

A G E N D A

WINDSOR LICENSING COMMISSION

For a meeting on Wednesday, July 18, 2012 at 9:30 o'clock a.m.
Windsor City Hall, 350 City Hall Square West
3rd floor – Council Chambers

1. CALL TO ORDER

2. MINUTES

Adoption of the minutes of the meeting of the Windsor Licensing Commission held June 20, 2012 (copy attached).

3. DISCLOSURE OF INTEREST

N/A

4. REQUESTS FOR DEFERRALS, REFERRALS OR WITHDRAWALS

N/A

5. COMMUNICATIONS

N/A

6. LICENCE TRANSFERS

N/A

7. APPLICATIONS/HEARINGS

(a) Mr. Abdulaheem Jassim Bedawi
4505 Osaka Circle
Windsor, ON

Revocation of Licence Plate # 300

(b) Tricia Hopkins/Steven Ford
1036 Glidden Ave.
Windsor, On

Dangerous Dog Appeal

8. REPORTS AND ADMINISTRATIVE MATTERS

- (a) Expired Business Licence
- (b) Taxi Vehicle – Safety Certificates, Age Limit, Insurance

8.1 ADDITIONAL LATE DELEGATIONS/INFORMATION

Excess Automobile Liability Insurance

9. IN-CAMERA AGENDA

Item No.	Subject	Section – Pursuant to Municipal Act, 2001, as amended
9(a)	Personal matter about an identifiable individual	239(b)

10. NEW BUSINESS

N/A

11. DATE OF NEXT MEETING

The following 2012 meetings are scheduled for the Licensing Commission:

August 18, 2012	9:30 a.m.	Council Chambers
September 19, 2012	9:30 a.m.	Council Chambers
October 17, 2012	9:30 a.m.	Council Chambers
November 21, 2012	9:30 a.m.	Council Chambers
December 19, 2012	9:30 a.m.	Council Chambers

12. ADJOURNMENT

KK/
Windsor, Ontario June 20, 2012

A meeting of the **Windsor Licensing Commission** is held this day commencing at 9:30 o'clock a.m. in the Council Chambers, 3rd floor, City Hall, there being present the following members:

Councillor Ron Jones, Chair
Councillor Drew Dilkens
Councillor Ed Sleiman
Jack Fathers

Regrets received from:

Councillor Percy Hatfield (meeting conflict)

Also present are the following resource personnel:

Michael Chantler, Supervisor of Licensing & Deputy Licence Commissioner
Gary Cian, Manager of Policy, Gaming & Licensing/Deputy Licence Commissioner
Lee Anne Doyle, Executive Director/Chief Building Official
Bill Tetler, By-law Enforcement Officer
Karen Kadour (A) Committee Coordinator

1. CALL TO ORDER

The Chair calls the meeting to order at 9:31 o'clock a.m. and the Commission considers the Agenda being Schedule "A" **attached** hereto, matters which are dealt with as follows:

2. MINUTES

Moved by J. Fathers, seconded by E. Sleiman,
That the minutes of the Windsor Licensing Commission at its meeting held May 22, 2012 **BE ADOPTED** as presented.
Carried.

3. DISCLOSURE OF INTEREST

None disclosed.

4. **REQUESTS FOR DEFERRALS, REFERRALS OR WITHDRAWALS**

None.

5. **COMMUNICATIONS**

None.

9. **IN CAMERA AGENDA**

Verbal Motion is presented by J. Fathers, seconded by Councillor Dilkens, to move In Camera at 9:32 o'clock a.m. for discussion of the following items:

Item No.	Subject	Section – Pursuant to Municipal Act 2001, as amended
9(a)	Personal matter about an identifiable individual	s. 239(b)
9(b)	Personal matter about an identifiable individual	s. 239(b)

Motion Carried.

Discussion on the item of business 9(a). No one is present to speak to the matter.

Discussion on the item of business 9(b). No one is present to speak to the matter.

Verbal Motion is presented by J. Fathers, seconded by Councillor Sleiman, to move back into public session at 9:40 o'clock a.m.

Moved by J. Fathers, seconded by Councillor Dilkens,
That the Licence Commissioner **BE DIRECTED** to transmit the recommendations contained in the reports discussed at the In Camera Windsor Licensing Commission meeting held June 20, 2012 directly to the Windsor Licensing Commission for consideration at the next Regular Meeting.

Moved by Councillor Sleiman, seconded by Councillor Dilkens,
WLC21/12 That the In Camera report of the Licence Commissioner respecting a personal matter about an identifiable individual **BE RECEIVED** and further, that Administration **BE REQUESTED** to proceed with the verbal direction of the Windsor Licensing Commission.

Carried.

Moved by Councillor Dilkens, seconded by J. Fathers,
WLC22/12 That the In Camera report of the Licence Commissioner respecting a personal matter about an identifiable individual **BE RECEIVED** and further, that Administration **BE REQUESTED** to proceed with the verbal direction (Option 2) of the Windsor Licensing Commission.

Councillor Sleiman voting nay.

Motion Carried.

6. LICENCE TRANSFERS

6(a) Transfer of Plate #009

Mr. Feisal Ibrahim is present and available to answer questions.

Moved by Councillor Sleiman, seconded by Councillor Dilkens,
WLC23/12 That the transfer of Taxicab Plate #009 from Mr. Amir Mostafavi, to Mr. Feisal Ibrahim **BE APPROVED** with the following conditions:

- the transferee Mr. Feisal Ibrahim be given thirty (30) days from the date of this decision in which to submit a vehicle for inspection that complies with Schedule 5 to By-law 137-2007
- submit a Plate Holder Application and pay the applicable fee.
- that the transferee, cannot lease the plate for a one year period as stated in Schedule 5, Section 21.3 of Licensing By-law 137-2007.

Carried.

7. APPLICATIONS/HEARINGS

7(a) 851314 Ontario Limited o/a Kim's Lodging – Lodging House

Mr. Greg Allan, Solicitor is present and available to answer questions. He indicates an application to address the zoning issue will be brought to the Committee of Adjustment.

Moved by Councillor Dilkens, seconded by Councillor Sleiman,
WLC24/12 That the application submitted by Kwang Kim, 851314 Ontario Limited o/a Kim's Lodging Home for a Lodging House Licence **BE DEFERRED** until such time the zoning issue has been resolved by the applicable City Departments.

Carried.

7(b) Isabella's Dining & Lounge – Hospitality Food Service/Ancillary Liquor

Moved by Councillor Dilkens, seconded by J. Fathers,
WLC25/12 That the Hospitality Food Service – Liquor Application #12-116703 for Isabella's Dining & Lounge at 2883 Howard Avenue **BE REFUSED TO ISSUE** as it is non-compliant with By-law 395-2004 General Provisions, section 3.24 (1)(h).

Carried.

Verbal Motion is presented by J. Fathers, seconded by Councillor Dilkens, to move In Camera at 9:50 o'clock a.m. for discussion of the following items:

- **Reconsideration of Item (9)(b).**

The applicant is present and available to answer questions.

Moved by Councillor Dilkens, seconded by J. Fathers,
That Rule 13.9 of the City of Windsor Procedural By-law with respect to notice of all new motions **BE WAIVED** to immediately hear a motion of reconsideration without prior notice.

Carried.

Moved by J. Fathers, seconded by Councillor Dilkens,
That the Windsor Licensing Commission **RECONSIDER** the In Camera personal matter about an identifiable individual.

Carried.

Verbal Motion is presented by J. Fathers, seconded by Councillor Sleiman, to move back into public session at 9:55 o'clock a.m.

Moved by J. Fathers, seconded by Councillor Dilkens,
That the Licence Commissioner **BE DIRECTED** to transmit the recommendations contained in the reports discussed at the In Camera Windsor Licensing Commission meeting held June 20, 2012 directly to the Windsor Licensing Commission for consideration at the next Regular Meeting.

Moved by Councillor Sleiman, seconded by J. Fathers,
WLC26/12 That the In Camera report of the Licence Commissioner respecting a personal matter about an identifiable individual **BE RECEIVED** and further, that Administration **BE REQUESTED** to proceed with the verbal direction (Option 1) of the Windsor Licensing Commission.

Carried.

8. **REPORTS AND ADMINISTRATIVE MATTERS**

8(a) **Expired Business Licence**

Moved by J. Fathers, seconded by Councillor Sleiman,
That the report of the Supervisor of Licensing & Deputy Licence Commissioner dated June 4, 2012 entitled "Expired Application(s) for Business Licence" **BE RECEIVED** for information.

Carried.

8(b) **Results of 2012 Spring Safety Lane**

Moved by Councillor Sleiman, seconded by J. Fathers,
That the memo of the Manager of By-law Enforcement, dated April 30, 2012 entitled "Results of 2012 Spring Taxicab Safety Lane" **BE RECEIVED** for information.

Carried.

10. **NEW BUSINESS**

N/A

11. **DATE OF NEXT MEETING**

The next meeting of the Windsor Licensing Commission will be held on July 18, 2012 at 9:30 o'clock a.m. in the Council Chambers, 3rd floor, City Hall.

12. **ADJOURNMENT**

There being no further business the meeting is adjourned at 9:56 o'clock a.m.

CHAIR

SECRETARY

ITEM NO. 7(a)

WINDSOR LICENSING COMMISSION

July 18, 2012

APPLICANT/LICENSEE:

Mr. Abdulaheem Jassim Bedawi
4505 Osaka Circle
Windsor, ON N9G 3G3

LICENCE CATEGORY:

Taxi Plateholder
Plate # 300 Wheelchair Accessible
Licence # 11 137115
ACLC #

HEARING PARTICULARS:

Revocation of Plate Holder Licence

APPENDED MATERIALS

- Copy of Licence issued to Mr. Bedawi, being Appendix "A".
- Copy of letter submitted to Licensing Division on May 14, 2012 from Mr. Jay Abdourahman, being Appendix "B".
- Copy of letter mailed to Mr. Bedawi from Licensing Division, being Appendix "C".

LICENCE COMMISSIONER'S COMMENTS

REGULATORY AUTHORITY

Public Vehicle Licensing Bylaw 137-2007, Schedule 5, Part III, Section 6.14 states:

"A taxicab or taxicab wheelchair accessible vehicle shall not be taken out of service for more than sixty (60) consecutive days, nor an aggregate total time exceeding ninety (90) days in a calendar year without the prior written consent of the Licensing Commission, failing which, the taxicab or taxicab wheelchair accessible vehicle plate relating to that specific vehicle may be revoked, in the sole discretion of the Licensing Commission."

BACKGROUND

On May 14, 2012, Mr. Jay Abdourahman, Owner of Canadian Checker Cab reported to the Licensing Division that Mr. Bedawi is no longer a member of Canadian Checker Cab fleet, **attached** hereto as **Appendix B**. On May 17, 2012, a letter was sent to Mr. Bedawi

requesting a written response outlining his intentions with regard to taxicab Plate # 300, *attached* hereto as **Appendix C**. To date we have had no response from Mr. Bedawi and the physical plate #300 is in the possession of the Licence Commissioner.

SUMMARY

It was brought to the attention of administration by Mr. Bedawi's former broker, Canadian Checker Cab, that all taxi equipment had been returned to the broker and Mr. Bedawi was no longer operating Checker Cab #300. Administration made several attempts to contact Mr. Bedawi by phone. Licensing administration then requested that a By-Law Enforcement Officer attend the address and inquire about plate #300. When the By-Law Enforcement Officer attended his residence, it was a female who surrendered the plate and indicated that Mr. Bedawi was not there. Mr. Bedawi has not responded to phone calls or written correspondence. As the plate has been off the road in excess of 60 days and there has been no indication that the plate will be placed back into service, administration advises that the appropriate course of action would be to revoke the plate holder licence.

RECOMMENDATION:

THAT plate holder licence #11 137115 and associated accessible taxi vehicle plate #300 issued to Mr. Abdulaheem Jassim Bedawi of 4505 Osaka Circle, Windsor, **BE REVOKED**.

DISPOSITION:

LICENCE MUST BE POSTED IN A PROMINENT POSITION ON THE LICENSED PREMISES.



WINDSOR LICENSING COMMISSION BUSINESS LICENCE

OFFICE OF THE CITY CLERK - LICENSING DIVISION
350 City Hall Square West, Room 203
P.O. BOX 1607, Windsor, ON N9A 6S1

11 137115

PHONE: (519) 255-6200, OPTION 1

FAX: (519): 255-6868

THE ENTITY NAMED HEREIN IS HEREBY GRANTED A LICENCE TO OPERATE THE BUSINESS INDICATED

HEREUNDER

ABDULHALEEM JASSIM BEDAWI

CONDITIONS, IF ANY:

4505 OSAKA CIR
WINDSOR ON N9G 3G3

TAXI PLATE #300
2005 CHRYSLER TWC
PROVINCIAL PLATE AZAF 001
VIN: 2C4GP64L15T603179
BROKERED BY CHECKER CAB CO.

TYPE OF LICENCE

LICENCE FEE

Taxicab/Wheelchair Accessible Plate Holder	Business Licence Fee	400.00	<input type="checkbox"/>	New
			<input checked="" type="checkbox"/>	Renewal
TOTAL FEE		400.00		

Date of Issue September 26, 2011

Date of Expiry August 31, 2012

Issuer Margaret Moore

Margaret Moore
LICENCE COMMISSIONER

**CANADIAN CHECKER CAB**

506 Hanna St.E. Windsor Ont. N8X 2N6 • Phone: (519) 254-7777 • Toll Free: 1-866-TAXI-R-US • Fax: (519) 253-6907

May 14, 2012

City of Windsor
Licensing & Enforcement Department

Attention: Licensing Commission

RECEIVED

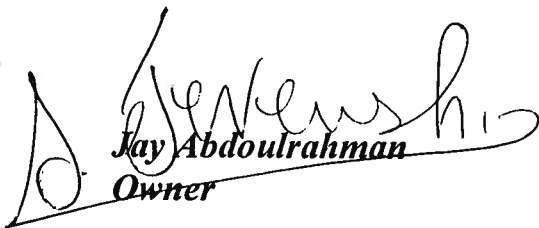
MAY 16 2012

POLICY GAMING & LICENSING

This Letter will serve as a notification that Mr Abdul Bedawi owner of cab 300 is an independent taxicab driver operating individually and not a member of Canadian Checker Cab fleet as of May 14, 2012.

For any further information please feel free to contact the office.

Sincerely


Jay Abdourahman
Owner

RECEIVED

MAY 22 2012

POLICY GAMING & LICENSING



THE CORPORATION OF THE CITY OF WINDSOR

VALERIE CRITCHLEY
LICENCE COMMISSIONER

OFFICE OF THE CITY CLERK
POLICY, GAMING & LICENSING

May 17, 2012

Abdulaheem Jassim Bedawi
4505 Osaka Circle
Windsor, Ontario N9G 3G3

RE: Taxi Plate #300

Dear Mr. Bedawi:

It has come to the attention of the Policy, Gaming and Licensing Division of the Office of the City Clerk that Taxicab Plate #300 is currently not in service. At the present time, the Licence Commissioner is in physical possession of said plate.

Section 16.4 to Schedule 5 of Public Vehicle Licensing By-law 137-2007 states:

"A taxicab or taxicab wheelchair accessible vehicle shall not be taken out of service for more than sixty (60) consecutive days, nor an aggregate total time exceeding ninety (90) days in a calendar year without the prior written consent of the Licensing Commission, failing which, the taxicab or taxicab wheelchair accessible vehicle plate relating to that specific vehicle may be revoked, in the sole discretion of the Licensing Commission."

You now have the option of either voluntarily surrendering the plate to the City of Windsor or alternatively, securing a vehicle which is compliant with Schedule 5 of Public Vehicle Licensing By-Law 137-2007.

In view of the preceding, you are required to provide details, in writing, to this office indicating your intentions with Taxicab Plate #300.

Failure to comply with this request within **sixty days** of the date of this letter will result in your Taxicab Placeholder Licence being forwarded to the Windsor Licensing Commission for revocation.

Yours truly,

Michael Chantler
Supervisor of Licensing &
Deputy Licence Commissioner
MC/jc

350 City Hall Square West, Room 203 ♦ Windsor, Ontario ♦ N9A 6S1
BUSINESS LICENSING: (519) 255-6200, Option #1
GAMING: (519) 255-6200, Option #2
Fax: (519) 255-9467

ITEM NO. 7 (b)

WINDSOR LICENSING COMMISSION

July 18, 2012

APPLICANT/LICENSEE:

Tricia Hopkins/Steven Ford
1036 Glidden Ave.
Windsor, On

LICENCE CATEGORY:

Dangerous Dog-“Ivan”
Animal Licence # 7762
File # ACLC/11506

HEARING PARTICULARS:

Appeal of Dangerous Dog Designation.

APPENDED MATERIALS

- Copy of Windsor Police Occurrence Report, being Appendix “A”
- Dog Investigation Report, being Appendix “B”
- Dangerous Dog Notice, being Appendix “C”

LICENCE COMMISSIONER’S COMMENTS

A dangerous dog designation appeal was submitted to By-law Enforcement Officer Mario Bonas on June 5, 2012 by Tricia Hopkins of 1036 Glidden Ave., Windsor, guardian of a nine year old dog called “Ivan”. Licensing Division records indicate that this dog did not have a 2012 dog tag licence at the time of the incident however a 2012 licence was purchased on June 8, 2012. It should be noted that there is no previous history on file for this dog at this address.

REGULATORY AUTHORITY

Dangerous Dog is defined by By-law Number 245-2004, a By-law for the Registration and Licensing of Dogs and for the Control of Dogs Generally Within the City of Windsor as follows:

“Dangerous Dog”:

- i. “means a dog that, in the absence of any mitigating factor has attacked, bitten, or caused injury to a person or has demonstrated a propensity, tendency or disposition to do so;

Section 17 to By-law Number 245-2004 states:

17. If an Animal Control Officer designates a dog as a dangerous dog, the Animal Control Officer shall serve notice upon the Guardian, requiring the Guardian, upon receipt of such notice to comply with the following requirements:

- a) to keep such dog confined;
 - i. within the guardian's dwelling, or
 - ii. in an enclosed pen of sufficient dimension and strength to be humane shelter for the dog and to prevent the dog from coming in contact with or making a real and substantial threat of attack on a person other than the guardian of the dog;
 - iii. conspicuously display on his or her property a sign provided by the City warning that there is a dangerous dog on the property.
- b) to securely attach a muzzle to such dog at all times when it is not confined in accordance with section 17(a);
- c) to obtain and maintain in force a policy of public liability insurance issued by an insurer licensed by the Province of Ontario providing third party liability coverage in an amount of not less than \$1,000,000.00 for any damage or injury caused by such dangerous dog and to provide to the Animal Control Officer a Certificate of such policy and each subsequent renewal of it. Such policy shall contain a provision requiring the insurer to immediately notify the Animal Control Officer should to policy expire, be cancelled or be terminated for any reason; and
- d) to permit the Animal Control Officer to have a veterinarian insert a microchip implantation in such dog, at the Guardian's expense, for the purpose of identifying such dog as a dangerous dog;
- e) To restrain the dangerous dog in accordance with any written directives which may be given by an Animal Control Officer.

BACKGROUND

- On Friday May 25, 2012 Canada Post mail carrier Tom Quenneville was conducting his daily routine in the 1000 block of Glidden Ave., when a Bouvier dog jumped up on him as he was walking away from 1036 Glidden and bit him in the arm.
- Windsor Police attended the victim's home on May 28, 2012 and indicated in the report, attached as Appendix "A", that Quenneville received one puncture above the left forearm and one puncture below the left forearm.
- By-law Enforcement Officer Mario Bonas received this complaint on May 30, 2012 and attended 1036 Glidden on June 5, 2012 to obtain further details of the incident. The Officer was advised that the dog got loose when construction material was being delivered into the home. No mitigating factors were identified.
- June 5, 2012 a Dangerous Dog Designation was served to Tricia Hopkins for her dog "Ivan" and appealed the same day.
- Tricia Hopkins was issued a Ticket for failing to obtain a dog licence.

SUMMARY

The Windsor Licensing Commission may determine whether or not there were any mitigating factors that would give reason for the dog to attack and bite. Based on the information provided by the

By-law Enforcement Officer and Windsor Police report, Administration is of the opinion that there are no mitigating factors. Therefore Administration is recommending that the dangerous dog designation remain in place.

RECOMMENDATION:

That the **DANGEROUS DOG** designation **REMAIN IN PLACE** for nine year old Bouvier known as "Ivan" which currently resides with guardian, Tricia Hopkins at 1036 Glidden Ave. in Windsor, Ontario, and further, that the following actions **BE REQUIRED** as a result of this designation:

1. To keep such dog, when in or on the property of another person with the person's consent, on a leash and under the control of that person who is sixteen years of age or more.
2. Conspicuously display on his or her property a sign provided by the city warning that there is a dangerous dog on the property.
3. To securely attach a muzzle to such dog at all times when it is not confined in accordance with section 17 (a).
4. Obtain and maintain a policy liability insurance coverage in an amount of not less than \$1,000,000 for any damage or injury caused by such dangerous dog and to provide to the animal Control Officer a Certificate of such policy and each subsequent renewal of it.
5. Insert a microchip implantation in such dog, at the Guardian's expense, for the purpose of identifying such dog as a dangerous dog.
6. To restrain the dangerous dog in accordance with any written directives which may be given by an Animal Control Officer.

DISPOSITION:



**WINDSOR POLICE SERVICE
GENERAL OCCURRENCE HARDCOPY**

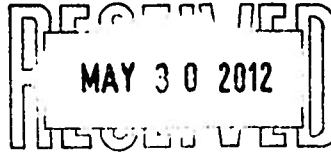
APPENDIX "A"

GO# 2012-31393

ANIMAL DOG BITE COMPLAINTS

BYLAWS

Purpose:
Date Released: Wednesday, 2012-May-30
Time Released: 10:19
Authorized by: HBYLAW-BYLAWS
Released by: 6328-ELSIDO, CARMELLA



12-125165 DO
Mario Bonas

RELEASED TO

Business: CITY OF WINDSOR
Person: OGLAN, VERA

**** DISCLAIMER ****

CONFIDENTIAL THIRD PARTY PROTECTED Release authorized under Section 32 of the M.F.O.I.P.P.A
This message is intended for the use of the entity to which it is addressed and may contain information that is private, privileged, confidential, and exempt from disclosure under applicable law. Further release of this information to any third party is prohibited without the express written consent of the Windsor Police Service. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication is strictly prohibited. Please notify us immediately by the listed telephone number and return any original to us by postal service at the address below, while destroying any electronic copy that may exist. Thank-you.
Windsor Police Service P.O. Box 60 Windsor ON N9A 6J5 (519) 255-6700

*** CONFIDENTIAL ***



**WINDSOR POLICE SERVICE
GENERAL OCCURRENCE HARDCOPY**

GO# 2012-31393

ANIMAL DOG BITE COMPLAINTS

Residing at: 1036 GLIDDEN AV , WINDSOR
ONTARIO , N8S2P1

Phone numbers

HOME: [REDACTED]

Particulars

S.I.N.: --

Occupation: ASSEMBLER

Employed by: [REDACTED]

Driver's licence: [REDACTED] ONTARIO

Citizenship: CANADIAN

Ethnicity: WHITE

Linkage factors

Ethnicity: WHITE

Master Name Summary

Name: FORD, STEVEN

Sex: MALE , Born on: [REDACTED]

Residing at: 1036 GLIDDEN, WINDSOR
ONTARIO , N8S2P1

Phone numbers

HOME: [REDACTED]

*** CONFIDENTIAL ***



WINDSOR POLICE SERVICE
GENERAL OCCURRENCE HARDCOPY

GO# 2012-31393

ANIMAL DOG BITE COMPLAINTS

NARRATIVE: INITIAL OFFICERS REPORT

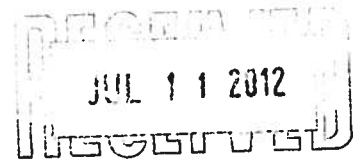
DOG BITE

Author: 15260 JACKSON, BIANCA

Related date/time: Monday, 2012-May-28 11:11

Note: Statements (Charge and Voluntary) from the parties concerned are required when the dog is at large in a public place or on private property other than that of the dog's owner*

Location of Injury on Body: {left arm. forearm and under forearm }
Physician or Hospital Attended: {clinic }
Description of Dog: {grey/brown Bouvier }
Dog Tag Number: {n/a }
Date of Last Rabies Shots: {n/a }
Rabies Tag #: {n/a }
Was dog at large: ([]) Yes ([x])No
([]) Public Place ([x]) Private Property (Mark with X)
Was the Owner Warned of the Board of Health 14-Day Confinement
Period: ([])Yes ([x])No (Mark with X)



Brief Summary of the Occurrence:

{INJURED: QUENNEVILLE, TOM "QUENNEVILLE" male born [REDACTED]}

INJURY: 1 PUNCTURE ABOVE LEFT FOREARM & 1 PUNCTURE BELOW LEFT FOREARM
SOUGHT MEDICAL ATTENTION AT A WALK-IN CLINIC

PREMISE: 1036 GLIDDEN

DOG: GREY/BROWN BOUVIER "IVAN"

OWNER: FORD, Steven "FORD" male born [REDACTED]

=====

NARRATIVE:

On Monday May 28, 2012 I PC JACKSON was assigned as marked patrol in district 50/51. At 0916hrs I was dispatched to [REDACTED] for a report of an dog bite.

Upon my arrival I met with complainant Tom QUENNEVILLE. QUENNEVILLE stated that he is a letter carrier for Canada Post and has been delivering mail in the same route for the past 12 years. He knows most of the residence and knows that there is a large Bouvier at 1036 Glidden. On Friday May 25, QUENNEVILLE advised that he was approaching 1036 Glidden and noticed that there was a large work van in the driveway, he could also hear the workers talking at the front of the truck. QUENNEVILLE stated that the dog at this home is usually kept inside or is tied up in the back yard that is fenced. QUENNEVILLE claims that he did not see or hear the dog that day and went

*** CONFIDENTIAL ***



**WINDSOR POLICE SERVICE
GENERAL OCCURRENCE HARDCOPY**

GO# 2012-31393

ANIMAL DOG BITE COMPLAINTS

about delivering the mail as usual. QUENNEVILLE advised that as he was walking away from the house down the driveway, he saw the dog come around from the opposite side of the work truck and approach him. QUENNEVILLE stated that he froze in his steps and did not yell at the dog. The dog then sniffs QUENNEVILLE and he believes that the dog was then going to turn and walk away. QUENNEVILLE states that the dog jumps up at him towards his face. QUENNEVILLE stated that he used his carrier to block the dog from biting his face. He felt the dog latch on to his arm and promptly let go. Right away QUENNEVILLE sees blood draining from the puncher wound in his arm. He begins to walk away and notices that the owner of the dog was standing on the other side of the work truck. QUENNEVILLE states to the owner "your dog just took a chunk outta my arm". The owner approaches QUENNEVILLE to apologize for what his dog had just done and returns to his house.

QUENNEVILLE advised that he has been bitten by a dog before and so he cleaned up the wound himself and attended a walk-in clinic for further medical treatment. QUENNEVILLE did not get any information about the dog from the owner, but believes that his supervisor would be getting that information today.

At 1003hrs I attended 1036 Glidden to speak with the owners of the Bouvier. Upon conducting a door knock I could hear a dog barking in the house, but I received negative results for an owner.

At the time of this report, I could not obtain a tag, rabies number or the date of last rabies shot.

From a previous call in 2007, there was a hazard for a Bouvier dog named "Ivan" in the Glidden residence. The owner at the time was Steven FORD. }

*** CONFIDENTIAL ***



**WINDSOR POLICE SERVICE
GENERAL OCCURRENCE HARDCOPY**

GO# 2012-31393

ANIMAL DOG BITE COMPLAINTS

NARRATIVE: WITNESS STATEMENT

QUENNEVILLE TOM

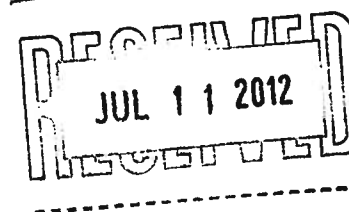
Author: **15260 JACKSON, BIANCA**

Related date/time: **Monday, 2012-May-28 10:27**

{ I will state that my name is Tom QUENNEVILLE. I am a letter carrier for Canada Post. My regular route for the past 12 years includes the 1000 Block of Glidden. Most of the residents in the area know me. On Friday May 25, 2012 at about 11am I was delivering to 1036 Glidden. That day they had some kind of work going on because I saw a white utility van parked in the driveway and as I walked up to the mailbox I could hear a few guys talking in front of the van. I know that there is a Bouvier dog at this house, but its usually inside the house or tied up in the back. They have signs everywhere warning people about the dog. On this day though I didn't notice the dog in the house or the back yard. So I delivered the mail and was starting to walk down the driveway to go to the next house, when I saw the dog come around from the other side of the van. I just froze. The dog came up to me and sniffed me. I still didn't yell or even move. After it sniffed me I was thinking that it was just going to walk away, but instead it jumped up and went to block my face with my carrier bag. The dog grabbed onto my left hand, that was holding my bag. After it let go it ran away. I looked at my forearm, and it was just covered in blood. I started walking away and noticed that the owner was on the other side of the van. I told him that his dog just took a chunk outta my arm. He was running up to me apologizing and stuff. He was saying other things but I can't remember, I was just shaking and blood was just running down my arm. I was trying to hold up my arm to avoid getting blood all over the mail in my bag. I just wanted to get back to my truck to I could call my supervisor and let them know what happened. I've been bitten by dogs before, so I just wanted to get the wound cleaned up and head to the clinic. After I got some of the blood cleaned up, I noticed that there was another bite mark on the inside of my forearm. The dog must a had its whole mouth around my arm. I believe my supervisor went to talk to the owner today.

The dog is a greyish brown Bouvier, I don't know his name. }

I declare that the statement as it appears above was made by me, that it was read to me and by me, and that I have been given the opportunity to alter it. I understand that it was electronically locked by the police officer to prevent any alterations to the statement and that a computer generated number has been attached to my statement indicating the date and time that the text has been locked.



*** CONFIDENTIAL ***



**WINDSOR POLICE SERVICE
GENERAL OCCURRENCE HARDCOPY**

GO# 2012-31393

ANIMAL DOG BITE COMPLAINTS

Clearance Information

Agency: **POLICE DEPARTMENT**

Cleared on: **Monday, 2012-May-28** CCJS Status: **NOT CLEARED**

Cleared by Officer(s): **COX, TODD**

*** CONFIDENTIAL ***

**Information Required For A Windsor Licensing
Commission Report (Dog Investigation.)**

Amanda reference number: 12-126250. Notes printed and attached.

Type of designation: Dangerous Dog

Prohibited **Restricted** **Dangerous** **Potentially Dangerous**

Name of the animal: Ivan

Photograph of Dog taken and dated: YES NO

Name and address of animal owner/harboured:

TRICIA HOPKINS/STEVEN FORT

1036 Glidden Ave.

Windsor, ON Phone: 519- [REDACTED]

Age of the dog: _____ Confirmed: YES NO

How long the dog resided in Windsor: _____

Verification of residency (such as veterinarian records) YES NO

Licence information (current or previous years): YES (yr: 2012) NO

Has the dog been spayed or neutered: YES NO

Has the dog has been micro chipped: YES NO

Does the dog owner/harboured have insurance: YES NO

Any previous Investigations, violations, charges: YES NO

Any addition information required for report: YES NO

Submission date of information to the Compliance/Enforcement Clerk: _____

Submitted By: Compliance/Enforcement Officer: M. Boras



THE CORPORATION OF THE CITY OF WINDSOR

DANGEROUS DOG NOTICE CORPORATION OF THE CITY OF WINDSOR WINDSOR LICENSING COMMISSION IN THE MATTER OF THE DESIGNATION OF DANGEROUS DOG.

Marlo Bonas ANIMAL CONTROL OFFICER upon reasonable belief, and in the absence of mitigating factors; serve

DANGEROUS DOG NOTICE to Tricia Hopkins, the GUARDIAN of
GUARDIAN (full name)

Ivan, which has been deemed DANGEROUS DOG, as defined under City of
NAME OF DOG

Windsor By-Law 245-2004 Section 1(i).

Further that,

The said GUARDIAN shall, upon receipt of such notice, comply with the requirements as outlined under City of Windsor By-Law 245-2004 Section 17.

Marlo Bonas
SIGNATURE OF ANIMAL CONTROL OFFICER

Tricia Hopkins
SIGNATURE OF GUARDIAN

"Guardian" means any person who owns, keeps, possesses or harbours a dog or dogs and "own", "owns" or "owned" have a corresponding meaning, and where the guardian is a minor means the parent, guardian or person having custody of the minor.

Dangerous Dog Must Comply with ALL of the following:

- | | |
|--|--|
| 1. To keep such dog confined: within the guardian's dwelling; or in an enclosed pen of sufficient dimension and strength to be humane shelter for the dog and to prevent the dog from coming into contact with or making a real and substantial threat of attack on a person other than the guardian of the dog. | 4. Obtain and maintain a policy of public liability insurance coverage in an amount of not less than \$1,000,000.00 for any damage or injury caused by such dangerous dog and to provide to the Animal Control Officer a Certificate of such policy and each subsequent renewal of it. |
| 2. Conspicuously display on his or her property a sign provided by the city warning that there is a dangerous dog on the property. | 5. Insert a microchip implantation in such dog, at the Guardian's expense, for the purpose of identifying such dog as a dangerous dog. |
| 3. To securely attach a muzzle to such dog at all times when it is not confined in accordance with section 17(a). | 6. To restrain the dangerous dog in accordance with any written directives which may be given by an Animal Control Officer |

Assessment for Dangerous Dog

Date of Assessment: June 5th 2012 Time: 2:45 pm
Guardian's Name: Tricia Hopkins Dog's Name: Ivan
Address: 1036 Glidden Telephone: [REDACTED]
Description of Dog: Black Bouvier Breed of Dog: Bouvier Des Flandres
Rabies Tag No.: _____ City of Windsor Tag No.: NA Microchip No.: _____
Complaints: YES NO Surrendered: YES NO Police Report: YES NO
Bite of Attack: YES NO Seized: YES NO Report No.: _____
At Large: YES NO Quarantined: YES NO Witness: YES NO

Animal Control Officer's Comments: In accordance with restrictions indicated above also obtain 2012 dog licence.

Appeal Dangerous Dog Notice

In accordance with By-Law 245-2004 Section 18(c), you may request, within three working days of receipt of the Animal Control Officer's notice, and are entitled to, a hearing by the Appeal Committee, which is the Windsor Licensing Commission.

I wish to submit my written request to the Licence Commissioner of the City of Windsor to have a hearing before Appeal Committee.

Guardian: Tricia Hopkins Address: 1036 GLIDDEN
Date Submitted: JUN 05/2012 Received by: [Signature]

(Licensing and Enforcement Department's copy - white)
(Animal Control Officer's copy - yellow)
(Guardian's copy - pink)

(see over)

**THE CORPORATION OF THE CITY OF WINDSOR
OFFICE OF THE CITY CLERK
LICENSING DIVISION**

**MISSION STATEMENT:**

"The City of Windsor, with the involvement of its citizens, will deliver effective and responsive municipal services, and will mobilize innovative community partnerships"

Livelihood: Report #	Report Date: June 4, 2012
Author's Name: Michael Chantler	Date to Commission: July 18, 2012
Author's Phone: 519 255-6100, Ext. 6869	Classification #: ACLB
Author's E-mail: mchantler@city.windsor.on.ca	

To: Windsor Licensing Commission

Subject: Expired Application(s) for Business Licence

1. RECOMMENDATION: City Wide: Ward(s): _____

To the Commission for information.

EXECUTIVE SUMMARY:

2. BACKGROUND:

Various business licence application(s) are submitted to the Licensing Division annually for either the renewal of a licence or for a new business.

Section 3.20 of Business Licensing By-law 395-2004 states:

"3.20 Licence – application deemed expired

Any business licence application that has not received approvals from all municipal or provincial departments or agencies as the Licence Commissioner deems necessary within 60 days from the date of the filing of the application, because of the applicant's inability to comply with the requirements to become licensed, shall be deemed to have expired unless the application is referred to the Windsor Licensing Commission under section 3.28 of this by-law."

3. DISCUSSION:

An application(s) for a business licence was submitted by the following:

<u>APPLICANT</u>	<u>LOCATION</u>	<u>LICENCE CATEGORY</u>	<u>DATE OF APPLICATION</u>
NEW BUFFET WINDSOR	2503 Dougall	Hospitality Service Food	Feb. 27, 2012
DA LUCIANO TRATTORIA INC.	501 Erie St. E.	Hospitality Food Service- Ancillary Liquor	Feb. 14, 2012
RANELLO HOLDINGS o/a Pizza King	3395 Howard Ave.	Hospitality Food Service	Feb. 29, 2012
Canadian Mental Health Association	354 Alymer Ave.	Lodging House	Oct. 31, 2011
Armando's Pizza	6011 Tecumseh Rd. E.	Hospitality Food Service	March 2, 2012

The above mentioned application(s) has been pending for more than 60 days, and the applicant has not complied with the requirements of Business Licensing By-law 395-2004.

A letter has been sent to the above applicant(s) advising that their application has expired and is no longer valid.

4. FINANCIAL MATTERS:

5. COMMUNITY STRATEGIC PLAN

6. CONSULTATIONS:

7. CONCLUSION:

The application(s) listed above shall be deemed to have expired.

Michael Chantler
Deputy Licence Commissioner
MC/dc

APPENDICES:

DEPARTMENTS/OTHERS CONSULTED:
Name:
Phone #: 519 Ext.

NOTIFICATION :

Name	Address	Email Address	Telephone	FAX

THE CORPORATION OF THE CITY OF WINDSOR
Office of the City Clerk – Policy, Gaming & Licensing



MISSION STATEMENT:

"The City of Windsor, with the involvement of its citizens, will deliver effective and responsive municipal services, and will mobilize innovative community partnerships"

LiveLink FILE #: 16044	Report Date: June 26, 2012
Author's Name: Michael Chantler, Supervisor of Licensing/Deputy Licence Commissioner	Date to Commission: July 18, 2012
Author's Phone: 519 255-6100, Ext. 6869	Classification #:
Author's E-mail: mchantler@city.windsor.on.ca	

TO: Windsor Licensing Commission

SUBJECT: Taxi Vehicle – Safety Certificates, Age Limit, Insurance

1. RECOMMENDATION: City Wide: Ward(s): _____

I. THAT Public Vehicle Licensing By-Law 137-2007, Schedule 5 **BE AMENDED by:**

- deleting Section 4.1 (e)
- deleting Section 14.2
- deleting Section 14.1 (a) and REPLACING it with the following: “(a) at Vehicle Standards Inspection Lane. The safety standards certificate shall be dated no more than 36 days prior to the date of an inspection.”
- adding the following definition to Part I: “Vehicle Standards Inspection Lane” means an inspection period, the dates and times as established by the Licence Commissioner, during which inspectors or compliance officers examine vehicles to ensure compliance with this By-Law.”; and further

II. THAT Public Vehicle Licensing By-Law 137-2007, Schedule 5 **BE AMENDED by deleting:**

“14.9 No vehicle more than seven (7) years old shall be used as a taxicab in the City. By example, August 31, 2009 means the model year is 2009. By further example, a current taxicab vehicle that is more than seven (7) years old on August 31, 2009 i.e. 2002 or older taxicabs would have to be taken out of service. (Added By-law 152-2010 dated September 27, 2010)”

And replacing it with:

“14.9 No vehicle more than 8 years old shall be used as a taxicab in the City. By example, August 31, 2012 means the model year is 2012. By further example, a current

taxicab vehicle that is more than 8 years old on August 31, 2012 i.e. 2004 or older taxicabs would have to be taken out of service.”; and further

THAT plate holders who have replaced 2005 vehicles based on current by-law requirements, specific to Section 14.9 of 137-2007, from January 1, 2012 to June 22, 2012 **BE ALLOWED** 1 extra year on those particular vehicles. By example, if the replacement vehicle was a 2010, that vehicle would not have to come off the road by August 31, 2018 as it would be granted an extension to August 31, 2019 (as long as it meets the vehicle standards of the by-law).

III. THAT, Public Vehicle Licensing By-Law 137-2007, Schedule 5 **BE AMENDED** by deleting:

“17.1 (b) for each taxicab or taxicab wheelchair accessible vehicle, liability coverage in the amount of not less than THREE MILLION DOLLARS (\$3,000,000.00) for personal injury or property damage arising out of any one accident or occurrence;”

And replacing it with:

“17.1 (b) for each taxicab or taxicab wheelchair accessible vehicle, automobile liability coverage in the amount of not less than TWO MILLION DOLLARS for personal injury or property damage arising out of any one accident or occurrence;”; and further

IV. THAT By-law _____-2012 *attached* as Appendix B **BE ADOPTED** by Council at the time of consideration.

EXECUTIVE SUMMARY: N/A

2. BACKGROUND:

The Policy, Gaming & Licensing Department and the By-Law Enforcement Unit expend considerable resources regulating the taxi industry through Public Vehicle Licensing By-Law #137-2007. Sections of the by-law relevant to this report are *attached* for reference as **Appendix A**. Although legislation is static, changes in the industry arise from time to time that require discussion and may lead to recommendations in reviewing particular sections of our by-laws. An extensive review of this particular by-law was undertaken in 2006 including hiring an independent consulting firm who produced a report known as the BMA Study. Numerous recommendations were presented to Council and the final result was the by-law being passed on July 16, 2007. In an ongoing effort to stay current and provide applicable solutions as issues arise, the Licence Commissioner has implemented quarterly meetings with stakeholders to confer over issues affecting the taxi industry and, in turn, the regulation and enforcement of the existing by-law. In one such recent meeting, the group identified several issues for review. City administration, through consultation with the stakeholders, believes that three particular topics should be given priority – Safety Certificate Requirements, Vehicle Age Limits and Insurance Requirements.

3. DISCUSSION:

Safety Standards Certificate Requirements

The current by-law requires that plate holders submit a Safety Standards Certificate (“safety”) for their taxi cab vehicle annually during the licence renewal period, prior to the August 31 deadline. Historically, safeties were also taken at Spring and Fall Safety Lane Inspections (now called Vehicle Standards Inspection Lanes), however these two instances are not mandated by the by-law and are discretionary. For the last 2 years, the Licence Commissioner exercised discretion and waived the requirement for a safety at the Fall Safety Lane as it was only 2 months after the August renewal and each vehicle already had a safety on file from the recent renewal application process. Therefore it seemed redundant to ask for another safety after such a short period of time. After discussions with the industry stakeholders, it seems to make more sense for all parties involved, to require safeties at the spring and fall inspections and to remove the current by-law requirement to submit a safety during the August licence renewal period. It is prudent to note that Section 14.1 (b) provides the Licence Commissioner with the authority to request a safety at any time. An example of this would be in the case of a vehicle replacement or when a plate is transferred and the new vehicle is presented for inspection.

Vehicle Age Limits

The current by-law states that vehicles over 7 years are not to be used as taxicabs in the City of Windsor. That means that any vehicle currently in use as a taxi cab that is a 2005, must be off the road by August 31, 2012. At the time of the writing of this report, there are 33 vehicles facing this deadline. Extending the vehicles for 1 year would provide relief to an industry that has not recovered since an economic downturn coupled with a 2009 work stoppage at one of the largest providers in the industry. Several plate holders have indicated that they are not in a financial position to replace their vehicles and the result would be a number of plates being removed and the vehicles being taken out of service. A direct result would be loss of employment for several drivers. Additionally, if vehicles are taken out of service for an extended period of time, numerous plate revocations reports would have to be drafted by administration and then forwarded to the Windsor Licensing Commission for consideration. Lastly, and most importantly, service to the citizens of Windsor and visitors to our region may suffer from a shortage of available taxicabs as the number of vehicles in question represents approximately 15% of the vehicles on the road.

Vehicle age limits for taxis range from 6 to 10 years throughout municipalities across Ontario. Ottawa has recently amended their by-law to allow 8 year old vehicles on their roads, extended from 7 years previously. Amending the City of Windsor by-law to allow taxi vehicles to remain in service for 8 years does not prevent By-Law Enforcement from removing any vehicle from the road that an Officer identifies as being unsafe or sub-standard.

It was brought to administration’s attention that there were a couple of cases where vehicles have already been replaced in order to comply with the upcoming deadline. In order to be fair with these owners, those particular vehicles will be identified and tracked by licensing. They will be allowed an additional year of service assuming that they are still compliant with by-law standards.

Insurance Requirements

The current by-law requires liability coverage in the amount of three million dollars. CAW Local 195 union representatives, a broker and a number of drivers have expressed that they can quite readily acquire two million dollars in coverage at a reasonable price from their local

insurance brokers, but the additional one million in coverage causes them hardship due to the fact that they have to pay an additional \$750-800 for the additional million.

A review of municipalities across the province of Ontario (Burlington, Oakville, London, Waterloo, Hamilton, Mississauga, Thunder Bay and Brampton) reveals that the vast majority require two million dollars in liability coverage. Brampton requires only one million.

The City of Windsor's Risk Management Department has reviewed the current insurance requirement. The higher the auto insurance limits are, the more money that is available to a potential claimant in the event of a loss caused or contributed to by the taxi owner. A claimant can include taxi passengers, a driver or passenger of another vehicle, or anyone injured as a result of the use or operation of the taxi. The greater the number of claimants injured in one accident results in less insurance money available to compensate each claimant for their loss. It is not uncommon to have a taxi carry at least four passengers. A typical personal auto insurance policy will have limits of one to two million dollars. In the event of a catastrophic accident, not one million, two million, or three million dollars may suffice, and the owner would be personally responsible on a joint and several basis with any other at-fault parties for the remainder of any money that may be owing to a claimant. It is ultimately up to the owner of the vehicle to obtain insurance in amounts he/she feels comfortable with, and that he/she feels will adequately cover his/her risk exposure.

The 2006 BMA study reviewed the practice of Hamilton, Ottawa, Mississauga, Vancouver, London, and Niagara. At that time, each municipality required minimum limits of two million dollars. The only municipality reviewed that did not have such limits was Oshawa, which only required one million dollars. The study noted that Hamilton previously required limits of no less than five million dollars, but due to taxicab owners having difficulty finding insurance companies willing to provide this level of coverage; it reduced the requirement to two million dollars. The BMA study recommended that the City of Windsor require two million dollars in coverage. The City of Windsor's Risk Management Department agrees that two million dollars in coverage is a reasonable minimum requirement, but for their own benefit, would encourage taxi owners to consider higher limits, as may be feasible.

4. RISK ANALYSIS:

Operationally, there is little risk to the corporation as By-Law Enforcement continues to oversee two Vehicle Standards Inspection Lanes per year for all vehicles. If there are questions or concerns about the condition of any vehicle, it can be removed from service. With regard to mechanical fitness of the vehicles, the by-law amendment in the first recommendation results in mandating that two safeties be submitted annually from a professional mechanic duly licensed by the Province of Ontario. The change to the by-law will mean that two mechanical inspections take place per year, rather than only one mandatory submission and discretionary requests for safeties that have historically been waived. Bi-annual vehicle safety standards certificates and inspections by the By-Law Enforcement Unit will improve the likelihood that all vehicles will be maintained in good condition throughout the year and that all requirements of the by-law are met. This change exceeds the previous recommendation of the BMA Study, which recommends a minimum of two mandatory safety certificates for all vehicles four model years or older.

From a liability perspective, the risk of loss is taken on almost entirely by the insured on the vehicle. There are limited instances where circumstances could reasonably give rise to a

claimant claiming against both the vehicle owner and the City of Windsor. In those instances, less insurance available from the vehicle owner means the potential for more City funds to contribute to a settlement or judgment, provided there was liability on the City's part. While this situation is a possibility, it is rare that both the City and vehicle owner would both be implicated and that a damage award would exceed two million dollars.

5. FINANCIAL MATTERS:

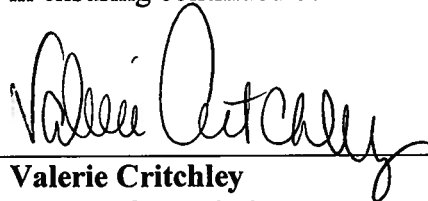
The proposed Public Vehicle Licensing By-Law 137-2007 changes outlined in the Recommendation section do not have a financial impact to the Licensing Department or the By-Law Enforcement Unit. Administering the Vehicle Standards Inspection Lane program is an ongoing operational item that exists in the By-Law Enforcement budget.

6. CONSULTATIONS:

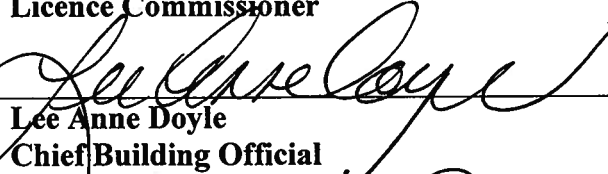
Mike Dunning, CAW Local 195
Haidar Aouli, Driver's Union President
Stuart Caverhill, Gerry's Windsor Taxi
Walter Bezzina, Veteran Cab Company
Ann Kalinowski, Manager of By-Law Enforcement – City of Windsor
Dana Paladino, Risk Management – City of Windsor
George Wilkki, City Solicitor
Sonia Bajaj, Finance – City of Windsor

7. CONCLUSION:

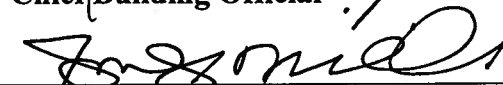
Administration supports the proposed recommendations to amend the existing by-law. Administration is acutely aware of the economic conditions in this industry and these changes will assist the drivers, plateholders and brokers. The suggested regulations are consistent with other municipalities in the province and support our continued efforts to work with the stakeholders in the taxi industry. These recommended changes will also assist the taxi industry in ensuring continued commitment and service to the community and visitors.



Valerie Critchley
Licence Commissioner



Lee Anne Doyle
Chief Building Official



George Wilkki
City Solicitor

**APPENDICES: Appendix A – Relevant sections of By-Law 137-2007
Appendix B – By-Law _____-2012**

DEPARTMENTS/OTHERS CONSULTED:

Name:

Phone #: 519

Ext.

NOTIFICATION :

Name	Address	Email Address	Telephone	FAX
Mike Dunning – CAW Local 195	3400 Somme Ave. Windsor, ON N8W 1V4	finance@cawlocal195.com	519-253-1107	519-258-4618
Walter Bezzina – Veteran Cab Company	350 Tuscarora Ave. Windsor, ON N9A 3L7	wbezzina@vetscab.com	519-256-1868	519-256-0297
Stuart J. Caverhill – Gerry's Windsor Taxi	12222 Tecumseh Rd. Tecumseh, ON N8N 1L9		519-735-3531	519-735-6217
Syed Zahid – 1339517 Ontario Ltd. o/a Windsor Cab	3165 Sandwich Ave Unit 5 Windsor, ON N9C 1A7		519-978-2000	519-977-1900
Jay Abdoulrahman – Canadian Checker Cab	506 Hanna St. E. Windsor, ON N8X 2N6		519-253-5166	519-253-6907
Haidar Aouli, Chairperson CAW 195		haidaraouli@hotmail.com	519-796-9446	

Relevant sections of By-Law 137-2007

Section 4.1 No taxicab plate or taxicab wheelchair accessible vehicle plate and associated taxicab or taxicab wheelchair accessible vehicle plate holder licence shall be issued under this By-law until the following requirements have been met:

- (e) the applicant shall file with the Licence Commissioner a safety standards certificate issued within thirty (30) days of the date of the applicant's application; and,"

Section 14.2

"Every taxicab or taxicab wheelchair accessible vehicle that is more than 4 years old, with the model year counted as the first year and the current year counted as the last year, shall submit a safety standards certificate to the Licence Commissioner six (6) months after a licence is issued upon the renewal of the licence, dated within thirty (30) days of a City inspection of the taxicab or taxicab wheelchair accessible vehicle."

Section 14.1

"Every taxicab and taxicab wheelchair accessible plate holder shall submit the taxicab or taxicab wheelchair accessible vehicle for examination by a certified mechanic duly licensed by the Province of Ontario and provide a safety standards certificate to the Licence Commissioner:

- (a) upon renewal of the taxicab and taxicab wheelchair accessible plate holder licence, which safety standards certificate shall be dated no more than thirty (30) days prior to the renewal date; and,
- (b) at any other time as the Licence Commissioner may require."

BY - LAW NUMBER -2012

A BY-LAW TO AMEND BY-LAW 137-2007,
BEING A BY-LAW RESPECTING THE
LICENSING AND REGULATING OF PUBLIC
VEHICLES

Passed the th day of, 2012.

WHEREAS administration was directed by M-2012 to amend By-law Number 137-2007, being a By-law respecting the licensing and regulating of public vehicles, passed the 16th day of July, 2007;

THEREFORE the Council of the Corporation of the City of Windsor enacts as follows:

- I. That By-law Number 137-2007 be and the same is hereby amended as follows:
 - (a) deleting Section 4.1 (e) of Schedule 5
 - (b) deleting Section 14.2 of Schedule 5
 - (c) deleting Section 14.1 (a) of Schedule 5 and replacing it with the following:

“(a) at the Vehicle Standards Inspection Lane. The safety standards certificate shall be dated no more than 36 days prior to the date of the inspection.”
 - (d) adding the following definition to PART I: DEFINITIONS:

“Vehicle Standards Inspection Lane” means an inspection period, the dates and times as established by the Licence Commissioner, during which inspectors or compliance officers examine vehicles to ensure compliance with this By-Law.”
 - (e) deleting Section 14.9 of Schedule 5 and replacing it with the following:

“14.9 No vehicle more than 8 years old shall be used as a taxicab in the City. By example, August 31, 2012 means the model year is 2012. By further example, a current taxicab vehicle that is more than 8 years old on August 31, 2012 i.e. 2004 or older taxicabs would have to be taken out of service.”
 - (f) by deleting Section 17.1 (b) of Schedule 5 and replacing it with:

“17.1 (b) for each taxicab or taxicab wheelchair accessible vehicle, automobile liability coverage in the amount of not less than TWO MILLION DOLLARS for personal injury or property damage arising out of any one accident or occurrence;”
2. This by-law shall come into force and take effect on the day of the final passing thereof.

EDDIE FRANCIS, MAYOR

CLERK

First Reading -
Second Reading -
Third Reading -



CREGGAN
INSURANCE BROKERS INC.

8.1
3040 Universal Drive, Unit E
Mississauga, Ontario L4X 2C8
Tel: (905) 629-4649
Fax: (905) 629-9136

July 4th 2012

Veteran Taxi (Windsor)
350 Tuscarora St.
Windsor
N9A 3I7

Attention: Walter Bezzina,

RE: Excess Automobile Liability Insurance

Dear Mr. Bezzina,

In connection with your enquiry with respect to excess automobile liability insurance, we attach the following explanatory documents:

1. A newsletter issued by the Taxi and Limousine Drivers Association in April 2012 entitled "The Why's and Wherefores of Excess Automobile Liability Insurance"
2. A white paper "on cross border issues for Ontario based Taxi and Limousine Owners, Operators and Drivers" issued by the Taxi and Limousine Drivers Association in April 2012 updating a prior newsletter first issued during 2011.

Both documents make a strong case that prudent automobile insurance liability limits should be at least \$10 Million. Risk factors specific to the Windsor area specifically include the following:

- a) Many casinos specify minimum limits of not less than \$10 Million as a condition for granting permission to transport passengers to and from their place of business.
- b) Windsor based taxies would commonly enter the United States where legal liability risks are sufficient severity that many Canadian taxi insurers exclude cross border coverage. In addition 3 Ontario bordering states, including Michigan, operate under a "no fault" system for auto insurance where liability applies regardless of fault.

* Recent court awards in Ontario are an appropriate guide for the determination of prudent automobile liability insurance limits and recent awards have ranged between \$11.3 million and \$23.0 million in respect of accidents involving severe to catastrophic brain injury.

* For the above reasons, among others, Creggan Insurance Brokers recommends a minimum limit of \$10 Million for automobile liability insurance, particularly for US border area operators. Given an average annual cost of \$350.00 for \$8 Million excess of our standard \$2



creggan
INSURANCE BROKERS INC.

3040 Universal Drive, Unit E
Mississauga, Ontario L4X 2C8
Tel: (905) 629-4649
Fax: (905) 629-9136

Million primary automobile liability insurance limit, the cost benefit analysis strongly favours the additional liability protection.

If additional information is desired, we will be pleased to provide more at your request.

Yours truly,

Creggan Insurance Brokers Inc.

Nesrin Ayoub, Registered Insurance Broker
Operations Manager

The Whys and Wherefores of Excess Automobile Liability Insurance

Q1. Who prescribes the limits of liability insurance applicable to Taxis and Limousines?

A. Insurance requirements are generally regulated or prescribed by the following authorities or parties:

1. The Public Vehicles Act at Section 14 of Regulation 982 sets forth the regulatory requirements with respect to the amounts of insurance based upon vehicle seating capacity, specifically:
 - a. \$1,000,000 1 TO 7 PASSENGERS
 - b. \$5,000,000 8 TO 12 PASSENGERS
 - c. \$8,000,000 13 OR MORE PASSENGERS

Taxis and Limousines operating across municipal boundaries are subject to these requirements.

2. The Municipalities, as a part of licensing requirements, specify the amounts of insurance to be maintained, which amounts vary by municipality. For example, Toronto specifies a minimum limit of \$2 Million, whereas Richmond Hill specifies a limit of \$5 Million.
3. The dispatch companies may also specify minimum amounts of insurance for taxis and limousines under their dispatch service. For instance, at least one major dispatch company will not service any vehicle unless proof of insurance is provided for a minimum limit of \$10 Million.
4. Limits of automobile liability insurance may also be contractually prescribed by client services agreements as a condition for granting permission to transport passengers to and from their place of business. For instance, many casinos specify minimum limits of not less than \$10 Million.

Q2. What is a prudent limit of automobile liability insurance for a prudent Taxi or Limousine owner or operator?

A. The reference point is generally the risk of legal liability in the event of an automobile accident. Recent court awards in Ontario are the appropriate guide for the determination of prudent insurance amounts and such awards have been in a range of \$11.3 Million and \$23.0 Million in respect of accidents involving severe to catastrophic brain injury, which is why a minimum limit of \$10 Million is often specified or referenced as a prudent minimum limit of automobile liability limit. Also, many Taxi and Limousine vehicles, as in the Windsor, Kingston and Niagara regions, transport passengers into the United States where the legal liability risk is even higher than the level of court awards prevailing in Ontario.

Q3. Does automobile liability insurance apply to Taxi and Limousine when entering into the United States?

A. A number of commercial insurance companies providing coverage for Taxis and Limousines in Ontario specifically exclude coverage in the United States. The Group Marketing (Automobile Insurance) Plan sponsored by the Taxi and Limousine Drivers Association does not contain a U.S. exclusion.

Q4. What is the standard primary limit of insurance?

A. The primary limit under the Group Marketing (Automobile Insurance) Plan sponsored by the Taxi and Limousine Drivers Association is \$2 Million, which is a usual and customary primary limit for commercial vehicles. In order to meet the higher minimum liability limits specified by regulation, municipalities or common contracts, an excess limit of \$8 Million in excess of the primary \$2 Million limit is made available through **Creggan Insurance Brokers Inc** at an additional premium in order that members of the Taxi and Limousine Drivers Association will be in compliance with the prevailing minimum insurance requirements. At one time, the option to purchase a total limit of \$5 Million was made available to the members, however, through the advantage of the Group Marketing Plan concept, the price differential between \$ 5 Million and \$10 Million total limits become so insignificant that the higher excess limit has become the standard.

Q5. Can I purchase automobile liability limits for amounts in excess of \$10 Million?

A. Yes; supplemental limits of automobile insurance are also available through **Creggan Insurance Brokers Inc.**

Important Notice

This bulletin has been prepared by **Creggan Insurance Brokers Inc** and contains general information and descriptions only. This bulletin does not provide or constitute insurance or legal advice. If more specific information or advice is required or desired, please contact **Creggan Insurance Brokers Inc.**, exclusive insurance brokers for The Group Marketing (Automobile Insurance) Plan sponsored by the Taxi and Limousine Drivers Association

Nothing contained herein constitutes a solicitation or offer of insurance by The Taxi and Limousine Drivers Association



Other:

To cross the international border by land, the driver and all adult passengers will be required to present valid documentation, specifically a Canadian Passport, Enhanced Driver's License, NEXUS/FAST card (pre-approved low-risk travelers only) or, if applicable, Secure Certificate of Indian Status. Foreign visitors may require additional documentation, but most passengers who are visitors from another country will enter the U.S. under the U.S Visa Waiver Program (VWP), which allows them to travel to the United States for tourism or business for stays of 90 days or less without obtaining a visa, if certain requirements are met. The I-94W visa waiver form is obtained at the border crossing and, on average; the process takes 30-60 minutes, though it can take two or three hours at very busy times.

Proof of out-of-country medical insurance should also be carried by drivers to ensure access to emergency medical services and hospitalization if needed by virtue of either injury or illness. The proof card will generally include information on, and access to, 24/7 call-center services for referrals and emergency assistance.

Check-List Summary:

- Proof of Auto Insurance
- Claims Kit, with names and contact details of U.S. loss adjusters and legal counsel approved by your insurer
- Out-of-country medical insurance card
- Canadian Passport or other valid documentation acceptable to U.S. and Canadian customs

IMPORTANT NOTICE

This White Paper is sponsored by the Taxi and Limousine Drivers Association as a member service. Contributions were made by H&S Fleet Services Inc, exclusive services provider to the Taxi and Limousine Drivers Association, by T&L Insurance Services Inc, program manager of the Group Marketing (Automobile Insurance) Plan sponsored by to the Taxi and Limousine Drivers Association, and by Creggan Insurance Brokers Inc, exclusive insurance brokers for the Group Marketing (Automobile Insurance) Plan sponsored by the Taxi and Limousine Drivers Association. This White Paper contains general information and descriptions only and is not in the form of, and does not constitute, legal or insurance advice nor a solicitation or offer of insurance by the Taxi and Limousine Drivers Association, or others. For insurance or insurance advice, please contact your licensed insurance representative at Creggan Insurance Brokers Inc.

Prepared and current as at April, 2012.

Claims:

The primary claims issues are as follows:

1. Access to, and contacts for, a local, licensed loss adjuster able to immediately respond to any accident notification. Your insurer should provide as a part of your accident reporting kit (which should be maintained in your vehicle at all times) details of associated in-State loss adjusters, authorized to respond on behalf of your insurer in the event of accident or injury. Most Canadian domiciled loss adjusters would not have licensed standing in the U.S.
2. Injuries sustained to a driver or to an out-of-country passenger that necessitate local emergency medical response or hospitalization. The key issues are (a) proof of insurance absent which medical services may be declined, (b) coverage in excess of Ontario Health Insurance Plan (OHIP) limitations, (c) the disparity between Canadian and U.S. no-fault benefits, and (d) the higher costs of medical services in the U.S. which may precipitate third party claims, including by virtue of the disparity in no-fault benefits. In addition, there are complex reporting requirements under U.S. regulations, including Medicare, which necessitate that your auto insurer has qualified local loss adjusting and legal resources. Uninsured Motorist, and under-insured motorist, circumstances can also lead to major claims costs against your insurance even in circumstances where the driver is at 0% fault.

Litigation:

As mentioned, even no-fault rules do not eliminate, and may very well increase, the potential for litigation, and the propensity for, and the associated costs of, U.S. litigation are generally much higher than comparative Canadian litigation, in addition to which U.S. courts commonly award, and do not have caps on, punitive damages. This risk is most acute for bodily injury claims, where ultimate damage assessments could be in excess of insurance policy limits. Most of the cases result in settlement amounts for pain and suffering, currently averaging in the order of \$145,000, with the average personal injury verdict, as opposed to settlement, being \$985,675 in 2010. Awards in excess of \$2 million are not unprecedented¹. It is important that your insurer have a panel of lawyers pre-approved for accepting service and providing competent and competitive defense in the U.S. including, in rare circumstances, having the ability to provide drivers with local legal and bail services in the event of incarceration for criminal negligence actions. It is principally the high cost of claims, medical services and litigation in the U.S. that makes Canadian auto insurers reluctant to allow or to encourage cross-border insurance coverage.

¹ Average amounts from personal injury settlements would depend on various factors like the severity of the injury, duration for the treatment, damage done in the permanent tissue, resulted damage, amount of work missed, how much pay was lost, how it affected the person's ability and lifestyle, and how much the ability to work is lost.

White Paper on Cross-Border Issues for Ontario-based Taxi and Limousine Owners, Operators and Drivers

Most U.S. states have a "traditional tort" liability system for auto insurance in which recovery is governed by principles of provable negligence. However, twelve states, including the three Ontario bordering states of New York, Michigan and Minnesota (the Border States), like Ontario, operate under a "no fault" system for auto insurance whereunder certain benefits are payable regardless of fault.

Insurance:

The Border States prescribe mandatory minimum limits of insurance which are below the mandatory limits prescribed for a vehicle licensed in Ontario. All Border States require that proof of insurance be kept within the vehicle and that proof of insurance be presented upon the request of a peace officer.

Generally described, the auto insurance coverage required to satisfy the financial responsibility requirements in the Border States includes the following:

1. No-Fault (Personal Injury Protection) coverage, to pay medical expenses, lost earnings, and other reasonable and necessary expenses for a driver or passenger injured in, or a pedestrian injured by, a licensed auto operated within the state;
2. Liability Insurance, to cover in respect of bodily injury and/or property damage caused by or arising out of the ownership or operation of a licensed auto in the state; and
3. Uninsured Motorists coverage to protect against the injuries sustained by an occupant of a licensed auto operated in the state suffered in a hit-and-run accident or in an accident with an uninsured vehicle.

Provided that your auto insurance policy does not exclude operation in the United States, it would be reasonable to expect that your auto policy will provide equivalent insurance coverage in a scope and for amounts that meet and exceed the mandatory minimum limits in each of the Border States. Note, however, that a number of Canadian insurers have, from time-to-time, adopted the practice of prohibiting, by an exclusion of coverage, the operation of a taxi or limousine into the U.S., in which event a vehicle that entered the U.S. would be both uninsured and, by virtue of being uninsured, would be in violation of state laws and susceptible to potential confiscation of the vehicle.

IN - CAMERA AGENDA

WINDSOR LICENSING COMMISSION

for a meeting on Wednesday, July 18, 2012 at 9:30 o'clock a.m.
Windsor City Hall, 350 City Hall Square West
3rd floor – Council Chambers

9. IN-CAMERA AGENDA

Item No.	Subject	Section – Pursuant to Municipal Act, 2001, as amended
9(a)	Personal matter about an identifiable individual	239(b)