

ADOPTED by Council at its meeting held November 7, 2011 [M320-2011]

/AA

Windsor, Ontario November 7, 2011

REPORT NO. 11 of the
PUBLIC SAFETY STANDING COMMITTEE
of its meeting held September 21, 2011

Present:
Councillor Jones, Chair
Councillor Dilkens
Councillor Gignac
Councillor Maghnieh
Councillor Payne

That the following recommendation of the Public Safety Standing Committee **BE APPROVED** as follows:

Moved by Councillor Gignac, seconded by Councillor Dilkens
THAT Public Vehicle Licensing Bylaw #137-2007, Schedule 5, **BE AMENDED** by inserting the following:

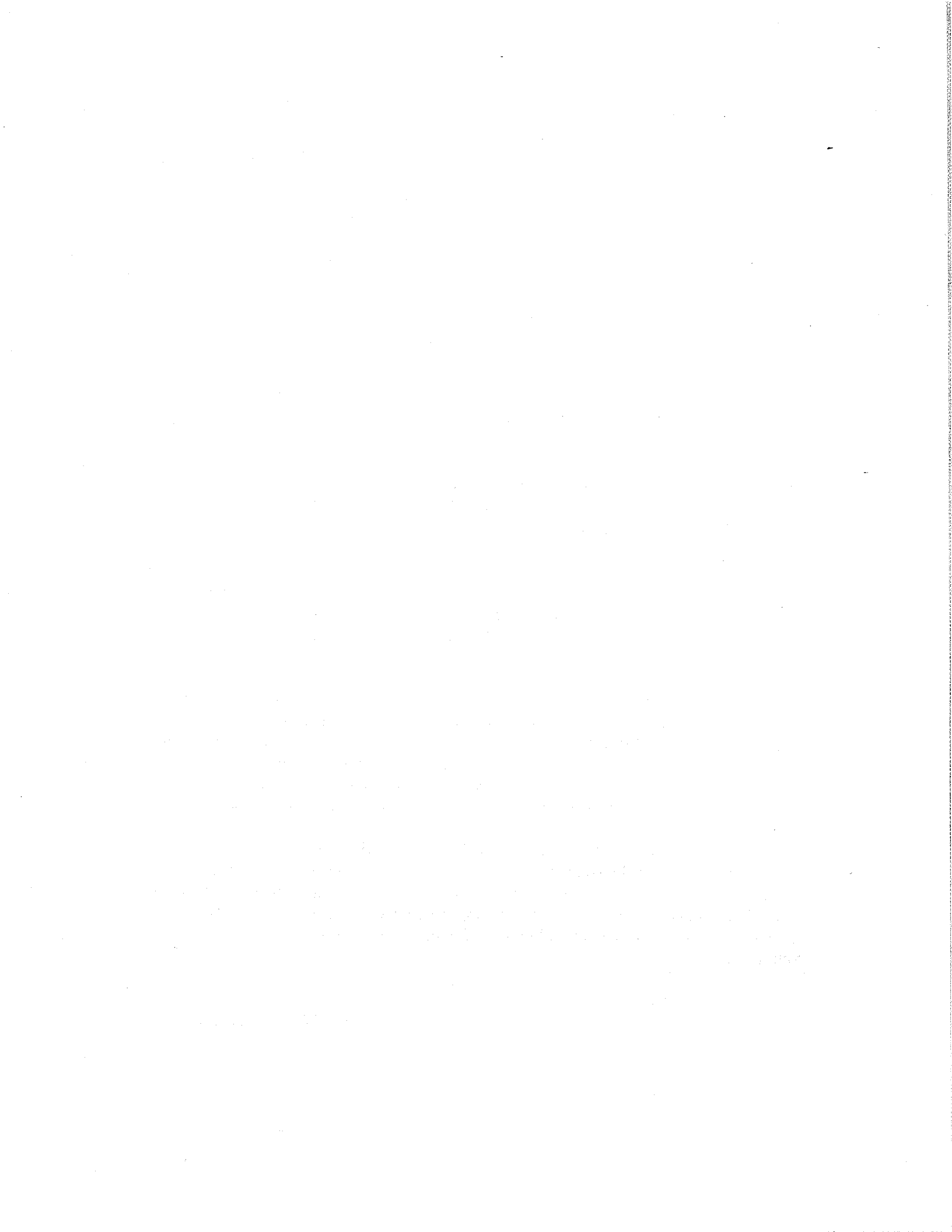
“4.1 (g) upon written notification to the Licence Commissioner at least 30 days prior to the renewal deadline, a plate holder may request a hearing before the Windsor Licensing Commission to request that the requirements of Sections 4.1 (b) (c) (d) and (e) of this schedule be waived at the time of application for plate holder licence renewal.

(h) a plate holder who receives approval from the Windsor Licensing Commission, granted under 4.1 (g) of this Schedule, will be allowed to make application for renewal of said plate holder licence in accordance with all conditions placed by the Commission and all other requirements of this schedule but will not be issued a licence or a validation sticker until the applicant provides all necessary documentation and the taxicab vehicle is inspected and approved by the Licence


And further, THAT any plate holder renewing for the current licensing period (September 1, 2011-August 31, 2012), who does not have a vehicle in service prior to the August 31, 2011 deadline, **BE ALLOWED** to renew their plate holder licence after August 31, 2011 without forfeiting their plate or incurring a penalty fee, for a period of two (2) weeks following Council’s decision on Administration’s recommendation.

Carried.

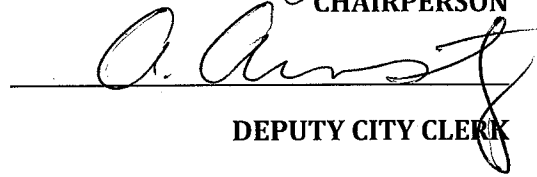
ACLT2011, Livelink 15473



Clerk's Note: The report from the Supervisor of Licensing/Deputy Licence Commissioner titled "Recommendation to Amend By-law 137-2007, Section 4. Plate Holder Applications and Renewal" is **attached** as background information.

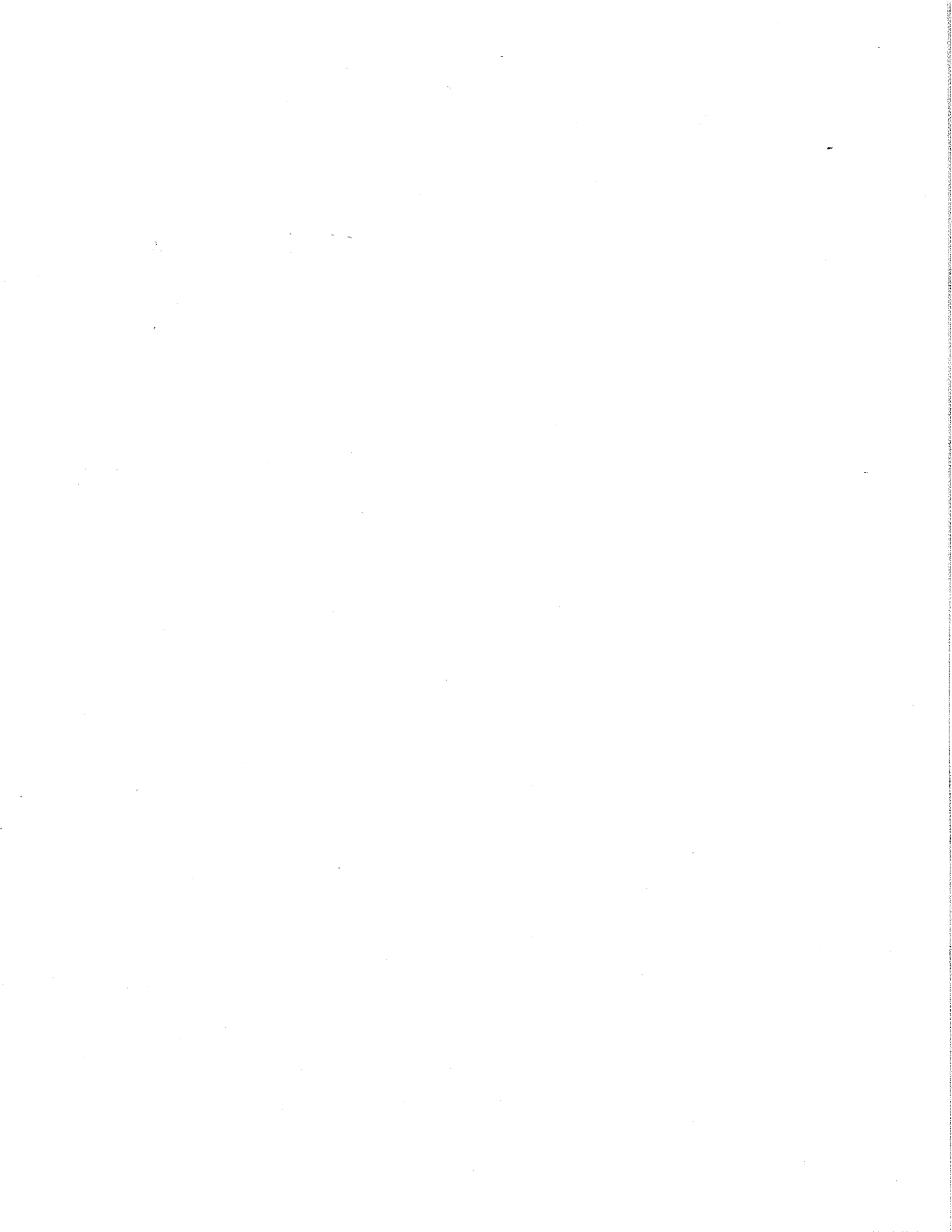


CHAIRPERSON



DEPUTY CITY CLERK

NOTIFICATION :				
Name	Address	Email Address	Telephone	FAX
All current taxicab plateholders				



PUBLIC SAFETY STANDING COMMITTEE

**REPORT NO. 146 of the
WINDSOR LICENSING COMMISSION**
of its meeting held August 24, 2011

Present: Councillor Ron Jones, Chairperson
Councillor Al Maghnieh
Councillor Ed Sleiman
Jack Fathers

Regrets received from: Councillor Drew Dilkens, *(due to work commitment)*

That the following recommendations of the Windsor Licensing Commission **BE APPROVED:**

Moved by Councillor Sleiman, Seconded by J. Fathers,
WLC 50/11 THAT Public Vehicle Licensing Bylaw #137-2007, Schedule 5, **BE AMENDED** by inserting the following:

"4.1 (g) upon written notification to the Licence Commissioner at least 30 days prior to the renewal deadline, a plate holder may request a hearing before the Windsor Licensing Commission to request that the requirements of Sections 4.1 (b) (c) (d) and (e) of this schedule be waived at the time of application for plate holder licence renewal.

(h) a plate holder who receives approval from the Windsor Licensing Commission, granted under 4.1 (g) of this Schedule, will be allowed to make application for renewal of said plate holder licence in accordance with all conditions placed by the Commission and all other requirements of this schedule but will not be issued a licence or a validation sticker until the applicant provides all necessary documentation and the taxicab vehicle is inspected and approved by the Licence Commissioner or his/her delegate."

And further, THAT any plate holder renewing for the current licensing period (September 1, 2011-August 31, 2012), who does not have a vehicle in service prior to the August 31, 2011 deadline, **BE ALLOWED** to renew their plate holder licence after August 31, 2011 without forfeiting their plate or incurring a penalty fee, for a period of two (2) weeks following Council's decision on Administration's recommendation.

Carried.

NOTE: The report of the Supervisor of Licensing/Deputy Licence Commissioner dated July 27, 2011 entitled "Recommendation to Amend Bylaw 137-2007, Section 4. Plate Holder Applications and Renewal" is attached.

Livelinek #15473 ACLT2011

CHAIRPERSON

SECRETARY

Notification:		
Windsor Licensing Commission		

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 #: 15473 ACLT2011	Report Date: July 27, 2011
Author's Name: Michael Chantler, Supervisor of Licensing/Deputy Licence Commissioner	Date to Commission: August 24, 2011
Author's Phone: 519 255-6100, Ext. 6869	Classification #:
Author's E-mail: mchantler@city.windsor.on.ca	

TO: Windsor Licensing Commission

SUBJECT: Recommendation to Amend Bylaw 137-2007, Section 4. Plate Holder Applications and Renewal

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

THAT Public Vehicle Licensing Bylaw #137-2007, Schedule 5, **BE AMENDED** by inserting the following:

"4.1 (g) upon written notification to the Licence Commissioner at least 30 days prior to the renewal deadline, a plate holder may request a hearing before the Windsor Licensing Commission to request that the requirements of Sections 4.1 (b) (c) (d) and (e) of this schedule be waived at the time of application for plate holder licence renewal.

(h) a plate holder who receives approval from the Windsor Licensing Commission, granted under 4.1 (g) of this Schedule, will be allowed to make application for renewal of said plate holder licence in accordance with all conditions placed by the Commission and all other requirements of this schedule but will not be issued a licence or a validation sticker until the applicant provides all necessary documentation and the taxicab vehicle is inspected and approved by the Licence Commissioner or his/her delegate."

And further, THAT any plate holder renewing for the current licensing period (September 1, 2011-August 31, 2012), who does not have a vehicle in service prior to the August 31, 2011 deadline, **BE ALLOWED** to renew their plate holder licence after August 31, 2011 without forfeiting their plate or incurring a penalty fee, for a period of two (2) weeks following Council's decision on Administration's recommendation.

2. EXECUTIVE SUMMARY: N/A

3. BACKGROUND:

The Licence Commissioner received written correspondence from Mr. Walter Bezzina, General Manager of Windsor Airline Limousine Services Limited, which operates as Veteran Cab Company in the City of Windsor. In his letter, Mr. Bezzina identified a number of issues plaguing this particular industry which are contributing to a number of taxi plates becoming inactive as their corresponding vehicles are being removed from service.

The regulations regarding applications for plate holder renewals are provided in Bylaw #137-2007, Schedule 5, Section 4, attached as APPENDIX "A" to this report. In accordance with the bylaw, all plate holders must comply with Section 4.1 (a) to (f) prior to the annual renewal deadline of August 31, to renew their plate holder licence. This includes having the plate affixed to an acceptable vehicle and providing documentation including registration, insurance and a safety standards certificate. Consequently, if there is no vehicle attached, the plate holder is prevented from renewing and receiving his/her validation sticker for their plate.

However, at this time, there are a number of plate holders who do not have their plates on vehicles which are in service and therefore cannot renew under the current bylaw. This occurs for various reasons. In some instances, drivers have left the country for the summer. Other plate holders claim they are having difficulty finding drivers. Some drivers have received plate transfers and are therefore no longer driving for a plate holder as they have become plate holders themselves. A few plates are currently in the process of being transferred and do not have vehicles associated with them.

Furthermore, the condition of plates/vehicles being "out of service" is regulated by Section 6.12, 16.4 and 16.5 of the bylaw, attached as APPENDIX "B" to this report.

In normal circumstances, after the August 31 deadline, the Licensing Department follows the direction of Section 4.2 and 4.3 of the bylaw (Appendix "A" to this report) whereby the applicant has until the 30th day after the expiration of the licence to renew or the plate is forfeited.

4. DISCUSSION:

It is not in the interest of plate holders to have their plates out of service as they do not generate any revenue without a vehicle in operation. By allowing Plate Holder Licence renewals on plates that do not have vehicles attached, the City of Windsor still receives the licence fee and plate holders would still have to attend the Licensing Department to submit their renewal application before the August 31 deadline. Administration proposes that applicants would not be given their validation sticker for the plate until such a time as they provide the appropriate paperwork and the vehicle is inspected and approved by a Compliance & Enforcement Officer of the Building Department.

Schedule 5, Section 4 of the bylaw was specifically written to make sure that there were no "shelved plates" in the system. With this amendment there is no limit set to the number of plates that could be shelved at any one time and this could be detrimental to the industry if demand cannot be met. However, an investigation into current service levels reveals that it is an extremely rare instance that all plates are needed to service this community. In fact, the only

peak time, where nearly all plates are actively operating, occurs for only a few hours on Saturday nights. At all other times, there are sufficient vehicles available to service the public.

With regard to an underlying cause of this issue, administration is aware of two major issues. The first issue is the economy. Unfortunately, economic downturn is not limited to this industry or this city and it is out of the control of administration. The second major issue affecting the industry is the need for taxi drivers. The City of Windsor holds a taxi driver course every two months. Recently, two classes graduated a total of 35 taxi drivers. Unfortunately, we are only aware of a few of these drivers actually going to work in the industry. Administration will be working with the brokers and with staff in the Ontario Works division of the Corporation to determine why these graduates are failing to fill these positions after completing the course. Administration has been advised by multiple plate holders that if there were qualified drivers available and willing to work, plate holders would be able to get their plates back on the road. Investigation into this situation is ongoing.

If administration were to amend the bylaw to allow renewals without vehicles in service we would need to implement some controls. First, the request could be approved or denied by the Windsor Licensing Commission. Secondly, if approved, the validation sticker and licence would not be issued at the time of application. Finally, administration must also continue to closely monitor the amount of time that a plate/vehicle is out of service. Administration will continue to ensure that we are holding the plate holder responsible for getting a vehicle back on the road within 120 days. Failing that, administration will abide by the bylaw, and recommend to the Windsor Licensing Commission that the plate be revoked.

5. FINANCIAL MATTERS:

Plate holders renewing by the bylaw deadline of August 31 pay a \$400 fee. Those that renew during the eligible period, within 30 days after the deadline, pay \$600. There would be no financial impact to the Corporation of the City of Windsor by implementing the revisions recommended in this report.

6. CONSULTATIONS:

City of Windsor, Legal Department
Walter Bezzina, General Manager – Veteran Cab Company

7. CONCLUSION:

Administration recommends amending the bylaw to allow plate holders the opportunity to request waiver of the regulations under the bylaw which require the plate holder to have the plate attached to a vehicle at the time of renewal. However, the approval would be subject to conditions, such as the Licensing Division not issuing the validation sticker or licence until all vehicle documentation and inspections are complete.

Michael Chantler

Michael Chantler
Supervisor of Licensing & Deputy Licence
Commissioner

Valerie Critchley

Valerie Critchley,
City Clerk & Licence Commissioner

APPENDICES:
Appendix "A" – Bylaw 137-2007, Schedule 5, Section 4
Appendix "B" – Bylaw 137-2007, Schedule 5, Sections 6.12, 16.4 & 16.5

DEPARTMENTS/OTHERS CONSULTED:
Name: Susan Hirota, Legal Counsel – Office of the City Solicitor
Phone #: 519-255-6100 Ext. 6493

NOTIFICATION :				
Name	Address	Email Address	Telephone	FAX
ALL CURRENT TAXICAB PLATEHOLDERS				

APPENDIX A

PUBLIC VEHICLE LICENSING BYLAW #137-2007, SCHEDULE 5, SECTION 4

4. Plate Holder Applications and Renewal

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:

- (a) If the Applicant;
 - (i) is an individual, the applicant shall attend the office of the Licence Commissioner in person and complete a written application for such licence as prescribed by the Licence Commissioner and provide proof that the applicant is not less than eighteen (18) years of age;
 - (ii) If a corporation, the applicant shall file copies of the articles of incorporation as well as any articles of amendment or articles of amalgamation, together with an annual return which contains a list of all shareholders of the corporation; or
 - (iii) is a partnership, the applicant shall provide the names and addresses of each member of the partnership as well as the name under which the partnership intends to carry on a business provided that if one or more of the partners is a corporation, the requirements of (ii), above, shall also be fulfilled in respect of the corporate partner or partners;
- (b) the applicant shall file with the Licence Commissioner evidence of ownership of such taxicab or taxicab wheelchair accessible vehicle and proof that the taxicab or taxicab wheelchair accessible vehicle to be licensed under this By-law has a valid vehicle permit issued under the *Highway Traffic Act* and is either registered in the name of the applicant or leased to the applicant;
- (c) the applicant shall file with the Licence Commissioner evidence of insurance coverage for the taxicab or taxicab wheelchair accessible vehicle to be licensed under this By-law in the form and amount provided in this Schedule;
- (d) the applicant shall file with the Licence Commissioner the vehicle identification number of the vehicle for which the taxicab or taxicab wheelchair accessible vehicle plate holder licence is applied and to which the applicant shall affix the taxicab or taxicab wheelchair accessible vehicle plate;
- (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,
- (f) the applicant shall pay any fees prescribed by this By-law.

- 4.2 If the taxicab or taxicab wheelchair accessible plate holder licensee has not made application for renewal by the fifteenth (15th) day after expiration of the licence, the Licence Commissioner shall provide written notice to the licensee to the address shown on the licence.
- 4.3 The notice sent under 4.2 shall contain information regarding the last date for renewal and a statement advising that if the taxicab or taxicab wheelchair accessible plate holder fails to renew by the thirtieth (30th) day after expiration of the licence, the taxicab or taxicab wheelchair accessible plate holder licence will be forfeited.
- 4.4 In the event that a taxicab or taxicab wheelchair accessible plate holder does not renew the licence on or before its expiration, the plate holder may renew the licence by making application up to and including the thirtieth (30th) day after the expiration of the licence and shall pay at the time of the issuance of the taxicab or taxicab wheelchair accessible plate holder licence the licence fee as set out in Schedule 2.
- 4.5 In the event the taxicab or taxicab wheelchair accessible plate holder licence is not renewed on or before the thirtieth day after its expiration, the taxicab or taxicab wheelchair accessible plate licence shall be forfeited and the plate shall be returned immediately to the Licence Commissioner who may offer the plate to the persons on the Drivers' List in order of priority.
- 4.6 A separate taxicab and taxicab wheelchair accessible plate holder licence shall be obtained for each taxicab and taxicab wheelchair accessible vehicle.
- 4.7 Upon issuance of a licence under this Schedule, the Licence Commissioner shall furnish to the licensee the licence certificate, the taxicab or taxicab wheelchair accessible plate and the validation sticker bearing the current licensing year.
- 4.8 The taxicab or taxicab wheelchair accessible plate shall be firmly affixed to the back of the taxicab or taxicab wheelchair accessible vehicle by at least two (2) bolts inserted through the plate into the body of the vehicle in a position approved by the Licence Commissioner.

APPENDIX B

PUBLIC VEHICLE LICENSING BYLAW #137-2007, SCHEDULE 5, SECTIONS 6.12, 16.4 & 16.5

- 6.12 Should any taxicab or taxicab wheelchair accessible plate holder fail to maintain the operation of any taxicab or taxicab wheelchair accessible vehicle owned by the taxicab or taxicab wheelchair accessible plate holder for a period of at least 120 successive days, the taxicab or taxicab wheelchair accessible plate holder licence shall be recommended for suspension or revocation by the Licence Commissioner.
- 16.4 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.
- 16.5 Every taxicab or taxicab wheelchair accessible vehicle plate holder shall be required to notify the Licence Commissioner, in writing, of the particulars of any taxicab or taxicab wheelchair accessible vehicle which has been taken out of service and the date thereof, within ten (10) days of such event.

