



REGIONAL MUNICIPALITY OF NIAGARA
POLICE SERVICES BOARD

LICENCING MINUTES OF PUBLIC MEETING

Monday, April 28, 2008
PSB Boardroom, 4th Floor
110 James Street, St. Catharines, Ontario

LICENCING BY-LAW 267-2004, as amended

1. CALL TO ORDER

The Licencing Public Meeting of the Niagara Police Services Board commenced at 9:37 a.m.

2. INTRODUCTIONS

Committee Chair Bob Bentley welcomed approximately 70 attendees from the licencing industry to the 2008 Licencing Public Meeting, and introduced the Board's Licencing Committee members and staff. He noted that the purpose of the meeting was to hear submissions from the industry and to outline the Board's proposed amendments to Licencing By-law 267-2004.

Chair Bentley advised that the Board's Licencing Committee is scheduled to meet on June 12, 2008, at which time it will consider the comments and submissions received. A final recommendation with draft amendments will be made to the full Board at a subsequent meeting.

PRESENT: Bob Bentley, Committee Chair
 Bill Smeaton, Committee Member
 Sara Premi, Board Solicitor
 Sergeant Larry Regnier, Issuer of Licences
 Deb Morton, Executive Director
 Sandi Taylor, Executive Assistant

INDUSTRY: 70 attendees (approximate)

3. PROPOSED AMENDMENTS, LICENCING BY-LAW 267-2004, as amended:

**Overview: Ms. Sara Premi, Solicitor, Sullivan Mahoney
 Sergeant Larry Regnier, NRPS Issuer of Licences**

Ms. Sara Premi, Board Solicitor, provided the industry with an overview of the proposed amendments to the Board's Licencing By-law 267-2004. She highlighted seven items that required further discussion with the industry as outlined below.

(i) Age of Vehicles – Taxicabs

Ms. Premi advised that many municipalities have placed age limit restrictions on vehicles in their by-laws. It was proposed that a graduated age limitation be implemented as follows: 10 year age limitation in the 2009 licencing year, a nine year age limitation in the 2010 licencing year, eight year age limitation in the 2011 licencing year with an overall goals that after 2012, there would be a blanket limitation of seven years on all vehicles for hire that are licenced in the Region.

(ii) Para-transit Quota System

Ms. Premi told the industry that Licencing Unit staff has been advised that many taxi operators are using validly licenced para-transit vehicles as an extra taxi. As a result, the Board is considering implementing a quota system for the para-transit industry, which would close the loophole in terms of the taxi quota system. It is also considering making para-transit plates non-transferable.

(iii) Mechanical Inspections – Taxicabs

The issue of mechanical inspections was raised. Ms. Premi informed the industry of two proposed by-law amendments that would enhance vehicle safety. The suggested changes are that all licenced vehicle owners be required to submit a completed safety standards certificate for every six-month period of a one-year licencing term (twice a year as opposed to once a year), and that at least one completed safety standards certificate per year be completed by an individual that is not owned, operated or affiliated in any way with the owner of the licenced vehicle.

(iv) Flat Rating – Taxicabs

Ms. Premi stated that the industry and the public have raised the issue of specialized tariffs or intra-municipal flat rating periodically. It was noted that flat rating is only permitted under the By-law for intra-municipal travel. The industry was asked to consider whether or not they believe some relief from flat rating prohibition for intra-municipal travel is appropriate.

(v) Amendments to Tow Truck Licencing Fees

The industry was advised that the Board is suggesting an increase to the initial application fee for a tow truck to match the initial application fee for a taxi plate. Currently, the initial application fee for a tow truck is significantly lower than that of a taxicab and there is no justification for the fee differential.

(vi) Advertising on Vehicles

Ms. Premi advised that the Licencing Committee recently received a proposal with respect to advertising within taxicabs. In order to allow such advertising, the By-law would need to be amended to allow internal and external advertising.

(vii) Re-establishment of Industry Liaison Committees

Sergeant Larry Regnier, Issuer of Licences, indicated that he would be re-establishing the industry liaison committees, provided there was sufficient interest from the industry. He stated that active involvement of the industry through liaison committees would increase communication between the Board, Licencing Unit and the licenced industry to address matters of mutual interest.

4. WRITTEN SUBMISSIONS FROM THE INDUSTRY

Chair Bentley acknowledged the following written submissions. He indicated that the Board's Licencing Committee would consider the correspondence received before final recommendations are made.

- (i) Letter dated April 18, 2008 from Mr. Amarvir Rekhi, requesting the Committee consider the prohibition of propane taxicabs, age limit restrictions of six or seven years with a maximum 500,000 kilometers, and a conditional mechanical inspector every six-months on vehicles over two years of age.
- (ii) Letter dated April 18, 2008 from Mr. Daniel Diab, President, 4500 Taxi, expressing concerns with taxi operators using validly licenced para-transit vehicles as an extra taxi, and outlining the negative effect of flat rating.
- (iii) Email dated April 23, 2008 from Mr. Dean Iorfida, City Clerk, City of Niagara Falls, writing on behalf of the Mayor's Disability Advisory Committee, expressing concerns with the lack of available para-transit vehicles for disabled people in the community.

- (iv) Letter dated April 21, 2008 from Mr. Randy Berg, Supervisor, By-law Enforcement, Town of Niagara-on-the-Lake, expressing concern about the regulations governing the licencing administration and operation/enforcement of caleche licences within NOTL.
- (v) Letter dated April 25, 2008 from Mr. Vali Dowlatkahai, St. Catharines Taxi, requesting Committee consideration of increasing para-transit licences to meet the needs of the St. Catharines community.

5. VERBAL SUBMISSIONS FROM THE INDUSTRY

- (i) **Mr. Damien O'Brien, Vice-President, University Affairs, Brock University Students' Union** – *Taxicab safety and tariffs for Brock University students*

Mr. O'Brien highlighted his October 25, 2007 presentation to the Board, which outlined concerns with public safety and the taxicab industry. He stated that safety became an issue following the death of a Brock University student in 2007. Mr. O'Brien requested the Board consider the introduction of a legislated passenger bill of rights that would clearly identify the responsibilities and entitlement of both the customer and service provider. He expressed concern about the arbitrary taxi rates charged to students and stated he was in favour of flat rating. He also stated his opposition to illegal taxi companies and asked the Board to consider increasing the taxicab quota to provide greater availability.

- (ii) **Mr. Ray Bretzloff, General Manager, Central Taxi** – *Short and long-term impact of proposed changes, illegal taxi's*

Mr. Bretzloff stated that illegal taxicabs are a big problem in the Niagara Region. In January 2008, he met with the Honourable Jim Bradley, Minister of Transportation, and submitted a letter requesting the Minister's help to deal with the unlicensed taxi industry through the Ontario Ministry of Transportation. The illegal taxi business has become a huge underground industry that threatens the safety and well-being of the public and substantially undercuts the financial returns to both the Region, at all government levels, and the private taxi sector.

Mr. Mark Stewart, partner, Central Taxi, advised that the illegal operator does between 500 – 1,000 fares on Thursday and Friday nights. With the assistance of the Board and the licenced industry, Mr. Stewart requested changes be made to the Highway Traffic Act (HTA) to allow police the ability to seize illegal taxis. Other tools may include a charge of fraud or theft under \$5,000, or an increase in the fines. Mr. Stewart said the Board must also consider a long-term public awareness program and suggested asking other police boards/municipalities to address this problem. Chair Bentley suggested Mr. Stewart make a further written submissions to the Board about the proposed changes.

Ms. Premi agreed that the illegal taxi industry is a huge concern. She highlighted the Licencing Unit's enforcement initiatives, and said the Board and Licencing Unit have been working diligently over the past number of years to address this matter. The Board supported and actively lobbied the Province two years ago to support an amendment to the HTA from a Private Members' Bill in Mississauga that allowed police to charge taxicabs that operate without municipal licences. Since then there have been hundreds of prosecutions, injunctions and court actions that have taken place, resulting in two operators being jailed for nine months. She noted there should be some change to the legislation for tougher standards and requested the licenced industry to lobby Minister Bradley to increase enforcement efforts including vehicle seizures.

- (iii) **Mr. Don Kyle, President, Pro Taxi – Additional Para-transit Fee**
Mr. Kyle requested the creation of fees for the loading and unloading of para-transit passengers. He suggested a flat rate of \$5.00 each way for the loading and unloading of para-transit customers as they object to the current method of continuing to run the meter during the loading and unloading process.
- (iv) **Mr. Sardar Sayed, BROCK-U-TAXI INC. – Quota Increase in St. Catharines/Thorold (Taxi and Para-transit)**
Mr. Sayed requested more taxicabs and para-transit vehicles in the St. Catharines and Thorold areas, due to population increases in both cities and the student influx from Brock University and Niagara College. He stated that the illegal taxi business is growing because of the unavailability of taxicabs. Mr. Sayed advised that 13% of Ontarians have a disability and that there are an estimated 70,000 disabled people in the Niagara Region.
- (v) **Mr. Muhammad Arshed Pervez – Quota Increase in St. Catharines**
Mr. Pervez stated that the quota of St. Catharines taxicabs should be increased. He advised that the taxicab to population ratio in St. Catharines is one taxi for every 1,444 persons, which indicates a real shortage in comparison to other jurisdictions. For example, Hamilton is one taxi for every 1,216 persons and issue new licences every year. He advised that increasing the quota in St. Catharines would eliminate the illegal taxis.
- (vi) **Ms. Mary Bateman, A Premier Taxi Ltd. – Quota Increase in Port Colborne**
Ms. Bateman requested the Board consider opening the quota in Port Colborne to allow her company to obtain two more plates. She advised that A Premier Taxi currently has four taxi plates, two para-transit and two specialty plates, however, it is unable to meet current demand because of the limited number of vehicles available.
- (vii) **Mr. Nicholas Palios, Solicitor (on behalf of Mr. Emmanuel Giannios, Owner, Grimsby Transportation) – Quota Increase in Grimsby**
Mr. Palios noted that he has been retained by Mr. Emmanuel Giannios, to represent him at the public meeting. Mr. Palios provided the Committee with written documentation respecting Mr. Giannios' applications for three taxicab licences in the Town of Grimsby. He advised the Committee that Mr. Giannios had initially applied for three taxicab licences and at the time of the applications, he paid the required fees and has subsequently paid the applicable annual renewal fees in order to keep his applications in good standing.
- Mr. Palios expressed concern, on behalf of this client, with respect to the inadequate number of taxicab licences in Grimsby to meet current and future demands. He stated that there has been tremendous population growth, both residential and commercial, and the lack of licenced taxi services in Grimsby is promoting the violation of taxicab licencing by-laws. As a result of the insufficient supply of licenced taxi service in Grimsby, Mr. Palios said members of the local community have resorted to using taxi services from outside the area. He also advised that there are a number of taxi companies from other communities that have contracts with local businesses and are used on a regular basis.
- Mr. Palios suggested the Board consider corrective action by increasing the quota in Grimsby, increase enforcement efforts for violations, and review the existing licenced taxicabs to ensure they continue to meet the requirements to maintain licences.

6. RESPONDING SUBMISSIONS FROM THE INDUSTRY

- (i) **Mr. Shawn Tardif (on behalf of St. Catharines Taxi)**
Mr. Tardif indicated he was speaking for St. Catharines Taxi. He said there was a definite need to increase the number of para-transit licences in St. Catharines and it is a growing concern due to the aging population. Mr. Tardif believes the current system does not provide equal access and it should be an open market with fair competition. Para-transit is a vital service and the lack of these licences causes a great disservice to the community with socioeconomic consequences.
- (ii) **Mr. Jeff Sentineal, Caleche Operator, Town of Niagara-on-the-Lake**
Mr. Sentineal addressed the Committee in response to the written submission from Mr. Randy Berg, Town of Niagara-on-the-Lake, (see item 4(iv)). He advised that he has just received a copy of the above-noted letter. He addressed the various points outlined by the Town of NOTL in its letter and offered background on the particular issues raised. Mr. Sentineal expressed concern that some of the suggested amendments would put his business at great risk. He will provide the Board with a written response detailing his concerns for further consideration.
- (iii) **Mr. Mike Maroney, 5-0 Taxi Inc.**
Mr. Maroney noted that four para-transit vehicles in Niagara Falls are not being used for the persons with disabilities and indicated that he would provide a written submission to the Board on this matter.
- (iv) **Ms. Sharon Horn, Niagara Falls Taxi**
Ms. Horn stated that she is concerned with increasing the taxicab quota, as she feels it will over saturate the area. In addition, the issue of flat rating is a huge concern that could make independent owners no better than the illegal operators. She suggested that the Board consider increasing the number of by-law enforcement officers for greater coverage and enforcement of illegal taxi operators. With respect to the illegal taxi industry, she expressed concern for public safety due to the criminal behaviour of unregulated drivers, which have led to charges of drinking and driving, sexual assault and threats of violence against the licenced industry. Ms. Horn stated her objection to the use of a third party mechanical to repair her any vehicles in her taxi fleet, however she is supportive of completing safety standard checks.

Member Smeaton questioned whether the concerns raised were mainly caused by the illegal taxi industry and whether police had the proper resources to combat these issues.

Sergeant Regnier stated that 26 provincial offences notices have been issued since January 1, 2008. He advised that there are mandated issues in an operations sense that restrict what by-law enforcement officers can do, however he said the Licencing Unit is actively responding to complaints of this nature.

Ms. Premi noted that Central Taxi raised the issue of enforcement and that any communication from the industry would help. She emphasized that the unlicenced taxi issue is a huge problem in Niagara. Notwithstanding all of the efforts, the Board has not yet been able to curtail the unlicenced industry's impact on the licenced industry. One problem facing the police is the lack of enforcement tools, such as seizure of vehicles, which would provide police with additional ammunition to deal with the unlicenced problem. Ms. Premi suggested that an industry liaison committee be struck to deal with the illegal taxi issue.

Ms. Horn added the involvement of insurance companies since most illegal operators are uninsured and any cost resulting from car accidents with uninsured at-fault drivers would not be covered.

(v) **Mr. Paul Mountain, Niagara Airbus**

Mr. Mountain spoke to lend support to initiatives to combat the illegal taxi issue. He added that every Speedy taxi in Niagara Falls is in awful shape, and suggested that a phone hot line be considered to report incidents. Mr. Mountain also suggested police consider ongoing public education and awareness programs that target popular regular service spots such as casinos, bars, high schools and college/university.

Sergeant Regnier advised that the police have a traffic hotline and crime stoppers program, which operates anonymously. The Licencing Unit should also have its website functional within the next month or so.

(vi) **Carman Kelly, Southampton Limo**

Mr. Kelly clarified that in 2007 the MTO inspectors pulled the plates off at inspection points. He also suggested the involvement of Revenue Canada in the Board's problems with illegal taxis. The flat rate system is a grey area in the By-law, and it is bad competition by limo operators charging \$25 point to point, an infringement on the taxi industry. He further noted that another concern is the description of a limousine vs. a taxicab.

(vii) **John Dawe, Lincoln Cab**

Mr. Dawe advised that he has received a couple of licences that were not needed. He has been told that four licences in Grimsby would not work, but it is tough with four licences only. Mr. Dawe also noted that police should have a system to check fake or Speedy insurance.

Sergeant Regnier advised that there is no way to check on-line if the insurance is valid, therefore the system would have to be changed.

Chair Bentley thanked everyone for attending the meeting. He advised that additional submissions would also be accepted by the Board and should be made in writing and filed with the Board office no later than May 9, 2008.

7. **ADJOURNMENT**

The Public Meeting adjourned at 11:17 a.m.

Chair

Executive Director