Tuesday, March 29, 2016
1:00 p.m. – Regular Meeting

Boardroom WT-2C
2nd Floor, West Tower – City Hall

Members: Broker Representatives:
Milton Bhangoo
Makhan Dhotheer
Joe Farruggia
Avtar Grewal

Plate Owner Representatives:
Louis Gotzmanis
Amarjit Grewal
Zafar Tariq
Jaswant Uppal

Driver Representatives:
Daljit Gill
Rajinder Rai
Lynn Slade

Citizen Representatives:
Ravinder Chaahal
Sushil Ninawat

Accessibility Advisory Committee Representative:
Raymond Shaver

Council Member Representatives:
City Councillor P. Fortini – Wards 7 and 8
City Councillor G. Dhillon – Wards 9 and 10

For inquiries about this Agenda, or to make arrangements for accessibility accommodations for persons attending (some advance notice may be required), please contact:
Sonya Pacheco, Legislative Coordinator
Telephone (905) 874-2178, TTY (905) 874-2130, cityclerksoffice@brampton.ca

Note: Some meeting information may also be available in alternate formats, upon request.
Agenda
Taxicab Advisory Committee

Note: Please ensure all cell phones, personal digital assistants (PDAs) and other electronic devices are turned off or placed on non-audible mode during the meeting.

1. **Approval of Agenda**

2. **Declarations of Interest under the Municipal Conflict of Interest Act**

3. **Previous Minutes**

4. **Delegations/Presentations**
   4.1. Presentation re: **Committee Orientation and Meeting Procedures / Taxicab Industry**.
       1. Earl Evans, Deputy Clerk, Corporate Services
       2. James Bisson, Manager, Licensing Enforcement, Corporate Services

5. **Reports**

6. **Other/New Business**
   6.1. **Election of Chair and Vice Chair / Co-Chairs – Taxicab Advisory Committee**

6.2. Discussion at the request Avtar Grewal, Committee Member, re: **Taxicab Cameras**.

6.3. Discussion, re: **2016 Meeting Schedule – Taxicab Advisory Committee**.

7. **Correspondence**

8. **Information Items**
   8.1. **Council Resolution C035-2016 – Transportation Network Companies, such as UBER**.

    Note: Resolution C035-2016 was passed by Council on February 24, 2016 and is provided for information only.
9. **Question Period**

10. **Public Question Period**

   15 Minute Limit (regarding any decision made at this meeting)

11. **Adjournment**

    Next Meeting: To be determined
The following Resolution was passed by Council on February 24, 2016:

C035-2016  Moved by City Councillor Dhillon  
Seconded by City Councillor Fortini

WHEREAS Transportation Network Companies (“TNC”), such as UBER, have developed online enabled platforms (Apps) through the use of cell phones which connect passengers with drivers in order to transport the passengers for a fee; and

WHEREAS UBER is operating within the City of Brampton connecting passengers with drivers; and

WHEREAS UBER and many of the drivers operating pursuant to the UBER X, UBER XL and UBER SELECT App (“UBER X APP”) are engaging in a transportation for hire business in the City of Brampton without being licensed under the City’s Mobile Licensing By-law and as such are operating contrary to the requirements of the City’s by-law; and

WHEREAS the following issues about UBER X APP present a public safety concern for Council: drivers that are uninsured or under insured for the purposes of transporting paying customers; drivers that have little or no training in transporting members of the public; drivers that have insufficient or no criminal and driving background checks; and vehicles that are uninspected for the purposes of transporting members of the public; and.

WHEREAS issues such as surge pricing by UBER present a consumer protection concern for Council; and

WHEREAS the use of the UBER APP and similar technology by users and the drivers are being reviewed by surrounding municipalities who are considering new licence categories to address the technology; and

WHEREAS Council would like Enforcement and By-law Services staff to review the Mobile Licensing By-law in light of UBER and similar technologies; and

WHEREAS staff will be seeking feedback from all stakeholders in reviewing the Mobile Licensing By-law, including feedback from the Taxi and Limousine industry and TNCs such as UBER, and consumers of taxi, limousine and TNC services; and
WHEREAS Council is asking that drivers using the UBER X APP or similar Apps from unlicensed entities not operate in the City of Brampton; and

WHEREAS Council is asking UBER (including all related companies that in any way participate in the operation of the UBER X APP in the City of Brampton) to suspend operation of its UBER X APP in the City of Brampton in order to show good faith in its discussions with the City in the review of the Mobile Licensing By-law;

NOW THEREFORE BE IT RESOLVED:

1. That Enforcement and By-law Services staff be directed to review the Mobile Licensing By-law in light of TNC Apps and operations such as UBER in order to make recommendations to Council to consider for changes that will regulate TNCs, taxicab and limousine businesses in the City of Brampton in a manner that will allow their businesses to operate in a fair and competitive environment that is safe for the public and provides consumer protection; and

2. That the review of the Mobile Licensing By-law described in Recommendation 1, include public consultations that includes input from all stakeholders such as the City’s Taxi and Limousine community, TNCs such as UBER and consumers using these services; and

3. That the Manager of Licensing Enforcement be directed to send correspondence to UBER (including all related companies that in any way participate in the operation of the UBER X APP in the City of Brampton) and any other TNC operating in the City, requesting them in a show of good faith to suspend operation within the City of Brampton and to advise any drivers using the UBER X APP in the City of Brampton that the UBER X APP will no longer be available for use in Brampton until the review is complete and the appropriate regulations are adopted; and

4. That the drivers of vehicles transporting customers for a fee pursuant to the UBER X APP or any other TNC App in the City of Brampton cease operating in the City of Brampton; and

5. That the Manager of Licensing Enforcement be authorized to use any enforcement measure allowed by law to enforce the City’s Mobile Licensing By-law against UBER or any driver using the UBER X APP should they continue to operate in the City of Brampton in violation of the City’s Mobile Licensing By-law; and
6. That this resolution be communicated to the City’s Taxi and Limousine industry, UBER, the general public, the Minister of Transportation, the Minister of Municipal Affairs and Housing and local members of provincial parliament and local members of parliament; and

7. That Legal Services staff be requested to report back to Council on advice regarding the prosecution process and fine structure for offences enforced under the City’s mobile licensing by-law, including the possibility of establishing a minimum fine threshold of $5,000 per offence for Transportation Network companies and drivers, such as UBER; and

8. That the federal and provincial government be requested to undertake legislative changes to equip municipalities with the tools to effectively enforce local bylaws prohibiting the operation of UBER and ride share in their municipalities; and,

9. That staff be directed to undertake a review of enforcement strategies being used by other municipalities to restrict UBER and ride share operations.
September 18, 2015

Mayor Linda Jeffrey
City of Brampton
2 Wellington St. West
Brampton, Ontario L6Y 4R2

Re: Municipal rideshare and unlicensed for hire operations

Dear Mayor Jeffrey:

The Brampton taxi industry is facing a growing number of illegal for hire operators that are knowingly and blatantly violating our current by-laws. This has resulted in a significant decrease to the legal operators in the taxi business.

The rapid pace of change affects many industries and the taxi industry is not immune to those changes. We recognize that passengers want to use the latest and most convenient method for commuting to their destination.

Our industry, steeped in tradition, has been slow to respond but having heard loud and clear from our passengers we have made tremendous strides to provide the same level of service and convenience as other ride hailing technology. We will continue to refine our services and improve on the customer experience while maintaining the quality service that has served the public well for more than fifty years.

The Province of Ontario has delegated licensing and enforcement of taxis to municipalities. As a result municipalities set up the infrastructure to manage all facets of the taxi and limousine business, from training and licensing drivers to instituting and regulating vehicle standards and fares.

On September 16, 2015 the City of Toronto Municipal Licensing and Standards Committee took a strong stand in rejecting the proposed changes that would allow a new classification of taxis called the Transportation Network Company. The committee correctly understood that this would not serve the public or existing industry well.

Brampton has put in place strong rules governing taxis and limousines. It has served the public well and ensures that there are a balanced number of taxis to meet the demand.

We also wish to draw your attention to the fact that there is no independent monitoring system of these illegal for hire operators where the public can register a complaint. With an electronic transfer of funds system there is no protection for passengers who have been taken advantage of or received inferior service.

While the industry continues to follow the rules and regulations set forth by the municipalities to protect the interests and safety of the public, the illegal for hire operators deliberately continue to operate WITHOUT:
1. Adhering to public safety requirements (such as non-smoking vehicles), public accessibility and human rights requirements.
2. Registering and operating a brokerage including receiving and submitting HST and not paying any municipal registration.
3. Maintaining vehicles that meet municipally mandated standards for vehicle age, size, and mechanical condition.
4. Providing equipment standards such as inspected meters, safety equipment, in vehicle cameras etc. that are monitored on a regular basis by municipal inspectors.
5. Insuring vehicle with commercial level coverage and monitor renewals.
6. Requiring drivers to complete/pass driver training program, with periodic retraining programs.
7. Aligning to the municipality’s set fare structure.

Presently, as noted by numerous attendees at recruiting sessions hosted by illegal for hire operators, misleading information is being given to potential drivers, including:

- Commercial insurance is not required.
- Criminal record searches are performed by an outside company that are superior to the searches supplied by the local police departments for the taxi industry.
- Municipal fines incurred are not serious and will not be reflected on your Ontario drivers licence or criminal abstract.
- HST does not need to be collected or submitted

Technology does not know any boundaries. As a result, illegal for hire operators can pick up a fare in Brampton and take them to Toronto, spend the day picking up fares in that city and return back to Brampton with a fare. Brampton taxi owners are not allowed to pick up any fares in Toronto and must return back empty. This blatantly unfair system rewards illegal for hire operators while penalizing the Brampton taxi industry.

Allowing illegal for hire operators has the effect of flooding the system with drivers. Increased unregulated supply has the ability to drive down wages and force some operations out of business when they are handcuffed by a set of rules they agreed to comply with. Furthermore, allowing thousands of drivers into the market goes against studies conducted on the ratio of taxis to passengers.

We want to further impress upon you our concerns for the welfare and safety of the traveling public. Both Brampton and Toronto requires taxis to be inspected at regular intervals, carry proper insurance and have drivers take mandatory training and refresher courses. Currently, to the best of our knowledge, no illegal for hire operator has to meet that same standard.

Media reports are circulating from places where for hire operators are in effect indicate that drivers with criminal convictions for assault or worse are allowed into the service. More recently a report indicates that sexual predators have used these for hire systems as
a way of finding victims. This is an alarming indictment of a technology that has no safeguards built into their system.

We are also concerned that since these illegal for hire systems require a smartphone and credit card, they are appealing to a certain segment of the traveling public. Those tend to be more affluent and educated. Since they do not operate using traditional phone systems they are able to avoid fares from certain areas of the city where access to credit cards and smartphones is not as prevalent. This skews the passenger profile and does not address the fundamental equality of access to the public. If illegal for hire operators were able to draw on only the most profitable passengers and leave the rest it will result in the eventual collapse of the taxi industry.

Additionally, it creates in effect two tiers of service that will have a profoundly detrimental impact on the industry as a whole. Allowing the illegal for hire operators to participating in Brampton will be at the expense of the long-standing taxi industry. Under the guise of providing allegedly better service it may result in the elimination of the traditional taxi company. If that happens then prices will rise as this unregulated and unsupervised industry has already shown recently. The public will want a return to a more regulated system only to find that it is no longer available because of decisions made today.

We are reaching out to you so that you can work alongside the taxi industry to ensure that the by-laws protecting the public’s safety, which have been delegated to you by the Province, will be enforced.

It is our belief that the public is not best served by part time, untrained, uninsured vehicle illegal for hire operators. We would ask that you encourage your Council colleagues to stand up for an industry that has played by the rules, and which has proudly provided the public with this vital service.

Yours truly,

Baljit Pandori
Baljit Pandori
On Behalf of The Board of Directors
Peel Taxi Association