
Public Vehicle Advisory Committee

Date

2016/04/19

Time

10:00 AM

Location

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

Members

Ron Starr	Councillor - Ward 6 (Chair)
Carolyn Parrish	Councillor - Ward 5 (Vice-Chair)
Al Cormier	Citizen Member
Vikesh Kohli	Citizen Member
Karam S. Punian	Elected Member – Taxi Drivers
Nirmal Singh	Elected Member – Taxi Owners
Rajendra Singh	Citizen Member
Baljit Singh Pandori	Appointed Industry Member – Taxi Brokerages
Harsimar Singh Sethi	Elected Member – Elected At Large
Joshua Zahavy	Appointed Industry Member – Limousine Brokerages

Contact

Karen Morden, Legislative Coordinator, Legislative Services
905-615-3200 ext. 5471
karen.morden@mississauga.ca

Find it Online

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

1. CALL TO ORDER**2. APPROVAL OF AGENDA****3. DECLARATION OF CONFLICT OF INTEREST****4. MINUTES OF PREVIOUS MEETING****4.1. Minutes from the April 8, 2016 Special Public Vehicle Advisory Committee Meeting****5. DEPUTATIONS****6. MATTERS TO BE CONSIDERED****6.1. Summary of Proposed Regulations for Transportation Network Companies**

Corporate Report dated April 11, 2016 from the Commissioner of Transportation and Works entitled, "Summary of Proposed Regulations for Transportation Network Companies".

RECOMMENDATION

That the Public Vehicle Advisory Committee provide comments on the report from the Commissioner of Transportation and Works, dated April 14, 2016 and entitled "Summary of Proposed Regulations for Transportation Network Companies" and that these comments be incorporated into a future report on this matter for consideration by General Committee.

7. INFORMATION ITEMS**7.1. Uber - Correspondence from P. Pellier, Taxi Industry****7.2. Definitions - Correspondence from M. Sexsmith, Taxi Industry****7.3. Feedback on Proposed Changes to By-Law 420-04 - Correspondence from M. Sexsmith, Taxi Industry****7.4. Comments on Proposal for TNCs - Correspondence from A. Cormier, Citizen Member****7.5. Proposed New Approach For Going Forward With or Without Uber - Correspondence from A. Cormier, Citizen Member****7.6. Correspondence from K. Punian, Taxicab Drivers****7.7. PVAC 2016 Action List, updated for the April 19, 2016 meeting.**

8. **OTHER BUSINESS**

9. **DATE OF NEXT MEETING(S)**

Tuesday, June 21, 2016 – 10:00 AM, Council Chambers, Civic Centre

10. **ADJOURNMENT**

City of Mississauga
Minutes



Special Public Vehicle Advisory Committee

Date

2016/04/08

Time

1:03 PM

Location

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

Members Present

Councillor Ron Starr, Ward 6 (Chair)
Councillor Carolyn Parrish, Ward 5 (Vice-Chair)
Al Cormier (Citizen Member)
Vikesh Kohli (Citizen Member)
Rajendra Singh (Citizen Member)
Baljit Singh Pandori (Taxicab Brokerages)
Karam S. Punian (Taxicab Drivers)
Harsimar Singh Sethi (Elected at Large)
Nirmal Singh (Taxicab Owners) (Arrived at 1:12 PM)
Joshua Zahavy (Limousine Owners)

Also Present

Mayor Bonnie Crombie
Councillor Jim Tovey, Ward 1 (Departed at 2:00 PM)

Staff Present

Mickey Frost, Director, Enforcement
Daryl Bell, Manager, Mobile Licensing Enforcement
Robert Genoway, Legal Counsel
Karen Morden, Legislative Coordinator, Legislative Services

Find it online

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

1. **CALL TO ORDER** - 1:03 PM2. **APPROVAL OF AGENDA**Approved (H. Sethi)3. **DECLARATION OF CONFLICT OF INTEREST** - Nil.4. **MINUTES OF PREVIOUS MEETING**4.1. Minutes from the December 7, 2016 Public Vehicle Advisory Committee Meeting
Approved (Councillor Parrish)5. **DEPUTATIONS**

5.1. Mickey Frost, Director, Enforcement provided a PowerPoint presentation with respect to the regulation of Transportation Network Companies (TNCs) in the City of Mississauga.

Mr. Frost gave a brief overview of the seven (7) policy options and provided an in-depth description and evaluation of Option #1, the "Capture Option", and Option # 3, the "New Licensing Category Option (Equal Regulation)".

Nirmal Singh, Taxicab Owners representative, arrived at 1:12 PM.

Mr. Frost advised that staff is in support of the New Licensing Category Option (Equal Regulation). Mr. Frost further provided a summary of proposed by-law changes that would occur under the New Licensing Category Option (Equal Regulation) with respect to licensing requirements, training, operating conditions, rate setting, fleet size restrictions, brokerage affiliation, and vehicles/markings. Additionally, Mr. Frost noted several other changes to requirements that could also be considered and spoke to the recent reports from Ottawa and Toronto noting the similarities and differences in regulatory requirements to those being proposed in Mississauga.

Karam Punian, Taxicab Drivers inquired about plate values to which Mr. Frost advised that the value of plates is not something that the City controls and Robert Genoway, Legal Counsel further advised that the Municipal Act does not authorize the City to regulate the value of plates, instead they have market value. Mr. Punian further questioned plate transfer fees to which Daryl Bell, Manager, Mobile Licensing Enforcement noted that the transfer fee is in the by-law to enable staff to track transfers in plate ownership.

Mr. Punian made further inquiries regarding the English language assessment, in-car cameras, vehicle model year requirements, and surge pricing to which staff advised that in-car cameras would not be mandated, the proposed vehicle model year requirements

match what Uber is currently doing, and that allowing surge pricing could provide flexibility to the traditional industry.

Al Cormier, Citizen Member inquired as to the number of letters and names of TNCs who would have received a letter to stop operation from the City to which Mr. Bell advised that two letters had been sent to Uber. Mr. Cormier further inquired about the quality of data that was received from the industry, noting that there was discrepancy. Mr. Bell advised that all information reviewed and used had come directly from the taxi brokerages.

Harsimar Singh Sethi, Elected At Large inquired as to the number of tickets issued to Uber since March 2, 2016 to which Mr. Bell advised that there had been 28 since that date, noting that staff are working diligently on the issue.

Councillor Starr commented that due to the advanced technology of the Uber app, City Enforcement staff had met roadblocks in continuing to access service from Uber in order to lay charges, noting that ISPN numbers, credit card numbers, and smartphone numbers have become known to Uber and staff is no longer able to set up accounts with them. Mr. Bell further commented that all matters were before the court.

Mr. Frost commented that the way to regulate TNCs is to pass a by-law that acknowledges and actually regulates them as then legal action can be taken. Mr. Frost further noted that ticketing and charging TNCs is not an effective way to regulate them and that staff would be more effective with a by-law that regulates them.

Councillor Parrish spoke to standards being set to protect the public and expressed support for staff's recommendations. Councillor Parrish suggested that the City hire 50 security staff to enforce the by-law with Uber and noted the importance of finding a technology solution to block Uber signals in the City.

Councillor Starr inquired whether there is a way that Council could vote to ban Uber from operating to which Mr. Genoway advised that the City can only ask them to comply with the by-law and that staff considers Uber to be a taxi and that is how the charges have been laid. Mr. Genoway further advised that upon enactment of a new by-law that includes TNCs, an injunction could be sought through the court and that the court could then shut down their operations.

Nirmal Singh, Taxicab Owners noted that Brampton had imposed a minimum fine on TNCs of \$5,000 and inquired whether Mississauga could do the same. Mr. Frost noted that staff would look into the request. Mr. Genoway advised that the fine amounts are set in the by-law and that a change in amount could be requested of the court once the City has new provisions in the by-law in place.

Baljit Pandori, Taxicab Brokerages inquired whether Peel Regional Police could do spot-

checks on Uber drivers and whether the City considered Uber to be illegal. Mr. Bell noted that the police are most concerned with moving violations, not the enforcement of by-laws. Mr. Genoway further commented that the only way to shut Uber down is to obtain a court injunction.

Mr. Frost spoke to the necessity of bringing forth a regulatory framework for Council to consider, noting that staff will continue to lay charges. Mr. Frost requested that the industry stakeholders provide comments on the particulars of the report, the presentation, and other noted considerations, to which Councillor Starr agreed and noted that an abbreviated report could be considered at the April 19, 2016 PVAC meeting.

Mr. Pandori spoke in favour of the Capture Option, to which Mr. Punian agreed.

Councillor Parrish spoke to the need to impose restrictions on the number of Uber vehicles, a set time-frame that they are able to be on the road, and requested that more stringent requirements be placed on Uber drivers.

Mayor Crombie expressed thanks to all present for attending and commented that this is an opportunity to modernize the by-law, equalize the regulations, and if Uber is unable to compete within the by-law, that they can choose not to operate in Mississauga. Mayor Crombie further commented that it is essential to acknowledge TNCs in the by-law in order to enforce regulations on them and noted that the City has to look beyond the Capture Option.

Councillor Parrish requested that TNCs monitoring their own drivers and surge pricing be taken out of the proposed by-law amendments.

Councillor Starr encouraged all present to provide their comments to staff and Councillors.

RECOMMENDATION

1. That the deputation and associated PowerPoint presentation by Mickey Frost, Director, Enforcement with respect to the Regulation of TNC Report, be received for information;
2. That staff be directed to prepare a summary report outlining the requirements of the proposed regulatory framework for amending the Public Vehicle Licensing By-law 420-04, as amended, for the April 19, 2016 Public Vehicle Advisory Committee meeting.

Approved (Councillor Parrish)
Recommendation PVAC-0001-2016

6. MATTERS TO BE CONSIDERED

6.1. Recommendation GC-0130-2016 RECOMMENDATION

That Recommendation GC-0130-2016 with respect to the regulation of Transportation Network Companies, be received for information.

Received (Councillor Parrish)
Recommendation PVAC-0002-2016

6.2. Regulation of Transportation Network Companies

RECOMMENDATION

That the Corporate Report and related appendices from the Commissioner of Transportation and Works, considered by General Committee on March 2, 2016 with respect to the Regulation of Transportation Network Companies, be received for information.

Received (Councillor Parrish)
Recommendation PVAC-0003-2016

7. INFORMATION ITEMS

7.1. Committee Correspondence

No discussion took place on this item.

RECOMMENDATION

That the correspondence to the Public Vehicle Advisory Committee received for the April 8, 2016 meeting, be received for information.

Received (Councillor Parrish)
Recommendation PVAC-0004-2016

7.2. Public Vehicle Advisory Committee 2016 Action List

No discussion took place on this item.

RECOMMENDATION

That the Public Vehicle Advisory Committee 2016 Action List, updated for the April 8, 2016 meeting, be received for information.

Received (Councillor Parrish)
Recommendation PVAC-0005-2016

8. **OTHER BUSINESS** - Nil.

9. **DATE OF NEXT MEETING(S)**

Tuesday, April 19, 2016 – 10:00 AM, Council Chambers, Civic Centre

10. **ADJOURNMENT** - 3:21 PM

DRAFT

City of Mississauga

Corporate Report



Date: 2016/04/14

Originator's files:

To: Chair and Members of Public Vehicle Advisory Committee

From: Martin Powell, P. Eng., Commissioner of Transportation and Works

Meeting date:
2016/04/19

Subject

Summary of Proposed Regulations for Transportation Network Companies

Recommendation

That the Public Vehicle Advisory Committee provide comments on the report from the Commissioner of Transportation and Works, dated April 14, 2016 and entitled "Summary of Proposed Regulations for Transportation Network Companies" and that these comments be incorporated into a future report on this matter for consideration by General Committee.

Background

On April 8, 2016 the Public Vehicle Advisory Committee held an open education session with no further delegations to review all reports, materials and presentations available on the framework for the regulation of transportation network companies (TNCs) as well as the traditional taxi and limousine industries, and to make recommendations to Council. At its meeting of April 8th, the Public Vehicle Advisory Committee approved the following recommendation:

"PVAC-0001-2016

- *That the deputation and associated PowerPoint presentation by Mickey Frost, Director, Enforcement with respect to the Regulation of TNC Report, be received for information;*
- *That staff be directed to prepare a summary report outlining the requirements of the proposed regulatory framework for amending the Public Vehicle Licensing By-law 420-04, as amended, for the April 19, 2016 Public Vehicle Advisory Committee meeting."*

Recommendation PVAC-0001-2016 is targeted for consideration by General Committee on April 20, 2016 and by Council on April 27, 2016.

The purpose of this report is to respond to PVAC-0001-2016 and to present a summary of the proposed regulatory framework.

Comments

Appendix 1 attached to this report provides a summary of the proposed changes to the public Vehicle Licensing By-law 420-04, as amended, for the regulation of transportation network companies.

Many of the new amendments presented by staff at the Public Vehicle Advisory Committee meeting of April 8, 2016 have been incorporated into the attached, save two:

- placing a cap on the number of TNC drivers; and,
- prohibiting surge pricing.

In staff's opinion, the proposed licensing requirements for TNC drivers act as a sufficient barrier to entry. Since taxicabs are identifiable, they can accept hails and they can wait at taxi stands, there is a public safety objective to limit taxicabs.

In addition, rather than prohibit surge pricing staff propose to permit it, subject to the customer being aware of the cost prior to the trip and the customer booking the trip through the App. The regulatory framework proposed provides for the traditional taxicab industry to operate with an approved App that would also permit surge pricing, again, subject to the customer being aware of the cost prior to the trip and the customer booking the trip through the App. This and other changes proposed to the by-law allow for competition on the basis of price.

Further, frameworks for the regulation of TNCs recently approved by the cities of Calgary and Edmonton as well as Ottawa and recently proposed by the City of Toronto do not cap the number of TNC drivers nor do they prohibit surge pricing. Further, in response to the approved TNC regulations in the city of Calgary, Uber withdrew its operations in the city. The proposed framework for regulating TNCs in Mississauga is modeled after the Calgary framework.

Staff welcome comments from the Public Vehicle Advisory Committee on the proposed framework outlined in Appendix 1.

Staff have engaged the services of the Management Consulting section of the Corporate Services Department to conduct a capacity review of the Mobile Licensing Enforcement section of the Enforcement Division with a view to determining what additional resources may be required once General Committee approves a framework for the regulation of TNCs. The regulatory framework approved may have an impact on the additional resource requirements.

Financial Impact

Once General Committee approves a framework for the regulation of TNCs, additional resources may be required by the Enforcement Division to administer and regulate the new requirements of the by-law. It is anticipated that the cost of any additional resources required by

the Enforcement Division would be offset by licensing fees and other user charges. Staff will report back further on this matter.

Conclusion

At its meeting of April 8, 2016 the Public Vehicle Advisory Committee held an open education session on the regulation of TNCs and to make recommendations to Council. At this meeting the Public Vehicle Advisory Committee approved a recommendation requesting that staff prepare a summary report on the regulation of TNCs. This report responds to that direction and recommends that the Public Vehicle Advisory Committee provide comments on the proposed regulatory framework outlined in this report as Appendix 1 for inclusion in a future report to General Committee on this matter.

Once any by-law changes come into force, staff will monitor the operations of the public vehicle industry (taxis, limousines and TNCs) to determine if any further by-law adjustments are required and report back to General Committee.

The process to issue taxicab and accessible taxicab plates will be considered by PVAC and General Committee in a separate report from the Commissioner of Transportation and Works once General Committee has approved a framework for the regulation of TNCs.

Attachments

Appendix 1: Summary of Proposed Regulations



Martin Powell, P. Eng., Commissioner of Transportation and Works

Prepared by: Mickey Frost, HBA;CGA, CPA;MPA, Director of Enforcement

Summary of Proposed By-law Changes and Impact Assessment

Licensing Requirements and Training:

TNCs	
Provision:	Impact:
All TNC drivers will be required to obtain an annual municipal licence. Licence requirements will be the same as for the taxi and limousine drivers, for screening, criminal records searches, driver abstract requirements, etc. Insurance requirements will be equivalent to taxis and limousines, while TNC drivers are operating as a ride-sharing service.	The requirement of a municipal licence for all drivers in the public vehicle industry ensures public safety and consumer protection.
The TNC itself will be required to obtain a municipal licence. The TNC will also be required to submit per trip fees for trips originating in Mississauga.	A licence for the TNC itself ensures that the City has access to a contact responsible for the company's local operations, which allows for TNC accountability.
TNC drivers required to have a valid GST/HST registration number as a municipal licensing requirement.	To facilitate payment of GST/HST by TNC drivers.
TNC driver training will be required on a one-day course on initial application focusing on by-law orientation, passengers with disabilities and defensive driving. Training renewal will be as required based on complaints/performance.	The requirement for training ensures professionalism, consumer protection, public safety and by-law compliance.
Taxis and Limousines	
Taxi and limousine driver training will be streamlined on initial application from its present three-day course to a one-day course focusing on by-law orientation, passengers with disabilities and defensive driving. Training renewal will be as required based on complaints/performance.	This will result in a reduced time commitment and cost thus reducing barriers into the taxi/limousine industries while maintaining the current levels of professionalism, consumer protection, public safety and by-law compliance.
Delete the by-law requirements for English literacy.	This will result in a reduced time commitment and cost thus reducing barriers into the taxi/limousine industries. The marketplace will regulate this requirement.

Operating Conditions:

TNCs	
TNC vehicles must use a City-approved App, which calculates a fare based on distance travelled. The requirements of the App have not yet been finalized.	Approved Apps must provide information to both the driver and passenger about one another, which reduces risks associated with anonymity.
TNC drivers will not be permitted to accept street hails under any conditions.	
TNCs will be required to provide the Licence Manager with data on trip volumes and vehicle counts. The data requirements have not yet been finalized.	Data analysis allows the City to monitor trends in the industry and to develop or amend policy in order to improve the delivery of public vehicle service.
TNCs will be required to provide the Licence Manager with enforcement accounts with their approved App for the purposes of locating in-service vehicles for on-road inspections.	Enforcement accounts will facilitate enforcement efforts, resulting in fewer resource requirements and public safety and consumer protection.
Taxis and Limousines	
Taxis may choose to use a City-approved App, which calculates a fare based on distance travelled, in lieu of a taximeter.	This provides the option to taxis to offer this technology to customers allowing them to compete in the evolving industry.
Limousines may choose to use a City-approved App, which calculates a fare based on time.	This provides the option to limousines to offer this technology to customers allowing them to compete in the evolving industry.

Fleet Size Restrictions:

TNCs	
There will be no restriction on the number of TNCs permitted.	This allows for adjustments in TNC vehicle supply to meet consumer demand. Drivers are encouraged by higher fares during periods of increased demand, which improves service response times and reliability for customers. The trade-off for increased supply and response times of TNC vehicles may be increased cost for the service.
Taxis and Limousines	
Taxis will continue to operate in a controlled-entry system.	Removing controlled-entry would be even more disruptive to the taxi industry.
Limousines will continue to operate in an open-entry system.	Limousines do not provide on-demand service and must be booked a minimum of 30 minutes in advance, differentiating them from taxis and TNC service providers. Barriers to direct competition with TNCs and taxis exist due to the increased cost of limousine vehicles.

Rate Setting:

TNCs	
Through the approved App, TNCs can choose to charge any rate and change this rate whenever they choose. The rate must be clear and transparent to the customer.	As a matter of consumer choice, prices can increase during busy times, which encourages TNC drivers to take trips thus increasing the supply of vehicles.
Taxis and Limousines	
Through the approved App, taxis can choose to charge any rate and change this rate based on consumer demand and market conditions. The rate must be clear and transparent to the customer.	Taxis will also be able to use Apps similar to those of TNCs where rates are increased during busy times, encouraging taxi drivers to take trips and to compete at the same level with TNCs.
For street hail and dispatch trips, taxis will be required to charge a regulated rate (metered rate), as a maximum.	Allows taxis to compete on the basis of price, while maintaining price assurance and transparency for customers using street hail and telephone dispatch options.
Minimum rate for limousines will be eliminated.	This allows limousines to set their own rates, increasing competition and customer focus. While no minimum rate will be mandated, barriers to direct competition with TNCs and taxis exist due to the increased cost of limousine vehicles.

Brokerage Affiliation:

TNCs, Taxis and Limousines	
The brokerage affiliation restrictions would be lifted. This change does not prevent brokers, and taxicab and limousine plate holders and drivers, from entering into private sole-service agreements.	This is required to facilitate drivers being affiliated with more than one brokerage. This change empowers drivers to determine their method of dispatch.

Vehicles/ Markings:

TNCs	
No identifying markings will be allowed, except a small decal required for enforcement purposes to identify approved TNC vehicles.	Identifying markings can result in street hailing, as people on the street may attempt to flag down a TNC vehicle. As a result, TNC vehicles must be unidentifiable except for a small decal, which assists in enforcement efforts, further enhancing public safety.
Every six months TNC drivers must submit to the Licence Manager a record of inspection for the motor vehicle in accordance with the requirements of the Ministry of Transportation (MTO).	In addition to vehicle inspections performed by Municipal Law Enforcement Officers (MLEOs) on the road, this provision will help ensure the mechanical fitness of vehicles used to carry paying passengers.

Vehicles must seat four passengers, including the driver, and must be 10 years old or newer.	The marketplace will determine if vehicle age/condition has any impact on operator business.
Taxis and Limousines	
Every six months taxi drivers and/or taxicab plate holders must submit to the Licence Manager a record of inspection for the motor vehicle in accordance with the requirements of the MTO, in lieu of biannual vehicle inspections performed at the Mobile Licensing Enforcement office.	In addition to vehicle inspections performed by MLEOs on the road, this provision will help ensure the mechanical fitness of vehicles used to carry paying passengers. This also puts vehicle inspection requirements at the same level for the taxi, limousine and TNC industries. The marketplace will determine if vehicle age/condition has any impact on operator business.
Every six months limousine drivers and/or limousine plate holders must submit to the Licence Manager a record of inspection for the motor vehicle in accordance with the requirements of the MTO, in lieu of biannual vehicle inspections performed at the Mobile Licensing Enforcement office.	In addition to vehicle inspections performed by MLEOs on the road, this provision will help ensure the mechanical fitness of vehicles used to carry paying passengers. This also puts vehicle inspection requirements at the same level the taxi, limousine and TNC industries. The marketplace will determine if vehicle age/condition has any impact on operator business.
The requirement for vehicle markings would be lifted for taxis, to facilitate vehicles being used by multiple brokers. Brokers owning taxicab plates for vehicles in their fleet could mark the vehicles according to exiting City standards in the by-law. Taxis would require exterior roof lights indicating the company name.	This is required to facilitate drivers being affiliated with more than one brokerage. This change empowers drivers to determine their method of dispatch.
Eliminate the by-law requirement for taxis to require cameras.	Taxi operators may choose to put cameras in their vehicles on their own accord should they wish to differentiate their service in the marketplace from TNCs.
Permit window tinting in accordance with the requirements of the <i>Highway Traffic Act</i> .	Taxicab and limousine operators may choose to tint vehicle windows. The marketplace will determine if window tinting has any impact on operator business.
Vehicles must seat four passengers, including the driver, and must be 10 years old or newer.	The marketplace will determine if vehicle age/condition has any impact on operator business.

Other Considerations:

1. Request the Province to:

- Create a transitional fund to compensate taxicab plate holders for loss in plate value.
- Provide enhanced enforcement powers to MLEO and provincial enforcement officers to:
 - Tie outstanding violations to plate denial;
 - Issue higher fines;

- Apply demerit points for non-compliance;
 - Impose administrative licence suspensions;
 - Provide authority for municipalities to implement an accessibility levy to be applied to TNCs/service providers that do not offer accessible vehicle services to City standards and the payment used to promote accessible transportation services;
 - Amend the *AODA* to ensure TNCs are captured in the *AODA* like traditional public transportation providers; and,
 - Approve new flexible insurance products for the traditional taxicab and limousine industries.
2. Pursue arrangements with neighbouring municipalities and/or GTA where trips out of the municipality can pick up for the return trip.

From: [Peter Pellier](#)
To: [Ron Starr](#); [Carolyn Parrish](#); [Mayor Bonnie Crombie](#); [REDACTED]; [REDACTED]
 [REDACTED] [Karen Morden](#); [Mickey Frost](#); [Daryl Bell](#); [Martin Powell](#)
Cc: [Jim Tovey](#); [Karen Ras](#); [Chris Fonseca](#); [John Kovac](#); [Nando Iannicca](#); [Matt Mahoney](#); [Pat Saito](#); [Sue McFadden](#); [George Carlson](#); [REDACTED]
Subject: UBER
Date: 2016/04/09 9:29:12 AM

THE CHAIR & MEMBERS,
 PVAC.

Notwithstanding legal staff's opinion that a separate licensing category must be created for so-called 'TNCs' in order to strengthen the City's hand should Uber decide to operate in defiance of an amended By-law, to do so would be to throw honesty and integrity out the window. Uber is a taxi service, plain and simple. Characterizing it by employing Uberspeak, such as 'transportation network company', 'ridesharing company', and 'peer-to-peer service', doesn't alter reality.

Staff is asking the taxi industry to assume a huge gamble by supporting its preferred option. Decades of due diligence, aimed at creating a viable service for both the travelling public and those who provide it, risk being undermined, and ultimately destroyed. All to benefit a scorpion, as Carolyn aptly framed it.

Given what's at stake, those of us whose livelihoods, pensions and plate values are on the line cannot assume such a risk. Would you, if it was your job and pension on the line? Hardly.

The Capture Option is the industry's only option, and, hopefully, that of the City. It speaks to truth and integrity. As well, with an amended broker definition that includes an app-based method of connecting the public with service providers, there is no logical reason why it would not suffice in a court of law should Uber continue to operate in open defiance of the law.

Since the advent of the PVAC in 1974, the City of Mississauga has led the way in regulating

its taxi industry. This
is no time to abandon that well-earned reputation by following the crowd.

Thank you.

PETER D. PELLIER,

[REDACTED]

[REDACTED]

[REDACTED]

From: [Karen Morden](#)
To: [Karen Morden](#)
Subject: FWD: Motion for PVAC Meeting August 2105
Date: 2015/08/04 4:04:25 PM

From: MARK SEXSMITH
Sent: August 4, 2015 1:42 PM
To: Ron Starr
Cc: Stephanie Smith; Carolyn Parrish; Baljit Pandori; Al Cormier; Mickey Frost; Daryl Bell
Subject: Motion for PVAC Meeting August 12, 2105

Mr. Ron Starr, Chair
PVAC, City of Mississauga

Dear Mr. Chairman:

Please include discussion on the following amendment to By Law 420-04 on the agenda of the August 12, 2015 PVAC meeting.

The motion is:

In regard to By-Law 420-04, the following changes are requested to terms in the "Definitions and Interpretation" Section of the By-Law.

"Broker" means any Person or Corporation which carries on the business of facilitating in any fashion the provision of for hire transportation between any person and any vehicle not owned by that Person or Corporation"

"Driver" means any person who drives a Taxicab, Limousine, Airport Municipal Transportation Vehicle, Airport Public Transportation Vehicle, or any other for hire vehicle, excluding public transit

It is the industry's wish to afford Staff a greater degree of latitude in dealing with matters that pertain to regulating the actions of virtual for hire brokers, as well as those drivers who work with the dispatch systems these brokers utilize.

Yours truly,

[Mark Sexsmith, All Star Taxi](#)

April 12/2016

City of Mississauga
300 City Centre
Mississauga, ON, L5B 3C1

Attention: Mayor Bonnie Crombie

Re: Feedback request on proposed changes to By Law 420-04

Dear Madam Mayor:

On April 8, 2016, Licensing Staff presented the PVAC with a "TNC Regulation Comparison" list, and you requested feedback on its proposals. I would like to weigh in on this request with the following.

First and foremost, I would like to draw your attention to a request that I made on August 4, 2015, regarding updating the definitions of "broker" and "driver" in the By Law. (See attached) This matter must be addressed in any changes to the By Law.

In regard to the items on the list of "Regulation Comparisons", I would offer the following :

1. "Insurance requirements" should be specific, in that there should be a clear indication for all involved that the TNC driver is in fact **purchasing insurance** that is comprehensive in its provision of protection for the passenger(s), the public, and the driver. In no way should the City accept vague assurances from the TNC dispatch company that they have some kind of "blanket" coverage that provides some undefined protection for passengers.
2. The equivalency of training programs, and the streamlining of these programs should not short change the stress on customer service, particularly for those clients with disabilities.
3. The requirements for English literacy should be more clearly defined.
4. Under "Operating Conditions", the TNC vehicles' App should be calculating the fare on both distance and time, as are regular taxi fares.
5. The "enforcement accounts" that allow Staff to locate TNC vehicles needs to be better defined.
6. The taxi app mentioned should be allowed to calculate the fare on time and distance.

Additionally, I think that the following must be added;

1. All taxis and limousines must have Credit Card/Debit Card machines in working condition while operating as for hire vehicles.
2. Fees should be identical for all classes of drivers and vehicles, as there is no restriction on operating hours in the By Law. Exceptions for accessible operators may be examined at a later date.
3. All for hire vehicles should be required to carry, at the minimum, local street guides to back up any electronic systems which may be liable to failure.
4. Minimum dress codes should be in the By Law

5. TNC drivers must, as operators of vehicles that are considered public places, be made aware of restrictions on smoking in their vehicles **at any time**.
6. The question of accessible TNC's must be addressed.
7. As TNC drivers will be required to have photo cards ("annual license"), the City should require all for hire vehicle operators to display their photo ID card in a holder secured to a lanyard while in service.
8. There must be a clear policy of vehicle substitution for the TNC operators.
9. Any taxi driver that takes out a TNC operator license should be suspended from the Taxi Plate Priority List.

Thank you for your consideration of these items as a part of the determination of new regulations for the for hire transportation business.

Yours truly,

Mark Sexsmith, Sales Manager
All Star Taxi Services Inc,

From: [Karen Morden](#)
To: [Karen Morden](#)
Subject: RE: By Law Changes for Transportation Network Companies
Date: 2016/04/12 9:55:34 AM

From: Al Cormier
Sent: Friday, April 8, 2016 10:12 PM
To: 'Ron Starr' <Ron.Starr@mississauga.ca>; 'Carolyn Parrish' <Carolyn.Parrish@mississauga.ca>
Cc: 'mickey.frost@mississauga.ca' <mickey.frost@mississauga.ca>; 'Darryl Bell' (daryl.bell@mississauga.ca)' <daryl.bell@mississauga.ca>; 'mayor@mississauga.ca' <mayor@mississauga.ca>
Subject: By Law Changes for Transportation Network Companies

Today's PVAC meeting was challenging and opportunities for detailed comments were limited. Therefore, please accept the attached as my comments on the bullet points summarizing the staff proposal in the 3 column table. I also added proposals on urgently needed by-law changes to better serve the disabled with taxis.

Regards

Al Cormier

Comments on Mississauga Proposal for TNCs

By Al Cormier

2016 04 08

These comments are in two parts:

Part A – Proposed by-law changes regarding TNCs

Part B – Proposed by-law changes to preserve and hopefully enhance taxi services for the disabled.

Part A – Proposed by-law changes regarding TNCs

My comments below are based on the 3 column table given by staff earlier today. This table compared Mississauga's proposal to Ottawa's and Toronto's. I understand that the Mississauga proposal is based on Option 3 from the Daus report – New Licence Category Equal Regulation. As you will recall, I favoured Option 4 – Unequal regulation. But, if you must propose Option 3, at least consider the following comments.

#	Bullet point from presentation of April 8	Al Cormier's comments
	LICENCING REQUIREMENTS AND TRAINING	
1	All TNC drivers will be required to obtain an annual municipal licence. Licence requirements will be the same as for taxi and limousine drivers, for screening, criminal records searches, driver abstract requirements etc.	Instead require the TNC to pay an annual fee to the city.
2	Insurance requirements will be equivalent to taxis and limousines, while taxi drivers are operating as a ride share service	This may be ok at the beginning but as soon as the province accept proposals for Ride Sharing insurance, we should amend the by-law to be in sync with the provincial requirement.
3	The TNC itself will be required to obtain a municipal licence, similar to a taxi broker's licence.	Agreed
4	TNC driver training will be required on a two-day course on initial application focussing on by-law orientation, passengers with disabilities and defensive driving. Training at five-year intervals will be consistent with existing taxi and limousine training requirements.	One day should be sufficient.
5	TNC drivers will be required to provide proof of English literacy to the Licence Manager	Not really needed. My experience has been that even if they have English literacy, they rarely say anything. When I board limos or taxis at the airport, I give them my address and I don't even get an acknowledgement 99% of the

		time.
6	Taxi and limousine driver training will be streamlined on initial application from its present three-day course to a two-day course focusing on by-law orientation, passengers with disabilities and defensive driving.	Try for one day.
7	In lieu of the present literacy test, drivers would be required to provide proof of English literacy to the Licence Manager.	I guess this is meant for taxi and limo drivers
	OPERATING CONDITIONS	
8	TNC vehicles must use a City-approved App which calculates a fare based on distance travelled.	How can the city approve an APP unless the City has an APP development expert that can scrutinize every aspect of the APP to make sure it is distance based at all times? All the city needs to do is confirm that the APP calculates fees on distance travelled. Stay out of the rest.
9	TNC drivers will not be permitted to accept street hails under any conditions	Agreed
10	TNCs will be required to provide the Licencing Manager with data on trip and vehicle counts.	Disagree. The data we now get from taxis on this seems crappy and pretty useless so why ask it of TNCs.
11	TNCs will be required to provide the Licence Manager with enforcement accounts with their approved APP for the purpose of locating in service vehicles for on-road inspections.	This is only necessary for spot checks.
12	Taxis may choose to use a City –approved App which calculates a fare based on distance travelled, in lieu of a taxi meter.	See #8 above
13	Limousines may choose to use a City-approved App, which calculates a fare based on distance.	See # 8 above
	FLEET SIZE RESTRICTIONS	
14	There will be no restrictions on the number of TNCs permitted	Agreed
15	Taxis will continue to operate on a controlled-entry system.	Disagree. This leads to increasing plate values which the city may well be tied up in courts about.
16	Limousines will continue to operate in an open-entry system.	Agreed
	RATE SETTING	
17	Through the approved APP, TNCs can choose to charge any rate and change this rate whenever they choose. The rate must be clear and transparent to the customer.	See # 8 above re: approved APP. The rest is ok.
18	Through the approved App, taxis can chose to charge any rate and change this rate based on consumer demand and market conditions. The rate must be clear and transparent to the customer.	See # 17 above.
19	For street hails and dispatch trips, taxis will be required to	Agreed

	charge a regulated rate (metered rate) as a maximum.	
20	Minimum rate for limousines will be eliminated	Agreed
	BROKERAGE AFFILIATION	
21	The brokerage affiliation restrictions would be lifted.	Fully agree.
22	This change does not prevent brokers, and taxi cab and limousine plate holders and drivers, from entering into private sole-service agreements.	Agreed
	VEHICLES / MARKINGS	
23	No identification markings will be allowed, except for a small decal required for enforcement purposes to identify TNC approved vehicles.	Decal not needed as per #1 above.
24	Every six months, TNC drivers must submit to the Licence Manager a record of inspection for the motor vehicle in accordance with the requirements of the Ministry of Transportation (MTO).	Agreed
25	Every six months, taxicab drivers and/or taxi cab plate holders must submit to the Licence Manager a record of inspection for the motor vehicle in accordance with the requirements of the Ministry of Transportation (MTO) in lieu of biannual vehicle inspections performed at the Mobile Licencing Enforcement Office.	Agreed
26	Every six months limousine drivers and/or limousine plate holders must submit to the Licence Manager a record of inspection for the motor vehicle in accordance with the requirements of the MTO, in lieu of the biannual inspections performed at the Mobile Licencing Enforcement Office.	Agreed
27	The requirements for vehicle markings would be lifted for taxis, to facilitate vehicles being used by multiple brokers. Brokers owning taxi plates for vehicles in their fleet could mark the vehicle according to existing City standards in the by-law. Taxis would require external roof lights indicating the company name.	Agreed
	OTTAWA OR TORONTO CHANGES TO CONSIDER ADDING	
28	Eliminate taxicab vehicle standards with respect to interior and trunk size, seating capacity and window tinting.	Highly recommended
29	TNCs to set rate for fares but must communicate fare and have record of fare acceptance before trip is taken.	Recommended
30	Waiving licence application, licence renewal and training fees for accessible taxicabs.	Highly recommended

Part B – Proposed by-law changes to preserve and hopefully enhance taxi services for the disabled.

As you know, I have continuously sought measures to ensure that taxi services for disabled persons continue to increase. This is a challenging project with a not pleasant scenario possibly developing. Let me explain. At the moment, the City now offers 'A' plates to brokers for use in transporting disabled. Drivers are now incentivized to operate taxis for the disabled as these 'A'

plates are offered to drivers without monthly lease charges. In regular taxi operations, taxi plate owners, until now, typically leased plates to drivers for \$1000 to \$1200 per month. With UBER cutting into the taxi markets, plate owners are having difficulty collecting their monthly lease fees of \$1000 to \$1200 as drivers are more inclined to switch to UBER operations. I understand that some lease fees have dropped to well below \$500 per month.

When the lease fees were in the \$1000 to \$1200 range, drivers were attracted to operating 'A' plates for disabled taxis as the absence of these lease fees (which represent \$12,000 to \$14,400 per year) covered the significant extra costs of buying and operating vans that can accommodate disabled persons. As these lease fees decrease, the incentive to buy and operate vans for the disabled is greatly diminished. As it stands now, the outlook for taxis for the disabled looks grim. If the scenario I just described continues or worsens, the number of drivers willing to absorb the higher costs of buying and operating higher cost vans for the disabled will likely diminish thus meaning less taxi services for the disabled.

I have talked to members of the industry and I recommend that serious consideration be given to the following actions to improve taxis for the disabled as part of the current by-law review.

1. It appears that getting the ownership of A-plates transferred into the names of the operators is a must. This should be seriously examined in the current by-law review. This reduces any likelihood that the brokers could "pull" the plate out from under the operator, leaving him high and dry. The drivers that invest in the vans should have this minimum security of operational continuity. A van operator who controls the plate would have an incentive to build up his own personal business. The van operator would have then the option of moving to the Brokerage that provides the best level of service and income.
2. Some would say that these 'A' plates should be transferable, as are the regular plates, giving the operator an incentive to look down the road to eventually being able to retire and sell the plate. This requires careful study to ensure it does not lead to the situation we have today with the declining value of regular plates.
3. Drivers, and not just drivers of accessible cabs, should be able to work across any order provision network, whether among brokers, over apps, or by soliciting their own clients. The By Law should be altered to allow this.
4. The City should actively pursue having the Province move into a more proactive stance in terms of what accessible taxis are paying for insurance. Currently, it seems any 'A' plate vehicle owner could carry out exactly the same business using a provincially issued Public Vehicle licence and pay less than half the insurance rates. Another important factor here is the rates charged by the insurance companies for second drivers on accessible taxis, which discourage part time drivers that could help improve service evenings and weekends. Some insurance companies are actively courting UBER – could the City negotiate a similar deal for part time drivers?

5. Lowering the municipal fees for accessible vehicles would at least be indicative of the fact that the City is promoting greater accessibility in the taxi industry.
6. The city should promote the establishment of Provincial or Federal grants that could be instituted to cover the extra costs of owning and running an accessible taxi.
7. In the long run, a regional plan for accessibility in taxis might be the best way to go. Clients and their medical providers know no municipal boundaries, and a unified GTHA system of taxi script that could be used with accessible taxis with a GTHA permit would probably improve the system. Actually, the same could be said for regular taxis and it is probably time for Metrolinx to take control of taxi services in the GTHA.

As you know, charging higher fares for disabled passengers is discriminatory and not allowed under AODA. This suggests the likely need for financial support for drivers of taxis for the disabled.

From: [Al Cormier](#)
To: [Karen Morden](#); ["Vikesh Kohli"](#); ["Karam S. Punian"](#); ["Rajendra Singh"](#); ["Joshua Zahavy"](#); [Carolyn Parrish](#); [Ron Starr](#); ["Nirmal Singh"](#); ["Harsimar Singh Sethi"](#); ["Baljit Singh Pandori"](#)
Cc: [Mickey Frost](#); [Daryl Bell](#); [MC](#); [Crystal Greer](#); [Diana Rusnov](#); [Martin Powell](#); ["Peter Pellier"](#); [REDACTED]; [REDACTED]
Subject: PVAC meeting of April 19 - a proposed new approach for going forward with or without UBER
Date: 2016/04/13 6:54:42 AM

Hello everyone,

In my opinion, the likelihood of having any option getting majority support at PVAC is doomed for failure **unless it has the word 'capture' in the option title**. This was made abundantly clear at the PVAC meeting of April 8. I see the strong potential for PVAC to turn down the staff recommendation which is a **New Licence Category – Equal Regulation**. There is then still the potential for Council to adopt staff's recommendation which would leave a real sour taste all around and jeopardize the function of PVAC going forward.

I therefore sent the proposal in green below to the PVAC Chair and Co-Chair, and city staff, on April 9 and I have not heard any feedback to date. It is meant to restart dialogue within a framework that has the potential of being accepted by PVC and Council..

At the April 8 meeting, legal counsel made it clear that unless the City adopts a new regulation, the likelihood of getting a court injunction against Uber is greatly reduced if Uber decides to carry on without regard to the new regulation. So doing nothing does not seem to be an option.

What I am proposing is a new look at the **'Capture – Modified' option**. I would go further than what the Haus report did by urging PVAC to take this opportunity to update several aspects of the existing by-law that could be said to tie their hands in managing their operations and staying profitable. It could allow UBER to stay in Mississauga if they abide by the new set of rules. I view it as a hybrid between options 2 and 3 in the Haus report but with additional changes.

I would go further by saying we should take this opportunity to improve taxis for the disabled by also adopting the following changes.

1. It appears that getting the ownership of A-plates transferred into the names of the operators is a must. This should be seriously examined in the current by-law review. This reduces any likelihood that the brokers could "pull" the plate out from under the operator, leaving him high and dry. The drivers that invest in the vans should have this minimum security of operational continuity. A van operator who controls the plate would have an incentive to build up his own personal business. The van operator would have then the option of moving to the Brokerage that provides the best level of service and income.
2. Some would say that these 'A' plates should be transferable, as are the regular plates, giving the operator an incentive to look down the road to eventually being able to retire and sell the plate. This requires careful study to ensure it does not lead to the situation we have today with the declining value of regular plates.
3. Drivers, and not just drivers of accessible cabs, should be able to work across any order provision network, whether among brokers, over apps, or by soliciting their own clients. The By Law should be altered to allow this.
4. The City should actively pursue having the Province move into a more proactive stance

in terms of what accessible taxis are paying for insurance. Currently, it seems any 'A' plate vehicle owner could carry out exactly the same business using a provincially issued Public Vehicle licence and pay less than half the insurance rates. Another important factor here is the rates charged by the insurance companies for second drivers on accessible taxis, which discourage part time drivers that could help improve service evenings and weekends. Some insurance companies are actively courting UBER – could the City negotiate a similar deal for part time drivers?

5. Lowering the municipal fees for accessible vehicles would at least be indicative of the fact that the City is promoting greater accessibility in the taxi industry.
6. The city should promote the establishment of Provincial or Federal grants that could be instituted to cover the extra costs of owning and running an accessible taxi.
7. In the long run, a regional plan for accessibility in taxis might be the best way to go. Clients and their medical providers know no municipal boundaries, and a unified GTHA system of taxi script that could be used with accessible taxis with a GTHA permit would probably improve the system. Actually, the same could be said for regular taxis and it is probably time for Metrolinx to take control of taxi services in the GTHA.

Feel free to contact me with any questions or comments.

Al Cormier

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[REDACTED]
[REDACTED]
[REDACTED]

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Email sent to city on April 9 by Al Cormier

I offer a suggestion below as a possible alternate way to accommodate the needs of the taxi industry and Uber. What I propose is a new 'labeling' of our efforts. Let me explain.

The email from Peter Pellier below stems from the legal advice given by Counsel during yesterday's PVAC meeting. If I understood correctly, the advice was that the city would be in a reasonable position to obtain a court injunction against Uber only if it had made a reasonable effort to develop a regulatory framework to allow Uber operations in Mississauga and Uber ignored it.

We know that that the taxi industry wants to shut down Uber and are therefore only willing to support a 'capture' option. Other options will simply not get a majority vote at PVAC and this could possibly lead to Council having to ignore PVAC's advice and adopt an option besides a 'capture' option. This is not a good situation and could be avoided as proposed below.

We know that the taxi by-law needs changes for a variety of reasons and these changes could help

the taxi industry to carry on and hopefully prosper in the process. In fact, many of these changes were noted in the documents at yesterday's meeting.

I therefore propose a '**modified capture**' (or some other but similar wording) option that would:

- say it applies to taxis and TNC's
- includes all by-law changes already identified to help the taxi industry . More can be added here.
- identify areas which apply only to TNC's as we now do for limos.
- identify areas where TNC's could be exempt.

Above is not a second set of regulations for TNC's but a modified by-law that applies to both taxis and TNC's.

With careful planning and wording this approach should be saleable to the taxi industry and the majority of PVAC and give Council a much better choice of action. Uber may not like it and say they are pulling out of Mississauga as they did in Calgary. If Uber stays and flaunts the new by-law, a court injunction should be possible I think.

The above is not my 'ideal' option but it is becoming clear that the current 'standoff' can only be broken with some give and take on all sides. It is all in how we 'label' it.

As we are proceeding now, we will upset the taxi industry and may not even satisfy Uber. What I propose might not be acceptable to Uber but it would keep the taxi industry on side.

For your consideration.

From: [Karam Punian](#)
To: [Karen Morden](#)
Date: 2016/04/13 10:34:41 AM

If city want to give tnc taxi equivalent status city must buy back taxi plates on the level of pre uber price. Must be looked. into why mayor. And staff giving preferal treatment to uber. Is punian

Public Vehicle Advisory Committee 2016 Action List

Updated: APRIL 19, 2016

Issue	Last Discussed on	Who	Status
Accessible plates	September 11, 2012	Enforcement Office	Completed
Term of plate leases coincide with vehicle year limit	September 11, 2012	Enforcement Office	Completed
Mobile taxi application	September 11, 2012	Enforcement Office	Completed
Airport taxis – Stickers on windshields	September 11, 2012	Enforcement Office	Completed
Advance payment in evenings	September 11, 2012	Enforcement Office	Completed
Hotel Shuttles	April 29, 2013	Enforcement Office	In progress • Directed to hold public consultation
Regulations of DADD drivers	October 15, 2013	Enforcement Office	In progress • Directed to hold public consultation
Public Meetings – Licensing of medical transfers and shuttle service vehicles.	October 15, 2013	Enforcement Office	In progress • Directed to hold public consultation
Parcel Delivery service	October 15, 2013	Enforcement Office	In progress • Directed to hold public consultation
Need for taxi stands	October 15, 2013	Enforcement Office	Completed
2010 and 2012 Taxicab Plate Issuance	February 4, 2014	Enforcement Office	Completed
Timing of taxicab plate renewal issuance - priority list, identification requirement	September 29, 2014	Enforcement Office	In progress
Mobile Licensing Enforcement Practices	March 3, 2015	Enforcement Office	Completed • Update to PVAC: 2016
Taxicab Mobile Applications	April 21, 2015	Enforcement Office	Completed

Public Vehicle Advisory Committee 2016 Action List

Updated: APRIL 19, 2016

Consultant's Report – Taxi Plate Issuance Model	April 21, 2015	Enforcement Office	Completed
Issuance of Accessible Plates	March 3, 2015	Enforcement Office	In progress
Review of the Terms of Reference for PVAC	April 21, 2015	Clerk's Office	Completed
Illegal Taxicab Operations – Best Practices Report	June 16, 2015	Enforcement Office	Completed
Engagement of Consulting Services – Mobile Taxi Applications	August 12, 2015	Enforcement Office	Completed
Consultant's Report - Regulation of Transportation Network Companies	December 7, 2015	Enforcement Office	Completed
Regulation of Transportation Network Companies	December 7, 2016 April 8, 2016	Enforcement Office	In progress • on April 19, 2016 agenda
Public Vehicle Licensing By-law 420-04, as amended – Demerit Points	December 7, 2015	Enforcement Office	In progress