



Public Submission

City Clerk's Office

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First name (required) Jeffrey

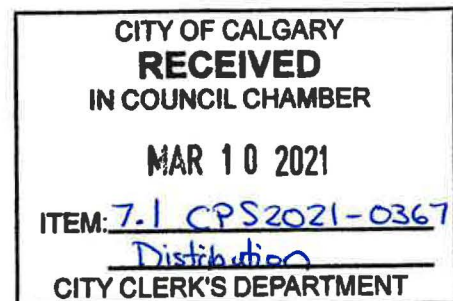
Last name (required) Garland

What do you want to do? (required) Request to speak, Submit a comment

Public hearing item (required - max 75 characters) CPS2021-0369

Date of meeting Mar 10, 2021

Comments - please refrain from providing personal information in this field (maximum 2500 characters) See attached pdf responses to bylaw review



Responses to Bylaw Review Document

Firstly, I believe this matter should be postponed until Q4 of 2021 or Q1 of 2022 so that all industry stakeholders have an opportunity to participate as this new bylaw affects the industry and stakeholder's future going forward and being, we are in the middle of this Covid-19 pandemic and that due to the lack of transportation needs at least 70% of the stakeholders have been furloughed or unable to operate.

Even if this matter does go forward to council in Q2 of 2021, it is our position that this bylaw review does not address fair competition amongst all sectors of the Livery industry as one participant is held to a control entry system of licensing and more onerous regulation which basically ensures that they have no ability for growth or opportunity to compete, while the rest of the industry enjoys a competitive advantage by allowing them to add as many vehicle as they want to service citizens and visitors of Calgary. The Taxi industry is put at a competitive disadvantage by having their numbers controlled and the inability to add more vehicles as required to service their business.

The matter to continue the current Hybrid open/closed entry system, which the current bylaw does not indicate anything about a Hybrid system of licensing, and it says that all sectors should be under a controlled entry system, which to date is not being followed.

In the Highlights to the Administrations Recommendations with regards to exploring stand rents charged by brokers to independent contractor drivers, I take exception to this issue and believe the City should not be involved in what any business in this City charges for the products and services provided, businesses charge fees for products and services based on their costs to operate and depending on a business's model and some businesses depending on their business models cost maybe be higher or lower.

As for systemic racism I believe this does exist within the industry, and for most part most of the drivers are ethnic minorities and most of the racism they endure is a result of a small portion of the consumers they serve, also a high majority of this racism that exists towards the drivers happens during the evening and is usually has to do with intoxicated passengers. Not sure if this problem can ever be totally resolved but with some sort of public awareness campaign and education it can certainly be reduced.

The second part of discrimination that exists in this industry is controlled by the City and exists in the current bylaw and does not seem to change in this bylaw review, which has to do with the control of licensing system for some operators and not others, this discriminates between old entrants and new entrants in the industry based on the licensing scheme that the new comers have to endure and their ability to have the same rights as other drivers, one group enjoys the ability of transferability of their licenses while the new comers or new entrants are not afforded the same rights.

Under section 16 (2) of the proposed bylaw it states that a person providing limousine service through an approved App must not accept payment in cash, I believe the ability of different payment options with regards to Limousine customers should be up to the Limousine operator, most Limousine customers pay via credit card but if a customer chooses to pay cash, they should be able to do that if the operator accepts it as a form of payment.

Under section 39. It states that All Licenses and Certificates are a privilege granted by The City and may not be sold, leased, assigned or otherwise transferred, which contradicts section 54 with regards to

transferability of TPL 1's, and ATPL 1's which have transferability and specifically specifies TPL 2's and ATPL 2's may not be transferred.

Under section 40. (3) It indicates that A person must not operate a Taxi, Accessible Taxi or Limousine without having the Person's T.D.L in the person's possession. This is a duplication as it basically contradicts itself as in Section 46 (2) where it says The Driver of a Taxi or Accessible Taxi must display the driver's T.D.L. in a position inside the Livery Vehicle which is clearly visible to any person inside the Livery Vehicle. If a driver of a Livery Vehicle is required to display it inside the Taxi, Accessible Taxi or Limousine then he must have it on his person, this causes confusion as in 40 (3) it indicates on the person's possession and 46 (2) indicates it must be displayed, I am certain he must have it on his or her possession.

Under Division 4- Taxi Plate Licenses and Accessible Taxi Plate Licenses.

Whereas there are currently two different types of TPL's and ATPL's, the TPL and ATPL 1's and the TPL and ATPL 2's, should be consolidated into one taxi TPL or ATPL license as there is no need for two different categories of TPL's and ATPL's. This second class of TPL and ATPL's were only created to put restrictions on the operations of the TPL and ATPL 2's to ensure that there were enough taxis on the road to service the public prior to the inception of Ride Share Companies in 2016.

With the inception of Ride Share Companies into the Livery market and the fact that Ride Share Companies have no limits on the cars they can put on the road this has basically insured that the consumers will have no issues with getting Livery Service for at least the next two or three decades as the industry is now over saturated with TNC vehicle and drivers to the point that most drivers are unable to earn a sustainable living.

If the TPL's and ATPL's are going to continue to be the only Livery sector to be under a controlled entry system and the TNC's are given a competitive advantage which I am not suggesting is right and more so discriminates against the Taxi Industry, I would suggest that the controlled entry system be abolished altogether so that all sectors of the industry can compete on a level playing field and the market will balance itself out.

Section 62. with regards to the charge or for a person to pay any fee for the use of a TPL or ATPL should remain as it was in the previous bylaw with exception of the annual license renewal.

With regards to section 111. Regarding the holder of a plate must notify the Chief Livery Inspector in writing if the Livery Vehicle to which the Plate is joined and is involved in an accident which results in damage to the Livery Vehicle. Not sure why this is the jurisdiction of Livery Transport as this is a provincial issue and all vehicles where there are damages in excess of \$2,000.00 or where there are injuries are required to report this to the Calgary Police Services and as well their insurer's I do not see how or why this should be an issue with Livery Transport Services unless the vehicle is out of service for an undisposed period.

Under Schedule A RATES

2. (1) and (2) with regards to upfront pricing or meter rate pricing, I am not sure what the logic is to have a brokerage choose which method they want to use with charging fares, I think that it should allow for the driver and customer to agree upon, as having a company choose either or will create problems with the consumers if one service is only doing up front pricing and the other is not.

Under 4 (2) (a) the initial maximum fare is \$3.90 for the first 120 meters not \$3.80 as noted in the amendment.

Under 9 (3) (i) and (ii)

This surcharge for a passenger requiring a van for the purpose of additional passengers over what a normal taxi can take or the customer has so much cargo that will not fit in the luggage compartment of a regular taxi, the driver should be able to charge the \$6.80 surcharge as it is a specialized service and in many cases the van driver has to drive from a distance away to provide service to these customers so they should be compensated for the additional wear and tear on the vehicle as well as the additional fuel it costs to service these trips and that the dispatcher at a brokerage would inform the passenger upon request of the additional charge and in the event the trip is a street hail the driver would be required to notify the customer prior to the start of the trip regarding the surcharge.

Under section 9 (d) it refers to 8 (3) which I believe is an error and is supposed to read 9(3).

Under schedule B -FEES

The Annual fees for a TNDL should be at least equal to what the TPL license is, even with the reductions in the rates it is not fair that the taxi industry should pay more licensing fees as a TNC, when they are taking at least 50% of the business.

And with regards to License Reinstatement Fee's (subsection 146 (2) is very excessive at \$1,260.00, should be much lower.

With regards to E.L.V.I.S., not sure what the rationale is with changing the mechanical fitness to once annually as the current system of providing mechanical every six months was sufficient and it should not be changed as this issue will jeopardize the safety for the traveling public in situations with individuals who do not maintain their vehicles properly, this should stay the same for all sectors.

With regards to Schedule D Offences and Penalties

I think that the specified penalties and the minimum penalties need to be revisited as many of these specified penalties are excessive.



Jeff Garland
General Manager
Associated Cab Alta. LTD.



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First name (required) JOHN

Last name (required) BLISS

What do you want to do?
(required) Request to speak

Public hearing item (required -
max 75 characters) Standing Policy Committee on Community and Protective Services

Date of meeting Mar 10, 2021

Comments - please refrain from
providing personal information in
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COMMENTS ON ADMINISTRATION'S PROPOSED NEW TAXI BYLAW

The whole of mankind and even our planet is presently undergoing an extremely rapid and massive change that is without any precedent in the whole of human history. All aspects of human life and activity such as climate, personal, political, economic and technology just to name a few are affected.

The livery industry is no exception and will result in the new bylaw becoming obsolete before the ink is even dry on the paper it is written on.

I recommend, therefore, that administration and LTS review the bylaw at regular intervals which would include stakeholder and public input. I would suggest about once every two years.

The issues the new bylaw is endeavoring to resolve appear to be on licencing, professionalism, and economic justice.

Section 62 expressly prohibits the subleasing of TPLs unless only licence renewal fees are charged. The wording of this section serves no other purpose than to safeguard the taxi broker triopoly consisting of Mayfair, Associated, and Checker Cabs who have held several hundred TPLs since the onset of the controlled entry system in 1986.

Revise section 62 to expressly prohibit subleasing of TPLs to anyone not holding a TPL except to finance the transfer of a TPL. Such contracts will have to be reviewed and kept on file by LTS. Subleasing to driver owners already holding a TPL without a subleasing fee could be allowed to permit such driver-owners to operate a fleet of taxis.

The foregoing of course gives rise to my recommendation last July 15 when I suggested redefining a TPL to a fleet licence.

Uber v Employment Legislation:

Uber's aggressive attacks on the most elementary benefits flowing from employment legislation everywhere on this planet including Canada has effectively torpedoed the livelihood of every taxi and rideshare driver.

Their employment contracts are infested with numerous unfair surprise clauses such as requiring drivers to settle disputes on payment of US\$14,500 for an arbiter based in Amsterdam under Dutch law. They also prohibit their drivers from entering class action lawsuits without Uber's permission.

The Supreme Court of Canada declared the arbitration clause illegal in the case of David Heller v Uber Technologies Ltd. in a class action lawsuit regarding the status of their drivers as independent contractors or employees entitled to benefits flowing from Ontario's employment legislation particularly minimum wages, safety, and collective bargaining.

I recommend that a dispute mechanism clause be a part of the new bylaw and make it clear that only a Canadian court of competent jurisdiction handle such cases and prohibit the use of unfair surprise clauses in any livery contract.

Owing to the vulnerability of New Canadians, I recommend empowering the chief livery inspector to initially handle such issues and advise affected parties accordingly. Moreover, the training program should include lessons on employment law and their rights and obligations.

Item 20 (h) of Council's July 20 meeting asks administration to explore the possibility of regulating Stand Rents for Taxi Plate-holders who affiliate with a Taxi Brokerage. I recommend that fixed stand rents for driver-owners and lease drivers be prohibited altogether and use revenue sharing agreements as Uber and Lyft do instead. It is highly likely Canada's courts will undoubtedly stand behind the city on that one.

Professionalism and Driver Licencing:

A one licence fits all should be the norm in the industry. The training must be comprehensive, intense and include road testing.

Driver safety:

Both ride share and taxi/limo must be instructed on crime and violence prevention.

Fares:

Fares should be regulated and there be no difference allowed between ride share and taxis and precalculated advance payment be mandatory.

Top lights:

The LTS report suggested allowing the elimination of top lights and broker colors but have a sidewalk visible dash light to indicate car availability.

Moreover, allow drivers to go from taxi to rideshare during a single shift.

Dispatch:

All drivers must have a dispatch app in their car or on their person.

Summary:

- **Review legislation at regular intervals**
- **Prohibit subleasing except to TPL holders or to finance a transfer.**
- **A dispute resolution mechanism be in place.**
- **Prohibit surprise clauses in any contract.**
- **Clarify the status of drivers (employee or contractor)**
- **Enhance safety and training for licencing and in service.**
- **Fares can and should be precalculated and always payable in advance.**
- **Fares need to be regulated and the same for ridesharing and taxis.**

- **Replace toplights with dash lights and repeal mandatory broker colors**
- **The 30-day TPL shelving life is too short. Extend it to at least one or two years.**
- **All drivers must be required to have a dispatch app on their smartphone or tablet**