



THE CORPORATION OF THE CITY OF BRAMPTON

BY-LAW

Number 67-2014

To Provide for a system of Licensing for Mobile Businesses and
to amend Licensing By-law 1-2002,
Brampton Appeal Tribunal By-law 48-2008 and
Delegation of Authority By-law 191-2011

RECITALS

Subsection 8(1) of the *Municipal Act, 2001*, S.O. 2001, c.25 as amended, ("*Municipal Act, 2001*") provides that the powers of a municipality shall be interpreted broadly so as to confer broad authority on municipalities to enable them to govern their affairs as they consider appropriate, and to enhance their ability to respond to municipal issues;

Section 9 of the *Municipal Act, 2001*, provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under any Act;

Subsection 11(1) of the *Municipal Act, 2001*, provides that a municipality may provide any service or thing that the municipality considers necessary or desirable for the public;

Subsection 11(2) of the *Municipal Act, 2001*, provides that a municipality may pass by-laws respecting: in paragraph 5, Economic, social and environmental well-being of the municipality; in paragraph 6, Health, safety and well-being of persons; in paragraph 7, Services and things that the municipality is authorized to provide under subsection (1); and in paragraph 8, Protection of persons and property;

Subsection 11(3) of the *Municipal Act, 2001*, provides that a municipality may pass by-laws respecting: in paragraph 11, Business Licensing;

Section 23.2 of the *Municipal Act, 2001*, permits a municipality to delegate certain legislative and quasi-judicial powers where the council of the municipality is of the opinion that the power being delegated is of a minor nature;

Pursuant to the provisions of Part IV – Licenses of the *Municipal Act, 2001*, a municipality may pass by-laws for licensing, regulating and governing any business wholly or partly carried on within a municipality even if the business is being carried on from a location outside the municipality;

Subsection 151(1) of the *Municipal Act, 2001*, provides that a municipality may provide for a system of licenses with respect to a business and may prohibit the carrying on or engaging in the business without a licence, refusing, revoking or suspending a licence, imposing conditions on a licence, regulating property used for a business that requires a licence and regulating persons carrying on a business that requires a licence;

Subsection 391(1) of the *Municipal Act, 2001*, provides that a municipality may impose fees and charges on persons for services or activities provided or done by or on behalf of it;

The Council of the City of Brampton has adopted Licensing By-law 1-2002, as amended, which encompasses the licensing of both mobile and stationary businesses;

The Council of the City of Brampton considers it desirable to separate mobile business licensing and stationary business licensing into separate by-laws; and

The Council of the City of Brampton considers it desirable and necessary to license, regulate and govern the mobile businesses listed within this By-law.

NOW THEREFORE the Council of The Corporation of the City of Brampton ENACTS AS FOLLOWS:

PART I – TITLE, INTERPRETATION AND SEVERABILITY

1. This By-law may be referred to as the “Mobile Licensing By-law”.
2. (1) Wherever a word is used in this By-law with its first letter capitalized, the term is being used as it is defined in this By-law. Where any word appears in ordinary case, the commonly applied English language meaning is intended.

(2) Wherever a word defined in this by-law is used in the form of a noun, verb, adverb or adjective, it shall be interpreted as having a corresponding defined meaning even if it is in ordinary case.

(3) All words importing the singular shall include the plural, and words imparting the masculine gender shall include the feminine, and the converse of the foregoing also applies, unless the context of the By-law requires otherwise.
3. If a court of competent jurisdiction declares any provision or part of a provision of this By-law to be invalid or to be of no force and effect, it is the intention of Council in enacting this By-law that the remainder of this By-law shall continue in force and be applied and enforced in accordance with its terms to the fullest extent possible according to law.

PART II – DEFINITIONS

4. For the purposes of this By-law:

“Act” means the *Municipal Act 2001, S.O. 2001, c.25*, as amended;

“Additional Fee” means a fee, in addition to the Licence Fee, imposed by the City on a business at any time during the term of the Licence for costs incurred by the City that are attributable to the activities of the business;

“Applicant” means a Person applying for a new Licence or Licence renewal under this By-law;

“Application” means an Application for a Licence in the form provided by the Licence Issuer, and shall include an Application for a Licence renewal, accompanied by appropriate documentation and fee;

“By-law” means this By-law;

“Chief of Police” means the Chief of Police of The Regional Municipality of Peel;

“City” means The Corporation of the City of Brampton or the land within the municipal boundaries of the City of Brampton, as the context requires;

“Clerk” means the Clerk of the City of Brampton or the Clerk’s duly appointed Deputy;

"Closed File Administrative Fee" means the fee as set out in Appendix A that is required when an Application file is closed under this By-law;

"Council" means the Council of The Corporation of the City of Brampton;

"Criminal Record" means a record of past crimes of which an individual has been convicted;

"Driver" means any Person who requires a Licence to drive a Motor Vehicle under this By-law and includes a Driving School Instructor;

"Inspector" means any one of the following:

- (a) Municipal Law Enforcement Officer;
- (b) Peel Regional Health Inspector,
- (c) Fire Inspector in the Brampton Fire and Emergency Services; or
- (d) Police, as defined in this By-law;

"Late Renewal Fee" means the fees set out in Appendix A that are required for the late renewal of a Licence;

"Licence" means the Licence issued under this By-law, or predecessor by-law;

"Licence Fee" means the fee set out in Appendix A that is required to be paid to the City for a new Licence or a Licence renewal;

"Licence Issuer" means the person appointed under this By-law and includes his or her delegate(s);

"Licensed Premises" means the premises referred to in a Licence;

"Licensee" means any Person licensed under this By-law;

"Manager, Licensing Enforcement" means the Manager, Licensing Enforcement for the City or his or her delegate;

"Medical Officer of Health" means the Medical Officer of Health for the Regional Municipality of Peel and includes any public health inspector acting as his or her designate;

"Mobile Licensing" means the licensing of Owners, Drivers and businesses relating to Vehicles in the City of Brampton;

"Motor Vehicle" includes an automobile or any other Vehicle propelled or driven otherwise than by muscular power, but does not include the cars of electric or steam railways or other Motor Vehicles running only upon rails, or motorized snow Vehicles, traction engines, farm tractors, self-propelled implements of husbandry or road building machines with the meaning of the *Highway Traffic Act*;

"Municipal Law Enforcement Officer" means a person employed by the City and appointed as a Municipal Law Enforcement Officer by the City;

"Notice of Additional Fee" means a written notice from the Licence Issuer to a Licensee advising of the requirements to pay an Additional Fee;

"Owner" means a Person who, alone or with others, fits into any one or more of the following categories:

- (a) is the owner of the Vehicle or business;

- (b) has control over the Vehicle or business;
- (c) directs the operation of the Vehicle or business;

“Passenger” means any Person in a Motor Vehicle other than the Driver;

“Person” includes an individual, corporation, partnership or limited partnership;

“Plate” means a numbered plate issued to a Person pursuant to this By-law;

“Premises” means land and includes the structures on the land, such as fences, buildings and sheds;

“Police” means a police officer, constable or cadet of the Regional Municipality of Peel Police Service (Peel Regional Police);

“Safety Certificate” means a Certificate of Mechanical Fitness or a Commercial Vehicle Inspection Certificate as issued by the Ministry of Transportation for Ontario;

“Tribunal” means the Tribunal appointed by Council to conduct hearings under the Brampton Appeal Tribunal By-law, No. 48-2008, as amended, or any successor by-law;

“Vehicle” includes a Motor Vehicle, trailer, farm tractor, road building machine, motorized snow vehicle, bicycle, and any vehicle drawn, propelled or driven by any kind of power, including muscular power;

“Vehicle Owner” means a Person who is registered with the Register of Motor Vehicles for the Province of Ontario as the plate owner of the Vehicle;

“Zoning Approval” means a Licence Application that has been examined and approved by the City’s Zoning Services staff for compliance with the Zoning By-law; and

“Zoning By-law” means the City’s Zoning By-law No. 270-04, as amended, or any successor by-law.

PART III - LICENSING REQUIRED

5. (1) A Licence shall be taken out under this By-law by every Person who:
- (a) runs, operates or carries on the business of a Driving School (Driving School Operator – Sch. 1);
 - (b) for compensation, teaches others to drive a Motor Vehicle (Driving School Instructor – Sch. 1);
 - (c) owns a Motor Vehicle used for Driving School instruction (Driving School Motor Vehicle Owner – Sch. 1);
 - (d) owns a Limousine (Limousine Owner – Sch. 2);
 - (e) drives a Limousine (Limousine Driver – Sch. 2);
 - (f) (letter reserved for future use)
 - (g) (letter reserved for future use)
 - (h) owns a Taxicab (Taxicab Owner – Sch. 4);

- (i) owns an Accessible Taxicab (Accessible Taxicab Owner – Sch. 4);
 - (j) drives a Taxicab or Accessible Taxicab (Taxicab Driver – Sch. 4); or
 - (k) owns a Taxicab Brokerage (Taxicab Broker – Sch. 4).
 - (l) (letter reserved for future use)
 - (m) (letter reserved for future use)
- (2) Any Person who falls within subsections 5. (1) (a) through to and including (m) is engaged in a business for the purposes of this By-law.
 - (3) The defined terms for the businesses listed within subsections 5. (1) (a) through to and including (m) are found in the schedules referred to in the subsections and are attached to this By-law.
 - (4) No Person shall carry on or engage in any business listed in subsections 5. (1) (a) through to and including (m) unless the Person is licensed under this By-law.
 - (5) No Person shall hold him or herself out to be licensed if he or she is not licensed under this By-law.
 - (6) No Person shall publish or cause to be published any representation that the Person is licensed under this By-law if the Person is not so licensed.
 - (7) No Person shall provide false or misleading information or documents when applying for a Licence or Licence renewal, or when required to provide any information or documents under this By-law.
 - (8) For the purposes of this By-law, a business shall be deemed to be carried on within the City if any part of the business is carried on in the City, even if the business is being conducted from a location outside the City.

PART IV - REQUIREMENTS FOR LICENSEES

- 6. (1) Every Applicant shall be:
 - (a) at least 18 years of age; and
 - (b) a Canadian Citizen, a permanent resident of Canada or have a valid employment authorization issued by the Government of Canada.
- (2) Every Applicant for a Taxicab or Limousine Driver's Licence shall have a working knowledge of English.

PART V - LICENCE ISSUER

- 7. (1) The Manager, Licensing Enforcement, or any successor position is appointed as the Licence Issuer for the purposes of this By-law.
 - (2) Council delegates to the Licence Issuer, the power to issue, refuse to issue, renew, refuse to renew, cancel, revoke, suspend, reinstate or impose conditions on a Licence under this By-law.
 - (3) Council is of the opinion that the delegation under subsection 7. (2) is minor in nature.
- 8. Where the Licence Issuer is of the opinion that:
 - (a) a new Licence or a Licence renewal should be issued;

- (b) an Application for a Licence or a Licence renewal should be refused;
- (c) a Licence should be cancelled;
- (d) a Licence should be revoked;
- (e) a Licence should be suspended;
- (f) a Licence should be reinstated, or
- (g) a term or condition of a Licence should be imposed;

he or she shall make that decision.

9. The Licence Issuer shall:

- (a) receive and process all Applications for Licences and Licence renewals;
- (b) issue a Licence or Licence renewal when:
 - (i) an Application is made in accordance with the provisions of this By-law;
 - (ii) the Application is complete;
 - (iii) the applicable Licence Fee is paid;
 - (iv) the Application meets all of the requirements under this By-law; and
 - (v) there are no grounds to refuse to issue a Licence or Licence renewal as set out in Section 31 of this By-law;
- (c) impose terms and conditions on a Licence when in the opinion of the Licence Issuer a term or condition of a Licence should be imposed under Section 30 of this By-law;
- (d) maintain complete records showing all Applications received and Licences issued;
- (e) prepare or cause to be prepared all notices, forms and any other document, including any amendments thereto, that are necessary for the administration of this By-law;
- (f) enforce or cause to be enforced the provisions of this By-law; and
- (g) generally perform all the administrative functions required to give effect to this By-law.

PART VI - APPLICATION FOR A LICENCE AND FOR A LICENCE RENEWAL

10. (1) In order to apply for a new Licence or a Licence renewal, the Applicant shall:

- (a) complete and submit an Application in the form approved by the Licence Issuer;
- (b) submit any documentation required under this By-law or requested by the Licence Issuer;
- (c) submit the appropriate Licence Fee as set out in Appendix A; and

- (d) where applicable, submit proof of HST Registration.
- (2) An Application for a new Licence or for a Licence renewal shall not be processed by the City until all the requirements of subsection (1) are met and any outstanding Licence Fee(s) and any outstanding Additional Fees have been paid.
11. The Licence Issuer may require any one or more of the following as part of the Application:
- (a) proof of citizenship, permanent resident status or other employment authorization issued by the Government of Canada;
 - (b) a statement from the Applicant as to whether charges against the Applicant are pending under the Criminal Code, the *Controlled Drugs and Substances Act*, the *Building Code Act 1992*, the *Fire Protection and Prevention Act, 1997*, the City's Zoning By-law, or any other law or City by-law;
 - (c) a Criminal Record Search conducted by the Police Services in which jurisdiction the Applicant resides; and
 - (d) a Zoning Approval.
12. Every Applicant for a Driver's Licence shall:
- (a) attend personally before the Licence Issuer and submit to being photographed;
 - (b) at the same time the photograph is taken, deliver the completed Application in person to the License Issuer; and
 - (c) provide a statement of the driving record of the Applicant, from the Ministry of Transportation, dated no earlier than 30 days prior to the Application for a Driver's Licence.
13. No Person shall obtain or keep a Driver's Licence without holding a current, valid driver's licence issued under the *Highway Traffic Act*.
14. Every renewal of Driver's Licence may be valid for a period of two years when accompanied by the Licence Fee for the two year period.
15. Every Application for an Owner's Licence shall include:
- (a) a valid Safety Certificate with respect to the Motor Vehicle;
 - (b) a valid alternate fuel certificate, if applicable;
 - (c) the certificate of insurance; and
 - (d) the Vehicle registration (ownership).
16. The Licence Issuer may in his or her discretion waive the requirement of a Safety Certificate under Section 15, provided that the Vehicle has 1000 km or fewer on the odometer and has been manufactured within the last 12 months.
17. If at any time, the photo identification required by this By-law does not represent a reasonable likeness of the Person licensed under this By-law because of physical changes, passage of time or poor quality photography, the Person shall submit to being photographed by the License Issuer.

18. (1) Where the Owner is a corporation, the Application shall be accompanied by a copy of the incorporating documents, a copy of the last annual return filed and a copy of the business name registration.
- (2) Where the Owner is a sole proprietor, the Application shall be accompanied by a copy of the business name registration.
- (3) Where the Owner is a registered partnership, the Application shall be accompanied by a copy of the registered declaration of partnership and a copy of the business name registration.
- (4) Despite subsection 18. (1) where a corporation applies for a renewal of a Licence and there has been no change in the officers or directors of the corporation, only a copy of the last annual return filed must be submitted by the Owner with the Application.
- (5) A Licence issued to a partnership may be issued in the name of one partner.
19. (1) Despite, subsection 11. (d), where an Application is made for a Licence renewal and where a Zoning Approval was received with the original Licence Application approving the use of the Premises, a new Zoning Approval may not be required.
- (2) Where an Application is made for a new Licence or Licence renewal and where a Zoning Approval has been issued based upon the use being allowed by a Committee of Adjustment decision, the Zoning Approval is subject to all conditions and restrictions imposed on the use by the Committee of Adjustment, including a time limit for the use and upon expiry of any time limit imposed on the use by the Committee of Adjustment, the Zoning Approval shall no longer be valid.
20. (1) Where an Application for a Licence or Licence renewal is withdrawn by the Applicant, the Licence Fee shall be refunded with the exception of \$50.00.
- (2) Where an Application for a Licence or a Licence renewal is refused, 50% of the Licence Fee paid shall be refunded.
- (3) Any Licence Fee refund calculated pursuant to subsections 20. (1) or (2) shall be reduced by any Additional Fee amount, or part thereof, that is outstanding at the time of the refund.
21. An Owner must obtain a separate Licence for every Premises or Vehicle where the Owner carries on business for which a Licence is required under this By-law.
22. (1) Where a Person who has a Licence fails to renew the Licence by the renewal date, the Person shall, upon submitting an Application for renewal, be subject to a Late Renewal Fee in accordance with Appendix A to this By-law.
- (2) Where an Applicant applies for a Licence renewal and for a period of 60 days after the Licence expiry date the Application is incomplete or any fee under this By-law is unpaid, the Licence Issuer may, in his or her sole discretion, deem the Application to be an Application for a new Licence.
- (3) Where a Person holding a Licence fails to renew the Licence within 90 days of the specified renewal date, the Person shall no longer be entitled to renew the License and shall be required to apply for a new Licence under this By-law, subject to the payment of such fees as may be required.
23. Regardless of whether a Licence may have been issued or renewed, the Licence Issuer may require that the Applicant file further information or

provide further documentation in respect of a fact which the Applicant has already attested to or previously supplied documentation for.

24. Any Person licensed by any regulatory body where that licence is a requirement for the issuance of a Licence under this By-law, shall immediately report to the Licence Issuer any suspension of the licence issued by the regulatory body.
25. (1) Where an Applicant has failed to provide any fee or document required under this By-law for the issuance or renewal of a Licence, the Application shall be considered incomplete.
 - (2) If the Application remains incomplete after 30 days from the date the Application was submitted, the Licence Issuer may issue a Notice of Incomplete Application and close the file.
 - (3) Where an Application file is closed, the Applicant is required to pay the Closed File Administrative Fee to the City in accordance with Appendix A.
 - (4) The Closed File Administrative Fee in subsection 25. (3) must be paid before the Licence Issuer can reopen a closed Application file.
 - (5) The issuance of a Notice of Incomplete Application is not a statutory power of decision and is not subject to appeal to the Tribunal.

PART VII – ISSUANCE OF A LICENCE OR LICENCE RENEWAL

26. When an Application for a Licence or Licence renewal is made in accordance with the provisions of this By-law and the Applicant meets all the requirements of this By-law, which include any requirements that may be requested by the Licence Issuer, a Licence shall be issued to the Applicant.
27. Any Person applying for a Licence renewal may do so within 30 days before the expiry of the Licence.
28. Despite Section 27, the License Issuer may in his or her discretion accept Applications for a Licence renewal prior to 30 days before the expiry of the Licence.

PART VIII - LICENCE EXPIRY DATES

29. Subject to Section 14 and Appendix B every Licence shall be valid for a period of one year, effective from the driver's date of birth except where:
 - (a) the initial Licence issued is within 91 days prior to his or her birthday, such Licence shall be valid to the next following birthday;
 - (b) the initial Licence issued is issued on a date greater than 91 days prior to his or her birthday, such Licence shall be valid until the next birthday; or
 - (c) the Driver's birthday is February 29TH, the expiry date for such Driver' Licence shall be February 28th for licensing purposes only.

PART IX – TERMS AND CONDITIONS

30. (1) Notwithstanding any other provision in this By-law, the Licence Issuer may impose terms and conditions on any Applicant or Licensee at issuance, renewal or any time during the Licence period, including special conditions as are necessary to give effect to this By-law.

- (2) The Licence Issuer may impose conditions on a business in a class that have not been imposed on all of the businesses in that class in order to obtain, continue to hold or renew a Licence.
- (3) Notwithstanding any other provision in this By-law, the Licence Issuer may impose Additional Fees on a Licensee by way of Notice of Additional Fee at any time during the term of the Licence for any costs incurred by the City attributable to the activities of the Licensee.
- (4) The Notice of Additional Fee shall be sent to the Licensee by personal delivery, e-mail or fax delivery, or by regular mail and the notice shall provide the Licensee with 60 days to pay the Additional Fee from the date of the notice.

PART X - GROUNDS FOR REFUSAL TO ISSUE OR RENEW A LICENCE

31. Notwithstanding Section 26, the Licence Issuer may refuse to issue a Licence or renew a Licence, if the Licence Issuer is of the opinion that any one or more of the following has or may occur, and in coming to this belief the Licence Issuer shall have regard to the policy set out in Appendix E:
 - (a) The issuance of or the holding of a Licence would be contrary to the public interest in respect of:
 - (i) the health and safety of any person
 - (ii) a nuisance affecting any land or person in the City or Canada, or
 - (iii) the protection of any consumer.
 - (b) The conduct of the Applicant or Licensee or other circumstances afford reasonable grounds for belief that the carrying on of the business has infringed, or would infringe, the rights of other members of the public.
 - (c) Any Application or other document provided to the Licence Issuer by or on behalf of the Applicant or Licensee contains a false statement or provides false information.
 - (d) The financial position of the Applicant or Licensee demonstrates that the business has not or will not be carried on in a financially responsible manner.
 - (e) The business of the Applicant or Licensee is carried on or intended to be carried on in an area where it is prohibited.
 - (f) The Applicant or Licensee has failed to pay a fine or fines imposed by a Court for convictions for breach of this or any other City by-law.
 - (g) The Premises, or part thereof in which the business is carried on does not comply with the provisions of this By-law or with any other law, regulation or City by-law, including the Zoning By-law, and the Building Code, O.Reg. 350/06 as amended and the Fire Code, O.Reg. 213/07 as amended or any successor regulations.
 - (h) The conduct of the Applicant or Licensee affords reasonable grounds for belief that the Applicant or Licensee has not carried on or will not carry on his or her trade, business or occupation in accordance with law and with integrity and honesty.

- (i) There are reasonable grounds for belief that the carrying on of the business or occupation by the Applicant or Licensee has resulted or will result in a breach of this By-law or any other law.
- (j) The fee payable for the Licence has not been paid.
- (k) Any fee imposed on an Applicant or Licensee under this By-law remains unpaid.

PART XI – GROUNDS FOR REVOKING OR SUSPENDING A LICENCE

- 32. The Licence Issuer may revoke or suspend a Licence for any one or more of the grounds listed in subsections 31.
- 33. If the Licence Issuer is satisfied that the continuation of a business poses an immediate danger to the health or safety of any person or property, the Licence Issuer may, without a hearing, suspend a Licence, for the time and on such conditions as the Licence Issuer considers appropriate, subject to the following:
 - (a) before suspending the Licence, the Licence Issuer shall, either orally or in writing, provide the Licensee with the reasons for the suspension and allow the Licensee with an opportunity to respond; and
 - (b) the suspension shall not exceed 14 days

PART XII – WRITTEN NOTICE AND SERVICE

- 34. (1) After a decision is made by the Licence Issuer to refuse, cancel, revoke or suspend a Licence, written notice of that decision shall be given forthwith to the Applicant or Licensee.
- (2) The written notice provided under subsection 34. (1) shall:
 - (a) set out the grounds for the decision;
 - (b) give reasonable particulars of the grounds for the decision;
 - (c) be signed by the Licence Issuer; and
 - (d) state that the Applicant or Licensee is entitled to a hearing by the Tribunal if the Applicant or Licensee delivers to the Clerk within 15 days after the notice is served, a notice in writing requesting a hearing by the Tribunal accompanied by the appropriate fee.
- (3) Any written notice given under this By-law shall be deemed to be received on the receipt date which is one of the following:
 - (a) in the case of mailed documents, 5 days following the mailing as determined from the post mark;
 - (b) in the case of personal delivery, e-mail or faxed document, the day of delivery; and
 - (c) where more than one method of delivery is used, the operative receipt date for the calculation of the time for an appeal is the latest of the possible receipt dates.
- (4) Where any written notice is mailed under this By-law, it is sufficient to use the Applicant's or Licensee's last known business or residential address.

PART XIII – RIGHT TO APPEAL

35. (1) The Applicant or Licensee may appeal the Licence Issuer's decision to refuse, cancel, revoke, suspend, or to impose any condition on a Licence, to the Tribunal by filing a written notice of appeal with the Clerk, with reasons in support of the appeal, accompanied by the appropriate appeal fee as set out in the City's User Fee By-law within 15 days following the receipt of written notice of the Licence Issuer's decision.
- (2) On receipt of a written request for a hearing from the Applicant or Licensee, the Clerk shall schedule a hearing of the Tribunal and shall give the Applicant or Licensee and Licence Issuer reasonable written notice of the date, time and place of the hearing in accordance with the Brampton Appeal Tribunal By-law, No. 48-2008, as amended, or any successor by-law.
- (3) The filing of an appeal does not operate to suspend the Licence Issuer's decision.
- (4) The decision of the Licence Issuer shall be final if the Clerk does not receive an appeal by the 15th day following the receipt date of the written notice of the Licence Issuer's decision.
- (5) Where the Tribunal has ordered that a Licence be granted, re-instated, a suspension to a Licence ended or a change to the condition(s) of a Licence, the Applicant or Licensee shall fulfill any outstanding requirements for the Licence under this By-law.
- (6) The provisions of the Brampton Appeal Tribunal By-law, No.48-2008, as amended, or any successor by-law, apply to any appeal that is made under this section.

PART XIV – RETURN OF LICENCE

36. (1) Where a Licence has been revoked or suspended, and written notification as set out in section 34 is provided and deemed received, the Applicant or Licensee shall return the Licence to the Licence Issuer forthwith.
- (2) A Person whose Licence has been revoked or suspended shall not refuse to deliver the Licence to the Licence Issuer or in any way obstruct or prevent the Licence Issuer from receiving or taking the Licence.
- (3) Where a Licence has been revoked or suspended, the Licence Issuer may enter upon the business premises of the Licensee for the purpose of receiving, taking or removing the Licence.

PART XV – CHANGE OF INFORMATION

37. (1) A Licensee shall carry on business in the City in the name which is set out on the Licence and shall not carry on business in the City in any other name unless the Licensee has first notified the Licence Issuer and complied with the relevant provisions of this By-law.
- (2) A Licensee shall notify the Licence Issuer within 7 days of any change of name, address or any other change to the information related to the Licence, and where the Licensee is a corporation, it shall notify the Licence Issuer of any change in the names and addresses of officers and directors, the location of the corporate head office and change of ownership of shares within 7 days of the change, and if necessary, the Licence shall be returned immediately to the Licence Issuer for amendment.

- (3) A Licensee shall not alter, erase or modify or permit such alteration, erasure or modification of the Licensee's Licence or part thereof unless approved by the Licence Issuer.

PART XVI – GENERAL PROVISIONS

38. An Applicant or Licensee whose Licence has been refused or revoked, shall not be entitled to make a new Application for a similar type of Licence for a period of 12 months from the date of the refusal or revocation.
39. The Licence Issuer shall reinstate any Licence that has been suspended or revoked upon satisfactory proof that the administrative requirements under this By-law have been met.
40. Any Licence issued under this By-law may be cancelled at any time upon the written request of the Licensee.
41. A Person shall not enjoy a vested right in the continuance of a Licence and upon the issuance, renewal, transfer, cancellation or suspension thereof, the value of a Licence shall be the property of the City.
42. A Licensee shall not advertise, promote or carry on the business under any name other than the name endorsed upon the Licence, without the approval of the Licence Issuer.
43. (1) Any Licence issued under this By-law shall be posted on the premises, to which the Licence relates in a conspicuous place that is clearly visible to the public.
- (2) Where a Licensee does not have a licensed Premises, the Licensee shall carry the Licence with him or her at all times when engaged in the activity for which the Licence has been issued.
44. The expiry dates of Licences issued under this By-law, except for those issued per day or per event, are set out in Appendix B to this By-law.
45. No member of the Tribunal, Council, or an employee of the City is personally liable for anything done under the authority of this By-law.
46. A Licensee shall not be permitted to transfer a Licence unless specifically allowed under a Schedule to this By-law.

PART XVII – INSURANCE

47. (1) Every Person shall, before the issuance of an Owner's Licence to him or her for a:
- (a) Driving School Motor Vehicle Owner (Schedule 1);
 - (b) Limousine Owner (Schedule 2); or
 - (c) (letter reserved for future use)
 - (d) Taxicab Owner (Schedule 4);
 - (e) (letter reserved for future use)

provide proof of third party Motor Vehicle liability insurance for each Vehicle used in the business, to the amount of at least \$2,000,000, exclusive of costs and interest, per occurrence. Perils will include bodily injury, death of one or more Persons, and loss or damage to property.

- (2) The Licence Issuer shall be given at least 10 days' notice in writing, by regular mail, personal delivery, e-mail or fax delivery, of cancellation, expiration or variation in the amount or conditions of the policy.
- (3) (Section reserved for future use)
- (4) Every Person, required to be licensed as a Driving School Operator or a Taxicab Broker shall, before the issuance of a Licence to him or her, provide proof of commercial general liability insurance against all claims for personal injury including bodily injury resulting in death, and property damage with an inclusive limit of not less than Two Million (\$2,000,000.00) per occurrence insuring him or her against liability imposed by law for any loss or damage resulting from the carrying on of the business to which the Licence relates.
- (5) The certificate of insurance issued in respect of the insurance policy in subsections 47. (1) (2) and (4) shall be provided to the Licence Issuer prior to the issuance of the Licence that it applies to in the form of proof set out in Appendix C to this By-law.

PART XVIII – INSPECTION

48. Upon request of the Licence Issuer, Inspector, Medical Officer of Health or Fire Chief the Licensee shall produce the Licence and any other requested documents forthwith.
49. No Person who has or is required to have a Licence under this By-law, shall obstruct or hinder the making of an inspection by the License Issuer or Inspector, or cause or permit an inspection to be obstructed or hindered.
50. Where the Licence Issuer finds that any provision of this By-law is being contravened, a notice may be issued in writing directing compliance with the provision.
51. (1) The Licence Issuer or Inspector, may enter on any land and building, structure thereon or Vehicle at any reasonable time for the purpose of carrying out an inspection to determine whether any one or more of the following are being complied with:
 - (a) the provisions of this By-law;
 - (b) an order made under this By-law;
 - (c) a condition of a Licence issued under this By-law; or
 - (d) an order made under section 431 of the *Municipal Act, 2001*.
- (2) For the purposes of an inspection under subsection 51. (1) the person carrying out the inspection may do any one or more of the following:
 - (a) require the production for inspection of any goods, articles, books, records, other documents or Vehicles of or relating to any business or occupation licensed under this By-law;
 - (b) inspect and remove documents or things relevant to the inspection, including anything listed in subsection 51. (2) (a), for the purpose of making copies or extracts;
 - (c) require information from any Person concerning a matter related to the inspection; or

- (d) alone or in conjunction with a Person possessing special or expert knowledge make examinations or take tests, samples or photographs necessary for the purposes of the inspection.
- (3) Where a Licence Issuer or Inspector has been or is likely to be prevented from carrying out an inspection pursuant to subsection 51. (1), the Licence Issuer or Inspector may apply for an order, under section 438 (2) of the Act, from a provincial judge or justice of the peace authorizing them to carry out an inspection for the purposes of subsections 51. (1) or (2).

PART XIX – ORDER TO COMPLY

- 52. (1) Where the Licence Issuer or an Inspector believes that a contravention of this By-law has occurred, they may issue:
 - (a) an order to discontinue the contravening activity;
 - (b) an order to correct the contravention; or
 - (c) an order to discontinue the contravening activity and correct the contravention.
- (2) The orders contemplated in subsection 52. (1) shall set out:
 - (a) the name of the Person who is believed to have contravened this By-law and the municipal address or the legal description of the land to which the contravention or Licence applies;
 - (b) reasonable particulars of the contravention;
 - (c) the date by which there must be compliance with the order; and
 - (d) if applicable, the work to be done and the date by which the work must be done.
- (3) An order issued under this By-law may be served personally or served by mail to the last known address of the Person and such other persons affected by it as determined by the Licence Issuer or Inspector and a copy of the order may be posted on any property to which the contravention or Licence applies.
- (4) If an order is served by registered mail, the service shall be deemed to have been made 5 days after the mailing.
- (5) Where service cannot be carried out in accordance with subsection 52. (3), the Licence Issuer or Inspector may place a placard containing the terms of the order in a conspicuous place on the property to which the contravention or Licence applies, and the placing of the placard shall be deemed to be sufficient service of the order on the Person or persons to whom the order is directed.
- (6) Every Person who fails to comply with an order made under this section is guilty of an offence.

PART XX - PLATE REMOVAL

- 53. Where the Licence Issuer, acting reasonably, has reason to believe that one or more of the sections listed in Appendix D is or has been contravened, he or she may physically remove the Plate from the Vehicle.
- 54. The Licence Issuer may retain the Plate until the contravention has been rectified to the satisfaction of the Licence Issuer.

PART XXI – CONTRAVENTION AND PENALTIES

55. (1) Every Person who contravenes any provision of this By-law, including an order made under this By-law, is guilty of an offence and is liable to a fine, and such other penalties, as provided for in the *Provincial Offences Act*, R.S.O. 1990, c. P.33, as amended (the "*Provincial Offences Act*") and the *Municipal Act, 2001*.
- (2) In addition to subsection 55. (1), any Person who is charged with an offence under this By-law by the laying of an information under Part III of the *Provincial Offences Act* and is found guilty of the offence is liable, pursuant to the fine provisions of the *Municipal Act, 2001*, to the following fines:
- (a) the minimum fine for an offence is \$500 and the maximum fine for an offence is \$100,000;
 - (b) in the case of a continuing offence, for each day or part of a day that the offence continues, the minimum fine shall be \$500 and the maximum fine shall be \$10,000 and the total of all daily fines for the offence is not limited to \$100,000;
 - (c) in the case of a multiple offence, for each offence included in the multiple offence, the minimum fine shall be \$500 and the maximum fine shall be \$10,000 and the total of all fines for each included offence is not limited to \$100,000;
 - (d) in addition to the fine provisions in subsection 55. (2) (a) to (c), if a Person is convicted of an offence under this By-law, any economic advantage or gain obtained by the Person from operating a business without a Licence may be considered an aggravating factor for sentencing purposes which may attract a special fine, which shall be equal to or greater than the economic advantage or gain obtained by the Person from operating the business without a Licence; and
 - (e) the maximum amount for a special fine in subsection 55. (2)(d) may exceed \$100,000.
- (3) If a Person is convicted of an offence under this By-law, in addition to any other remedy or any penalty imposed, the court in which the conviction has been entered, and any court of competent jurisdiction, may make an order:
- (a) prohibiting the continuation or repetition of the offence by the Person convicted; and
 - (b) requiring the Person convicted to correct the contravention in the manner and within the period that the court considers appropriate.
- (4) Where a Person fails to pay any part of a fine for a contravention of this By-law and the fine is due and payable under section 66 of the *Provincial Offences Act*, including any extension of time to pay the fine provided under that section, the City Treasurer, or the Treasurer's delegate may give the person a written notice specifying the amount of the fine payable and the final date on which it is payable, which date shall not be less than 21 days after the date of the notice.
- (5) If any part of a fine for a contravention of this By-law remains unpaid after the final date specified in the notice given under subsection 55. (4), the outstanding fine is deemed to be unpaid taxes for the purposes of section 351 of the *Municipal Act, 2001*.

PART XXII – FEES

56. The Licence Fees required under this By-law are set out in Appendix A attached to this By-law.

PART XXIII – DISCRIMINATION

57. (1) No Person, in carrying out a business licensed under this By-law shall discriminate against any member of the public on the basis of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, gender identity, gender expression, age, marital status, family status or disability.
- (2) No Person, in carrying out a business licensed under this By-law shall, with respect to any person being guided or assisted by a service animal:
- (a) refuse to service the person;
 - (b) refuse to permit the person to enter with the animal into or upon any place or premises to which the Licence relates; or
 - (c) refuse to permit the person and such animal to remain in or upon such place or premises by reason only of the presence of such animal.

PART XXIV – SCHEDULES AND APPENDIXES

58. (1) All Schedules and Appendixes attached to this By-law shall form part of this By-law.
- (2) In the event of a conflict between any of the general provisions of this By-law and any provisions set out in the Schedules attached to this By-law, the provisions of the Schedules shall prevail.
- (3) The expiry dates of Licences issued under this By-law, except for those issued per day or per event, are set out in Appendix B to this By-law.

PART XXV – TRANSITION

59. (1) Despite section 60, if a Licence or a Licence renewal has been issued for a business under the City's Licensing By-law, No. 1-2002, as amended, and the applicable by-law provisions and schedule for that Licence have been repealed under this By-law, the provisions of Licensing By-law No. 1-2002, as amended and the applicable appendices and schedule in effect at the time of the Licence issuance or Licence renewal continue to apply for the term of that Licence or Licence renewal.
- (2) This By-law, including all appendices and schedules under this By-law apply to all Licences and Licence renewals issued after this By-law comes into effect, even in the case of a Licence renewal that relates to a Licence issued under Licensing By-law No. 1-2002, as amended.

PART XXVI - BY-LAW AMENDMENTS, REPEAL AND EFFECTIVE DATE

60. (1) Licensing By-law 1-2002, as amended, is further amended by repealing subsections 2. (1), 2. (4) and 2. (5).
- (2) Licensing By-law 1-2002, as amended, is further amended by repealing Schedules M-1, M-4 and M-5.
61. (1) The Brampton Appeal Tribunal By-law 48-2008, as amended, is further amended by removing the word "and" before "the Business Licensing By-law "

and adding the words "and the Mobile Licensing By-law" after "the Business Licensing By-law" at the end of subsection 7. (1) of the by-law.

- (2) The Brampton Appeal Tribunal By-law 48-2008, as amended, is further amended by adding the following definition in alphabetical order in section 1 of the by-law and in section 1 of Schedule 1 that is attached to the by-law:

"Mobile Licensing By-law" means Mobile Licensing By-law 67 -2014;

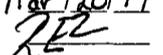
- (3) The Brampton Appeal Tribunal By-law 48-2008, as amended, is further amended by removing the word "and" before "the Business Licensing By-law" and adding the words "and the Mobile Licensing By-law", after "the Business Licensing By-law" to the definition of "licensee" found in section 1 in Schedule 1 attached to the by-law.

- (4) The Brampton Appeal Tribunal By-law 48-2008, as amended, is further amended by removing the word "and" before "the Business Licensing By-law" and adding the words "and the Mobile Licensing By-law", after "the Business Licensing By-law" found in subsection 28(4) in Schedule 1 attached to the by-law.

62. The Delegation of Authority By-law 191-2011, as amended, is further amended by removing the word "and" before "the Business Licensing By-law 332-2013" and adding the words "and the Mobile Licensing By-law 67 - 2014" after the words "the Business Licensing By-law 332-2013", found in subsection 13.1 (i) in Schedule 1 attached to the by-law.

63. This By-law comes into force and effect on the date of its passing by Council.

READ a FIRST, SECOND and THIRD TIME and PASSED in Council, this 26th day of March, 2014.

Approved as to form.
 Mar 120/14


Approved as to content.
 MAR 120/14



 Susan Fennell, Mayor
 JOHN SPROVIERI - ACTING MAYOR


 Peter Fay, City Clerk

SCHEDULE 1 – Mobile Licensing By-Law

Relating to Persons who carry on the Business of Teaching Persons to Operate Motor Vehicles, including Truck Driving Schools, and Driving School Instructors Employed in Such Business

PART I – DEFINITIONS

1. For the purpose of this Schedule:

"Driving School" means any business or establishment which employs Instructors, to teach persons to operate Motor Vehicles;

"Driving School Instructor" or "Instructor" means a Person who for compensation teaches others to drive a Motor Vehicle as a Driving Instructor and is required to be licensed as such under this By-law and who is Employed by a Driving School Operator licensed under this By-law in the business of teaching persons to operate a Motor Vehicle;

"Driving School Motor Vehicle Owner" means the registered owner or lessee of a Motor Vehicle used for driving school instruction;

"Driving School Operator" or "Operator" means a Person who runs, operates or carries on the business of a Driving School;

"Employed" includes any business relationship between an Operator and Instructor, whether on a salary, hourly wage, commission or independent contract or other basis, and the terms "employee" and "employment" have a corresponding meaning; and

"Parkland" means any and all land owned by or made available by lease, agreement or otherwise to the City that:

- (a) has been or hereafter may be set apart, designated, dedicated or established by the City as public parkland, including the water areas and shoreline of such property, or
- (b) is maintained by the City as a boulevard, median, landscaped buffer area or walkway.

PART II – REQUIREMENTS OF LICENSEES

2. (1) Where an Applicant for an Operator's or Instructor's Licence is the Registered Owner or lessee of the Motor Vehicle to be used in the Driving School business, in addition to the general licensing provisions of this By-law, he or she shall file with the Licence Issuer a list of all Motor Vehicles to be used by him or her as an Operator or Instructor setting out the provincial plate number, year, make and model of the Motor Vehicle.
- (2) Any Person who is licensed as an Operator or Instructor and has filed the list required under subsection (1) shall notify the Licence Issuer within 72 hours of any change to the list.
- (3) Where the Applicant for an Operator's or Instructor's Licence is entitled to be licensed under this By-law, the Licence Issuer shall issue a Driving School Motor Vehicle Owner's Licence and a Plate for each Motor Vehicle set out on the list required under subsection (1) as long as all the provisions of this Schedule and By-law dealing with Motor Vehicles are met.
3. An Applicant for an Instructor's Licence and a Licensee applying for a Licence renewal shall:

- (a) produce a current valid Ontario driver instructor's licence and a current valid Ontario driver's licence both issued under the *Highway Traffic Act*, R.S.O. 1990, c.H.8, as amended; and
- (b) provide written notice of the name and address of the Operator for whom he or she will be instructing.

PART III – DRIVING INSTRUCTOR

4. Every Instructor shall:

- (a) when giving instruction to any student driver place the Instructor's Licence with the photo ID card in the Motor Vehicle, in a location that is plainly visible to the student driver;
- (b) when giving driving instruction, ensure that the Motor Vehicle is equipped with an extra rear view mirror for the use of the Instructor;
- (c) when giving driving instruction, ensure that the Motor Vehicle is equipped with identical wheel coverings and or wheel design;
- (d) while giving driving instructions ensure that the Motor Vehicle is equipped with extra braking equipment in good working condition placed in a position for ready use by the Instructor; and
- (e) ensure that every student driver produces a current Ontario driver's licence or a current valid Ontario temporary driver's licence, or, in the case of a student driver who has not resided in Ontario for more than 30 days, a valid driver's licence in accordance with the laws of the province in which the driver was resident.

5. No Instructor shall give driving instructions:

- (a) unless a roof sign on the Motor Vehicle showing the business name of the Driving School as shown on its Licence is affixed to the roof of the Motor Vehicle or in a location approved by the Licence Issuer so that it is clearly visible at a distance of at least 15 metres (49.2 feet);
- (b) unless the Plate is properly affixed to the exterior of the Motor Vehicle in a location approved by the Licence Issuer;
- (c) if his or her ability to drive or instruct is impaired by alcoholic beverages, drugs or narcotics;
- (d) to any G1 or equivalent licensed student who is not a client at the Ministry Approved Beginner Driver Education Course Provider Driving School where the Instructor is Employed;
- (e) to any student driver whose driving ability appears to be affected by alcoholic beverages, drugs or narcotics;
- (f) to a student driver on private property without the prior consent of the private property owner;
- (g) subject to 5(h), to any student driver when a Person other than:
 - (i) the Instructor;
 - (ii) the student driver; or
 - (iii) the Operator or an employee of the Operator;

is in the Motor Vehicle in which the instruction is being given;

- (h) subsection 5(g), does not prevent the giving of instruction where all the students are under the age of twenty-five years, and when the instruction is pursuant to a driving course accredited by the Province of Ontario;
- (i) in any Motor Vehicle unless the Motor Vehicle has been approved and licensed by the License Issuer; or
- (j) without a valid and current Ontario driving instructor's license issued pursuant to the *Highway Traffic Act*, R.S.O. 1990, c.H.8, as amended.

PART IV - DRIVING SCHOOL OPERATOR

6. Every Driving School Operator shall:

- (a) only employ as an Instructor a Person licensed under this By-law;
- (b) before instruction is given, furnish each student with a written statement of all rates and charges for services provided by the school, which statement shall be in a form approved by the Licence Issuer, and shall commence with the words, "The following is a complete Schedule of rates and charges for all services provided by (name of Driving School) and no other rates or charges shall be demanded or received by the school or by any of its Instructors";
- (c) adhere to the rates and charges indicated in the published statement and give 15 days advance notice to the Licence Issuer of any new statement of rates and charges;
- (d) keep a permanent record of the name and address of each student, the date of the commencement of instruction, the date, time and name of the Instructor for each lesson and the number of the student's provincial driver's licence;
- (e) allow the Licence Issuer to have access to all premises, Motor Vehicles, equipment, books and records used in the business and submit any Motor Vehicle for inspection whenever required;
- (f) notify the Licence Issuer in writing of the name and address of each Driving School Instructor Employed by him or her and of the date of commencement of such employment, such notification to be given not later than 72 hours after the employment has commenced;
- (g) notify the Licence Issuer in writing of the name and address of each Driving School Instructor whose employment by him or her has terminated, and the date of the termination, and such notification shall be given not later than 72 hours after the employment has terminated;
- (h) ensure that every registered owner or lessee of every Motor Vehicle to be used in the Driving School business is licensed under this By-law; and
- (i) have printed or otherwise impressed on all business stationery, files, bills, statements and any written advertising materials his or her business name as licensed.

7. Where an Operator is also an Instructor he or she shall also be licensed as an Instructor under this By-law.

PART V - DRIVING SCHOOL MOTOR VEHICLE OWNER

8. Where the Applicant for a Driving School Motor Vehicle Owner's Licence is the Lessee of the Motor Vehicle the Applicant shall file a copy of the lease with the Licence Issuer.
9. Every Driving School Motor Vehicle Owner shall:
 - (a) present the Motor Vehicle for inspection and approval by the Licence Issuer;
 - (b) advise the License Issuer forthwith when any licensed Motor Vehicle ceases to be used; and
 - (c) immediately return to the Licence Issuer all Plates in respect of Motor Vehicles that have ceased to be used in the business.

PART VI – RESTRICTED AREAS

10. (1) No Instructor shall:
 - (a) give any driving instructions on any public road or highway in the areas hatched and marked "Restricted Area" in Appendix F; or
 - (b) use any part of Parkland for the purpose of instructing, teaching or coaching any person in the driving or operation of a motorized vehicle.
- (2) No Driving School Operator shall cause or permit any driving instruction to be given in any area described in subsections 10. (a) and (b).
- (3) Despite subsection 10(a), an Instructor may give instruction to a student who lives in the Restricted Area, provided that:
 - (a) while in the Restricted Area the student carries with him or her proof of the student's residence and presents it on demand to any Inspector or the Police; and
 - (b) the Instructor ensures that the student proceeds to and from their residence using the most direct route to and from the closest area outside the Restricted Area.

SCHEDULE 2 – Mobile Licensing By-law

Relating to Persons who carry on the Business of Owning and Operating Limousines, Limousine Drivers and Owners

PART I - DEFINITIONS

1. For the purposes of this Schedule:

“Limousine” means a Vehicle for hire for the transportation of passengers at a flat rate by agreement, and includes a luxury passenger vehicle, with four or more doors, which is not a station wagon, panel truck, bus or van, but does not include a Meter (as defined in the Taxi Cab Schedule 4); and

“Limousine Driver” means any person who drives a Limousine.

PART II – REQUIREMENTS OF LICENSEES

2. In addition to the general licensing provisions of this By-law, an Applicant for a Limousine Driver’s Licence shall produce a letter verifying employment from a Licensed Limousine Owner.
3. In addition to the general licensing provisions of this By-law, an Applicant for a Limousine Owner’s Licence shall:
 - (a) be an Ontario or Canada corporation; and
 - (b) file documentation to demonstrate to the satisfaction of the Licence Issuer of potential and viable Limousine business for at least 35 hours per week in the City.

PART III - LIMOUSINE DRIVER

4. Every Limousine Driver shall:
 - (a) be professionally attired;
 - (b) be civil and behave courteously, refraining from using profanity and offer to assist any Passenger when it is evident that the Passenger is a Person with a disability, elderly or in need of assistance;
 - (c) not smoke any cigar, cigarette, tobacco or any other substance in the Limousine;
 - (d) give a Passenger a receipt on an authorized form showing the Driver's name and Driver's Licence number and an identifying number for the Limousine when requested or whenever there is a dispute over the fare;
 - (e) have available at all times and produce on request of the Licence Issuer or Passenger a current Driver’s identification card with photograph, issued by the Licence Issuer;
 - (f) produce the Limousine rate sheet when requested by a Passenger;
 - (g) keep at all times in the Limousine while under contract, a copy of the signed contract either in a paper or electronic format;
 - (h) produce a copy of the contract when requested by the License Issuer;
 - (i) be required to serve a pre-arranged Passenger in the City, except when the person:

- (i) is intoxicated or disorderly;
 - (ii) is in possession of an animal other than a service animal;
 - (iii) is in the opinion of the Driver unable or unwilling to pay the Fare and has been unable or unwilling to satisfy the Driver that he or she has the funds to pay the Fare;
 - (iv) is a grossly unclean person; or
 - (v) refuses to wear a seat belt and either fails to produce a medical certificate exempting him or her from wearing a seat belt assembly, or fails to satisfy the Driver that his or her weight is under eighteen (18) kilograms (40 lbs);
- (j) ensure that all business conducted is through pre-arranged trips;
 - (k) take due care of all property, delivered or entrusted to the Driver for conveyance, and immediately upon termination of any hiring engagement with a fare shall carefully search the Limousine for any property lost or left in the Limousine and, all property or money left in the Limousine shall be forthwith delivered over to the person owning the property or money and if the owner of the property or money cannot at once be found, the Driver shall deliver the property or money to the nearest police station with all the information in the Driver's possession regarding the property or money, and immediately notify the Plate Owner;
 - (l) each day, before commencing the operation of the Limousine, examine the Limousine for mechanical defects or interior or exterior damage and report forthwith any defects found, to the Owner of the Limousine; and
 - (m) each day, upon completion of the operation of the Limousine, report all defects and all accidents to the Owner.
5. No Limousine Driver shall:
- (a) solicit or accept Passengers without a pre-arranged contract for hire;
 - (b) place in, hang on or attach to the Limousine any luggage or object, in a manner that might obstruct the Driver's view;
 - (c) carry a greater number of passengers than is set out in the manufacturer's rating of seating capacity for such Limousine and a seat belt is available for each passenger;
 - (d) take, consume or have in his possession any alcohol, drugs prohibited by law, prescription or non-prescription drugs or intoxicant's which impair the Limousine Driver's ability to operate a Limousine;
 - (e) be required to accept any order when the expenditure of money by the Limousine Driver is required on behalf of the Passenger;
 - (f) recommend hotels, restaurants or other like facilities unless requested to do so by the Passenger;
 - (g) recover or receive any fare or charge from any Passenger or Persons who had demanded his or her services, which is greater or less than the fare or charge filed with the Licence Issuer except for a tip, gratuity or credit card service charge;

- (h) make any charge for time lost through defects or inefficiency of the Limousine or the incompetence of the Limousine Driver;
- (i) hold him or herself out as being available for hire in any public place;
- (j) take on any additional Passengers after the Limousine has departed with one or more Passengers from any one starting point, except under the following circumstances:
 - (i) when done at the request of a Passenger already in the Limousine; or
 - (ii) in an emergency situation;
- (k) permit a Passenger to stand in the Limousine while the Limousine is in motion;
- (l) refuse to serve a Passenger with a service animal, except where:
 - (i) the Driver has an allergy, and has filed with the Licence Issuer a certificate from his doctor evidencing that due to the allergy the Driver is unable to provide service to a Passenger with a service animal; and
 - (ii) when the Driver is unable to service a Passenger for the reason set out in subsection 5(l)(i), the Driver shall make proper arrangements for service before proceeding to his or her next engagement;
- (m) speak in an obscene, foul, boisterous, racist, loud, threatening or abusive manner to any person while operating a Limousine;
- (n) except in an emergency, use a cell phone while the Limousine is engaged;
- (o) operate or permit to be operated as a Limousine, any Motor Vehicle which is not licensed pursuant to this By-law;
- (p) drive a Limousine which does not have an Owner's Plate affixed thereto;
- (q) operate a Limousine, unless such Motor Vehicle meets all the standards of this By-law; or
- (r) operate or permit to be operated as a Limousine any Motor Vehicle in respect of which the Licence Issuer has required an inspection be carried out, prior to such inspection being passed to the satisfaction of the Licence Issuer.

PART IV - LIMOUSINE OWNER DUTIES

6. Every Limousine Owner shall:
- (a) ensure that there is a signed contract for each passenger trip and the contract shall include:
 - (i) client identification;
 - (ii) Driver identification;

- (iii) service rendered;
 - (iv) rate charged; and
 - (v) date and time of service;
- (b) keep at all times in the Limousine for which he or she is the Owner, the original, or a photo copy of the original, of each of the following documents:
- (i) the current Motor Vehicle permit which is in good standing and was issued in the Owner's name by the Province of Ontario for the Motor Vehicle;
 - (ii) the certificate of liability insurance for the Motor Vehicle, in accordance with the By-law; and
 - (iii) the current Limousine Owner's Licence issued under this By-law;
- (c) when he or she disposes of, or ceases to use the Limousine for the purposes permitted under this By-law and he or she acquires another Limousine for the purposes permitted under this By-law, he or she shall ensure that the new Limousine is properly registered and licensed;
- (d) immediately remove from the Limousine being disposed of:
- (i) all identifying decals and markings; and
 - (ii) all other items which make the Limousine appear to the public to be a Limousine;
- (e) maintain an up-to-date list of all Drivers operating Limousines for that Owner, which list shall show the name, address, telephone number and current Licence number of each Driver;
- (f) provide the Licence Issuer with a copy of the list referred to in subsection 6(e);
- (g) ensure that every person employed by that Owner as a Driver shall, during working hours, be properly attired in an appropriate uniform approved by the Licence Issuer;
- (h) affix the Owner's Plate on the Limousine in a location approved by the Licence Issuer;
- (i) file with the Licence Issuer annually, a copy of the rates to be charged for the use of the Limousine and give 15 days advance notice to the Licence Issuer of any new statement of rates and charges;
- (j) abide by the rates filed with the Licence Issuer; and
- (k) upon request of the Licence Issuer, provide access to any books of account, vouchers, correspondence or other business documents relevant to the business.
7. No Limousine Owner shall:
- (a) operate a Limousine or permit a Limousine to be operated under this By-law, with mechanical defects of which he is aware;

- (b) operate a Limousine or permit a Limousine to be operated under this By-law, without the Limousine Owner's Plate or sticker for that Limousine attached thereto;
- (c) operate a Limousine or permit a Limousine to be operated which is not licensed under this By-law;
- (d) use any Plate or duplicate Plate other than the one issued under this By-law;
- (e) equip a Limousine with a two-way radio, fare meter, or roof sign;
- (f) display any advertising on the exterior of the Limousine, except the name of the Limousine company may be affixed to the rear of the Limousine or the rear window in lettering not exceeding two inches, in a manner approved by the Licence Issuer; or
- (g) charge, publish or advertise any fare different than those filed with the Licence Issuer.

PART V – LIMOUSINE INSPECTION

- 8. (1) The Licence Issuer may require at any time, that a Limousine Owner or Limousine Driver submit the Limousine for inspection at an appointed time and place.
- (2) No Limousine Driver or Limousine Owner shall refuse to submit the Limousine for inspection when required, or prevent or hinder the Licence Issuer from inspecting the Limousine, or entering any garage or other building for such purpose.

PART VI- LIMOUSINE STANDARDS

- 9. Every Limousine Owner and Limousine Driver shall:
 - (a) ensure that the Limousine has useable trunk capacity so that the Limousine is capable of accommodating a wheel chair, walker or similar device;
 - (b) only use a Limousine that is equipped with air-conditioning and heating in both the driver and passenger compartments;
 - (c) only use a Limousine that is equipped with working seatbelts for each occupant of the Motor Vehicle;
 - (d) maintain the interior of the Limousine in a clean and tidy condition, including maintaining the interior:
 - (i) free from all dust, dirt, grease, oil, adhesive resin and any other item that can be transferred onto the person, clothing or possessions of a Passenger;
 - (ii) free of all waste paper, cans, garbage or any other item not intrinsic to the operation of the Motor Vehicle;
 - (iii) free of noxious substances;
 - (iv) free of excess wear including tears and cigarette burns in the upholstery;
 - (v) in a dry condition;

- (vi) in good repair;
 - (vii) with working seat belts;
 - (viii) with side windows designed to open and close;
 - (ix) with every seat securely mounted maintaining its position and adjustment; and
 - (x) with a working dome light;
- (e) maintain the exterior of the Limousine:
- (i) free from all dust, dirt, grease, oil, adhesive resin and any other item that can be transferred on the Person, clothing or possessions of a Passenger, except water or snow;
 - (ii) in good repair;
 - (iii) free from exterior body damage;
 - (iv) with no missing or removed fender(s), grill or molding;
 - (v) with securely closing doors and trunk lid;
 - (vi) with all handles and catches in good repair;
 - (vii) properly painted or finished; and
 - (viii) with identical wheel coverings and or wheel design.

SCHEDULE 3
(Number reserved for future use)

SCHEDULE 4 – Mobile Licensing By-law

Relating to Persons who carry on the Business of Taxicab Owners and Drivers and Taxicab Brokers

PART I - DEFINITIONS

1. For the purposes of this Schedule:

"Accessible Taxicab" means an Accessible Motor Vehicle that provides dedicated service for the transportation of disabled Passengers and/or goods for hire or reward;

"Accessible Taxicab Plate" means a metal number Plate issued to a Person licensed as a Plate Owner with respect to an Accessible Motor Vehicle;

"Accessible Motor Vehicle" means a Motor Vehicle originally constructed or subsequently modified to permit the loading, transportation and off-loading without Transfer of Persons confined to a wheelchair or other similar device used to assist the Disabled, and which Motor Vehicles comply with all relevant provincial legislation;

"Airport Permitted Taxicabs" means those Taxicabs operating under a concession agreement at Toronto Pearson International Airport;

"Broker" means any Person who carries on the business of accepting calls and dispatching Taxicabs including those belonging to the Broker;

"Disabled" means a person who requires the use of an Accessible Taxicab or an Accessible Motor Vehicle that is licensed as a Taxicab for transportation;

"Dispatch" means the communication given in any manner of an order or information in any manner to a Driver;

"Dispatcher" any Person who is employed by a licensed Broker and Dispatches Taxicabs for a brokerage;

"Driver" means any person who drives an Accessible Taxicab or a Taxicab;

"Fare" means the amount displayed on the Taxicab Meter at the conclusion of a Trip, or the flat rate allowed pursuant to this By-law for the Trip, together with any additional charges allowed pursuant to this By-law;

"Lease" means any contract, agreement, understanding or other arrangement whereby a Plate Owner permits another Person to manage, operate, control, have custody of, or otherwise employ his or her Taxicab Plate, and "to Lease a Plate" includes the act of any Plate Owner entering into or becoming a party to such a contract, agreement, understanding or other arrangement. Without limiting the generality of this paragraph, Lease includes a power of attorney, management contract, "cash-in" agreement, and any other arrangement or agreement whereby any Person other than a Plate Owner or designated custodian is allowed to exercise or does exercise any of the rights set out in this definition;

"Lessee" means, when used in reference to a Taxicab Plate or to a Lease of a Taxicab Plate, any Person who enters into or is a party to a Lease with a Taxicab Owner;

"Lessor" means, when used in reference to a Taxicab Plate or to the Lease of a Taxicab Plate, a Plate Owner who enters into or is a party to a Lease of his or her Taxicab Plate;

"Meter" means a measuring device used in a Taxicab to calculate the Fare payable for the Trip;

"Non-active Driver" means any Person who is required to hold a Taxicab Driver's Licence under this By-law, but is not driving an Accessible Taxicab or a Taxicab;

"Office Manager" refers to any Person who is employed by a licensed Broker who operates, manages, runs or controls the Taxicab brokerage;

"Plate Owner" means the Owner of a Taxicab Plate or Accessible Taxicab Plate and includes any Lessee of that Plate;

"Priority List" means a list of Applicants for a Plate Owner's Licence which is maintained by the Licence Issuer;

"Spouse" means either of two Persons who:

- (a) are married to each other; or
- (b) are not married and have cohabitated in a conjugal relationship:
 - (i) continuously for a period of not less than 3 years;
 - (ii) in a relationship of some permanence if they are the natural or adoptive parents of a child; or
 - (iii) have together entered into a cohabitation agreement under section 53 of the *Family Law Act*;

"Tariff Card" means a card, issued by the City of Brampton showing the rates, as approved by Council;

"Taxicab" means a Motor Vehicle used for the transport of goods and/or Passengers for hire or reward with a minimum of 4 Passenger doors and includes an Accessible Motor Vehicle;

"Taxicab Stand" or "Stand" means an area designated by the property owner and approved by the Licence Issuer to be used by a Taxicab while waiting for or picking up goods or Passengers;

"Transfer" means an arrangement between a Plate Owner and another, whereby the Plate Owner permanently assigns all interest in the Plate to the other;

"Trip" means the distance and time travelled or the distance and time to be travelled, measured from the time and point at which the Passenger first enters the Taxicab to the point at which the Passenger finally leaves the Taxicab;

"Trip Record" means a daily written or electronic record of the details of each Trip; and

"Unlicensed Motor Vehicle" means a Motor Vehicle that is not licensed by the City of Brampton.

PART II - GENERAL

2. (1) No corporation may be licensed as a Driver pursuant to this By-law.
 - (2) No corporation may hold a Broker's Licence or Taxicab or Accessible Taxicab Owner's Licence unless a licensed Driver controls at least 51% of the voting rights attached to the shares of the corporation.
 - (3) Prior to being licensed as a Driver, every Applicant for a Driver's Licence must score a minimum of 80% on a verbal test and minimum of 75% on a written test. The tests shall be set by the Licence Issuer and shall deal with the requirements of this By-law and the geography of the City (such as the location of hospitals, transit terminals, etc.). Any Person found attempting to cheat on either test will receive a score of 0% for both tests and will not be allowed to retake the tests for a period of 6 months.
 - (4) Every Applicant for a Driver's Licence shall provide, to the satisfaction of the Licence Issuer, proof of completion of a Driver training program approved by the Licence Issuer.
 - (5) Subsection 2. (4) will not apply to Licence renewals for Non-active Drivers.
 - (6) Prior to being licensed as a Taxicab or Accessible Taxicab Owner, every Applicant for an Owner's Licence shall hold a current, valid Brampton Taxicab Driver's Licence issued pursuant to this By-law.
 - (7) Prior to being licensed as a Taxicab or Accessible Taxicab Owner, where a corporation is an Applicant for a Taxicab or Accessible Taxicab Owner's Licence, a director of the corporation, who controls at least 51% of the voting rights attached to the shares of the corporation, shall hold a valid Brampton Taxicab Driver's Licence.
 - (8) Despite subsection 2. (6) where a Taxicab or Accessible Taxicab Owner is unable to continue to qualify for a Driver's Licence for medical reasons for any period of time, which satisfactory medical documentation is provided, the requirement to hold a valid Driver's Licence shall be waived for that period.
 - (9) Where a Taxicab Owner has reached the the age of 70 and is no longer able to hold a valid Provincial driver's licence he or she may continue to renew the Taxicab Owner's Licence.
 - (10) Notwithstanding subsection 2. (6) of this schedule, where an owner's licence has been legally transferred to a Spouse from a deceased owner, there will be no Driver requirements for the Spouse of the deceased owner so long as the Spouse successfully completes a Taxicab Owner training program approved by the Licence Issuer.
3. A replacement Plate may be issued to replace a Plate if the Owner satisfactorily accounts for the circumstances of loss of the original Plate to the Licence Issuer and pays the cost of a replacement Plate.

PART III - SPECIAL REQUIREMENTS REGARDING ACCESSIBLE TAXICABS

4. The total number of Accessible Taxicab Plates shall be limited to 12 unless otherwise determined by Council.
5. Every Accessible Taxicab shall be affiliated with a Taxicab Brokerage.
6. An Accessible Taxicab Plate may be Transferred in accordance with the provisions of Sections 28, 29, 30 and 31 of this Schedule, the provisions of which apply to such a Transfer.

7. Every Accessible Taxicab Driver, Owner and Lessee is subject to the provisions of this By-law and Schedule, unless these conflict with the specific provisions of the Accessible Taxicab sections, in which case the specific provisions of the Accessible Taxicab sections shall prevail.
8. Every Driver of an Accessible Taxicab shall securely fasten all wheelchairs so that they are prevented from moving when in motion.

PART IV - DRIVERS

9. Every Driver shall:
 - (a) before operating a Taxicab or Accessible Taxicab examine the Motor Vehicle for mechanical defects, and interior and exterior damage to the Motor Vehicle, and report forthwith any defects found to the Owner of the Taxicab or Accessible Taxicab and the Broker;
 - (b) each day upon completion of the operation of a Taxicab or Accessible Taxicab, return the Motor Vehicle to the Driver's employer and examine the Motor Vehicle as provided above and report all defects in the Motor Vehicle and all collisions to the Taxicab or Accessible Taxicab Owner and the Broker;
 - (c) carry the Taxicab Drivers Licence issued under this By-law and the driver's licence issued under the *Highway Traffic Act R.S.O. 1990, c.H.8* as amended, with him at all times when operating a licensed Motor Vehicle;
 - (d) maintain good grooming, and proper hygiene;
 - (e) behave courteously;
 - (f) provide Passengers with a receipt showing the Driver's name, Licence number and an identifying number for the Taxicab or Accessible Taxicab whenever requested or whenever there is a dispute over the Fare;
 - (g) display the Driver's photograph card in the holder provided;
 - (h) take the shortest possible route to the destination desired by the Passenger, unless the Passenger designates otherwise;
 - (i) serve the first Person requiring the service of the Taxicab or Accessible Taxicab and take the Passenger to any place within the City of Brampton, at any time of the day or night;
 - (j) punctually keep all appointments, and shall not make any new appointment if a previous engagement would prevent the fulfilling of the new appointment;
 - (k) immediately engage the Meter when a Passenger first enters the Taxicab or Accessible Taxicab, which Meter shall remain engaged throughout the Trip except where the destination of a Trip extends beyond the boundaries of the City of Brampton, in which case the driver may offer a flat rate agreement before the Trip to the Passenger and where the Passenger and Driver agree the Meter must be engaged while the Taxicab or Accessible Taxicab is within the City of Brampton;
 - (l) at the conclusion of a Trip, charge only the Fare shown on the Meter, which shall be brought to the Passenger's attention when in the hold position, except that between the hours of 8:00 pm and 6:00 am the

Driver may require a deposit not exceeding \$20.00 or the estimated cost of the Trip which-ever is less; and

- (m) Subsections 9. (k) and 9. (l) do not apply to Airport Permitted Taxicabs when the Trip originates from the Arrivals areas of Toronto Pearson International Airport or is going to the Departure areas of Toronto Pearson International Airport. The Greater Toronto Airport Authority current flat rates shall apply.
10. When a Driver uses a Taxicab or Accessible Taxicab for transportation of Passengers or goods not for hire or reward, the Driver must:
- (a) remove the roof sign from the Taxicab or Accessible Taxicab; and
 - (b) put the Meter in a non-recording mode.
11. No Driver shall:
- (a) drive an Unlicensed Motor Vehicle;
 - (b) carry in the Taxicab or Accessible Taxicab a greater number of Passengers than set out in the manufacturers rating of seating for the Taxicab or Accessible Taxicab;
 - (c) drive a Taxicab or Accessible Taxicab with luggage or any object placed in, hung on, or attached to the Taxicab or Accessible Taxicab in such a manner as may obstruct the Driver's view of the highway;
 - (d) take, consume or have in his or her possession any alcohol, drugs or intoxicants while in charge of a Taxicab or Accessible Taxicab;
 - (e) take on any additional Passenger(s) except with permission of the Passenger(s) already in the Taxicab or Accessible Taxicab;
 - (f) induce any Person to engage the Taxicab or Accessible Taxicab by any misleading or deceiving statement or representation about the location or distance to any destination;
 - (g) publish or use any tariff other than the tariff which has been authorized by this By-law;
 - (h) recover or receive any Fare or charge from any Passenger or Person who has demanded their services which is greater or lesser than the Fare or charge authorized by this By-law except for a tip, gratuity or credit card service charge;
 - (i) recover or receive any Fare or charge from any Passenger who has not been shown the Tariff Card;
 - (j) make any charge under this By-law for time lost through defects or inefficiency of the Taxicab or Accessible Taxicab or the incompetence of the Driver;
 - (k) make any charge for the time elapsed due to early arrival of the Taxicab or Accessible Taxicab in response to a call to arrive at a fixed time;
 - (l) wash a Taxicab or Accessible Taxicab at a public place;
 - (m) make repairs to a Taxicab or Accessible Taxicab which is in a public place, unless such repairs are immediately necessary;

- (n) be required to accept a Fare where a Person is disorderly, refuses to give his or her destination or refuses to pay any deposit as required by this bylaw;
- (o) refuse to serve a Person with a service animal, except where:
 - (i) the Driver has an allergy, and has filed with the Licence Issuer a certificate from his doctor evidencing that due to the allergy the Driver is unable to provide service to a Passenger with a service animal; and
 - (ii) when the Driver is unable to service a Person for the reason set out in subsection 11(o)(i), the Driver shall make proper arrangements for service before proceeding to his or her next engagement;
- (p) be required to accept an order from a Person who owes a previous Fare or service;
- (q) obstruct or interfere with the traffic pattern at a public place; or
- (r) smoke or permit anyone to smoke in the Taxicab or Accessible Taxicab.

PART V - PLATE OWNERS

- 12. Every Taxicab or Accessible Taxicab Owner shall:
 - (a) employ or use only the services of licensed Drivers;
 - (b) submit the Taxicab or Accessible Taxicab for inspection and approval by the Licence Issuer when Transferring a current Plate to a new Motor Vehicle; and
 - (c) ensure that any Plate issued under this By-law is affixed to the Taxicab or Accessible Taxicab in a manner and location approved by the Licence Issuer;
- 13. No Taxicab or Accessible Taxicab Owner shall:
 - (a) use a cancelled Plate; or
 - (b) operate a Taxicab or Accessible Taxicab without a Plate or with an illegible Plate.

PART VI - DRIVERS AND PLATE OWNERS

- 14. No Person shall operate or permit to be operated any Taxicab or Accessible Taxicab that is not in good mechanical condition.
- 15. Every Driver shall keep at all times the original or a photocopy of the current Plate Owner's Licence in the Taxicab or Accessible Taxicab to which it pertains.
- 16. No Person licensed to drive a Taxicab or Accessible Taxicab shall drive more than an average of 12 hours per day calculated over any 7 day period.
- 17. Any Person with a Taxicab Driver's Licence shall immediately report any suspension of his or her Ontario driver's licence to the Licence Issuer.

18. No Person shall be permitted to have exclusive rights to or enter into or become a party to any exclusive concession agreement for any Taxicab Stand in the City.

PART VII - DESIGNATED AGENT/ MANAGER

19. (1) No Person shall act as an agent for a Plate Owner in respect of a Taxicab or Accessible Taxicab except as permitted by this section.
- (2) A Taxicab or Accessible Taxicab Owner may designate as an agent to operate the Plate on the Plate Owner's behalf, any Person who is a licensed Driver, Plate Owner or Broker.
- (3) A notice of designated agent shall include:
- (a) the full name of the Taxicab or Accessible Taxicab Owner;
 - (b) the number of the Licence and Plate(s) for the Taxicab or Accessible Taxicab to which such designation relates;
 - (c) the term for which the Person designated therein is granted authority by the Plate Owner in respect of the Taxicab or Accessible Taxicab; and
 - (d) the terms of the agency agreement, including any consideration paid therefore.
- (4) If the authority of an agent designated under this section terminates before the end of the term set out in the notice of designated agent, the Taxicab or Accessible Taxicab Owner shall forthwith file a written notice thereof with the Licence Issuer, and for the purposes of this By-law, the obligations and requirements applicable to such authorized agent shall cease upon the filing of such notice.
- (5) The designation of an agent by a Taxicab or Accessible Taxicab Owner pursuant to this section shall not be deemed to be a Lease for the purposes of this By-law unless the agent operates the Taxicab or Accessible Taxicab, in which case the provisions of this By-law shall apply.

PART VIII - LEASE OF PLATE

20. Except as provided for in this Part, no Taxicab or Accessible Taxicab Owner shall Lease his or her Taxicab Plate.
21. Every Lessee must meet all requirements of this By-law pertaining to Plate Owners, and must provide the Licence Issuer with any documents required by this By-law.
22. A Plate Owner or his or her designated agent may Lease his or her Taxicab or Accessible Taxicab Plate, provided that:
- (a) if the Lessee is a corporation all of the corporate requirements under this By-law are met;
 - (b) if the Lessee is an individual person, he or she must be licensed as a Driver under this By-law;
 - (c) the Motor Vehicle to be Plated is submitted for inspection and meets the requirements of this By-law and the Plate issued to such Plate Owner, affixed to the Taxicab or Accessible Taxicab, is included in the subject-

matter of the Lease, and remains affixed thereto throughout the term of the Lease;

- (d) the Lease provides that it may be terminated by either party on giving the other party an agreed upon period of time in writing to the termination date;
 - (e) the Lease is reduced to writing and signed by the parties thereto; and
 - (f) a written Lease is filed with the Licence Issuer on the first day upon which it comes into effect, or the day upon which the exercise of any rights or obligations pursuant thereto, takes place or becomes effective, whichever occurs first.
23. The written Lease may be in a form approved by Licence Issuer, or may be in any form agreed to by the parties thereto, provided that it complies with this By-law, and discloses and gives full particulars of:
- (a) the date of its execution;
 - (b) the names and City of Brampton file numbers of the parties thereto;
 - (c) its effective date;
 - (d) its termination date;
 - (e) full particulars of the consideration given by each party to the Lease, including the amount of the leasing fee or rental and a breakdown of all other amounts to be paid by the Lessee to the Lessor arising out of the Lease, together with a list of all services, rights or other consideration given to the Lessee by the Lessor in return therefor; and
 - (f) full particulars as to the responsibility of the parties for the maintenance, repairs, gas and oil for the Taxicab or Accessible Taxicab, and any requirements as to where and how any such repairs or purchases are to be made and as to payment therefor.
24. Every Owner shall notify the Licence Issuer in writing of the expiration or other sooner termination of any Lease to which he or she is a party, or of any change in custody and control over his or her Plate, forthwith after the expiration or cancellation of the Lease, or the change, has occurred. Such notice shall include any notice of designation or new Lease entered into by the Plate Owner with respect to his or her Plate, and a statement as to the identity of the party having custody and control over the Plate at that time, and of any person managing or operating the Plate.

PART IX - BROKERS

25. Every Broker shall:
- (a) maintain a permanent business office within the City of Brampton;
 - (b) require all Plate Owners, Lessees and Drivers who have entered into arrangements with the Broker for the provisions of brokerage services to use a design of roof sign approved by the Licence Issuer;
 - (c) provide the Licence Issuer with a list of all Plate Owners to whom the Broker Dispatches or with whom the Broker has entered into any arrangement for services. Such list shall include every Taxicab and Accessible Taxicab to whom the Broker Dispatches and shall identify all Motor Vehicle Plate numbers;

- (d) notify the Licence Issuer, in writing, within 3 days of any additions to or deletions from the list provided above;
 - (e) provide the Licence Issuer with the number of completed Dispatched Trips for the previous year by March 1st of the following year;
 - (f) carry on the brokerage business 24 hours a day during the term of his or her Licence;
 - (g) not accept calls for, or in any way Dispatch or direct calls to Unlicensed Motor Vehicles;
 - (h) not accept calls for, or in any way Dispatch or direct calls to a Taxicab or Accessible Taxicabs where the activity would be an illegal or an unlawful act;
 - (i) supply the Licence Issuer with a copy of the Broker's Federal Radio License "call" sign and frequency number;
 - (j) inform customers of the approximate time of day where delay is anticipated before accepting the order;
 - (k) dispatch only to licensed Drivers;
 - (l) when Dispatching to Accessible Taxicabs, keep accurate records of the number of Trips each has made for Disabled and non-Disabled Passengers which shall be available for inspection by the Licence Issuer on a monthly basis;
 - (m) ensure that where one or more Accessible Taxicabs are affiliated with the Broker, there is a least one Accessible Taxicab available to service an order for a Disabled Passenger anytime day or night;
 - (n) where service requested is of a type which would require an Accessible Taxicab and the Broker is unable to provide such service, direct the Person requesting such service to a Broker that can provide such service;
 - (o) where the Broker provides Accessible Taxicabs and such service is requested by a Disabled Person, provide priority service for such request; and
 - (p) ensure prompt and courteous service to the public.
26. No Broker shall be compelled to accept an order from a Person who has not made payment for any previous Trip.

PART X - PLATE OWNER OR LESSEE TERMINATION WITH BROKER

27. Where a Plate Owner ceases to operate through a Broker, the Plate Owner shall forthwith:
- (a) remove from the Taxicab or Accessible Taxicab:
 - (i) the roof sign, telephone number;
 - (ii) colour scheme, any decals or other Broker markings; and

- (iii) the radio frequency for the Broker they have ceased to operate through and they shall provide proof of this action to the Licence Issuer;
- (b) return all business cards and other equipment belonging to the Broker; and
- (c) erase any Brokerage data from any mobile data terminal (MDT) or return the MDT to the Brokerage.

PART XI - TRANSFER

- 28. No Plate shall be Transferred except with the written consent of the Licence Issuer.
- 29. Every Owner who Transfers their Licence shall:
 - (a) complete and file a declaration, in the form provided by the Licence Issuer;
 - (b) provide to the Licence Issuer a fully executed copy of the complete Transfer agreement with respect to the Plate being Transferred; and
 - (c) return to the Licence Issuer the Owner's Licence and Plate which are being Transferred.
- 30. No Licence may be Transferred to any Person who does not meet all other relevant requirements of this By-law.
- 31. Where the majority shareholder changes in a corporation that is a licensed Owner, it shall be deemed a Transfer and all provisions related to ownership and corporations shall apply.

PART XII - DISPOSAL OF TAXICAB OR ACCESSIBLE TAXICAB

- 32. (1) Where the Plate Owner ceases to Operate a Taxicab or Accessible Taxicab, it must be converted to a Motor Vehicle without Taxicab or Accessible Taxicab identification by removing:
 - (a) the roof sign with indicator light;
 - (b) the Meter;
 - (c) all identifying decals or markings;
 - (d) fender numbers; and
 - (e) any other markings, which would identify the Motor Vehicle as a Taxicab or Accessible Taxicab.
- (2) Where a Motor Vehicle ceases to be operated as a Taxicab or Accessible Taxicab, the Plate Owner shall immediately notify the Licence Issuer.

PART XIII - TAXICAB STANDS

- 33. Every Driver shall:
 - (a) enter only at the end of the line when entering a line of Taxicab or Accessible Taxicabs at a Stand;

- (b) direct the Person to the first Taxicab or Accessible Taxicab in line if a Person enters a Taxicab or Accessible Taxicab which is not the first Taxicab or Accessible Taxicab in line at the Stand;
 - (c) stay sufficiently close to the Taxicab or Accessible Taxicab in line at a Stand to have it under constant observation; and
 - (d) when next in line at a Stand, advance his or her Taxicab or Accessible Taxicab when a vacancy occurs at the Stand.
34. No Driver shall:
- (a) wash a Taxicab or Accessible Taxicab at a Stand;
 - (b) make repairs to a Taxicab or Accessible Taxicab, which is in line at a Stand, unless such repairs are immediately necessary;
 - (c) allow a Taxicab or Accessible Taxicab to push or bump any other Taxicab or Accessible Taxicab;
 - (d) Pick up any Passenger within 200 metres of a Stand when there is a Taxicab or Accessible Taxicab at the Stand, unless the Driver has previously arranged to pick up the Passenger at that location; or
 - (e) Obstruct or interfere with the traffic pattern at a Taxicab Stand.

PART XIV - MOTOR VEHICLE MARKINGS, EQUIPMENT AND MAINTENANCE

35. (1) Each of the following is mandatory equipment for any Taxicab or Accessible Taxicab:
- (a) if the Taxicab is not an Accessible Taxicab, a roof sign with indicator light in a mode of operation approved by the Licence Issuer;
 - (b) if the Driver of the Taxicab or Accessible Taxicab is affiliated with a Broker, the Broker's name on the roof sign;
 - (c) if the Driver of the Taxicab or Accessible Taxicab is not affiliated with a Broker, the roof sign must indicate that the Motor Vehicle is a Taxicab or Accessible Taxicab, and be approved by the Licence Issuer;
 - (d) the Plate number affixed to the front fenders as approved by the Licence Issuer. The numbers shall be six inches in height, either black or white in colour, contrasting with the Motor Vehicle colour;
 - (e) a Meter;
 - (f) equipment to permit the Driver to accept major credit card or debit card payments;
 - (g) if the Taxicab or Accessible Taxicab is powered by propane or natural gas, a valid sticker or certificate affixed to the windshield and in plain view;
 - (h) no smoking signs;
 - (i) an in-car surveillance camera that meets the operational specifications of the Licence Issuer and is maintained and operating at all times that the Motor Vehicle is used;

- (j) an emergency light system that can be activated by a Driver in emergency situations;
 - (k) 2 decals approved by the Licence Issuer stating that photographic images of Passengers in the Taxicab or Accessible Taxicab are being recorded;
 - (l) a decal approved by the Licence Issuer stating that the Taxicab or Accessible Taxicab is equipped with an emergency light system;
 - (m) identical wheel coverings and or wheel design; and
 - (n) an operable air conditioning and heating system
- (2) It is an offence for any Driver to drive, or permit to be driven any Taxicab or Accessible Taxicab without the mandatory equipment set out in Section 35(1) or with equipment that is not in good working order.
- (3) Where the Licence Issuer believes a licensed Taxicab or Accessible Taxicab may be mechanically defective or unsafe, the Licence Issuer may require the Plate Owner or Driver to submit the Taxicab or Accessible Taxicab for inspection by the Licence Issuer, or for examination by a qualified mechanic, or the Licence Issuer may remove the Plate and require the Owner or Driver to submit the Motor Vehicle forthwith for examination by a mechanic.
- (4) If the Licence Issuer is not satisfied with an inspection, he or she may require the Taxicab or Accessible Taxicab to be re-examined by a mechanic of the Licence Issuer's choice.
- (5) No person shall drive or permit to be driven a Taxicab or Accessible Taxicab with after-market tint or window marking that is not approved by the Licence Issuer.
- (6) The licensed Taxicab or Accessible Taxicab must have useable trunk capacity such that the Motor Vehicle is capable of accommodating a wheelchair, walker or similar device used to aid the Disabled.
- (7) No Motor Vehicle shall be initially licensed under this By-law as a Taxicab or Accessible Taxicab unless the model year of the Motor Vehicle is not older than 5 years. In determining the age of the Motor Vehicle, the model year shall be considered zero.
- Example: In the year 2010, a Motor Vehicle with a model year of 2009 is 1 year old.
- (8) A Plate Owner may apply for an extension of up to 3 years on the model year for any Licence given under this By-law provided the appropriate fee is paid, the Taxicab or Accessible Taxicab meets all of the Motor Vehicle marking, equipment and maintenance provisions of this By-law, and the Motor Vehicle successfully completes all inspections as required by the Licence Issuer.
36. No Person who operates a Taxicab or Accessible Taxicab shall display any emblem, decal, advertisement or other markings on or in the Taxicab or Accessible Taxicab which has not been approved as to form and location by the Licence Issuer.

PART XV - TAXICAB METER

37. (1) Following are the rules to be applied to the Meter referred to in subsection 35. (1)(e):

- (a) the Meter shall be submitted for testing, inspection and sealing as required by the Licence Issuer;
- (b) when the Licence Issuer is not available to seal the Taxicab Meter, the Plate Owner or Driver who has had the Meter altered, repaired or replaced in the Taxicab or Accessible Taxicab may operate the Taxicab or Accessible Taxicab on weekends for a period up to 72 hours and, for a period up to 48 hours during the week, provided that the Driver has in his or her possession a certificate or receipt for the repair or installation of the Meter signed by the person who made the repairs or installation, and setting out the date, time and nature of the repair or installation;
- (c) the Meter shall be illuminated between sunset and sunrise;
- (d) the Meter shall be in a raised position, in plain view of the Passengers, and approved by the Licence Issuer;
- (e) the Meter shall be adjusted in accordance with the rates prescribed in Appendix H;
- (f) the Meter shall be tested by running the Taxicab or Accessible Taxicab to which it is attached over a measured track or distance before being sealed, or by such mechanical means as the Licence Issuer may approve;
- (g) the Meter shall be used only when the seal thereon is intact;
- (h) the Meter shall be kept in good working condition at all times and not used when defective in any way;
- (i) the Meter shall be numbered; and
- (j) the Meter shall be of a make and model approved by the Licence Issuer; and

- (2) It is an offence to drive or permit a Taxicab or Accessible Taxicab to be driven for a Fare when any of the rules in section 37. (1) are not complied with.

PART XVI - TARIFF CARD AND TRIP RECORDS

38. (1) Every Plate Owner or Lessee shall obtain from the Licence Issuer a Tariff Card that shall be displayed in the Taxicab or Accessible Taxicab in a conspicuous place clearly visible to the Passenger(s).
- (2) Every Driver shall ensure the Tariff Card is displayed in the Taxicab or Accessible Taxicab in a conspicuous place clearly visible to the Passenger(s).
39. The Tariff will be reviewed each year and any changes to the Tariff will come into effect with the Owner's Licence renewal.
40. (1) Every Driver shall keep a Trip Record and such record shall be completed prior to the commencement of the next following Trip and shall include the following:
- (a) the Ontario Motor Vehicle permit number and the City of Brampton Taxicab or Accessible Taxicab number of the Motor Vehicle used;
 - (b) the name and identification number of the Driver;
 - (c) the date, time and location of the beginning and end of each Trip; and

- (d) the amount of the Fare collected for each Trip.
- (2) A Driver shall not obstruct traffic while writing up the Trip Record.
- (3) Every Driver shall retain for a period of at least 3 years, all Trip Records and shall make these records available for inspection by the Licence Issuer.

PART XVII - MOTOR VEHICLE INSPECTIONS

- 41. (1) No Plate Owner shall operate or permit to be operated any unlicensed Motor Vehicle.
- (2) If the Licence Issuer suspects that a Motor Vehicle is or may cause a danger to the health or safety of any Person or property, the Licence Issuer shall advise the Plate Owner or Driver in control of the Motor Vehicle and he or she shall immediately submit the Motor Vehicle for inspection to the Licence Issuer.
- (3) A Motor Vehicle that the Licence Issuer has requested be inspected or is submitted to the Licence Issuer under subsection 40. (2) shall not be operated or permitted to be operated until it has passed the inspection.
- (4) The Licence Issuer may immediately suspend the License of a Person who fails to comply with Sections 41. (1), 41. (2) or 41. (3).
- 42. (1) Every Person who Operates or permits to be Operated a Motor Vehicle licensed under this By-law shall submit the Motor Vehicle for inspection as directed by the Licence Issuer.
- (2) It is an offence for a Owner of a Motor Vehicle that is intended to be or is being used as a Taxicab or Accessible Taxicab to fail to submit such Motor Vehicle for inspection after being directed to do so by the Licence Issuer.
- 43. It is the responsibility of every Plate Owner and Driver of any Taxicab or Accessible Taxicab licensed under this By-law to ensure that the Taxicab or Accessible Taxicab is:
 - (a) clean;
 - (b) free of any mechanical defects;
 - (c) in good repair as to its interior and exterior portions; and
 - (d) free from exterior body damage and has a well maintained exterior paint finish and trim.

PART XVIII - PLACEMENT ON THE PRIORITY LIST

- 44. The Licence Issuer shall not accept any new Application for a Taxicab or Accessible Taxicab Owner's Plate, from any Person not on the Priority List, nor shall any new names be added to the Priority List, for a period of five years commencing on November 9th, 2009.
- 45. An Applicant for a Plate Owner's Licence whose name has reached the top of the Priority List is not eligible to be issued such a Licence, unless the following requirements are met:
 - (a) the Applicant has been licensed as a Driver for at least 12 months prior to the date that the Application for the Plate Owner's Licence is filed with the Licence Issuer; and

- (b) the Applicant has been driving a licensed City of Brampton Taxicab for an average of at least 24 hours per week for at least 40 weeks within the 12 month period preceding the date the Application is filed with the Licence Issuer, and has filed supporting documentation to that effect to the satisfaction of the Licence Issuer which documentation may include Trip Records.
- 46. Any Person who Transfers an Owner's Plate shall relinquish their present position on the Priority List and may reapply as a new Applicant.
 - 47. A Dispatcher or Office Manager who wishes to be placed on the Priority List shall work a minimum of 24 hours per week for 40 weeks of the year during the 12 months immediately preceding the Dispatcher's or Office Manager's application for a Taxicab Plate.
 - 48. For the purposes of this section, no corporation shall be allowed on the Priority List.

PART XIX - STAYING ON THE PRIORITY LIST

- 49. (1) In order to remain on the Priority List, a Person must pay the appropriate fee and the Licence Issuer may require at any time:
 - (a) a statement in writing signed by every Person by whom the Applicant was employed or to whom the Applicant provided service as a Taxicab Driver, Taxicab Dispatcher or Office Manager, that the Applicant worked as such, for at least 24 hours per week for 40 weeks during the preceding 12 months;
 - (b) a copy of the Applicant's relevant T4 Slips and Income Tax Return for the preceding year in the form in which it was submitted to the Federal Government; or
 - (c) a copy of Trip Records for the preceding year.
- (2) Any Person on the Priority List who fails to provide the required documentation or pay the appropriate annual fee shall be removed from the Priority List.
- (3) A Person on the Priority List who wishes to remain on the list while he or she is unable to drive a Taxicab because of illness, injury or other medical reasons, must file with the Licence Issuer medical documentation establishing that throughout the period in question the Person was physically unable for medical reasons to drive a Taxicab.
- (4) For the purposes of section 49. (3), in order to stay on the Priority list the period of time that a Person is physically unable to drive a Taxicab due to illness, injury or other medical reasons cannot exceed 2 years.
- (5) An Applicant who has been on the Priority List for four years may remain on the list while the Applicant attends an accredited Ontario university or community college on a full time basis, provided that:
 - (a) the attendance does not exceed 24 months;
 - (b) immediately on attending the institution, the applicant files with the Licence Issuer proof of enrolment in such institution; and
 - (c) the Applicant files proof of successful completion of the course of study.

PART XX - INSPECTION OF PRIORITY LIST

50. The Priority List shall be available for inspection during business hours, at the office of the Licence Issuer.

PART XXI - REVIEW OF THE PRIORITY LIST

51. The Licence Issuer shall review the Priority List at regular intervals, a minimum of once per calendar year, to determine that the listed Persons are in compliance with the provisions of this Schedule and any Person whose name is on the list who fails to comply with the provisions for this Schedule, shall be notified by the Licence Issuer that his or her name is to be removed from the Priority List and such a Person may appeal this decision.

PART XXII - INVESTIGATION OF COMPLAINTS

52. Where a complaint is received from any source, at any time, related to the qualifications of a Person to be on or remain on the Priority List, the Licence Issuer shall:
- (a) note beside the name on the Priority List that an objection has been received; and
 - (b) investigate the reasons for the complaint, and based on the findings the Licence Issuer shall:
 - (i) if the findings of the investigation indicate non-compliance of the Priority List requirements, issue a notice to the Person on the Priority List named in the objection, his or her intentions to remove the name from the Priority List; or
 - (ii) if the findings of the investigation indicate compliance of the Priority List requirements, no further action shall be taken.

PART XXIII - REMOVAL FROM THE LIST

53. A Person who has been notified that his or her name has been removed from the Priority List shall have 15 days from the date of such notification of removal, to file a written request to the Tribunal for an appeal hearing. Such appeal hearing shall be heard as soon as possible by the Tribunal and the provisions of this By-law relating to appeal hearing shall apply.

PART XXIV - ONUS OF PROOF

54. Where the Person named in the notice fails to meet any of the requirements to remain on the Priority List the onus of proving compliance with the provisions of this Schedule before the Tribunal shall rest with the Person named in the notice.

PART XXV - ISSUANCE OF PLATE FROM PRIORITY LIST

55. (1) Whenever a Plate is to be issued, it shall be issued to the Person whose name appears first chronologically on the Priority List and qualifies.
- (2) The formula for the issuance of Taxicab Owner's Licences (Plates) shall include four criteria, factors within each of those criteria and the weighting of the criteria as set out in Appendix I.

- (3) The formula for the issuance of Taxicab Owner's Licences (Plates) shall be applied on an annual basis with the issuance of additional Licences occurring in October, year over year.
- (4) The statistical information related to the factors within the four criteria referred to in subsection 55. (2) shall be obtained from such sources as the Licence Issuer deems to be reliable so that valid comparisons can be made year over year.
- (5) Whenever the Licence Issuer intends to issue a Plate from the Priority List, he or she shall first publish notice of his or her intention to issue and shall publish the names of the Persons, shown to be entitled to the issuance of the Plate, according to the Priority List.
- (6) The notice referred to Subsection 55. (5) shall be published once, in a newspaper of general circulation in the City of Brampton.
- (7) Where a Plate is issued to an Applicant whose name is on the Priority List, the name of that Applicant shall be removed from the list by the Licence Issuer.

PART XXVI - OBJECTION

56. (1) Any person objecting to the issuance of a Taxicab Plate, must file an objection within 10 days following the date of publication of the notice.
- (2) Objections will be heard by the Tribunal at the next meeting following the expiry of the time for objections.
- (3) The Person objecting to the issuance of the Licence shall be the appellant on the hearing, and shall have the onus of proof before the Tribunal.

PART XXVII - LICENCE BECOMES AN ASSET OF AN ESTATE

57. The provisions of Section 29 of this Schedule do not apply where the Licence becomes the asset of the estate of a deceased Owner.
58. Where the Owner of a Taxicab or Accessible Taxicab Licence dies the Licence becomes an asset of the estate and may be held in the name of the estate for a period of one year from the transfer and if it is not disposed of in that period it may be revoked by the Licence Issuer.
59. (1) Where the Owner of a Taxicab or Accessible Taxicab Licence is a corporation and the individual Person holding at least 51% of the shares of the corporation dies, such shares may only be transferred or otherwise disposed of to an individual who is licensed as a Driver under this By-law.
- (2) Notwithstanding Section 59(1) of this Schedule, where the shares have been legally transferred to a Spouse, there will be no Driver requirements for the Spouse of the deceased Individual, provided the Spouse successfully completes a Taxicab Owner training program approved by the Licence Issuer.
60. Where the Owner of a Taxicab or Accessible Taxicab Licence dies and where the Motor Vehicle Ownership is not solely in the Lessee's name, the following shall be filed with the Licence Issuer by the personal representative of the estate:
 - (a) a copy of the death certificate;
 - (b) proof of insurance in the name of the estate; and
 - (c) proof of ownership in the name of the estate;

61. Where the Owner of a Taxicab or Accessible Taxicab Licence dies and where the Motor Vehicle ownership is solely in the Lessee's name, the following shall be filed with the Licence Issuer by the personal representative of the estate:
 - (a) a copy of the death certificate; and
 - (b) proof of insurance in the name of the estate.

62. Where the Owner of a Taxicab or Accessible Taxicab Licence dies, the Licence may only be transferred or otherwise disposed of by the personal representative of the estate who shall confirm their status by filing with the Licence issuer either:
 - (a) a Certificate of Appointment for Estate Trustee with a Will; or
 - (b) a Certificate of Appointment for Estate Trustee without a Will.

SCHEDULE 5
(Number reserved for future use)

**Appendix A - Mobile Licensing By-law
Licence Fees**

MOBILE LICENCE FEES	YEARLY FEE	TWO YEAR FEE
Schedule 1- Driving Schools:		
Driving School Operator	\$140	
Driving School Instructor	\$87	\$174
Driving School Motor Vehicle Owner	\$154	
Schedule 2 - Limousines:		
Limousine Owner	\$242	
Limousine Driver	\$87	\$174
Schedule 4 - Taxicabs:		
Broker- New	\$558	
Broker- Renewal	\$437	
Taxicab/Accessible Taxicab Owner - New	\$3,472	
Taxicab/Accessible Taxicab Owner - Renewal	\$386	
Taxicab/Accessible Taxicab Owner - Transfer	\$3,472	
Taxicab/ Accessible Taxicab Owner - Transfer from an Owner to their Spouse	\$113	
Taxicab/ Accessible Taxicab Owner - Transfer from the registered Owner to a sibling child of the Owner	\$113	
Taxicab/ Accessible Taxicab Owner - Transfer to a corporation controlled by that Owner	\$113	
Taxicab Driver	\$87	\$174
All Schedules-ADDITIONAL FEES	Each Item	
Replacement of Driver or Owner Licence	\$30	
Closed Application Fee	\$50	
Late Renewal	\$50	
Replacement of Plate	\$58	
Vehicle Inspection Fee	\$113	
Schedule 4 - Taxicabs - ADDITIONAL FEES:	Each Item	
Extension of Vehicle Model Year	\$113	
Filing of Lease	\$58	
Replacement of Driver's Photo I.D. Card	\$30	
Replacement of Tariff card	\$30	
Taxicab Priority List - Initial Application	\$113	
Taxicab Priority List -Renewal	\$58	

These rates shall automatically increase and be rounded up to the nearest dollar on the first day of January in each year by the percentage increase in the All Items Index of the Consumer Price Index (not seasonally adjusted) for the Toronto Census Metropolitan Area, published by Statistics Canada, during the 12-month period ending on September 30 in the year immediately preceding the rate increase date.

**Appendix B - Mobile Licensing By-law
Licence Expiry Date**

MOBILE LICENSING EXPIRY DATES	EXPIRY DATE
Schedule 1- Driving Schools:	
Driving School Operator	February 28
Driving School Instructor	Date of Birth
Driving School Motor Vehicle Owner	April 30
Schedule 2 - Limousines:	
Limousine Owner	September 30
Limousine Driver	Date of Birth
Schedule 4 - Taxicabs:	
Broker	February 28
Taxicab/Accessible Taxicab Owner	May 31
Taxicab Driver	Date of Birth
Taxicab Priority List	Date of Birth

Appendix C



The Corporation of the City of Brampton

Certificate of Insurance

Enforcement and Bylaw Services – Licensing

(MOBILE)

Proof of Insurance will be accepted on this form only.
****IF A FACSIMILE HAS BEEN TRANSMITTED, THE ORIGINAL CERTIFICATE MUST FOLLOW****

LICENCE TYPE	<input type="checkbox"/> Taxi Cab Brokerage	<input type="checkbox"/> Driving School (DS)	PLATE NO. :
	<input type="checkbox"/> Taxi Cab Operator	<input type="checkbox"/> Driving School Vehicle	
	<input type="checkbox"/> Limousine		
Vehicle(s) Make	Year	Model	Serial Number
			Owner

This is to certify that the policies of insurance as described below have been issued by the undersigned to the insured named below and are in force at this time.

NAME OF INSURED(LESSOR, if applicable)	TELEPHONE NUMBER AREA CODE
ADDRESS	▷ () - -
	CITY POSTAL CODE
NAME OF INSURED(LESSEE, if applicable)	TELEPHONE NUMBER AREA CODE
ADDRESS	▷ () - -
	CITY POSTAL CODE

TYPE OF INSURANCE	INSURER'S NAME	POLICY NUMBER	EFFECTIVE (YR./MO./DAY)	EXPIRY DATE (YR./MO./DAY)	LIMITS OF LIABILITY
COMMERCIAL GENERAL LIABILITY					\$ 2,000,000
AUTOMOBILE LIABILITY					\$ 2,000,000

This will confirm the above vehicle insurance, with an OPCF 6A Endorsement (**Taxi & Limousine Licence ONLY**) or an OPCF 6D (**Driving School Vehicle**) is in full force and effect as of this date and issued in compliance with The Corporation of the City of Brampton, Licensing Department By-Laws. If any of the above insurance policies are cancelled so as to reduce the coverage during the coverage period as stated above, so as to affect this certificate, 10 days' notice of cancellation for non-payment or 30 days' notice for cancellation of the policy will be given by the insurer to:

The Corporation of the City of Brampton - Licensing
 485 Chrysler Drive
 Brampton, Ontario L6S 6G3
 Phone: 905-458-3424 Fax: 905-458-3903

NOTE: In the event of a change in vehicles, a Substitution Endorsement is to be filed with the Licensing Department.
 This certificate is executed and issued to the aforesaid Corporation of the City of Brampton, the day and date herein written below:

DATE	YR. MO.	NAME OF INSURANCE COMPANY (not broker)
DAY	▷	
NAME OF INSURANCE BROKER		AUTHORIZED REPRESENTATIVE OR OFFICIAL
		BY:

***** THIS FORM MUST BE COMPLETED & SIGNED BY YOUR INSURANCE BROKER *****

**Appendix D – Mobile Licensing By-law
Plate Removal**

Mobile Licensing By-law

Section 5 (fail to obtain licence)
Section 10-11, 15-18 (fail to supply proper information on application form)
Section 24 (fail to report other Regulatory Body Licence suspension)
Section 37 (fail to notify of change of information)
Section 47 (insurance)

Schedule 1 to the By-law

(Relating to persons who carry on the business of teaching persons to operate motor vehicles, including truck driving schools and driving instructors employed in such business)

Section 10 (Driving School Motor Vehicle Owner)

Schedule 2 to the By-law

(Relating to limousines, limousine drivers and owners)

Section 6 (Owners duties)
Section 7 (Owners prohibitions)
Section 8 (no Limousine examination)
Section 9 (Limousine standards)

Schedule 4 to the By-law

(Relating to taxicabs, brokers, owners and drivers)

Section 2 (being a licensed driver)
Section 5 (affiliation with a brokerage)
Section 7 (trip sheets)
Section 13-14 (owners duties and prohibitions)
Section 15 (mechanical condition)
Section 17 (Drive more than 12 hours)
Section 20, 22, 24 (lease of plate)
Section 27 (leave broker)
Section 32 (Cease to operate a vehicle)
Section 36, 37 (vehicle equipment and markings)
Section 38 (meter)
Section 42-44 (vehicle inspection)

Appendix E - Mobile Licensing By-law THRESHOLD POLICY

POLICY STATEMENT:

This policy deals with Applicants or Licensees who must submit a police check or driver's abstract as part of their Licence Application. When a police check reveals a prior conviction for a serious offence, the Licence Issuer must conclude that it is not in the public interest for the person to be licensed and refuse or suspend the licence.

When a Licence is refused or suspended, the Licence Issuer will advise the Applicant or Licensee in writing, setting out the specific conviction that forms the basis of the decision, and tell the Applicant or Licensee of the right to appeal to the Brampton Appeal Tribunal and the deadline for appealing. Any appeal letter must contain reasons in support and be accompanied by the appropriate appeal fee as set out in the City's User Fee By-law. The Tribunal makes the final decision and there is no further right to appeal to City Council.

In the course of an application, the Licence Issuer may also inquire into pending court cases and issue a conditional Licence to the date of the expected court date. Withholding the fact of a pending court date from the Licence Issuer is itself a ground for suspension of the Licence.

SCOPE:

The thresholds will apply to Licences issued by the City of Brampton pursuant to the following Schedules under Mobile Licensing By-law:

Schedule 1 Driving Schools
Schedule 2 Limousines
Schedule 4 Taxicabs

1-A Despite an application being complete and all fees paid the Licence Issuer shall refuse to issue or renew a Licence and in the case of an existing Licence, the Licence Issuer shall suspend the Licence, if an Applicant or Licensee has:

- (1) any code 01 conviction;
- (2) any code 02 conviction within the last ten years;
- (3) any code 03 conviction within the last five years;
- (4) two or more code 03 convictions within the last ten years;
- (5) any code 04 conviction within the last three years;
- (6) two or more code 04 convictions within the last five years;
- (7) any code 05 or 07 conviction within the last year;
- (8) any code 06 conviction within the last three years;
- (9) three or more code 08 convictions within the last year;
- (10) nine or more demerit points, as defined in the *Highway Traffic Act*, on the driver's abstract provided to the Licensing Department;
- (11) six or more by-law related* convictions within the last year concerning the licensed business or individual, or any other of the individual's businesses that are licensed or are required to be licensed, or any of the individual's prior businesses that were licensed or were required to be licensed; four or more by-law and related* convictions within the twelve-months immediately preceding the date of issuance;

(12) any code 09 event within the last year; or

(13) overdue by-law fines, unless the Applicant or Licensee provides proof that such fines have been subsequently paid.

1-B The Licence Issuer shall issue, renew or reinstate a Licence, if at the time of the Application for a Licence or Licence renewal, the conviction or event has reached the age set out below.

(1) The code 02 conviction is more than ten years old;

(2) If the Licence was not issued because of a single code 03 conviction, when that conviction becomes more than five years old,

(3) If the Licence was not issued because of two or more code 03 convictions, when at least two of those convictions become more than ten years old;

(4) If the Licence was not issued because of a single code 04 conviction, when that conviction is more than three years old;

(5) If the Licence was not issued because of two or more code 04 convictions, when at least two of those convictions are more than five years old;

(6) If the Licence was not issued because of a single code 05 or code 07 conviction, when that conviction is more than a year old;

(7) If the Licence was not issued because of a single code 06 conviction, when that conviction is more than three years old;

(8) If the Licence was not issued because of two or more code 06 convictions, when at least two of those convictions are more than five years old;

(9) If the Licence was not issued because of a single code 07 conviction, when that conviction is more than one year old;

(10) If the Licence was not issued because of nine (9) or more demerit points, as defined in the *Highway Traffic Act*, on the driver's abstract provided to the Licence Issuer; when the driver's abstract falls below nine (9) demerit points;

(11) If the Licence was not issued because of three or more code 08 convictions, when three of those convictions are more than one year old;

(12) If the Licence was not issued because of a code 09 event, when that code 09 event is more than a year old; and

(13) If the Licence was not issued because overdue by-law fines, when those fines have been paid.

These thresholds shall be applied threshold for threshold. For example if the Applicant's or Licensee's Licence was not granted by reason of a recent code 02 conviction, the Licence shall be reinstated or issued when the code 02 conviction is more than 10 years old, provided there are no other applicable thresholds.

1-C The Licence Issuer may place conditions and issue a warning letter on a Licence if an investigation of a Licensee reveals circumstances that may in the future cause the Licensee to be in contravention of any of the thresholds listed.

1-D The Licence Issuer may issue a warning letter to be placed in an Applicant's or Licensee's file if, at the time of an Application for a License or renewal, the Applicant has four or more by-law and related* convictions concerning the licensed business or individual, or any other of the individual's businesses that are licensed or are required

to be licensed, or any of the individual's prior businesses that were licensed or required to be licensed, within the twelve months immediately preceding the date of issuance or renewal.

The warning letter must advise the Applicant or Licensee about the specific applicable threshold.

* Related legislation may include, but is not limited to, City of Brampton Business Licensing By-law

Criminal Code Offences	<i>Description</i>	Code
Sexual Offences (minors)	Interference, invitation, exploitation, procuring sexual activity (parent or guardian), permitting sexual activity (householder) corrupting children, luring a child, exposure, incest (with minor)	01
Terrorism	Providing, collecting property; using, possessing property; providing, making available property	02
Homicide	Homicide, manslaughter, infanticide, murder, attempt to commit, accessory	02
Major assault and sexual assault offences	Sexual assault with weapon, causing bodily harm, aggravated, assault with weapon, causing bodily harm	02
Sexual offences (against person other than minor)	Exploitation of persons with a disability, incest, indecent act, sexual assault	03
Confinement	Kidnapping, hostage taking, abduction	03
Hate propaganda	Advocating genocide, public incitement of hatred	03
Robbery; extortion	All offences	03
Criminal organization	Participating in activities of	03
Criminal Negligence	Criminal negligence, causing death, causing bodily harm	04
Assault	Assault, of a peace officer	04
Noxious thing, poison	Administering to harm	04
Harassment, threats	Criminal harassment, uttering threats	04
Explosives	Using, possession	04
Weapons	Possession, carrying, trafficking	04
Firearms	Using in commission of offence, careless use, pointing, possession, acquisition without certificate, causing bodily harm with intent (firearm, air gun, or pistol)	04
Theft offences	All offences	04
Forgery offences	All offences	04

Traps	Setting	05
Break and enter	Break and enter	04
Crime- possession of property	Possession of property obtained by crime	04
Fraud	Fraud offences, falsifying documents	04
Arson	All offences	04
Counterfeit money	Uttering, advertising, dealing	04
Proceeds of crime	Laundering	04
Noxious thing, poison	Administering to annoy, to aggrieve	05
Mischief	Mischief	05
Conspiracy	Conspiracy to commit an indictable offence	05
Prostitution	Offences related to	05
Bawdy houses	Keeping, transporting person to, procuring	05
Operation of motor vehicle, vessels, or aircraft	Dangerous operation, failing to stop for police, failure to stop at scene of accident, operation while impaired, operation with more than 80 milligrams of alcohol in blood, driving while disqualified	06
Other	All other Criminal Code Convictions	07

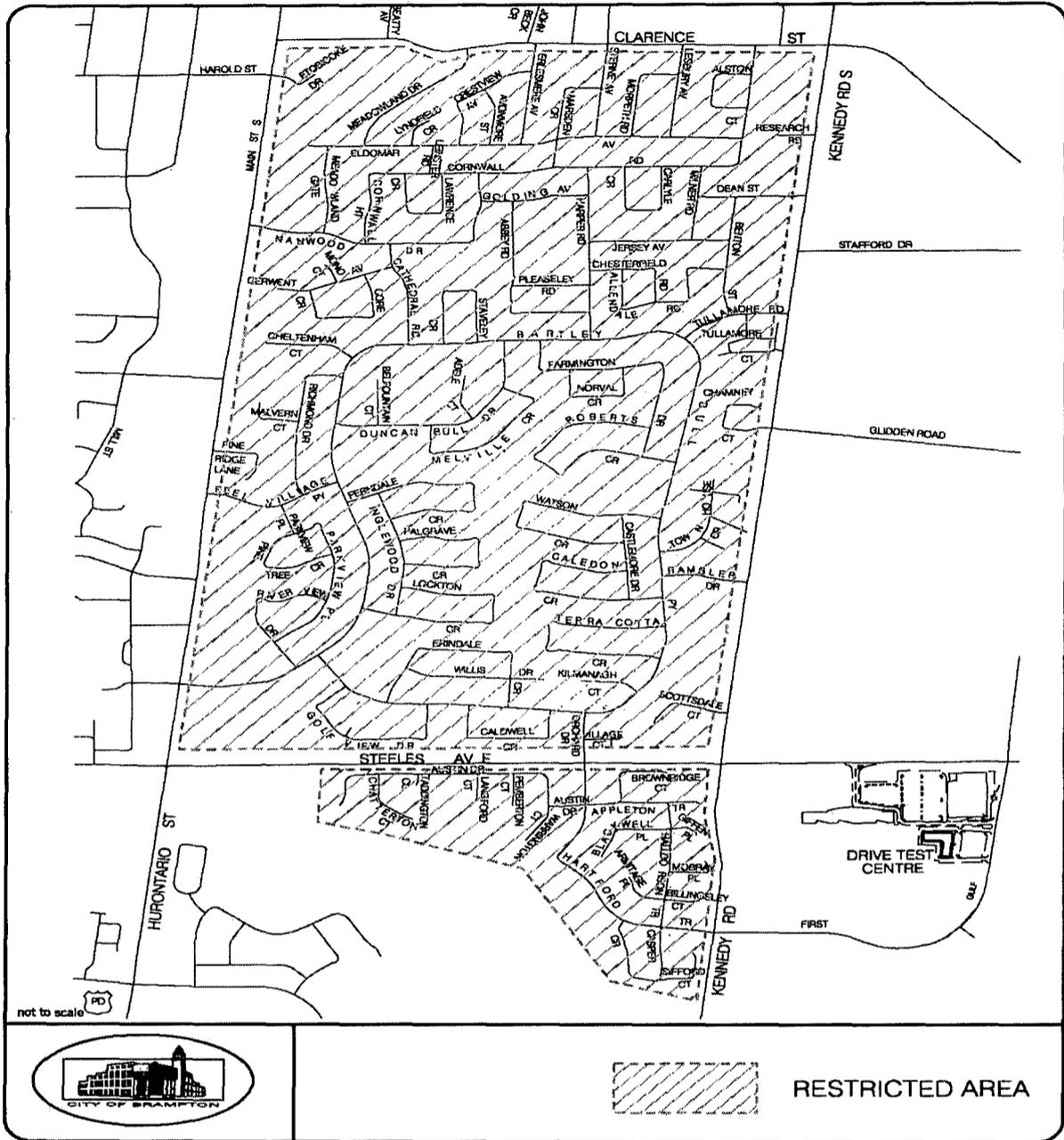
Controlled Drugs and Substances Act Offences	<i>Description</i>	Code
Possession	Possession	05
Trafficking	Of Schedule I or II substance	03
	Of Schedule III substance	04
	Of Schedule IV substance	05
Importing, exporting	Of Schedule I or II substance	03
	Of Schedule III substance	04
	Of Schedule IV substance	05
Production	Of Schedule I or II substance (except marijuana)	03
	Of Marijuana	04
	Of Schedule III substance	04
	Of Schedule IV substance	05

Highway Traffic Act	<i>Description</i>	Code
36	Driving while license suspended	07
43(1)	Driving while license suspended	06
Speeding	Exceeding speed by 50 km/hr	06
Careless	Careless driving	06

Fail to remain	Fail to remain at the scene of an accident	06
Fail to stop	Fail to stop when signaled or requested by a police officer	06
Racing	Racing	06
Fail to stop	Fail to stop for a school bus	06

By-Law	<i>Description</i>	Code
	Discriminate against a member of the public	08
	Refuse to serve a blind person guided by a dog	08
	Refuse to serve a physically challenged person	08
	Any instance of plate removal	09

Appendix F – Mobile Licensing By-law Driving Schools



Appendix G
(Appendix letter reserved for future use)

1

**Appendix H – Mobile Licensing By-law
Taxicab Tariff**

1. Meter Tariffs

(a) By distance:

-for the 1st 141 metres \$ 4.25

-for each additional 141 metres or part thereof \$ 0.25

(b) Waiting Time, while under engagement:

-for each 30 seconds \$ 0.25

Appendix I – Mobile Licensing By-law

Formula for the Issuance of Taxicab Owner’s Licences (Plates) from the Priority List

Criteria	Weighted Percentage
1. Number of Completed Trips	22.64%
2. Change in Business Industry	9.53%
3. Population Related Factors	58.32%
4. Information on Drivers/Operators	9.51%

Criteria/Factors	Year A	Year B	% Change
Number of Completed Taxicab Trips			
Criteria 1 -% change			
Change in the Business Industry			
# of hotel rooms			
Hotel occupancy rate (GTA statistics)			
# of licensed bingo events			
# of licensed banquet halls			
Office Space - Occupancy (sq ft)			
# of Theater Screens			
# of licensed Foodhandlers			
Retail Inventory (sq ft)			
Brampton Transit Ridership - annual			
GO Transit Ridership at Brampton Stations - annual			
# of Recreation Centres with public programming			
# of licensed Limousines			
# of doctors' offices within Brampton			
Criteria 2 – Average % change			

Population Related Factor			
Total Population			
Sectors:			
- Apartment/Townhouse Population (See Note 1)			
- Social Assistance Caseload - monthly average			
- Senior Population (i.e. over age 65) (See Note 2)			
- Brampton School Enrollment (excl private schools) including Peel District and Dufferin Peel Catholic Boards, and Sheridan College			
Average of % change in Sectors			
Criteria 3 – Average (of Total Population and Sectors)			

Information on Drivers/Operators			
Average Total Income/Taxicab			
Average Operating Expenditure/Taxicab			
# of taxicab drivers licenses			
Average Lease Price of Taxicab Owners License			
Criteria 4 – Average % change			

Calculation

Except as otherwise noted, the calculation shall be applied by applying the percentage change in the factor year over year.

To determine the number of additional Taxicab Owner's Licences (plates) to be issued, the Licence Issuer shall:

- Obtain statistical information for the each of the factors set out in the four criteria for:
 - the year prior to the last time taxicab owner's licenses (plates) were issued (Year A), and
 - the year prior to the time that the calculation is being made (Year B)
- Calculate the percentage change for each of factors year over year
- For Criteria 1, 2 and 4 - Calculate the average percentage change
- For Criteria 3 – Calculate the average percentage change for the "Sectors", then calculate the average percentage change of the "Total Population" and the "Sectors"
- Calculate the average percentage change for the averages of the four criteria
- Calculate the "weighted percentage change" for each of the four criteria by multiplying the average percentage change for each by the weighted percentage
- Calculate the net percentage change by averaging weighted percentages of the four criteria
- Multiply the net percentage change by the total number of taxicab owner's licences at the time the formula is being applied

That resultant calculation identifies the number of additional Licences to be issued.

If the number is positive, that number of Licences shall be issued.

If the number is negative, no Licences shall be issued.