

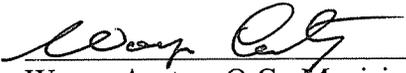
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Halifax Regional Council
February 26, 2002
6:00 p.m.

TO: Mayor Kelly and Members of Halifax Regional Council

SUBMITTED BY: 
George McLellan, Chief Administrative Officer


Wayne Anstey, Q.C., Municipal Solicitor

DATE: February 22, 2002

SUBJECT: Second Reading By-Law T-119 - Respecting Taxi Limitations

SUPPLEMENTARY REPORT

ORIGIN

Public Hearing and Debate at Regional Council meeting of February 19, 2002.

RECOMMENDATION

Regional Council approve Second Reading of the amended version of By-Law T-119 attached as Appendix "A" to this report.

BACKGROUND

At the meeting of Halifax Regional Council held on February 19, 2002, a public hearing was held to consider By-Law T-119, the purpose of which was to:

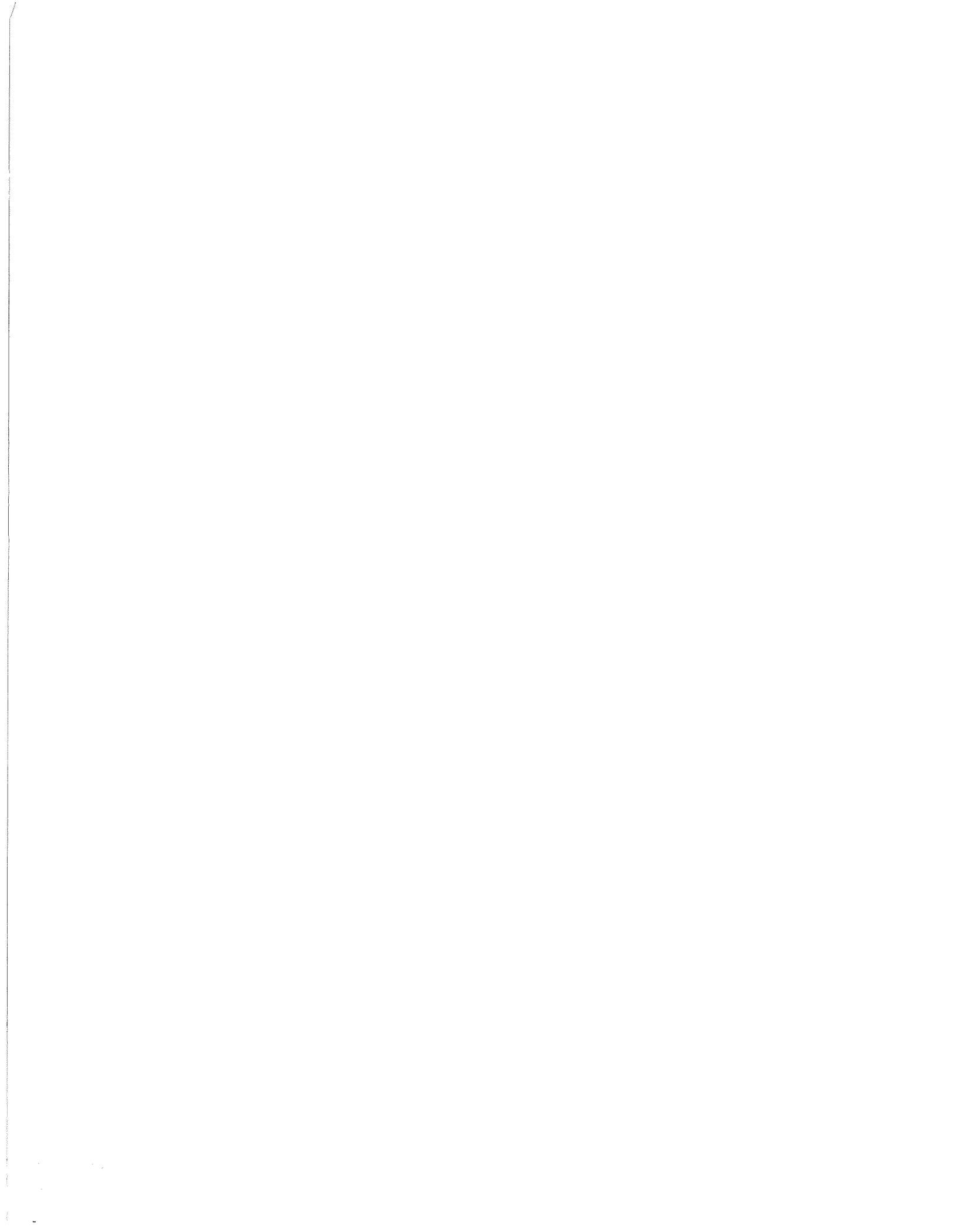
- (1) Increasing the number of taxi owner licenses in the Halifax zone for the year 2002 to 610;
- (2) Providing for the maximum number of owner licenses to increase further over the next three years in accordance with the growth rate of the Gross Domestic Product of the Province of Nova Scotia and providing for a review of the maximum number of owners licenses after three years; and
- (3) Providing a mechanism for the distribution of available owner licenses to drivers who do not have vehicle licenses.

Council approved item number one; rejected item number two and did not complete the debate on item number three when the meeting was adjourned as a result of the time running out.

DISCUSSION

At several meetings recently, Council appeared to be of the view that some increase in the number of taxi owner licenses in the Halifax zone was warranted and that there should be an opportunity for new taxi owners to enter the industry and therefore Council approved the maximum number of taxi owner licenses in the Halifax zone to increase to 610 from the present 550. While the actual motion that was passed on February 19th only referred to the year 2002, the consensus appeared to be that the limitation should not be restricted to that year only. If Council does restrict the maximum number to 610 for the license year 2002 alone and if Council is unable to agree on some long term solution to the various issues facing the taxi industry before 2002, the maximum number will revert to 550 and if Council wishes to alter this, it will require another amendment to the By-Law complete with a public hearing. Otherwise, the number of licenses will begin to decrease again and the door will be closed to new entrants.

If Council is prepared to permit additional taxi licenses to be issued and in fact retiring licenses to be replaced, there must be an equitable formula in place to permit the distribution of the licenses. The proposal in the By-law before Council will permit the issuance of new licenses only to licensed taxi drivers who do not presently hold a taxi owner's license. Furthermore priority will be given to those drivers who first entered the industry since limitations came into place and who therefore have never had an opportunity to have their own licensed taxi. Failure to adopt these amendments will either make the approved increase moot or perhaps worse, if the License Inspector is forced to



issue licenses under the present legislated procedure, most of the licenses will likely go to individuals or companies who already hold one or more taxi owner licenses.

Some Councillors expressed concern that under the proposed amendments, a driver could obtain an owner license and not drive the vehicle himself but lease it out to another driver instead. This is certainly possible, although many of the drivers whose names will appear on the waiting list would in fact be drivers who are leasing now and therefore there would be no economic advance for them since the income derived from leasing their roof light to a third party would only offset the rent they were paying to someone else. It would make just as much sense for them to put the roof light on their own vehicle.

When these amendments were put forward at the Taxi Committee a suggestion was made at that time to add a caveat that the roof light and the vehicle license be tied to a driver and used for their own personal use. This amendment was also suggested by some Councillors. The motion was voted down at the Taxi Committee because it in effect created a sub-class of taxi owner different that all other owners. At the February 19th meeting, the Solicitor ruled the amendment to be out of order because it was a substantive change from the scope of the original amendments vetted at the Public Hearing. The issue of leasing roof lights will be one of the matters addressed in the staff report which will be forthcoming in the next few weeks. It is staff's opinion that this issue would be better addressed as a part of that overall restructuring rather than as in this context of a few licenses.

A revised By-Law providing for a limitation of 610 owner licenses, elimination of the escalator provision and adoption of the distribution mechanism is attached as Appendix "A". It is staff's recommendation that this version of the By-Law be given Second Reading.

ALTERNATIVES

- (1) Council could merely increase the maximum number of owner licenses to 610. For the reasons set out above, this is not recommended.
- (2) Council could adopt the original proposed amendment. From the debate on February 19th, this does not appear to be likely or for that matter desirable because of the issues surrounding the GDP.
- (3) Council could defer Second Reading of the Bylaw pending receipt of the staff report on the ~~of the~~ more general issues. This would mean that no new owner licenses could be issued in the interim.
- (4) Council could defeat Second Reading of the amendments. This is not recommended unless



Council has determined that no increase in the number of taxi owner licenses in the Halifax zone are appropriate because if Council is unable to agree on fundamental changes as a result of the pending general report, it will then have to re-start the whole process (including another Public Hearing) in respect of these issues.

BUDGET IMPLICATIONS

None

FINANCIAL MANAGEMENT POLICIES/BUSINESS PLAN

None

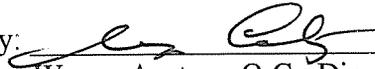
ATTACHMENTS:

Appendix "A" - Revised By-Law T-119

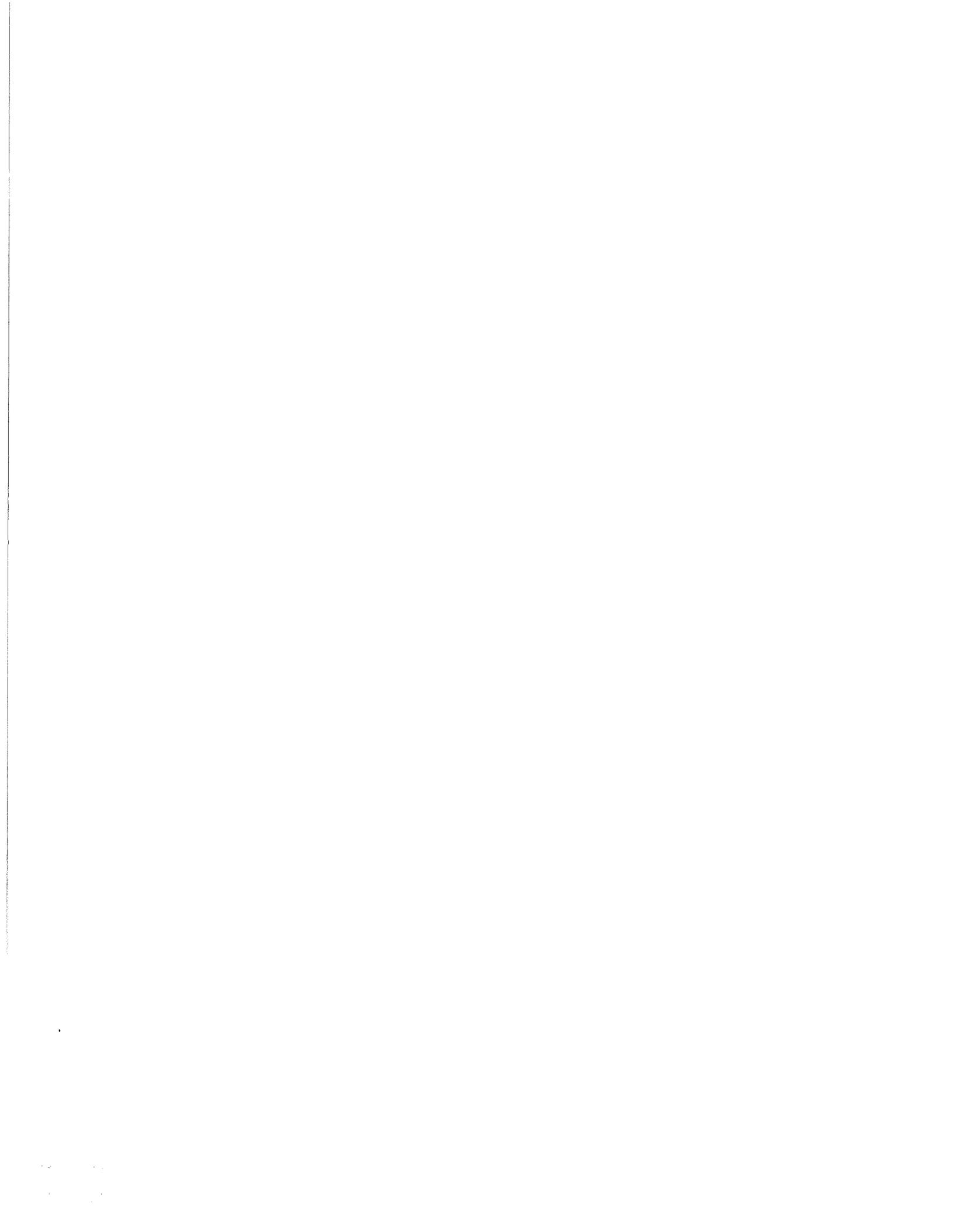
Additional copies of this report and information on its status can be obtained by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

Report prepared by: Wayne Anstey, Q.C. - 490-4229.

Report approved by:



Wayne Anstey, .Q.C., Director, Administrative Services - 490-4229



Appendix "A"

**HALIFAX REGIONAL MUNICIPALITY
BY-LAW NUMBER T-119**

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. Section 77 of said By-law T-108 is repealed and the following substituted therefor:

77 (1) Notwithstanding any other provision of this By-law, there shall be a limit of six hundred and ten taxi owner licenses in force in the Halifax zone at any time.

(2) The Inspector shall not issue a new taxi owner license until the number of such licenses 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 Halifax zone on that date who do not presently hold a taxi owner license 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:

(a) The name of the taxi driver first drawn by lot from the names of all licensed taxi driver's first licensed during the calendar year 1995 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 driver's first licensed during the calendar year 1995; and then

(b) the procedure followed in sub-clause (a) shall be followed in respect of any taxi drivers first licensed during the calendar year 1996, 1997, 1998, 1999, 2000, 2001 and during 2002 to the effective date of this Section, respectively; and then

(c) the procedure followed in sub-clause (a) shall be followed in respect of any taxi drivers licensed prior to 1991 and each of the calendar years 1991, 1992, 1993, and 1994 respectively.

(4) When any taxi driver who does not on the effective date of this Section hold



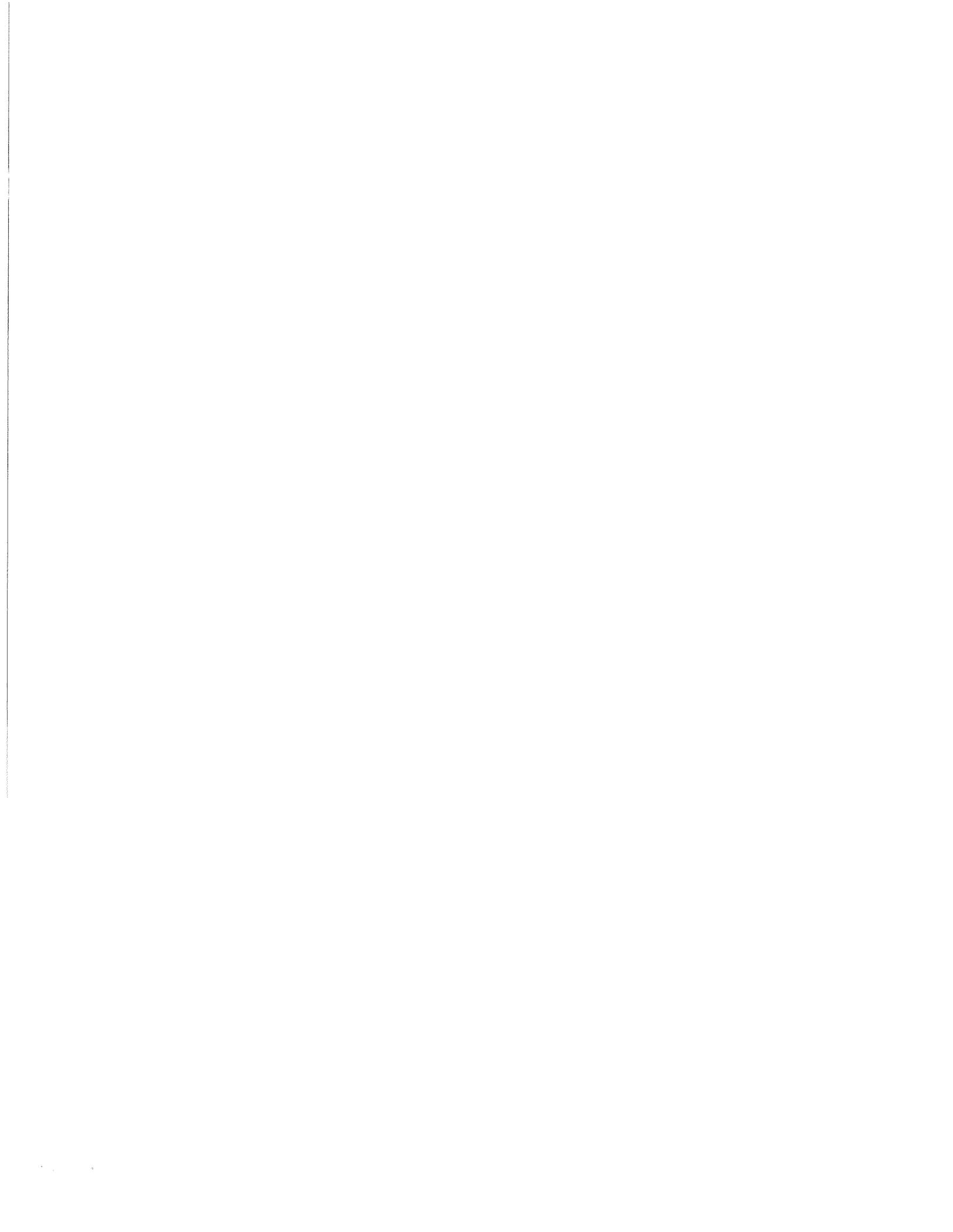
a taxi owner license in their own name or in the name of a corporation of which the taxi driver is a shareholder are first licensed in the Halifax zone subsequent to the effective date of this Section, the name of the driver shall be added to the end of the waiting list developed pursuant to subsection (4) in order of the date of the issuance of the taxi driver's license.

(5) Whenever new taxi owner licenses can be issued as a result of the total number of licenses in the Halifax 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, provided that any vehicle presented for licensing pursuant to this sub-clause during the 2002 calendar year shall meet the 2002 licensing standards; 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 moved to the end of 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.

(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.

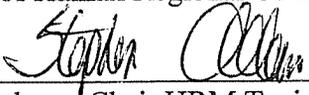
(7) Any taxi owner licence which is revoked or surrendered, or which ceases to be in force for any reason other than expiration, shall not be renewed or reissued unless the issuance of such licence will not result in the number of licences exceeding the number prescribed by subsection (1).





Halifax Regional Council
February 26, 2002

TO: Members of Halifax Regional Council

SUBMITTED BY: 
Stephen Adams, Chair HRM Taxi & Limousine Committee

DATE: February 25, 2002

SUBJECT: **Taxi Recommendations**

Information Report

ORIGIN

Prepared as a result of HRM Council Meeting of February 19, 2002.

BACKGROUND

Over the past number of months presentations have been made to Council outlining concerns with regard to the taxi industry. Generally speaking, the leasing of roof lights has been an issue which has been the topic of most discussion. Further, the issue of limitation has also been discussed.

RECOMMENDATIONS

In order to address these issues I would ask that Council consider the following recommendations:

1. Honour all existing leasing/renting agreements between drivers and "personally-owned" roof lights. These include, but are not limited to borrowing, loaning or any other agreement whereby a light is used by more than one person using the same car. These arrangements are to be registered with the License Division within 30 calendar days.

Rationale - this policy will prevent a sudden drop in the number of roof lights being used. It will also allow for those who must wait to get a license to continue to work in the industry.

2. Grandfather "company-owned" roof lights and allow any licensed driver to drive under them, as long as the light, registration, license, insurance, etc. are in the company name. Vehicles with two names on the permit will not be allowed under this policy.

Rationale - this recommendation will allow an avenue for new drivers to enter the industry, and ensure availability of taxis for these drivers. Some of these drivers are part-time, and work at peak hours. These companies generally operate under the intent of the By-law (leasing entire package) as opposed to leasing just a light, which is common with "individually-owned" roof lights.

3. As roof lights come due for renewal they are to be registered in the drivers' name, for their use only.

Rationale - if a roof light is tied to a driver, it is for his/her use only, and cannot be leased, transferred or rented. This prevents the \$50 roof light being leased for upwards of \$5000 annually. * Those agreements as outlined in #1 are exempt, until the agreement is terminated.

4. As roof lights become available they are to be issued to the next driver on the seniority list.

Rationale - this is consistent with the intent of maintaining 610 vehicles licensed for use, and allows for drivers to own, as opposed to rent, lease or otherwise obtain.

CONCLUSIONS

These recommendations will accomplish the following:

1. Eliminate the majority of leasing within 8 months.
2. Allow for the new dispatch systems (from the two largest brokers representing over 80% of the industry) to improve service to the traveling public.
3. Minimize the number of legitimate presentations by the industry at the HRM Council level, and allow the committee to address industry concerns.

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 : Stephen Adams, Councillor District 18