

## THE CORPORATION OF THE CITY OF ELLIOT LAKE

### BY-LAW NO. 25-17

Being a By-Law for Licencing, Regulating and Governing Owners and Drivers of Taxi Cabs, Accessible Taxi Cabs, Shuttles and Other Vehicles Used For Hire And Taxicab Brokers, and to repeal By-law 17-2

**WHEREAS** paragraph 1 of section 155 of the *Municipal Act, 2001*, enables the Council of a City to pass by-laws for licencing, regulating and governing owners and drivers of cabs, motor or other vehicles used for hire or any class thereof;

**AND WHEREAS** section 10(2) of the *Municipal Act, 2001* enables the Council of a City to pass by-laws respecting protection of persons and property, including consumer protection;

**AND WHEREAS** section 150(1) of the *Municipal Act, 2001* enables the Council of a City to pass by-laws for licencing, regulating and governing any business;

**NOW THEREFORE** the City of Elliot Lake **ENACTS AS FOLLOWS:**

#### Short Title

1. This by-law shall be referred to as the Elliot Lake Taxi By-law.

#### Definitions

2. In this by-law,
  - (1) "Accessible Taxi Cab" means a taxicab that is designed or has been modified and is intended to be used for the purpose of transporting persons who are physically disabled in wheelchairs and their companion and that is licensed as a taxicab by the Municipality and must comply with Ontario Regulation 629/90, as amended and the Canadian Standards Association D409/M84
    - (a) When the Accessible Taxicab is not transporting a physically disabled passenger in a wheelchair then the vehicle reverts to a taxi cab pursuant to section 18.
  - (2) "Applicant" means a person applying for a licence under this by-law;
  - (3) "Board" means the City Council for the City of Elliot Lake or committee established by City Council;
  - (4) "City" means the geographic area of The Corporation of the City of Elliot Lake or the municipal corporation as the context requires;
  - (5) "Director of Clerks" means the Director of Clerks and Planning Services or their designate
  - (6) "Dispatch" means the communication of an order or information in any manner between a taxicab broker and a taxicab driver;
  - (7) "Driver" means any person who drives a taxicab, accessible taxicab, shuttle or limousine;

- (8) "Fare" means the amount displayed on the taxicab meter at the conclusion of a trip, together with any additional charges allowed under this by-law;
- (9) "Licence" means any document issued under this by-law as proof of licensing under this by-law;
- (10) "Licenced" means licenced under this by-law;
- (11) "Licencee" means any person licenced under this by-law;
- (12) "Limousine" means a luxury class motor vehicle which does not have a taxicab meter and is operated only on an hourly basis for the transportation of goods and passengers for gain or reward but does not include a bus, ambulance or funeral hearse;
- (13) "Motor Vehicle" includes an automobile or any other vehicle propelled or driven otherwise than by muscular power, but does not include the cars of electric or steam railways or other motor vehicles running only upon rails, or a motorized snow vehicle, traction engine, farm tractor, self propelled implement of husbandry or road building machine within the meaning of the Highway Traffic Act of Ontario;
- (14) "Order" means a request for taxicab service received by a taxicab broker;
- (15) "Owner" means a person who is the registered owner of a taxicab, accessible taxicab, shuttle or limousine;
- (16) "Passenger" means any person other than the driver seated in a limousine, shuttle or taxicab;
- (17) "Peace Officer" means a Municipal Police Officer, Special Constable, Ontario Provincial Police Officer or a Royal Canadian Mounted Police Officer, or a Municipal Law Enforcement Officer;
- (18) "Shuttle" means a motor vehicle as defined in the *Highway Traffic Act* having a seating capacity of not more than 11 persons inclusive of the driver, providing transportation on demand to individuals or groups on a shared multiple destination basis, and separate charges being collected or made to each individual or group of individuals. Vehicles operated by public transportation agencies or municipal, provincial or federal governments are excluded
- (19) "Taxicab" means a motor vehicle having a taxicab meter and seating capacity for not less than three passengers which is used for the transportation of passengers and/or goods for hire or reward;
- (20) "Taxicab broker" means any person who carries on the business of accepting orders for, or dispatching taxicabs that are not owned by that person or that person's immediate family or employer;
- (21) "Taxicab meter" means a measuring device used in a taxicab to calculate the fare payable for a trip;
- (22) "Treasurer" means the Treasurer for the City of Elliot Lake.

**Licence Required**

3. (1) No person shall drive or act as the driver of a taxicab, accessible taxicab, shuttle or limousine unless licenced as a driver under this by-law.
- (2) No person shall act as or be the owner of a taxicab, accessible taxicab, shuttle or limousine unless licenced as an owner under this by-law.
- (3) No person shall act as or be a taxicab broker unless licenced as a taxicab broker under this by-law.

**Duties of the Director of Clerks**

4. The Director of Clerks shall:
  - (a) receive and process all applications for licences;
  - (b) issue licences to persons who meet the requirements of this by-law;
  - (c) administer the provisions of this by-law;
  - (d) generally, perform all administrative functions conferred upon them by this by-law;
  - (e) report to the Board as required;
  - (f) appoint licencing officers to assist in the performance of the duties under this by-law.

**LICENCING PREREQUISITES****Driver**

5. (1) No person shall be licenced as a driver unless:
  - (a) they are a natural person, at least nineteen (19) years of age, a citizen of Canada, or a landed immigrant/permanent resident or produces a valid permit to work as a driver issued by the Government of Canada;
  - (b) notwithstanding subparagraph 5(1)(a), the Board may issue a licence to a person under nineteen (19) years of age where, in their opinion, special circumstances exist;
  - (c) they hold a current, valid unrestricted Class 'G' driver's licence issued by the Province of Ontario in their name which is in good standing according to the records of the Ministry of Transportation;
  - (d) they produce two current passport type photographs to the satisfaction of the Director of Clerks;
  - (e) they provide a letter of potential employment from a licenced owner or licenced taxicab broker for whom they will be driving.

- (2) For the purpose of paragraph 5(1)(c), a driver's licence is in good standing if the holder has accumulated nine (9) demerit points or less.

### **Owner**

6. No person shall be licenced as an owner unless:
- (a) A copy of a current Ontario Standard Automobile Insurance policy with a 6A 'Permission to carry paying passenger' provision, and a third party liability limit of at least One Million (\$1,000,000.00) Dollars, exclusive of interest and cost, is filed with the Director of Clerks for each vehicle for which the owner is to be licenced.
- (i) Should there be any change, expiration or cancellation with respect to the insurance policy, the Owner shall provide the Director of Clerks at least ten (10) days written notice prior to such change, expiration or cancellation.
- (b) a Safety Standard Certificate issued under the Highway Traffic Act for the vehicle dated within 30 days of the application, is filed with the Director of Clerks for each vehicle for which the owner is to be licenced.

### **Taxi-Cab Broker**

7. No person shall be licenced as a taxicab broker unless they have a commercially zoned location from which to operate the brokerage and the location is approved by the Director of Clerks.

### **Application for a Licence**

8. An application for any licence under this by-law shall be completed on the forms provided by the Director of Clerks.

### **Submission of Licence Application to the Director of Clerks**

9. A completed application for a licence shall be delivered to the Director of Clerks together with:
- (a) the appropriate fee detailed in Schedule "A" hereto, in cash or cheque, payable to the Treasurer;
- (b) proof of compliance with applicable licencing prerequisites under sections 5, 6 and 7;
- (c) if the applicant is a corporation, a copy of the incorporating document and a copy of the last annual information return which has been filed with the appropriate government department.

### **Issue of Licence**

10. (1) Subject to sections 13 and 14, when an application for a licence is complete and in compliance with the provisions of this by-law, the Director of Clerks shall issue a licence to the

applicant on behalf of the Board and, the licence shall bear a number and an expiry date and the applicant shall thereby be licenced.

- (2) When a licence is defaced, destroyed or lost, the licensee shall apply to the Director of Clerks for a replacement, pay the fee detailed in Schedule "A" hereto and the Director of Clerks shall issue a replacement licence.

### **Term of Licence**

11. (1) Every licence issued under this by-law shall be valid for a period of one year effective from the first (1<sup>st</sup>) day of March up to and including the last day of February of the following year.
- (2) Despite 11(1) all licences issued under this by-law shall expire on the last day of February of the following year.

### **Licence Not Transferable or Refundable**

12. No licence issued under this by-law is transferable or refundable.

### **Power to Refuse to Issue a Licence or to Revoke or Suspend a Licence**

13. (1) The Board may refuse to issue a licence or may revoke or suspend a licence where the applicant or licensee would be disentitled to a licence for any of the reasons set out under Section 14.
- (2) The Director of Clerks may suspend a license until the next meeting of the Board provided the licensee has been given notice that they have the right to appeal to the Board, after becoming aware that the licensee has:
- (a) been convicted under the Criminal Code which may constitute grounds under section 17 of this by-law;
  - (b) been convicted under the Narcotic Control Act, Food and Drug Act or Liquor Licence Act of Ontario, or any other provincial or federal statute which may constitute grounds under section 16 of this by-law;
  - (c) accumulated more than nine (9) demerit points under the Highway Traffic Act of Ontario;
  - (d) been charged pursuant to the Criminal Code of Canada or any other federal or provincial statute, the circumstances surrounding which are serious and may, in the opinion of the Director of Clerks, cause sufficient concern to warrant the suspension of the licence;
  - (e) allegedly contravened any provision of this by-law.
- (3) The Director of Clerks may suspend a licence until the next meeting of the Board provided the licensee has been given notice that they have the right to appeal to the Board if, in the opinion of the Director of Clerks, it is in the interest of the public to do so.

- (4) Where a licence is suspended under subsection 13(2) or 13(3), it will continue suspended until the Board holds a meeting and makes a decision.

### **Grounds for Refusal to Issue a Licence**

14. (1) An applicant is entitled to be licenced except where:
- (a) the past conduct of the applicant or licensee affords reasonable grounds for the belief that the applicant or licensee will not carry on the activity licenced or to be licenced in accordance with law and with integrity and honesty;
  - (b) the issuance of the licence would be contrary to the public interest or consumer protection;
  - (c) the applicant or licensee is carrying on activities that are, or will be, if the applicant is licenced, in contravention of this by-law; or
  - (d) if the applicant or licensee is a corporation,
    - (i) the past conduct of the officers or directors affords reasonable grounds for the belief that the applicant or licensee will not carry on the activity for which they are to be licenced or continue to be licenced in accordance with law; or,
    - (ii) the issuance of the licence would be contrary to the public interest.
- (2) Subject to subsection 14(6), for the purposes of paragraph 14(1)(a), the past conduct which constitutes reasonable grounds shall include a conviction within 3 years of the date of application on:
- (a) an indictable offence under the Criminal Code of Canada;
  - (b) a Narcotic Control Act offence;
  - (c) an illegal sale or purchase of liquor under the Liquor Licence Act;
  - (d) a criminal offence pertaining to the operation of a motor vehicle;
  - (e) a sexual offence under the Criminal Code of Canada.
- (3) Where the applicant has received an absolute discharge on a conviction set out in subsection 14(2), it shall not be considered to be conduct which constitutes reasonable grounds.
- (4) An applicant who has received a conditional discharge and suspended sentence on a conviction set out in subsection 14(2), shall be issued a licence on condition that it be reviewed by the Director of Clerkssix months after the date of issue.
- (5) Notwithstanding the provisions of subsection 14(2), a licence may be issued after review by the Board.

- (6) An applicant convicted for a summary conviction offence, under the Criminal Code of Canada, may be issued a licence after review by the Board on condition that the licence be reviewed by the Director of Clerks six months after the date of issue.

### **Issuance of a Licence on Terms and Conditions**

15. The Board may issue a licence subject to such terms and conditions as are necessary to give effect to this by-law if first consented to by the applicant or licensee; or, if set by the Board after a hearing as provided in Section 18 of this by-law.

### **Appeals to the Board**

16. (1) When an applicant or licensee is not entitled to be licenced for any of the grounds set out in Section 14, the Director of Clerks shall recommend that the Board refuse to issue the licence or that the Board suspend or revoke the licence or issue a licence on terms and conditions.
- (2) The Board cannot act on the recommendation made by the Director of Clerks until the applicant or licensee has been given written notice of the recommendation as provided in subsection 16(3).
- (3) The written notice to be given under subsection 16(2), shall:
- (i) set out the grounds for the recommendation,
  - (ii) give reasonable particulars of the grounds,
  - (iii) be signed by the Director of Clerks,
  - (iv) inform the applicant or licensee that they are entitled to a hearing before the Board if they deliver within seven (7) days after the date of service of the written notice or the date of personal service of the written notice, whichever is the later, a written request for a hearing before the Board.

### **Notice of Hearing**

17. On receipt of a written request for a hearing from an applicant or a licensee, the Director of Clerks shall request the Board to convene a hearing and shall give the applicant or licensee reasonable written notice of the date, place and time of the hearing.

### **The Hearing Before the Board**

18. (1) The provisions of Sections 5 to 15 and 21 to 24 of the *Statutory Powers Procedure Act* shall apply to all hearings conducted by the Board under this by-law.
- (2) When the applicant or licensee, given written notice of the hearing, does not attend at the appointed time and place, the Board may proceed with the hearing in their absence and the applicant or licensee shall not be entitled to any further

notice of the proceedings but shall be given notice of any decision.

- (3) At the conclusion of a hearing, the Board may issue an oral decision or may reserve but shall, as soon as practicable, prepare and serve a written decision on the applicant or licensee.
- (4) The written decision shall summarize the evidence and arguments presented at the hearing, set out the finding of facts, decision and reasons for the decision.

### **Return of the Licence After Revocation or Suspension**

19. (1) When a licence has been revoked or suspended, the holder of the licence shall return the license to the Director of Clerks within twenty-four (24) hours of service of written notice of the decision of the Board; the Director of Clerks may enter upon the business premises or vehicles of the licensee for the purpose of receiving, taking, or removing the licence.
- (2) When a person has had their licence revoked or suspended, under this by-law, they shall not refuse to deliver up or in any way obstruct or prevent the Director of Clerks from obtaining the license in accordance with subsection 19(1).

## **DRIVERS**

### **Duties of All Drivers**

20. Every licenced driver shall:
  - (1) only operate a taxicab, accessible taxicab, shuttle or limousine which meets the requirements of this by-law;

## **OWNERS**

### **Duties of All Owners**

21. Every licenced owner shall:
  - (1) keep, at all times, in the vehicle for which they are licenced, the original or a photocopy of the original of each of the following documents:
    - (i) the current Ontario Ministry of Transportation Passenger Motor Vehicle Permit issued for the vehicle;
    - (ii) the current owner's licence issued under this by-law;
    - (iii) the certificate of liability insurance for the vehicle, in accordance with this by-law;
  - (2) employ or use only the services of licenced drivers under this by-law and upon the request of the Director of Clerks and within 24 hours upon the request provide the name(s) of any person operating a taxicab or accessible taxicab;

## **Vehicle Approval**

22. (1) An applicant for an owner's licence, before using the vehicle or permitting the vehicle to be used as a taxicab, accessible taxicab or limousine, shall:
- (a) produce and file with the Director of Clerks a copy of the current passenger motor vehicle permit in good standing issued by the Ministry of Transportation issued in the plate owner's name, and a copy of the current Ontario Standard Automobile Insurance policy endorsed for the vehicle;
  - (b) produce and file with the Director of Clerks a copy of the company logo to be affixed to the vehicle clearly identifying the cab for his approval.

## **LIMOUSINE OWNERS**

### **Duties - Limousine Vehicle Owner**

23. A licenced limousine owner shall:
- (1) only provide limousine service on a prearranged basis;

## **GENERAL PROVISIONS**

### **Licence Production**

24. Every person licenced under this by-law, when requested by the Director of Clerks or a Peace Officer, shall produce their licence, photograph and other relevant documents required under this by-law.

### **Ontario Driver's Licence Suspended**

25. If a driver's licence issued under the Highway Traffic Act of Ontario to a licenced driver, is canceled, suspended or revoked or, has expired, the licence issued under this by-law shall be deemed to be suspended effective the date of the cancellation, or suspension or revocation under the Highway Traffic Act of Ontario and, the driver shall immediately return to the Director of Clerks the license issued under this by-law.

### **Schedules**

26. All Schedules referred to in this by-law shall be deemed to be a part of the by-law.

### **Penalty**

27. Every person who contravenes any provision of this by-law is guilty of an offence and on conviction under the *Provincial Offences Act* is liable to a fine.

**Repealing**

28. By-law No. 17-2 of the City of Elliot Lake is hereby repealed.

**Expiry**

29. This by-law shall expire the day it is repealed.

**PASSED** this 24<sup>th</sup> day of February, 2025.

\_\_\_\_\_  
**MAYOR**

\_\_\_\_\_  
**CLERK**

**CERTIFICATION BY THE CLERK:**

I, N. Bray, Clerk of the Corporation of the City of Elliot Lake, do hereby certify that the above is a true certified copy of By-Law-25-17 which was passed in Open Council on the 24<sup>th</sup> day of February, 2025

*Natalie Bray*

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N. BRAY

**Schedule "A" to By-law No. 25-17  
of the City of Elliot Lake**

**LICENCE FEES**

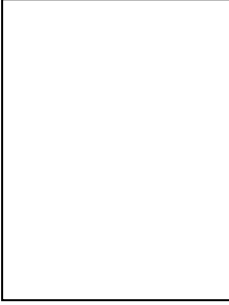

**Refer to the Municipal User Fees By-Law**

**(24-05)**

**Schedule "B" to By-law No. 25-17  
of the City of Elliot Lake**

**TAXICAB LICENCE IDENTIFICATION CARD**

63495192.2

	<b>City of Elliot Lake</b> 
	Taxicab Identification Card
	John Smith Taxi Driver Licence No. 123456
	Iss.: <u>Aug. 2025</u> Exp: <u>March 31, 2026</u>