



JURISDICTIONAL SCAN OF TAXI REGULATIONS IN CANADA

PURPOSE

The purpose of this note is to inform the Minister Responsible for the Status of Women on the environmental scan the Provincial Advisory Council (PACSW) conducted on the taxi regulations in Canada. As a result, this scan revealed that regulators generally create rules to govern taxi price levels, vehicle safety and insurance requirements, minimum quality standards for service, and jurisdictional entry restrictions. (See Table 1.)

This brief discusses the existing policies in the country and the shortcomings of the regulations on individual taxi drivers in the City of St. John's. It also contains recommendations toward the development and enactment of a proper taxi legislation for the Province.

PACSW recognizes that women should have the right to feel safe when accessing taxicab services in our province.

BACKGROUND

A recent CBC investigation has shed light on serious shortcomings on taxi industry regulations, or the lack thereof, in Newfoundland and Labrador. The latest media report involved a St. John's taxi driver who had a criminal record for breaching a court order when the driver allegedly assaulted two of his female passengers¹.

Limited public transit means taxi is an essential service to many people in Newfoundland and Labrador and it also generates revenue for the province². 2007 Statistics Canada report shows that 365 individual drivers were engaged in providing passenger transportation by taxi and limousine in Newfoundland and Labrador. When taxi companies and their drivers operate without regulatory frameworks, it raises a number of issues relating to ensuring public safety, consumer protection, and other public interests. Taxi regulations play an important role in ensuring the safe, orderly operation of ground transportation services and keeping drivers, passengers and the general public safe.

REGULATORY BODIES

- In St. John's, taxi stands and taxicab operators are regulated through the *St. John's Taxi Bylaw* (2003) including operator licences; vehicle mechanical conditions; taximeters; penalties; tariff of fares; and licence fees.
- *St. John's Taxi Bylaw* (2003) does not regulate individual taxi drivers, except the requirement of a valid Class 4 driver's licence.
- Outside of St. John's taxicab owners and drivers are regulated through the Highway Traffic Act or other municipal bylaws.

¹ <http://www.cbc.ca/news/canada/newfoundland-labrador/taxi-industry-stjohns-investigation-1.3835176>

² Statistics Canada, CANSIM, table 407-1001. Last modified: 2009-05-07

CURRENT SITUATION

In Canada, there is continuous societal interest in the need for taxi regulation; however views differ on whether the regulation is better placed at the provincial or municipal level.

A jurisdictional scan of all provinces in Canada revealed:

- British Columbia, Manitoba, Ontario and Quebec have provincial legislation on taxicabs and related issues.
- In Alberta, New Brunswick, Newfoundland and Labrador, Nova Scotia, Prince Edward Island, and Saskatchewan no provincial legislation exists.
- There are no generally accepted guiding principles on taxi regulation in Canada, except some commonalities on entry restrictions and price regulation.

CURRENT LEGISLATION IN CANADA

See Table 1. and Table 2. for a provincial and municipal review whether legislation and regulation on taxi industry exist, criminal record checks and/or vulnerability sector checks are required. The license duration for Canadian provinces (See Table 1.) and their capital cities (See Table 2.) are also included in the scan.

British Columbia, Manitoba, Ontario and Quebec are four provinces that developed provincial legislation on the taxi industry.

The following section outlines the provincial and municipal taxi legislation of these provinces and their capital cities.

1. British Columbia

In British Columbia, the Ministry of Transportation and Infrastructure has consulted extensively with the Metro Vancouver (21 municipalities and one electoral area) taxi industry and other key stakeholders to develop the *Taxi Bill of Rights*. The Bill is a statement of principles, outlining expectations and rights of both taxi drivers and passengers. The purpose of the Taxi Bill of Rights is to improve taxi service in Metro Vancouver.

In 2004, the Government of British Columbia developed the *Passenger Transportation Act* along with the *Passenger Transportation Regulation*. Individuals and companies who operate commercial passenger vehicles in British Columbia require a passenger transportation licence issued under the Passenger Transportation Act and the Passenger Transportation Regulation. The Act, replacing the Motor Carrier Act, establishes a new regulatory structure for licensing commercial passenger vehicles. The Act maintains public safety while making it easy for operators to enter the marketplace and respond to changing business needs. The Regulation addresses the operation of commercial passenger vehicles and the conditions that apply to each category of operation. The Regulation also identifies certain types of vehicles that are exempt from requiring a passenger transportation licence.

1/A. Victoria, BC

In 2016, based on a draft prepared by the Department of Economic Development, Jobs, Transport and Resources, the City of Victoria developed the *Vehicles for Hire Bylaw* (No. 03-060) that aims to significantly reduce regulatory burden for the industry while retaining public safety and consumer protections. The city bylaw articulates concrete requirements regarding taxi drivers' permits. Drivers cannot be issued a permit if they have been convicted:

- ✓ Within the last 5 years of an offence under the *Criminal Code* involving violence or sexual offence
- ✓ Within the previous 5 years of an offence under the *Controlled Drugs and Substance Act*
- ✓ Within the previous 2 years of *Criminal Code* offence involving motor vehicle
- ✓ Within the previous 2 years of 6 or more driving offences under the *Motor Vehicle Act*
- ✓ Within 5 years served the term of imprisonment
- ✓ Within 2 years from the date of the application the applicant received more than one temporary drivers licence suspension

The Bylaw also requires taxi drivers to undertake a reading, writing and oral proficiency test related to the occupational functions, the geography of the City and its surrounding municipalities, and the contents of the Bylaw.

The Victoria Taxi Bylaw includes regulations regarding the suspension and cancellation of the drivers' permit.

2. Manitoba

In Manitoba taxicab owners and drivers are regulated through the *Manitoba Taxicab Act* (1987). The provincial legislation provides a framework for municipalities to set their own legislation throughout the Province.

2/A. Winnipeg, MB

The City of Winnipeg does not have a municipal legislation (bylaw) on the taxi industry; however, the Manitoba Taxicab Act ensures the continued work of the **Taxicab Board**, an independent quasi-judicial administrative tribunal, which licences and regulates all the taxicabs operating in the City of Winnipeg. The Board consists of a City council member,

the chief of the police of the City of Winnipeg, and between one to five persons appointed by the Lieutenant Governor in Council. The Taxicab Board does not regulate the dispatch companies. (See also *Winnipeg Taxicabs* brochure).

In order to obtain a taxi drivers' license in Winnipeg, applicants must obtain/provide the following:

- ✓ Manitoba Class 4, 3, 2 or 1 driver's licence,
- ✓ Criminal Record Check,
- ✓ Taxicab Driver Training Program Certification,
- ✓ Child Abuse Registry check
- ✓ Valid SIN Card
- ✓ English Language Assessment Test

Taxis are equipped with emergency strobe lights which, when activated, alerts public to call 911 – there is nothing inside the cab that can alert the public if a passenger is in distress.

All Taxicabs in Winnipeg have a camera system which currently captures still images for the duration of ride. These images are kept on file for seven days, there is no video or sound recording equipment in any taxicab in Manitoba.

2/B. Other Cities in Manitoba

Outside of Winnipeg, such as Brandon, Thompson and The Pas, taxicab owners and drivers are regulated through the Highway Traffic Act and the Motor Transport Board (MTB).

Drivers are also subject to municipal bylaws for licensing, control, regulation and safety of taxicabs within the region. Requirements for licensing vary with some municipalities requiring the checks noted above, others do not. Outside of Winnipeg, camera systems within taxis vary with some of the larger municipalities in the province having access to cameras and others do not.

3. Ontario

The province developed the *Public Vehicles Act* (R.S.O. 1990, Chapter P.54) in 1990. The Act serves as a framework document, and it does not regulate the taxi drivers. The **Ontario Highway Transport Board** is constituted by virtue of and in accordance with the provisions of the Ontario Highway Transport Board Act (R.S.O. 1990, Chapter O.19). The Board operates as a quasi-judicial administrative tribunal. It controls entry and maintains an orderly development in the business of transporting passengers for compensation in public vehicles, both within Ontario and to other jurisdictions.

3/A. Toronto, ON

The *Vehicle-for-Hire Bylaw*, in effect since July 15, 2016 changed the city's approach to regulation within the ground transportation industry. Creating the new Private Transportation Company (PTC) licensing category allow companies such as Uber to operate in Toronto, with regulation.

The new Vehicle-for-Hire Bylaw regulates taxicabs, limousines and private transportation companies (PTCs), focuses on public safety and consumer protection, ensures accessible vehicle-for-hire services, and allows for increased competition and innovation.

The Bylaw is taciturn when it comes to regulating the taxi drivers and designates authority to the Executive Director of the Municipal Licensing and Standards Division to establish licensing thresholds; policies and guidelines with respect to public safety; and thresholds for criminal and background screening, driving record checks, and other standards applicable to the issuance and renewal of all drivers' licences.

4. Quebec

The *Act Respecting Transportation Services by Taxi* (2001) regulates the taxi drivers, elaborating the requirements of obtaining and renewing of taxi owners' and drivers' licence.

The Act requires taxi driver applicants to pass an examination on the knowledge of the formalities, procedures, and content of this Act.

Applicants cannot receive or renew taxi permit if they have been convicted

- ✓ Within the last 5 years, of a criminal offence or an indictable offence committed in connection with the operation of a service of transportation by taxi;
- ✓ Within the last 5 years, of an indictable or criminal offence which is connected with the aptitudes and conduct required to carry on the occupation of taxi driver;
- ✓ Within the last 5 years, of a criminal offence or an indictable offence related to the traffic of narcotics, their importation or exportation as well as poppy and cannabis production, and provided for as the case may be in sections 5, 6 and 7 of the Controlled Drugs and Substances Act (Statutes of Canada, 1996, chapter 19).

No person who has been found guilty of an offence or an act referred to above may obtain, maintain or renew a taxi driver's permit before the lapse of five years after he or she was found guilty.

The person has to pay the annual duties and satisfies the other conditions prescribed by regulation.

4/A. Quebec City, QC

No municipal regulation available.

CAPITAL CITIES WITHOUT PROVINCIAL TAXI LEGISLATION

Alberta, New Brunswick, Newfoundland and Labrador, Nova Scotia, Prince Edward Island, and Saskatchewan have no provincial taxi legislation. However, their capital cities, Edmonton, Fredericton, St. John's, Charlottetown, Halifax, and Regina have passed municipal taxi by-laws using varied approaches (i.e. different terms, priorities, and language).

1. Edmonton, AB

Taxis in Edmonton are regulated by *Vehicle for Hire Bylaw 17400*, which was approved by City Council and came into effect on March 1, 2016.

Under the new Bylaw, technology-based companies such as Uber, can operate legally in Edmonton. The regulatory framework in the new Bylaw upholds the standards set for public safety to protect passengers and drivers.

A person applying for a driver's licence must provide the following to the City Manager:

- ✓ paying fee(s) prescribed by this bylaw;
- ✓ satisfactory proof to the City Manager that the applicant holds a valid provincial operator's licence that meets all applicable requirements for driving a vehicle for hire in the Province of Alberta;
- ✓ a recent, and in any event dated within 90 days prior to the date of application, criminal records check acceptable to the City Manager;
- ✓ if the person may drive an accessible taxi at any time, proof of successful completion of an accessible taxi driver training program acceptable to the City Manager;
- ✓ a photograph of the applicant's face for incorporation into the driver's licence

The Bylaw also contains regulation regarding the appropriate conduct of the person who is driving a vehicle for hire.

2. Fredericton, NB

A By-Law to Regulate Taxi Owners and Operators of the City of Fredericton, 2005.

According to the Bylaw no one can receive a taxi driver's licence who has been convicted

- ✓ Within 5 years prior to an application for a violation of an indictable offence under the Criminal Code, under the Controlled Drugs and Substances Act with respecting to trafficking, under the Food and Drug Act of Canada with respecting to trafficking, and under the section 132 of the Liquor Control Act.
- ✓ Within 6 months prior to an application for a violation of a summary conviction offence under the Criminal Code or the Youth Criminal Justice Act, under the Controlled Drugs and Substances Act other than trafficking, under the Food and Drug Act of Canada other than trafficking, and any offence under the Liquor Control Act other than section 132.

Criminal record shall include any pardons and criminal offences found within the Criminal Records Act.

Taxi Owner Licence shall be issued only if the applicant taxicab owner, or its officers, directors, members or partners, do not have a criminal record. In addition to a clear criminal record, applicants have to confirm, in writing, that there are no outstanding criminal charges or other federal/ provincial charges pending against them.

Taxi driver applicants have to successfully complete an instruction and communication course on the provisions of this bylaw, knowledge of local streets and prominent buildings and a refresher course is mandated at every second renewal.

The Bylaw regulates the taxi drivers' conduct requiring specifically avoidance from abusive, insulting, or obscene language, among others.

3. St. John's, NL

The **By-Law No. 1462** or St. John's Taxi By-Law, is an eight page document that regulates taxi stands and operators, operator licences, payable fees, charges, rates and fares, but has no ability to deal with individual taxi drivers.

St. John's is the only capital city in the country without a municipal police force which provides a major distinction between other cities' taxi legislation. This creates concerns for the city of St. John's legislators.

4. Halifax, NS

In the City of Halifax, the taxi industry regulatory body is the **By-Law No. T-1000 Respecting the Regulation of Taxis, Accessible Taxis and Limousines** (2012). The Bylaw regulates taxi owners and drivers. To receive and renew a taxi drivers' licence, the applicant must provide clear criminal record/vulnerability sector check dated within 30 days of the application.

Part 7 of the Bylaw outlines the rules that specifically apply to the taxi driver. These rules include but not limited to the following:

- ✓ Maintain a high standard of personal hygiene
- ✓ Be punctual in attendance
- ✓ Must not use abusive or insulting language
- ✓ Must not be noisy or display behaviour that is disruptive or offensive to the public
- ✓ Must not smoke including e-cigarettes
- ✓ Must abide the by the Taxicab Passenger/Operator Code of Ethics as set out in the administrative order 39.

In addition to the Bylaw, there is a *Taxi and Limousine Liaison Group* that develops and maintains business processes, business practices, and legislation which facilitate a positive, productive working relationship between staff of Municipal Compliance, Taxi and Limousine industry and related stakeholders. This Group is located in the Halifax Regional Police Building.

Halifax Regional Municipality enacted the *Administrative Order 39 Respecting the Taxi and Limousine Regulation* that regulates fares, rates, charges, zones, vehicle requirements, and includes the **Taxicab Passenger/Operator Code of Ethics** (Schedule 6). The Code of Ethics is a summary of the rights of the Passenger and the Taxi Operator while providing service, similar to the Taxi Bill of Rights in British Columbia.

According to the Nova Scotia Advisory Council on the Status of Women, the safety of women passengers who use taxi services is an ongoing issue in Nova Scotia. In 2016, there were multiple sexual assault accusations against taxi drivers in the Halifax Regional Municipality.

5. Charlottetown, PEI

Charlottetown has very limited public transit; therefore, taxis are an especially important part of transportation. Each municipality in PEI is responsible for rules governing everything from police checks to how often a cab needs to be inspected. However, not all municipalities have a taxi bylaw. For instance, Charlottetown has a bylaw, but neighbouring Stratford does not. There is no consensus on who should oversee issues with improper or unlicensed taxi drivers.

In 1999, the City of Charlottetown enacted the *Bylaw Relating to the Regulation and Licensing of Taxis* that regulates taxi operators (drivers) including the licencing process and the driver duties.

The City Chief of Police is responsible for issuing Taxi Operators license where:

- ✓ Applicants have no recorded conviction of the Criminal Code,
- ✓ Applicants have not, within **2 years** prior to the date of the application been convicted of:
 - an indictable offence, under the *Criminal Code*,
 - an offence under the *Narcotic Control Act* of trafficking in a narcotic or possession for the purpose, or importing,
 - an offence under the *Food and Drug Act* of trafficking in a controlled or restricted drug or possession for the purpose,
 - an offence under the *Controlled Drug and Substances Act* of trafficking in a substance or possession for the purpose;
- ✓ The applicant has not, within **1 year** prior to the date of application been convicted of:
 - a summary conviction offence under the Criminal Code or the Young Offenders Act,
 - an offence under the Narcotic Control Act, the Food and Drug Act or the Controlled Drug and Substances Act other than trafficking,
 - an offence under the Liquor Control Act
 - an offence under any statute of the Federal Parliament of Canada, which in the discretion of the Chief of Police is sufficient to warrant refusal of a license;
- ✓ The Applicant is not on parole or probation at the time of making the application

The following rules apply to the driver's driving history:

- The applicant has to provide a copy of his/her driving abstract
- The applicant has the appropriate license class to operate a taxi,
- The applicant is in compliance with the medical reporting requirements for Class 4 operators as established by the PEI Highway Safety Division
- The applicant has no more than nine demerit points on his driving record

- The applicant has not been responsible for more than three motor vehicle collisions within one year prior to the date of the application,
- The driving record is such that in the opinion of the Chief of Police qualifies him as a fit and proper person to operate a Taxi

All first time applicants have to successfully complete an interview with respect to:

- the operators working knowledge of the Taxi Bylaw, and
- the operators working knowledge of the roads/map of the City of Charlottetown

6. Regina, SK

The *Taxi Bylaw No. 9635* (1994) regulates the taxicab industry in Regina, requiring drivers, vehicles and brokers to be licensed.

To apply for or renew a Taxicab Driver's Licence at City Hall, the applicant must

- ✓ have a current Saskatchewan driver's licence (Class 4)
- ✓ complete an application form
- ✓ consent to a criminal record check by Regina Police Service
- ✓ warrant, in writing, that there are no outstanding criminal charges or warrants against him/her
- ✓ pay application fee once Police approval is received

The Bylaw outlines the taxicab drivers' conduct that includes but not limited to the following criteria:

- ✓ must carry their valid taxi licence when working
- ✓ ensure their taxi identification card is visible by passengers
- ✓ must not deliberately deceive or insult any passenger
- ✓ not operate or be in charge of a taxicab while knowingly transporting any drugs or narcotics

CURRENT LEGISLATION IN OTHER CITIES OF NEWFOUNDLAND AND LABRADOR

Although there is municipal legislation in force in Corner Brook, Grand Falls-Windsor and Mount Pearl, they do not require individual drivers to provide background checks.

Happy Valley-Goose Bay

The Town of Happy Valley-Goose Bay, however, does require that taxi applicants provide a letter of conduct from the RCMP or a search of Provincial Court Records, and a criminal record check.

Any person applying for a taxi drivers license whose criminal records check reveals any criminal convictions within the past 5 years of the application shall not be granted such a license.

Applicants for taxi drivers' license who have criminal convictions prior to 5 years from date of application will be considered on an individual basis with the town having the right to refuse the application if circumstances warrant.

RECOMMENDATIONS

Provincial regulation of taxi drivers/companies usually establishes a framework legislation for municipalities that are accountable for developing the rules specific to their communities. Municipal bylaws cannot interfere with legislation or regulations mandated by provincial governments; however, they can be developed to complement provincial legislation.

The policy gaps in NL require provincial and municipal legislators to review taxi operations and consider new legislation to protect passengers who buy a service in the Province's municipal environments.

Regulators in NL should consider the following actions:

- The taxi industry needs provincial legislation as a regulatory framework, and also needs municipal bylaws as each municipality can tailor their bylaws to the demand of their immediate communities.
- To obtain a taxi driver's license individuals shall obtain: clear criminal record check and vulnerability sector check, besides the Class 4, 3, 2, or 1 driver's license. Same must be required for licence renewal.
- Taxi drivers shall exhibit photo and license information in the taxicab at all times.
- Taxi driver's licence shall not be transferable to other individuals.
- Legislation should require a mandatory Taxicab Driver Training Program that includes training on sexual assault and human trafficking to name a few.
- Legislation should outline a Code of Conduct that prohibits the driver from abusive, insulting language and disruptive, offensive behaviour.
- Safety mechanisms pertaining to the safety of the passenger. Extending the meaning of safety to also include psychological/mental safety³.
- Establish a provincial Taxicab Board, an independent quasi-judicial administrative tribunal, to oversee the implementation of licensing and regulation of all taxicabs at the municipal level.

³ Safety regulations are typically concerned with vehicle and mechanical conditions, and driver requirements.

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