



P.O. Box 1749
Halifax, Nova Scotia
B3J 3A5 Canada

Item No. 8.1.1
License Appeal Committee
July 20, 2022

TO: Chair and Members of the License Appeal Committee

- Original signed -

SUBMITTED BY: _____
Tanya Phillips, Acting Director, Compliance

DATE: **July 14, 2022**

SUBJECT: Appeal Report – Taxi Driver and Owner License Suspended, Hemanta Datta

ORIGIN

On May 5, 2022, Singleton & Associates on behalf of their client, Mr. Hemanta Datta, filed a notice of Appeal (attached as Appendix B) regarding the suspension of his taxi driver license #D760 and taxi owner license #254.

LEGISLATIVE AUTHORITY

Administrative Order One, The Procedure of the Council Administrative Order

By-law T-1000, Respecting the Regulation of Taxis, Accessible Taxis, Limousines and Transportation Network Companies.

MOTION FOR CONSIDERATION

In accordance with Section 58 of Administrative Order One, the motion before the Appeals Standing Committee is to allow the appeal.

RECOMMENDATION

It is recommended that the License Appeal Committee uphold the decision of the Licensing Authority and thereby deny the appeal.

BACKGROUND

On April 20, 2022, the victim logged a complaint with Halifax Regional Municipality. On April 27, 2022, the Licensing Authority was made aware by the Supervisor, Regional Compliance, of Mr. Hemanta Datta's criminal charges and pending court date of June 7, 2022.

Mr. Hemanta Datta was charged with the following criminal offences under the Criminal Code:

- Utter threats CBH/Death Sec. 264.1(1)(a)
- Assault Sec. 266

Upon review of Mr. Hemanta Datta's charges, the Licensing Authority issued a suspension letter for his taxi driver and taxi owner license (attached as Appendix C).

On May 5, 2022, Singleton & Associates, on behalf of their client, Mr. Hemanta Datta, submitted a Notice of Appeal to the Municipal Clerk's Office (attached as Appendix B).

On May 10, 2022, the Municipal Clerk's Office sent a letter (attached as Appendix D) to Mr. Hemanta Datta advising his appeal will be heard at the July 20, 2022, Licensing Appeal Committee meeting.

The Licensing Authority was notified by Halifax Regional Police, on June 15, 2022, that the court date changed to **July 12, 2022**.

On July 13, 2022, the Licensing Authority was notified by Halifax Regional Police that the court date changed to **August 16, 2022**.

DISCUSSION

Given the serious nature of the criminal charges, the Licensing Authority, in accordance with Section 44.1 (g) of By-Law T-1000 Respecting the Regulation of Taxis, Accessible Taxis, Limousines and Transportation Network Companies, considers that it is in the best interest of public safety to suspend Mr. Hemanta Datta's license to operate as a taxi driver and owner.

Section 44.1 (g) states:

44.1 The Licensing Authority may suspend or revoke the owner's license or driver's license, or both, the broker's or independent broker's license or the TNC License of any license holder, or refuse any applicant who:

(g) has a driving record, criminal or provincial offence record or outstanding criminal charges that in the opinion of the Licensing Authority makes him or her unfit to operate a taxi, accessible taxi, or limousine, as the case may be;

FINANCIAL IMPLICATIONS

There are no financial implications.

RISK CONSIDERATIONS

The risk considerations rate medium as the individual has been charged with Criminal Code violations while operating their vehicle as a taxi driver.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications.

ALTERNATIVES

The Licensing Appeal Committee may vary the decision of the Licensing Authority provided for under the By-law and in doing so, must provide reasons to be recorded in the minutes of the committee meeting.

ATTACHMENTS

- Appendix A: Copy of the Legislative Authority- By-law T-1000
- Appendix B: Copy of the Notice of Appeal dated May 5, 2022
- Appendix C: Copy of the Suspension Letter dated April 28, 2022
- Appendix D: Copy of the Municipal Clerk's letter dated May 10, 2022

A copy of this report can be obtained online at halifax.ca or by contacting the Office of the Municipal Clerk at 902.490.4210.

Report Prepared by: Lois Beaton McNamara, License Administrator, Compliance,
902.490.4064

Report Approved by: - Original signed -
Tanya Snair, Supervisor of Licensing, Compliance, 902.490.2550

- Original signed -
Report Approved by:

Tanya Phillips, Acting Director, Compliance, 902.490.4491

APPENDIX A

**HALIFAX REGIONAL MUNICIPALITY
BY-LAW NUMBER T-1000
RESPECTING THE REGULATION OF TAXIS, ACCESSIBLE TAXIS, LIMOUSINES
AND TRANSPORTATION NETWORK COMPANIES**

BE IT ENACTED by the Council of the Halifax Regional Municipality, under the authority of Section 305 of the *Motor Vehicle Act*, Chapter 293, R.S.N.S. 1989 as follows:

1.0 SHORT TITLE

1.1 This by-law may be cited as By-law Number T-1000 or as the *Halifax Regional Municipality Taxi, Limousine and Transportation Network Companies By-law*.

2.0 APPLICATION

2.1 (1) Subject to subsection (2), this by-law applies to vehicles used for the purpose of carrying passengers for hire in the Municipality and to the owners and operators of those vehicles.

(2) This by-law does not apply to:

(a) a vehicle licensed under the Motor Carriers Act or to the owner or operator of the vehicle;

(b) a vehicle engaged in a not for profit car pool or free for use shuttle service or the owner or operator of the vehicle;

(c) a vehicle transporting for hire passengers or goods brought into the Municipality from outside the limits of the Municipality, or transporting for hire passengers or goods taken on within the limits of the Municipality to be discharged or unloaded outside the limits of the Municipality; and

(d) a vehicle while engaged in services which are developed and provided by non-profit organizations through partnerships by coordinating public, private, non-profit, and volunteer resources, and services that receive provincial or municipal financial support to cover a portion of the operating costs of a community-based transportation service.

3.0 INTERPRETATION

3.1 In this by-law

“accessible taxi” means a vehicle licensed under this By-law as an accessible taxi;

“appeal” means an appeal of a discretionary decision of the Licensing Authority made under this By-law;

“Appeal Committee Member” means a person appointed pursuant to Schedule C to this By-law as a member of the License Appeal Committee;

“broker” means a person who provides a dispatch service of taxis and accessible taxis;

“broker license” means a license issued by the Municipality to a broker pursuant to this By-law;

“Council” means the Regional Council of Halifax Regional Municipality;

“dispatch service” means a service that assigns and dispatches a taxi or accessible taxi to a customer;

“driver’s license” means a license issued by the Municipality to a person permitting that person to operate a vehicle for hire within the Municipality, and includes a conditional taxi driver’s license where the context permits;

“electronic payment” means any kind of payment by means of an electronic device;

“global positioning system” means an electronic navigational system that sends and receives global positioning signals and can provide location and time information in all weather, anywhere on or near the Earth;

“independent broker” means a person who is a taxi owner and driver and does not subscribe to a dispatch service.

“independent broker license” means a license issued by the Municipality to an independent broker pursuant to this By-law;

“License Appeal Committee” means the committee appointed to hear appeals as set out in Schedule C to this By-law;

“licensed driver” means a person who holds a valid driver’s license permitting that person to operate a vehicle for hire within the Municipality;

“licensed owner” means the holder of an owner’s license for a licensed vehicle;

“licensed vehicle” means a vehicle that is licensed under this by-law as a taxi, accessible taxi or limousine;

“Licensing Authority” means the office responsible for the licensing and enforcement of By-law T-1000 and related regulations as designated by the Chief Administrative Officer or designate;

“limousine” means a vehicle that is licensed under this by-law as a limousine;

“medical report” means a report made by a physician licensed to practice in the Province of Nova Scotia;

“Municipality” means the Halifax Regional Municipality;

“owner” means the person issued the vehicle’s license plates, as indicated on the permanent Nova Scotia Vehicle Registration Permit for the vehicle, and includes any other person who holds the legal title of the vehicle;

“owner’s license” means a taxi owner’s license, an accessible taxi owner’s license or limousine owner’s license, and includes a conditional taxi owner’s license, conditional accessible taxi owner’s license or conditional limousine owner’s license where the context permits;

“parcels” includes boxes, packages and other articles of whatever nature;

“Peace Officer” means a police officer, by-law enforcement officer or a special constable appointed pursuant to the *Police Act*, S.N.S. 2004, c.31;

“public place” includes any highway, street, road, lane, alley, taxi stand or other public place in the Municipality;

“service animal” means any animal individually trained to do work or perform tasks for the benefit of the individual with a disability or is used for search and rescue or law enforcement;

“smoke” means smoke, inhale or exhale smoke from, burn, carry, hold or otherwise have control over a lit or heated cigarette, cigar, pipe, waterpipe, electronic cigarette or other device that burns or heats tobacco, cannabis or another substance that is intended to be smoked or inhaled;

"taxi" means a vehicle that is licensed under this by-law as a taxi, but does not include an accessible taxi;

"taxi meter" means a mechanical or electronic meter that automatically measures and registers the distance travelled by the vehicle and the fare corresponding to the distance as determined using the fares prescribed by Administrative Order 39;

"TNC Driver" means an individual who is affiliated with a Transportation Network Company for the purpose of transporting passengers for compensation using a TNC Vehicle;

"TNC License" means a license issued to a Transportation Network Company under this By-law;

"TNC Vehicle" means a motor vehicle with a capacity to carry a maximum of eight (8) passengers, plus the driver, that is used by a TNC Driver to provide transportation services that are offered or facilitated by a Transportation Network Company.

"Transportation Network Company" means any person that offers, facilitates, or operates prearranged transportation services for compensation, from a point in Municipality to any point within or beyond the Municipality, using any software or application or telecommunications platform or digital network to connect passengers with TNC Drivers, excluding a licensed taxicab using an app, and may also be referred to as "TNC" for the purposes of this By-law;

"vehicle" means a motor vehicle;

"vehicle for hire" means a motor vehicle that is used by a person to offer, facilitate or operate a transportation service of a passenger or parcels for compensation, and may include a taxi, an accessible taxi, a limousine or TNC vehicle;

4.0 OPERATING A LICENSED VEHICLE

4.1 For the purposes of this by-law the operation of a vehicle includes:

- (a) transporting passengers or parcels for hire in or through any public place in the Municipality;
- (b) being in or on any public place in the Municipality while in control of a vehicle for the purpose of offering the vehicle for hire;
 - (i) soliciting passengers for hire regardless of the method used to offer the vehicle for hire or
 - (ii) to solicit passengers and regardless of the method used to signal the driver that a person wants to engage the vehicle; and
- (c) waiting at any location in the Municipality, whether in a public place or a private place, while in the control of a motor vehicle for the purpose of offering the vehicle for hire;
 - (i) soliciting passengers for hire regardless of the method used to offer the vehicle for hire; or
 - (ii) to solicit passengers and regardless of the method used to signal the driver that a person wants to engage the vehicle.

5.0 NUMBER OF ACCESSIBLE TAXIS AND DRIVERS NOT AFFECTED

5.1 Nothing in this by-law affects or limits either directly or indirectly the number of accessible taxi drivers or the number of accessible taxi vehicles that may be licensed in the Municipality.

**PART 1
ADMINISTRATION**

6.0 ROLE OF LICENSING AUTHORITY

6.1 The Licensing Authority is responsible for the regulation of licensed vehicles, licensed owners, licensed drivers, brokers and independent brokers, and Transportation Network Companies and the administration and enforcement of the provisions of this by-law, and related regulations, and includes any officer or official carrying out those duties under this by-law.

6.2 The Licensing Authority must:

- (a) make all necessary inquiries concerning applications for licenses under this by-law;
- (b) examine or cause to be examined every applicant for a driver's license for compliance with this by-law;
- (c) examine or cause to be examined every vehicle to be licensed for compliance with this by-law;
- (d) keep a register of all licenses granted containing the name and complete mailing address of every license holder and the date of issue of each license;
- (e) issue licenses in accordance with this by-law if all requirements have been met;
- (f) provide applicants with a copy of this by-law and Administrative Order 39, upon request; and
- (g) determine by inspection and enquiry from time to time whether licensed owners, licensed drivers, licensed vehicles, brokers and independent brokers, Transportation Network Companies, TNC Drivers, TNC Vehicles and TNC Vehicle owners continue to comply with the provisions of this by-law and all applicable laws.

6.3 The Licensing Authority in its sole discretion may abridge or extend the time limits provided for in this by-law.

6.0A SCHEDULES

6.1A Any Schedule attached hereto shall form part of this By-law.

**PART 2
PROHIBITIONS RELATED TO UNLICENSED VEHICLES AND DRIVERS**

7.0 OPERATION OF VEHICLES

7.1 A person must not operate a vehicle to provide the services of a taxi, accessible taxi or limousine and the owner of a vehicle must not permit its operation as a vehicle to provide the services of a taxi, accessible taxi or limousine unless:

- (a) the vehicle is the subject of a valid taxi owner's license in the case of a vehicle offering the services of a taxi;
- (b) the vehicle is the subject of a valid accessible taxi owner's license in the case of a vehicle offering the services of an accessible taxi;
- (c) the vehicle is the subject of a valid limousine owner's license in the case of a vehicle offering the services of a limousine;
- (d) in the case of a taxi or accessible taxi, the original of the owner's license (photocopy or other facsimile is not permitted) for the vehicle is conspicuously displayed on or above the

doorpost or on the rear portion of the front seat, and, in case of a limousine, the original of the owner's license (photocopy or other facsimile is not permitted) for the vehicle is in the vehicle and available for presentation upon request; and

- (e) the license sticker issued for the vehicle by the Licensing Authority for the current license year is affixed to the vehicle in the location and manner prescribed by Administrative Order 39, or is affixed in such other location on the vehicle as approved by the Licensing Authority.
- 7.2 Subsection 7.1 does not apply so as to require a vehicle to be licensed under this by-law if it is used to transport parcels for a fee if it is not used to transport passengers for a fee.
- 7.3 A person must not operate a licensed vehicle as a vehicle for hire unless:
- (a) the person holds a valid driver's license issued pursuant to this by-law;
 - (b) the original of the driver's license (photocopy or other facsimile is not permitted) is conspicuously displayed in the vehicle and is readily visible to any passenger who may be in it.
- 7.4 For greater certainty, subsections 7.1, 7.2 and 7.3 do not apply to a TNC Driver or a TNC Vehicle.

8.0 DEEMED OPERATION OF TAXI OR ACCESSIBLE TAXI

- 8.1 A person who is in control of a taxi or accessible taxi in the Municipality while the vehicle's taxi roof sign is displayed or uncovered is deemed to be operating the vehicle as a vehicle for hire.

PART 3 OWNERS' LICENSES

9.0 OBTAINING OR RENEWING AN OWNER'S LICENSE

- 9.1 The Licensing Authority may issue owner's licenses that are either conditional or permanent.
- 9.2 Subject to this by-law, an owner of a motor vehicle:
- (a) who is an individual may obtain or renew an owner's license by applying in person to the Licensing Authority; or
 - (b) that is a corporation may renew an owner's license by having an officer of the corporation apply in person to the Licensing Authority.
- 9.3 An application to obtain or renew an owner's license must be accompanied by:
- (a) a criminal record/vulnerable sector check in respect of the applicant (if the applicant does not hold a driver license pursuant to this by-law), or if the applicant is a corporation, a criminal record/vulnerable sector check in respect of the applicant officer of the corporation;
 - (aa) a child abuse registry check in respect of the applicant, or if the applicant is a corporation, a child abuse registry check in respect of the applicant officer of the corporation;
 - (b) a statutory declaration attesting to the matters required by the Licensing Authority;
 - (c) all applicable fees for the license as set by Administrative Order 15;
 - (d) if the applicant is a corporation, a current print out from the Nova Scotia Registry of Joint Stocks showing an active status for the corporation that will operate the vehicle to which the license relates and if that corporation is not the holder of the owner's license also a letter authorizing the use of the corporation's name; and

- (e) a Nova Scotia Vehicle Registration permit listing the title and license plate in the name of the applicant or owner's license holder, or in the name of the lessor of a leased vehicle, if supported by lease documentation from a commercial lessor showing the applicant or owner's license holder as the lessee of the vehicle.
- 9.4** Despite subsections 9.3 (a) and (aa), if the applicant has applied for a criminal record/vulnerable sector report and a child abuse registry report but the report or reports are not available at the time of the application, the Licensing Authority may grant the applicant a conditional owner's license pending receipt of satisfactory reports, if the applicant submits proof to the Authority that the applicant has applied and paid for the reports and a statutory declaration attesting to the application for the record.
- 9.5** If a conditional owner's license has been issued in the circumstances described in section 9.4 and the criminal record/vulnerable sector report is not received by the Licensing Authority:
- (a) within 120 days of the date of issue, the conditional owner's license is automatically suspended until the report is received by the Licensing Authority; and
 - (b) within six months of the date of issue, the conditional owner's license is automatically terminated.
- 9.5A** If a conditional owner's license has been issued in the circumstances described in section 9.4 and the child abuse registry report is not received by the Licensing Authority:
- (a) within 30 days of the date of issue, the conditional owner's license is automatically suspended until the report is received by the Licensing Authority; and
 - (b) within six months of the date of issue, the conditional owner's license is automatically terminated.
- 9.6** If a conditional owner's license has been issued in the circumstances described in section 9.4 and an unsatisfactory criminal record/vulnerable sector report or child abuse registry report is provided, the Licensing Authority must immediately suspend the owner's license while the Licensing Authority confirms the information contained in the report, and if the information is confirmed the owner's license must be cancelled by the Licensing Authority.
- 9.7** The following insurance requirements apply to a vehicle that is the subject of an application under this section:
- (a) the vehicle must be insured by an SPF 1 Automobile Insurance Policy issued in the name of the owner's license holder in an amount not less than \$1,000,000.00 without any limit on any particular claim up to that amount regardless of the number of persons involved or the nature of the damage;
 - (b) repealed;
 - (c) the applicant must deposit the policy or policies required by this section with the Licensing Authority; and
 - (d) the applicant must have directed the insurance company issuing an insurance policy required by this section to advise the Licensing Authority of any change to the coverage and terms of the insurance policy during the term of the license and to notify the Licensing Authority when the insurance policy is no longer in effect.
- 9.8** Despite the definition of "owner" in section 3, if an owner's license held on October 19, 2010, was at that time subject to a written agreement in respect of a vehicle under which agreement the license holder was not the title or plate holder of the vehicle, the owner's license may be renewed if

the agreement between the two parties has continued uninterrupted since October 19, 2010 and as long as the agreement continues uninterrupted.

- 9.9** A vehicle to be licensed must meet and be maintained to the requirements prescribed by Administrative Order 39 and at any given time may be licensed as only one of the following:
- (a) a taxi;
 - (b) an accessible taxi; or
 - (c) a limousine.
- 9.10** An expired owner's license is not valid and not operational, but may be renewed within a 30-day grace period following its expiration date.
- 9.11** An expired owner's license cannot be renewed if more than 30 days have elapsed since its expiration date.
- 9.12** The Licensing Authority may waive the requirement under subsection 9.2 (a) for an individual to appear in person, if the individual submits a medical report satisfactory to the Licensing Authority setting out the medical reasons why applicant is unable to attend in person.
- 9.13** (1) The Licensing Authority must not issue or renew an owner's license unless the applicant and the vehicle to be licensed meets or continues to meet the requirements of this by-law and all applicable laws.
- (2) The Licensing Authority may decline to issue or renew any owner's license to any applicant when the Licensing Authority, determines that the issuance or renewal of the license is not in the best interests of furthering the objectives of this by-law, transformation of the vehicle for hire industry into a single owner license held by a licensed driver, service model.
- (3) Notwithstanding subsection 9.13(1) or any other provision of this by-law, the Licensing Authority may issue or renew an owner's license, which issuance or renew is not in compliance with any provision of this by-law, when the Licensing Authority, determines that exceptional circumstances warrant such issuance or renewal.
- (4) The Licensing Authority may temporarily suspend the issuance or renewal of an owner's license, or of a category of owner's licenses, as determined appropriate by the Licencing Authority to respond to circumstances that may arise.
- 9.14** The Licensing Authority must not issue or renew a taxi or limousine owner's license if the applicant:
- (a) is not a licensed driver in the Municipality; or
 - (b) in respect of a taxi owner's licence, the applicant already holds a taxi owner's license in the Municipality either in his or her name or in the name of a corporation in which the applicant is a shareholder.
- 9.14A** Section 9.14 does not apply to the issuing or renewal of accessible taxi owner licenses.
- 9.15** Section 9.14 does not apply to the renewal of an owner's license first issued before October 23, 2012, unless the owner has become a licensed driver subsequent to that date and does not apply to the renewal of a limousine owner licenses held in a company name on or before October 23, 2012.
- 9.16** The Licensing Authority must:

- (a) suspend an owner's license issued to an individual during such periods of time as the provincially issued license to the individual to operate a passenger vehicle is suspended or the driver's license held by the individual in accordance with this by-law is suspended, unless the suspension is due to medical reasons for which the license holder provides supporting documentation satisfactory to the Licensing Authority; and
 - (b) cancel an owner's license issued to an individual if the provincially issued license to the individual to operate a passenger vehicle is cancelled or the driver's license held by the individual in accordance with this by-law is cancelled, unless the cancellation is due to medical reasons for which the license holder provides support documentation satisfactory to the Licensing Authority.
- 9.17** Section 9.16 does not apply to owner's license first issued before July 19, 2008, unless the owner has become a licensed driver subsequent to that date.
- 9.18** Upon application to the Licensing Authority, a license holder may change the registered vehicle that is the subject of an owner's license to another vehicle:
- (a) that complies with this by-law, and
 - (b) upon payment of the fee as set out in Administrative Order 15.
- 9.19** (1) An owner's license is the property of the Municipality, is non-transferable, and automatically expires upon the death of the holder.
- (2) An owner's license issued in the name of a corporation may be renewed but is non-transferable and automatically expires on the sale, devolution or other transfer of any shares of the corporation or upon the issuance of any new shares by the corporation, to a person who was not a shareholder in the corporation on October 23, 2012.
- (3) The reproduction of an owner's license in any manner is prohibited.
- 9.20** A conditional owner's license may not be renewed, but is otherwise subject to the same privileges and requirements as a permanent owner's license unless, and to the extent, the contrary is contained in the attached conditions, or otherwise provided for in this By-Law or Administrative Order 39.

10.0 BUSINESS NAME AND ADDRESS

- 10.1** (1) An owner's license must specify;
- (a) the business name under which the vehicle to which the license relates is to be operated; and
 - (b) the business address and telephone number from which the vehicle is to be operated.
- (2) The applicant for an owner's license or for the renewal of an owner's license must, at the time of the application, provide the Licensing Authority with a company authorization letter or a current print out from their Nova Scotia Registry of Joint Stocks showing an active status for applicant as a the proprietorship, partnership or corporation, as the case may be.
- 10.2** A person must not operate a licensed vehicle as a vehicle for hire;
- (a) under any business name other than the name specified on the owner's license; or
 - (b) from any address other than the business address specified on the owner's license.

- 10.3 (1)** At least three days before making the change, the owner's license holder must notify the Licensing Authority of any change in;
- (a) the business name under which the licensed vehicle is operated;
 - (b) the business address from which the licensed vehicle is operated; or
 - (c) the owner's residential address.
- (2) Subject to subsection (1), the request for the change shall be accompanied with the payment of the fee as set out in Administrative Order 15.
- 10.4** Saturday, Sunday and holidays are not to be included in calculating the three-day period under section 10.3.

10.0A AFFILIATION WITH A BROKER OR INDEPENDENT BROKER

- 10.1A** Any owner's license that is a taxi or accessible taxi owner's license must specify the broker or independent broker the owner's license is affiliated with.
- 10.2A** The holder of the owner's license as set out in section 10.1A must notify the Licensing Authority of a change in the affiliation with a broker or independent broker within three days.
- 10.3A** Subject to section 10.2A, the request for the change in affiliation shall be accompanied with the payment of the fee as set out in Administrative Order 15.
- 10.4A** Saturday, Sunday and holidays are not to be included in calculating the three-day period under section 10.2A.

11.0 VEHICLE REGISTRATION & OWNERSHIP PERMIT

- 11.1** The holder of an owner's license must notify the Licensing Authority of any change in the Nova Scotia vehicle registration permit for the licensed vehicle forthwith after the change.
- 11.2** An owner's license automatically terminates unless the holder of that owner's license registers another vehicle to the license by the earlier of (a) 30 days from the removal of the vehicle or (b) 30 days from the expiration date of the license, in the event of the following:
- (a) holder of an owner's licences ceases to be the owner of licensed vehicle;
 - (b) the owner's license can not be renewed because the licensed vehicle is not in compliance with the vehicle requirements under this by-law; or
 - (c) the licensed vehicle is otherwise removed from an owner's license

**PART 4
DRIVERS' LICENSES**

12.0 OBTAINING A DRIVER'S LICENSE

- 12.1** Subject to this by-law, an individual may obtain or renew a driver's license by applying in person to the Licensing Authority using the form supplied by the Licensing Authority.
- 12.2** An application for a driver's license must be accompanied by:
- (a) a criminal record/vulnerable sector check dated within 30 days of the application;
 - (aa) a child abuse registry check dated within 30 days of the application;

- (b) a statutory declaration of the applicant attesting to the matters required by the Licensing Authority;
 - (c) all applicable fees for the license as set by Administrative Order 15;
 - (d) two professionally taken passport style photographs dated within 30 days of the date of application which are neither heat sensitive nor subject to fading; and
 - (e) a satisfactory Nova Scotia Registry of Motor Vehicles (Client Use) abstract of the applicant's driving record for the class of license prescribed by the *Classification of Drivers' Licenses Regulations*, N.S. Reg. 124/2015, dated within 30 days of the date of application.
- 12.3** Despite subsections 12.2 (a) and (aa), if the applicant is renewing a current driver's license and has applied for a criminal record/vulnerable sector report and a child abuse registry report but the reports are not available at the time of the application, the Licensing Authority may grant the applicant a conditional driver's license pending receipt of satisfactory reports, if the applicant submits proof to the Authority that he or she has applied and paid for the reports and a statutory declaration attesting to the application for the record reports.
- 12.4** If a conditional driver's license has been issued in the circumstances described in section 12.3 and the criminal record/vulnerable sector report is not received by the Licensing Authority;
- (a) within 120 days of the date of issue, the conditional driver's license is automatically suspended until the report is received by the Licensing Authority, and
 - (b) within six months of the date of issue, the conditional driver's license is automatically terminated.
- 12.4A** If a conditional driver's license has been issued in the circumstances described in section 12.3 and the child abuse registry report is not received by the Licensing Authority;
- (a) within 30 days of the date of issue, the conditional driver's license is automatically suspended until the report is received by the Licensing Authority; and
 - (b) within six months of the date of issue, the conditional driver's license is automatically terminated.
- 12.5** If a driver's license has been issued in the circumstances described in section 12.3 and the criminal record/vulnerable sector report or the child abuse registry report is not satisfactory to the License Authority, the License Authority must immediately suspend the driver's license while the Licensing Authority confirms the information contained in the report, and if the confirmed information is not satisfactory to the Licensing Authority the conditional driver's license must be cancelled by the Licensing Authority.

13.0 DRIVER'S NAME AND ADDRESS

- 13.1** An applicant for a driver's license must supply a valid residential address and telephone number as part of the licensing information.
- 13.2** Within three business days of a change in his or her residential address or telephone number, a licensed driver must notify the Licensing Authority of the current information.

14.0 CONDITIONAL AND PERMANENT DRIVERS' LICENSES

- 14.1** The Licensing Authority may issue drivers' licenses that are either conditional or permanent.
- 14.2** Subject to section 14.4, a person who has not previously held a permanent driver's license may only apply for a conditional driver's license.

- 14.3** An applicant may be issued a conditional driver's license if the applicant has met all other requirements of this by-law; and
- (a) has supplied proof of successful completion of the English Language proficiency test, as in effect from time to time, approved by the Licensing Authority;
 - (b) has successfully completed the licensing process and examinations, as in effect from time to time, approved by the Licensing Authority; and
 - (c) has supplied proof of registration for the National Standards Certification Program for Taxicab/Limousine Drivers administered by the Nova Scotia Tourism Human Resource Council.
- 14.4** A person who has held a permanent driver's license pursuant to this by-law, within the two years preceding their application for a driver's license and who meets the requirements for a driver's license set out in this by-law may be issued a permanent driver's license.
- 14.5** The holder of a conditional driver's license who meets the requirements for a licensed driver set out in this by-law and who has:
- (a) supplied proof of successful completion of a winter driving course, as in effect from time to time, approved by the Licensing Authority;
 - (b) supplied proof of successful completion of the mandatory training course, as in effect from time to time, approved by the Licensing Authority; and
 - (c) successfully completed the National Standards Certification Program for Taxicab/Limousine Drivers administered by the Nova Scotia Tourism Human Resource Council;
- may be issued a permanent driver's license.
- 14.5B** The holder of any class of driver's license shall, on request by the Licensing Authority, take or re-take and supply proof of successful completion of any course or test as determined appropriate by the Licensing Authority.
- 14.6** A conditional driver's license may not be renewed but is otherwise subject to the same privileges and requirements of a permanent driver's license unless, and to the extent, the contrary is contained in the attached conditions, or otherwise provided for in this By-Law or Administrative Order 39.
- 14.7** If the holder of a driver's license issued by the Municipality suffers a suspension or revocation of his or her provincially issued license to operate a passenger vehicle, then that person's driver's license must be correspondingly suspended or revoked for the same period of time.
- 14.8** (1) A driver's license is the property of the Municipality, is non-transferable and automatically terminates upon the death of the holder.
- (2) The reproduction of a driver's license in any manner is prohibited.
- 14.9** An applicant to obtain or renew a driver's license who is claiming the benefit of sections 28.1(k)(i) or 28.3 due to physical limitation or disability, shall provide an up to date medical report at the time of the application.
- 14.10** The Licensing Authority may temporarily suspend the issuance or renewal of a driver's license, or of a category of driver's licenses, as determined appropriate by the Licensing Authority to respond to circumstances that may arise.

15.0 EXPIRY OF APPLICATIONS

15.1 An application for a driver's license automatically expires if the applicant fails to complete the examination process within 12 months from the date of the application.

16.0 FAILURE TO PASS EXAMINATIONS

16.1 An applicant for a driver's license who fails the examinations required by subsection 14.3 (b) twice within the 12 month period following the date of the application, must wait three months from the date of the last attempt before submitting a new application.

**PART 5
TERM OF LICENSES**

17.0 EXPIRY OF OWNERS' LICENSES

17.1 An owner's license held by an individual expires one year from the date the Licensing Administrator determines the license is effective.

17.2 If an owner's license is held by a corporation, it may select a renewal date for the owner's license for that corporation and thereafter every owner's license held by that corporation expire on the next anniversary of that date.

18.0 EXPIRY OF DRIVERS' LICENSES

18.1 A permanent driver's license expires two years from the date the Licensing Administrator determines the license is effective.

18.2 A conditional driver's license is only valid for 12 months and will terminate one year from the date the Licensing Administrator determines the license is effective.

18.3 If a person's conditional driver's license has expired or been cancelled, that person is not eligible to apply for a permanent license or another conditional driver's license within six months of the expiration or cancellation date of the previous conditional license.

18.4 A driver's license automatically terminates upon the death of the holder.

19.0 FEES: PRORATION AND NONREFUNDABILITY

19.1 Repealed.

19.2 The license fee for a license is not refundable if the license is cancelled, or suspended.

20. EXPIRY DATE TO APPEAR ON LICENSES

20.1 The expiry date must be clearly printed on every owner's license and every driver's license.

21.0 GRACE PERIOD: OWNERS' LICENSES

21.1 Despite the expiry of an owner's license, the license may be renewed at any time within 30 days following its expiry. Licenses in their grace period are not legal to operate.

21.2 Despite the expiry of an owner's license the Licensing Authority may upon application by an owner extend the period in which to renew an owner's license if:

- (a) the licensed vehicle to which the license relates has been damaged and prevents the vehicle from being operated as a vehicle for hire; and
- (b) the damage has been certified by an adjuster or the licensed owner's insurer or otherwise established to the satisfaction of the Licensing Authority.

- 21.3 An expired owner's license cannot be renewed if the grace period permitted by section 21.1 or as extended by section 21.2 has expired.

22.0 INCAPACITATED OWNERS AND DRIVERS

- 22.1 (1) A driver's licence that has not been renewed because of illness or injury suffered by the license holder may be renewed at any time upon presentation to the Licensing Authority of a medical report satisfactory to the Authority that the licence holder was prevented for medical reasons, during the entire period in question, from being able to operate a vehicle for hire.
- 22.2 (1) An owner's licence that has not been renewed because of illness or injury suffered by the license holder may be renewed at any time upon presentation to the Licensing Authority of a medical report satisfactory to the Authority that the licence holder was prevented for medical reasons, during the entire period in question, from being able to renew the licence.
- 22.3 Upon the request of the holder of an owner's license, supported by a medical report satisfactory to the Licensing Authority that establishes to the satisfaction of the Licensing Authority that the license holder is incapable of operating a vehicle as a vehicle for hire for medical reasons, the Licensing Authority must suspend the owner's license until such time as the owner supplies confirmation by way of a medical report satisfactory to the Licensing Authority that they are again capable of operating the vehicle for hire.
- 22.4 Despite any limitation on the number of owners' licenses that may be issued, if the Licensing Authority has confirmation of a medical suspension under section 22.3, the Licensing Authority, in its discretion, may issue an owner's license to the next person on the waiting list.

23.0 LICENSES BECOME INVALID AND NON OPERATIONAL ON EXPIRY

- 23.1 An owner's license or driver's license that has expired or that has been suspended, cancelled, revoked or terminated is not valid or operational.

24.0 REPLACEMENT LICENSES

- 24.1 An owner's licence or driver's licence that has been destroyed, lost or stolen will be replaced by the Licensing Authority upon receipt of sufficient proof of the destruction, loss or theft and upon payment of the fee required by Administrative Order 15.

PART 6 OWNERS' RESPONSIBILITIES

25.0 DUTY TO MAINTAIN INSURANCE

- 25.1 The holder of an owner's license:
- (a) must maintain the insurance described in section 9.7 at all times and must provide to the Licensing Authority, upon demand, evidence that the insurance is in force; and
 - (b) must require the agent or the insurance company that issued the policy of insurance to immediately notify the Licensing Authority of any changes in coverage or the cancellation of any insurance policy.
- 25.2 The agent or the insurance company referred to in subsection 25.1 (b) must immediately notify the Licensing Authority of any change or cancellation of the policy of insurance.
- 25.3 The Licensing Authority must immediately suspend an owner's license if it receives notification or otherwise has reason to believe that the insurance for the licensed vehicle may have lapsed, been suspended or cancelled, and if it is confirmed that the vehicle is no longer insured, the Licensing Authority must cancel the owner's license.

25.4 Despite sections 25.1 and 25.3, if the holder of an owner's license submits a medical report satisfactory to the Licensing Authority establishing that the license holder is incapable of operating the vehicle to which the license relates as a vehicle for medical reasons, the Licensing Authority shall suspend the owner's license until such time as the owner is again capable of operating the vehicle as a vehicle for hire.

26.0 ACCESSIBLE TAXI: PHYSICALLY CAPABLE DRIVERS & PASSENGER SECUREMENT SYSTEMS

26.1 The holder of an accessible taxi owner's license must ensure that all drivers of the accessible taxi to which the license relates are properly instructed on how to apply and do apply the accessible taxis mobility aid securement systems and occupant restraint systems to all wheelchair passengers in accordance with the manufacturer's specifications, prior to operating the taxi.

26.2 All drivers of accessible taxi vehicles must ensure that all necessary assistance is provided to passengers to facilitate the use of the accessible taxi and that all mobility aid securement systems and occupant restraint systems are applied to all wheelchair passengers in accordance with the manufacturer's specifications, prior to operating the taxi.

27.0 DUTY TO ENSURE DRIVERS ARE LICENSED

27.1 The holder of an owner's license must not permit any person to operate the vehicle to which the license relates as a vehicle for hire unless the person is in possession of both a valid provincially issued Nova Scotia license to operate a passenger vehicle and a valid driver's license in accordance with this by-law.

**PART 7
DRIVER RULES**

28.0 COMPLIANCE

28.1 The driver of a licensed vehicle for hire must comply with the following rules while in control of the vehicle to which the license relates:

- (a) a driver must maintain a high standard of personal hygiene which will be reflected in a neat, clean and professional appearance and personal cleanliness at all times;
- (b) a driver must not have any other person in the vehicle while engaged by a passenger unless that passenger gives their consent;
- (ba) a driver while transporting a passenger must not
 - (i) use a cellular telephone; or
 - (ii) use a hands-free headset;
- (bb) clause (ba) shall not apply to a driver who uses a cellular telephone or hands-free headset
 - (i) to report an immediate emergency situation, or
 - (ii) in the course of providing a guided tour;
- (c) a driver must not charge separate fares when there is more than one passenger, unless agreed upon by all passengers;
- (d) upon being applied to in person or by radio, or other electronic means, a driver must, unless already engaged by a passenger, place themselves and the vehicle at the disposal of the person so applying and the driver must proceed to any place in the Municipality that the person requests, but the driver may refuse to drive the person if;

- (i) Repealed
 - (ii) the person's conduct at the time of applying, is such that it causes a driver to fear for his or her safety; or
 - (iii) the person refuses to provide proof of payment or partial payment in advance, as provided for in Administrative Order 39.
- (e) a driver must transport any personal luggage accompanying a passenger and must place the luggage in and take it out of the vehicle if requested to do so by the passenger;
 - (f) if a driver engages to be at a particular place at a particular time, he or she must be punctual in attendance at the that time and place;
 - (g) a driver must not use abusive or insulting language;
 - (ga) a driver must not interfere with the free selection by any passenger of any vehicle;
 - (h) a driver while in any public place, must not be noisy or display behaviour that is disruptive or offensive to the public;
 - (i) a driver may solicit passengers but such solicitation must be done professionally and not in a manner that is noisy, disorderly or considered disruptive or offensive to the public;
 - (j) unless otherwise directed by the passenger, the driver must proceed to the destination by the most direct and shortest route;
 - (k) a driver must not refuse to transport a disabled passenger or a service animal unless:
 - (i) the refusal is justified by physical limitations or disabilities of the driver, and the driver has provided a medical report to the Licensing Authority that supports his or her claim of physical limitations or disabilities, or
 - (ii) transporting the passenger would constitute a by-law violation; and
 - (l) a driver must not smoke, including e-cigarettes, in the vehicle nor permit passengers to smoke, including e-cigarettes, in the vehicle;
 - (m) a driver must abide by the the Taxicab Passenger/Operator Code of Ethics as set out in Schedule 6 of Administrative Order #39 and ensure that the Code of Ethics is available in the vehicle for passengers; and
 - (n) a driver must not engage in sexual relations with any passenger
 - (i) during the transporting of a passenger or passengers in the vehicle, or
 - (ii) immediately after transporting a passenger or passengers to a destination.

28.1A A driver, while on duty, must not behave in a manner that places at risk the public confidence in the vehicle for hire industry.

28.2 A driver of a licensed vehicle may determine whether a passenger may eat or drink while in the vehicle and where a passenger is to sit.

28.3 Despite subsection 28.1 (e), a driver may refuse to handle luggage if the refusal is justified by his or her physical limitations or disabilities and a medical report on the physical limitations or disabilities has been filed with the Licensing Authority.

28.4 A medical report referred to in subclause 28.1(k)(i) and section 28.3 must

- (a) be on file with the Licensing Authority prior to a refusal; and
- (b) be on the signing doctor's letterhead.

29.0 DUTY TO ASSIST PASSENGER

29.1 The driver of a licensed vehicle for hire must render all reasonable assistance requested by a passenger in entering or exiting the vehicle or in loading items into the vehicle.

PART 8 SMOKE FREE VEHICLES, SIGNS, FARES, METERS AND GLOBAL POSITIONING SYSTEMS

30.0 VEHICLES TO BE SMOKE FREE

30.1 The owner of a licensed vehicle must not permit smoking in the vehicle at any time, whether or not the vehicle is being operated at the time as a vehicle for hire.

30.2 Neither the owner nor the driver of a licensed vehicle may represent that it is a non-smoking vehicle or a smoke free vehicle if it has been smoked in while owned by the current owner.

31.0 SIGNS

31.1 A vehicle must not be operated as a taxi or an accessible taxi unless it is equipped with a taxi roof light sign that complies with the requirements for taxi roof lights set out in Administrative Order 39.

31.2 Repealed.

31.3 A taxi or accessible taxi may display only rooftop advertising that complies with the requirements for rooftop advertising set out in Administrative Order 39.

31.4 The taxi roof light sign must be removed from a taxi, accessible taxi or covered with opaque material when the vehicle is not in service as a vehicle for hire.

31.5 A taxi, accessible taxi or limousine must display and maintain any other signs and decals as set out in Administrative Order 39.

32.0 FARES

32.1 A licensed vehicle may carry passengers and their parcels for hire and may carry parcels for hire in the absence of passengers.

32.2 An owner or driver of a licensed vehicle must charge the applicable fares and rates prescribed by Administrative Order 39.

32.3 The fare or rate charged by the owner or driver of a licensed vehicle for the carriage of parcels in the absence of passengers must be the same as for the carriage of passengers.

32.4 An owner or driver of a taxi or accessible taxi is guilty of an offence if he or she receives or demands a fare that is greater than that registered on the vehicle's taxi meter, unless the fare is otherwise in accordance with the fares set out in Administrative Order 39.

32.5 It is not an offence for a driver of a vehicle for hire to accept a gratuity voluntarily offered by a passenger or in the absence of a passenger a person shipping or receiving parcels.

- 32.6** (1) The driver of a vehicle for hire must not demand any additional charge for:
- (a) the transportation of wheelchairs, walkers or service animals accompanying disabled passengers; or
 - (b) escorting passengers to and from the first accessible door of their pick-up or destination.
- (2) For the purposes of subsection(1)(a), "service animal" means any animal individually trained to do work or perform tasks for the benefit of the individual with a disability or is used for search and rescue or law enforcement.
- 32.7** It is not an offence for a driver of a vehicle for hire to negotiate with a passenger an amount to recover the costs of cleaning or repairing the vehicle if the passenger has damaged or soiled the vehicle.
- 32.8** The driver of a taxi or accessible taxi must post in a place which is clearly visible to passengers:
- (a) a copy of Taxi Rate Schedule set out in Schedule 1 to Administrative Order 39; and
 - (b) if the driver charges fares provided for in Schedule 2 of Administrative Order 39, a copy of the tariff of fares as set out in the Schedule.
- 32.9** The owner or driver of a taxi, accessible taxi or limousine must accept payment of fares by, at a minimum, all of the following methods;
- (a) cash,
 - (b) on account, and
 - (c) electronic payment for debit card and credit card.

33.0 TAXI METERS

- 33.1** A vehicle must not be licensed or operated as a taxi or accessible taxi unless it has a functioning taxi meter installed in the vehicle.
- 33.2** Only one taxi meter may be installed in a taxi or accessible taxi.
- 33.3** The following specifications apply to a taxi meter and its installation:
- (a) it must register only a single tariff;
 - (b) it must be connected to and operated from a front wheel of the vehicle or from its transmission or driveshaft;
 - (c) it must be equipped with a timing device that registers the fare while the taxi is engaged but not in motion in accordance with the taxi rate schedule as outlined in Administrative Order 39;
 - (d) it must be mounted in the taxi so that the registered fare is clearly visible to passengers at all times and is illuminated by a suitable light while in operation at night;
 - (e) the taxi meter casing and internal components must be kept sealed and intact; and
 - (f) it must not be calibrated to register any fare other than the fares as outlined in Schedule 1 of Administrative Order 39.

- 33.4 The holder of an owner's license must, at his or her own expense, provide to the Licensing Authority a certificate stating that the taxi meter is properly calibrated to show the fares set out in Schedule 1 of Administrative Order 39.
- 33.5 The Licensing Authority may refuse to accept a certificate provided under section 33.4 if, in the Licensing Authority's opinion, it cannot be relied upon.
- 33.6 The Licensing Authority must suspend the license of an owner of a taxi or accessible taxi who has contravened section 33.4.
- 33.7 A license suspended under section 33.6 may be reinstated, subject to any other penalty, or continued suspension, pursuant to this bylaw that is appropriate in the circumstances in the judgment of the Licensing Authority, when the owner satisfies the Licensing Authority that the vehicle to which the suspension relates is equipped with a properly installed and calibrated taxi meter.

34.0 DUTY TO USE TAXI METER

- 34.1 The driver of a taxi or accessible taxi who transports any passenger or parcel for hire must ensure that the taxi meter operates during the entire period that the vehicle is engaged unless:
- (a) the driver has made an agreement with the passenger for transportation of the passenger or parcel at the hourly rate provided for in Schedule 1 of Administrative Order 39;
 - (b) the driver is charging a fare provided for in Schedule 2 of Administrative Order 39; or
 - (c) there is a contract for special rates in effect for the transportation of the passenger or parcel as provided for in Schedule 1 of Administrative Order 39.

35.0 TAXI METER INSPECTION

- 35.1 The Licensing Authority may at any time inspect any taxi meter that is installed in a taxi or accessible taxi and may apply such tests to the vehicle and meter as may be necessary to ascertain the accuracy of the taxi meter.
- 35.2 An owner or driver of a taxi or accessible taxi who fails to allow an inspection required by the Licensing Authority or its appointee under section 35.1 or who fails to allow or hinders a test referred to in that section is guilty of an offence.
- 35.3 Without restricting any charge that may be brought under section 35.1, if an owner or driver of a taxi or accessible taxi has failed to allow an inspection required by the Licensing Authority or its appointee under section 35.1 or has failed to allow or hinders a test referred to in that section, the Licensing Authority must immediately suspend the license of the owner of the vehicle and the driver.
- 35.4 A license suspended under section 35.3 must remain suspended at least until the Licensing Authority is satisfied with the accuracy of the meter.

36.0 OFFENCE: INACCURATE TAXI METERS

- 36.1 An owner and driver of a taxi or accessible taxi is guilty of an offence if he or she operates or permits the vehicle to be operated as a taxi or accessible taxi if the taxi meter in the vehicle shows a variation of more than five per cent from the proper fare as set out in Schedule 1 to Administrative Order 39.

36.0A GLOBAL POSITIONING SYSTEMS

- 36.1A A vehicle must not be licensed or operated as a taxi or accessible taxi unless it has a functioning global positioning system installed in the vehicle.

36.2A Every global positioning system must:

- (a) be capable of tracking and locating the position of a vehicle;
- (b) include a vehicle location system;
- (c) be equipped with an emergency call button;
- (d) be fully operational at all times when the vehicle is available for hire to the public; and
- (e) be capable of storing data that shall be shared, upon request, with the Licensing Authority.

**PART 9
TAXI OWNER'S LICENSE LIMITATIONS**

37.0 Repealed

38.0 TAXIS TO DISPLAY VALID LICENSE

38.1 Repealed.

38.2 Repealed.

38.3 A vehicle may only be operated as taxi if a valid license sticker is affixed to the vehicle in the location and manner prescribed by Administrative Order 39, or is affixed in such other location on the vehicle as approved by the Licensing Authority.

39.0 Repealed

40.0 TAXI OWNER'S LICENSE LIMITATIONS

40.1 The number of taxi owners' licenses in force at any time in the Municipality must not exceed the number prescribed by Administrative Order 39.

40.2 Except as otherwise provided in this by-law, the Licensing Authority must not issue a new taxi owner's license unless the number of taxi owners' licenses in force is below the number prescribed by Administrative Order 39.

40.3 Unless otherwise provided for in this By-Law, or unless the Licensing Authority determines that exceptional circumstances exist, a taxi owner's license that is revoked or surrendered, or which ceases to be in force for any reason other than expiration, can not be renewed or reissued if the renewal or reissuance will result in the number of licenses in force exceeds the number prescribed in Administrative Order 39.

40.4 The Licensing Authority must maintain a waiting list of applicants for new taxi owner's licences in accordance with Administrative Order 39 and the maintenance of the waiting list and new licenses are to be issued in accordance with Administrative Order 39.

40.5 Section 40.1 does not apply to accessible taxi owner licenses.

**PART 10
COMMON TAXI STANDS**

41.0 COMMON TAXI STANDS

41.1 The Traffic Authority for the Municipality may establish Common taxi stands designated by appropriate signs as provided for under the *Motor Vehicle Act*.

41.2 A common stand may only be used by licensed taxis.

41.3 The following rules apply to the use of a common stand by the driver of a taxi or accessible taxi:

- (a) a driver whose vehicle is available for hire may take a position with his or her vehicle at any common stand where there is vacant position in accordance with the number of positions established by the Traffic Authority as posted on the common taxi stand sign;
- (b) a driver entering a common stand must take his or her position at the rear of the last vehicle in line at the stand;
- (c) whenever a vehicle leaves the common stand, all other drivers must move their vehicles ahead;
- (d) a driver must move his or her vehicle when necessary to allow the departure from the common stand of any other taxi or accessible taxi; and
- (e) a driver parked at a common stand must not:
 - (i) leave his or her vehicle unattended,
 - (ii) obstruct the exit of another vehicle whose driver indicates a desire to leave the stand, or
 - (iii) interfere with the free selection by any passenger of any vehicle at the stand.

PART 11

42.0 Repealed

PART 12

43.0 NATIONAL STANDARDS CERTIFICATION FOR DRIVERS

43.1 A person who holds a driver's license and who has successfully completed the National Standards Certification Program for Taxicab/Limousine Drivers administered by the Nova Scotia Tourism Human Resource Council may apply to the Licensing Authority to have the National Certification Standard identified on his or her driver's license.

PART 12A

BROKERS AND INDEPENDENT BROKERS

43.0A APPLICATION FOR BROKER OR INDEPENDENT BROKER LICENSE

43.1A A license for a broker or independent broker shall be issued when the applicant has provided the Licensing Authority with the following:

- (a) a completed application for a broker or independent broker license;
- (b) if a corporation, file copies of the letters of incorporation or other incorporating documents, duly certified by the proper government official or department, together with an annual return which contains a list of all shareholders of the corporation;
- (c) if a partnership, provide the names and addresses of each member of the partnership as well as the name under which the partnership intends to carry on business;

- (d) the municipal address from which the applicant will be providing dispatching services;
- (e) if an individual, a municipal address from which the applicant will be operating the business; and
- (f) the fee as set out in Administrative Order #15.

43.2A Upon issuance of a broker license or an independent broker license, the Licensing Authority shall furnish to the licensee the license certificate.

43.3A A license for a broker or independent broker issued under this By-law is not transferable.

43.0B CONDITIONS OF RENEWAL OF A BROKER OR INDEPENDENT BROKER LICENSE

43.1B A broker license or an independent broker license issued by the Municipality shall be valid for a period not exceeding one (1) year.

43.2B A broker license or an independent broker license may be renewed by the Municipality upon the licensed broker or independent broker providing to the Licensing Authority, prior to the expiry date of their current broker license or independent broker license:

- (a) a completed renewal application for a broker license or an independent broker license;
- (b) the renewal fee as set out in Administrative Order #15.

43.0C REQUIREMENTS OF A BROKER OR INDEPENDENT BROKER

43.1C A licensed broker or independent broker shall:

- (a) accept requests to dispatch taxi and accessible taxi service, as a minimum, by telephone;
- (b) maintain and produce a detailed record of every taxi and accessible taxi service request for a period of not less than one (1) year following the conclusion of the trip, which record shall include:
 - (i) the geographic start point and endpoint of each trip, by longitude and latitude;
 - (ii) the time of arrival at pick-up;
 - (iii) the time of arrival at the destination; and
 - (iv) the driver name and license number;
- (c) provide the records maintained in accordance with clause (b) within 24 hours of receiving a request by the Licensing Authority; and

43.2C In addition to section 43.1C, a licensed broker shall:

- (a) provide the date and time of each request for taxi or accessible taxi service;
- (b) provide a list of all taxi owner license numbers with whom the broker has entered into any form of arrangement to provide dispatch services upon request of the Licensing Authority;
- (c) maintain and produce a detailed record of every taxi and accessible taxi service request for a period of not less than one (1) year following the conclusion of the trip, which record shall include:
 - (i) the taxi owner license number for each taxicab dispatched for each trip; and

- (ii) the total number of trips requested and fulfilled, and
- (iii) the total number of trips requested and not fulfilled, with
 - a. the reason for cancellation of the trip, and
 - b. the geographic start point by longitude and latitude;

43.3C In addition to section 43.1C, a licensed independent broker shall provide the total number of trips fulfilled.

43.4C A licensed broker shall submit the information and data set out in sections 43.1C and 43.2C once per quarter.

43.5C A licensed independent broker shall submit the information and data as set out in sections 43.1C and 43.3C once per quarter.

43.6C A broker or independent broker shall:

- (a) enter into a data sharing agreement with the Municipality, and
- (b) obtain written consent to the disclosure of information under the data sharing agreement from any affiliated taxi owner and taxi driver.

43.7C A licensed broker or licensed independent broker shall only permit a driver licensed under this By-law to operate a taxi or accessible taxi.

43.8C A licensed broker shall refuse to dispatch a taxi or accessible taxi where the taxi owner license number associated with the taxi is not currently licensed under this By-law.

PART 12B TRANSPORTATION NETWORK COMPANIES

43.0D TRANSPORTATION NETWORK COMPANY LICENSE REQUIRED

43.1D Every person who owns or operates a Transportation Network Company shall obtain a TNC License under this By-law.

43.2D A TNC License issued under this By-law is not transferable.

43.0E EXEMPTIONS

43.1E This Part shall not apply to:

- (a) taxi or accessible taxi services dispatched by a licensed broker or licensed independent broker, and taxi and accessible taxi services provided by a licensed taxi owner or a licensed taxi driver, under this By-law;
- (b) limousine services provided by a licensed limousine service provider under this By-law; or
- (c) a passenger transportation system provided by the Halifax Regional Municipality including public transit services known as Halifax Transit and Access-a-Bus.

43.0F CONDITIONS FOR ISSUANCE OF TNC LICENSE

43.1F The Licensing Authority shall only issue a TNC License under this By-law if the applicant:

- (a) has provided proof that the corporation is legally entitled to conduct business in Nova Scotia, if the applicant is a corporation, including but not limited to letters of incorporation or other incorporating documents, duly certified by the proper government official or department of the Province of Nova Scotia or of the Government of Canada; and,
- (b) has provided the names and addresses of each member of the partnership as well as the name under which the partnership intends to carry on business, if the applicant is a partnership,
- (c) has provided a completed application form prescribed by the Licensing Authority for a TNC License;
- (d) has paid the licensing fee prescribed in Administrative Order 15;
- (e) has provided the address and contact information of a place of business in Nova Scotia, which is not a post office box, to which the Municipality may send during business hours any notice or documentation or communication that may be required under this By-law and at which the applicant or the applicant's agent will accept receipt of such notice, documentation or communication;
- (f) has provided proof of insurance required under this Part; and
- (g) has provided any other information required by the Licensing Authority for the purposes of issuance of a TNC License.

43.0G CONDITIONS FOR RENEWAL OF TNC LICENSE

43.1G A TNC License issued by the Licensing Authority is valid for a period of one (1) year from the date of issuance.

43.2G A TNC License may be renewed by the Licensing Authority upon the provision by the Licensee, prior to the expiry of the License, of the following:

- (a) a completed renewal application as prescribed by the Licensing Authority;
- (b) proof of insurance required under this Part;
- (c) payment of the renewal fee prescribed in Administrative Order 15; and,
- (d) any other information required by the Licensing Authority for the purposes of renewal of a TNC License.

43.0H TNC COMMUNICATIONS TO PASSENGERS

43.1H Any software or application or telecommunications platform or digital network used or facilitated by a Transportation Network Company to connect passengers with TNC Drivers must:

- (a) at the time of the arranging of the trip, disclose to the passenger requesting the transportation service:
 - (i) the first name and photograph of the TNC Driver who will provide the transportation service;
 - (ii) a description of the make, model, colour and license plate of the TNC Vehicle that will be used to provide the transportation service;
 - (iii) the applicable rate being charged for the trip,
 - (iv) the surcharge for the trip, if any;

- (v) an estimate of the total cost of the trip, if requested by the passenger;
 - (vi) allow the passenger to track the location and route of the TNC Vehicle providing the transportation service; and
 - (vii) provide the ability for the passenger to rate the TNC Driver and TNC Vehicle used to provide the transportation service.
- (b) include a process by which the passenger accepts or refuses the transportation service prior to the trip commencing and keeping a record of such acceptance or refusal;
 - (c) provide a secure payment mechanism for the trip;
 - (d) provide a print or electronic receipt to the passenger at the end of the trip or shortly thereafter that includes information confirming:
 - (i) the rate and surcharge, if any, charged for the trip;
 - (ii) the total amount paid for the trip;
 - (iii) the date and time of the trip;
 - (iv) the destination(s) of origin and the final destination(s) of the trip;
 - (v) the total time and total distance of the trip;
 - (vi) the first name of the TNC Driver who provided the transportation service; and,
 - (vii) the make, model and license plate number of the TNC Vehicle used to provide the transportation service.

43.2H A Transportation Network Company shall make available to the public, in an easily accessible format on its software or application or telecommunications platform or digital network and by any other means of its choice, information about:

- (a) the insurance coverage required to be maintained by the TNC and by TNC Drivers under this By-law, including the amount and type of the insurance coverage, and the parties and properties insured;
- (b) information about the transportation services offered by TNC Drivers;
- (c) the applicable screening process for TNC Drivers and TNC Vehicles; and,
- (d) notification that TNC Drivers are prohibited from soliciting, accepting requests for transportation services that are not prearranged using the software or application or telecommunications platform or digital network of the Transportation Network Company with which the TNC Driver is affiliated, including accepting street hails or picking up fares at taxi stands.

43.01 DATA ON TRIPS

43.1I A Transportation Network Company shall:

- (a) enter into a data sharing agreement with the Municipality, and
- (b) obtain written consent to the disclosure of information under the data sharing agreement from any affiliated TNC Driver and TNC Vehicle owner.

43.2I A Transportation Network Company shall create and maintain records of the following information in a format accessible by the Licensing Authority, for a period of not less than one (1) year following the conclusion of the trip:

- (a) the total number of trips requested and fulfilled, and requested and not fulfilled;
- (b) for each trip provided by a TNC Driver,
 - (i) the date and time of the trip requested and fulfilled, and
 - (ii) its geographic start point and endpoint, by longitude and latitude;
- (c) for each trip requested and not fulfilled,
 - (i) the reason for the cancellation of the trip, and
 - (ii) the geographic start point, by longitude and latitude; and
- (d) the TNC Driver and TNC Vehicle information corresponding with each requested trip, including:
 - (i) the full name of the TNC Driver,
 - (ii) the license plate number of the TNC Vehicle,
 - (iii) the year, make and model of the TNC Vehicle,
 - (iv) the date, time and duration of the trip, and,
 - (v) the hours and minutes spent by the TNC Vehicle, transporting the passenger(s), including time spent enroute to pick up the passenger(s).

43.3I A Transportation Network Company shall make available to the Licensing Authority the records or information required pursuant to section 43.1I within 24 hours following a request by the Licensing Authority.

43.4I A Transportation Network Company shall submit the information and data set out in section 43.1I once per quarter.

43.0J LICENSING AUTHORITY ACCESS TO PLATFORM

43.1J Every Transportation Network Company shall provide to the Licensing Authority direct access to its software, application, or telecommunications platform or digital network used to provide the transportation service for the purposes of allowing the Licensing Authority to inspect and investigate, in real time, compliance with this By-law and to determine the location of any TNC Vehicle providing transportation services affiliated with the TNC.

43.2J No Transportation Network Company shall interfere with the Licensing Authority's inspection or investigation.

43.0K TNC DRIVER REQUIREMENTS

43.1K A Transportation Network Company shall ensure that a person approved as a TNC Driver meets the following requirements at all times when providing transportation services using a TNC Vehicle:

- (a) holds a valid and current unrestricted driver's license issued by the Province of Nova Scotia;
- (b) has a minimum of three (3) years driving experience

- (c) has provided to the TNC original documents from the issuing agency, dated within 30 days of approval to be a TNC Driver and then annually thereafter, outlining acceptable results of investigations related to the applicant for:
 - (i) a criminal record check;
 - (ii) a vulnerable sector check; and
 - (iii) a child abuse registry check;
- (d) has provided to the TNC a Nova Scotia Registry of Motor Vehicles (Client Use) abstract of the Driver's driving record for the class of license prescribed by the *Classification of Drivers' Licenses Regulations*, N.S. Reg. 124/2015, dated within 30 days of approval to be a TNC Driver and then annually thereafter; and,
- (e) prior to commencement as a TNC Driver and then annually thereafter, provision of a signed declaration confirming that they do not have any outstanding criminal charges or warrants pending before any courts.

43.2K A Transportation Network Company:

- (a) shall refuse to approve a person to be a TNC Drive, and
- (b) on discovery of the information, shall remove a person operating as a TNC Driver for that Transportation Network Company,

if that person:

- (i) has accumulated ten or more demerit points on the driving record abstract;
- (ii) has, within the preceding five years,
 - a. been convicted, or has active charges, of one of the offences under the Motor Vehicle Act set out in Schedule B; or
 - b. had their license suspended pursuant to s.279C of the Motor Vehicle Act;
- (iii) has a driver's license or owner's license revoked or refused under this By-law;
- (iv) had a driver's license or owner's license suspended under this By-law for engaging in behaviour deemed by the Licensing Authority to be unsafe;
- (v) was removed from that Transportation Network Company's platform for engaging in behaviour determined by the Transportation Network Company to be unsafe; or
- (vi) was removed from another Transportation Network Company's platform for engaging in behaviour determined to be unsafe, and the Transportation Network Company considering the person for a TNC Driver received notification of the person's removal.

43.3K Every Transportation Network Company shall keep copies of the documents and information required to under clauses (b), (c), (d) and (e) of section 43.1K for a period of not less than one (1) year after the Individual ceases to be affiliated with the TNC.

43.0L TNC DRIVER REPORTING

43.1L Every Transportation Network Company shall provide to the Licensing Authority a list of the drivers operating on the Transportation Network Company's platform.

43.2L The list of drivers referred to in section 43.1L shall be provided on a monthly basis.

43.3L Every Transportation Network Company shall provide the name of any driver removed from the Transportation Network Company's platform to the Licensing Authority immediately upon removal.

43.0M TNC IDENTIFICATION CARD AND TNC VEHICLE DECAL

43.1M A Transportation Network Company shall issue to every TNC Driver that meets the requirements of this By-law and that is affiliated with the Transportation Network Company a current and up-to-date identification card in written or accessible electronic form bearing the following information:

- (a) the first and last name and photograph of the TNC Driver;
- (b) the make, model, colour, and license plate number of the TNC Vehicle used by the TNC Driver, and,
- (c) the name and contact information of the Transportation Network Company with which the TNC Driver is affiliated.

43.2M Every Transportation Network Company shall require and TNC Driver shall ensure the identification card required under section 43.1M:

- (a) is in the TNC Vehicle at all times when transportation services are offered or provided by a TNC Driver affiliated with the Transportation Network Company, and,
- (b) is produced immediately upon request of a peace officer.

43.3M Every Transportation Network Company shall provide a decal to a TNC Driver identifying the TNC Vehicle is authorized to provide transportation services for the Transportation Network Company.

43.4M A decal provided under section 43.3M shall be displayed to the bottom corner of the front windshield on the passenger side of the vehicle so as to be clearly visible from the exterior while the vehicle is being used in the provision of transportation services for the Transportation Network Company.

43.0N TNC DRIVER OBLIGATIONS

43.1N A TNC Driver shall only accept requests for transportation services that are prearranged using the software or application or telecommunications platform or digital network of the Transportation Network Company with which the TNC Driver is affiliated.

43.2N No TNC Driver shall interfere with an inspection or investigation conducted by the Licensing Authority.

43.0P TNC VEHICLE REQUIREMENTS

43.1P Every Transportation Network Company shall ensure that a TNC Vehicle meets the following requirements at all times when providing the transportation service:

- (a) the TNC Vehicle is the subject of a valid and current Province of Nova Scotia Vehicle Inspection issued pursuant to the *Vehicle Inspection Regulations, N.S. Reg. 214/2006* prior to commencement of use as a TNC Vehicle;
- (b) the TNC Vehicle is the subject of a valid motor vehicle registration issued pursuant to the *Motor Vehicle Act* prior to commencement of use as a TNC Vehicle; and,

- (c) the TNC Vehicle is less than 10 years old at the initial time of approval by the Transportation Network Company for use as a TNC Vehicle.
- 43.2P** Every Transportation Network Company shall obtain and maintain records required under section 43.1P for a period of not less than one (1) year after the TNC Vehicle is no longer used to provide the transportation service.
- 43.3P** A Transportation Network Company shall make available to the Licensing Authority the records required to be kept under section 43.2P within 24 hours following a request of the Licensing Authority.
- 43.0Q INSURANCE REQUIREMENTS OF A TRANSPORTATION NETWORK COMPANY**
- 43.1Q** Every Transportation Network Company shall obtain and maintain an SPF No. 9 – Transportation Network for Nova Scotia Automobile Policy while licensed under this By-law.
- 43.2Q** Every Transportation Network Company shall deposit the policy required under section 43.1Q with the Licensing Authority.
- 43.3Q** Every Transportation Network Company shall direct the insurance company issuing an insurance policy required by section 43.1Q to advise the Licensing Authority of any change to the coverage and terms of the insurance policy during the term of the license and to notify the Licensing Authority when the insurance policy is no longer in effect.
- 43.0R INSURANCE REQUIREMENTS FOR TNC VEHICLE OWNERS**
- 43.1R** A TNC Vehicle owner shall obtain and maintain an SPF 1 Automobile Insurance Policy issued in the name of the TNC Vehicle owner.
- 43.2R** Every Transportation Network Company shall ensure that every TNC Vehicle owner obtains and maintains the required automobile insurance.
- 43.3R** A Transportation Network Company shall obtain proof of insurance from every TNC Vehicle owner evidencing compliance with the requirements of section 43.1R prior to affiliation of the TNC Vehicle, and on an annual basis thereafter, and shall keep such records for a period of not less than one (1) year after the TNC Vehicle ceases to be affiliated with the TNC.

**PART 13
REFUSAL, SUSPENSION AND REVOCATION OF LICENSES**

44.0 GENERAL

- 44.1** The Licensing Authority may suspend or revoke the owner's license or driver's license, or both, the broker's or independent broker's license or the TNC License of any license holder, or refuse any applicant who
- (a) contravenes this by-law;
 - (b) is either charged or convicted pursuant to any municipal by-law, or provincial or federal legislation;
 - (c) has committed any act or acts that, in the opinion of the Licensing Authority, it is in the public interest that the person not hold either an owner's license, a driver's license, a broker's license, an independent broker's license or a TNC License;
 - (d) refuses to respond or cooperate with an investigation conducted by the Licensing Authority;

- (e) has been convicted within the last ten years of a criminal offence as set out in Schedule A to this By-law;
- (f) has failed to immediately notify the Licensing Authority that they have become the subject to a court order, undertaking, charge or conviction;
- (g) has a driving record, criminal or provincial offence record or outstanding criminal charges that in the opinion of the Licensing Authority makes him or her unfit to operate a taxi, accessible taxi, or limousine, as the case may be;
- (h) has a criminal record in another country or jurisdiction that is similar in nature to the provisions described in subsection (e); or
- (i) is in violation of the Taxicab Passenger/Operator Code of Ethics as set out in Administrative Order 39.

45.0 FALSE STATEMENTS

45.1 If an applicant or the holder of an owner's license, a driver's license, a broker's license, an independent broker's licence or a TNC License makes a false statement in a statutory declaration made pursuant to this By-law, the Licensing Authority may:

- (a) refuse to issue the license that is the subject of the application;
- (b) revoke any owner's licenses and or any driver's licenses held by the applicant, or a broker's license or independent broker's licence or a TNC License; and
- (c) direct that the applicant is ineligible to apply for or to be granted a license under this By-law for a period of up to five (5) years.

46.0 NOT FIT AND PROPER PERSON

46.1 In addition to any other grounds for refusing to grant, suspending or revoking an owner's license, a driver's license, a broker's license, an independent broker's licence or a TNC License, the Licensing Authority may refuse to grant, may suspend, or may revoke an owner's license, a driver's license, a broker's license, an independent broker's licence or a TNC License if, in the opinion of the Licensing Authority, the applicant or license holder, as the case may be, is not a fit and proper person to have the license.

47.0 NOTICE OF SUSPENSIONS, REVOCATIONS

47.1 The Licensing Authority must immediately notify a license holder whose owner's license, driver's license, broker's license, independent broker's licence or TNC License has been suspended or cancelled.

47.2 The notice under section 47.1 may be served on the license holder by registered mail addressed to the license holder's last known address on file with the Licensing Authority, and if sent by registered mail is deemed to have been served on the earlier date of actual receipt by the license holder or five business days from the date of mailing.

47.3 The license holder may within 15 days from the date of the service of the notice, appeal the suspension or revocation to the Appeal Committee.

47.4 If at any time a person who holds a driver's license under this by-law ceases to hold a valid class of driver's license issued by the Province of Nova Scotia as required to operate a taxi, the driver's license issued under this by-law is deemed to be suspended and the person must immediately surrender it to the Licensing Authority.

- 47.5** A person whose driver's license is suspended under section 47.4 may apply for reinstatement when his or her provincial chauffeur's license is renewed or reinstated.
- 47.6** The Licensing Authority may order a driver to take remedial sensitivity training in relation to the provision of service to disabled persons if as a result of its investigation the Licensing Authority is of the opinion that the driver would benefit from such remedial training.

PART 14 APPEALS

48.0 APPEALS

- 48.1** A person whose application for the issuance or renewal of an owner's license, driver's license, broker's license, independent broker's licence or TNC License is refused by the Licensing Authority, or a person whose owner's license, driver's license, broker's license, independent broker's licence or TNC License is suspended, revoked or cancelled by the Licensing Authority, may appeal the refusal, suspension, revocation or cancellation to the License Appeal Committee, within 15 days from the date of the refusal, suspension or cancellation.
- 48.1A** There is no right of appeal of a non-discretionary decision of the Licensing Authority.
- 48.2** A person whose application is refused or a person whose owner's license, driver's license, broker's license, independent broker's licence or TNC License is suspended, revoked or cancelled by the Licensing Authority may appeal to the License Appeal Committee within 15 days after the refusal, suspension or cancellation by submitting their appeal in writing to the Municipal Clerk's Office.
- 48.2A** An appeal will be heard by the License Appeal Committee.
- 48.3** The License Appeal Committee must hear the Appellant and may
- (a) confirm or vary the decision of the Licensing Authority;
 - (b) order that a license be revoked and surrendered; or
 - (c) order that a license be granted or reinstated, with or without conditions.
- 48.4** The License Appeal Committee may order that a license be granted or reinstated subject to the appellant passing any tests provided for in this By-law, or proving that the appellant meets the qualifications and requirements of this by-law, or subject to any conditions that the License Appeal Committee determines appropriate under the circumstances.
- 48.4A** A person whose appeal of an application refusal, renewal refusal or a license revocation is not successful must wait one calendar year from the date of the hearing of the appeal before submitting a new application to the Licensing Authority.
- 48.5** The License Appeal Committee must not make any decision that the Licensing Authority could not have made under this by-law.

PART 15 PROSECUTIONS AND GENERAL OFFENCE

49.0 PROSECUTIONS

- 49.1** The Licensing Authority or any peace officer of the Municipality may cause to be prosecuted any person who contravenes this By-law or administrative order.

50.0 GENERAL OFFENCE

50.1 A person who contravenes any section of this By-Law is liable upon summary conviction to a minimum penalty of not less than:

- (a) one hundred dollars (\$100.00) for a first offence,
- (b) two hundred dollars (\$200.00) for a second offence,
- (c) four hundred dollars (\$400.00) for a third offence,

and a maximum penalty of not more than five thousand dollars (\$5000.00), and in default of payment, to imprisonment for a term not exceeding sixty (60) days.

50.2 A broker, independent broker or Transportation Network Company who contravenes any section of this By-Law is liable upon summary conviction to a minimum penalty of not less than:

- (a) five hundred dollars (\$500.00) for a first offence,
- (b) eight hundred dollars (\$800.00) for a second offence,
- (c) twelve hundred dollars (\$1,200.00) for a third offence,

and a maximum penalty of not more than ten thousand dollars (\$10,000.00), and in default of payment, to imprisonment for a term not exceeding sixty (60) days.

**PART 16
TRANSITION**

51.0 TRANSITION

51.1 A license granted under By-Law T-108 before its repeal and that was valid immediately before that repeal is continued under this by-law and expires at the time set out in the license.

51.2 A license granted under By-Law T-108 before its repeal that was suspended or had expired before that repeal may be reinstated in accordance with this by-law and this by-law applies to the reinstatement as if had been in force on the day that the license was suspended or expired.

51.3 An application for a license made under By-Law T-108 is continued as an application for a licence under this by-law and this by-law applies to the application as if it had been in force on the day that the application was made.

51.4 All waiting lists for new owners' licenses that existed under By-law T-108 immediately before its repeal are continued, subject to Administrative Order 39, as waiting lists under this by-law and the names on the list retain the same position on the list as they had before that repeal.

**PART 17
REPEAL**

52.0 BY-LAW T-108 REPEALED

52.1 By-law T-108, the Halifax Regional Municipality Taxi and Limousine By-law, and all amendments to it are repealed.

Done and passed in Council this 23rd day of October, 2012.

Mayor

Municipal Clerk

I, Cathy Mellett, Municipal Clerk of Halifax Regional Municipality, here by certify that the above noted By-law was passed at a meeting of Halifax Regional Council held on October 23, 2012.

Cathy Mellett, Municipal Clerk

Notice of Motion:	August 14, 2012
First Reading:	September 11, 2012
Notice of Public Hearing Publication:	October 6, 2012
Second Reading:	October 23, 2012
Approval of Service Nova Scotia and Municipal Relation:	N/A
Effective Date:	November 17, 2012
<hr/>	
Amendment # 1 - (By-law T-1001)	
Notice of Motion:	January 26, 2016
First Reading:	April 26, 2016
Notice of Public Hearing Publication:	May 7, 2016
Second Reading:	May 24, 2016
Approval of Service Nova Scotia and Municipal Relation:	N/A
Effective Date:	June 11, 2016
<hr/>	
Amendment # 2 – (By-law T-1002)	
Notice of Motion:	September 5, 2017
First Reading:	September 19, 2017
Notice of Public Hearing Publication:	September 30, 2017
Second Reading:	October 17, 2017
Approval by Service Nova Scotia and Municipal Relations:	N/A
Effective Date:	October 21, 2017
<hr/>	
Amendment # 3 – (By-law T-1003)	
Notice of Motion:	July 16, 2019
First Reading:	July 30, 2019
Notice of Second Reading Publication:	August 24, 2019
Second Reading:	September 17, 2019
Approval by Minister of Municipal Affairs:	N/A
Effective Date:	September 28, 2019
<hr/>	
Amendment # 4 – (By-law T-1004)	
Notice of Motion:	July 21, 2020
First Reading:	August 18, 2020
Notice of Second Reading Publication:	September 5, 2020
Second Reading:	September 22, 2020
Approval by Minister of Municipal Affairs and Housing:	N/A
Effective Date:	November 1, 2020
<hr/>	
Amendment #5 - (By-law T-1005)	
Notice of Motion:	April 20, 2021
First Reading:	May 18, 2021
Notice of Second Reading Publication:	May 22, 2021
Second Reading:	June 8, 2021
Approval by Minister of Municipal Affairs and Housing:	N/A
Effective Date:	June 12, 2021
<hr/>	
Amendment #6 – (By-law T-1006)	
Notice of Motion:	December 14, 2021
First Reading:	January 11, 2022
Notice of Second Reading Publication:	January 22, 2022
Second Reading:	February 8, 2022
Approval by Minister of Municipal Affairs and Housing:	N/A
Effective Date:	February 12, 2022

Schedule A
Offences under the *Criminal Code*

	Offence	Section
(a)	Possession of weapon for dangerous purpose	s.88
(b)	Carrying concealed weapon	s.90
(c)	Unauthorized possession of motor vehicle	s.94
(d)	Weapons trafficking	s.99
(e)	Possession for purpose of weapons trafficking	s.100
(f)	Sexual interference	s.151
(g)	Invitation to sexual touching	s.152
(h)	Sexual exploitation	s.153
(i)	Sexual exploitation of person with disability	s.153.1
(j)	Transporting person to bawdy house	s.211
(k)	Living on the avails of prostitution	s.212(1)(j)
(l)	Living on the avails of juvenile prostitution and using violence	s.212(2.1)
(m)	Causing death by criminal negligence	s.220
(n)	Causing bodily harm by criminal negligence	s.221
(o)	Murder	s.229-231
(p)	Manslaughter	s.236
(q)	Attempt to commit murder	s.229-231
(r)	Dangerous operation of motor vehicle	s.320.13(1)
(s)	Failure to stop at scene of accident	s.320.16
(t)	Operating while impaired	s.320.14(1)(a)

	Offence	Section
(u)	Operating — over 0.08	s.320.14(1)(b)
(v)	Operating with blood drug concentration equal to or exceeding	s.320.14(1)(c)
(w)	Operating with BAC and blood concentration equal to or exceeding	s.320.14(1)(d)
(x)	Refuse to comply with demand	S.320.15(1)
(y)	Operate vehicle while disqualified	s.320.18(1)
(z)	Assault	s.265
(aa)	Assault with a weapon or causing bodily harm	s.267
(bb)	Aggravated assault	s.268
(cc)	Sexual assault	s.271
(dd)	Sexual assault with a weapon or causing bodily harm	s.272(1)
(ee)	Aggravated sexual assault	s.273
(ff)	Theft over \$5,000.00	s.322, 334 (a)
(gg)	Theft under \$5,000.00	s.322, 334 (b)
(hh)	Motor vehicle theft	s. 333.1
(ii)	Theft, forgery, etc., of credit card	s.342
(jj)	Robbery	s.343, 344
(kk)	Tampering with vehicle identification number	s.353.1
(ll)	Fraud over \$5,000.00	s. 380(1)(a)
(mm)	Fraud under \$5,000.00	s.380(1)(b)

Offences under the *Controlled Drugs and Substances Act*

	Offence	Section
(a)	Trafficking in substance	s.5(1)
(b)	Possession for purpose of trafficking	s.5(2)

Schedule B

Offences under the Motor Vehicle Act

	Offence	Section
(a)	Failing to drive or operate motor vehicle in careful and prudent manner	100(2)
(b)	Failure to drive or operate motor vehicle at a careful and prudent speed for existing conditions	101
(c)	Failing to immediately stop at scene of accident	97(1)
(d)	Failing to give name, address and registration number of vehicle or exhibit driver's license to person struck, to driver or occupants of vehicle collided with, or to witness	97(3)
(e)	Failing to render reasonable assistance to person injured in accident	97(3)
(f)	Failing to take reasonable steps to locate and notify owner of, or person who has control over, unattended vehicle or property damaged in accident of circumstances of accident	97(4)
(g)	Failing to give name, address, registration number of vehicle and number of driver's license to owner of, or person who has control over, unattended vehicle or property damaged in accident	97(4)
(h)	Failing to provide particulars of accident to police	97(5)
(i)	Operating motor vehicle on highway in race, in contest, while performing a stunt or on bet or wager	163(1)
(j)	Operating motor vehicle while registration or permit (specify) cancelled, revoked or suspended	287(2)

Schedule C

LICENSE APPEAL COMMITTEE

WHEREAS Council for the Halifax Regional Municipality considers it necessary and desirable to establish the License Appeal Committee to whom may be delegated quasi-judicial and legislative authority under By-law T-1000, the *Halifax Regional Municipality Taxi, Limousine and Transportation Network Companies By-law*,

AND WHEREAS Section 21 of the Halifax Regional Municipality Act, 2008, c. 39, permits the appointment of persons who are not members of the Council to a committee;

AND WHEREAS Subsection 21(6) of the Halifax Regional Municipality Act, 2008, c. 39, permits the payment of an honorarium to a committee member who is not a member of Council;

BE IT RESOLVED AS A SCHEDULE TO BY-LAW T-1000 of the Council of the Halifax Regional Municipality under the authority of the *Halifax Regional Municipality Charter*, as follows:

Application

1. This Schedule applies to appeals submitted under section 48.0 of By-law T-1000, the *Taxi, Limousine and Transportation Network Companies By-law*.

Creation of License Appeal Committee

2. The License Appeal Committee is hereby created.

Duties of the Committee

3. The Committee shall hear appeals that are directed to the License Appeal Committee Under this By-law as follows:

- (a) repealed;
- (b) the Committee shall exercise authority and discretion conferred or delegated to the License Appeal Committee by this By-law;
- (c) the Committee shall render a decision at the completion of the appeal hearing; and
- (d) be subject to Part XX (Freedom of Information and Protection of Privacy) of the *Municipal Government Act* and the *Municipal Conflict of Interest Act*.

Quorum

3A. Quorum at an appeal hearing of the License Appeal Committee shall be three (3) members.

Procedure of the Committee

4. The appeal hearing shall follow the Appendix "A" – Rules for Public Hearing as set out in Administrative Order 1 or the rules for virtual appeals set out in Schedule 2 of the Covid-19 Administrative Order.

Composition of Committee

5. (1) The Committee shall be appointed by Council.

(2) The Committee shall be comprised of a minimum of three (3) and a maximum of five (5) Appeal Committee Members who reside within the Municipality.

(2A) One Appeal Committee Member shall be appointed as Chair of the Committee.

(3) When making appointments, Council shall consider if the members are from diverse communities.

6. (1) To be eligible as members of the Committee, the Appeal Committee Members shall commit to the term period specified in Section 7.

(2) Members of the Committee shall:

- (a) have knowledge and experience in Administrative Law;
- (b) be able to conduct a fair and impartial hearing; and
- (c) have excellent written and oral communication skills.

(3) The Chair of the Committee shall:

- (a) lead and guide the process to facilitate appeal hearings; and
- (b) encourage participation by all members of the Committee.

7. Members of the Committee shall be appointed by Council for a period of three (3) years and shall be eligible for re-appointment, in accordance with the Public Appointment Policy.

8. Unless subsection 22(1A) of the *Halifax Regional Municipality Charter* respecting parental accommodation applies, a member of the Committee who, without leave of the Committee, is unavailable for three consecutive assignments of the Committee ceases to be a member of the Committee.

9. If a vacancy occurs on the Committee, for any reasons other than the expiration of the term of a member, Council may appoint a person to fill the vacancy, and that person shall hold office for the remainder of the term of the vacated position.

Remuneration of Committee Members

10. In accordance with subsection 21(6) of the *Halifax Regional Municipality Charter*, a Member of the Committee who is not a member of Council may receive an honorarium at a rate set by Council.

11. The Committee shall receive honorariums as follows:

- (a) an Appeal Committee Member shall receive an honorarium of \$250.00 per appeal hearing; and
- (b) the Chair of the Committee shall receive an honorarium of \$300.00 per appeal hearing.

APPENDIX B

SINGLETON & ASSOCIATES

Barristers & Solicitors – Avocats & Notaires

Telephone:(902) 492-7000

Facsimile:(902) 492-4309

e-mail:sorielly@singleton.ns.ca

1809 Barrington Street, Suite 1100

Halifax, Nova Scotia

Canada B3J 3K8

Service in English

Service en français

www.singleton.ns.ca

Transmission By Fax: (902) 490-4208

May 5, 2022

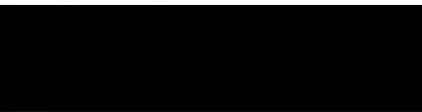
The Appeals Standing Committee
C/O Municipal Clerk
Halifax Regional Municipality
PO Box 1749
Halifax NS B3J 3A5

Dear Sir/Madam:

Re: *R. v. Hemanta Datta/ Taxi Licence Suspension*

I write to advise that we represent Hemanta Datta in regard to the above-mentioned matter. I attach hereto correspondence from Lois Beaton McNamara to Mr. Datta dated April 28, 2022. Please be advised that Mr. Datta is appealing this temporary suspension. Please contact the undersigned at (902) 492-7000 to arrange a date for the hearing of this appeal.

Yours very truly,
SINGLETON & ASSOCIATES
per:



Sheena L. O'Rielly

SOR/

Encls.

cc: Client

REGISTERED LETTER

April 28, 2022

Hemanta Datta
75 Lincoln Cross, Halifax,
Nova Scotia
B3M 3S6

Mr. Hemanta Datta,

The HRM Licensing Authority was informed on April 27, 2022 of your criminal charges:

- Utter threats CBH/Death Sec. 264.1(1)(a) CC
- Assault Sec. 266 CC

This letter is to advise that your taxi driver license # D760 and your taxi owner license #254 is immediately suspended, on a temporary basis by order of the Licensing Authority.

Section 44.1 (g) of the Taxi, Limousine and Transportation Networking Companies By-law 1000 states:

44.1 The Licensing Authority may suspend or revoke the owner's license or driver's license, or both, the broker's or independent broker's license or the TNC License of any license holder, or refuse any applicant who

(g) has a driving record, criminal or provincial offence record or outstanding criminal charges that in the opinion of the Licensing Authority makes him or her unfit to operate a taxi, accessible taxi, or limousine, as the case may be;

HALIFAX

Halifax Regional Municipality
PO Box 1749, Halifax, Nova Scotia
Canada B3J 3A5

halifax.ca

Accordingly, you are requested to submit your taxi driver and owner licence to the Taxi Licensing Office at 7 Mellor Avenue Dartmouth, as you are not permitted to drive a taxi until further notice.

Taking into account the serious nature of the incident, the Licensing Authority has determined that it is in the public interest to suspend your licence. Following the outcome of any court proceedings, a review of your licensing privileges will be conducted. This review may result in the permanent revocation of your licences.

In accordance with Section 48 of By-law T-1000, Respecting the Regulation of Taxis, Accessible Taxis, Limousines and Transportation Network Companies, you have the right to appeal this temporary suspension within 15 days from the date of suspension.

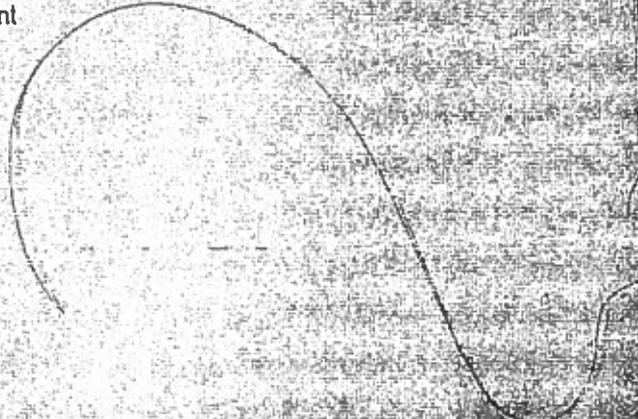
48.2 A person whose application is refused or a person whose owner's license, driver's license, broker's license, independent broker's license or TNC License is suspended, revoked or cancelled by the Licensing Authority may appeal to the License Appeal Committee within 15 days after the refusal, suspension or cancellation by submitting their appeal in writing to the Municipal Clerk's Office C/O Municipal Clerk, P.O. Box 1749, Halifax, NS, B3J 3A5. Once filed, an appeals committee hearing will be scheduled.

Any questions concerning this correspondence should be directed to the undersigned at (902) 490-4064.

Sincerely,



Lois Beaton McNamara
License Administrator
Buildings & Compliance, Planning & Development



APPENDIX C

REGISTERED LETTER

April 28, 2022

Hemanta Datta
75 Lincoln Cross, Halifax,
Nova Scotia
B3M 3S6

Mr. Hemanta Datta,

The HRM Licensing Authority was informed on April 27, 2022 of your criminal charges:

- Utter threats CBH/Death Sec. 264.1(1)(a) CC
- Assault Sec. 266 CC

This letter is to advise that your taxi driver license # D760 and your taxi owner license #254 is immediately suspended, on a temporary basis by order of the Licensing Authority.

Section 44.1 (g) of the Taxi, Limousine and Transportation Networking Companies By-law T-1000 states;

44.1 The Licensing Authority may suspend or revoke the owner's license or driver's license, or both, the broker's or independent broker's license or the TNC License of any license holder, or refuse any applicant who

(g) has a driving record, criminal or provincial offence record or outstanding criminal charges that in the opinion of the Licensing Authority makes him or her unfit to operate a taxi, accessible taxi, or limousine, as the case may be;

HALIFAX

Halifax Regional Municipality
PO Box 1749, Halifax, Nova Scotia
Canada B3J 3A5

halifax.ca

Accordingly, you are requested to submit your taxi driver and owner licence to the Taxi Licensing Office at 7 Mellor Avenue Dartmouth, as you are not permitted to drive a taxi until further notice.

Taking into account the serious nature of the incident, the Licensing Authority has determined that it is in the public interest to suspend your licence. Following the outcome of any court proceedings, a review of your licensing privileges will be conducted. This review may result in the permanent revocation of your licences.

In accordance with Section 48 of By-law T-1000, Respecting the Regulation of Taxis, Accessible Taxis, Limousines and Transportation Network Companies, you have the right to appeal this temporary suspension within 15 days from the date of suspension.

48.2 A person whose application is refused or a person whose owner's license, driver's license, broker's license, independent broker's license or TNC License is suspended, revoked or cancelled by the Licensing Authority may appeal to the License Appeal Committee within 15 days after the refusal, suspension or cancellation by submitting their appeal in writing to the Municipal Clerk's Office C/O Municipal Clerk, P.O. Box 1749, Halifax, NS, B3J 3A5. Once filed, an appeals committee hearing will be scheduled.

Any questions concerning this correspondence should be directed to the undersigned at (902) 490-4064.

Sincerely,

A black rectangular redaction box covering the signature of the undersigned.

Lois Beaton McNamara
License Administrator
Buildings & Compliance, Planning & Development

APPENDIX D



**REGISTERED
DOMESTIC**
CUSTOMER RECEIPT

**RECOMMANDÉ
RÉGIME INTÉRIEUR**
REÇU DU CLIENT



May 10, 2022

REGISTERED MAIL

Hemanta Datta
75 Lincoln Cross,
Halifax, NS B3M3S8

No	Destinataire	FIN DE LIVRAISON COPIE REÇUE		CONFIRMATION DE LA LIVRAISON	
Name	Nom	1 888 550-6333		1 888 550-6333	
Address	Adresse	CPC Tracking Number		Numéro de suivi de la CCP	
City / Prov. / Postal Code	Ville / Prov. / Code postal	RN 388 308 724 CA			
Declared Value Valeur déclarée	\$	33-888-584 (17-12)			

Re: Appeal of Suspension of Taxi Driver License #D760 & Owner License #254

This is to advise that your appeal of the Licensing Authority's decision to suspend your Halifax Taxi driver license #D760 and owner license #254 will be heard by the License Appeal Committee on Wednesday, July 20, 2022.

The hearing will be held in the Halifax Hall, 2nd Floor, City Hall, 1841 Argyle Street, Halifax, in a public session, open to the public and media. Please arrive for 4:30 a.m. but note that there may be other cases heard before yours on the agenda.

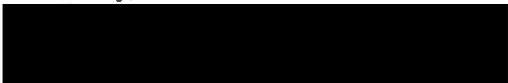
The staff report for this case will be posted online to the License Appeal Committee agenda page by end of day July 15, 2022. <https://www.halifax.ca/city-hall/agendas-meetings-reports> If you require a hard copy of the report, please contact our office.

Please be advised that your submission and appeal documents will form part of the public record and will be posted on-line at www.halifax.ca. If you feel that information you consider to be personal is necessary for your appeal, please attach that as a separate document, clearly marked "PERSONAL". It will be provided to the committee and/or council members and staff, and will form part of the public record, but it will not be posted on-line. You will be contacted if there are any concerns.

Should you be unable to attend, you may have a representative attend to present the appeal to the Committee. Please note that your representative is required to have a letter signed by you giving permission. You or your representative may have witnesses or other evidence in support of the appeal and will be permitted up to 10 minutes to make a verbal submission. A copy of the appeals process is attached. If neither you nor a representative appears, the hearing will proceed and you will be advised of the Committee's decision.

If you have any questions regarding this process, please contact me at 902-292-3962, or by email at rosssis@halifax.ca.

Sincerely,



Legislative Assistant
Office of the Municipal Clerk

cc: Andrea MacDonald, Manager License Standards, Municipal Compliance
Tanya Snair, Supervisor, Licensing & Ticket Administrator
Lois Beaton-McNamara, License Administrator
Karen MacDonald, Senior Solicitor, HRM Legal Services

Enclosure: Order of Proceedings for License Appeal Committee



Halifax Regional Municipality
PO Box 1749, Halifax, Nova Scotia
Canada B3J 3A5

halifax.ca