



THE CORPORATION OF THE CITY OF BRAMPTON

BY-LAW

Number 323-2009

A By-law to amend Licensing By-law 1-2002
in regard to the General Provisions and
Schedule M5, pertaining to certain
Taxi Licensing matters

WHEREAS the Council of The Corporation of the City of Brampton has enacted its Licensing By-law 1-2002, providing, in Schedule M-5, for licensing, regulating and governing taxicabs and taxicab brokers, owners and drivers;

AND WHEREAS the Council has decided to amend such By-law and the said Schedule M-5 as provided for herein;

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

1. Paragraph 14(2)(b) of the General Provisions of By-law 1-2002 is deleted and the following substituted therefor:

14.(2)(b) a statement of the driving record of the applicant, certified by the Ministry of Transportation, dated no earlier than 30 days prior to the application for a mobile business driver's license.

2. Schedule M-5 is amended by adding thereto, under **TAXICAB DRIVER'S LICENSE REQUIREMENTS**, the following section:

3.1 Every applicant for a driver's license shall provide, to the satisfaction of the License Issuer, proof of completion of a driver training program approved by the License Issuer.

3. Section 12 of Schedule M-5, **SPECIAL REQUIREMENTS REGARDING ACCESSIBLE VEHICLES**, is deleted and the following substituted therefor:

12. An accessible taxicab plate may be transferred, in accordance with the provisions of sections 25, 26 and 27 of this Schedule, the provisions of which apply to such a transfer.

4. Section 28(1) of Schedule M-5, **LEASE OF PLATE**, is deleted and the following substituted therefor:

LEASE OF PLATE

28.(1) Definitions. As used in this section, the following terms shall have the meanings indicated:

LEASE:

- (a) Any contract, agreement, understanding or other arrangement whereby an 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 owner in entering into or becoming a party to such a contract, agreement, understanding or other arrangement.
- (b) Without limiting the generality of paragraph (a) of this definition, "lease" includes a power of attorney, management contract, "cash-in" agreement, and any other arrangement or agreement whereby any person other than an owner or designated custodian is allowed to exercise or does exercise any of the rights set out in paragraph (a) of this definition.

LESSEE — When used in reference to a taxicab plate or to a lease of a taxicab plate, means any person who is permitted to exercise or does exercise any of the rights set out in the definition of "lease" pursuant to a lease.

LESSOR — When used in reference to a taxicab plate or to the lease of a taxicab plate, means an owner who enters into or is a party to a lease of his or her taxicab plate.

- (2) Except as provided in this section, no plate owner shall lease his or her taxicab plate.

28.2 An owner or his or her designated agent may lease his or her taxicab plate, provided that:

- (1) The lessee is an individual person licensed as a taxicab driver under this By-law;
- (2) The vehicle to be plated is required to be submitted for inspection and meet the requirements of the Licensing By-law and the plate issued to such owner by the City of Brampton, affixed to the taxicab, is included in the subject-matter of the lease, and remains affixed thereto throughout the term of the lease;

(3) The lease provides that it may be terminated by either party on giving the other party thereto 30 days notice in writing;

(4) The lease is reduced to writing and signed by the parties thereto; and

(5) A written lease is filed with the License 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.

28.3 The written lease may be in a form approved by License 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:

(1) The date of its execution;

(2) The names, addresses and City of Brampton file numbers of the parties thereto;

(3) Its effective date;

(4) Its termination date;

(5) 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

(6) Full particulars as to the responsibility of the parties for the maintenance, repairs, gas and oil for the taxicab, and any requirements as to where and how any such repairs or purchases are to be made and as to payment therefor.

28.4 Any person licensed under this By-law who enters into or purports to enter into any lease or purported lease of a taxicab plate, other than in accordance with this section, may, in addition to any other penalty to which such person may be liable under this By-law, be required to attend before the Tribunal for a hearing to determine whether or not his or her license should be suspended, revoked or have conditions imposed on it.

28.5 Every owner shall notify the License 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.

5. Section 31 of the said Schedule M-5 is repealed, and the following substituted therefor:


31. The License Issuer shall not accept any new application for a taxicab owner's plate, including an accessible taxicab 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 November 9th, 2009.


31.1 An applicant for an owner's license whose name has reached the top of the priority list is not eligible to be issued such a license, unless the following requirements are met:

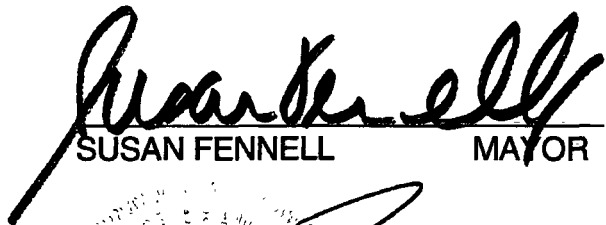
- (1) the applicant has been licensed as a driver for at least 12 months prior to the date that the application for the plate owner's licence is filed with the licensing section; and

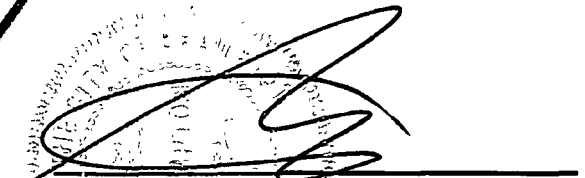
(2) the applicant has been driving a licensed taxicab in the City of Brampton for an average of at least twenty-four (24) hours a week for forty (40) weeks of the twelve (12) month period preceding the date the application is filed with the licensing section, and has filed supporting documentation to that effect to the satisfaction of the License Issuer which documentation may include trip records.

READ a FIRST, SECOND and THIRD TIME and PASSED in Open Council this 9th day of November, 2009.

Approved
as to Form

2009/11/09

Approved as
to Content

2009/11/09


SUSAN FENNELL MAYOR


PETER FAY CLERK

