

---

## General Committee

### Date

2016/03/02

### Time

9:00 AM

### Location

Civic Centre, Council Chamber,  
300 City Centre Drive, Mississauga, Ontario, L5B 3C1 Ontario

### Members Present

Mayor Bonnie Crombie  
Councillor Jim Tovey           Ward 1  
Councillor Karen Ras        Ward 2 (Chair)  
Councillor John Kovac       Ward 4  
Councillor Carolyn Parrish   Ward 5  
Councillor Ron Starr         Ward 6  
Councillor Nando Iannicca   Ward 7  
Councillor Matt Mahoney     Ward 8  
Councillor Pat Saito         Ward 9 (Arrived at 10:41am)  
Councillor Sue McFadden     Ward 10  
Councillor George Carlson    Ward 11

### Members Absent

Councillor Chris Fonseca     Ward 3 (Other Municipal Business)

### Staff Present

Janice Baker, City Manager and Chief Administrative Officer  
Gary Kent, Commissioner of Corporate Services and Chief Financial Officer  
Paul Mitcham, Commissioner of Community Services  
Martin Powell, Commissioner of Transportation and Works  
Ed Sajecki, Commissioner of Planning and Building  
Mary Ellen Bench, City Solicitor, Legal Services  
Crystal Greer, Director of Legislative Services and City Clerk  
Diana Rusnov, Manager of Legislative Services and Deputy Clerk  
Sacha Smith, Legislative Coordinator

### Find it online

<http://www.mississauga.ca/portal/cityhall/generalcommittee>

1. CALL TO ORDER – 9:05 AM
2. APPROVAL OF AGENDA  
Approved (Mayor Crombie)
3. DECLARATION OF CONFLICT OF INTEREST – Nil
4. PRESENTATIONS - Nil
5. DEPUTATIONS
- 5.1 Item 6.1 Mickey Frost, Director, Enforcement

Mr. Frost provided an overview of the 7 policy options, stakeholder comments, evaluation of policy options and actions of Canadian municipalities such as Toronto, Brampton and Ottawa.

Councillor Iannicca spoke to the matter and expressed concern about the taxi plates losing value. Councillor Parrish spoke to the matter and expressed concern that the subject report did not go to the Public Vehicle Advisory Committee.

In response to questions from Mayor Crombie, Daryl Bell, Manager, Mobile Licensing Enforcement spoke to the number of licensed drivers, brokerages, taxi plates and accessible plates issued. He noted that the value would be affected by the use of transportation network companies (TNC). He further spoke to the differences in insurance, location tracking, receipts and tax auditing for taxis and Uber. Mary Ellen Bench, City Solicitor spoke to the City regulating the face value of the license. She advised that it would contravene the *Municipal Act* to compensate for the difference in face value and market value because it is a bonusing to a business and market value is something the City cannot control. Ms. Bench spoke further to how TNC were dealt with in the City of Calgary and Toronto.

Received (Councillor McFadden)  
Recommendation GC-0129-2016

- 5.2. Item 6.1 Chris Schafer, Uber Public Policy Manager – Canada

Mr. Schafer spoke to the matter and explained the differences between a ride sharing service and taxi services. He provided an overview of benefits of ride sharing services such as: availability, integrated payment service, bi-directional rating system, reliability, technology and peer to peer service. He spoke further to models used by Edmonton and Calgary and encouraged the Committee to review both models.

---

Councillor Iannicca and Mayor Crombie spoke to the matter and noted that Uber has been successful because it operates outside of the regulatory framework and how can a passenger use the service without a smartphone or credit card.

Mr. Schafer noted that Uber advises their driver partners to pay the legitimate taxes. He noted that there is a \$5million contingency commercial liability insurance for driver partners. Ride sharing trips are pre-arranged so the passenger knows who the driver is and there is a rating system for drivers. Mr. Schafer noted that there are a number of taxi drivers that partner with Uber for the Uber Taxi platform.

Councillor Starr expressed concern with Uber not paying taxes and noted that everyone should be on a level playing field. Councillor Parrish noted that Uber's current operations are illegal and can offer cheaper rates due to this. She expressed concern with taxi drivers making a living and noted the importance for the Province to address the issue.

Received (Councillor Fonseca)  
Recommendation GC-0129-2016

5.3 Item 6.1 Karen Cameron, Consumer Advocate

Ms. Cameron spoke to the regulations of taxis and that she feels that regulations have failed consumers. She noted that regulations were due to by-law amendments to deal with the taxi industry. She encouraged Committee to consider the consumer in their deliberations.

Received (Councillor Mahoney)  
Recommendation GC-0129-2016

Councillor Saito arrived during this deputation at 10:41am.

5.4 Item 6.1 Peter Pellier, Taxicab Industry

Mr. Pellier noted that he owns four (4) taxi plates and noted that the value for lease fees has decreased. He further noted that Uber is unfair competition and urged the Committee to consider the "capture option".

Received (Councillor McFadden)  
Recommendation GC-0129-2016

---

5.5 Item 6.1 Al Cormier, Resident

Mr. Cormier noted that the Public Vehicle Licensing By-law should be amended as it doesn't reflect anything for competitor markets. He referred to consumer statistics and noted that Uber may be serving a new segment of the population. He further noted that his first choice is Option #1 in the report, but also supports a pilot program and creating a new category.

Received (Councillor Kovac)  
Recommendation GC-0129-2016

5.6 Item 6.1 Mark Sexsmith, Baljit Pandori and Marcel Wieder, Peel Taxi Alliance

Mr. Sexsmith expressed concern with the operations of Uber, safety and the effects on taxi driver's wages. He further noted that he supports the "capture option" and that it allows Transportation Network Companies (TNC) to operate. The Public Vehicle Licensing By-law does not provide taxi drivers the flexibility to lower fares during slower periods. The By-law should be amended to allow variable fares with using an app and standard rates apply for hailing a taxi or calling a brokerage.

Mr. Pandori spoke to the matter and noted that Uber operates as a broker for their drivers. He noted that Uber applied for a brokerage license in Toronto. He expressed the importance of fair competition by playing by the same rules.

Mr. Wieder spoke to the matter and noted that taxis have been using taxi hailing apps before Uber. He further noted that Uber does not pay taxes or licensing fees to the City.

Councillor Carlson spoke to the matter and noted that there are systemic issues that need to be fixed. Discussion ensued with respect to changing some of the regulations for taxicabs, the decrease in the value of plates and the cost structure for taxi drivers.

Received (Mayor Crombie)  
Recommendation GC-0129-2016

5.7 Yad Sidhu, Taxicab Industry

Mr. Sidhu expressed concern with the term "ride-sharing" and noted that the current regulations are unfair for taxis.

Received (Councillor McFadden)  
Recommendation GC-0129-2016

5.8 Louise Lee, Uber Driver-partner

Ms. Lee spoke to her experience with driving for Uber and noted that she feels safe and it provides her with employment. In response to questions from Members of Committee, Ms. Lee advised that she does not have a HST number, has basic vehicle insurance and spoke to filing income tax and her safety as a driver.

Received (Councillor Mahoney)  
Recommendation GC-0129-2016

5.9 Marvin Wright, Uber Driver-partner

Mr. Wright spoke to his experience as an Uber driver and noted that it is another option for transportation and it's beneficial for the community and young people. He further spoke to the income that he makes as an Uber driver. In response to questions from Councillor Saito, Mr. Wright noted that he feels safe as an Uber driver and has no objection to criminal and driving record checks for Uber drivers.

Received (Councillor Iannicca)  
Recommendation GC-0129-2016

5.10 Laxman Samtani, Uber Driver-partner

Mr. Samtani spoke to his experience as an Uber driver and noted that he feels safe while driving and it is convenient. In response to questions from Mayor Crombie and Councillor Parrish, Mr. Samtani noted that he does not have a commercial license and commercial insurance.

Received (Councillor Carlson)  
Recommendation GC-0129-2016

6. MATTERS TO BE CONSIDERED

6.1. Regulation of Transportation Network Companies

Councillors Starr and Parrish and Mayor Crombie spoke to a motion by Councillor Starr to suspend operations of Transportation Network Companies (TNC) in Mississauga. Discussion ensued with respect to the feasibility of enforcing the suspension.

10. CLOSED SESSION

Pursuant to Subsection 239 (2) of the Municipal Act, Councillor Saito moved the following motion:

Whereas the *Municipal Act, 2001*, as amended, requires Council to pass a motion prior to closing part of a meeting to the public;

And whereas the Act requires that the motion states the act of the holding of the closed meeting and the general nature of the matter to be considered at the closed meeting;

Now therefore be it resolved that a portion of the General Committee meeting to be held on March 2, 2016 shall be closed to the public to deal with the following matters:

10.1 Litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board - Litigation Impacts following the Regulation of Transportation Network Companies such as Uber.

10.2 Personal matters about an identifiable individual, including municipal or local board employees – Personnel Matter (verbal update)

This motion was voted on and carried at 12:51 pm.

Item #15 - Litigation Impacts following the Regulation of Transportation Network Companies (TNC) such as Uber

Mary Ellen Bench, City Solicitor and Mickey Frost, Director, Enforcement responded to questions from Members of Committee with respect to the litigation impacts following the regulation of TNC and the enforcement of regulations.

Committee moved out of Closed Session at 1:09 pm.

Regulation of Transportation Network Companies

Councillors Iannicca and Ras and Mayor Crombie spoke to the illegal operations of Uber and noted that the Public Vehicle Advisory Committee needs to review the matter to modernize the Public Vehicle Licensing By-law.

RECOMMENDATION

WHEREAS Transportation Network Companies (“TNC”), such as UBER, have developed online enabled platforms (Apps) through the use of cell phones which connect passengers with drivers in order to transport the passengers for a fee;

AND WHEREAS UBER is operating within the City of Mississauga connecting passengers with drivers;

WHEREAS Uber and Uber drivers are currently operating within the City of Mississauga as a taxi broker and taxi driver respectively using names like UBER X, UBER XL and UBER SELECT App (“UBER X APP”) without being licensed according to the City’s Public Vehicle Licensing By-law 420-04, as amended and as such are operating contrary to the requirements of the By-law;

AND WHEREAS General Committee is concerned that Uber and Uber drivers will continue to contravene the City’s Public Vehicle Licensing By-law as General Committee

considers the regulation of transportation network companies (“TNC”) including any possible amendments to the Public Vehicle Licensing By-law;

NOW THEREFORE BE IT RESOLVED:

1. THAT the Director of Enforcement be directed to send correspondence to Uber (including all related companies that in any way participate in the operation of Uber in the City of Mississauga) and any other TNC operating in the City, directing them to suspend operation within the City of Mississauga and for Uber to advise any drivers using the Uber App in the City of Mississauga that the Uber App will no longer be available for use in Mississauga until any enabling amendments to the Public Vehicle Licensing By-law are made;
2. That City staff continue to enforce the By-law and charge all drivers.
3. That the City of Mississauga send out a communication that Uber drivers or drivers for other TNCs in the City of Mississauga cease operating in the City of Mississauga until any enabling amendments to the Public Vehicle Licensing By-law are made;
4. That the City Solicitor be requested to report back to General Committee at a later date providing an update on the prosecution of Uber related charges under the City’s Public Vehicle Licensing By-law;
5. That the Federal and Provincial government be requested to undertake legislative changes to regulate TNCs to ensure that TNCs are regulated consistently across municipalities in Ontario;
6. That PVAC holds an open education session with no further delegations to review all reports, materials and presentations available on the Uber/Taxi issue and makes its recommendations to Council.

Approved (Councillor Starr)

Recommendation GC-0130-2016

INFORMATION ITEM

- A. Item 6.1 Letter dated February 29, 2016 from Chris Uber Public Policy Manager –Canada
- B. Item 6.1 Letter dated March 1, 2015 from Al Moore

Received (Councillor Iannicca)

Recommendation GC-0131-2016

7. ADVISORY COMMITTEE REPORTS - Nil
8. COUNCILLORS' ENQUIRIES – Nil

9. OTHER BUSINESS/ANNOUNCEMENTS – Nil

10. CLOSED SESSION

The committee moved back into Closed Session at 1:20 pm.

Item #16 - Personnel Matter (verbal update)

Janice Baker, City Manager and CAO advised Members of Committee about a personnel matter. Members of Committee commented and asked questions about the matter. Ms. Baker responded to questions from Committee.

Committee moved out of Closed Session at 2:22 pm.

RECOMMENDATION

That the report titled “Litigation Impacts following the Regulation of Transportation Network Companies such as Uber” be received for information.

Received (Councillor Starr)

Recommendation GC-0132-2016

RECOMMENDATION

That the verbal update regarding personnel matters, be received.

Received (Councillor Iannicca)

Recommendation GC-0133-2016

11. ADJOURNMENT – 2:22 PM