



REGIONAL MUNICIPALITY OF NIAGARA POLICE SERVICES BOARD

LICENSING PUBLIC MEETING

Thursday, November 9, 2017

Niagara Regional Police Service - Headquarters
Community Room, 1st Floor, 5700 Valley Way, Niagara Falls, Ontario

1. CALL TO ORDER

The Licensing Committee Meeting of the Niagara Police Services Board commenced at 10:54 am.

ROLL CALL

PSB MEMBERS:

Mr. B. Gale, Committee Chair
Mr. K. Gansel, Vice-Chair
Mr. D. Barrick
Mr. T. Bonham
Mr. V. Stewart

Ms. D. Reid, Executive Director
Mr. W.B. McKaig, Board Solicitor

NRPS MEMBERS:

Inspector M. Giannico, Executive Officer to the Chief of Police
Mr. G. Holden, Records Manager
Mr. C. Bell, Senior Database Administrator
D/Sergeant T. Henderson, Executive Officer, D/C Operational Services
D/Sergeant J. Hollingshead, Executive Officer, D/C Support Services
Detective Sergeant C. Labaune, Issuer of Licenses
Detective Constable E. Lindsay, By-law Enforcement & Licensing
Detective Constable A. Sanders, By-law Enforcement & Licensing
Ms. E. Golding, By-Officer, By-law Enforcement & Licensing

INDUSTRY/OTHER:

46 Attendees (see Appendix A)

2. INTRODUCTION

Chair Gale welcomed attendees to the consultation meeting for the vehicle for hire industry and introduced the Board panel. He advised that the objective of the meeting is to hear submissions from the industry and consider any proposed amendments to the Licensing By-law. Chair Gale advised that the Committee is scheduled to meet on December 7, 2017 to consider the comments and submissions made today and that he anticipates a final recommendation will be made to the full Board at a later date.

3. TOPICS OF DISCUSSION – OVERVIEW

Mr. McKaig addressed the attendees to advise that it is the Board's intention to seek input from the industry on the issues listed below prior to any amendments to the Licensing By-Law:

- (i) **Transportation Network Companies (TNCs) Licensing System (including background checks and the driver license application process);**
- (ii) **Region-Wide Use of Taxi Licenses and Taxi Quotas;**
- (iii) **Removal of Automatic Appeals; and**
- (iv) **Licensing Fees.**

4. SUBMISSIONS RECEIVED

(i) Mr. Chris Schafer, Uber Canada

Mr. Schafer spoke to his report dated November 3, 2017 addressing the TNC licensing system, the driver license application process, criminal background checks and licensing fees. He advised that Uber currently operates with a track record of compliance and they are regulated in well over 12 cities within Ontario. Specific to Niagara, he advised that By-law development and implementation start-up costs have been labour intensive and costly on the part of the Niagara Regional Police Service and that Uber has been working with the Licencing Unit over the past year to reduce those costs where applicable. Uber has also accommodated various Licensing Unit requests regarding decal placement on vehicles and various administrative related processes, which will remain on-going for consideration of tech-based solutions that will refine the licensing process.

Mr. Schafer spoke to the amendments currently being proposed by the NRPS and advised that from Uber's perspective the proposals do not recognize the reality of the ride sharing business model. He spoke to Appendix "A" of his written submission which highlights Uber's responses to each of the By-law amendment proposals. Mr. Schafer also spoke to Uber's responses to the concerns raised by the Licensing Unit upon completion of the "TNC Review 2017 Report Claims" which is also referenced in detail under Appendix "A".

Upon completion of Mr. Schafer's presentation, members of the Licencing Unit provided feedback to Mr. Schafer's comments as presented to address the identified concerns. Staff provided examples of where there has been identified failure on the part of Uber regarding the submission of applications that are deemed incomplete. Mr. Schaffer advised that the applications are submitted in compliance with the Cobourg Police Service criminal background check process and this is the practice of all other cities in Ontario who have regulated ride sharing legislation, which unlike Niagara do not rerun a background check through their respective police service. Mr. Holden clarified that when comparing the criminal background check processes between the Cobourg Police Service and the Niagara Regional Police Service there are differences regarding information access. Each police service in Ontario has their own local Records Management System (RMS). Many police services do publish some of the information to the Police Information Portal (PIP) but they certainly do not publish all the information. Therefore the downfall of relying on the Cobourg Police Service is that they may only have access to 40-50 percent of the criminal background check information that is available to the Niagara Regional Police Service. He further noted that most jurisdictions mandate TNC's through City By-Laws as opposed to their respective municipal police service.

Mr. Holden addressed additional concerns of the NRPS regarding the RCMP mandating what can be search by police services. He clarified that the RCMP are only stewards of the CPIC national database. Police services have intelligence databases in their own local RMS databases and it is incumbent on the local jurisdiction to determine what information is released. Mr. Schafer commented that all that is being reiterated in his report is that Uber is simply indicating the understanding of the National Association of Background Screeners (NABC). Mr. Holden then confirmed that the NABC is a third-party agency that is not representative of police services or police services boards and it is not recognized as an authorizing entity.

Mr. Holden referenced Page 7 of the report regarding criminal background checks and Uber's threshold for criminal convictions being a zero tolerance threshold. He advised that under the Human Rights Code everybody has the right to employment regardless of a police records check and cautioned, for Uber's own issue, that if an individual has a criminal conviction or police record that it be deemed irrelevant prior to Uber denying the application. Mr. Schafer advised that Uber does not retain drivers as employees and that they operate as independent contractors. Any refusal of an individual moving through the process of becoming an Uber driver is subject to Uber's policy that often supersedes what a City By-law requires and that drivers that have a conviction that is not pardoned are not permitted as Uber drivers.

Mr. Holden referenced Page 8 specifically comments regarding Uber not requiring a vulnerable sector records check in some cases based that on the reasoning outlined in the report which supports that unless a driver is specifically dedicated to individuals deemed vulnerable, they do not meet the threshold of a vulnerable sector records check requirement. He clarified that the position of the NRPS is that any situation that involves the vulnerable sector the Service's risk liability mandates that a vulnerable sector records check be done. Mr. Schafer advised that the Niagara Police Services Board's Licensing By-law does not require a vulnerable sector records check and what is simply being disclosed by Uber in the report is the legal opinion of the Canadian Civil Liberties Association that has articulated a very solid position against any requirement for a vulnerable sector record check. Mr. Holden advised that the Niagara Regional Police Service is mandated to perform background checks in accordance to Bill 113 which does require a vulnerable sector records check.

(ii) Mr. Marc Andre Way, CEO, Coventry Connections

Mr. Way advised that Coventry Connections operates within six Niagara municipalities and has a fleet of over 1,500 taxis. He addressed Niagara's pilot project to open taxi plates region-wide and encouraged continuation of the practice given it has affected response times favourably. Patrons are realizing a 10 minute response time in most municipalities as opposed to the 20 to 30 minutes wait times prior to regionalization. Moving to region-wide plate issuance has also realized efficiencies and improvements in the communication systems that are installed into taxis for dispatching and booking purposes.

Mr. Way commented that Coventry Connections is not opposed to opening quotas and issuing new licenses. However, he cautioned toward a large number of licenses being made available as that may result with an over saturated market. He referenced the *Ontario Association Disability Act*, and the Ontario government's initiative to move all public services to accessible status. He advised all additional taxi plates issued in Ottawa were categorized as accessible plates only and he encourages this practice in Niagara as well.

Mr. Way advised that in addition to being the CEO of Coventry Connections he is also the President of the Canadian Taxi Association representing major cities across Canada with over 30,000 owner/operators, 50,000 taxi drivers and an annual consumer transaction base of \$2 billion. With that being said, he spoke to public safety and supported the requirement of having cameras placed in transport for hire vehicles and suggested there being a requirement that all public transportation vehicles be required to have an identification marker in order to be properly regulated and identifiable.

(iii) Mr. Emmanuel Katshunga

Mr. Katshunga read through his written submission which addressed the realized competition by TNC's, wheelchair accessibility concerns, region-wide use of taxi licenses and a need to implement a unified and consistent taxi quota system between the taxi and TNC industry to either operate with a quota system or not operate with a quota system.

Mr. Katshunga also advised that there is an issue with unidentifiable vehicles picking up patrons at designated taxi stands that do not have any vehicle for hire identification markings. Chair Gale encouraged a discussion with the Licencing Unit to determine any action needed to address this enforcement issue.

(iv) Mr. Dalibor Bogdanovic, President, Niagara Falls Taxi

Mr. Bogdanovic highlighted the pros and cons that have been realized in the vehicle for hire industry since the introduction of TNC's to Niagara Region. He advised that Niagara Falls Taxi is recommending the Board discontinue the issuance of region-wide plates. Niagara Falls is unique in the fact that it is subject to a large influx of tourists each year which results with a requirement for increased taxi services. However, the traffic infrastructure and roadways in Niagara Falls are not designed to support a large increase in vehicles during peak seasons and long weekends. He advised that since the inception of region-wide plates, Niagara Falls has realized a large increase in taxi service providers and this has resulted with traffic delays and congestion. It has also had a negative impact on air quality and it impacts safe travel methods.

In regard to Uber insurance, Mr. Bogdanovic advised this issue needs to be monitored. He claimed that contrary to Uber's claim that their drivers work approximately 5 to 10 hours per week, many are of the opinion that their drivers work well beyond those hours and this impacts the mandated insurance requirements. He also advised that given TNC's and taxis operate as two different legal entities; the quota systems should not be parallel.

Mr. McKaig requested that Mr. Bogdanovic provide the Board with any available reference material that would support his comments made in regard to the City of Niagara Falls.

(v) Ms. Diane Shaw – Grape Escape Tours

Ms. Shaw spoke to the four points outlined in the email submitted by Mr. Mell alleging that there are several new start-up companies in Niagara-on-the-Lake that are operating without the required licenses. These include existing tour operators that do not have sightseeing plates and drivers that do not have the required driver licenses. Ms. Shaw also supported Mr. Mell's request for the option of sharing detailed information between sightseeing companies to ensure that each are operating in the confines of the By-law.

In regard to the information sharing request, Mr. McKaig advised that there are privacy issues that impact the request. He advised that full consent would be required by all industry stakeholders and that would likely prove problematic by any individuals that were operating without the required plates and/or licenses. Mr. McKaig encouraged all industry representatives to report any information that would assist the Licensing Unit with enforcement action toward illegal operations to ensure that all vehicles for hire are operating legally with the required insurance and that they meet all the mandated public safety criteria. Detective Sergeant Labaune supported the comments made by Mr. McKaig and advised individuals not to take matters into their own hands by approaching illegal suspect operators/drivers. He emphasized the importance of the information being reported to police for the proper handling in the interest of personal and public safety.

In regard to the enforcement concerns raised by Ms. Shaw, Detective Constable Lindsay suggested that for the sake of time, he and Ms. Shaw set up a discussion meeting to address the issues raised and work toward a solution to rectify the concerns.

5. GENERAL SUBMISSIONS

The meeting provided general licensing submissions from the floor. The following is a brief outline of the key points raised throughout those discussions:

(i) Paul Walker - Owner - Elite Taxi

Mr. Walker did not support the continuance for the issuance of region-wide plates given that with the addition of Uber local taxi demand is down. In regard to enforcement, he expressed concern with out of town and/or illegal taxis offering flat rate fares as a competitive means. He also advised that there are taxis that are continuing to operate with signage that was issued for a discontinued pilot project developed to allow additional taxi service providers during high peak times. Mr. Walker further expressed concern with the level of customer service from non-local transportation service providers as not being of the same high-level quality as the services provided from local taxi companies.

In closing, Mr. Walker advised that a Mississauga company has been hired to preform medical transfer services in Niagara. Chair Gale directed the Board's Executive Director to follow-up with Niagara Health System to confirm the status of a Mississauga company being hired to assist with medical services transfers within the Niagara Region.

(ii) Kathy Platanitis - Niagara Falls Taxi

Ms. Platanitis spoke to several media releases that relate to Uber operations. The articles pertained to sexual assault allegation, use of grey ball technology, etc. Chair Gale directed that she forward the documents to the Board office.

(iii) Stefan Roshanov – Niagara Falls Taxi

Mr. Roshanov advised that the taxi industry is currently not in a good position. Uber and other TNC's are intruding into the transportation provider services that were formerly provided by local Niagara Falls taxi companies. In regard to region-wide taxi plates, taxi services have not improved since the inception of making the plates region-wide. Smaller municipalities are not being provided adequate taxi services as vehicles are leaving those areas and going to more prosperous locations in Niagara Falls and St. Catharines. Mr. Roshanov advised that from his experience this factor is impacting the work availability of local Niagara Falls taxi companies who are now sometimes waiting up to one hour between jobs. In regard to enforcement, he also advised that taxis from outside municipalities are charging flat rate fares.

(iv) Brandy Gray – Loyal Transportation – TNC's

Ms. Gray spoke to the background record check requirements for the TNC drivers in Niagara Region and advised being in support of continuing with the current requirement. Currently, small business are allowed advantages that ensure all criminal background checks for TNC drivers are performed thoroughly and accurately. The current practice also ensures that applicant information can be stored safely and securely without the requirement of small businesses having to routinely transfer applicant information.

Ms. Gray addressed the proposed change in the cost for a TNC company license. She stated that in regard to smaller businesses that are starting out as a TNC company the proposed cost increase may not be affordable particularly if a company is initially looking to employ a small number of drivers. She suggested the Board maintain a category that will allow a start-up company to employ 1 to 24 drivers at a cost of \$1,000 and implement an increase thereafter for a 25 to 100 driver category at a cost of \$5,000.

Ms. Gray spoke to concerns regarding insurance. She stated that insurance companies are not offering insurance to TNC companies other than Uber. She referenced an insurance request made to Avia Insurance Company for coverage of her company Loyal Transportation to which Avia replied that due to the class of business "Ride Share" and the fact the company is new, Avia was unable to provide a quote. She further advised that the matter is pending with other insurance companies and that insurance companies should offer commercial insurance to the driver as opposed to the company.

(iv) Mr. Sardar Sayed - Brock Q Taxi – St. Catharines

Mr. Sayed advised that from his understanding, the taxi quota for St. Catharines has not been open for some 30 years and questioned the reasoning for such. He further supported opening the taxi quota given that in addition to the current vehicle for hire service providers, the industry is still making money.

Chair Gale suggested Mr. Sayed follow-up by email on his information request for a response given that the Board along with police staff were uncertain as to the last time the quota system was opened and the reasoning for such.

6. RESPONDING SUBMISSIONS FROM THE INDUSTRY

There were no additional submissions from the industry. Chair Gale advised the Board will be accepting additional written submissions up until November 30th and any correspondence can be received at the Board office either by email or regular mail.

7. ADJOURNMENT

The Licensing Committee Meeting adjourned at 12:29 pm.

Bob Gale, Chairperson

Deb Reid, Executive Director

APPENDIX "A" – ATTENDANCE LIST

1. Chris Schafer - Uber Canada
2. Mark Madigan – Vintage Hotels
3. David McAslan – Grape Escape Wine Tours
4. Ashwani Sharma – Taxi Wait List
5. Dan Diab – 4500 Taxi
6. Islam Ud Din – Niagara Group of Industries
7. Thomas Yanuziello – Uber Driver
8. Mary Bateman – Premier Taxi
9. Jasprit Cheema – Niagara on the Lake Taxi
10. Murat Sirin – Central Taxi
11. Jean Moreau – Port Taxi
12. Maurice Moreau – Port Taxi
13. Atanas Nankov – Central Taxi
14. Geno Genov – Central Taxi
15. Paul Walker - Elite Taxi
16. Abeer Chaudhery – Brock Q Taxi
17. Ahmet Fidan – Livery Taxi
18. Barry Robbins – Robbins Towing
19. Bill Willard – CAA Niagara
20. Ozgur Unsac - Niagara Falls Taxi
21. John Gur – Niagara Falls Taxi
22. Umut Duzgun – Niagara Falls Taxi
23. Mervin Sanford – Niagara Falls Taxi
24. Dan Trombley - Niagara Falls Taxi
25. Dalibor Bogdanovic – Niagara Falls Taxi
26. Dragana Zegarac – Niagara Falls Taxi
27. Valeri Kirilov – Niagara Falls Taxi
28. Shoresh Mohammadi – St. Catharines Taxi
29. Sardar Sayed – Brock Q Taxi
30. Shelly Greene – S & W Towing / Anytime Towing
31. Mehmet Erilli – Niagara Falls Taxi
32. Muret Kaya – Niagara Falls Taxi
33. Scott Sampson – Niagara Falls Taxi
34. Mohamed Adam – Niagara Falls Taxi
35. Corrina Kelly – Central
36. Brian Fitzgerald – Coventry
37. Jim Killey – Teamsters
38. Steve Davyes – Central Taxi
39. Brandy Gray – Loyal Transportation
40. Jacob LaFrance – Loyal Transportation
41. Marc Andre Way, Coventry Connections
42. Emmanuel Katshunga
43. Diane Shaw, Grape Escape Tours
44. Kathy Plantanitis, Niagara Falls Taxi
45. Peter Mandronis, Niagara Falls Taxi
46. Stephan Roshanov, Niagara Falls Taxi