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Windsor, Ontario July 26, 2017

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

Councillor Ed Sleiman, Chair  
Councillor Paul Borrelli  
Councillor John Elliott  
Gino Conte

**Regrets received from:**

Jack Fathers

**Also present are the following resource personnel:**

Craig Robertson, Supervisor of Licensing & Deputy Licence Commissioner  
Bill Tetler, Manager of By-law Enforcement  
Daryl Flacks, By-law Enforcement Officer  
Janna Tetler, Senior Licensing Issuer  
Karen Kadour, Committee Coordinator

**1. CALL TO ORDER**

The Chair calls the meeting to order at 9:30 o'clock a.m. and the Licensing Commission considers the Agenda being Schedule "A" **attached** hereto, matters which are dealt with as follows:

**2. MINUTES**

Moved by Councillor Elliott, seconded by Councillor Borrelli,  
That the minutes of the Windsor Licensing Commission of its meeting held  
January 25, 2017 **BE ADOPTED** as presented  
Carried.

**3. DISCLOSURE OF INTEREST**

None disclosed.

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

None.

5. **COMMUNICATIONS**

None.

6. **LICENCE TRANSFERS**

None.

7. **APPLICATIONS/HEARINGS**

(a) **Emm Dee Group – Livery Vehicle (Class-D Van)**

Mr. Dhruv R. Jain and Mr. Mandeep Singh , Emm Dee Group are present to speak to this matter.

C. Robertson states a new application for two Livery Vehicle licences was submitted on May 26, 2017 by Mr. Dhruv R. Jain of Emm Dee Group. Currently there are 5 Class “D” Livery Vehicles licensed in the City of Windsor which are within the 30 vehicle limit as outlined in Bylaw 137-2007. Mr. Jain and Mr. Singh have purchased one of the two vehicles. The first vehicle is a 2012 Dodge Caravan and the second vehicle similar to the Dodge Caravan will be purchased upon approval of this application.

In response to a question asked by one of the applicants regarding the wording in the Administrative recommendation that states “*The second vehicle must not be more than ten (10) model years in age*” and adds that the current bylaw states *no more than eight (8) model years in age*, C. Robertson refers to Council Resolution 180/2017 as approved by City Council at its meeting held March 27, 2017, specifically to Section III (e) as highlighted below:

Decision Number: CR180/2017 ETPS 446

1. *THAT the report of the City Clerk/Licence Commissioner dated November 8, 2016, entitled “Regulation of Transportation Network Companies Study – Final Review and Recommendations” **BE RECEIVED**;*
  - I. *THAT the following recommendations **BE ADOPTED**:*
  - II. *That in order to regulate TNCs, By-law 137-2007 be amended to allow for the following:*

- a. *A new licensing category for TNCs which will include all services provided by the TNC via the TNC Application available over smart phones and that the TNC be obliged to provide the City with formal notice when new service types are offered under the umbrella of the TNC App;*
- b. *All TNCs must obtain a licence from the City to operate and pay an annual licensing fee based on the number of vehicles which they operate/dispatch together with a fee per trip taken by TNC vehicles. The fees shall be set in an amount which will allow the municipality to achieve full cost recovery for the administration and enforcement of the licensing regime for TNCs;*
- c. *TNCs be bound to provide operational data, such as background record checks of drivers, vehicle inspection records, trip sheets and proof of insurance;*
- d. *TNCs be required to maintain a complaints system to be made available to the City;*
- e. *TNCs be required to provide their own internal arbitration system for driver behaviour (except where this is in contravention or over ridden by existing legislation);*
- f. *TNCs be held liable for any falsification, misrepresentation or erroneous statements made in any application to which it is a party or acting as a representative and to be subject to fines and potential suspension or removal of rights for any breaches in this regard;*
- g. *No limit to be placed on the number of TNC vehicles that may operate in Windsor;*
- h. *TNC Vehicles may not accept cash payments;*
- i. *TNC Vehicles may not accept street hail fares and may not pick up at any taxi stand;*
- j. *TNC Vehicle drivers be required to pass criminal record checks and have an acceptable insurance policy. These documents may be collected and maintained by the TNC, subject to “at-will” inspection by the City;*
- k. *TNC drivers be required to produce and display their TNC documentation stored on the TNC app upon demand by any officer authorized to enforce the by-law;*
- l. *TNC Drivers be required to undertake a training course, which may be provided by a third party such as the TNC, specific to the handling of passengers, sensitivity towards diversity and accessibility and providing assistance to passengers;*
- m. *TNC Vehicles be required to be tested and certified for safety to the standard currently existing in the By-law, on an annual basis, which may be undertaken by a third party such as the TNC. The documents verifying this requirement may be collected and maintained by the TNC, subject to “at-will” inspection by the City;*
- n. *TNC Vehicles must prominently display signage indicating that it is a TNC company and the name of the company, which may be in the form a removable decal;*
- o. *TNC Drivers be required to maintain accurate trip records and make these available to the City, police or other law enforcement agency upon demand;*

- p. *With respect to pricing, that the TNC be allowed to determine the pricing level based on market conditions provided that the price for each trip is published, transparent and accepted by the Passenger prior to the trip being made.*
- III. *That the following recommendations **BE INSTITUTED** with respect to taxis:*
- a. *No changes be made to the current number of taxis licensed in the City of Windsor;*
- b. *Existing requirements for the driver training course be maintained but that the requirement for separate proof of English language proficiency, over and above successful completion of the training course, be eliminated;*
- c. *That taxicab brokers be allowed to surcharge or offer a discount at the end of any fare measured on the taxicab meter provided that their rates are displayed in the taxicab and filed previously with the Licence Commissioner;*
- d. *That a taxi licensing fee review be conducted;*
- e. *That the age of the vehicles for both x class vehicles, and taxi cabs **MOVE** from 8 years to 10 years old across the board and the requirement for MTO safety inspections be as follows: annual inspection for a vehicle that is up to 5 years old; and semi-annually for vehicles 6 to 10 years old, across the board; and*
- f. *That Administration be directed to work with the taxi industry to revise the requirements for the type of security cameras that must be installed in taxi vehicles in order to meet the needs of the industry;*
- g. *Administration be directed to enter discussions with the taxi industry on the use of soft meters;*
- h. *That the restrictions in place for transferring taxi plates should be changed to allow a taxi driver with one year experience to be eligible to hold a plate;*
- i. *That the current allowable term for the lease of a taxi plate be amended to 5 years from the current 2 years; and*
- j. *That Administration be directed to enter discussions with the industry stakeholders regarding the treatment of accessible taxicab plates and to report back regarding any recommended amendments to the by-law in this regard.*
- IV. *That with respect to the standard for background checks, the same requirement **BE PUT IN PLACE** for TNC, Taxi and Livery drivers, being:*
- a. *The current vulnerable sector check (That a vulnerable sector police record check **BE REQUIRED** for TNC, Taxi and Livery drivers to be completed in the municipality in which the driver resides in);*
2. *THAT Administration **DRAFT** the amendments necessary to By-law 137-2007 in order to effect the recommendations listed in item 2 for final approval by City Council; and,*

3. That the regulatory regime for TNC's **BE REVIEWED** after twelve months of operation and that any required amendments be brought to City Council for consideration (including whether it's an adjustment in the licensing fee structure and/or one that would apply to cameras being suggested as a result of the data collected); and further,
4. That the transport of Special needs students to **BE DELIVERED** by taxi cabs only; and,
5. That Administration **BE DIRECTED** to work with the taxi industry and to bring a report to Council directly with recommendations regarding the release of additional plates to the industry; and,
6. That a provision **BE INCLUDED** in the by-law that would allow the taxi cab industry to also collect driver information with respect to licensing and to submit to the city subject to any necessary audit requirements.  
Carried.

Moved by Councillor Elliott, seconded by G. Conte,  
**WLC3/2017** That the livery vehicle plate holder applications, submitted by Mr. Dhruv R. Jain and Mr. Mandeep Singh o/a Emm Dee Group, 3371 Sandwich Street, Apartment #308, Windsor, to operate two (2) Class-D-Livery Vehicles **BE APPROVED** with the following conditions:

- Mr. Jain and Mr. Singh be given sixty (60) days from the date of this decision to submit two vehicles that comply with Schedule 3 to By-law 137-2007
- The second vehicle must not be more than ten (10) model years in age
- The applicant must submit proof of ownership, valid Safety Standards certificates and insurance for both vehicles, satisfactory to Section 4.2 and 9.1 of Schedule 3 to By-law 137-2007
- The vehicles must submit to and pass an inspection by the By-law Enforcement Unit

Carried.

## 8. REPORTS AND ADMINISTRATIVE MATTERS

### (a) Expired Application(s) for Business Licence

Moved by Councillor Borrelli, seconded by Councillor Elliott,  
That the report of the Supervisor of Licensing dated July 7, 2017 entitled "Expired Application(s) for Business Licence" **BE RECEIVED**.  
Carried.

9. **IN CAMERA**

The applicant is present and available to answer questions.

**Verbal Motion is presented by G. Conte, seconded by Councillor Elliott, to move In Camera at 9:35 o'clock a.m. for discussion of the following item:**

Item No.	Subject	Section – Pursuant to Municipal Act 2001, as amended
9(a)	Personal matter about an identifiable individual	s. 239(2)(b)

**Motion Carried.**

Discussion on the item of business.

**Verbal Motion is presented by G. Conte, seconded by Councillor Borrelli, to move back into public session at 9:43 o'clock a.m.**

**Moved by Councillor Borrelli, seconded by G. Conte,**

**That the Clerk BE DIRECTED to transmit the recommendation(s) contained in the report(s) discussed at the In Camera Windsor Licensing Commission meeting held July 26, 2017 directly to the Windsor Licensing Commission for consideration at the next Regular Meeting.**

**Carried.**

Moved by Councillor Borrelli, seconded by G. Conte,  
**WLC2/2017** That the In Camera report relating to a personal matter about an identifiable individual **BE RECEIVED** and further, that Administration **BE REQUESTED** to proceed in accordance with the verbal direction of the Windsor Licensing Commission.

Carried.

10. **CONFIRM AND RATIFY E-MAIL POLL**

That the following motion approved by e-mail poll on April 18, 2017 **BE CONFIRMED AND RATIFIED:**

Moved by Councillor Borrelli, seconded by Councillor Elliott,

That the report of the Supervisor of Licensing dated April 12, 2017 entitled "Expired Application(s) for Business Licence" be received.

Carried.

The report of the Supervisor of Licensing dated April 12, 2017 entitled "Expired Application(s) for Business Licence" is **attached** as Appendix "A".

**11. DATE OF NEXT MEETING**

The next meeting will be held on Wednesday, August 23, 2017 at 9:30 o'clock a.m. in the Council Chambers, 3<sup>rd</sup> floor, City Hall.

**12. ADJOURNMENT**

There being no further business, the meeting is adjourned at 9:46 o'clock a.m.

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**CHAIR**

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**SECRETARY**

# A G E N D A

## WINDSOR LICENSING COMMISSION

For a meeting on Wednesday, July 26, 2017  
at 9:30 o'clock a.m.

Windsor City Hall, 350 City Hall Square West  
3<sup>rd</sup> floor – Council Chambers

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1. **CALL TO ORDER**

2. **MINUTES**

Adoption of the minutes of the meeting of the Windsor Licensing Commission held January 25, 2017 (**copy attached**).

3. **DISCLOSURE OF INTEREST**

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

5. **COMMUNICATIONS**

None.

6. **LICENCE TRANSFERS**

None.

7. **APPLICATIONS/HEARINGS**

- (a) Emm Dee Group Livery Vehicle (Class D-Van)

8. **REPORTS AND ADMINISTRATIVE MATTERS**

(a) **Expired Application(s) for Business Licence**

The report of the Supervisor of Licensing dated July 7, 2017 entitled "Expired Application(s) for Business Licence" is **attached**.



**9. IN-CAMERA AGENDA**

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

**10. CONFIRM AND RATIFY E-MAIL POLL**

*“That the report of the Supervisor of Licensing dated April 12, 2017 entitled “Expired Application(s) for Business Licence” BE RECEIVED.*

**11. DATE OF NEXT MEETING**

The following 2017 meetings are scheduled for the Windsor Licensing Commission. The meetings will be held at 9:30 a.m. in the Council Chambers. You will be notified if there is a change in the venue.

August 23, 2017  
September 27, 2017  
October 25, 2017  
November 22, 2017  
December 27, 2017

**12. ADJOURNMENT**