver licensed under this By-law other than an accessible taxi driver, to pick up or to accept a passenger in any zone other than the zone in which the vehicle is licensed and to carry that passenger to another location within that zone, except on Friday, from 11:00 p.m. to Saturday 3:00 a.m. and on Saturday, from 11:00 p.m. to Sunday 3:00 a.m. or otherwise permitted by Administrative Order or Resolution of Council.

During a brief discussion, it was **MOVED by Councillor Walker, seconded by Councillor Adams, that the motion be amended to include during the duration of the 2011 Winter Games.**

Council entered into further discussion with the Municipal Solicitor providing procedural clarification.

The motion now reads:

MOVED by Councillor Uteck, seconded by Councillor Sloane, that Halifax Regional Council amend Section 46(b) of By-law T-108 that for the duration of the Canada Winter Games (February 11-27) “It shall not be an offence for a driver licensed under this By-law to pick up or to accept a passenger in any zone and to carry that passenger to another location within that zone”.

MOTION PUT AND PASSED.

Deputy Mayor Smith proposed a further amendment to Section 46(b) of By-law T-108: It shall be an offence for a driver license under this By-law other than an accessible taxi driver, except during a medical emergency, to pick up or to accept a passenger in any zone other than the zone in which the vehicle is licensed and to carry that passenger to another location within that zone, except on Friday, from 11:00 p.m. to Saturday 3:00 a.m. and on Saturday, from 11:00 p.m. to Sunday, 3:00 a.m.

It was noted that Legal Services will provide wording for the Amendment for First Reading and will provide a definition for ‘medical emergency’.

MOVED by Councillor Uteck, seconded by Councillor Sloane, that Halifax Regional Council amend Section 46(b) of By-law T-108: It shall be an offence for a driver license under this By-law other than an accessible taxi driver, except during a medical emergency, to pick up or to accept a passenger in any zone other than the zone in which the vehicle is licensed and to carry that passenger to another location within that zone, except on Friday, from 11:00 p.m. to Saturday 3:00 a.m. and on Saturday, from 11:00 p.m. to Sunday, 3:00 a.m.

MOTION to amend PUT AND PASSED.

ADMINISTRATIVE ORDER NUMBER THIRTY NINE
RESPECTING TAXI AND LIMOUSINE REGULATIONS

BE IT ENACTED by the Council of 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, Respecting Taxi and Limousine Regulations be amended as follows:

1. Section 6 is added as follows:

6. Pursuant to Section 46(b) of By-law T-108, taxi driver are permitted to transport passengers to destinations in any zone as follows:

(i) for the duration of the Canada Winter Games - February 11, 2010 through February 27 2010.

Done and passed on this day of , 2010.

Mayor

Municipal Clerk

I, Cathy Mellett, Municipal Clerk for the Halifax Regional Municipality, hereby certify that the above-noted by-law was passed at a meeting of the Halifax Regional Council held on , 2010.

Cathy Mellett, Municipal Clerk

**HALIFAX REGIONAL MUNICIPALITY
BY-LAW NUMBER T-143**

RESPECTING THE REGULATION OF TAXIS AND LIMOUSINES

BE IT ENACTED by the Council of 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, Respecting the Regulation of Taxis and Limousines be amended as follows:

1. Sections 46(b) is amended by adding the following wording:

46(b) “or as otherwise permitted by Administrative Order or resolution of Council.”

Done and passed on this day of , 2010.

Mayor

Municipal Clerk

I, Cathy Mellett, Municipal Clerk for the Halifax Regional Municipality, hereby certify that the above-noted by-law was passed at a meeting of the Halifax Regional Council held on , 2010.

Cathy Mellett, Municipal Clerk