
HALDIMAND COUNTY

Report CLS-04-2019 Hired Vehicle Licensing By-law Amendment For Consideration by Council in Committee on March 26, 2019



OBJECTIVE:

To present a housekeeping amendment to the Hired Vehicle Licensing By-law to allow the transfer of an owner's plate, in accordance with all requirements of the by-law.

RECOMMENDATIONS:

1. THAT Report CLS-04-2019 Hired Vehicle Licensing By-law Amendment be received;
2. AND THAT an amendment to the Hired Vehicle Licensing By-law 1369/13, as outlined in Report CLS-04-2019, be presented for enactment.

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Respectfully submitted: Cathy Case, General Manager of Corporate & Social Services

Approved: Craig Manley, MCIP, RPP, Deputy Chief Administrative Officer

EXECUTIVE SUMMARY:

Haldimand County's approach to business licensing in general, supports health and safety and consumer protection of residents. Licensing by-laws have been amended or repealed, as the case may be, to ensure that business licensing serves public interest without adding unnecessary administrative processes in any particular field. Hired vehicles such as taxicabs and limousines continue to be licensed here, as they are in most municipalities, to protect public interest – primarily safety matters. Haldimand County's regulation of the industry is less stringent than what is required in other larger municipalities. In order to address a specific situation and concern that has recently arisen, staff recommend that a housekeeping amendment be made to the Hired Vehicle Licensing By-law to provide a solution and continue to align with the general approach to licensing in the County.

BACKGROUND:

The County's by-law regulating owners and drivers of hired vehicles (taxis, limousines, etc.) was enacted in 2013 through a comprehensive review of business licensing by-laws, which resulted in focusing on licensing of businesses that affect residents in terms of health and safety and consumer protection, and are not regulated through any other mechanism. Since 2013, there have been a few amendments to the by-law to update the requirements related to: indictable offences on a police record check; establish a standard trip record form; ensure that required records are kept and submitted by drivers and owners as required; and exempt accessible taxicabs from having to meet minimum operational standards.

In light of a situation that has arisen recently where a licensed owner is in the process of selling his business, the wording of the by-law has been reviewed. In the current circumstance one of the vehicles to be sold is not suitable for resale and under the current rules this would complicate the sale of the

business by requiring the owner to purchase a new vehicle and then re-sell it to the new owner. An alternative solution is presented in the form of a housekeeping amendment to the by-law to allow the license only to be transferred to a new owner.

ANALYSIS:

By-law 1369/13 restricts the number of licensed taxicabs in the municipality through a quota system that relates to the population (1 licence for every 1,600 residents), resulting in a current maximum of 28 licences for taxicabs in Haldimand County. Where a taxi business owner or prospective owner is interested in applying for a new owner's licence, there is a Priority List maintained as outlined in the by-law, and when a plate becomes available, a process is in place where individuals or businesses on the list have the opportunity to apply for a licence based on their position on the list. (A number of licences have been issued through this process in recent years.) The other option for obtaining an owner's licence is to transfer ownership of a Licensed Vehicle (and its plate) as outlined in section 20.3 of the by-law.

20. PLATE NON-TRANSFERABLE

- 20.1 No owner shall permit any Licence issued under this by-law to be used on a vehicle where ownership of the vehicle is retained by another party, except in the case of a vehicle leased through a leasing firm, in which case a copy of the lease shall be filed with the Issuer.
- 20.2 Where the holder of an Owner's Licence becomes deceased, the executor of the estate, or the person with power of attorney for the deceased Owner may continue to operate the vehicle for up to ninety (90) days. After ninety (90) days, the deceased Owner's Licence shall expire. Notwithstanding any priority list that is in existence at the end of the 90-day period, the estate may apply for an Owner's Licence for said Vehicle. If the estate does not initiate an application for a new Licence, the Owner's Plate(s) shall be removed from the vehicle and returned to the Issuer.
- 20.3 Where a Licensed Owner wishes to transfer ownership of a Licensed Vehicle to another Person, an affidavit in a form satisfactory to the Issuer, shall be sworn in the presence of the Issuer by both the Transferor and the Transferee. Once the affidavit is complete, the transferee will need to fulfill the requirements of Sections 4 and 5 of this by-law in order to complete the application process.

In section 20.3, staff recommend adding the following wording as noted in bold:

Where a Licensed Owner **or executor of an estate** wishes to transfer ownership of a Licensed Vehicle **or an Owner's Plate** to another Person, an affidavit...

The amended wording would allow the transfer of a plate by an owner or an estate, provided that all other requirements for the licensing of a vehicle as required under the by-law, are met (i.e. completed application form and fee, safety certificate, proof of insurance, etc.). This would provide further opportunity for taxi operators or prospective operators to purchase a single or multiple plate(s) to add to their fleet while not having to purchase an older vehicle that may not suit the desired vintage or type of vehicle for their operation. Ultimately, this mechanism may result in fewer older vehicles being licensed, as there is no age restriction on vehicles in By-law 1369/13.

The amendment aligns with Council's previous approach to licensing of hired vehicles in that it continues to support the health and safety requirements related to the licensed vehicles, and at the same time, does not add complexity to the operation of a Taxi Owner's business practices and potential sales transactions.

FINANCIAL/LEGAL IMPLICATIONS:

Not applicable.

STAKEHOLDER IMPACTS:

Not applicable.

REPORT IMPACTS:

Agreement: No

By-law: Yes

Budget Amendment: No

Policy: No

ATTACHMENTS:

None.