

Halifax Regional Council
August 27, 2002

TO: Mayor Kelly and Members of Halifax Regional Council

SUBMITTED BY: Sheryl Murphy
for Councillor Stephen Adams, Chairman, Taxi and Limousine
Committee

DATE: August 22, 2002

SUBJECT: Application of Illness and Injury Clause - By-law T-108

ORIGIN

Halifax Regional Taxi and Limousine Committee of August 19, 2002.
Councillor Adams gave Notice of Motion to amend By-law T-108 relative to the application of the illness and injury clause at the August 20, 2002 meeting of Regional Council.

RECOMMENDATION

That Halifax Regional Council approve an amendment to Section 51 of By-law T-108, as set out in Schedule A of this report, the purpose of which is to limit the application of the illness and injury rule in respect to illnesses that existed prior to the effective date of the amendment removing the three year limitation; and further that Council give First Reading to the amendment and set a date for a public hearing.

BACKGROUND

At the May 27, 2002 meeting of the Taxi and Limousine Committee, staff was requested to respond to the following question:

“What is the effect of the illness exemption and how does it work in respect of the taxi limitations?”

The Municipal Solicitor responded in a report dated June 3, 2002.

DISCUSSION

The Taxi and Limousine Committee considered the June 3, 2002 report at a meeting on June 17, 2002. After receiving input from the industry and a lengthy debate, the Committee approved a motion that Section 5.1 of By-law 108 be amended to provide that, with the exception of those presently having satisfactory evidence of illness or injury on file with the License Inspector, an illness exemption will be granted on a go forward basis based upon the date this amendment goes into force.

BUDGET IMPLICATIONS

N/A

MULTI-YEAR FINANCIAL IMPLICATIONS

N/A

ALTERNATIVES

N/A

ATTACHMENTS

By-law 121 re application of Illness and Injury Clause
Report from Wayne Anstey, Municipal Solicitor dated June 3, 2002

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, Assistant Municipal Clerk, 490-6517

Report Approved by:

SCHEDULE A

HALIFAX REGIONAL MUNICIPALITY BY-LAW NUMBER T-121

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:

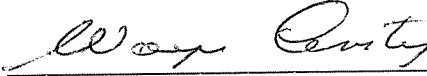
1. Section 51 of said By-law T-108 is amended by
 - (1) adding "(1)" immediately following the Section number;
 - (2) adding the following subsections following subsection (1):
 - (2) Subsection (1) shall
 - (a) shall not apply to a license which has expired and not renewed due to an illness or injury prior to February 24, 1998; and
 - (b) shall only apply to a license which has expired and not renewed due to an illness or injury between February 24, 1998 and February 23, 2001, if the owner or driver applied to renew the owner or driver's license within three years of the date of expiration of the license;

provided that this subsection will not cause a license not to be issued or an issued license to be revoked in respect of any owner or driver who filed with the Inspector proof of illness or injury meeting the conditions of subsection (1) prior to the effective date of this subsection.

NOTE: This Clause limits the application of the illness and injury rule in respect of illnesses or injuries that existed prior to the effective date of the amendment removing the three year limitation.

Taxi and Limousine Committee
June 26, 2002
4:30 p.m.

TO: Chairman and Members of The Taxi and Limousine Committee

FROM: 
Wayne Anstey, Q.C., Municipal Solicitor

DATE: 03 June 2002

SUBJECT: Question Asked at Committee Meeting Held May 27, 2002
Effect Of Illness Exemption - Section 51

Origin:

At the last Taxi Committee meeting held on May 27, 2002, the following question was asked:

What is the effect of the effect of the illness exemption and how does it work in respect of the taxi limitations?

Background/Discussion:

Section 51 of the Taxi and Limousine By-law provides:

51. Notwithstanding any limitation on the numbers of licences which may be issued in any zone, an owner's licence or a driver's licence which has expired and has not been renewed due to illness or injury suffered by the licensee may be renewed at any time, upon presentation to the Inspector of satisfactory evidence that the applicant for renewal was prevented by illness or injury during the entire period in question, in the case of a driver's licence, from being able to operate a taxi, accessible taxi or limousine, as the case may be, and in the case of an owner's licence, from being able to renew the licence. Satisfactory evidence may be in the form of a certificate by a physician licensed to practice in Nova Scotia.

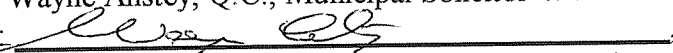
In my opinion, since the Section applies "notwithstanding the limitation on the number of licenses which may be issued in any zone", it is not necessary for the License Inspector to hold license spots for owners who have not renewed their licenses due to illness or injury. Furthermore, and for the same reason, when an owner who was previously ill or injured, comes forward with satisfactory evidence to show that during the period that the he/she did not renew his/her license, the owner was prevented by illness or injury during the entire period in question from being able to renew the

license, the License Inspector shall issue the owner a license even if the maximum number of licenses permitted in a zone are already issued at that time. The License Inspector thereafter would not be able to issue any more owners' licenses for that zone (except licenses to previous ill or injured owners) until the number of licenses in effect again dropped below the maximum number mandated for that zone.

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 490-4229.

Report approved by:


Wayne Anstey, Director of Administrative Services 490-4229

Halifax Regional Council
August 27, 2002

TO: Mayor Kelly and Members of Halifax Regional Council

SUBMITTED BY: Sheryl Murphy
for Councillor Stephen Adams, Chairman, Taxi and Limousine
Committee

DATE: August 22, 2002

SUBJECT: Application of Illness and Injury Clause - By-law T-108

ORIGIN

Halifax Regional Taxi and Limousine Committee of August 19, 2002.
Councillor Adams gave Notice of Motion to amend By-law T-108 relative to the application of the illness and injury clause at the August 20, 2002 meeting of Regional Council.

RECOMMENDATION

That Halifax Regional Council approve an amendment to Section 51 of By-law T-108, as set out in Schedule A of this report, the purpose of which is to limit the application of the illness and injury rule in respect to illnesses that existed prior to the effective date of the amendment removing the three year limitation; and further that Council give First Reading to the amendment and set a date for a public hearing.