

LICENCE

CHAPTER 725 VEHICLE-FOR-HIRE LICENSING

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Article 1 SHORT TITLE

725.1.1 Short Title

This Chapter may be cited as the “Vehicle-for-Hire Licensing Chapter.” In the text of the Chapter, it is referred to as “this Chapter.”

Article 2 SCOPE

725.2.1 Scope

This Chapter is limited to the official boundaries of the City of Orillia only.

Article 3 DEFINITIONS

725.3.1 Applicant - definition

“applicant” means a person applying for a licence or for the renewal of a licence pursuant to this Chapter.

725.3.2 Article of Incorporation - definition

“article of incorporation” means documents related to an incorporated business pursuant to the *Business Corporations Act*, R.S.O. 1990 c. B.16, or the *Corporation Act*, R.S.O. 1990 c. C.38.

725.3.3 Auxiliary Service - definition

“auxiliary service” means a passenger ground transportation service that, in addition to transportation, provides to a passenger additional support and assistance including at minimum door-to-door accompaniment.

725.3.4 Auxiliary Service Transportation Company - definition

“Auxiliary Service Transportation Company” means any person that offers, facilitates, or operates an auxiliary service for compensation, from a point in the City of Orillia to any point within or beyond the City of Orillia, but shall not include a Taxicab Broker or TNC.

725.3.5 Business - definition

“business” has the same meaning as provided in section 150 of the *Municipal Act*, 2001, S.O. 2001, c. 25, as amended, or successor legislation.

725.3.6 Business address - definition

“business address” means the place from which the business operates including a number, street name, municipality and postal code.

725.3.7 Call - definition

“call” shall include a request or direction for the use of a taxicab, transmitted by radio, radiophone, or by personal request of the prospective passenger, or in any other manner.

725.3.8 City - definition

“City” shall mean the Corporation of the City of Orillia.

725.3.9 Compensation - definition

“compensation” includes any rate, remuneration, reimbursement or reward of any kind paid, payable or promised, or received or demanded, directly or indirectly.

725.3.10 Council - definition

“Council” shall mean the Council of the Corporation of the City of Orillia.

725.3.11 Dispatch - definition

“dispatch” means the act or service of sending or directing a taxicab, by electronic or any other means, to a person or persons who have requested taxicab service, but does not include a request made directly to a Taxicab Driver.

725.3.12 Designated Driver Transportation Company - definition

“Designated Driver Transportation Company” means any person that facilitates, arranges or books a driver when requested, hired or contracted to provide transport of a customer in his/her own private vehicle for compensation, from a point in the City of Orillia to any point within or beyond the City of Orillia.

725.3.13 Designated Driver Transportation Company Driver - definition

“Designated Driver Transportation Company Driver” means an individual who is affiliated with a Designated Driver Transportation Company that has been requested, hired or contracted to physically drive the customer in their private vehicle for compensation, from a point in the City of Orillia to any point within or beyond the City of Orillia.

725.3.14 Electronic cigarette - definition

“electronic cigarette” means a vaporizer or inhalant-type device, whether called an electronic cigarette or any other name, that produces or is capable of producing, an aerosol or vapour that may be inhaled by the user of the device.

725.3.15 E-substance - definition

“e-substance” means a substance that is manufactured or sold to be used in an electronic cigarette, whether or not the substance contains nicotine.

725.3.16 Hail - definition

“hail” means any appeal for a ride by any person using sounds, words, signs, or gestures directed at a TNC Driver.

725.3.17 Highway Traffic Act - definition

“Highway Traffic Act” means the *Highway Traffic Act*, R.S.O. 1990, c. H. 8, as amended, or successor legislation.

725.3.18 Licence - definition

“licence” means a licence issued by the Manager of Legislative Services under this Chapter.

725.3.19 Licensee - definition

“licensee” means a person holding a licence in accordance with this Chapter.

725.3.20 Manager of Legislative Services - definition

“Manager of Legislative Services” means the City’s Manager of Legislative Services, or designate.

725.3.21 Motor vehicle - definition

“motor vehicle” means a motor vehicle as defined in the *Highway Traffic Act*.

725.3.22 Officer - definition

“officer” means a Municipal By-law Enforcement Officer, or Police Officer.

725.3.23 Operate - TNC Vehicle - definition

“operate” when used in reference to a TNC Vehicle, means to drive the said vehicle while it is available to provide or is providing transportation services to any passengers and includes when the TNC Driver is logged into or otherwise accessing a TNC Platform, and “operated” and “operation” shall have corresponding meanings.

725.3.24 Operate - Taxicab - definition

“operate” when used in reference to a taxicab, means to drive the said vehicle while it is available to provide or is providing transportation services to any passengers, and “operated” and “operation” shall have corresponding meanings.

725.3.25 Partnership - definition

“partnership” means an association of two or more persons to carry on, as co-owners, a business or other activity.

725.3.26 Passenger - definition

“passenger” means an individual in a vehicle-for-hire other than the driver.

725.3.27 Person - definition

“person” includes an individual, a corporation, a partnership, and an association, and includes a licensee or an applicant for a licence under this Chapter as the context requires.

725.3.28 Person with a disability - definition

“person with a disability” means a person who has a disability as defined in the *Human Rights Code*, R.S.O. 1990, chapter H.19, or successor legislation.

725.3.29 Pre-arranged - definition

“pre-arranged” means an electronic request or booking made in advance to request motor vehicle pick up and drop off or passenger pick-up and drop off services.

725.3.30 Prescribed form of identification - definition

For the purposes of this Chapter, an item of identification is prescribed if it includes a photograph of the person, states the person’s date of birth and reasonably appears to have been issued by a government or the Liquor Control Board of Ontario.

725.3.31 Public Vehicles Act - definition

“*Public Vehicles Act*” means the *Public Vehicles Act*, R.S.O. 1990, c. P. 54, as amended, or any successor legislation.

725.3.32 Rate or fare - definition

“rate or fare” means the basis or formula used to calculate the rate or fare paid or charged to a person or persons for transportation provided by a taxicab, or TNC Vehicle.

725.3.33 Safety Standards Certificate - definition

“Safety Standards Certificate” means a certificate issued pursuant to the *Highway Traffic Act*, upon which indicates that a motor vehicle complies with the equipment and performance standards prescribed therein.

725.3.34 Service animal - definition

“service animal” means an animal trained by a recognized school for service as a guide dog for the blind or visually-impaired, a guide dog for the deaf or hearing-impaired, or a special skills dog for other persons with a disability and includes an animal used in therapy, registered with a recognized organization for that purpose.

725.3.35 Smoke/vape or smoking/vaping - definition

“smoke/vape” or “smoking/vaping” includes to carry, hold, or inhale or exhale from:

- (a) a lighted, heated, or activated, cigarette, cigar, pipe, waterpipe, electronic cigarette; or,
- (b) a lighted, heated, or activated device or equipment not described in (a) that heats, burns, vaporizes, or aerosolizes any tobacco, cannabis, e-substance, shisha whether or not it contains tobacco, or any other material, liquid, or any combination thereof.

725.3.36 Solicit - definition

“solicit” means an appeal for customers or passengers by way of sound, words, signs or gestures directed at a person.

725.3.37 Tariff Card - definition

“Tariff Card” means a list of rates or fares established by the Taxicab Broker, including but not limited to any scheduled price variances.

725.3.38 Taxicab - definition

“taxicab” means a motor vehicle with a seating capacity of not more than nine (9) including the driver, that is intended to be used or is actually used for hire for the purpose of transporting a person or persons for compensation from a point in the City to any point within or beyond the City, but does not include a TNC Vehicle.

725.3.39 Taxicab Driver’s Photo Identification Card - definition

“Taxicab Driver’s Photo Identification Card” means a card issued by the Manager of Legislative for display in a taxicab which contains a photograph of the Taxicab Driver.

725.3.40 Taxicab Broker - definition

“Taxicab Broker” means any person that owns, operates, is in charge of, or has control of the operation of a business that accepts calls, orders and/or dispatches taxicabs, using his or her own taxicabs and/or taxicabs not owned by that person, but shall not include a Transportation Network Company.

725.3.41 Taxicab Driver - definition

“Taxicab Driver” means an individual who transports passengers for compensation using a taxicab.

725.3.42 Taxicab Identification Decal - definition

“Taxicab Identification Decal” means a decal issued by the Taxicab Broker identifying the vehicle number issued for the taxicab, in a form and size approved by the Manager of Legislative Services.

725.3.43 Taxicab meter - definition

“taxicab meter” means a measuring device used in a taxicab for registering distances travelled and computing fares to be paid.

725.3.44 Transportation Network Company - definition

“Transportation Network Company” or “TNC” means any person that offers, facilitates, or operates transportation services for compensation, from a point in the City of Orillia to any point within or beyond the City of Orillia, using any TNC Platform to connect passengers with TNC Drivers, but shall not include a Taxicab Broker.

725.3.45 TNC Driver - definition

“TNC Driver” means an individual who transports passengers for compensation using a TNC Vehicle.

725.3.46 TNC Identification Decal - definition

“TNC Identification Decal” means a decal issued by the TNC displaying a logo or name of the TNC through which the driver is providing transportation services to passengers, in a form and size approved by the Manager of Legislative Services.

725.3.47 TNC Platform - definition

“TNC Platform” means any software or application or telecommunications platform or digital network to connect passengers with TNC Drivers.

725.3.48 TNC Vehicle - definition

“TNC Vehicle” means a motor vehicle with a seating capacity of not more than nine (9) including the driver that is intended to be used or is actually used for hire for the purpose of providing transportation services that are offered or facilitated by the TNC.

725.3.49 To provide - definition

“to provide” when used in relation to vehicle-for-hire services includes to furnish, perform, solicit or give such services and “providing” or “provision” have corresponding meanings.

725.3.50 Tribunal - definition

“Tribunal” means the City of Orillia Licensing Appeal Tribunal.

725.3.51 Trip - definition

“trip” means the distance and time travelled measured from the time and location at which the passenger first enters the vehicle-for-hire until the time the passenger exits from the vehicle-for-hire at the final destination.

725.3.52 Vehicle-for-hire - definition

“vehicle-for-hire” means a motor vehicle that is used by a person to offer, facilitate or operate a transportation service of a passenger for compensation, and may include a taxicab, or TNC Vehicle.

725.3.53 Waterpipe - definition

“waterpipe” means a device, whether called a waterpipe, hookah, or any other name, that produces or is capable of producing, smoke or vapour which may pass through liquid prior to being inhaled by a user or users of the device.

Article 4 GENERAL PROVISIONS

725.4.1 Application - in writing

Every application for a licence shall be made in writing on a form or forms provided by the Manager of Legislative Services and the required fee shall be deposited at the time of application.

725.4.2 Application - partnership

Where two or more persons carry on or engage in partnership in any of the businesses required to be licensed under this Chapter, the licence shall be issued in the name of one partner only, but when the application for licence is made, the name and address of each member of the partnership shall be set out therein as well as the name under which they carry on or intend to carry on business.

725.4.3 Licence Fees

The licence fee for each licence required shall be set out in Schedule "A" to this Chapter. The fee for each licence shall not be pro-rated.

725.4.4 Administration Fees

An administration fee as set out in Schedule "A" to this Chapter will apply to the following:

Duplicate licences

- (a) In the event that a licence issued under this Chapter is lost or destroyed, the Manager of Legislative Services upon satisfactory proof of such loss or destruction, and upon payment of a replacement fee, the Manager of Legislative Services shall issue a duplicate of the original licence, upon which shall be stamped or marked the word "DUPLICATE".

Change of Name

- (b) Where ownership of a business is not changed or affected but such the operating name of a business changes, the licensee shall immediately notify the Manager of Legislative Services and upon payment of a fee and being satisfied that there have been no other changes in the circumstances of the licensed business, the Manager of Legislative Services may issue a replacement of the original licence. The licensee shall return and surrender his or her licence in order to affect such a change.

Change of Ownership

- (c) Every licensee shall, upon change of ownership of the licensed business return and surrender his current licence to the Manager of Legislative Services. The new owner shall make application for a new licence under this Chapter.

Change of Premise or Location

- (d) Where a currently licensed business changes location or premise, such new location or premise shall not be deemed to be licensed. The applicant must immediately make application for a new licence under this Chapter and shall surrender to the Manager of Legislative Services the licence issued in respect of his previous location or premise.

725.4.5 Discrimination - disability

No person licensed or operating a vehicle-for-hire pursuant to this Chapter shall in respect to any person with a disability:

- (a) charge a higher fare or an additional fee for persons with disabilities than for persons without disabilities for the same trip;
- (b) charge a fee for the storage of mobility aids or mobility assistive devices by reason only of the presence of such a disability.

725.4.6 Licence - no vested or property right

No person shall enjoy a vested or property right in any licence or the continuance of any licence and such licence and such rights shall remain the property of the City.

725.4.7 Licence - transfer

No licence is transferable unless a transfer is specifically provided for in this Chapter.

725.4.8 Licence - alter

No person shall alter, erase or modify a licence or permit the alteration, erasure or modification of a licence.

725.4.9 Change information - notification

Every licensee shall notify the Manager of Legislative Services in writing within five (5) days of the happening of any of the following events:

- (a) any change in the licensee's name, address or telephone number;
- (b) sale, transfer or termination of the business;
- (c) retirement;
- (d) in the situation where the licensee provided the name and address of his or her business affiliate or employer, any change in the named business affiliate or employer; and
- (e) where the licensee is a corporation, any change in the location of the corporate head office, or change of ownership of shares.

725.4.10 Licence - expiry

Every licence issued pursuant to this Chapter, unless sooner revoked shall expire on the 31st day of January after the date of issue.

725.4.11 Licence - subject to conditions

In addition to any other powers conferred on the Manager of Legislative Services pursuant to this Chapter, the Manager of Legislative Services is authorized to impose any condition on a licence to be issued or renewed under this Chapter as he or she

deems necessary to ensure the safety of public or of property, or for consumer protection.

725.4.12 Conditional licences

Every licensee shall comply with every condition imposed upon the licence.

725.4.13 Applications - file other information upon request

In addition to the specific application submission requirements set out in this Chapter, every applicant or licensee on request of the Manager of Legislative Services shall file such information and material as the Manager of Legislative Services may deem necessary.

725.4.14 Incomplete application

Where an applicant has failed to provide any fee or document required under this Chapter for the issuance or renewal of a licence, the application shall be considered incomplete. If the application remains incomplete after thirty (30) days from the date the application was submitted, the Manager of Legislative Services may issue a Notice of Incomplete Application and close the file.

725.4.15 Delivery of notice - service

Any written notice given under this Chapter shall be deemed to be received on the receipt date which is one of the following:

- (a) in the case of mailed documents, five (5) days following the mailing as determined from the post mark;
- (b) in the case of personal delivery, email 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.

725.4.16 Notice - last known business or residential address

Where any written notice is mailed under this Chapter, it is sufficient to use the applicant's or licensee's last known business or residential address.

725.4.17 Renewal - procedure - late application fee

Every licensee shall reapply as set out in this Chapter at least fourteen (14) days prior to the expiry of the said licence by filling out the appropriate application form or forms. Notwithstanding any licence fee to be paid by any applicant as set out in Schedule "A" to this Chapter, a late application fee as set out in Schedule "A" shall apply to any application received by the City after the due date established for obtaining such licence. Incomplete applications shall be considered not to have been received and may be returned to the applicant or held pending further information. In any case where the application remains incomplete after the date established for obtaining such licence, the

late application fee shall apply.

Article 5 REFUSAL, REVOCATION AND SUSPENSION OF LICENCE

725.5.1 Refusal of licence

The Manager of Legislative Services shall refuse to grant a licence under this Chapter to any person if:

- (a) any application or other document provided to the City by or on behalf of the applicant contains a false statement or provides false information;
- (b) the applicant has failed to comply with the requirements of this Chapter or other applicable By-laws of the City or of any Local Board thereof, or of any Statute, Order-in-Council, or Regulation of the Provincial Legislature or the Parliament of Canada, or of any Agency, Board of Commission thereof, in, upon or in connection with the applied for licensed activity of the business or premise, facilities, equipment, vehicles and other property used or kept for hire in connection with the licensed activity;
- (c) the Manager of Legislative Services believes that the issuing of the licence would be contrary to the public interest; or
- (d) the applicant has any fine imposed under the *Provincial Offences Act*, R.S.O. 1990, c. P. 33, as amended, or successor legislation, that is in default for the contravention of any provision of this Chapter or any other City of Orillia By-law or Provincial Statute where such fine is associated with an offence that occurred in the City of Orillia and arising out of the conduct, operation or activity within or in conjunction with such business.

725.5.2 Refusal of licence - refund

Where the Manager of Legislative Services has refused to grant a business licence to an applicant, the business licence application fee less an administrative fee as set out in Schedule "A" of this Chapter shall be refunded to the applicant.

725.5.3 Suspension or revocation - general

The Manager of Legislative Services shall suspend or revoke a licence for any one or more of the grounds listed in Section 725.5.1.

725.5.4 Suspension - fail to meet administrative requirements

Notwithstanding any other provision of this Chapter, the Manager of Legislative Services may suspend a licence where the licensee has failed to meet the administrative requirements upon which the licence is issued, until such time as the requirements of this Chapter are met. The Manager of Legislative Services shall reinstate any licence which has been suspended, upon satisfactory proof that the administrative requirements of this Chapter have been met.

725.5.5 Written notice - refusal, suspension or revocation

After a decision is made by the Manager of Legislative Services to refuse, suspend or revoke a licence, written notice of that decision shall be given forthwith to the applicant or licensee.

725.5.6 Written notice - refusal, suspension or revocation - requirements

The written notice to be given under Section 725.5.5 shall:

- (a) set out the grounds for the decision;
- (b) give reasonable particulars of the grounds for the decision;
- (c) be signed by the Manager of Legislative Services; and
- (d) state that the applicant or licensee is entitled to a hearing by the Tribunal if the applicant or licensee delivers to the City Clerk within fifteen (15) days after the notice is served, a notice in writing that adheres with Section 725.5.10, requesting a hearing by the Tribunal accompanied by the appropriate fee as set out in Schedule "A" of this Chapter.

725.5.7 Right to appeal

The applicant or licensee may appeal the Manager of Legislative Services' decision to refuse, suspend, revoke or to impose any condition on a licence to the Tribunal by filing a written notice of appeal with the City Clerk, within fifteen (15) days following the receipt of written notice of the Manager of Legislative Services' decision.

725.5.8 Licensing Appeal Tribunal Chapter applies

The provisions of Chapter 117 of the Municipal Code -Licensing Appeal Tribunal Chapter apply to any appeal that is made under this article.

725.5.9 Incomplete application - no right to appeal

The issuance of a Notice of Incomplete Application is not a statutory power of decision and is not subject to appeal to the Tribunal.

725.5.10 Content of notice of appeal

Where an applicant or licensee requests a hearing before the Tribunal, the notice of appeal shall be in writing to the City Clerk and shall include:

- (a) the original signature of the applicant, or representative;
- (b) the reasons in support of the appeal;
- (c) the applicant's address, telephone number and, where available, fax number;

- (d) the name, address, and telephone number of any agent, representative, or lawyer representing the applicant.

725.5.11 Written request - hearing scheduled

On receipt of a written request for a hearing from the applicant or licensee, the City Clerk, through the Tribunal Coordinator shall schedule a hearing of the Tribunal and give reasonable notice of the date, time, and place of the hearing in accordance with Chapter 117 of the Municipal Code -Licensing Appeal Tribunal Chapter.

725.5.12 Appeal does not suspend decision

The filing of an appeal does not operate to suspend the Manager of Legislative Services' decision.

725.5.13 Deadline to appeal final

The decision of the Manager of Legislative Services shall be final if the City Clerk does not receive an appeal by the 15th day following the receipt date of the written notice of the Manager of Legislative Services' decision. A notice of appeal is ineffectual to create a right to a hearing unless it is received by the City Clerk on or before the appeal deadline.

725.5.14 Fulfill outstanding requirements

Where the Tribunal has ordered that a licence be granted, reinstated, 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 Chapter.

725.5.15 Licence - revoked or suspended - conduct business - prohibited

No person shall engage in, or continue to conduct, or permit any person to engage in or continue to conduct a business for which a licence is required under this Chapter while such licence is suspended or revoked under this Chapter.

Article 6

TRANSPORTATION NETWORK COMPANY REQUIREMENTS

725.6.1 Licence required - TNC

No person shall own or operate, or permit the operation of a TNC within the City without first having obtained a licence to do so, and herein referred to as a "TNC Licence."

725.6.2 Application - TNC Licence - general requirements

Every TNC shall provide to the Manager of Legislative Services at the time of application:

- (a) a completed application using the form or forms required by the Manager of Legislative Services for a TNC Licence, that is signed by the applicant, or where the application is from a partnership or corporation respectively, signed by a partner or the president or other authorized signing officer of the corporation;

- (b) payment of the applicable licensing fee as set out in Schedule “A” to this Chapter;
- (c) proof of the insurance required under this Article to the satisfaction of the Manager of Legislative Services;
- (d) an indemnity in a form satisfactory to the City, to indemnify and save harmless the City of Orillia, its employees and agents from any and all claims, demands, causes or action costs or damages howsoever caused that the City may suffer, incur or be liable for resulting from the issuance of a licence under this Chapter or from the performance or non-performance of the TNC under this Chapter whether or not such performance or non-performance arises with or without negligence on the part of the TNC, its employees, directors or agents;
- (e) a statement signed by the applicant confirming that he or she does not have any fine imposed under the *Provincial Offences Act*, R.S.O. 1990, c. P. 33, as amended, or successor legislation, that is in default for the contravention of any provision of this Chapter or any other City of Orillia By-law or Provincial Statute where such fine is associated with an offence that occurred in the City of Orillia and arising out of the conduct, operation or activity within or in conjunction with such business;
- (f) if the applicant is an individual, proof that the applicant is at least eighteen (18) years of age;
- (g) if the applicant is a corporation, proof that the corporation is legally entitled to conduct business in Ontario, including but not limited to:
 - (i) Article of Incorporation or other incorporating documents, duly certified by the proper government official or department of the Province of Ontario or of the Government of Canada;
- (h) if the applicant is a partnership, the names and addresses of each member of the partnership, as well as the name under which the partnership intends to carry on business and proof of the business name registration;
- (i) the address and contact information of the TNC’s registered business address in the Province of Ontario, which is not a post office box, to which the City may send during business hours any notice or documentation or communication that may be required under this Chapter and at which the applicant or the applicant’s agent will accept receipt of such notice, documentation or communication together with the name, telephone, and email contact information for the person authorized to receive and respond

on behalf of the TNC to any and all communications from the City relating to the TNC's licence or the TNC's conduct of the business;

- (j) a copy of the proposed TNC Identification Decal;
- (k) a list of all persons operating as a TNC Driver and affiliated with the TNC. Such list shall include the name, address and phone number for each individual;
- (l) a list of all vehicles operating as TNC Vehicles by TNC drivers affiliated with the TNC. Such list shall include the licence plate number, make and model of the vehicle, and the unique identifier issued to each vehicle by the TNC.

725.6.3 TNC Licence Application Requirements - Renewal

Every TNC at the time of application for a renewal of a TNC Licence shall not be required to submit the documentation stipulated in Section 725.6.2(g)(i)(ii) and (j), unless requested by the Manager of Legislative Services to do so.

725.6.4 Insurance requirements related to TNC

Every TNC shall obtain and maintain while licensed under this Chapter the following minimum insurance requirements:

- (a) Commercial General Liability insurance subject to limits of not less than Five Million Dollars (\$5,000,000.00) inclusive per occurrence for bodily injury, death and damage to property including loss of use, that includes:
 - (i) blanket contractual liability; premises, property and operations liability; and
 - (ii) cross liability and severability of interest provision.
- (b) such Commercial General Liability policy shall be in the name of the TNC and the City of Orillia shall be named or included as an additional insured;
- (c) Non-Owned Automobile Insurance with limits of not less than Two Million Dollars (\$2,000,000.00) per occurrence; and
- (d) the insurance required under subsections (a) and (c) shall contain an endorsement to provide the City of Orillia no less than thirty (30) days prior written notice, from the insurer, of any cancellation.

725.6.5 TNC Requirements - Information to Passengers

Every TNC shall ensure the TNC Platform used:

- (a) at the time the transportation service is arranged, provides the passenger requesting the transportation service:
 - (i) the TNC name and contact information;
 - (ii) the first name and photograph of the TNC Driver;
 - (iii) the make, model and licence plate number of the TNC Vehicle;
 - (iv) the estimated cost of a requested trip based on the destination; and
 - (v) the current location of the TNC Vehicle.
- (b) provides a link to rate or provide comment of the TNC Driver and TNC Vehicle;
- (c) provides a process allowing the passenger to accept or refuse the transportation service prior to it commencing and to keep a record of such acceptance or refusal;
- (d) provides an electronic receipt to the passenger at the end of the transportation service that includes information confirming:
 - (i) total rate or fare paid inclusive of Harmonized Sales Tax;
 - (ii) date and time of pickup;
 - (iii) total duration and distance of trip;
 - (iv) the starting and ending locations of the trip; and
 - (v) the first name of the TNC Driver.

725.6.6 TNC Requirements - Data Collection Records

1. Every TNC shall keep an up-to-date list of every affiliated TNC Driver and TNC Vehicle that includes:
 - (a) the full name, address, and phone number of every TNC Driver; and
 - (b) the make, model and licence plate number of every TNC Vehicle, and the unique identifier issued to each vehicle by the TNC.
2. Every TNC shall create and maintain records of the following information:
 - (a) the total number of transportation services provided by the TNC, annually;

- (b) the total number of TNC Drivers providing a transportation service, annually;
 - (c) the total number of TNC Vehicles providing a transportation service, annually;
 - (d) the TNC Driver and TNC Vehicle information corresponding with each requested transportation service, including:
 - (i) the full name of the TNC Driver;
 - (ii) the licence plate number of the TNC Vehicle;
 - (iii) the date, time and duration of the transportation service;
 - (iv) the location where the passenger was picked up and dropped off.
3. Every TNC shall retain the records required under Sections 725.6.6(1) and 725.6.6(2), and Articles 7 and 8 for at least two (2) years. Notwithstanding the foregoing, the information required under Sections 725.6.5(d)(ii)(iii)(iv) and 725.6.6(2)(d)(iii)(iv), shall not be required to be retained if the passenger has requested deletion of that information.
4. Every TNC shall make the records referenced in Section 725.6.6(3) available electronically to an Officer for investigative or audit purposes within thirty (30) days of the receipt of the request by the Officer, or within forty-eight (48) hours if otherwise specifically requested by an Officer.

725.6.7 TNC - duties - general requirements

Every TNC shall:

- (a) pay the appropriate fee increase corresponding with the appropriate category as set out in Schedule "A" when the number of drivers and vehicles increase to a different category;
- (b) ensure that the TNC Identification Decal adheres to the following requirements at all times when the TNC Vehicle is available to provide or is providing transportation services to passengers:
 - (i) displays a logo or name of the TNC through which the driver is providing transportation services to passengers;
 - (ii) has a glare-free surface; and

- (iii) be consistently shaped and coloured using text that is high colour contrasted with its background and has the appearance of solid characters;
- (c) ensure that every driver of a TNC Vehicle is informed of the provisions of this Chapter;
- (d) ensure that every driver of a TNC Vehicle is the holder of an Ontario Driver's Licence with a minimum Class G designation, or other provincial equivalent, and that such licence is valid at all times which such driver is engaged in operating any TNC Vehicle affiliated with the licensee;
- (e) not permit, encourage or condone, the acceptance of hails or the solicitation of passengers by TNC Drivers whether on the street or in any manner or any other location;
- (f) immediately notify the Manager of Legislative Services should a TNC Driver's account be permanently deactivated and shall not reinstate such driver unless prior approval has been granted by the Manager of Legislative Services;
- (g) not permit any TNC Driver to provide transportation services to passengers unless the driver consents to personal information being submitted to the Manager of Legislatives or designate for the purpose of auditing compliance with this Chapter;
- (h) ensure that a TNC Driver has no access to the relevant TNC Platform in any of the following circumstances:
 - (i) if the TNC Driver has not provided to the TNC a valid Ontario Driver's Licence with a minimum Class G designation, or other provincial equivalent;
 - (ii) if the TNC Driver has not provided proof that they are at least eighteen (18) years of age;
 - (iii) if the TNC has not received a driver's abstract, as required by this Chapter;
 - (iv) if the TNC has not received a criminal record check, or vulnerable sector screening certificate where applicable, as required by this Chapter;

- (v) if a criminal record check, or vulnerable sector screening certificate where applicable, shows that the TNC Driver has any conviction or record suspension as set out in Schedule “B” of this Chapter;
- (vi) to receive a requested trip in respect of a particular vehicle unless the TNC Driver has provided to the TNC, as to that vehicle, the Safety Standards Certificate as required by this Chapter;
- (vii) to receive a requested trip in respect of a particular vehicle unless the TNC Driver has provided to the TNC, as to that vehicle, a motor vehicle permit showing that the TNC Vehicle is no more than ten (10) model years old, excluding the model year of the vehicle as reported on the vehicle’s motor vehicle permit issued pursuant to the *Highway Traffic Act*;
- (viii) if the Manager of Legislative Services has informed the TNC that he or she has reasonable grounds to believe that a TNC Driver or a TNC Vehicle presents a risk to public safety; or
- (ix) if the Manager of Legislative Services has informed the TNC that the TNC Driver has any fine imposed under the *Provincial Offences Act*, R.S.O. 1990, c. P. 33, as amended, or successor legislation, that is in default for the contravention of any provision of this Chapter or any other City of Orillia By-law or Provincial Statute where such fine is associated with an offence that occurred in the City of Orillia and arising out of the conduct, operation or activity within or in conjunction with such business.

Article 7

TRANSPORTATION NETWORK COMPANY DRIVER REQUIREMENTS

725.7.1 Applicant - TNC Driver - general requirements

Every TNC shall ensure that every TNC Driver has submitted to the TNC prior to commencement as a TNC Driver and every twelve (12) months thereafter:

- (a) a copy of a valid Ontario Driver’s Licence with a minimum Class G designation, or other provincial equivalent;
- (b) proof that the person is at least eighteen (18) years of age;
- (c) a copy of a driving record abstract dated within twelve (12) months. For greater certainty, the driving record abstract required to be submitted every twelve (12) months thereafter shall be dated no more than twelve (12) months from the date the prior check was completed by the Ministry of Transportation or other provincial equivalent; and

- (d) a copy of a criminal record check from a Police enforcement agency or other duly appointed agency, outlining that the person does not have any conviction as set out in Schedule “B”, and dated within twelve (12) months. For greater certainty, the criminal record check required to be submitted every twelve (12) months thereafter shall be dated no more than twelve (12) months from the date the prior check was completed by the Police enforcement agency or other duly appointed agency.

725.7.2 TNC Driver - duties

Every TNC Driver shall:

- (a) operate a TNC Vehicle solely in association with a TNC licensed under this Chapter;
- (b) be familiar with the provisions of this Chapter;
- (c) immediately report any suspension of his Ontario Driver’s Licence, or other provincial equivalent, to the TNC;
- (d) ensure that any TNC Vehicle operated on behalf of the TNC meets the standards required for the issue of a Safety Standards Certificate at all times;
- (e) provide the TNC with a new digital photograph of himself or herself to be used when operating a TNC Vehicle if the original photograph provided to the TNC does not have a reasonable likeness and/or clear image of himself or herself because of physical changes to the appearance of himself or herself, the passage of time, the poor quality of the photography or the deterioration of the photograph;
- (f) while in charge of a TNC Vehicle:
 - (i) produce their Ontario driver’s licence or other provincial equivalent, the vehicle’s motor vehicle permit issued pursuant to the *Highway Traffic Act*, valid insurance that meets the requirements of this Chapter, and evidence that they are operating pursuant to a TNC Platform immediately upon request of any Officer;
 - (ii) ensure that the TNC Identification Decal adheres to the following requirements:
 1. displays a logo or name of the TNC through which the driver is providing transportation services to passengers;
 2. located in the front windshield, on the passenger side, of each

3. TNC Vehicle;
 4. visible from the exterior and unobstructed;
 5. has a glare-free surface;
 6. be positioned to avoid shadow areas and glare; and
 7. be consistently shaped and coloured using text that is high colour contrasted with its background and has the appearance of solid characters.
- (iii) not solicit any person to take or use the TNC Vehicle he or she is driving;
 - (iii) not accept requests for transportation services that are not pre-arranged using the TNC Platform of which the TNC Driver is affiliated including hails, whether on the street or in any manner or any other location;
 - (iii) not take, consume or have in his or her possession any intoxicant;
 - (iiv) not employ or permit any runner or other person to assist or act in concert with him or her in obtaining any passenger;
 - (iiv) not carry a greater number of passengers than is set out in the manufacturer's rating for the TNC Vehicle;
 - (iiv) not take on any additional passenger(s), except with permission of the passengers already in the TNC Vehicle;
 - (iivii) not operate a TNC Vehicle unless the vehicle is not more than ten (10) model years old, excluding the model year of the vehicle as reported on the vehicle's motor vehicle permit issued pursuant to the *Highway Traffic Act*;
 - (iiviii) not smoke/vape or permit any passenger to smoke/vape in the TNC Vehicle;
 - (iiix) not refuse to serve a person with a disability or fail to permit a service animal to enter the TNC Vehicle;
 - (iix) despite Section 725.7.1(d), not permit any passenger who is less than eighteen (18) years of age in the TNC Vehicle at any time if the passenger is not accompanied by a person that is eighteen (18) years of age or older, without first having provided to the TNC a vulnerable

sector screening certificate outlining that the TNC Driver does not have any conviction or record suspension as set out in Schedule “B”, and dated within twelve (12) months. A vulnerable sector screening certificate required under this subsection shall only need to be provided once to a TNC, but for greater certainty, every twelve (12) months thereafter a criminal record check would be required to be provided to the TNC as prescribed in Section 725.7.1(d). It is a defence to a charge under this subsection that the driver reasonably believed in all the circumstances that the unaccompanied person in the TNC Vehicle was over eighteen (18) years of age. The driver’s belief will be deemed reasonable if the person produces a prescribed form of identification showing that the person was at least eighteen (18) years of age and there was no apparent reason to doubt the authenticity of the document or that it was issued to the person producing it.

Article 8

TRANSPORTATION NETWORK COMPANY VEHICLE REQUIREMENTS

725.8.1 Application - TNC Vehicle - general requirements

Every TNC shall ensure that every TNC Driver has submitted to the TNC prior to commencement as a TNC Driver, and every twelve (12) months thereafter or as otherwise required by this Chapter:

- (a) proof that the TNC Vehicle is no more than ten (10) model years old, excluding the model year of the vehicle as reported on the vehicle’s motor vehicle permit issued pursuant to the *Highway Traffic Act*;
- (b) a copy of a valid motor vehicle permit issued pursuant to the *Highway Traffic Act* for each vehicle operating on behalf of the TNC; and
- (c) a copy of a valid Safety Standards Certificate issued within the previous thirty-six (36) days for each vehicle operating on behalf of the TNC.

725.8.2 Insurance requirements related to TNC Vehicles and Drivers

1. Every TNC shall ensure that the TNC Driver, the TNC on behalf of the TNC Driver, or some combination of both, obtains and maintains automobile liability insurance for TNC Vehicles, with the following limits:

- (a) During the period of time the TNC Driver is logged on to the TNC Platform, but is not engaged in a prearranged ride, not less than one million dollars (\$1,000,000) combined single limit for bodily injury, death, and property damage; and
- (b) During the period of time the TNC Driver is logged on to the TNC Platform and engaged in a prearranged ride, not less than two million dollars

(\$2,000,000.00) combined single limit for bodily injury, death, and damage to property.

2. The insurance coverage required under Section 725.8.2(1) shall include a provision whereby the City of Orillia will be provided with no less than thirty (30) days prior notice of any cancellation to the policy.
3. Every TNC shall make available to the public a summary of the insurance coverage maintained to satisfy this section.

725.8.3 TNC Requirements related to TNC Vehicle

Every TNC shall:

- (a) ensure that each TNC Vehicle is no more than ten (10) model years old, excluding the model year of the vehicle as reported on the vehicle's motor vehicle permit issued pursuant to the *Highway Traffic Act*;
- (b) ensure that each TNC Vehicle is the subject of a valid Safety Standards Certificate issued within the previous thirty-six (36) days, prior to commencement of use as a TNC Vehicle, and then every twelve (12) months thereafter.
- (c) ensure that each TNC Vehicle is submitted for vehicle safety inspection by or on behalf of the TNC Driver, at any time as required by the Manager of Legislative Services, and shall file with the Manager of Legislative Services a copy of a valid Safety Standards Certificate issued within the previous thirty-six (36) days for each vehicle affiliated with the company as required by the Manager of Legislative Services. The Manager of Legislative Services may require any TNC Vehicle to be re-examined by a mechanic of the Manager of Legislative Services' choice;
- (d) where the Manager of Legislative Services requires a TNC Vehicle to be examined or inspected, not permit the vehicle to be operated as a TNC Vehicle until it has passed such examination or inspection to the satisfaction of the Manager of Legislative Services; and
- (e) advise the Manager of Legislative Services of any change in any licence plate issued by the Ministry of Transportation within fourteen (14) days of being notified by a TNC Driver of the change.

725.8.4 TNC Driver Requirements related to TNC Vehicle

Every TNC Driver shall:

- (a) advise the TNC within fourteen (14) days of any change in any licence plate issued by the Ministry of Transportation;

- (b) submit each TNC Vehicle for vehicle safety inspection at his or her expense, at any time as required by the Manager of Legislative Services, and shall file with the Manager of Legislative Services a copy of a valid Safety Standards Certificate issued within the previous thirty-six (36) days for each vehicle operated on behalf of the company as required by the Manager of Legislative Services. The Manager of Legislative Services may require any TNC Vehicle to be re-examined by a mechanic of the Manager of Legislative Services' choice;
- (c) where the Manager of Legislative Services requires a TNC Vehicle to be examined or inspected, not operate or permit to be operated the vehicle as a TNC Vehicle until it has passed such examination or inspection to the satisfaction of the Manager of Legislative Services.

725.8.5 TNC held liable

The TNC shall be held liable for any violations found or misconduct done so by any TNC Driver or TNC Vehicle, to any provision of this Chapter and may result in the suspension, revocation or denial of the TNC Licence.

Article 9 TAXICAB BROKER REQUIREMENTS

725.9.1 Licence required - Taxicab Broker

No person shall act as or hold oneself out to be a Taxicab Broker within the City without first having obtained a licence to do so, and herein referred to as a "Taxicab Broker's Licence."

725.9.2 Application - Taxicab Broker - general requirements

Every applicant for a Taxicab Broker's Licence shall file with the Manager of Legislative Services, at the time of application:

- (a) a completed application using the form or forms required by the Manager of Legislative Services for a Taxicab Broker's Licence, that is signed by the applicant, or where the application is from a partnership or corporation respectively, signed by a partner or the president or other authorized signing officer of the corporation;
- (b) payment of the applicable licensing fee as set out in Schedule "A" to this Chapter;
- (c) proof of the insurance required under this Article to the satisfaction of the Manager of Legislative Services;
- (d) an indemnity in a form satisfactory to the City, to indemnify and save harmless the City of Orillia, its employees and agents from any and all claims, demands, causes or action costs or damages howsoever caused

that the City may suffer, incur or be liable for resulting from the issuance of a licence under this Chapter or from the performance or non-performance of the Taxicab Broker under this Chapter whether or not such performance or non-performance arises with or without negligence on the part of the Taxicab Broker, its employees, directors or agents;

- (e) a statement signed by the applicant confirming that he or she does not have any fine imposed under the *Provincial Offences Act*, R.S.O. 1990, c. P. 33, as amended, or successor legislation, that is in default for the contravention of any provision of this Chapter or any other City of Orillia By-law or Provincial Statute where such fine is associated with an offence that occurred in the City of Orillia and arising out of the conduct, operation or activity within or in conjunction with such business;
- (f) if the applicant is an individual, proof that the applicant is at least eighteen (18) years of age;
- (g) if the applicant is a corporation, proof that the corporation is legally entitled to conduct business in Ontario, including but not limited to:
 - (i) Article of Incorporation or other incorporating documents, duly certified by the proper government official or department of the Province of Ontario or of the Government of Canada;
- (h) if the applicant is a partnership, the names and addresses of each member of the partnership, as well as the name under which the partnership intends to carry on business and proof of the business name registration;
- (i) the address and contact information of the Taxicab Broker's registered business address in the Province of Ontario, which is not a post office box, to which the City may send during business hours any notice or documentation or communication that may be required under this Chapter and at which the applicant or the applicant's agent will accept receipt of such notice, documentation or communication together with the name, telephone, and email contact information for the person authorized to receive and respond on behalf of the broker to any and all communications from the City relating to the Taxicab Broker's licence or conduct of the business;
- (j) a copy of a proposed Taxicab Identification Decal and Tariff Card;
- (k) a list of all persons operating as a Taxicab Driver on behalf of the Taxicab Broker. Such list shall include the name, address and phone number for each individual;

- (l) a list of all taxicabs owned or operated on behalf of the Taxicab Broker. Such list shall include the licence plate number, make and model of the vehicle, and the number of the Taxicab Identification Decal.

725.9.3 Taxicab Broker Licence Application Requirements - Renewal

Every Taxicab Broker at the time of application for a renewal of a Taxicab Broker Licence shall not be required to submit the documentation stipulated in Section 725.9.2(g)(i)(ii) and (j), unless requested by the Manager of Legislative Services to do so.

725.9.4 Insurance requirements related to Taxicab Broker

Every Taxicab Broker shall obtain and maintain while licensed under this Chapter the following minimum insurance requirements:

- (a) Commercial General Liability insurance subject to limits of not less than Five Million Dollars (\$5,000,000.00) inclusive per occurrence for bodily injury, death and damage to property including loss of use, that includes:
 - (i) blanket contractual liability; premises, property and operations liability;
 - (ii) products and completed operations liability; and
 - (iii) cross liability and severability of interest provision.
- (b) such Commercial General Liability policy shall be in the name of the Taxicab Broker and the City of Orillia shall be named or included as an additional insured;
- (c) Non-Owned Automobile Insurance with limits of not less than Two Million Dollars (\$2,000,000.00) per occurrence; and,
- (d) an endorsement to provide the City of Orillia no less than thirty (30) days prior written notice, from the insurer, of any cancellation.

725.9.5 Taxicab Broker Requirements - Data Collection Records

1. Every Taxicab Broker shall keep an up-to-date list of every Taxicab Driver and taxicab that includes:
 - (a) the full name, address, and phone number of every Taxicab Driver; and
 - (b) the make, model and licence plate of every Taxicab, and the number of the Taxicab Identification Decal.
2. Every Taxicab Broker shall retain the records required under Sections 725.9.5(1) and Articles 10 and 11 for at least two (2) years. Notwithstanding the foregoing,

the information required under Sections 725.10.4(xvii)(2)(3)(4), shall not be required to be retained if the passenger has requested deletion of that information.

3. Every Taxicab Broker shall make the records referenced in Section 725.9.5(2) available in paper or electronic format to an Officer for investigative or audit purposes within thirty (30) days of the receipt of the request by the Officer, or within forty-eight (48) hours if otherwise specifically requested by an Officer.

725.9.6 Taxicab Broker - duties - general requirements

Every Taxicab Broker shall:

- (a) pay the appropriate fee increase corresponding with the appropriate category as set out in Schedule "A" when the number of drivers and vehicles increase to a different category;
- (b) ensure that the Tariff Card, and Taxicab Identification Decal adhere to the following requirements when the taxicab is available to provide or is providing transportation services to passengers:
 - (i) remain unobstructed;
 - (ii) has a glare-free surface;
 - (iii) be positioned to avoid shadow areas and glare;
 - (iv) be consistently shaped and coloured using text that is high colour contrasted with its background and has the appearance of solid characters;
- (c) ensure that all rates or fares including any scheduled price variance, is prominently displayed in characters of at least 0.5 centimetres in height and in Arial font on the sun visor or dashboard of each taxicab owned or operated on behalf of the Taxicab Broker so that it is readable by any passenger situated inside the vehicle when the taxicab is available to provide or is providing transportation services to any passenger, or available through an electronic format to every customer prior to commencement of any conveyance in a transparent fashion;
- (d) ensure that a Taxicab Identification Decal is prominently displayed on a passenger side door, a driver's side door and the rear of each taxicab owned or operated on behalf of the Taxicab Broker, and that each decal prominently displays in characters of at least 10 centimetres in height and in Arial font, the number of the Taxicab Identification Decal;

- (e) ensure that every driver of a taxicab is informed of the provisions of this Chapter;
- (f) ensure that every driver of a taxicab is the holder of an Ontario Driver's Licence with a minimum Class G designation, or other provincial equivalent, and that such licence is valid at all times when such driver is engaged in operating any taxicab;
- (g) not permit, encourage or condone the solicitation of passengers by Taxicab Drivers, whether on the street or in any manner or any other location;
- (h) immediately notify the Manager of Legislative Services should a Taxicab Driver be suspended or terminated from operating on behalf of the Taxicab Broker and shall not reinstate such driver unless prior approval has been granted by the Manager of Legislative Services;
- (i) not permit any Taxicab Driver to provide transportation services to passengers unless the driver consents to personal information being submitted to the Manager of Legislative Services or designate for the purpose of auditing compliance with this Chapter;
- (j) ensure that each Taxicab Driver prominently displays on the sun visor or dashboard of each taxicab owned or operated on behalf of the Taxicab Broker, a Taxicab Driver's Photo Identification Card for each taxicab so that it is readable by any passenger situated inside the vehicle when the taxicab is available to provide or is providing transportation services to any passenger;
- (k) not permit any Taxicab Driver to be on duty for more than twelve (12) hours in any twenty-four (24) consecutive hours;
- (l) keep an orderly record of all calls dispatched showing date, time, origin, destination, Taxicab Identification Decal number and the name of the driver. The records shall be retained for a period of twelve (12) months from date of entry and shall be open for inspection by any Officer. Such records may be removed and retained for a reasonable period of time by such Officer;
- (m) ensure all trip records submitted by the Taxicab Driver include the amount of the meter upon arrival at the destination, if applicable any discount (in \$) applied, and the total fare charged for each call answered by the Taxicab Driver;

- (n) not permit any Taxicab Driver to be on duty if the Taxicab Driver has not provided to the Taxicab Broker a criminal record check, or vulnerable sector screening certificate where applicable, as required by this Chapter;
- (o) not permit any Taxicab Driver to be on duty if a criminal record check, or vulnerable sector screening certificate where applicable, shows that the Taxicab Driver has any conviction or record suspension as set out in Schedule “B” of this Chapter;
- (p) not permit any Taxicab Driver to provide transportation services to passengers if the Manager of Legislative Services has informed the Taxicab Broker that the Taxicab Driver has any fine imposed under the *Provincial Offences Act*, R.S.O. 1990, c. P. 33, as amended, or successor legislation, that is in default for the contravention of any provision of this Chapter or any other City of Orillia By-law or Provincial Statute where such fine is associated with an offence that occurred in the City of Orillia and arising out of the conduct, operation or activity within or in conjunction with such business.

Article 10 TAXICAB DRIVER REQUIREMENTS

725.10.1 Application - Taxicab Driver - general requirements

Every Taxicab Broker shall ensure that every Taxicab Driver has submitted to the Taxicab Broker prior to commencement as a Taxicab Driver and every twelve (12) months thereafter:

- (a) a copy of a valid Ontario Driver’s Licence with a minimum Class G designation, or other provincial equivalent;
- (b) proof that the person is at least eighteen (18) years of age;
- (c) a copy of a driving record abstract dated within twelve (12) months. For greater certainty, the driving record abstract required to be submitted every twelve (12) months thereafter shall be dated no more than twelve (12) months from the date the prior check was completed by the Ministry of Transportation or other provincial equivalent; and
- (d) a copy of a criminal record check from a Police enforcement agency or other duly appointed agency, outlining that the person does not have any conviction as set out in Schedule “B”, and dated within twelve (12) months. For greater certainty, the criminal record check required to be submitted every twelve (12) months thereafter shall be dated no more than twelve (12) months from the date the prior check was completed by the Police enforcement agency or other duly appointed agency.

725.10.2 Application - Taxicab Driver - passport photograph requirement

Every Taxicab Broker shall file with the Manager of Legislative Services two (2) recent suitable passport size photographs of every Taxicab Driver prior to commencement as a Taxicab Driver and every twelve (12) months thereafter.

725.10.3 Renewal - passport photograph

Despite Section 725.10.2, passport photographs shall not be required to be filed every twelve (12) months, unless the Taxicab Driver's Photo Identification Card previously issued by the Manager of Legislative Services does not have a reasonable likeness and/or clear image of the driver because of physical changes to the appearance of the driver, the passage of time, the poor quality of the photography or the deterioration of the photograph or photo identification card.

725.10.4 Taxicab Driver - duties

Every Taxicab Driver shall:

- (a) operate a taxicab solely in association with, and will accept calls only from, a Taxicab Broker licensed under this Chapter;
- (b) be familiar with the provisions of this Chapter;
- (c) immediately report any suspension of his or her Ontario Driver's Licence, or provincial equivalent, to the Manager of Legislative Services;
- (d) keep a daily trip record, such daily trip record may be in paper or electronic format, of all calls received by him or her which result in the transporting of a passenger from one location to another and such trip record shall contain the following information:
 - (i) the Taxicab Identification Decal number for the taxicab used for such trip;
 - (ii) the first and last name of the driver;
 - (iii) the amount of fare collected for each trip inclusive of Harmonized Sales Tax;
 - (iv) date, time, origin and destination of each trip; and
 - (v) ensure all trip records include the amount of the meter upon arrival at the destination, if applicable, any discount (in \$) applied and the total fare charged for each call answered by the Taxicab Driver.
- (e) produce trip records upon the request of any Officer;

- (f) once in each calendar day that he or she has operated a taxicab, provide to the Taxicab Broker, the trip record for that day
- (g) ensure that any taxicab operated on behalf of the Taxicab Broker meets the standards required for the issue of a Safety Standards Certificate at all times;
- (h) produce two (2) recent suitable passport size photographs to the Manager of Legislative Services so that a new Taxicab Driver's Photo Identification Card can be issued if the Taxicab Driver's Photo Identification Card does not have a reasonable likeness and/or clear image of himself or herself because of physical changes to the appearance of himself or herself, the passage of time, the poor quality of the photography or the deterioration of the photograph or Taxicab Driver's Photo Identification Card;
- (i) while in charge of a taxicab:
 - (i) carry at all times and produce immediately upon request of any Officer, their Taxicab Driver's Photo Identification Card, Ontario driver's licence or other provincial equivalent, valid insurance that meets the requirements of this Chapter, and the vehicle's motor vehicle permit issued pursuant to the *Highway Traffic Act*;
 - (ii) ensure that the Tariff Card, and Taxicab Vehicle Identification Decal for the taxicab adhere to the following requirements:
 1. remain unobstructed;
 2. has a glare-free surface;
 3. be positioned to avoid shadow areas and glare;
 4. be consistently shaped and coloured using text that is high colour contrasted with its background and has the appearance of solid characters;
 - (iii) not solicit any person to take or use the taxicab he or she is driving;
 - (iv) not take, consume or have in his or her possession any intoxicant;
 - (v) not employ or permit any runner or other person to assist or act in concert with him or her in obtaining any passenger;
 - (vi) not carry a greater number of passengers than is set out in the manufacturer's rating for the taxicab;

- (vii) not take on any additional passenger(s), except with permission of the passengers already in the taxicab;
- (viii) not operate a taxicab unless the vehicle is not more than ten (10) model years old, excluding the model year of the vehicle as reported on the vehicle's motor vehicle permit issued pursuant to the *Highway Traffic Act*;
- (ix) not smoke/vape or permit any passenger to smoke/vape in the taxicab;
- (x) not refuse to serve a person with a disability or fail to permit a service animal to enter the taxicab;
- (xi) prominently display on the sun visor or dashboard of each taxicab owned or operated on behalf of the Taxicab Broker, a Taxicab Driver's Photo Identification Card so that it is readable by any passenger situated inside the vehicle;
- (xii) ensure that all rates or fares including any scheduled price variance, is prominently displayed in characters of at least 0.5 centimetres in height and in Arial font on the sun visor or dashboard of each taxicab owned or operated on behalf of the Taxicab Broker so that it is readable by any passenger situated inside the vehicle when the taxicab is available to provide or is providing transportation services to any passenger, or available through an electronic format to every customer prior to commencement of any conveyance in a transparent fashion;
- (xiii) ensure that a Taxicab Identification Decal is prominently displayed on a passenger side door, a driver's side door and the rear of each taxicab owned or operated on behalf of the Taxicab Broker, and that each decal prominently displays in characters of at least 10 centimetres in height and in Arial font, the number of the Taxicab Identification Decal;
- (xiv) upon request of any passenger, give in writing his or her name, and number of the Taxicab Identification Decal for the taxicab he or she is driving;
- (xv) not use any space made available for public parking whether for a fee or otherwise, except for the purpose of and while actually engaged in picking up or dropping off a customer;
- (xvi) take the most direct route possible to the point of destination unless directed otherwise by the passenger;

(xvii) promptly provide a receipt upon request from a passenger at the end of the transportation service that includes information confirming:

1. total rate or fare paid inclusive of Harmonized Sales Tax;
2. date and time of pickup;
3. total duration of trip;
4. the starting and ending locations of the trip; and
5. the first name of the Taxicab Driver and number of the Taxicab Identification Decal for the taxicab he or she is driving.

(xviii) despite Section 725.10.1(d), not permit any passenger who is less than eighteen (18) years of age in the taxicab at any time if the passenger is not accompanied by a person that is eighteen (18) years of age or older, without first having provided to the Taxicab Broker a vulnerable sector screening certificate outlining that the Taxicab Driver does not have any conviction or record suspension as set out in Schedule "B", and dated within twelve (12) months. A vulnerable sector screening certificate required under this subsection shall only need to be provided once to a Taxicab Broker, but for greater certainty, every twelve (12) months thereafter a criminal record check would be required to be provided to the Taxicab Broker as prescribed in Section 725.10.1(d). It is a defence to a charge under this subsection that the driver reasonably believed in all the circumstances that the unaccompanied person in the taxicab was over eighteen (18) years of age. The driver's belief will be deemed reasonable if the person produces a prescribed form of identification showing that the person was at least eighteen (18) years of age and there was no apparent reason to doubt the authenticity of the document or that it was issued to the person producing it.

Article 11 TAXICAB REQUIREMENTS

725.11.1 Application - Taxicab - general requirements

Every Taxicab Broker shall obtain and maintain, or ensure that every owner of a taxicab has submitted to the Taxicab Broker, prior to commencement of use as a taxicab, and every twelve (12) months thereafter or as otherwise required by this Chapter:

- (a) proof that the taxicab is no more than ten (10) model years old, excluding the model year of the vehicle as reported on the vehicle's motor vehicle permit issued pursuant to the *Highway Traffic Act*,

- (b) a copy of a valid motor vehicle permit issued pursuant to the *Highway Traffic Act* for each vehicle operating on behalf of the Taxicab Broker;
- (c) a copy of a valid Safety Standards Certificate issued within the previous thirty-six (36) days for each vehicle operating on behalf of the Taxicab Broker.

725.11.2 Insurance requirements related to Taxicabs and Taxicab Drivers

Every Taxicab Broker shall obtain and maintain, or ensure that every owner of a taxicab obtains and maintains, a certificate of insurance with the following minimum insurance requirements for each taxicab owned by the Taxicab Broker, and not owned by the Taxicab Broker but which is intended to be used as a taxicab for the Taxicab Broker:

- (a) Automobile Liability Insurance with limits of not less than Two Million Dollars (\$2,000,000.00) inclusive per occurrence for bodily injury, death and damage to property. The Automobile Liability insurance shall include the OPCF 6A – Permission to Carry Paying Passengers and OPCF22 – Damage to Property of Passengers;
- (b) Non-Owned Automobile insurance with limits of not less than Two Million Dollars (\$2,000,000.00) per occurrence;
- (c) The City of Orillia shall be named or included as an additional insured;
- (d) an endorsement to provide that the City shall receive at no less than thirty (30) days prior written notice from the insurer of any cancellation; and,
- (e) confirmation that insurance coverage includes each Taxicab Driver who operates the taxicab to which the Taxicab Identification Decal is affixed.

725.11.3 Taxicab Broker Requirements related to Taxicab

Every Taxicab Broker shall:

- (a) ensure that each taxicab is no more than ten (10) model years old, excluding the model year of the vehicle as reported on the vehicle's motor vehicle permit issued pursuant to the *Highway Traffic Act*;
- (b) ensure that each taxicab is the subject of a valid Safety Standards Certificate issued within the previous thirty-six (36) days, prior to commencement of use as a taxicab, and then every six (6) months thereafter, at his or her expense;
- (c) ensure that each taxicab meets the standards required for the issue of a Safety Standards Certificate at all times;
- (d) ensure that each taxicab is submitted for vehicle safety inspection at any time as required by the Manager of Legislative Services, and shall file with

the Manager of Legislative Services a copy of a valid Safety Standards Certificate issued within the previous thirty-six (36) days for each vehicle operated on behalf of the company as required by the Manager of Legislative Services. The Manager of Legislative Services may require any taxicab to be re-examined by a mechanic of the Manager of Legislative Services' choice;

- (e) where the Manager of Legislative Services requires a taxicab to be examined or inspected, not operate or permit to be operated the vehicle as a taxicab until it has passed such examination or inspection to the satisfaction of the Manager of Legislative Services;
- (f) advise the Manager of Legislative Services within 14 (fourteen) days of any change in any licence plate issued by the Ministry of Transportation;
- (g) ensure that each taxicab has an electric sign on top of the taxicab and securely fixed clearly indicating the vehicle is a taxicab in the trade name under which the taxicab is being operated;
- (h) ensure that a taxicab meter is affixed to each taxicab;
 - (i) ensure that each taxicab meter is:
 - (i) so placed as to be conveniently seen at all times by the passenger or passengers of the taxicab;
 - (ii) kept in good working order at all times and not used when defective in any way;
 - (iii) illuminated from one-half hour before sunset to one-half hour after sunrise.

725.11.4 Taxicab ceases to operate - removal - equipment and markings

Where a taxicab ceases to operate on behalf of the Taxicab Broker, the Taxicab Broker shall immediately remove from such vehicle:

- (a) the roof sign with indicator light;
- (b) the meter;
- (c) all identifying decals or markings;
- (d) any other markings which would identify the vehicle as a taxicab.

725.11.5 Taxicab Broker held liable

The Taxicab Broker shall be held liable for any violations found or misconduct done so by any Taxicab Driver or Taxicab, to any provision of this Chapter and may result in the suspension, revocation or denial of the Taxicab Broker Licence.

**Article 12
EXEMPTIONS**

725.12.1 Exemptions

This Chapter does not apply to:

- (a) a person that is facilitating "carpooling" as set out in the *Public Vehicles Act*;
- (b) a passenger transportation system provided by, or on behalf of the City;
- (c) an ambulance service including vehicles and drivers operating on behalf of the service;
- (d) a Stretcher Transportation Service Provider (STSP), drivers operating on behalf of a STSP, and vehicles owned or operated on behalf of a STSP, provided a passenger is transported on a stretcher or in wheelchair;
- (e) a Designated Driver Transportation Company and a Designated Driver Transportation Company Driver, provided the driver drives a customer in the customer's vehicle;
- (f) a retirement home, drivers operating on behalf of a retirement home, and vehicles owned or operated on behalf of a retirement home, for the purpose of transporting residents of those homes;
- (g) Helping Hands, drivers operating on behalf of Helping Hands, and vehicles owned or operated on behalf of Helping Hands;
- (h) The Canadian Cancer Society (CCS), drivers operating on behalf of the CCS, and vehicles owned or operated on behalf of the CCS, where there is no fee or other compensation nor is a fee or other compensation paid to the driver, owner, or lessee of the motor vehicle for a passenger's transportation except to reimburse the expenses of operating the motor vehicle on a not-for-profit basis and provided the passenger is being conveyed to or from a hospital or other medical facility;
- (i) a motor vehicle operated under a public vehicle operating licence issued pursuant to the *Public Vehicles Act*;
- (j) motor vehicles operated by or on behalf of an Auxiliary Service Transportation Company for the purpose of and while actually engaged in

providing an auxiliary service to a person with a disability who has pre-registered as a client with the company at least twenty-four (24) hours in advance of being provided transportation services. Notwithstanding the foregoing, pre-registration is not required in advance of providing an auxiliary service to a customer with a disability that is picked up from the Orillia Soldiers' Memorial Hospital.

Article 13 ENFORCEMENT

725.13.1 Enforcement

The provisions of this Chapter may be enforced by any Police Officer of the Ontario Provincial Police, and/or Municipal By-law Enforcement Officer.

725.13.2 Entry and inspection

An Officer may at all reasonable times:

- (a) inspect any vehicle, building, place, premise, equipment and other property used or kept for hire in connection with the carrying on of a business which is licensed or which is required to be licensed pursuant to this Chapter, and;
- (b) inspect any goods, articles, books, records and other documents of or relating to any such business.

725.13.3 Hinder or Obstruct

No person shall hinder or obstruct, or attempt to hinder or obstruct, any Officer exercising a power or performing a duty under this Chapter, or any person lawfully acting in aid of such an Officer. Without limiting the generality of the meaning of "hinder" or "obstruct", a person shall be deemed to have obstructed or hindered an Officer in the execution of their duties if he or she:

- (a) provides false information to an Officer; or
- (b) is alleged on reasonable and probable grounds to have contravened any of the provisions of this Chapter, and fails to identify themselves to an Officer upon request.

725.13.4 Fine - person - for contravention

Every person who contravenes any of the provisions of this Chapter, and every director or officer of a corporation who knowingly concurs in such contravention by the corporation, is guilty of an offence and on conviction is liable to a fine not exceeding \$25,000 for a first offence, and \$50,000 for any subsequent offence.

725.13.5 Fine - corporation - for contravention

Where a corporation is convicted of an offence under the provisions of this Chapter, the maximum penalty that may be imposed on the corporation is \$50,000 for a first offence, and \$100,000 for any subsequent offence, and for greater certainty not as provided in Section 725.13.4.

725.13.6 Fine - for contravention - part I offence

Despite Sections 725.13.4 and 725.13.5, every person who contravenes any of the provisions of this Chapter, and every director or officer of a corporation who knowingly concurs in such contravention by the corporation, is guilty of an offence and on conviction pursuant to Part I of the *Provincial Offences Act*, is liable to a maximum fine as provided for in the *Provincial Offences Act*.

725.13.7 Court order - prohibited continuation of offence

Upon conviction, in addition to any other remedy and to any penalty imposed by this Chapter, the court in which the conviction has been entered and any court of competent jurisdiction thereafter may make an order prohibiting the continuation or repetition of the offence by the person convicted.

725.13.8 Rebuttable presumption - identification

In a prosecution for a contravention of this Chapter, evidence of identification shall be presumed to be correct and accurate, unless rebutted by evidence to the contrary.

**Article 14
INTERPRETATION****725.14.1 Words - intention**

In this Chapter, unless the contrary intention is indicated, words used in singular shall include the plural and words used in the male gender shall include the female gender and a corporation or vice versa where applicable.

725.14.2 Headings

Headings are inserted for convenience of reference purposes only, form no part of this Chapter and shall not affect in any way the meaning or interpretation of the provisions of this Chapter.

725.14.3 Expression of time

Where any expression of time occurs or where any hour or other period of time is stated the time referred to shall be standard time, provided however, if what is known as "daylight saving time" has been generally adopted in the City for any period of the year, under any statute, order-in-council, by-law, resolution or proclamation, whether the same is effective in law or not, such time shall be the time referred to during such period in any reference to time in this Chapter.

725.14.4 Schedules

All Schedules to this Chapter shall form part of this Chapter.

Article 15
VALIDITY AND SEVERABILITY

725.15.1 Validity and severability

Every provision of this Chapter is declared to be severable from the remainder of the Chapter and if any provision of this Chapter shall be declared invalid by a court of competent jurisdiction, such declaration shall not affect the validity of the remainder.

Article 16
CONFLICTS

725.16.1 Most restrictive - prevail

If a provision of this Chapter conflicts with an Act or a regulation or another Chapter, the provision that is most restrictive shall prevail.

Article 17
EFFECTIVE DATE

725.17.1 Effective date

This Chapter shall come into force and take effect on the date of passing thereof.

Adopting By-law: By-law 2018-82, 16 August 2018.

By-law Amendments: By-law 2019-20, 4 March 2019;

Repealed and Replaced: By-law 2020-10, 10 February 2020.

By-law Amendments: By-law 2020-48, 25 May 2020.

SCHEDULE "A" TO CHAPTER 725 - LICENCE AND ADMINISTRATION FEES

Licence	*Fee
Taxicab Broker Licence (1-2 drivers and vehicles in total)	\$624
Taxicab Broker Licence (3-10 drivers and vehicles in total)	\$957
Taxicab Broker Licence (11-25 drivers and vehicles in total)	\$1,789
Taxicab Broker Licence (26-50 drivers and vehicles in total)	\$2,621
Taxicab Broker Licence (51-150 drivers and vehicles in total)	\$3,371
Taxicab Broker Licence (151-250 drivers and vehicles in total)	\$4,619
TNC Licence (1-2 drivers and vehicles in total)	\$624
TNC Licence (3-10 drivers and vehicles in total)	\$957
TNC Licence (11-25 drivers and vehicles in total)	\$1,789
TNC Licence (26-50 drivers and vehicles in total)	\$2,621
TNC Licence (51-150 drivers and vehicles in total)	\$3,371
TNC Licence (151-250 drivers and vehicles in total)	\$4,619
Duplicate Licence	\$37
Amendments to Licence - Change of name, Licensee, Location	\$37
Late Application Fee	\$72
Licence Refusal	\$72
Appeal -Tribunal	\$72

*Fees will be subject to an automatic 2% increase rounded to the nearest dollar effective January 1st of each year, beginning January 1, 2021.

SCHEDULE “B” TO CHAPTER 725 - THRESHOLD - CONVICTIONS

The Manager of Legislative Services shall refuse to grant a licence under this Chapter if an applicant has:

- (a) any code 01 conviction or record suspension;
- (b) any code 02 conviction or record suspension within the last twenty years;
- (c) any code 03 conviction or record suspension within the last fifteen years;
- (d) two or more code 03 convictions or record suspensions within the last twenty years;
- (e) any code 04 conviction within the last five years;
- (f) two or more code 04 convictions within the last ten years;
- (g) any code 05 or 07 conviction within the last year;
- (h) any code 06 conviction within the last three years;
- (i) six or more convictions under this Chapter 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.

<i>Criminal Code Offences</i>	<i>Description</i>	<i>Code</i>
*Offence committed against vulnerable sector (minors, elderly or persons with a disability)	Interference, invitation, exploitation, procuring sexual activity (parent or guardian), permitting sexual activity (householder) corrupting children, luring a child, exposure Sexual assault, sexual assault with weapon, causing bodily harm, aggravated, assault with weapon, causing bodily harm Incest, indecent act Makes, prints, publishes or possesses for the purpose of publication any child pornography Transmits, makes available, distributes, sells, advertises, imports, exports or possesses for the purpose of transmission, making available,	01

	distribution, sale, advertising or exportation any child pornography Possesses, or accesses any child pornography Kidnapping, hostage taking, abduction, trafficking of person	
Terrorism	Providing, collecting property; using, possessing property; providing, making available property	01
Homicide	Homicide, manslaughter, infanticide, murder, attempt to commit, accessory	01
Noxious thing, poison	Administering to harm	01
Major assault and sexual assault offences	Sexual assault with weapon, causing bodily harm, aggravated, assault with weapon, causing bodily harm	02
Sexual offences	Incest, indecent act, sexual assault	03
Confinement	Kidnapping, hostage taking, abduction, trafficking of person	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
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

<i>Criminal Code Offences</i>	<i>Description</i>	<i>Code</i>
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

<i>Controlled Drugs and Substances Act Offences</i>	<i>Description</i>	<i>Code</i>
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

*For the purposes of this schedule, the following definitions apply:

“**minor**” shall mean a person under 18 years of age.

“**elderly**” shall mean a person sixty-five years of age or over.

In the course of an application, the Manager of Legislative Services may 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 Manager of Legislative Services is itself a ground for suspension of the licence.