

Authority: Item 7, Planning Committee
Report 11-009 (PED10063(c))
CM: May 11, 2011

Bill No. 125

CITY OF HAMILTON

BY-LAW NO. 11-125

**To Amend By-law No. 07-170, a By-law to License and Regulate Various
Businesses**

WHEREAS Council of the City of Hamilton enacted a by-law to license and regulate various businesses being City of Hamilton By-law No. 07-170;

AND WHEREAS this By-law provides for various housekeeping and technical amendments to Schedule 25 of City of Hamilton By-law No. 07-170 with respect to the Priority List;

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. Paragraph 1(1)(P) of Schedule 25 of By-law No. 07-170 is deleted and replaced with the following new paragraph 1(1)(P):

(P) "Priority List" means the list of applicants for a taxicab owner licence maintained by the Issuer of Licences and made available to the public with names set out thereon in chronological order as to the date and time of receipt;
2. Section 26 of Schedule 25 of By-law No. 07-170 is amended by deleting the second sentence.
3. Subsection 28(2) of Schedule 25 of By-law No. 07-170 is amended by deleting the words "on Priority List, note any changes, and submit an amended list to the Licensing Tribunal for approval" and replacing them with "on the Priority List".

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4. Paragraph 28(8)(c) of Schedule 25 of By-law No. 07-170 is deleted and replaced by the following new paragraph 28(8)(c):

(c) Where an applicant elects to file a certification under paragraph 28(8)(b), the applicant shall provide evidence, to the satisfaction of the Issuer of Licences, of the medical disability from not less than two duly licensed medical practitioners of the applicant's choice and, if required by the Issuer of Licences, shall submit to a medical examination by a medical practitioner selected by the Issuer of Licences and the City of Hamilton Human Resources Division.

5. Subsection 29(1) of Schedule 25 of By-law No. 07-170 is deleted and the subsequent subsections renumbered accordingly.

6. Subsection 29(2) of Schedule 25 of By-law No. 07-170, renumbered as subsection 29(1), is deleted and replaced by the following new subsection 29(1):

(1) The Issuer of Licences may send a notice to the persons whose names appear on the Priority List, starting with the person with the earliest application date and continuing in chronological order, as they become eligible to apply for a taxicab owner's licence in accordance with subsection 20(v) of this Schedule or as otherwise directed by Council, provided that if two or more persons have the same application date, both or all of them shall be eligible to apply for a taxicab owner's licence.

7. Subsection 29(4) of Schedule 25 of By-law No. 07-170, renumbered as subsection 29(3), is deleted and replaced by the following new subsection 29(3):

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(3) A person who is entered on the Priority List, after being notified or deemed notified by the Issuer of Licences under subsections 29(1) and 29(2), shall submit a completed application with the Issuer of Licences within fourteen (14) days of the date of the said notice together with the following:

(a) proof of compliance with sections 12 and 14 of this Schedule;

(b) a certification, in a form prescribed by and available from the Issuer of Licences, that he or she has actively engaged in operating a taxicab full-time in the City as:

(i) a taxicab owner;

(ii) a taxicab driver;

(iii) a taxicab dispatcher;

(iv) a taxicab business mechanic; or

(v) a taxicab telephone service operator,

for a period of not less than two (2) full and consecutive years immediately preceding the date of filing the completed application; and

(c) either,

(i) a certified true copy by the Canada Revenue Agency of income tax returns for two consecutive years immediately preceding the date of filing the completed application; and/or

(ii) any one of, or any combination of the following in respect of the two consecutive years immediately preceding the date of filing the completed

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application:

- a certified copy of record of employment,
- statements of insurable earnings as issued by the Canada Employment Insurance Commission,
- statements of contributions to the Canada Pension Plan as issued by the Canada Revenue Agency,
- monthly charge statements as issued by a taxicab broker operating in the City of Hamilton,
- original trip records, or
- such other or equivalent documentation as the Issuer of Licences may accept.

(d) In the case of a taxicab driver, for all purposes of paragraphs 29(3)(a) and 29(3)(b), “one full year” shall mean not less than 1400 hours in a full year;

(e) In the case of a taxicab dispatcher or telephone service operator, for the purpose of paragraphs 29(3)(a) and 29(3)(b), “one full year” shall mean not less than 1400 hours in a full year;

If the applicant fails to submit with the Issuer of Licences the required documentation in the stipulated time, the application shall be voided, no licence issued and the applicant struck from the Priority List.

8. Subsections 29(5) and 29(6), renumbered as subsection 29(4) and 29(5) are deleted and the subsequent subsections renumbered accordingly.
9. Subsection 29(7), renumbered as subsection 29(4) is deleted and replaced with the following new subsection 29(4):

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- (4)(a) The Issuer of Licences shall issue the licence to an applicant who complies with subsection 29(3) and all other applicable provisions of this Schedule and By-law.**
- (b) If the Issuer of Licences refuses a licence for any reason other than the applicant's failure to submit the required documentation or to do so in the stipulated time, both under subsection 29(3), the applicant is entitled to a hearing before the Licensing Tribunal and the hearing shall be in accordance with the General Provisions of this By-law which provide for a hearing when an application is refused.**
- (c) When, under this section, a taxicab owner's licence is:**
- (i) issued by the Issuer of Licences or by Council after a Licensing Tribunal hearing;**
 - (ii) refused by the Issuer of Licences when no Licensing Tribunal hearing has taken place, because such a hearing has not been requested or for some other reason;**
 - (iii) refused by Council after a Licensing Tribunal hearing has taken place,**
- the applicant whose licence has been issued or refused shall be struck from the Priority List.**

10. Subsection 29(10) of Schedule 25 of By-law No. 07-170, renumbered as subsection 29(7), is amended by deleting the words "Subsections 29(8) and 29(9)" and replacing them with "Subsections 29(5) and 29(6)".
11. Subsection 29(11) of Schedule 25 of By-law No. 07-170, renumbered as subsection 29(8), is amended by deleting the words "Subsections 29(8) and 29(9)" and replacing them with "Subsection 29(5) and 29(6)".

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12. Subsection 29(12) of Schedule 25 of By-law No. 07-170, renumbered as subsection 29(9) is deleted.

13. Subsection 30(2) of Schedule 25 of By-law No. 07-170 is deleted and replaced by the following new subsection 30(2):

(2) In the event that the applicant fails to meet the thirty (30) day period set out in subsection 30(1):

(a) his or her application for the licence shall be voided;

(b) he or she shall be ineligible for the licence;

**(c) his or her name shall be struck from the Priority List;
and**

(d) the next person on the Priority List shall become eligible for the licence.

14. Appendix 3 (Taxicab Priority List) of Schedule 25 of By-law No. 07-170 is deleted.

15. This By-law comes into force on the day it is passed.

PASSED this 11th day of May, 2011.



R. Bratina
Mayor



R. Caterini
City Clerk