

## General Committee Revised Agenda

### Revised Items are Italicized.

Meeting Number: 11  
May 6, 2019, 9:30 AM - 3:00 PM  
Council Chamber

Please bring this General Committee Agenda to the Council meeting on May 14, 2019.

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	Pages
1. CALL TO ORDER	
2. DISCLOSURE OF PECUNIARY INTEREST	
3. APPROVAL OF PREVIOUS MINUTES	
3.1 MINUTES OF THE APRIL 16, 2019 SPECIAL GENERAL COMMITTEE (16.0)	9
1. That the minutes of the April 16, 2019 Special General Committee meeting be confirmed.	
3.2 MINUTES OF THE APRIL 23, 2019 SPECIAL GENERAL COMMITTEE (16.0)	13
1. That the minutes of the April 23, 2019 Special General Committee meeting be confirmed.	
3.3 MINUTES OF THE APRIL 23, 2019 GENERAL COMMITTEE (16.0)	16
1. That the minutes of the April 23, 2019 General Committee meeting be confirmed.	
4. DEPUTATIONS	
5. COMMUNICATIONS	
5.1 YORK REGION COMMUNICATIONS (13.4)	

**Note:** Questions regarding Regional correspondence should be directed to Chris Raynor, Regional Clerk.

**The following York Region Communications are available on-line only.**

1. That the following communications dated April 23, 2019 from York Region be received for information purposes:
  - a. 2018 Development Activity Summary
  - b. Implementation of Construction Act Prompt Payment and Mandatory Adjudication Provisions
  - c. 2018 Development Charge Reserve Fund Statement
  - d. Transportation Services Capital Infrastructure Status Update
  - e. It's in Our Nature: Management Plan for the York Regional Forest 2019-2038
  - f. I Count, I'm Not Just A Number - A Profile of Homelessness in York Region
  - g. 2018 Paramedic Response Time Performance Plan Final Results
  - h. Planning for Intensification Background Report
  - i. Vector-Borne Disease Program 2018/2018 Annual Update

**6. PETITIONS**

**7. CONSENT REPORTS - FINANCE & ADMINISTRATIVE ISSUES**

- |            |  |           |
|------------|--|-----------|
| <b>7.1</b> | <b>MINUTES OF THE SEPTEMBER 10, 2018 AND FEBRUARY 26, 2019 CANADA COMMITTEE (16.0)</b>   | <b>28</b> |
|            | <ol style="list-style-type: none"> <li>1. That the minutes of the September 10, 2018 and February 26, 2019 Canada Day Committee meeting be received for information purposes.</li> </ol> |           |
| <b>7.2</b> | <b>MINUTES OF THE MARCH 21, 2019 MARKHAM ENVIRONMENTAL ADVISORY COMMITTEE (16.0)</b>   | <b>36</b> |
|            | <ol style="list-style-type: none"> <li>1. That the minutes of the March 21, 2019 Markham Environmental Advisory Committee meeting be received for information purposes.</li> </ol>       |           |
| <b>7.3</b> | <b>MINUTES OF THE MARCH 25, 2019 MARKHAM PUBLIC LIBRARY BOARD (16.0)</b>   | <b>40</b> |
|            | <ol style="list-style-type: none"> <li>1. That the minutes of the March 25, 2019 Markham Public Library Board meeting be received for information purposes.</li> </ol>                   |           |

**7.4 MINUTES OF THE MARCH 12, 2019 SENIORS ADVISORY COMMITTEE (16.0)** 48

1. That the minutes of the March 12, 2019 Seniors Advisory Committee meeting be received for information purposes.

**7.5 AWARD OF TENDER 190-T-18 PLAY EQUIPMENT REPLACEMENT & SITE WORK AT VARIOUS PARKS (7.12)** 51

S. Grieve, ext. 2486 and M. Lee, ext. 2239

1. That the report entitled “Award of Tender 190-T-18 Play Equipment Replacement & Site Work at Various Parks” be received; and,
2. That the contract for Tender 190-T-18 Play Equipment Replacement & Site work at Various Parks be awarded to the lowest priced Bidder, TDI International Ag Inc. dba Eco Blue Systems, in the amount of \$1,280,177.87, inclusive of HST; and,
3. That a 10% contingency in the amount of \$128,017.79 inclusive of HST, be established to cover any additional construction costs and that authorization to approve expenditures of this contingency amount up to the specified limit be in accordance with the Expenditure Control Policy; and,
4. That the award in the amount of \$1,408,195.66 (\$1,280,177.87 + \$128,017.79) be funded from projects #18234 Playstructure Replacement and #18235 Playstructure Rubberized Surface Replacement with available budget of \$1,284,940.00; and,
5. That the above two projects be consolidated into one project under project 18234 Playstructure and Rubberized Surface Replacement; and,
6. That the budget shortfall in the amount of \$123,255.66 (\$1,284,940 - \$1,408,195.66) be funded from the Life Cycle Replacement and Capital Reserve Fund; and further,
7. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

**7.6 AWARD OF REQUEST FOR PROPOSAL 009-R-19 FOOD SERVICES FOR ANTHONY ROMAN CENTRE (7.12)** 54

A. Moore, ext. 4711 and M. Lee, ext. 2239

1. That the report entitled “Award of Request for Proposal 009-R-19 Food Services for the Markham Civic Centre be received; and,

2. That Request for Proposal 009-R-19 Food Services for Anthony Roman Centre be awarded to the highest ranked / highest revenue bidder, 10694835 Canada Inc. (Caterable) for a term of five (5) years; and,
3. That the Mayor and City Clerk be authorized to execute an agreement with 10694835 Canada Inc. (Caterable) in a form satisfactory to the City Solicitor and the Commissioner of Corporate Services; and,
4. That the \$45,000.00 fixed annual revenue be credited to account # 890 890 8902 Cafeteria Revenue; and,
5. That 10694835 Canada Inc. (Caterable) be responsible for payment of property taxes based on the annual assessed value for provision of food services, in the approximate annual amount of \$2,000; and,
6. That the Treasurer and Senior Manager of Procurement & Accounts Payable be authorized to extend the contract for an additional five (5) years commencing in year six (6) of this agreement; and further,
7. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

## 8. CONSENT REPORTS - COMMUNITY SERVICE ISSUES

### 8.1 ASSET MANAGEMENT POLICY (5.0)

57

P.Fu, ext. 3010 and S. Gao, ext. 2725

1. That the report titled “Asset Management Policy” be received; and,
2. That Council approve the Asset Management Policy provided in Attachment 1; and further,
3. That staff be authorized and directed to do all things necessary to give effect to this resolution.

## 9. REGULAR REPORTS - FINANCE & ADMINISTRATIVE ISSUES

### 9.1 LICENSING OF PRIVATE TRANSPORTATION COMPANIES (2.23)

72

M. Killingsworth, ext. 2127 and C. Alexander, ext. 2128

1. That the proposed By-law amendments to regulate Private Transportation Companies (PTCs) (**Schedule 8 attached as Appendix “A”**) be adopted; and,
2. That the attached proposed by-law to amend the Taxicab Schedule (**Schedule 6 attached as Appendix “D”**) of the Mobile Licensing By-

law 2012-92 be adopted; and,

3. That the attached proposed by-law to amend the Limousine Schedule **(Schedule 4 attached as Appendix “D”)** of the Mobile Licensing By-law 2012-92 be adopted; and further,
4. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

**9.2 ADVISORY BOARD AND COMMITTEE (ABC) REVIEW FOR THE 2018-2022 TERM OF COUNCIL (16.0)**

212

**Note:**

The following resolution was adopted at the April 30, Council meeting.

1. That the report titled “Advisory Board and Committee (ABC) Review for the 2018-2022 Term of Council” be received; and,
2. That Council maintain the ABCs as outlined in Appendix “E”; and,
3. That the following Advisory Committees be re-classified as Organizing Committees effective immediately: Canada Day Committee, Doors Open Markham Committee, Markham-Milliken Children’s Festival Committee, Santa Claus Parade Committee; and,
4. That the decision to amalgamate or dissolve the ABCs as outlined in Appendix “F” as of June 30, 2019 be referred to the May 6, 2019 General Committee meeting; and,
5. That the composition of the Appointment Committee be maintained & that this Committee conduct interviews for the Heritage Markham Committee, Committee of Adjustment, & the Library Board; and, that the decision on how interviews will be conducted for all remaining ABCs be referred to the May 6, 2019 General Committee meeting, and,
6. That once a decision is made on the amalgamation or dissolution of ABCs, Council extend its sincere thanks to all citizen appointees & City staff liaisons of impacted ABCs for their contribution to Markham over the years; and,
7. Councillor Appointments were made to various ABCs, save and except Animal Care Committee & Cemetery Board. **(Refer to the April 23, 2019 General Committee Minutes, Item 10.2 for the full listing of Councillor Appointments)\***; and further,
8. That Staff be authorized & directed to do all things necessary to give effect to this resolution.

At the May 6<sup>th</sup> GC meeting the following matters are being considered:

4. That the decision to amalgamate or dissolve the ABCs as outlined in Appendix “F” as of June 30, 2019 be referred to the May 6, 2019 General Committee meeting; and,

5. That the decision on how interviews will be conducted for all remaining ABCs be referred to the May 6, 2019 General Committee meeting

7. Councillor appointments to the following:

<b>Name of Committee</b>	<b>Council Members to be appointed for the 2018-2022 Term</b>
<b>Animal Care Committee</b>	<b>Defer to May 6, 2019 General Committee</b>
<b>Cemetery Board</b>	<b>Defer to May 6, 2019 General Committee</b>

## 10. REGULAR REPORTS - COMMUNITY SERVICE ISSUES

### 10.1 WASTE MANAGEMENT COLLECTION SERVICES CONTRACT PROCESS (5.1)

288

C. Marsales, ext. 3560

1. That the report entitled ‘Waste Management Collection Services Contract Process’ be received; and,
2. That Staff be authorized to issue a ‘Request for Proposal’ (RFP) for the provision of long-term residential and multi-residential waste management collection services for the City of Markham; and,
3. That Staff report back to Council on the RFP results and subsequent process to finalize a long-term contract for waste management collection services; and further,
4. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

## 11. MOTIONS

## 12. NOTICES OF MOTION

## 13. NEW/OTHER BUSINESS

*As per Section 2 of the Council Procedural By-Law, "New/Other Business would generally apply to an item that is to be added to the **Agenda** due to an urgent statutory time requirement, or an emergency, or time sensitivity".*

14. ANNOUNCEMENTS

15. *CONFIDENTIAL ITEMS*

15.1 *FINANCE & ADMINISTRATIVE ISSUES*

15.1.1 *GENERAL COMMITTEE CONFIDENTIAL MINUTES- APRIL 23, 2019 (16.0) [ Section 239 (2) (b) (c) (d)]*

15.2 *LAND, BUILDING & PARKS CONSTRUCTION ISSUES*

15.2.1 *A PROPOSED OR PENDING ACQUISITION OR DISPOSITION OF LAND BY THE MUNICIPALITY OR LOCAL BOARD (WARD 5) (8.0) [Section 239 (2) (c)]*

16. ADJOURNMENT

### **Information Page**

**General Committee Members:** All Members of Council

**General Committee**

Chair: Regional Councillor Jack Heath

Vice Chair: Councillor Khalid Usman

**Finance & Administrative Issues**

Chair: Regional Councillor Jack Heath

Vice Chair: Councillor Khalid Usman

**Community Services Issues**

Chair: Councillor Karen Rea

Vice Chair: Councillor Isa Lee

**Environment & Sustainability Issues**

Chair: Regional Councillor Joe Li

Vice Chair: Councillor Reid McAlpine

**Land, Building & Parks Construction Issues**

Chair: Councillor Keith Irish

Vice Chair: Councillor Andrew Keyes

General Committee meetings are audio and video streamed live at the City of Markham's website.

Alternate formats are available upon request.

**Consent Items:** All matters listed under the consent agenda are considered to be routine and are recommended for approval by the department. They may be enacted on one motion, or any item may be discussed if a member so requests.

**Note:** The times listed on this agenda are approximate and may vary; Council may, at its discretion, alter the order of the agenda items.

**Note: As per the Council Procedural By-Law, Section 7.1 (h)  
General Committee will take a 10 minute recess after  
two hours have passed since the last break.**

**General Committee is scheduled to recess for lunch from  
approximately 12:00 PM to 1:00 PM.**





## Special General Committee Minutes

**Meeting Number: 8**

**April 16, 2019, 9:00 AM - 12:00 PM**

**Heintzman House**

Roll Call	<p>Mayor Frank Scarpitti (11:15 AM)</p> <p>Deputy Mayor Don Hamilton</p> <p>Regional Councillor Jack Heath</p> <p>Regional Councillor Joe Li</p> <p>Regional Councillor Jim Jones</p> <p>Councillor Keith Irish</p>	<p>Councillor Alan Ho</p> <p>Councillor Reid McAlpine</p> <p>Councillor Karen Rea</p> <p>Councillor Andrew Keyes</p> <p>Councillor Amanda Collucci</p> <p>Councillor Isa Lee</p>
Regrets	Councillor Khalid Usman	
Staff	<p>Andy Taylor, Chief Administrative Officer</p> <p>Trinela Cane, Commissioner, Corporate Services</p> <p>Arvin Prasad, Commissioner Development Services</p> <p>Catherine Conrad, City Solicitor and Acting Director of Human Resources</p> <p>Joel Lustig, Treasurer</p> <p>Bryan Frois, Chief of Staff</p> <p>Kimberley Kitteringham, City Clerk</p> <p>Nasir Kenea, Chief Information Officer</p> <p>Dave Decker, Fire Chief</p> <p>Mary Creighton, Director of Recreation Services</p> <p>Brian Lee, Director, Engineering</p> <p>Morgan Jones, Director, Operations</p> <p>Josh Machesney, Elections &amp; Committee Coordinator</p> <p>Fred Rich, Manager, Strategy &amp; Insurance Risk Management</p>	<p>Catherine Biss, CEO, Markham Public Library</p> <p>Meg West, Manager, Business Planning &amp; Projects</p> <p>Mark Visser, Senior Manager, Strategy, Innovation &amp; Investments</p> <p>Eddy Wu, Acting Director, Environmental Services</p> <p>Chris Bird, Director, Building Standards</p> <p>Andrea Berry, Senior Manager, Corporate Communications &amp; Community Engagement</p> <p>Mona Nazif, Senior Manager, HR Client Services</p> <p>Stefanie Navascues, Deputy City Solicitor</p> <p>Graham Seaman, Director, Sustainability &amp; Asset Management</p> <p>Ronald Blake, Senior Manager, Development</p> <p>John Yeh, Manager, Policy &amp; Research</p> <p>Sara Tam, Manager, Business Planning</p>

& Innovation  
Margaret Wouters, Senior Manager,  
Policy & Research

## **1. CALL TO ORDER**

The Special General Committee meeting Council Strategy Session 1 convened at 9:00 AM with Regional Councillor Jack Heath in the Chair.

General Committee recessed at 9:25 AM and reconvened at 9:30 AM.

## **2. DISCLOSURE OF PECUNIARY INTEREST**

None disclosed.

## **3. EDUCATION & TRAINING SESSION**

### **3.1 STRATEGIC PLANNING PROCESS OVERVIEW (16.23)**

Andy Taylor, Chief Administrative Officer, provided opening remarks and introduced the members of the Strategy Planning Committee. Mr. Taylor provided a background on Markham's Strategic Plan, "Building Markham's Future Together".

Mr. Taylor discussed the following with respect to the strategic planning process:

- Strategy process/framework; and,
- Timeline overview and work plan.

### **3.2 GUEST SPEAKERS (16.23)**

#### **3.2.1 THE HONOURABLE JOHN BAIRD, P.C., SENIOR BUSINESS ADVISOR, LLP**

Councillor Andrew Keyes, introduced the Honourable John Baird, P.C., Senior Business Advisor, LLP.

Mr. Baird discussed the current state of governance in Canada and the Province of Ontario, and how Markham can manage and leverage its relationships with the Provincial and Federal governments.

### **3.2.2 TARA CRAIGEN, ENGINEERING GROUP LEADERS FOR ADAS LATERAL CONTROLS, GM**

Councillor Keith Irish introduced Tara Craigen, ADAS Engineering Group Leader.

Ms. Craigen delivered a PowerPoint presentation about the initiatives that her team is leading at the General Motors (GM) Markham CTC facility. She outlined GM's vision:

- Zero Emissions
- Zero Crashes
- Zero Congestion

Ms. Craigen highlighted the need for governments to adapt and innovate in a time of constant change and disruption.

### **3.2.3 MELISSA CHEE, PRESIDENT AND CEO, ventureLAB**

Councillor Reid McAlpine introduced Melissa Chee, President and CEO of ventureLAB.

Ms. Chee delivered a PowerPoint presentation regarding ventureLAB's role in growing globally competitive tech firms that build-to-scale in Canada. She explained that ventureLAB's purpose is to establish the region as a destination of choice for technology firms to create globally competitive companies, build and scale in Canada, and spoke about ventureLAB's success in helping to develop Ontario's Tech Corridor.

Ms. Chee spoke about the significance of Enterprise Drive in Markham Centre to the establishment of tech firms and broader local economic development in Markham.

## **4. ADJOURNMENT**

Mayor Frank Scarpitti provided closing remarks and thanked the guest speakers for their time and for coming to speak to Staff and Members of General Committee.

The Special General Committee meeting adjourned at 12:16 PM.

Moved By Councillor Karen Rea

Seconded By Regional Councillor Joe Li

1. That the April 16, 2019 Special General Committee be adjourned.

**Carried**



## Special General Committee Minutes

**Meeting Number: 9**

**April 23, 2019, 9:30 AM - 12:00 PM**

**Canada Room**

Roll Call	Mayor Frank Scarpitti (arrived 10:09 AM)	Councillor Reid McAlpine
	Deputy Mayor Don Hamilton	Councillor Karen Rea
	Regional Councillor Jack Heath	Councillor Andrew Keyes
	Regional Councillor Joe Li (arrived 9:52 AM)	Councillor Amanda Collucci
	Regional Councillor Jim Jones	Councillor Khalid Usman (arrived 11:45 AM)
	Councillor Keith Irish	Councillor Isa Lee
	Councillor Alan Ho	
Staff	Andy Taylor, Chief Administrative Officer	Joel Lustig, Treasurer
	Trinela Cane, Commissioner, Corporate Services	Kimberley Kitteringham, City Clerk
	Brenda Librecz, Commissioner of Community & Fire Services	Martha Pettit, Deputy City Clerk
	Arvin Prasad, Commissioner Development Services	Josh Machesney, Elections & Committee Coordinator
	Catherine Conrad, City Solicitor and Acting Director of Human Resources	

### 1. CALL TO ORDER

The Special General Committee Training and Education Session convened at the hour of 9:40 AM with Regional Councillor Jack Heath in the Chair.

### 2. DISCLOSURE OF PECUNIARY INTEREST

None disclosed.

### **3. EDUCATION & TRAINING SESSION**

#### **3.1 COUNCIL CODE OF CONDUCT TRAINING (16.23)**

Trinela Cane, Commissioner, Corporate Services, introduced Charles Harnick, Q.C., from ADR Chambers Inc., Integrity Commissioner for the City of Markham, and Britt Parsons, J.D., Ombudsman, ADR Chambers Inc.

Mr. Harnick outlined the function of the City's Integrity Commissioner, what constitutes an investigable complaint by the City's Integrity Commissioner, the investigative process and the duty of confidentiality in the process, and the penalties that the Integrity Commission is legislated to recommend to Council if the Member of Council is found to have contravened the Code of Conduct.

Mr. Harnick discussed and answered questions related to sections of Markham City Council's Code of Conduct, including:

- Relations with Staff;
- Use of Social Media;
- Gifts & Benefits and reporting requirements;
- Improper use of influence;
- Use of City property, services and other resources;
- Confidentiality;

Mr. Harnick reviewed recent amendments to legislation relevant to Members of Council's duty to adhere to the Code of Conduct, including changes to the Municipal Conflict of Interest Act and the Municipal Freedom of Information and Protection of Privacy Act.

Kimberley Kitteringham, City Clerk, reminded Members of Council about the established Code of Conduct Investigation Protocol.

Members of Council asked questions about whether certain actions would hypothetically be in contravention of the Code of Conduct and asked for feedback from Mr. Harnick about how to best avoid situations that could potentially put them in contravention of the Code of Conduct.

Moved By Regional Councillor Jim Jones  
Seconded By Councillor Amanda Collucci

1. That the presentation by Charles Harnick, Q.C. dated April 23, 2019, be received.

**Carried**

**4. ADJOURNMENT**

The Special General Committee Training and Education Session adjourned at 12:02 PM.

Moved By Regional Councillor Jim Jones

Seconded By Councillor Amanda Collucci

1. That the April 23, 2019 Special General Committee meeting be adjourned.

**Carried**



## General Committee Minutes

**Meeting Number: 9**

**April 23, 2019, 1:00 PM - 3:00 PM**

**Council Chamber**

Roll Call	<p>Mayor Frank Scarpitti</p> <p>Deputy Mayor Don Hamilton (left at 3:40PM)</p> <p>Regional Councillor Jack Heath</p> <p>Regional Councillor Joe Li (left at 2:48PM)</p> <p>Regional Councillor Jim Jones</p> <p>Councillor Keith Irish</p> <p>Councillor Alan Ho (left at 3:08PM)</p>	<p>Councillor Reid McAlpine (left at 3:16PM)</p> <p>Councillor Karen Rea</p> <p>Councillor Andrew Keyes</p> <p>Councillor Amanda Collucci</p> <p>Councillor Khalid Usman</p> <p>Councillor Isa Lee (left at 3:40PM)</p>
Staff	<p>Andy Taylor, Chief Administrative Officer</p> <p>Trinela Cane, Commissioner, Corporate Services</p> <p>Brenda Librecz, Commissioner of Community &amp; Fire Services</p> <p>Arvin Prasad, Commissioner Development Services</p> <p>Catherine Conrad, City Solicitor and Acting Director of Human Resources</p>	<p>Joel Lustig, Treasurer</p> <p>Kimberley Kitteringham, City Clerk</p> <p>Martha Pettit, Deputy City Clerk</p> <p>Brian Lee, Director, Engineering</p> <p>Josh Machesney, Elections &amp; Committee Coordinator</p>

### 1. CALL TO ORDER

The General Committee meeting convened at the hour of 1:13 PM with Regional Councillor Jack Heath in the Chair.

Mayor Frank Scarpitti offered his condolences on behalf of Members of General Committee for the victims of the series of bombings in Sri Lanka over Easter weekend. He also took a moment to acknowledge the one year anniversary of the van attack on



Yonge Street in Toronto. A moment of silence was held to remember the victims of both tragedies.

**2. DISCLOSURE OF PECUNIARY INTEREST**

None disclosed.

**3. APPROVAL OF PREVIOUS MINUTES**

**3.1 MINUTES OF THE APRIL 8, 2019 GENERAL COMMITTEE (16.0)**

Moved by Regional Councillor Jim Jones

Seconded by Councillor Amanda Collucci

1. That the minutes of the April 8, 2019 General Committee meeting be confirmed.

**Carried**

**4. DEPUTATIONS**

There were no deputations.

**5. COMMUNICATIONS**

**5.1 YORK REGION COMMUNICATIONS (13.4)**

Moved by Deputy Mayor Don Hamilton

Seconded by Councillor Karen Rea

1. That the communication dated March 28, 2019 from York Region regarding Comments on Proposed Amendment 1 to Growth Plan be received for information purposes.

**Carried**

**6. PETITIONS**

There were no petitions.

**7. CONSENT REPORTS - FINANCE & ADMINISTRATIVE ISSUES**

## **7.1 AWARD OF RFP 196-R-18 SUPPLY AND DELIVERY OF WHEELED CURBSIDE GREEN BIN CONTAINERS (7.12)**

Moved by Councillor Reid McAlpine

Seconded by Councillor Amanda Collucci

1. That the report entitled “Award of RFP 196-R-18 Supply and Delivery of Wheeled Curbside Green Bin Containers” be received; and,
2. That the Contract for the supply and delivery of wheeled curbside green bin containers be awarded to the highest ranked / lowest priced bidder “Nova Products o/a Peninsula Plastics Ltd ” in the annual amount of \$112,731.76 inclusive of HST; and,
3. That the 2019 award amount of \$112,731.76 inclusive of HST be funded from Operating account number 770-773-4132 “Green Bins For Resale”; and,
4. That the remaining budget in the amount of \$17,268.24 be reported as part of the 2019 operating budget year-end variance and reduced from the 2020 Operating Budget; and,
5. That Staff be authorized to exercise the option to renew the contract for three (3) additional years (2020-2022) subject to the Consumer Price Index for Canada (“CPI”) (September to September) and Council approval of the 2020 to 2022 Operating budget as follows;
  - Year 1 (2020) \$112,731.76 (Incl. of HST) + CPI Index
  - Year 2 (2021) \$112,731.76 (Incl. of HST) + CPI Index
  - Year 3 (2022) \$112,731.76 (Incl. of HST) + CPI Index; and further,
  - That Staff be authorized and directed to do all things necessary to give effect to this resolution.

**Carried**

## **7.2 STAFF AWARDED CONTRACTS FOR THE MONTHS OF FEBRUARY AND MARCH 2019 (7.12)**

Moved by Councillor Karen Rea

Seconded by Councillor Reid McAlpine

1. That the report entitled “Staff Awarded Contracts for the Months of February and March 2019” be received; and,

2. That Staff be authorized and directed to do all things necessary to give effect to this resolution

**Carried**

### **7.3 2019 FIRST QUARTER INVESTMENT PERFORMANCE REVIEW (7.0)**

Moved by Councillor Reid McAlpine

Seconded by Councillor Karen Rea

1. That the report dated April 23, 2019 entitled “2019 First Quarter Investment Performance Review” be received; and,
2. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

**Carried**

## **8. PRESENTATION - FINANCE & ADMINISTRATIVE ISSUES**

### **8.1 2018 UNITED WAY CAMPAIGN CHEQUE PRESENTATION (12.2.6)**

Andy Taylor, Chief Administrative Officer, introduced the item and congratulated the United Way volunteers who were in attendance. Mr. Taylor recognized the co-chairs of the United Way, City of Markham Chapter.

Members of the United Way, City of Markham Chapter, presented the United Way with a cheque in the amount of \$86,000.

Mayor Frank Scarpitti congratulated United Way volunteers and thanked them for their hard work on the 2018 campaign on behalf of Members of General Committee.

## **9. PRESENTATION - LAND, BUILDING & PARKS CONSTRUCTION ISSUES**

### **9.1 PUBLIC WORKS FACILITY EXPANSION (8.6)**

Morgan Jones, Director, Operations, was in attendance to deliver a PowerPoint presentation regarding the Public Works Facility Expansion.

Moved by Councillor Andrew Keyes

Seconded by Councillor Karen Rea

1. That the presentation entitled "Public Works Facility Expansion" be received.

**Carried**

## **10. REGULAR REPORTS - FINANCE & ADMINISTRATIVE ISSUES**

### **10.1 2018 CONSOLIDATED FINANCIAL STATEMENTS (7.0)**

Joel Lustig, Treasurer, introduced Kevin Travers, KPMG LLP, external auditor for the City of Markham.

Sandra Skelcher, Manager, Financial Reporting & Payroll, was in attendance to deliver a PowerPoint presentation regarding the 2018 Consolidated Financial Statements.

Mr. Travers delivered a PowerPoint presentation regarding the 2018 Consolidated Financial Statements audit findings.

**General Committee consented to add an additional confidential matter to the confidential agenda regarding personal matters about an identifiable individual, including municipal or local board employees.**

**General Committee resolved into a confidential session at 1:58 PM.**

**Only Members of Council and the Committee Clerk were present for the discussion on this item.**

**General Committee rose from the confidential session at 2:01 PM.**

Moved by Deputy Mayor Don Hamilton

Seconded by Councillor Keith Irish

1. That the presentation titled “2018 Consolidated Financial Statements” be received; and,
2. That the report titled “2018 Consolidated Financial Statements” be received; and,
3. That Council approve the draft Consolidated Financial Statements of The Corporation of the City of Markham (the City), the City of Markham Public Library (the Library), Community Boards, Business Improvement Areas (BIAs) and Investment in Markham Enterprises Corporation (MEC), for the fiscal year ended December 31, 2018; and,
4. That Council authorize Staff to publish the final audited Statements for the fiscal year ended December 31, 2018 upon receiving the Independent Auditors’ Report; and,
5. That the KPMG LLP Audit Findings Report for the year ended December 31, 2018 be received; and,

6. That this matter be forwarded to Council for adoption on April 30, 2019; and further,
7. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

**Carried**

Moved by Deputy Mayor Don Hamilton

Seconded by Councillor Keith Irish

- 1. That, in accordance with Section 239 (2) of the Municipal Act, General Committee resolve into a confidential session to discuss the following matter: personal matter about an identifiable individual, including municipal or local board employees.**

**Carried**

Moved by Deputy Mayor Don Hamilton

Seconded by Councillor Keith Irish

- 1. That General Committee rise from the Confidential Session and continue in Open Session.**

**Carried**

## **10.2 ADVISORY BOARD AND COMMITTEE (ABC) REVIEW FOR THE 2018-2022 TERM OF COUNCIL (16.0)**

Martha Pettit, Deputy City Clerk, delivered a PowerPoint presentation regarding the Advisory Boards & Committees (ABC) Review for the 2018-2022 Term of Council.

Members of General Committee discussed the ABC appointment process.

Moved by Mayor Frank Scarpitti

Seconded by Regional Councillor Jim Jones

- 1. That the report titled “Advisory Board and Committee (ABC) Review for the 2018-2022 Term of Council” be received; and,**
- 2. That Council maintain the ABCs as outlined in Appendix “E”; and,**

3. **That the following Advisory Committees be re-classified as Organizing Committees effective immediately: Canada Day Committee, Doors Open Markham Committee, Markham-Milliken Children’s Festival Committee, Santa Claus Parade Committee; and,**
4. **That the decision to amalgamate or dissolve the ABCs as outlined in Appendix “F” as of June 30, 2019 be referred to the May 6, 2019 General Committee meeting; and,**
5. **That the composition of the Appointment Committee be maintained & that this Committee conduct interviews for the Heritage Markham Committee, Committee of Adjustment, & the Library Board; and, that the decision on how interviews will be conducted for all remaining ABCs be referred to the May 6, 2019 General Committee meeting, and,**
6. **That once a decision is made on the amalgamation or dissolution of ABCs, Council extend its sincere thanks to all citizen appointees & City staff liaisons of impacted ABCs for their contribution to Markham over the years; and,**
7. **That the following Councillors be appointed to Markham ABCs as follows:**

<b>Name of Committee</b>	<b>Council Members to be appointed for the 2018-2022 Term</b>
Advisory Committee on Accessibility	Councillor Isa Lee
Animal Care Committee	Defer to May 6, 2019 General Committee
Appointment Committee	Mayor Frank Scarpitti Deputy Mayor Don Hamilton Regional Councillor Jack Heath Regional Councillor Jim Jones Regional Councillor Joe Li
Box Grove Community Centre Board	Councillor Khalid Usman
Canada Day Celebration Working Group	Councillor Amanda Collucci Councillor Khalid Usman

Cedar Grove Community Centre Board	Regional Councillor Jack Heath Councillor Andrew Keyes
Cemetery Board	Defer to May 6, 2019 General Committee
Cycling & Pedestrian Advisory Committee	Deputy Mayor Don Hamilton Councillor Reid McAlpine Councillor Isa Lee
Doors Open Markham Working Group	Councillor Andrew Keyes Councillor Reid McAlpine
Environmental Advisory Committee	Regional Councillor Joe Li
Flato Markham Theatre Advisory Board	Councillor Alan Ho Councillor Keith Irish
Friends of the Markham Museum Board	Councillor Andrew Keyes Councillor Karen Rea
German Mills Community Centre Board	Councillor Keith Irish
Heintzman House Community Centre Board	Councillor Keith Irish
Markham-Milliken Children's Festival Working Group	Councillor Amanda Collucci Councillor Isa Lee Councillor Khalid Usman
Markham Sports Hall of Fame Committee	Mayor Frank Scarpitti
Markham Village Train Station Community Centre Board	Councillor Karen Rea

Mayor's Youth Council	Councillor Isa Lee Councillor Khalid Usman
Public Art Advisory Committee	Councillor Reid McAlpine
Public Library Board	Deputy Mayor Don Hamilton Councillor Keith Irish Councillor Andrew Keyes
Race Relations Committee	Councillor Isa Lee
Santa Claus Parade Working Group	N/A
Seniors Advisory Committee	Councillor Amanda Collucci Councillor Keith Irish
Varley-McKay Art Foundation of Markham	Councillor Reid McAlpine
Victoria Square Community Centre Board	Councillor Alan Ho

8. **That Staff be authorized & directed to do all things necessary to give effect to this resolution.**

**Carried**

## **11. REGULAR REPORTS - COMMUNITY SERVICE ISSUES**

### **11.1 WATER RELATED BY-LAW UPDATE AND CONSOLIDATION (2.0 & 5.3)**

Gord Miokovic, Manager, Systems Engineering, was in attendance to speak to the Water Related By-law update and consolidation.

Moved by Councillor Andrew Keyes

Seconded by Councillor Isa Lee

1. That the report entitled "Water Related By-law Update and Consolidation", dated April 23, 2019, be received; and,



2. That the proposed Water Use By-law, as described in this report and in the form set out in Attachment “A” be approved and enacted; and,
3. That the four new Waterworks Fees as described in this report be approved, and that an amendment to By-law No. 2002-276 “Fee By-law”, as amended, be approved and enacted in the form set out in Attachment “B”; and,
4. That an amendment to By-law No. 2016-84 “AMPS By-law for Non-Parking Offences”, as amended, be approved and enacted in the form set out in Attachment “C”; and,
5. That an amendment to By-law No. 2012-137 “Licensing, Permit and Service Fees By-law”, as amended, be approved and enacted in the form set out in Attachment “D”; and,
6. That each of the Director of Environmental Services and the Director of Engineering be authorized to execute agreements (i.e. “Water Service Connection Installation Agreement”) for the construction of Water Service Connections with property owners under section 6.1.1 of the Proposed Water Use By-law to the satisfaction of the Director of Environmental Services or the Director of Engineering ; and further,
7. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

**Carried**

## **12. MOTIONS**

There were no motions.

## **13. NOTICES OF MOTION**

There were no notices of motions.

## **14. NEW/OTHER BUSINESS**

There was no new / other business.

## **15. ANNOUNCEMENTS**

There were no announcements.

## **16. CONFIDENTIAL ITEMS**

Moved by Councillor Andrew Keyes

Seconded by Councillor Karen Rea

That, in accordance with Section 239 (2) of the Municipal Act, General Committee resolve into a confidential session to discuss the following matters:

**Carried**

### **16.1 FINANCE & ADMINISTRATIVE ISSUES**

#### **16.1.1 GENERAL COMMITTEE CONFIDENTIAL MINUTES - MARCH 25, 2019 (16.0) [Section 239 (2) (b) (c) (d)]**

The March 25, 2019 Confidential General Committee minutes were approved.

#### **16.1.2 A PROPOSED OR PENDING ACQUISITION OR DISPOSITION OF LAND BY THE MUNICIPALITY OR LOCAL BOARD (WARD ) (8.2) [Section 239 (2) (c)]**

**General Committee consented to refer this item directly to the April 30, 2019 Council agenda.**

#### **16.1.3 LABOUR RELATIONS OR EMPLOYEE NEGOTIATIONS (11.0) [Section 239 (2) (d)]**

**General Committee consented to refer this item directly to the April 30, 2019 Council agenda.**

### **16.2 LAND, BUILDING & PARKS CONSTRUCTION ISSUES**

#### **16.2.1 A PROPOSED OR PENDING ACQUISITION OR DISPOSITION OF LAND BY THE MUNICIPALITY OR LOCAL BOARD (WARD 2) (8.2) [Section 239 (2) (c)]**

**General Committee consented to refer this item directly to the April 30, 2019 Council agenda.**

**16.2.2 A PROPOSED OR PENDING ACQUISITION OR DISPOSITION  
OF LAND BY THE MUNICIPALITY OR LOCAL BOARD (WARD  
2) (8.2) [Section 239 (2) (c)]**

**General Committee consented to placing this item on the April 30,  
2019 Council agenda for consideration.**

**17. ADJOURNMENT**

The General Committee meeting adjourned at 4:10 PM.

Moved by Councillor Andrew Keyes

Seconded by Councillor Khalid Usman

1. That the April 23, 2019 General Committee be adjourned.

**Carried**



## 2018 MARKHAM CANADA DAY COMMITTEE

### MINUTES September 10, 2018 Meeting No. 9

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#### **Attendance**

##### **Members**

Teresa Ing  
Kash Khan  
Susan Li (SEAS)  
Sabrina Luong (SEAS)  
Aaron Madar

##### **Council**

Councillor Alex Chiu  
Councillor Amanda Collucci

##### **Staff**

Andrea Berry, Corporate Communications  
& Community Engagement  
Craig Breen, Operations  
Trinela Cane,  
Commissioner of Corporate Services  
Fion Lau, EA to Councillor Amanda Collucci  
Jay Pak, Financial Analyst  
Ragavan Paranthoathy, Corporate  
Communications  
Jing Yu, Corporate Communications  
Renee Zhang, EA to Councillor Alex Chiu  
Bev Shugg Barbeito, Committee Coordinator

##### **Regrets**

Allan Bell  
Perry Chan  
Kane Elliott  
Prem Kapur  
Raj Sethi  
Shelly Srivastav  
Haixian Wang  
Francis Yim (SEAS)  
Anastasia Averkov Corporate Communications  
Michael Blackburn, Corporate Communications  
Matt Busato, Operations  
Jason Britton, Working Supervisor, Operations  
Zack D'Sousa, Corporate Communications  
Morgan Jones, Operations  
Yvonne Lord Buckley, Corporate  
Communications  
Dean McDermid, Plant Operations  
David Plant, Manager, Operations  
Andrea Tang, Manager Financial Planning

The ninth meeting of the 2018 Markham Canada Day Committee convened at 5:35 p.m. with Councillor Amanda Collucci serving as Chair.

#### **1. WELCOME**

Councillor Amanda Collucci welcomed everyone to the meeting.

## 2. ADOPTION OF THE MINUTES OF THE MEETING HELD ON JUNE 25, 2018

It was

Moved by            Sabrina Luong  
 Seconded by        Aaron Madar

That the minutes of the 2018 Markham Canada Day Committee meeting held on June 25, 2018 be adopted as distributed.

CARRIED

## 3. PLANNING FOR CANADA DAY 2018

### a) Budget

Jay Pak, Financial Analyst, distributed and reviewed the report entitled *Canada Day 2018 High Level Summary as of September 10, 2018*. He noted that there currently is a projected surplus, although some sponsorship funds still need to be confirmed. He commended everyone for keeping expenses within the budget.

### b) Road Occupancy Approvals

It was reported that road closures facilitated smooth transit movement and pedestrian access to and from Milne Park. Signage advising of road closures was posted in advance of Canada Day.

### c) Security

Councillor Amanda Collucci advised that the additional lighting, fencing and security measures were effective safety measures, but did create a budget pressure. It was suggested that the Committee formally ask Markham Council to review the budget for the Canada Day events. It was noted that York Region Police were very positive about the increased efforts and resources, including plans by Markham's Emergency Coordinator, devoted to increasing pedestrian safety and access for transit.

The Committee discussed the advantages and disadvantages of purchasing, rather than renting, the additional lighting and fencing. It was requested that Plant Operations staff review the details and bring a recommendation to the Committee.

Action: Plant Operations

### d) Parade

It was reported that this year the staging area was at the Centennial Community Centre because space at the Markville Mall parking lot was no longer available. Because the staging area was somewhat distant from the actual parade route, it was suggested that the Heritage Centre could be considered for future parades. It was reported that there were 45 participants in the parade. Everyone was mindful of the hot humid weather conditions and there were no problems related to the heat.

e) Corporate Communications and Community Engagement Proposal

Andrea Berry advised that the approved communications and social media plan worked well and a similar approach will be used next year. An emergency plan with appropriate messaging/safety tips for use before and during the Canada Day events was created and will be used again for future events.

f) Mayor's Seniors' Luncheon

Renee Zhang, EA to Councillor Alex Chiu, reported that 950 seniors attended the luncheon. She thanked the many volunteers for their help in making the luncheon run smoothly. It was noted that it was wise to have additional volunteers attend, in case police or fire services volunteers needed to leave to attend to an emergency. It was also noted that volunteers are needed to assist in cleaning up the venue.

Andrea Berry advised that attendees rated the luncheon highly; they liked the food and service. They also liked the entertainment and for future luncheons, would like more entertainment with fewer speeches. It was noted that registrations for the luncheon fill up quickly.

Suggestions for next year included:

- Have some volunteers on hand early at Le Parc to be with seniors who arrive early for the luncheon;
- Schedule the speeches before the food is served;
- Have volunteers monitor the coffee and tea until it's time for them to be served, so that attendees don't serve themselves.
- It was advised that the members of the Seniors Advisory Committee wanted to be thanked and members of the Seniors' Hall of Fame wanted the video showed; Corporate Communications will note these requests and add them to next year's luncheon agenda.

Action: Corporate Communications

g) Transit Arrangements

It was reported that buses arrived earlier than expected so this will be discussed with York Region Transit for next year. The Centennial Community Centre served well as an embarkation point. The Committee discussed the possibility of a shuttle bus type service but agreed to maintain the service as is.

h) Food Vendors

Jing Yu, Corporate Communications, reported that there were 20 confirmed food vendors, with revenue increased to \$7,000. The layout worked well and Plant Operations marked vendors' names on each spot so that vendors could find their spot easily.

i) Children's Activities

Fion Lau, EA to Councillor Amanda Collucci, reported that the children's activities ran smoothly but because of the high heat, not as many children attended as in previous years. This did give an opportunity for the artists to take more time with each of the children. The use of children's wristbands was well received. It was suggested that inflatables be considered for next year, depending on the cost.

j) Stage & Sound

Jing Yu reported for Perry Chan and Yvonne Lord Buckley that the entertainment lineup was well received. Costs decreased this year because the decision was made to not rent the LED screen.

k) Fireworks

It was reported that the fireworks were well received but it was thought that there might have been more variety in the presentation. It was noted that, because of the heat and the extremely dry conditions, there was concern that the fireworks could start a fire. The Committee discussed the possibility of stationing a fire truck at Milne Park to be on hand in case of fire. It was requested that Plant Operations staff review the details and bring a recommendation to the Committee.

Action: Plant Operations

l) Entertainment

Jing Yu reported for Perry Chan and Yvonne Lord Buckley that the entertainment lineup was well received; the headliner was dynamic and created a lot of “buzz”. Many people attended as a result of the social media communications by Corporate Communications. Costs were under budget; the Star Search performers and youth groups performed free of charge.

m) Volunteers

Sabrina Luong, SEAS Centre, advised that the volunteers worked well. She recommended that next year the volunteers be scheduled for the entire day, and receive t-shirts again. Corporate Communications will arrange for letters of appreciation from the Mayor.

Action: Corporate Communications

n) Sponsorship

It was reported that Councillor Jim Jones was most helpful in arranging some last minute sponsorships. Councillor Amanda Collucci will thank Councillor Jones on behalf of the Committee. It was suggested that seniors’ homes, health care firms, and Shopper’s Drug Mart be approached to sponsor the Mayor’s Seniors’ Luncheon in the future. Consolidated sponsorship packages for all Markham festivals and events will be prepared and distributed in the next few weeks so that organizations can consider sponsorship in their budgeting plans.

o) Signage

It was suggested that there be signs showing the bus schedule between the Centennial Community Centre and Milne Park, the entertainment schedule at Milne Park, and the Parade lineup.

p) Parking

It was reported that the parking plans ran smoothly.

q) Citizenship Court

It was reported that the Citizenship ceremony was very moving. Plans for next year will include having the Mayor pose for pictures with the new Canadians after the ceremony.

**4. OTHER BUSINESS**

None was identified.

**5. NEXT MEETING**

The next meeting will be held at the end of January 2019. It is hoped that work can begin before that meeting to confirm plans for the luncheon, the headliner and food vendors.

**6. ADJOURNMENT**

It was

Moved by	Teresa Ing
Seconded by	Aaron Madar

That the ninth meeting of the 2018 Markham Canada Day Committee adjourn at 7:05 PM.

CARRIED



## Canada Day Committee

February 26, 2019

10:00 am

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Councillor Amanda Collucci, Andrea Tang, Renee Zhang, Yvonne Lord-Buckley, Jing Yu, David Plant, Emma Girard, Fion Lau, Raquel (Student), and Laura Gold

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The Canada Day Committee staff meeting convened at 10:05 am.

### 1. PLANNING AND UNDERTAKING OF THE CANADA DAY COMMITTEE

#### Budget

Andrea Tang, Senior Manager of Financial Planning provided an overview of the 2018 Canada Day Budget actuals. Some of her feedback included:

- Obtained a small budget surplus – subject to receiving all promised sponsorship funds - \$12,000 in sponsorship funds still to be collected;
- Need to find a more sustainable funding source (too heavily dependent on sponsorship);
- Challenge is finding revenue sources.

Committee provided the following feedback:

- Unsure if Miller will support the event in the future, as it is under new ownership);
- Cost of mist machine needs to be added to the Canada Day expenses;
- Le Parc meal cost will increase from \$13 to \$14 per person due to the minimum wage increase – asked to check with Le Parc if the price will still increase now that the minimum wage is remaining the same.

#### Signage

- Need to add cannabis as a prohibited substance to the signage (Emma to see if the sign can be updated by adding a sticker);

#### Heritage Grant

- Expecting to get a bundled grant, if successful will give \$32,000 to the Canada Day event.

#### Sponsorship

Canada Day Committee  
February 26, 2019

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- Sponsorship Package for all City events has been circulated (including Canada Day Committee), so that the same organizations are not being continuously approached;
- Working on improving the process for collecting sponsorship funds.

### **News Conference**

- Suggested holding the conference on June 18 at 10:00 am (Yvonne Lord-Buckley to check the Mayor's availability).

### **Citizenship Court**

- Yvonne Lord Buckley to ask the Mayor's Office who will be responsible for overseeing citizenship court this year;
- Need to send a formal request to judge Albert Wong to be the judge for the citizenship court, noting he has already informally committed to undertake this task;

### **Senior's Luncheon**

- New Co-Chair assistant to takeover.

### **Food Vendors**

- maxed out the number of vendors;
- Could increase the vendor cost - possibly increase from \$300 to \$350.

### **Children's Entertainment**

- Could just have mascots and no superheroes to reduce the cost.

### **Promotion of the Event**

- Will use the same or more digital media to promote the event.

### **Parade**

- Yvonne Lord Buckley to proceed with the booking of the horse and carriage for the parade;
- Need to be clear how far participants have to walk;
- Possibly should have water bottles or first aid on route.

### **Fireworks**

- Will be the last year of a 3 year contract (cost to remain the same for the 2019 event);

Canada Day Committee

February 26, 2019

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- Possibly consider a laser show instead of fireworks when negotiating the fireworks contract for 2020.

### **Entertainment**

- Will start paid acts at 3:00 pm.

### **Parking**

- Need to tightly manage the number of parking permits issues;
- Very challenging getting people in and out of the park;
- Need to determine how many parking permits should be issued, suggesting it should be less than last year.

## **2. ADJOURNMENT**

The staff meeting of the Canada Day Committee adjourned at 10:33 am.



## MARKHAM ENVIRONMENTAL ADVISORY COMMITTEE

### MINUTES

**Ontario Room, Markham Civic Centre  
March 21, 2019**

#### Attendance

##### Members

Kevin Boon, Chair  
Ashok Bangia  
Phil Ling  
Karl Lyew, Immediate Past Chair  
Nadine Pinto  
Natasha Welch

##### Regrets

Alimasi Chen  
Karl Fernandes  
Christopher Ford, Vice Chair  
Elvis Nurse  
Diane Ross  
Regional Councillor Jack Heath

##### Council

Regional Councillor Joe Li

##### Guests

Stewart Cumner, Resident  
Ariana Lim, Student  
Rumaisha Qadar, Student  
Margaret Muller, Teacher

##### Staff

Jacqueline Tung, Community Engagement  
Assistant  
Jennifer Wong, Sustainability Coordinator  
Bev Shugg Barbeito, Committee Coordinator

#### **1. CALL TO ORDER**

The Markham Environmental Advisory Committee (MEAC) was called to order at 7:12 PM with Kevin Boon presiding as Chair.

#### **2. CHANGES OR ADDITIONS TO THE AGENDA**

It was agreed to remove item 5A Board/Committee Information Night since the debrief occurred at the previous meeting. The agenda was accepted as amended.

### **3. ADOPTION OF THE MINUTES OF THE MARKHAM ENVIRONMENTAL ADVISORY COMMITTEE MEETING HELD ON FEBRUARY 21, 2019**

It was

Moved by           Nadine Pinto  
 Seconded by       Ashok Bangia

That the minutes of the Markham Environmental Advisory Committee (MEAC) meeting held on February 21, 2019 be adopted as distributed.

CARRIED

### **4. MATTERS ARISING FROM THE MINUTES**

#### **A. INFORMATION ON MARKHAM INITIATIVES AND COUNCIL MATTERS**

- Regional Councillor Joe Li reported that:
  - Markham is maintaining the lowest average tax increase over 13 years among other GTA communities
  - The Provincial Government may be considering revisions to the current regional structure as part of its regional government review
  - A local developer has shown interest in the underground waste management system; Markham may implement a pilot project at one apartment building.

#### **B. FOLLOW UP ON ACTION ITEMS**

Chair Kevin Boon reviewed and updated the action items.

### **5. NEW BUSINESS**

#### **A. EARTH MONTH PLANNING**

Jacqueline Tung reviewed planning details of the event. She confirmed that the following exhibitors will participate:

- York Region
- Animal Advisory Committee
- Pitch it Green
- Markham Library
- Markham Waste
- Markham Water
- Markham Forestry
- Face painting
- Speaking of Wildlife
- Scales
- Plug n Drive

- York University

In addition, the following groups have been invited to participate:

- Markham Mayor Youth Council (interested in participating, activity TBD)
- Markham Teen Arts Council (not confirmed)
- Student exhibit (invited 4 schools)
- Cycling committee (not invited yet)
- Tesla, thanks to a referral from Phil Ling

It was also suggested to invite Drawdown, a broad coalition of researchers, scientists, policy makers, business leaders and activists to assemble and present the best available information on climate solutions to reverse global warming.

Three schools have confirmed their participation: San Lorenzo Ruiz Catholic Elementary School, Pierre Elliott Trudeau High School, and Bur Oak Secondary School; each school is working on its projects. There is potential to invite a fourth school. Mayor Scarpitti prefers to award the certificates of participation to the students at the event; it is recommended that the students pose for photos with Mayor Scarpitti during the event and the certificates will be awarded at the conclusion.

Ms. Tung displayed the layout of the Remington Centre, the venue for the event, and showed the proposed set up of booths and tables. The animals would be housed in covered tents outside. Committee members and student guests agreed with the proposed layout.

Ms. Tung reviewed promotion and marketing initiative, such as buck slips, social media, floor decals, mobile signs, radio, newspaper articles, news ads, other events, and local online calendars. She has prepared a pdf for distribution at schools, and a social media image for personal networks.

Ms. Tung reviewed the proposed schedule for the day:

8:30-9:30 am – Exhibitors, volunteers, event staff start to arrive

9:00 am – Volunteer briefing

10:00 am – Event starts

10:00 am - 4:00pm – various activities for the whole family, including a sustainability fair showcasing environmental projects, free carousel rides, electric vehicle test driving, passport activity, animal interactions, eco-craft zone

11:00 am – 4:00 pm – Face to Face painting

#### Tentative timing regarding speeches

12:30pm – Mayor arrives

1:30pm – MC (Kevin Boom, MEAC) to give welcome

1:35pm – MC to introduce to Mayor Scarpitti

1:36pm – Remarks by Mayor Scarpitti

Environmental Advisory Committee

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1:46pm – MC to introduce Ward 3 Councillor McAlpine  
 1:47pm – Remarks by Ward 3 Councillor McAlpine  
 1:52pm – MC to introduce representative from Remington Development Corp  
 1:53pm – Remarks by Remington Development Corp. representative  
 1:58pm – Closing remarks by MC  
 2:00pm – Speakers end

Ms. Tung advised that there would be a need for volunteers, and asked that MEAC organize these arrangements. It is hoped that student guests at this meeting can assist in recruiting other students as volunteers. Students would receive credit toward their required number of volunteer hours. It was suggested that volunteers could work the full day, half day, or a few hours. The Subcommittee Co-chairs will draft a schedule.

Chair Kevin Boon reported that he and Ashok Bangia have been visiting businesses located in the Remington Centre to solicit items that might be used as prizes. Nadine Pinto and Natasha Welch advised that they are soliciting items from other businesses located elsewhere in Markham. For those businesses which do provide such donations, MEAC will highlight their sustainability initiatives in a slide show to run at the event. Stewart Cumner volunteered to create the slide show.

## **6. OTHER BUSINESS**

- Regional Councillor Joe Li advised that he will be appointed Chair of the Environmental Issues Committee.
- Markham's next waste reduction initiative will address single-use plastics; the City hopes to recruit a partner to assist with a pilot project.

## **7. NEXT MEETING**

The next meeting of the Markham Environmental Advisory Committee will be held on Thursday, April 18, 2019 at 7:00 p.m., in the Ontario Room, Markham Civic Centre.

## **8. ADJOURNMENT**

It was

Moved by           Karl Lyew  
 Seconded by       Phil Ling

That the Markham Environmental Advisory Committee adjourn at 9:00 PM.

**CARRIED**

## AGENDA 2.1

### MARKHAM PUBLIC LIBRARY BOARD

#### Regular Meeting

**Minutes of Meeting held on Monday, March 25, 2019 7:04 p.m. Markham Village Library, Program Room, 6031 Highway 7 East, Markham L3P 3A7**

Present from Board: Mr. Ben Hendriks, Chair  
Mr. Alick Siu, Vice-Chair  
Ms. Margaret McGrory  
Mrs. Marilyn Aspevig  
Mrs. Pearl Mantell  
Mrs. Lillian Tolensky  
Mrs. Yemisi Dina  
Regional Councillor Joe Li

Present from Staff: Mrs. Catherine Biss, CEO & Secretary-Treasurer  
Mrs. Diane Macklin, Director, Community Engagement  
Ms. Deborah Walker, Director, Library Strategy & Planning  
Ms. Michelle Sawh, Director, Administration  
M Mrs. Antonella Costa, Manager, Workforce Development  
Ms. Andrea Cecchetto, Director, Service Excellence  
Ms. Megan Garza, Manager, Organizational Transformation  
Mrs. Susan Price, Board Secretary

Regrets: Regional Councillor Jack Heath  
Councillor Alan Ho  
Mr. Alfred Kam  
Ms. Jennifer Yip

Guest: Mr. Robert Vallee, Resident

#### 1.0 **Call to Order/Approval of Agenda**

Mr. Ben Hendriks, Chair, called the meeting to order at 7:04 p.m.

Moved by Mrs. Yemisi Dina  
Seconded by Mr. Alick Siu

**Resolved that the agenda be approved.**

Carried.

#### 1.1 **Declaration of Conflict of Pecuniary Interest**

None.

#### 1.2 **Delegation**

None.



## **AGENDA 2.1**

### **1.3 Chair's Remarks**

#### **CHAIR'S INDIGENOUS LAND ACKNOWLEDGMENT**

Before we begin today's meeting, we would like to give acknowledgment to the traditional land we are grateful to have the opportunity to gather on today. We acknowledge our presence on the traditional territory of many Indigenous Nations who have and continue to call this territory home including the Wendat, Anishnabek Nation, the Haudenosaunee Confederacy, the Mississaugas of Scugog, Hiawatha, Alderville First Nation and the Metis Nation.

The Chair added to the Acknowledgment regarding the cultural differences and the many ways of acknowledgment.

The Chair advised that the EL Monitoring schedule for the first half of 2019 is available and if anyone is aware that they will be absent for their assignment to let the Board Secretary know. A copy of the amended by-laws is ready for Board Member binders.

OLA/OLBA Update: Mr. Hendriks reminded the Board that he is the recent Vice-president of OLBA and this is his first update. Although OLBA is well represented members do not appear to have a lot of Board experience. He discussed some of the challenges, different ways of conducting business and the cross utilizing of resources.

One Board member commented that MPL is an important part of the community and is Markham City Council engaged with and aware of MPL's involvement in the wider library governance space.

Mr. Hendriks advised the Board that SOLS (Southern Ontario Library Services) is conducting Regional Workshops on Governance Best Practice at various locations, one being held at Richmond Hill Library, Saturday May 4, 2019. Also, he will attempt to have someone from SOLS conduct a workshop at Markham Public Library if that can be scheduled.

### **2.0 Consent Agenda:**

Moved by        Mrs. Lillian Tolensky  
Seconded by    Ms. Margaret McGrory

**Resolved that the Consent Agenda comprising Agenda items 2.0 to 2.3. 4 and the same are hereby approved as written and the CEO of the Library is hereby authorized and directed to take such action that may be necessary to give effect to the recommendations as therein contained:**

- 2.1       Minutes of Regular Meeting, February 25, 2019**
- 2.2       Declaration of Due Diligence by the CEO**
- 2.3       Communication and Correspondence:**

- 2.3.1    MARKHAMeNEWS: MPL Lynda.com**
- 2.3.2    MARKHAMREVIEW.com: Repair Café might be the fix you need**
- 2.3.3    OMNI TV: Councillor Isa Lee at Milliken Library**
- 2.3.4    MARKHAMREVIEW.com: Markham Students Show Off Robotics Skills**

Carried.

## AGENDA 2.1

The Chair commented on the TV interview with Councillor Isa Lee at Milliken Library. Although the interview was conducted in Chinese, a staff member was able to translate and confirm that all the information she gave was current and supportive.

### 3.0 **CEO's Highlights, March 25, 2019:**

The CEO drew attention to several of the items addressed in the CEO's Highlights including:

The **Capital Budget** was approved including the purchase of 13 tablets to support mobile service delivery, timeline for which will depend on the City's IT Department.

**City Strategic Planning** aligns with our process, MPL timing into the fall.

**Library Open Hours** Sunday service hours at Cornell and Milliken Mills branches will expand effective July 7, 2019.

**Integrated Master Leisure Plan Update** The draft ILMP Update Report is currently undergoing final edits by the Staff team.

**Library Website Update** The contract with Bibliocommons has been signed and the process is underway. Throughout the development of the new site, the Library will engage stakeholders, including customers and the Library Board, to ensure a customer-centered site that is easy to use and will help website visitors discover the Library's many offerings.

**Neighborhood Engagement Strategy** Pursuant to the Commissions' final revision of departmental Business Plans for 2019, the following initiative has been added to our 2019 Workplan "Participate in a 'pilot' of the City Neighborhood Team initiative to foster community engagement and further social outcomes". The pilot will focus on the Milliken neighborhood.

**Enterprise Risk Management** Staff explained that this is the first ERM Report and library administration has identified a number of potential or anticipated risks. Staff are utilizing appropriate strategies to bring these risks to an acceptable threshold. There was some discussion on certain items and clarification on some of the grades assigned.

There was a lot of discussion and comments including how the Library is a key player in the educational system.

Moved by Mrs. Pearl Mantell

Seconded by Mr. Alick Siu

**Resolved that the report entitled "CEO's Highlights, March 2019" be received.**

Carried.

### 4.0 **Annual Monthly Policy Review:** (To be undertaken at the January meeting)

### 5.0 **Internal Monitoring Reports:** (Compliance list of internal monitoring reports and discussion led by members.)

**AGENDA 2.1**

5.1 **Monitoring Report-Executive Limitation EL-2j, Communication & Counsel to the Board (October 2018 to February 2019)**  
**(Assigned to Mrs. Yemisi Dina)**

Mrs. Dina stated that she reviewed the report Communication & Counsel to the Board which covers the timeframe October 2018 to February 2019.

The Policy states *'The CEO shall not permit the board to be uninformed or unsupported in its work* and that the "CEO will ensure the Board is informed and supported in its work".

A summary of all the reports was provided in the document.

Mrs. Dina did not receive any questions or concerns from Members.

The report confirmed that the CEO and MPL's practices relative to MPL's Communication & Counsel to the Board comply with the requirements of EL-2j policy.

Moved by Mrs. Yemisi Dina  
 Seconded by Mrs. Lillian Tolensky

**Resolved that the internal monitoring report entitled "Executive Limitation EL -2j Communication & Counsel to the Board (October 2018 to February 2019)" be received.**

Carried.

5.2 **Internal Monitoring Report-Executive Limitation: EL-2g, Emergency Executive Succession**  
**(Assigned to Mrs. Marilyn Aspevig)**

Mrs. Aspevig advised the Board that she is leading the discussion on EL-2j. She did not receive any questions or concerns prior to the meeting.

Mrs. Aspevig stated that the Policy is provided *"In order to protect the Board from sudden loss of CEO services, the CEO may not have fewer than two other executives familiar with Board and CEO issues and processes and able to carry on the responsibilities of the CEO as set out in the policies.*

There was a comment that there is a good mix of staff and experience to call upon should the need arise.

The report confirmed that the CEO and MPL's practices relative to MPL's Emergency Executive Succession comply with the requirements of EL-2g policy.

Moved by Mrs. Marilyn Aspevig  
 Seconded by Mr. Alick Siu

**Resolved that the internal monitoring report entitled "Executive Limitation: EL -2g, Emergency Executive Succession" be received.**

Carried.

6.0 **Ends**

## AGENDA 2.1

7.0

### **Governance:**

7.1

#### **Board Meeting Attendance**

Moved by Mrs. Pearl Mantell  
 Seconded by Mrs. Lillian Tolensky

**Resolved that Regional Councillor Jack Heath's absence from Board meetings held on November 26, 2018, December 17, 2018 and February, 25, 2019 be authorized, due to conflicting Council meetings and related travel.**

Carried.

7.2

#### **Board Meeting Attendance**

Moved by Mrs. Marilyn Aspevig  
 Seconded by Mrs. Yemisi Dina

**Resolved that Councillor Alan Ho's absence from Board meetings held on November 26, 2018, December 17, 2018 and February, 25, 2019 be authorized, due to conflicting Council meetings and related travel.**

Carried.

7.3

#### **Resignation of Ms. Aida DaSilva from the Markham Public Library Board**

Moved by Mr. Alick Siu  
 Seconded by Ms. Margret McGrory

**Resolved that the resignation of Ms. Aida DaSilva from the Markham Public Library Board effective February 26, 2019 be received;**

**And that Council will not need to replace Ms. Aida DaSilva for this term as its membership is currently within the range identified in its Terms of Reference, and the fact that it is so close to the end of the term Markham Public Library Board will continue with twelve members.**

Carried.

The Chair thanked Aida for her time on the Board and wished her well.

There was some discussion on the incoming Board. Interview appointments have been started.

8.0

### **Ownership Linkage:**

8.1

#### **Input from Board Members**

Mr. Hendriks advised the Board that he attends a number of Markham Branches and overhears a lot of positive feedback from residents.

Mrs. Aspevig commented on a visit to Aaniin Library with family and how welcoming it was.

## AGENDA 2.1

Ms. McGrory continues to attend and enjoy the YorkU lecture series and observed that the speakers are always excellent and the sessions well attended.

### 9.0 **Board Advocacy:**

#### 9.1 **Events for the Next Quarter**

Staff explained the list contained all programs for spring 2019. At the request of the Board the listing indicates whether the program is Staff Led or a Partnered Program.

There are stars on the events calendar that indicate which would be beneficial for Board members to attend as they tend to attract a lot of citizens.

- Repair Cafe
- YorkU Scholars Hub Lecture Series
- Battle of the Books 2019
- Botquest-Markham's Robotic Tournament

Staff also explained that the "Battle of the Books" is an annual contest between schools for grades 4-6.

A request was made for a Board volunteer who could attend the new event "Botquest" to be held Saturday March 30, 2019 at Angus Glen Library and Alick Siu, Vice-Chair offered to be there.

There was some discussion on the best way to get program information out to the public and Staff explained that print version is not always successful and hopes are that the new website will be more accessible and user friendly.

There was also a question on community partnerships and how they were developed.

Moved by        Mr. Alick Siu  
Seconded by    Mrs. Yemisi Dina

**Resolved that the report "Events for the Next Quarter" be received.**

Carried.

### 10.0 **Education:**

#### 10.1 **MPL Strategic Planning**

Staff explained that in a world where the pace of change is accelerating, a Strategic Plan "Roadmap" needs to be

- Flexible
- Evidence-based
- To empower MPL to adapt more quickly to change
- Continually exploring new possibilities

**Flexibility:** An agile MPL will align in real time to constantly evolving community needs

## AGENDA 2.1

**Alignment With the City:** MPL viewed as a critical community asset and amplifier of the City's strategic goals

**Alignment with Resident Priorities:** Services, collections, spaces, staffing aligned with the community's current and future priorities

**Engaged Community:** Community is engaged in our future through a plan that delivers intentional alignment with its goals

**Engage Staff:** Staff who are engaged in generating MPL's future see themselves in the Roadmap and understand their roles

There are four phases of the process consisting of:

**1. Input and consultation phase:**

Information gathering, research and analysis

Community Consultation/Input

Participating in the City's strategic planning process

Alignment with the Corp/Support update of Building Markham's Future together

Staff engagement and input

**2. Development of Strategic Priorities**

Synthesize and evaluate results and finding

Workshops

Develop Mission and Vision

Library Board Engagement

**3. Create the Strategic Roadmap**

Develop implementation plan and process including ongoing performance evaluation, impact measurements and modifying actions to adjust and adapt as needed

**4. Launch the Roadmap**

Final report to Board

Town Halls for staff

Board presentation to Council

Public launch

Regarding the proposed timing and scope of Board engagement in the strategic planning process, the Board indicated it was satisfied.

Moved by Ms. Margaret McGrory

Seconded by Mr. Alick Siu

**Resolved that the presentation "MPL Strategic Planning " be received.**

Carried.

11.0 **Incidental Information**

12.0 **New Business**

## AGENDA 2.1

13.0 **Board Evaluation :**

13.1 **The Board and the CEO**

Moved by Mrs. Yemisi Dina  
Seconded by Mrs. Lillian Tolensky

**Resolved that report entitled “Questionnaire Results’ The Board and the CEO” be received.**

Carried.

13.2 **Board Evaluation: Feedback to the Chair**

The Chair asked Board members to complete the questionnaire and hand in to Board Secretary.

14.0 **In Camera Agenda**

Moved by Mrs. Marilyn Aspevig  
Seconded by Mrs. Yemisi Dina

**Resolved that the Board meet in Camera at 8:26 p.m. to discuss a confidential personnel matter.**

Carried.

The Board returned to its regular meeting at 9:00 p.m.

Moved by Mrs. Marilyn Aspevig  
Seconded by Ms. Margaret McGrory

**Resolved that the motions approved In Camera be ratified.**

Carried.

15.0 **Adjournment**

Moved by Regional Councillor Joe Li that the meeting be adjourned at 9:00 p.m.

## Seniors Advisory Committee

Tuesday March 12, 2019

3:00 PM – 5:00 PM

Ontario Room

### Minutes

**Attendance:**

Satya Arora  
Arul Rajasingam  
Patricia Anderson  
Anthony Ko  
Almas Mawani  
Alam Muhammad  
Yash Kapur

**Regrets:**

Gail Leet, Chair  
Councillor Amanda Collucci  
Mithan Lal Kansal  
Diane Gabay

**Guests:**

Janet Rurak, York Region  
Judy Coultres-MacLeod, York Region  
Peter Thoma, Urban Metrics  
Michael Johnson, Urban Metrics  
Kirk McDonald – Angus Glen Seniors Club  
KY Chu - MONTM KC

**Staff:**

Josh Machesney, Elections & Council/Committee Coordinator  
Marta Wrzal, Recreation Coordinator – Programs & Outreach



Item	Discussion	Action Item
<b>1. Call to Order &amp; Disclosure of Pecuniary Interest</b>	The Seniors Advisory Committee convened at 3:05 PM with Marta Wrzal Recreation Coordinator – Programs & Outreach, presiding as Chair.	
<b>2. Approval of the February 19, 2019 Seniors Advisory Committee Minutes</b>	That the February 19, 2019 Seniors Advisory Committee Minutes be approved.  Carried	
<b>3. Michael Johnson, Senior Project Manager, Urban Metrics – York Region Seniors &amp; Caregivers Capacity Planning Workshop</b>	<p>Mike Johnson, Urban Metrics, was in attendance to facilitate a discussion with Committee Members regarding the core service needs for different senior populations in York Region. Mr. Johnson advised that Urban Metrics is currently undertaking a study on seniors in York Region that attempts to understand the most necessary programs and services for seniors in York Region. Mr. Johnson provided two handouts entitled “Vulnerability Characteristics” and “Capacity Planning for Seniors &amp; Caregivers to Navigate the System” and asked that Committee members complete the questionnaire portion and return it to him.</p> <p>There was an open discussion about the top programs and services available in York Region, or that ought to be available in York Region, that help seniors “age in place”. A number of programs and services were identified as being necessary during the discussion:</p> <ul style="list-style-type: none"> <li>• Access to health care programs &amp; therapies;</li> <li>• Access to CCAC</li> <li>• Snow &amp; windrow removal;</li> <li>• Public transit &amp; escort;</li> <li>• Companionship services;</li> <li>• Availability of recreation spaces at community centres;</li> </ul> <p>It was acknowledged by Members and Guests that the lack of</p>	

	<p>communication about seniors' programs and services is a barrier to seniors being able to access them. Mr. Johnson explained that York Region and the City of Markham is aware of this and have prioritized the communication of seniors' programs and services to improved accessibility through their Older Adult Strategies and Age-Friendly initiatives.</p> <p>There was concern expressed for the cancellation of seniors recreation programs during March Break and during the summer months to allow for children's recreation programs. It was pointed out that senior recreation programs are imperative for a number of reasons, including promoting a healthy lifestyle and helping to combat social isolation among seniors.</p>	
<b>4. Coffee Talk Update</b>	<p>Marta advised that herself, Satya and Gail met with Luke Hiltz to begin organizing the Committee's first Coffee Talk. Marta announced that Armadale Community Centre will host it. The Talk will take place during the second week of April (date to be determined). The topic is "Ministry of Transportation", and a representative from the Ministry will be there to facilitate the discussion. The flyer will be made available to members once a date is selected.</p>	
<b>5. New Business</b>	<p><u>Middlefield Seniors</u>          Arul advised that Middlefield Seniors is opening a café at Aaniin Community Centre.</p>	
<b>6. Adjournment</b>	<p>The meeting adjourned at 4:45 PM.</p>	



Report to: General Committee

Meeting Date: May 6, 2019

**SUBJECT:** Award of Tender 190-T-18 Play Equipment Replacement & Site Work at Various Parks

**PREPARED BY:** Scott Grieve, Supervisor, Parks Operations, Ext. 2486  
Melita Lee, Senior Buyer, Ext. 2239

**RECOMMENDATION:**

- 1) That the report entitled “Award of Tender 190-T-18 Play Equipment Replacement & Site Work at Various Parks” be received; and,
- 2) That the contract for Tender 190-T-18 Play Equipment Replacement & Site work at Various Parks be awarded to the lowest priced Bidder, TDI International Ag Inc. dba Eco Blue Systems, in the amount of \$1,280,177.87, inclusive of HST; and,
- 3) That a 10% contingency in the amount of \$128,017.79 inclusive of HST, be established to cover any additional construction costs and that authorization to approve expenditures of this contingency amount up to the specified limit be in accordance with the Expenditure Control Policy; and,
- 4) That the award in the amount of \$1,408,195.66 (\$1,280,177.87 + \$128,017.79) be funded from projects #18234 Playstructure Replacement and #18235 Playstructure Rubberized Surface Replacement with available budget of \$1,284,940.00; and,
- 5) That the above two projects be consolidated into one project under project 18234 Playstructure and Rubberized Surface Replacement; and,
- 6) That the budget shortfall in the amount of \$123,255.66 (\$1,284,940 - \$1,408,195.66) be funded from the Life Cycle Replacement and Capital Reserve Fund; and further,
- 7) That Staff be authorized and directed to do all things necessary to give effect to this resolution.

**PURPOSE:**

The purpose of this report is to obtain Council approval to award the contract for play equipment replacement and site work at the following various parks:

1. Aldergrove Park	7. Briarwood Park	13. Randall Park
2. Alma Walker Park	8. Central Park	14. Robinson Park
3. Armadale Park	9. Coledale Park	15. Stargell Park
4. Armstrong Park	10. Franklin Carmichael Park	16. Thomas Frisby Park
5. Austin Park	11. Johnsvie Park	17. The Mews Park
6. Bianca Park	12. Pomona Mills Park	18. Centennial Park

**BACKGROUND:**

The work will consist of the following:

- Temporary fences;
- Removal/stockpiling and reinstate existing sand safety surface;

- 
- Removal and disposal of existing play equipment;
  - Coordination of the supply and installation of new play equipment;
  - Restoration of park back to its original condition following completion of construction;
  - Installation of stockpiled sand safety surface and increasing to 300mm depth with new playground sand; and
  - Coordination of CSA inspection & certification of play equipment & sand safety surface.

All efforts are made to ensure that a like for like replacement strategy is implemented with specific attention given to replacing the same number of play elements as the equipment that we are removing.

It is anticipated the project will be completed by August 1, 2019.

#### **Tender Information (190-T-18)**

Bid closed on	February 19, 2019
Number picking up bid document	10
Number responding to bid	9

#### **Price Summary**

<b>Bidder</b>	<b>Bid Price (Inclusive of HST)</b>
Smith and Long	\$1,241,147.31*
<b>TDI International Ag Inc. dba Eco Blue Systems</b>	<b>\$1,280,177.87</b>
Mopal Construction	\$1,340,901.62
Hawkins Contracting Services Limited	\$1,348,224.51
Pine Valley Corporation	\$1,363,072.08
Orin Contractors Corp.	\$1,380,685.95
Greenspace Landscaping and Property Services Inc.	\$1,387,482.26
Lancoa Contracting Inc.	\$1,484,352.70
J. Hoover Ltd.	\$1,830,143.35

\*Staff recommend not awarding the Contract to the lowest priced Bidder (Smith and Long) on the basis that reference checks did not provide proof of their performance and/or qualifications. Pursuant to Part II Section 15.4 of the City of Markham's General Terms and Conditions (which form part of the tender document), the City reserves the right, in its sole discretion, not to award to the lowest priced Bidder, whose reference checks do not meet or exceed the expectations of the City.

**FINANCIAL CONSIDERATIONS**

Current Budget Available	\$1,232,040.00 <u>52,900.00</u> \$1,284,940.00	059-6150-18234-005 Playstructure Replacement 059-6150-18235-006 Rubberized Surface Replacement Total Budget Available
Less cost of award	\$1,280,177.87 <u>128,017.79</u> \$1,408,195.66	Cost of Award Inclusive of HST 10% Contingency Total Cost of Award
Budget shortfall after this award	(\$123,255.66)	

The Shortfall in the amount of \$123,255.66 will be funded from the Life Cycle Replacement and Capital Reserve Fund. This is due to higher than anticipated cost for the park elements in each playground \$88,317.66 as well as higher cost for rubberized surface replacement \$34,938.00.

**OPERATING BUDGET AND LIFE CYCLE IMPACT**

There is no incremental impact to the operating budget. The Life Cycle Reserve Study will be updated accordingly.

**HUMAN RESOURCES CONSIDERATIONS**

N/A

**ALIGNMENT WITH STRATEGIC PRIORITIES:**

Playgrounds within the City are highly used and contribute to community fitness and play providing opportunities on age specific equipment. Ensuring public safety is paramount to the City and timely replacement of equipment based on condition assessment forms the basis of the replacement strategy. As Accessibility for Ontarians with Disabilities Act (AODA) is revised, playgrounds must be revised accordingly.

**BUSINESS UNITS CONSULTED AND AFFECTED:**

Finance department has been consulted and their comments have been incorporated.

**RECOMMENDED BY:**

Morgan Jones  
Director of Operations

Brenda Librecz  
Commissioner, Fire & Community  
Services

**ATTACHMENTS:**

N/A



Report to: General Committee

Meeting Date: May 6, 2019

**SUBJECT:** Award of Request for Proposal 009-R-19 Food Services for the Markham Civic Centre

**PREPARED BY:** Alex Moore, Senior Manager, Procurement & Accounts Payable, Ext. 4711  
Melita Lee, Senior Buyer, Procurement, Ext. 2239

**RECOMMENDATION:**

1. That the report entitled “Award of Request for Proposal 009-R-19 Food Services for the Markham Civic Centre be received; and,
2. That Request for Proposal 009-R-19 Food Services for Anthony Roman Centre be awarded to the highest ranked / highest revenue bidder, 10694835 Canada Inc. (Caterable) for a term of five (5) years; and,
3. That the Mayor and City Clerk be authorized to execute an agreement with 10694835 Canada Inc. (Caterable) in a form satisfactory to the City Solicitor and the Commissioner of Corporate Services; and,
4. That the \$45,000.00 fixed annual revenue be credited to account # 890 890 8902 Cafeteria Revenue; and,
5. That 10694835 Canada Inc. (Caterable) be responsible for payment of property taxes based on the annual assessed value for provision of food services, in the approximate annual amount of \$2,000; and,
6. That the Treasurer and Senior Manager of Procurement & Accounts Payable be authorized to extend the contract for an additional five (5) years commencing in year six (6) of this agreement; and further,
7. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

**PURPOSE:**

The purpose of this report is to obtain Council approval to award the contract for food services at the Markham Civic Centre.

**BACKGROUND:**

The cafeteria located in the lower level of the Civic Centre consists of the following service area:

- Kitchen
- Office
- Storage
- Seating area (Note: the area past the York Room door is reserved for City staff.)

The location is currently vacant as the previous incumbent who provided a traditional, full service cafeteria and catering service left in December 2018 after 20 years of service.

In February 2019, the City issued a RFP to the market to solicit interested parties to provide food services at the Markham Civic Centre.

### **BID INFORMATION**

Bids closed on	March 7, 2019
Number picking up bid documents	29
Number responding to Bid	10

### **PROPOSAL EVALUATION**

The Evaluation Team for this RFP was comprised of staff from Finance, Legislative Services & Communications, Development Services, and Sustainability & Asset Management Departments with Procurement staff acting as the facilitator.

This Request for Proposal (“RFP”) was released using a two-stage approach:

1. Stage 1: Technical Proposal Evaluation; and
2. Stage 2: Interview Evaluation.

Stage 1 was the technical proposal evaluation, whereby Bidders provided their written proposals, which was evaluated based on pre-established criteria and scored out of 80%.

Stage 2 was scored out of 20% and included the three (3) highest scoring Bidders from Stage 1. Stage 2 included:

- A sampling of full portions of cafeteria and catering menu items;
- A sampling of coffee, tea and beverage options; and
- A question and answer period.

The combined weighting of Stage 1 and Stage 2 totaled 100%.

### **Highest Ranked Bidder**

<b>Bidders</b>	<b>Score (out of 100)</b>
10694835 Canada Inc. (Caterable)	94.75

### **OPTIONS/ DISCUSSION:**

The recommended food service provider, 10694835 Canada Inc. (Caterable) menu items and pricing are comparable to the previous vendor’s offerings. Their proposed menu items are enhanced and include an inclusive offering with consideration to vegan, gluten-free, dairy-free, high protein, reduced sugar and vegetarian diets. The main menu items will be breakfast items, deli items, hot lunches, soups, pasta, homemade baked goods and healthy choice items.

The team members include three (3) individuals who have extensive experience in the food industry. These include Linda Mauti, Tracy Leparulo and Laura Leparulo.

Linda Mauti was the executive chef and dietary supervisor at the Shouldice Hospital for 16 years. More recently, Linda is the manager at the City of Vaughan’s cafeteria and on a part-time basis is a chef and life skills instructor at Longo’s and PC cooking schools.

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Tracy Leparulo is the founder and CEO of a catering company and has organized various special events, including; conferences in Toronto, Barbados and Bahamas, weddings and other social events.

Laura Leparulo is the head of event coordination of a catering company and has over 10 years of experience in the food industry.

References performed validated the teams scoring as all references stated 10694835 Canada Inc. (Caterable) provide good quality food, excellent service and at reasonable prices.

Once the contract is awarded, 10694835 Canada Inc. (Caterable) is expected to be operational by the first week of July as they have to train staff, learn the procedures, and order supplies.

#### **FINANCIAL CONSIDERATIONS**

There will be a fixed annual rent of \$45,000.00, paid on a monthly basis. In comparison, the previous vendor's rent was \$31,125.00. Additionally, 10694835 Canada Inc. (Caterable) will pay property tax amount based on the annual assessed value of the cafeteria.

All utilities (hydro, gas and water) will be supplied and paid for by the City.

#### **ENVIRONMENTAL CONSIDERATIONS:**

The contract includes clauses relating to providing healthy choices menu, as well as conformance to the City's policy on "Zero Waste".

#### **HUMAN RESOURCES CONSIDERATIONS**

Not applicable.

#### **ALIGNMENT WITH STRATEGIC PRIORITIES:**

Not applicable

#### **BUSINESS UNITS CONSULTED AND AFFECTED:**

The evaluation team was representative of a cross commission team.

#### **RECOMMENDED BY:**

Joel Lustig  
Treasurer

Trinela Cane  
Commissioner – Corporate Services

#### **ATTACHMENTS:**

Not applicable.





Report to: General Committee

Meeting Date: May 6, 2019

**SUBJECT:** Asset Management Policy  
**PREPARED BY:** Shu Min Gao, Water System Engineer – Ext 6230  
 Phoebe Fu, Director, Environmental Services – Ext 3010

**RECOMMENDATION:**

- 1) That the report titled “Asset Management Policy” be received; and,
- 2) That Council approve the Asset Management Policy provided in Attachment 1; and further,
- 3) That staff be authorized and directed to do all things necessary to give effect to this resolution.

**EXECUTIVE SUMMARY:**

N/A

**PURPOSE:**

The purpose of this report is to seek Council approval of an Asset Management Policy to ensure compliance with O. Reg. 588/17: Asset Management Planning for Municipal Infrastructure (the Regulation) made under the Infrastructure for Jobs and Prosperity Act, 2015, s. o. 2015, c. 15.

**BACKGROUND:****2016 Asset Management Plan**

Staff have developed an Asset Management Plan (AMP) in accordance with *Building Together: Guide for Municipal Asset Management Plans*. The 2016 AMP met all requirements in order to continue receiving federal Gas Tax Fund.

The AMP documented outcomes based on current practices that include the following key sections:

- State of Infrastructure: documents asset type, inventory, valuation, age, condition;
- Level of Service (LOS): documents services levels, performance measures, targets and timeframes to achieve targets;
- Asset Management Strategy: develops City of Markham Asset Management Framework (linking municipal goals to AMP) and Asset Management Strategy (Summary of maintenance, rehabilitation/renewal, and replacement activities); and
- Financial Strategy: documents expenditures, revenue, forecasts, funding shortfall and financing strategies.

### **The Regulation came into effect in January 2018**

The first key action prescribed in the regulation is the development and adoption of an asset management policy by July 1, 2019. Along with the requirement for an asset management policy, there is also the requirement to review and, if necessary, update the policy within the subsequent five years periods. Several legislated requirements are listed to be included within the policy, including a commitment to consider climate change risks and mitigation approaches and to provide opportunities for residents and interested parties to provide input into asset management planning.

The Regulation also requires every municipality to

- Prepare an AMP documenting current level of service in respect of its core municipal infrastructure assets by July 1, 2021, and in respect of all of its other municipal infrastructure asset by July 1, 2023; and
- Update the AMP documenting proposed level of service by July 1, 2024.

Several legislative requirements are listed to be included within the AMP, including full lifecycle activity options to maintain the level of service, the risks and costs associated with the options, and identification of the lowest cost options.

### **Gaps in the 2016 AMP to comply with the Regulation**

The 2016 AMP addressed most of the current legislative requirements except the following:

- Development of an asset management policy;
- The proposed LOS and the explanation why the proposed LOS are appropriate;
- AMP to include new standard LOS matrix by asset type for the current LOS and the proposed LOS; and
- AMP to document full lifecycle activity options to maintain the current LOS and the proposed LOS, the risks and costs associated with the options; and the lowest cost options.

### **The City's schedule to fully comply with the Regulation**

	City Project Scope & Timeline		
Regulation Requirements & Timeline	2019 Policy Development	2020 AMP Update	2023 AMP Update
Develop an asset management policy by July 1, 2019	√	-	-
Develop an AMP - current LOS for core assets by July 1, 2021	-	√	-
Update the AMP - current LOS to include all assets by July 1, 2023	-	√	-

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Update the AMP - Proposed LOS for all assets by July 1, 2024	-	-	√
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**OPTIONS/ DISCUSSION:****Asset Management Policy complies with the Regulation and industry best practices**

Multiple workshops were held with the Finance Department and asset managing departments to develop the City of Markham's Asset Management Policy. The Policy incorporates legislated requirements outlined in the Regulation and integrates industry best practices.

The City's goal is to provide the defined level of service at the lowest total cost of ownership while managing risks. The City will ensure the City's infrastructure are planned, built, and maintained effectively through sound asset management principles and practices to meet its strategic goals and deliver services in a socially, economically and environmentally responsible manner.

Effective asset management can provide increased accountability, sustainability, risk management, service management and financial efficiency. These benefits are outlined in the Asset Management Policy as the City's asset management objectives.

**Asset Management Policy aligns with and supports the City's strategic plan**

The Asset Management Policy affirms the City's commitment to asset management principles and philosophies.

The Asset Management Policy guides the asset management planning process, and embeds asset management principles into ongoing capital delivery, operations, and maintenance activities.

The Asset Management Policy defines asset management responsibilities and accountabilities for customers, asset managing departments, Corporate Asset Management Steering Committee, Executive Leadership Team and Council.

The Asset Management Policy supports the formation of a culture that values asset management and supports the City's strategic plan.

**Asset Management Framework**

The Asset Management Framework was previously approved by Council as a part of the 2016 AMP (see Figure 1). The Asset Management Policy includes the Asset Management Framework which links the City's strategic goals with infrastructure asset management practices with outcomes that align with Excellence Markham principles.

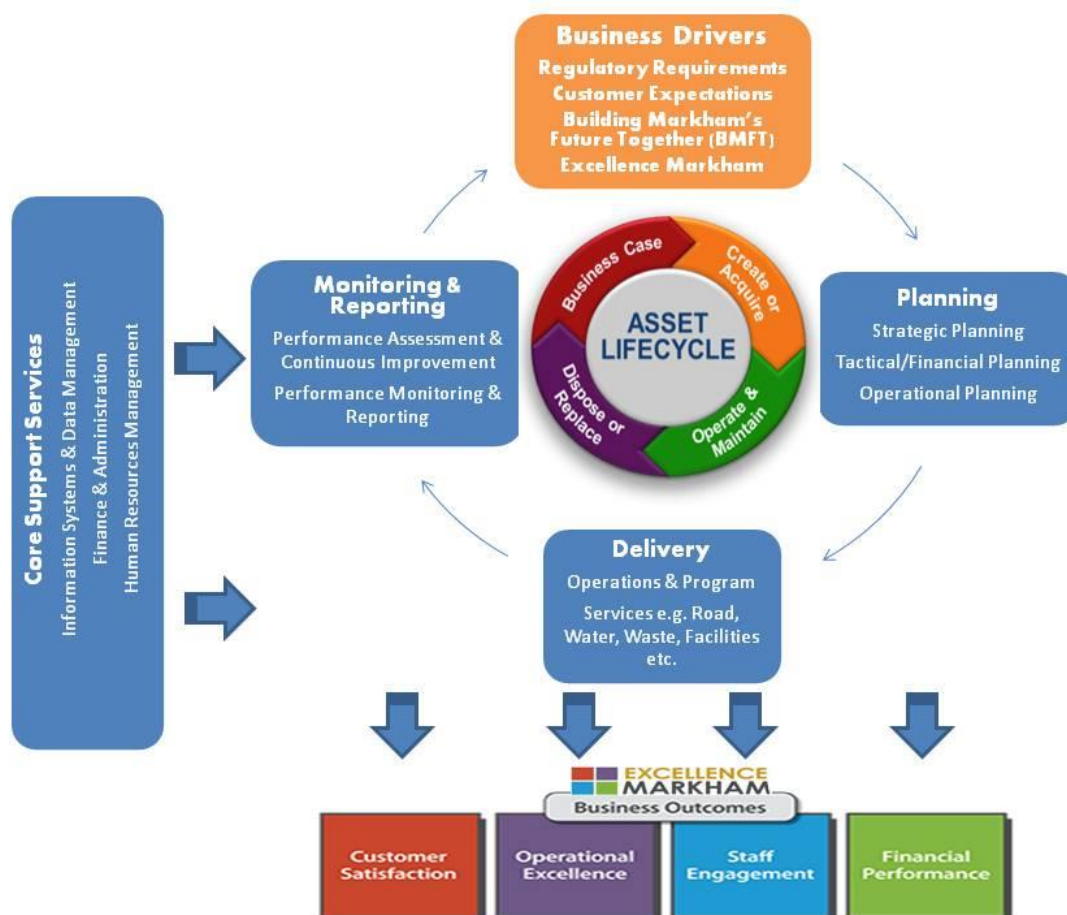
**Customers play an important role in developing and evaluating appropriate levels of service**

Input from customers, including both internal and external customers who receive and experience service delivery, will be key in developing level of service targets. This input

will be balanced with other considerations, including costs and risks associated with providing the defined level of service. Level of service indicates a performance of service that an organization delivers through its assets.

Furthermore, feedback from customers who rely on these services will help identify any gaps between the level of service and what they experience in the community. They will supplement our regular condition inspections to help us meet our service levels.

**Figure 1: Asset Management Framework**



## FINANCIAL CONSIDERATIONS

The Asset Management Policy affirms the City's commitment to fiscal stewardship and financial efficiency through:

- Balancing cost, risk and service performance to achieve the lowest total cost of ownership; and
- Updating the Life Cycle Reserve Study annually to determine if there are sufficient funds in the reserve to sustain the future replacement and rehabilitation requirements of the City's assets for the next 25 years based on known inflows and outflows.

**HUMAN RESOURCES CONSIDERATIONS**

N/A

**ALIGNMENT WITH STRATEGIC PRIORITIES:**

The Asset Management Policy aligns with and supports the City's strategic plan under the goals of Safe and Sustainable Community and Stewardship of Money and Resources.

**BUSINESS UNITS CONSULTED AND AFFECTED:**

Finance, Operations, Sustainability & Asset Management, Engineering, ITS, and Recreation Services have been consulted in the preparation of this report.

**RECOMMENDED BY:**

Phoebe Fu  
Director, Environmental Services

Brenda Librecz  
Commissioner, Community & Fire  
Services

Andy Taylor  
Chief Administrative Officer

**ATTACHMENTS:**

Asset Management Policy

	<b>Asset Management Policy</b>	
	<b>Policy Category:</b> <i>corporate-wide</i>	
	<b>Policy No.:</b> <i>(Follow corporate standard, assigned by Clerk's Dept.)</i>	<b>Implementing Procedure No.:</b> <i>(Follow corporate standard, assigned by Policy Author)</i>
<b>Approving Authority:</b> <i>Council</i>		<b>Effective Date:</b> <i>(Date of this policy has been approved to become effective)</i>
<b>Approved or Last Reviewed Date:</b> <i>N/A</i>		<b>Next Review Year: 2024</b> <i>(Every 5 years)</i>
<b>Area(s) this policy applies to:</b> <i>City Wide</i>		<b>Owner Department:</b> <i>Sustainability &amp; Asset Management</i>
<b>Related Policy(ies):</b> <ul style="list-style-type: none"> <li>• <i>O. Reg. 588/17 Asset Management Planning for Municipal Infrastructure made under the Infrastructure For Jobs and Prosperity Act, 2015</i></li> </ul>		

## 1. Policy Statement

The City of Markham will ensure infrastructure are planned, built and maintained effectively through sound Asset Management principles and practices to meet its strategic goals and deliver services in a socially, economically and environmentally responsible manner.

## 2. Purpose

Asset Management in the City is to be guided by the following objectives:

- A.** Align Asset Management practice with the City of Markham's Strategic Plan, *Building Markham's Future Together (BMFT)*, and other key strategic documents, including the *Greenprint*, *Markham's Community Sustainability Plan*, and the *Official Plan*;
- B.** Ensure strong governance, accountability and transparency by:
  - a. Demonstrating to owners, customers and stakeholders that services are delivered effectively and efficiently;
  - b. Providing a transparent and auditable basis for making service/risk/cost trade-off decisions; and
  - c. Improving accountability for use of resources through performance and financial metrics
- C.** Make effective and long term sustainable decisions by:
  - a. Having robust information/documentation to support evidence-based decisions;
  - b. Considering viable options and all aspects of decisions; and
  - c. Ensuring total cost of ownership is the basis of decision making processes, so that emphasis is placed on sustainable long term efficiencies rather than short term gains
- D.** Provide customer service by:
  - a. Defining level of service in consultation with stakeholders; and

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- b. Ensuring service delivery meets the defined level of service
- E. Manage risk effectively by:
  - a. Understanding the risks related to asset management and service delivery and applying a framework to prioritize risk mitigation
  - b. Developing and implementing risk management strategies; and
  - c. Demonstrating compliance with legal and regulatory requirements;
- F. Demonstrate fiscal stewardship and financial efficiency through:
  - a. Balancing cost, risk and service performance to achieve the lowest total cost of ownership; and
  - b. Updating the Life Cycle Reserve Study annually to determine if there are sufficient funds in the reserve to sustain the future replacement and rehabilitation requirements of the City's assets for the next 25 years based on known inflows and outflows.
- G. Provide excellent sustainable community planning and infrastructure management to accommodate growth.

### 3. Definitions

For consistency, terminology in all official asset management documents shall be consistent with ISO 55000:2014(E) – International Standard for Asset Management.

For the purpose of this document, the following definitions apply:

**Asset:** Item, thing or entity that has potential or actual value to an organization. Value can be tangible or intangible financial or non-financial, and includes consideration of risks and liabilities.

**Asset Management:** Coordinated activity of an organization to realize value from assets. Realization of value will normally involve an appropriate balancing of costs, performance and risks, opportunities and performance benefits.

**Asset Management Plan:** Documented information that specifies the activities, resources, and timescales required for an individual asset, or grouping of assets, to achieve the organization's asset management objectives.

**Level of Service:** Parameters or a combination of parameters, which reflect social, political, environmental and economic outcomes that an organization delivers from their assets.

**Life Cycle:** Phases involved in the management of an asset.

**Asset Manager:** All employees of the City that have a direct and/or indirect link to assets

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#### 4. Guiding Principles

##### **A. Customer Focused:**

The City will apply asset management practices to promote confidence of customers in how City assets are managed.

##### **B. Service focused:**

The City will consider all the assets in a service context and take into account their inter-relationships as opposed to optimizing individual assets in isolation.

##### **C. Risk-based**

The City will manage the asset risk associated with attaining the agreed level of service by focusing resources, expenditures and priorities based upon risk assessments and the corresponding cost/benefit, recognizing that public safety is a priority.

##### **D. Value-based / Affordable**

The City will choose practices that aim at reducing the life cycle cost of asset ownership, while satisfying agreed level of service. Decisions are based on balancing pre-determined service level, acceptable risks, and minimizing costs.

##### **E. Forward Looking:**

The City will make the appropriate decisions and provisions to better enable its assets to meet future challenges, including changing demographics and populations, customer expectations, legislative requirements, technological and environmental factors.

##### **F. Holistic**

The City will take a comprehensive approach that looks at the “big picture” and considers the combined impact of managing all aspects of the asset life cycle.

##### **G. Systematic**

The City will adopt a formal, consistent, repeatable and standardized approach to the management of its assets that will ensure services are provided in the most effective manner.



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## H. Innovative

The City will continually improve its asset management approach, by driving innovation in the development of tools, practices, and solutions.

The City will adopt and adhere to the asset managing planning principles listed in Section 3 of the Infrastructure for Jobs and Prosperity Act, 2015.

## 5. Application

The City of Markham relies on a wide range of diversified assets to provide services to its customers at the agreed Level of Service. Service is critically important to the well being of present and future customers and it drives the implementation of a structured approach to asset management.

This policy applies to all assets related service provision such as Right of Way Assets (Roads, Storm Water Management, Bridges, Streetlight, Traffic Light, Water, and Wastewater), Parks, Facilities, Community Centers, Libraries, Library Collections, Fire Equipment, IT infrastructure, and Fleet.

This policy applies to all departments and employees of the City that have a direct and/or indirect link to assets.

## 6. Asset Management Framework

To meet the objectives of this policy, the City will follow Asset Management Framework in Figure 1. The Framework describes the business processes and asset management activities, and illustrates the relationships between those activities.

The Framework consists of several major elements:

### A. Regulatory Requirements, Business Drivers

Business Drivers are the external influences that govern how the infrastructures are managed and set overall expectations of how the departments operate, including, but not limited to:

- a. Customer requirements (residents and businesses);
- b. Corporate goals and strategies;
- c. Regulatory requirements, such as the Safe Drinking Water Act, the Ontario Water Resources Act, Fire Code, the Highway Traffic Act, the Municipal Act and provincial regulation Minimum Maintenance Standards for Municipal Highways, Regional By-law requirements, municipal by-laws requirements, the Planning Act and Places to Grow requirements; and

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- d. Environmental factors, such as the economy, technology innovations, political and social priorities.

### B. Core Processes supported by Core Support Services

The underlying structure is based on the all encompassing PDCA (Plan Do Check Act) cycle to control and continuously improve on processes and products.

**Figure 1 - Asset Management Framework**



- Planning** - Converts the Business Drivers (Orange) into a set of operational plans that describe how the department will deliver the service.
- Delivery** - Refers to the actual delivery of the services to the customers, both internal and/or external.
- Monitoring and Reporting** - Also known as performance management checks that measures if the department is doing what it intended/planned to do, including:
  - Monitoring and reporting actual results against targets over time;

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- ii. Conducting results based benchmarking against internal and external data sets;
- iii. Assessing gaps, and reporting on lessons learned; and
- iv. Assessing if the results meet the Business Drivers (orange) and applying continuous improvement to the Planning and Delivery.

- d. **Core Support Services** - The Core Support Services include finance and administration, information systems and data management, and human resources management, which provide the necessary support to Business units to successfully manage infrastructure.

### C. Asset Life Cycle

Centred amongst the Business Drivers, and overlaying the Plan-Do-Check-Act cycle, is the management of physical infrastructure. This Asset Management Cycle describes how the various assets are managed.

The Asset Lifecycle includes:

- a. Asset procurement, creation or acquisition - to provide assets to meet current and future needs while achieving the defined levels of service and risks;
- b. Asset operations, maintain – to maintain an asset to meet the required functional condition and/or extend its life; and
- c. Asset disposal, replace - To rebuild or replace an asset to restore it to a required functional condition.

### D. Excellence Markham Business Outcomes

The City use Excellence Canada's Excellence Framework for municipalities to guide how the organization is managed, focusing on areas of Customer Satisfaction, Operational Excellence, Staff Engagement, and Financial Performance. Asset Management Framework aligns to the Excellence Markham Business outcomes.


## 7. Responsibilities

### A. Customers

Customers include both internal and external customers who receive and experience service delivery.

- a. Participate in stakeholder engagement initiatives, where applicable;
- b. Provide feedback related to levels of service and experience; and
- c. Report concerns related to assets.

### B. Asset Managing Departments

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Asset managing departments comprise of Environmental Services, Operations, Sustainability & Asset Management, Recreation, Library, Engineering, Information Technology Services, Economic Growth, Culture & Entrepreneurship and Fire. These departments are to:

- a. Lead and implement the asset management process for assets under their accountability including the development, implementation, operation and continuous improvement of departmental asset management programs;
- b. Include all assets in life cycle studies;
- c. Liaise with Finance to update long term financial forecasts, which will ensure that sustainable financial strategies support asset life cycle needs; and provide asset management requirements as inputs to the annual budget process;
- d. Participate in the development of the Asset Management Plans pertaining to assets under each department's accountability and related asset management initiatives; and
- e. Engage customers to obtain feedback on levels of service and asset management planning and incorporate feedback.

### **C. Corporate Asset Management Steering Committee – Executive Lead**

The Corporate Asset Management Steering Committee comprises of Director of Environmental Services, Director of Operations, Director of Sustainability & Asset Management, Director of Engineering, Treasurer, Director of Recreation, and Chief Information Officer. Corporate Asset Management Steering Committee serves as executive lead for asset management planning.

- a. Develop and update Asset Management Policy and Asset Management Plan;
- b. Ensure systematic and uniformity of approach across the organization;
- c. Ensure all Assets identified in Asset Management Plan are included in the City's Life-Cycle Replacement and Capital Reserve Study or the City's Water and Wastewater Reserve Study;
- d. Align asset management planning to address vulnerabilities caused by climate change and to support implementation of the City's Emergency Management Plan;
- e. Encourage information sharing and collaboration across departments;
- f. Disseminate Steering Committee information within applicable departments where necessary;
- g. Ensure organization-wide accountability for achieving and reviewing corporate asset management goals and objectives;
- h. Review asset management programs; and
- i. Consider opportunities to coordinate asset management planning with the Region of York and neighbouring municipalities

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- j. Select the Chair from among the committee members and define the process, term(s) and address any other governance matters necessary for the efficient function of the committee.

#### **D. Executive Leadership Team**

Executive leadership team comprises of Chief Administrative Officer (CAO), Commissioner of Community and Fire Services, Commissioner of Corporate Services, Commissioner of Development Services, City Solicitor and Director of Human Resources.

- a. Endorse Asset Management Policy and Plan;
- b. Ensure alignment of Asset Management Policy and Plan with corporate strategies and objectives;
- c. Champion asset management practices at the corporate level; and
- d. Ensure compliance with the plan for assets within their commission

#### **E. Council**

- a. Approves Asset Management Policy and Plan;
- b. Serves as the representative of customers; and
- c. Approves funding to meet the objectives and outcomes of the Asset Management Plan.

### **8. Reference**

- A. O. Reg. 588/17: Asset Management Planning for Municipal Infrastructure;
- B. Infrastructure for Jobs and Prosperity Act, 2015, S.O. 2015, c. 15;
- C. International Infrastructure Management Manual, Institute of Public Works Engineering Australasia; and
- D. ISO 55000:2014(E) – Asset Management – Overview, Principles and Terminology, International Organization for Standardization (ISO)

### **9. Non-Compliance**

Accountability and compliance with this policy is the responsibility of all Asset Managers and the Corporate Asset Management Steering Committee.

### **10. Contact**

Director, Sustainability and Asset Management

### **11. Appendix**

Asset Management Organization Structure

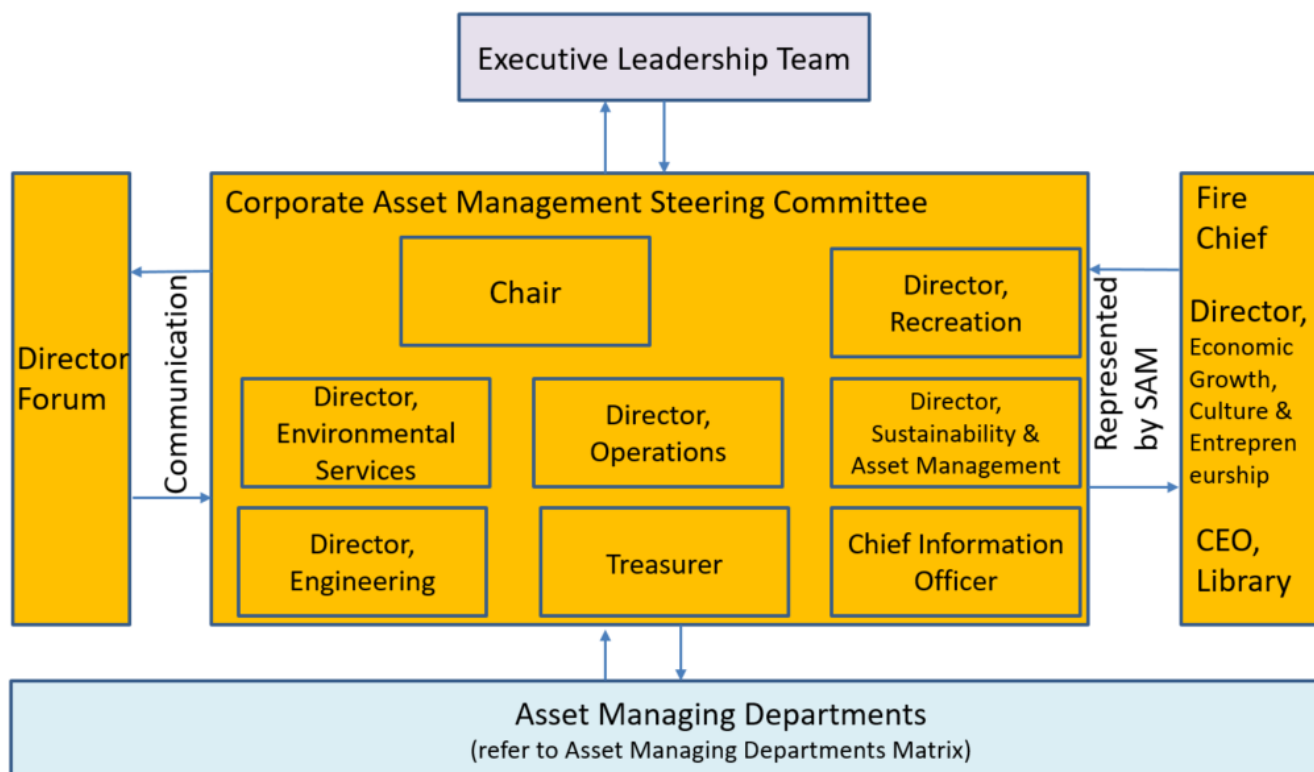



## Asset Management Policy

Policy No.:

Implementing Procedure No.:

### Appendix: Asset Management Organization Structure



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### Asset Managing Departments Matrix

Asset	Asset Construction / Procurement	Asset Operation & Maintenance	Asset Rehabilitation/Replacement (Life Cycle)
Water / wastewater	ENG	ES	ES
Storm Water Management			
Bridges / Culverts			
Streetlight			
Roads	ENG	OP	OP
Parks	UD		
Fleet	OP		
Traffic Light	ENG	ENG	ENG
IT infrastructure	ITS	ITS	ITS
Libraries	SAM	LIB/REC	SAM/LIB/REC
Facility Buildings (including Fire Stations, Culture and others)		SAM	SAM
Community Centres		REC	REC/SAM
Library / Facility / Community Center Exterior Property*	SAM	OP/others*	OP/others*
Library Collections	LIB	LIB	LIB
Fire Equipment	FIRE	FIRE	FIRE

**Note:**

\* Refer to detailed roles and responsibilities for each fire station / library / facility / community center exterior property within SAM

ES: Environmental Services

OP: Operations

SAM: Sustainability and Asset Management

ITS: IT Services

ENG: Engineering

LIB: Library

REC: Recreation

UD: Urban Design

Fire



Report to: General Committee

Meeting Date: May 6, 2019

**SUBJECT:** Licensing of Private Transportation Companies  
**PREPARED BY:** Chris Alexander, Supervisor, Licensing and Animal Services  
 Michael Killingsworth, Deputy City Clerk

### RECOMMENDATION:

1. That the proposed By-law amendments to regulate Private Transportation Companies (PTCs) (**Schedule 8 attached as Appendix “A”**) be adopted; and,
2. That the attached proposed by-law to amend the Taxicab Schedule (**Schedule 6 attached as Appendix “D”**) of the Mobile Licensing By-law 2012-92 be adopted; and,
3. That the attached proposed by-law to amend the Limousine Schedule (**Schedule 4 attached as Appendix “D”**) of the Mobile Licensing By-law 2012-92 be adopted; and further,
4. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

### PURPOSE:

The purpose of this report is to propose a regulatory framework for the licensing of Private Transportation Companies (PTCs) in the City of Markham (the “City”). The report also recommends related amendments to Markham’s Taxicab and Limousine By-laws to ensure a safe and sustainable service for Markham residents. Together, the proposed changes will provide a fair regulatory framework for those involved in the provision of ground transportation services in the City.

### BACKGROUND:

The City of Markham currently regulates taxicab owners, drivers and brokers as well as limousine owners and drivers pursuant to the Mobile Licensing By-law 2012-92 (see **Appendix “B”**). The table below shows the number of owners, drivers and brokers currently licensed to operate in the City.

INDUSTRY	OWNERS	DRIVERS	BROKERS
Taxicab	192	398	6
Limousine	8	15	N/A

The City does not currently regulate PTCs such as UBER and LYFT. Regulation of ride sharing companies like UBER and LYFT is still relatively new for Canadian municipalities. In Ontario, there are a small number of municipalities in the Greater Toronto Hamilton Area that license PTCs including the City of Toronto, the City of Vaughan and the City of Mississauga (pilot project). Many other Ontario municipalities are actively working on some form of PTC regulation. Despite the lack of formal



regulations, UBER is operating in Markham and in 2018 they accommodated just over 1 million rides in the City. While LYFT is not active in Markham, the company has expressed an interest in entering the market. An information graphic depicting the City's current ground transportation landscape is included as **Appendix "C"**.

Taxicabs, limousines, and PTCs all provide ground transportation services and each has unique business service models – these are summarized in the table below:

INDUSTRY	VEHICLE	FARE CALCULATION	ENGAGEMENT
Taxicab	Standard sedan	Metered based on time and distance travelled	Cabstand/hail/Dispatch
Limousine	Higher end sedan or stretched vehicles	Hourly rate	Pre-arranged by phone/application
PTCs	Standard sedan up to higher end sedan or SUV	Based on distance (not metered) and the class of vehicle	Technology application based/smartphone

The introduction of UBER into the market has had a significant impact on the taxicab and limousine industries in Markham. At present, 44 of the 192 taxicab plates available for issuance are "on the shelf" (and not being operated) and there are only eight limousines plates operating of the original 30 limousine plate available.

The decline in business for both the taxicab and limousine industries has resulted in a corresponding drop in licensing revenue to the City for these licence categories. In 2018, revenue was unfavourable by just over \$100,000. That is primarily due to taxicab and limousine drivers and owners not renewing their licences. The table below illustrates the overall decline in licensing revenue since 2015, which includes the period that PTCs entered the market.

Year	Taxicab Revenue
2015	\$245,129
2016	\$243,191
2017	\$196,561
2018	\$202,086

While the taxicab and limousine industries have been significantly impacted by the emergence of UBER, it is important to note that the City's largest taxicab operator has indicated that they still have a sustainable business model, but what they lack are the vehicles and drivers. In fact, the taxicab and limousine business is scrambling to cover school board and corporate contracts that PTCs are unable to service at this time.

Staff have spoken with taxicab and limousine industry representatives and they are requesting that the City regulate PTCs in the same way in which their industry is. Further, they have advised that once PTC regulations are in place, they will then make a business decision as to whether they will remain in the traditional taxicab or limousine model or

move to the PTC model. Either way, they believe that there still exists a “niche” or demand for a traditional taxicab and limousine services in Markham going forward.

## **OPTIONS/ DISCUSSION**

### Proposed PTC By-law

The City has a great deal of experience in licensing and regulating a variety of business categories. The proposed PTC By-law is included as **Appendix “A”**. At a high level, below are some of the new regulations contained in the proposed By-law:

- Regular criminal records and driving records checks for drivers at predetermined and random intervals;
- Regular vehicle inspections at predetermined and random intervals;
- Commercial insurance;
- Vehicle age restriction to be proposed at 10 Years;
- Requirement to have an approved decal in the rear window of each vehicle;
- Rates to be set by licensee and must be filed with the City and must not in any way be discriminatory (such as customers with accessibility needs);
- Pre-arranged pick up only and through app/platform;
- Data sharing requirements on trips and drivers;
- Recognition of other jurisdiction’s licensing. (All UBER drivers in the GTHA are automatically licensed in Markham and no fee is paid);
- Licensing Fees:
  - Platform fees are based on the number of drivers and is due annually;
  - Per Trip Fee payable for each trip commencing in Markham payable to the City quarterly;
  - Currently there is no fee for the driver. (This fee is captured in the Trip Fee. Toronto charges a fee for the drivers since they are processing the licenses for the drivers).

In preparing the proposed PTC By-law, staff focused on the following four regulatory objectives:

### **1. Public Safety**

One core objective in business licensing is the protection of residents and visitors. In the case ground transportation companies like taxicabs, municipalities require drivers to provide background checks and owners to provide mechanical safety inspections. In the proposed model, these same requirements would be imposed on PTCs.

### **2. Consumer Protection**

By requiring a business to be licensed, municipalities can ensure that they operate with integrity and in no way take advantage of a member of the public by over-charging or discriminating in any way.

### 3. Sustainability

All municipalities rely on a strong ground transportation network to safely and efficiently move people and goods. This includes public transit as well as the taxicab and limousine industries. PTCS can play a valuable role in the municipal ground transportation network by providing our residents with options based on a diverse range of accessibility and socio-economic needs and abilities.

### 4. Responsible Regulation

The introduction of new technologies like PTCs have made municipal officials re-examine how they regulate businesses. Their infusion of technology into how business is conducted in the digital age has changed how Cities must regulate business. Municipalities are looking for strategies to remove the onerous or repetitive pieces of the licensing process, open the borders for business and leveling the playing field while protecting the residents and visitors using a given service.

In addition to those four areas, Staff consulted with a number of area municipalities including the City of Vaughan and the Town of Richmond Hill in the development of the proposed PTC By-law. There was general agreement amongst the staff in these municipalities that it was in the best interest of all the stakeholders for proposed PTC regulations in the Region, and particularly in the south end, be as consistent as possible due to the cross-municipal border nature of the PTC business.

#### Vaughan Experience Regulating PTCs

The City of Vaughan passed a PTC By-law in the early fall of 2017 coinciding with a number of amendments to their taxicab and limousine by-laws. Vaughan taxicab and limousine industries did not appear to oppose the adoption of PTC regulations.

In the interest of consistency, Markham staff are proposing a licensing system that is consistent with the one enacted by Vaughan. Staff have consulted with Vaughan now that their by-law is 18 months old. Vaughan reports no significant issues or concerns with the administration and enforcement of their PTC By-law or the amendments to the taxicab and limousine by-laws.

#### Amendments to Markham's Taxicab and Limousine Regulations

As a result of Staff's review of PTC regulations, a number of amendments to the Taxicab and Limousine Schedules of the Mobile Licensing By-law 2012-92 are being recommended (see **Appendix "D"**) and include the following:

- Elimination of the cap on the issuance of taxicab plates ( cap is 192 plates) and the Priority List;
- Open issuance of taxicab plates provided that:
  - Applicant has five years of driving experience;
  - Applicant operates an Accessible Vehicle for a minimum of four years, after which a standard taxicab can be put on the plate;

- 
- Opening of the municipal borders to permit any licensed accessible taxicab to pick up in Markham with the hope of attracting new interest in the provision of on-demand accessible taxicab service;
  - Elimination of the tariff/rate set by the City. Taxicab and limousine companies would be permitted to set their own rates provided they file their rates with the City and the passenger is made aware of the fare prior to commencement of the trip;
  - Elimination of the requirement for taxicab meters in airport taxicabs;
  - Reciprocal licensing of recognized jurisdictions such as Vaughan and Richmond Hill. This would allow a Markham taxicab or limousine driver to operate in Vaughan provided they paid the licensing renewal fee;
  - Empower taxicab brokerages and limousine companies to collect and hold the background checks and vehicle inspection reports for their drivers and vehicles. This would be viewed as a shift from the traditional model where the municipality was the holder of all the records relieving the companies of their responsibilities.

### **Regulatory Checks and Balances**

In keeping with the requirements imposed by other Ontario municipalities, staff are recommending that all operators be mandated to provide data relevant to the administration of the City's licensing provisions and that such data be made available for audit both periodically and upon request by the City.

### **Customer Service**

The City of Markham by-law currently requires training for taxicab drivers. This requirement will be removed/discontinued and the by-law will be amended to reflect this change. A number of municipalities including Toronto and Vaughan have discontinued their training requirement with the expectation that it is the responsibility of the company or the platform. Customer service and related training will become the responsibility of individual brokerages, limousine companies and private transportation companies. Pursuant to the Accessibility for Ontarians with Disabilities Act (AODA), training will continue to be required for drivers operating accessible vehicles.

Good conduct will continue to be a requirement under the By-law and will be extended to ride-sharing owners and drivers. However, many of the non-safety or consumer protection measures under the current By-law provisions will be eliminated, such as the requirement for drivers to search their vehicle for a passenger's belongings after every trip. Complaints with respect to any issue involving a licensee will continue to be received and investigated by the City across all industry sectors.

### **REVENUE CONSIDERATIONS**

Staff are proposing an alignment of the fees for taxicab and limousine owners, drivers and brokers (where applicable) as illustrated in the table below:

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LICENCE	OWNER	DRIVER	BROKER
Taxicab	\$500.00	\$98.00	\$400.00
Airport Taxicab	\$1,000.00	\$98.00	\$400.00
Limousine	\$500.00	\$98.00	N/A*

\*The City does not currently license limousine brokers

For PTC providers, staff are recommending an escalating flat licensing fee for operators, based on the number of vehicles they have operating in the municipality and supplemented by a per-ride fee of 11 cents which is consistent with fees charged in other jurisdictions including Vaughan.

Through the per-ride-fee, PTC licensing fees are tied to the anticipated level of enforcement (i.e., the greater the number of rides, the more likely it is that complaints arise), and administration. This licensing fee structure is in line with the provisions of the Municipal Act that allow for a fee or charge to include costs incurred by the municipality in the administration and enforcement of the by-law.

It is difficult to predict the impact on licensing revenues arising from the introduction of licensing for PTCs. Staff expect there to be an ongoing demand for traditional taxi services. However, it is possible that the number of taxicabs and taxi drivers in Markham will continue to decline. Based on the recommended fee structure and estimated licensing volumes, staff expect licensing revenues from the industry to stabilize and to cover basic administrative and enforcement costs at 2018 budget levels.

Actual licensing revenues from the private ground passenger transportation industry (mostly taxicab licences) were \$202,000 in 2018. It is possible (and staff expect) licensing revenues may rebound to \$300,000 in the first full year of the proposed amendments.

#### **ALIGNMENT WITH STRATEGIC PRIORITIES:**

Ground passenger transportation services such as taxicabs and PTCs offer additional options for the public and can help to decrease reliance on the use of personal vehicles, thus alleviating traffic congestion, reducing emissions, and encouraging public transit ridership. New services such as carpooling can also help to fill in transportation gaps, such as first-and-last-mile, and further promote sustainable growth and development. The recommendations contained in this report are intended to strengthen the City's transportation network by lowering business costs, reducing jurisdictional barriers, eliminating regulatory redundancy, improving competitive equity and promoting environmental stewardship.

#### **BUSINESS UNITS CONSULTED AND AFFECTED:**

The Finance, Legal, Human Resources (Accessibility) and Engineering (Transportation) were consulted in the preparation of this report.

**RECOMMENDED BY:**

Kimberley Kitteringham  
City Clerk

Trinela Cane  
Commissioner-Corporate Services

**ATTACHMENTS:**

**Attachment “A”** – Proposed PTC By-law Amendment (Schedule 8)

**Attachment “B”** – Mobile Business Licensing By-law 2012-92

**Attachment “C”** – Markham’s Current Ground Transportation Landscape Infographics

**Attachment “D”** – Proposed Amendments to Taxicab and Limousine Schedules of the  
Mobile Licensing By-law 2012-92 (Schedules 4 and 6)

## **Schedule 8**

### **Relating to the Licensing, Regulation and Governing of Private Transportation Companies and Drivers**

#### **DEFINITIONS**

“Platform” means any software, technology, or service, including a radio, telephone line, website, or smartphone application, intended to connect passengers with a Private Ground Passenger Transportation Service, and may also include the facilitation of payment.

“Private Ground Passenger Transportation Service” means the use of a private Motor Vehicle for the terrestrial conveyance of passengers for a fee.

“Private Transportation Company” or “PTC” means any Person who facilitates or operates a Ride-Sharing Service through a Platform

“PTC Driver” means any Person who drives a Motor Vehicle to provide Ride-Sharing Services.

“Ride-Sharing Service” means the use of a Platform of a PTC and a Motor Vehicle with a capacity of fewer than ten passengers, other than a licensed Taxicab, Accessible Taxicab, or Limousine, for the conveyance of passengers for a fee.

## **Schedule 8**

### **Relating to the Licensing, Regulation and Governing of Private Transportation Companies and Drivers**

#### **1.0 LICENSING REQUIREMENTS FOR PRIVATE TRANSPORTATION COMPANIES (P.T.C.) AND DRIVERS**

1.1 In addition to the general requirements for licensing established in the City's Mobile Business Licensing By-law, every Applicant for a P.T.C. Licence and for the renewal of a P.T.C. Licence shall produce with his application:

a) a complete listing of all PTC Drivers and Motor Vehicles that have used its Platform to pick up passengers in the City of Markham in the month previous to application.

(b) a description of the Platform used in the provision of services, including:

(i) the means by which customers interact with the Platform;

(ii) a complete listing of the types of data collected from customers;

(iii) a complete listing of the types of data provided to customers;

(iv) the means by which the customer is provided with the fare amount;

(v) the means by which payment is made through the Platform, if applicable;

(vi) any other information the Licensing Officer may request;

(c) proof, satisfactory to the Chief Licensing Officer, that the P.T.C. has appropriate general liability insurance in the amount of \$5,000,000 or more;

(d) either confirmation that the passenger, prior to commencing a trip, receives the full rate to be charged for the trip or a complete listing of all fares and/or basis upon which such fares are calculated, as well as any other fees that may be charged customers for the services provided.

1.2 For purposes of this section, any P.T.C. Driver who in the opinion of the Licensing Officer is satisfactorily licensed by another municipality shall be considered licensed by the City of Markham and may operate within the City's boundaries.

1.3 For purposes of complying with application and renewal provisions for P.T.C. Drivers, a P.T.C. holding a valid City of Markham licence may, on behalf of a P.T.C. Driver, submit and maintain the required documents and, under such circumstances, the P.T.C. Driver shall be required to consent to access to those



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### **Relating to the Licensing, Regulation and Governing of Private Transportation Companies and Drivers**

documents by the City for purposes of the administration and enforcement of this By-law.

- 1.4 A vehicle may only be licensed as a P.T.C. if it is not older than ten model years old.
- 1.5 Despite section 1.4, a P.T.C. Driver may apply to continue to operate his vehicle for an additional year by making an application to the City. Such an application may not be made if the model year of the P.T.C. is more than eleven (11) years old or for an initial licensing application.
- 1.6 An application under section 1.5 must be made at the time of renewal and shall require an inspection and the approval of the Licensing Officer.
- 1.7 A PTC Driver's licence shall be deemed to continue as long as the associated Private Transportation Company pays its licensing fees in full and the PTC Driver complies with the provisions of this By-law.

## **2.0 P.T.C. DRIVER DUTIES**

- 2.1 All PTC Drivers shall:
  - (a) provide Ride-Sharing Services only on a pre-arranged basis;
  - (b) charge for services only in accordance with the tariff rates filed under with the City;
  - (c) while providing Ride-Sharing Services, display in a conspicuous place that is readily and easily viewable by any potential passenger, the City-approved decal that identifies the Private Transportation Company;
  - (d) be civil, courteous, and respectful;
  - (e) take the shortest possible route to the destination desired, unless the passenger designates another route;
  - (f) not carry a greater number of Persons, inclusive of the driver, than that indicated by the manufacturer's rating of seating capacity for the Motor Vehicle;
  - (g) while providing Ride-Sharing Services, not operate a Motor Vehicle with luggage or other material piled or placed in a manner that obstructs the driver's view; and

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(h) not dismiss or discharge any passenger at a point other than the destination without adequate cause.

#### **3.0 P.T.C. DRIVER PROHIBITIONS**

- 3.1 No PTC Driver shall operate, or permit or allow to be operated, a Motor Vehicle being used to provide Ride-Sharing Services unless it is in good mechanical condition and in good repair as to both its exterior and interior.
- 3.2 No PTC Driver shall provide Ride-Sharing Services using a Motor Vehicle that has been damaged in a collision, without such damage being fully repaired.
- 3.3 No PTC Driver shall operate on a Platform which is not licensed.

#### **4.0 PRIVATE TRANSPORTATION COMPANY DUTIES**

- 4.1 All P.T.C.'s shall ensure that;
  - (a) every Motor Vehicle used to provide Ride-Sharing Services is in good mechanical condition and in good repair as to both its exterior and interior;
  - (b) No Motor Vehicle is being used to provide Ride-Sharing Services that has been damaged in a collision, without such damage being fully repaired.
  - (c) every Motor Vehicle that is operating through its Platform is properly displaying a City-approved decal that identifies the PTC;
  - (d) every Motor Vehicle used to provide a Ride Sharing Service is only operated by the PTC Driver licensed to do so.

#### **5.0 PRIVATE TRANSPORTATION COMPANY PROHIBITIONS**

- 5.1 No Private Transportation Company shall:
  - (a) accept orders for, or in any way dispatch or direct orders to, a Person licensed under this section when doing so would be illegal under another municipal by-law or provincial statute;
  - (b) dispatch or direct orders to a Person other than a licensed PTC Driver;
  - (c) charge to a customer a tariff rate or other fee not filed with the City.
- 5.2 Every Private Transportation Company shall:

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### **Relating to the Licensing, Regulation and Governing of Private Transportation Companies and Drivers**

- (a) provide the City on the first day of every third month with a count of the number of rides dispatched through its Platform originating in the City and shall concurrently, and in accordance with the City's Licensing Service Fee By-law, submit the corresponding quarterly fee.
  - (b) provide the Licensing Officer on the first day of every third calendar month with a list of PTC Drivers and Motor Vehicles (including plate numbers) that are using its Platform in the City;
  - (c) keep for a minimum of six (6) months a record of every Motor Vehicle dispatched on a trip, the date and time of dispatch, the place of pick-up and destination of such trip;
  - (d) submit, upon request, any such document deemed relevant by the Licensing Officer to any Person authorized to administer or enforce the provisions of this By-law;
  - (e) carry on business only in the name in which the licence has been issued;
  - (f) prior to accepting a customer's request for service, provide in writing to the customer the full fare to be charged for the service;
  - (g) notify the City, at least 72 hours before the effective date, of any changes to its tariff rates or other fees.
- 5.3 No owner, director, officer or employee of a Private Transportation Company shall refuse to provide information requested by the City for the purposes of an investigation pertaining to the administration or enforcement of this By-law.
- 5.4 No owner, director, officer or employee of a Private Transportation Company shall refuse to cancel the access to its Platform to any PTC Driver whose licence has been refused, suspended or revoked by the City

# ***CITY OF MARKHAM***

## ***ONTARIO***



## **BY-LAW 2012-92**

### **A BY-LAW TO PROVIDE FOR THE LICENSING AND REGULATION OF OWNERS, OPERATORS, DRIVERS AND BROKERS OF MOBILE BUSINESSES IN THE CITY OF MARKHAM**

**This By-law is printed under and  
by authority of the *Council* of  
the *City* of Markham**

(Consolidated for convenience only to April 30, 2014)

**(Schedules/attachments included)**

**Amended by:**

By-law 2012-123 – May 29, 2012

By-law 2014-57 – April 30, 2014



## BY-LAW 2012-92

### To Provide for the Licensing and Regulation Of Owners, Operators, Owners and Brokers Of Mobile *Businesses*

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**WHEREAS** Section 151 of the *Municipal Act, 2001* S.O. 2001, c.25, provides that a local municipality may license, regulate and govern any business, wholly or partly carried on within the municipality even if the business, is being carried on from a location outside the municipality;

**AND WHEREAS** Council wishes to exercise its powers over businesses, the *persons* carrying on or involved in the operation of the businesses including the powers to impose conditions on the obtaining, holding or renewing of *licences* and for the suspension, denial and revocation of *licences*;

**AND WHEREAS** the regulation of the businesses, and the requirement for a licence and the imposition of conditions will aid in the administration and enforcement of this By-law and other laws, so as to identify and qualify the *persons* responsible for the operation of the business, identify the location of businesses, the regulation and inspection of equipment, vehicles, *premises* and other property used to carry on business, and allow for the protection of *persons* dealing with or affected by such businesses, and *persons*;

NOW THEREFORE the *council* of The Corporation of the City ENACTS the following:

#### 1. **DEFINITIONS AND INTERPRETATION**

“*Additional Fee*” means a fee, in addition to the *licence* fee, imposed by the municipality on a *business* at any time during the term of the *licence* for cost incurred by the municipality attributable to the activities of the *business*.

“*Airport Taxicab*” means a *taxicab*, that has been licensed by the *city* as an *airport taxicab* and has been issued an *airport taxicab plate*, and bears a Greater Toronto Airport Authority (G.T.A.A.) *taxicab* permit to *operate* at Toronto Pearson International Airport as a *taxicab*.

“*Applicant*” means a *person* applying for a *licence* or renewal of a *licence* thereof under this By-law.

“*Appellant*” means a *licensee* that is *appealing* a decision of the *licensing officer* under the provisions of this By-law.

“*Business*” has the same meaning as provided for in Section 150 of the *Municipal Act, 2001* and includes.

- (a) *taxicab, tow truck and limousine* brokers;
- (b) *driving schools*;
- (c) *refreshment vehicles*.

“*Certificate Of Completion*” means a document issued as proof that the *licensee* attended and successfully completed a mandatory training program with a mark of at least seventy-five percent (75%).

“*Certificate Of Attendance*” means a document issued as proof that the *licensee* attended but did not successfully complete a mandatory training program with a mark of at least seventy-five percent (75%).

“*Clerk*” means the *clerk* of the *city* or his/her duly appointed Deputy.

“*Collision*” means unintended contact resulting from the motion of a *motor vehicle* and/or its load with another *motor vehicle* or other thing.

“*Collision Scene*” means the general location or place where a *collision* occurred.

“*Conveying*” means to hold oneself out for hire by actions, words or availability for the transport or *towing* of *vehicles* by means of a *tow truck* or *flatbed* whether or not the *vehicle* is intact or in an inoperative condition, from a point within the municipality of the *city* to either a point also within the municipality of the *city* or to any point beyond its limits and includes seeking to convey and having care and control of the *tow truck* whether it is in motion or not and whether it is engaged in the act of *towing* or not.

“*Conditions*” includes special *conditions* which are imposed upon a *business* in a class that have not been imposed on all of the *businesses* in that class, as a requirement of obtaining, continuing to hold or renewing a *licence*.

“*Corporation*” means the *corporation* of the *city*.

“*Council*” means the *council* for the *corporation* of the *city*.

“*Customer*” extends to any *person* with whom a *business* transacts, engages, or deals directly.

“*Customer Bill Of Rights*” is a statement of principles outlining the rights, responsibilities and expectations of *taxicab drivers* and *passengers* while engaged in the provision of *taxicab* service.

“*Dispatch*” means the communication of an *order* or information in any manner between a *taxicab broker* and a *taxicab driver*, and includes the act or service of sending or directing a *taxicab*, by electronic or any other means, to a *person* or *persons* who have requested *taxicab* service, but does not include a request made directly to a *taxicab driver*.

“*Driver*” means a *person* licensed to drive a *vehicle* regulated under this By-law.

“*Driving School*” means any establishment *operated* for the purpose of instructing *persons* to *operate* a *motor vehicle* or for preparing any *person* for any examination for a *driver’s licence*.

“*Driving School Instructor*” means a *person* who is licensed as a *driving school instructor* or is required to be licensed as such and who is *employed* or *self-employed* in the *business* of teaching *persons* to *operate motor vehicles*.

“*Driving School Licence Plate*” means the identification issued by the *licensing officer* to the *owner* or *lessee* of the *motor vehicles* utilized for driving instruction purposes.

“*Driving School Operator*” means a *person* who is licensed or is required to be licensed to carry on the *business* of teaching *persons* to *operate motor vehicles* and who *operates* and or owns a *driving school*.

“*Drop Fee*” means any fee or commission paid to the *owner* or *driver* of a *tow truck* or to a *tow truck broker* in return for the *towing* or otherwise *conveying* of a *vehicle* to a particular place, which fee is in addition to the amount which the *owner* or *driver* of the *tow truck* is authorized to charge to the *customer* in accordance with the provisions of *schedule 7*.

“*Dues*” means any amount charged by a *taxicab broker* to a *taxicab owner* or to the *lessee* of a *taxicab*, to receive *orders* from the *taxicab broker*.

“*Employed*” includes any *business* relationship between an *operator* and *instructor*, whether on a salary, hourly wage, commission or independent contract or other basis, and the terms “employee” and “employment” have a corresponding meaning.

“*Exclusive Concession Agreement*” means an agreement which gives a *person* the sole right to provide *taxicab* service to or from any public transportation terminal, hotel, motel, *taxicab stand* or any other similar point of public assembly.

“*Fare*” means the amount displayed on the *taxicab meter* at the conclusion of a *trip*, or the flat rate allowed under *schedule 6* for the *trip*, together with any additional charges allowed under *schedule 6*.

“*Flatbed*” means a *vehicle* equipped with a platform body with a winch for loading and is required to be licensed as a *tow truck*.

“*Food Handler’s Certificate*” means a certificate issued by the York Region Health Department, to *persons* who complete the Proton Food Handling Training Program.

“*Hearing*” includes a *hearing* or an opportunity given for a *hearing*, where an *applicant* or *licensee* may show cause why the *licence* should be granted, or not refused, revoked or suspended, with or without *conditions*.

“*Highway*” includes a common and public *highway*, street, avenue, parkway, driveway, square, place, bridge, viaduct or trestle, any part of which is intended for or used by the general public for the passage of *vehicles* and includes the area between the lateral property lines thereof.

“*Illuminated Roof Light*” is a device containing a light and that is mounted on the roof of a *taxicab* for the purpose of identifying the *vehicle* as such, and which, when the *taxicab meter* is engaged, the light in the device is not illuminated indicating that the *taxicab* is not available for hire.

“*Individual*” means a *person* and does not include a *corporation*, partnership or association.

“*Lease*” means an agreement between an *owner* and a *driver*, under which the *owner* provides his *taxicab owner’s plate* or *licence* sticker to be used by the *taxicab driver* to operate a *vehicle* as a *taxicab*.

“*Lessee*” means a *person* who is in possession of a *taxicab licence plate* under a *lease* agreement with the *taxicab licence owner*.

“*Licence*” means the certificate issued by the *licensing officer* under this By-law.

“*Licence Appeal Committee*” means a Committee of *council* duly appointed to conduct *hearings* under this By-law.

“*Licence Appeal Fee*” means the fee payable to the *city* prior to a *hearing* before the *licence appeal committee*.

“*Licensee*” means any *person* licensed under this By-law.



“*Licensing Officer*” means the supervisor within the Legislative Services Department and includes his or her designates.

“*Licence Renewal Sticker*” means an annual validation sticker issued to a *licensee* for the term of the *licence*.

“*Licensing Section*” means the Licensing Unit within the Legislative Services Department.

“*Limousine*” means a *motor vehicle* not equipped with a *taxicab meter*, with a seating capacity for not less than five (5) *passengers* and not more than eight (8) *passengers* including the *driver*. This definition includes *vehicles* which are recognized by the Automobile Industry as “Luxury *vehicles*” and which may have been altered from the original manufacturer’s length dimensions, and are *operated* by a uniformed *driver* used for hire for the purpose of the transportation of *passengers* for gain or reward. This definition includes luxury Sport Utility *vehicle* (S.U.V.) but does not include a panel truck, bus or van.

“*Mechanically Safe*” means that the *vehicle* has been inspected by a government-approved *motor vehicle* inspection station and is determined to meet the minimum safety requirements for *vehicles* in the Province of Ontario, and receives the Safety Standard Certificate.

“*Motor Vehicle*” includes an automobile and any other *vehicle* propelled or driven other than by muscular power, but does not include the cars of electric or steam railways or other *motor vehicles* running only upon rails, or a motorized snow vehicle, traction engine, farm tractor, or road building machine within the meaning of the *Highway Traffic Act*.

“*Motor Vehicle Permit*” means a permit issued by Registrar of *motor vehicles* for a *vehicle* by the Ministry of Transportation.

“*Municipal Act, 2001*” means the *Municipal Act, 2001*, S.O. 2001, c.25, as amended and any regulations there under.

“*Municipal Law Enforcement Officer*” means an employee of the *City* that is appointed by By-law to enforce the provisions of the *City*’s By-laws.

“*Nuisance*” includes the obstruction or interference with:

- (a) *persons* involved in a *motor vehicle collision* or otherwise in need of the services of a *tow truck*;
- (b) *persons* responding to a *motor vehicle collision* including, but not limited to, police officers, members of a fire department, members of an ambulance service, and other *tow truck drivers* or owners; or

(c) Pedestrian or vehicular traffic.

“*Ontario Driver’s Licence*” means a *licence* issued under section 32 of the *Highway Traffic Act R.S.O. 1990, CHAPTER H.8* to drive a *motor vehicle* on a *highway*.

“*Operate*” means to drive a *vehicle* or to have care and control of a *vehicle* whether the *vehicle* is in motion or not and includes to hold oneself out for hire by action, words or availability for the transport, *towing* or conveyance of a *person* or *vehicle* and/or equipment.

“*Operator*” means the *person* directly or indirectly responsible for the operation of a *vehicle* including the conduct of the *driver* of the *vehicle* and the carriage of goods or *passengers*, if any, in the *vehicle*.

“*Order*” means a request for *taxicab* service received by a *taxicab broker*.

“*Owner*” means the *person* licensed under this By-law as the *owner* or *lessee* of a *taxicab*, *limousine*, *tow truck*, *driving school vehicle*, *refreshment vehicle* or a push cart from which *products* are sold.

“*Passenger*” means any *person* in a *limousine* or *taxicab* other than the *driver*.

“*Person*” includes a *corporation* and its directors and officers, and the heirs, executors, assignees and administrators or the other legal representatives of an *individual* and their respective successors and assignees.

“*Person With A Disability*” means a *person* who has a “disability” as defined in section 2 of the *Accessibility for Ontarians with Disabilities Act, 2005, S.O. 2005, CHAPTER 11*, as amended.

“*Plate*” means any *licence plate*, metal or otherwise, issued by the *City* for the purposes of this By-law.

“*Prearranged*” means a written or oral reservation made with a *limousine* company in advance of the service by a *person* requesting *limousine* service for a specified time.

“*Premises*” means any *premises* licensed or required to be licensed under this By-law and includes any trade or calling required to be so licensed.

“*Priority List*” means a list of *applicants* for a *taxicab owner’s licence* maintained by the *licensing section* with names set out there on in chronological order as to date and time of receipt of application.

“*Products*” include goods, wares, crafts, jewellery, *refreshments*, foodstuffs, merchandise or any other items whatsoever.

“*Proof Of Insurance*” means a certified copy of a policy of insurance or a Certificate of Insurance that shows the proof of liability coverage as required by the applicable SCHEDULE to this By-law issued by a company authorized to carry on the *business* of insurance in the Province of Ontario in accordance with the *Insurance Act*, R.S.O. 1990, c. I.8, as amended; such insurance policy shall contain an endorsement to provide the *licensing officer* with ten (10) days prior written notice of cancellation or of a material change that would diminish coverage.

“*Proof Of Ownership*” means:

- (a) A current *motor vehicle registration* for each *motor vehicle* to be used for any *business* purpose regulated by any *schedule* in this By-law, issued pursuant to the *Highway Traffic Act* in the name of the *applicant* for a *business licence*; or
- (b) A signed, certified copy of a leasing agreement, in the name of the *applicant* for the *owner’s licence*, for each *motor vehicle* to be used for a *business* purpose regulated by any *schedule* in this By-law.

“*Public Place*” means a place to which the public has access.

“*Refreshment*” means food and drink and includes sandwiches, cakes, doughnuts, hot dogs, ice cream, pies that have been prepared and packaged on the *vehicle* or a location other than on the *vehicle*.

“*Refreshment Vehicle*” means a *vehicle* which is used or is intended to be used for the sale of *refreshments* and includes a *refreshment vehicle type 1* and *refreshment vehicle type 2*.

“*Refreshment Vehicle Assistant*” – means a *person* licensed or required to be licensed who assists an *owner* or *driver of a refreshment vehicle – type “3”* but does not drive the *refreshment vehicle*;

(Amended by By-law 2012-123)

“*Refreshment Vehicle Operator*” means a *person* who *operates* a *refreshment vehicle* and includes *operators* carts or trailers for which a *provincial driver’s licence* is not required, who is licensed or required to be licensed under the provisions of this By-law.

“*Refreshment Vehicle Owner*” means the owner of a *refreshment vehicle* who is licensed or required to be licensed under the provisions of this By-law.

“*Refreshment Vehicle - Type 1*” means a *motor vehicle* that is licensed or required to be licensed and is designed for or intended to be used for the *selling*, offering for sale, serving, and/or dispensing of *refreshments*, and includes but is not limited to *vehicles* such as coffee trucks.

“*Refreshment Vehicle – Type 2*” means a trailer or cart that is licensed or required to be licensed and is designed for or intended to be used for the *selling*, offering for sale, serving, and/or dispensing of *refreshments*, and includes but is not limited to hot dog carts.

“*Refreshment Vehicle – Type “3”*” means a *vehicle* licensed or required to be licensed and is designed for or intended to be used for the selling, offering for sale, serving, and/or dispensing of ice cream;

(Amended by By-law 2012-123)

“*Registered Lessee*” means a *person* licensed as a *driver* and operating a licensed *taxicab*, under the terms of a *lease* which is filed with the *licensing section*.

“*Registered Owner*”, means the *person* shown to be the *owner* of a *motor vehicle* according to the records maintained by the Registrar of *vehicles* for the Province of Ontario.

“*Retail*” or “*Retail Sale*” means the sale of *products* or goods to the ultimate consumer, usually in small quantities, in the ordinary course of *business*.

“*Run Sheet*” means a record of tows made by a *tow truck driver* including the *driver’s* name, *tow truck* number, date, start and finish time of each tow, pick-up and drop location for each tow, the distance travelled a breakdown of the fees charged for each *trip*.

“*Safety Standard Certificate*” means a *safety standard certificate* issued pursuant to Sections 88 to 100 of the *Highway Traffic Act* R.S.O. 1990, c H. and is issued by a government-approved *motor vehicle* Inspection station (MVIS) after a *vehicle* passes an inspection which covers the minimum safety requirements for *vehicles* in the province of Ontario.

“*Schedule*” means one or all the *schedules* attached to this By-law.

“*Schedule Of Rates*” means the rates charged by a licensed *tow truck owner* or *operator* for service performed on behalf of a *customer*.

“*Secretary*” means the *secretary* of the *licence appeal committee*.

“*Sell*” means to *sell* for *retail*, offer for *retail* sale, display, and place or expose any *products* for *retail* sale.

“*Solicit*” means an *appeal* for *customers* by bell, horn, whistle, words or gestures directed at *individuals* or groups of *persons*.

“*Stage*” means stopping, parking or otherwise placing a *limousine* in a loading or curb side area, not including a parking lot, where the *limousine* is not engaged in a *prearranged trip*.

“*Standard Taxicab*” means a *taxicab* that has been licensed by the *City* as a *standard taxicab* and has been issued a *standard taxicab plate*.

“*Standard Taxicab Plate Holder*” means a *person* to whom a standard taxi *plate holder licence* and accompanying taxi *plate* have been issued pursuant to *schedule 6*.

“*Student Driver*” means a *person* that receives driving instruction from a *driving school instructor*.

“*Taxicab*” *Taxicab* means a *motor vehicle* as defined in the *Highway Traffic Act*, and includes any *Motor vehicle* used for hire in the conveyance of *Persons* from place to place within the *City* to any point inside or outside that area, but does not include a *limousine*.  
(Amended by By-law 2014-57)

“*Taxicab Broker*” means any *person* who carries on the *business* of accepting orders for, or *dispatching taxicabs* in any manner.

“*Taxicab Driver Refresher Training Course*” means the *taxicab* training course provided to *taxicab drivers* that are renewing their *licences* in the *city*.

“*Taxicabdriver Training Course*” means the *taxicab* training course provided to new *taxicab drivers* in the *City*.

“*Taxicab Meter*” means a measuring device used in a *taxicab* to calculate the *fare* payable for a *trip*.

“*Taxicab Stand*” means the area set aside and designated by the *City* to be used by a *taxicab* while it is waiting for, or picking up, goods or *passengers*.

“*Three Year Driver Record Search*” means a three year snapshot of a *driver's* history containing the *driver's* name, *licence* number, class, expiry date, *conditions/restrictions*, height, date of birth, gender and status information, *driver's Highway Traffic Act* and Criminal Code of Canada convictions, suspensions reinstatements over the past 3 years as well as conviction dates, earliest licensed date available, demerit point total and medical due date for commercial *drivers*.

“*Tow Truck*” means a *motor vehicle* used for hire for *towing* or otherwise *conveying vehicles*.

“*Tow Truck Broker*” means a *person* who arranges for the provision for hire to a *customer* of the services of a *tow truck* not owned by such *person*.

"*Towed Vehicle*" means a *vehicle* or any part thereof towed or otherwise conveyed by a *tow truck*, under an agreement between the *owner* of the *vehicle* to be towed and the *driver* or *owner* of a *tow truck*.

"*Towing*" means the movement of a *vehicle* by a *tow truck*, whether such *vehicle* is picked up at, or delivered to, a location within the *City*.

"*City*" means The *Corporation* of the *City*.

"*Treasurer*" means the *treasurer* of the *City*.

"*Trip*" means the distance and time travelled or the distance and time to be travelled, measured from the time and point at which the *passenger* first enters the *taxicab* or when the *taxicab meter* is first engaged, whichever comes first, to the time and point at which the *passenger* finally leaves the *taxicab* or the *taxicab meter* is disengaged, whichever comes last.

"*Trip Sheet*" means a record of *trips* made by a *taxicab driver* including the *driver's* name, *taxicab* number, date, start and finish time of each *trip*, pick-up and drop location for each *trip* and the *fare* collected for each *trip*.

"*Vehicle*" means a *motor vehicle* that is *operated* for the purpose of driving instruction, as a *taxicab* or *limousine* for the conveyance of *passengers*, a *tow truck* used for either *towing* or otherwise *conveying vehicles*, or a *motor vehicle* from which *products* or *refreshments* are sold.

"*Vehicle Identification Number*" means the unique number assigned to all *motor vehicles* that contains information about the *registered owner* of a *vehicle* as of a specific date and contains the owner's name, renewal date, *vehicle* description, class, status, empty weight for commercial *vehicles* and trailers, brand, *vehicle* declaration, *plate* details, validation sticker number, validation declaration, validation start and expiry dates, registered gross weight for commercial *vehicles*, permit number and date of issue.

"*Vehicle Pound*" means a lot or portion thereof used for the temporary storage and impounding of *vehicles* taken from a *collision scene* or otherwise towed and awaiting repair or demolition or retrieval.

"*Vending*" means the supplying of any good or service.

"*Vulnerable Sector Screen Report*" means a police reference check program for *applicants* seeking a *licence* to drive a *vehicle* for hire or conduct a certain class of *business* that may have for its clientele, that portion of the population that could be considered vulnerable.

“*Year Date*” means the figures appearing under the heading “year” in the current Ontario Ministry of Transportation *passenger motor vehicle permit* for the *vehicle*.

## 2. **ADMINISTRATION AND ENFORCEMENT**

2.1 In this By-law and attached *schedules*, unless the context otherwise requires, words imparting the singular number shall include the plural, and words imparting the masculine gender shall include the feminine and further, the converse of the foregoing also applies where the context requires.

2.2 Subject to the terms of this or other By-laws, or the directions of *council*:

- (a) Administration of this By-law shall be by the staff of *licensing section*, Legislative Services Department in the Corporate Services Commission of the *City*;
- (b) Enforcement of this By-law shall be by *persons* appointed by *council* for the purpose of enforcing the provisions of this By-law, which shall include the following:
  - (i) *municipal law enforcement officers*; and
  - (ii) any duly appointed police officer.

## 3. **SCHEDULES**

3.1 The following SCHEDULES form part of this By-law:

SCHEDULE 1	Term of License
SCHEDULE 2	Standard Character and Driving Record Criteria for Variable Terms, Conditional Issuance and Refusal of Mobile <i>licences</i> .
SCHEDULE 3	<i>Driving School Operators</i> and Instructors
SCHEDULE 4	<i>Limousine Owners and Drivers</i>
SCHEDULE 5	<i>Refreshment Vehicles</i>
SCHEDULE 6	Taxi Brokers, Owners and <i>Drivers</i>
SCHEDULE 7	<i>Tow Truck Owners and Drivers</i>

## 4. **LICENCE REQUIREMENT**

4.1 The following *persons* must be in possession of a *licence* authorizing them to carry on their *business* in the *City*, and shall pay to the *City* upon application for, or renewing the *licence* the required fee:

- (a) every *person* who owns or operates a *driving school*;

- (b) every *driving school instructor*;
- (c) every *person* who owns or *operates* a *limousine*;
- (d) every *person* who drives a *limousine*;
- (e) every *person* who owns or *operates* a *refreshment vehicle*;
- (f) every *person* who drives a *refreshment vehicle*;
- (g) every taxicab broker;
- (h) every *person* who owns or *operates* a *taxicab*;
- (i) every *person* who drives a *taxicab*;
- (j) every *person* who owns or *operates* a *tow truck*; and
- (k) every *person* who drives a *tow truck*.
- (l) every *person* who is a *refreshment vehicle assistant*.

(Amended by By-law 2012-123)

4.2 No *person* shall carry on, *operate* or engage in a *business* referred to in Section 4 unless a current and valid *licence* has been issued in their name by the *City* under this By-law.

## 5. **COMPLIANCE WITH SCHEDULES**

5.1 No *person* shall fail to comply with any regulation contained in the *schedules* attached to this By-law that regulates the *business* that they are licensed to carry on under this By-law.

## 6. **REPRESENTATION OF LICENSING**

6.1 No *person* shall hold himself out to be licensed if he is not.

## 7. **DUTIES OF THE LICENSING OFFICER**

7.1 The duties of the *licensing officer* include:

- (a) receiving and processing all applications for *licences* and renewals of *licences*;



- (b) ensuring that applications are complete and signed by the *applicant*, or where the application is from a partnership or *corporation* respectively, signed by a partner or the president or other authorized signing officer of the *corporation*;
- (c) ensuring that the *applicant* has paid the fees required for the term of the *licence*, prior to processing the application;
- (d) in the case of a *taxicab* and *limousine owner's licence*, ensuring that there is a *licence* available for issuance;
- (e) imposing special *conditions* on a *business* in a class that have not been imposed on all of the *businesses* in that class in order to obtain, continue to hold or renew a *licence*;
- (f) imposing special *conditions* as a requirement of continuing to hold a *licence* at any time during the term of the *licence* where the *licensing officer* is of the opinion that a term or condition of a *licence* should be imposed;
- (g) refusing to issue or renew a *licence*, or revoke or suspend a *licence* where the *licensing officer* is of the opinion that the *applicant* is not entitled to a *licence* under Section 16;
- (h) the maintenance and retention of all applications received and *licences* issued as provided for by the *City* Record Retention By-law and policies;
- (i) the prohibition of the carrying on or engaging in a *business* without a required *licence*;
- (j) generally performing all the administrative functions conferred upon the Officer by this By-law and the attached *schedules*; and
- (k) coordination and direction of the enforcement of this By-law and *schedules*.

## 8. **GENERAL LICENSING APPLICATION REQUIREMENTS**

- 8.1 Every *applicant* for a *licence* and for the renewal of a *licence* issued under this By-law shall:
- (a) submit a completed application for a *licence* or the renewal of a *licence* on the forms provided;
  - (b) where the *applicant* is an *individual* or a partner of a partnership, file proof satisfactory to the *licensing officer* that they are eighteen (18) years of age or older, a citizen of Canada or a landed immigrant or produce a valid work permit

issued by the Government of Canada; to work in the occupation of the *licence* type that they are applying for,

- (c) submit to the taking of photographs, for the production of “Photo Identification” *licences* for general identification purposes;
- (d) if the *applicant* is a *corporation*, file a copy of the incorporating document and a copy of the last annual information return which has been filed with the appropriate government department;
- (e) if the *applicant* is a registered partnership, file a copy of the registered declaration of partnership;
- (f) any other document relating to the operation of the *business* requested by the *licensing officer* including but not limited to *provincial driver’s licence* statutory declarations, Vulnerable Sector Screening Search and Criminal Conviction Background Search issued by the Police Service in which the *applicant* resides, Harmonized Sales Tax number, proof of citizenship or landed immigrant status; Ontario Ministry of Transportation *vehicle* Ownership Permit, York Regional Health Department Inspection Certificate, Insurance Certificates, medical certificates, letters of employment, Ministry of Transportation *driver’s* Abstract, *vehicle lease* agreements;
- (g) be of good character as provided for in *schedule 2* of this By-law;
- (h) return with the application the *owner’s licence plate* in the case of a renewal of the *licence*,
- (i) pay the required fee in the Licensing Fees and Charges By-law;
- (j) pay any *additional fee* imposed under *City* Licensing Fees and Charges By-law,
- (k) pay any outstanding fine owed to the *City*.

## **9. ZONING BY-LAW COMPLIANCE**

9.1 No *licence* shall be issued contrary to the provisions of any *City* Zoning By-law.

## **10. APPLICATION FORMS RETURNED**

10.1 Where an *applicant* fails to comply with any requirements of Section 8, or instructions in that regard, or where no *licences* are available to be issued under Section 7.1 (d) the application shall be returned and not processed further.

10.2 Where the application is refused under Section 8, the *applicant* may be advised personally if present and the application returned, or may be advised by letter sent by regular or electronic mail or facsimile to the *applicant’s business* or electronic address as disclosed by the application, or previous last known address, if any.

**11. ISSUE OF LICENCE OR RENEWAL OF LICENCE**

- 11.1 When an application for a *licence* or for a renewal of a *licence* is in accordance with, and meets all the requirements of this By-law, the *licensing officer* shall issue a *licence*.
- 11.2 Unless provided otherwise, a *person*, who is the *owner* of more than one *vehicle*, shall obtain a separate *licence* for each *vehicle* which is to be *operated* as a part of a *business* licensed under this By-law.
- 11.3 Except where electronic internet applications for new licences and renewals are accepted by the *licensing officer*, or where renewals applications are accepted through postal or other methods, all applications for a *licence* or renewal of a *licence* shall be made by:
- (a) The *applicant*, as sole proprietor of the *business*, *personally* to the *licensing section*;
  - (b) If a *Corporation*, by an officer or director of the *Corporation*, to the *licensing section*; or
  - (c) If a Partnership, by one of the partners, to the *licensing section*.

**12. TIME FOR RENEWAL**

- 12.1 An application for renewal of a *licence* shall be delivered to the *licensing section* on or before the expiry date. An expired *licence* may be renewed without being subject to any new application requirements within one year of the *licence* expiry date providing all *licence* fees, including late fees, and charges are paid in full and where all required documentation is submitted.
- 12.2 When an application for renewal of a *licence* is delivered to the *licensing section* any time after one year after the expiry date of the *licence*, the *applicant* shall complete an application as a new *applicant*.

**13. TERM OF LICENCE**

- 13.1 Every *licence* expires on the expiry date as set out in *schedule 1* to this By-law.

**14. LICENCE NOT TRANSFERABLE**

- 14.1 No *licence* issued under this By-law is transferable except as specifically provided for within the attached *schedules*.

**15. GROUND FOR REFUSAL TO ISSUE OR TO RENEW A LICENCE**

15.1 An *applicant* whose application meets all the requirements of this By-law and its *schedules* is entitled to a *licence*, or renewal of a *licence*, except where:

- (a) there are reasonable grounds to believe that any application or other document provided contains a false statement or provides false information;
- (b) the past or present conduct of the *applicant*, or of any partner, or any director, or officer of a *Corporation*, affords reasonable cause to believe that the *applicant*, partner, or officer will not carry on the activity for which the *licence* is to be issued, or to continue to be licensed in accordance with the law, or with honesty and integrity;
- (c) the financial position of the *applicant* affords reasonable grounds to believe that the activity for which the *business* is to be licensed or to continue to be licensed, will not be carried on in a financially responsible manner;
- (d) the issuance of the *licence* or renewal of the *licence* would be contrary to the public interest;
- (e) the *applicant* has failed to pay a fine or fines imposed by a court as a sentence arising from convictions for breach of a By-law enacted by the *City*;
- (f) the fee payable in respect of the *licence* applied for has not been paid;
- (g) a complaint which, in the opinion of the *licensing officer*, is not frivolous or vexatious, has been received about the holder of a *driver's licence* relating to the *driver's* ability to transport a disabled *customer*, or to *operate* a licensed *vehicle* safely, or the *driver's* knowledge of the *City's* geography, or, in the case of a *driver's* ability to communicate in English;
- (h) the *applicant* for a *licence* fails to produce a “*certificate of completion*” where mandatory training is required;
- (i) the *applicant* for a renewal of a *licence* fails to produce a “*certificate of completion*” or a “*certificate of attendance*” where mandatory training is required;
- (j) the *applicant* for a renewal of a *licence* produces a “*certificate of attendance*” and a *licence* was issued with an attached condition and the *licensee* failed to comply with the attached condition;
- (k) the *licensee* failed to attend and complete any other training required by the *licensing officer*;

- (l) the *licensee* is carrying on activities that are, or would be in contravention of the By-law and, or *schedules*;
- (m) the *licensee* fails to comply with any requirement in the By-law and, or *schedules* to obtain or maintain or renew a *licence* under this By-law;
- (n) any *additional fee* imposed on a *licence* remains unpaid after the due date as indicated in the “Notice of *Additional Fee*”.

**16. THE LICENSING OFFICER’S POWER TO REFUSE TO ISSUE OR RENEW A LICENCE OR CANCEL, REVOKE OR SUSPEND OR TO ATTACH CONDITIONS TO A LICENCE**

16.1 The administrative power and authority to refuse to issue a *licence*, to cancel, revoke or suspend a *licence*, or to impose *conditions* on a *licence*, are hereby delegated to the *licensing officer* and his or her delegates, pursuant to Section 23.2 of the *Municipal Act, 2001*, as amended.

16.2 Where the *licensing officer* is of the opinion that:

- (a) an application for a *licence* or renewal of a *licence* should be refused; or
- (b) a reinstatement should not be made; or
- (c) a *licence* should be revoked; or
- (d) a *licence* should be suspended; or
- (e) a *licence* should be cancelled; or
- (f) a condition should be imposed,

the *licensing officer* shall make that decision.

16.3 When making a decision pursuant to Subsection 16.2 the *licensing officer* shall consider among other matters the Standard Character and Driving Record Criteria in *schedule 2* of this By-law.

**17. WRITTEN DECISION OF THE LICENSING OFFICER**

17.1 The *licensing officer* shall provide written notice to the *applicant* or *licensee* of the decision with respect to the *licence* application, renewal, or its status.

17.2 The written notice under Subsection 17.1 shall:

- (a) set out the grounds for the decision;

- (b) give reasonable particulars of the grounds;
- (c) be signed by the *licensing officer*; and
- (d) state that the *applicant* or *licensee* is entitled to request a *hearing* to be conducted by the *licence appeal committee*.

**18. APPEAL OF A DECISION OF THE LICENSING OFFICER**

18.1 An *applicant* or *licensee* who is not satisfied with the decision, or any term or *condition* that has been imposed, may apply for an appeal to the *licence appeal committee* by sending by registered mail or personal service to the *licensing officer* a written notice of appeal along with the appeal fee, to the *secretary* of the *licence appeal committee*, Office of the *City clerk*, within ten (10) days of receipt of the decision.

**19. APPEAL DOES NOT ACT AS A STAY OF DECISION**

19.1 An appeal, under Section 18.1, of a decision does not act as a stay of that Decision.

**20. REASONS FOR APPEAL**

20.1 *Persons* may appeal the decision of the *licensing officer* if they believe that any of the following circumstances apply:

- (a) *the decision of the licensing officer* was wrong in law, fact, or both law and fact; or
- (b) there was a failure to observe a principle of natural justice.

**21. CONFIRMATION OF A DECISION**

21.1 A decision of the *licensing officer* that is not appealed within the time frame referred to in Section 18 shall be deemed to be confirmed.

**22. LICENCE APPEAL COMMITTEE**

22.1 A committee is hereby established pursuant to Section 23.5 of the *Municipal Act, 2001*, under the name “*City licence appeal committee*”, which shall be composed of not fewer than three members of *council*.

22.2 The *licence appeal committee* has the powers and authority to conduct appeals of decisions made by the *licensing officer*.

- 22.3 The *licence appeal committee* shall designate one of the members as chair and may designate one or more other members as vice-chairs of the licence appeal committee.
- 22.4 The Chair shall have general supervision and direction over the conduct of the affairs of the Committee. Three members of the *licence appeal committee* constitute a quorum.
- 22.5 In place of the *council*, the *licence appeal committee* shall hear the parties to a *hearing* or afford the parties an opportunity to be heard, and make decisions and recommendations from *hearings* so held.
- 22.6 The *licence appeal committee* shall apply the By-laws of the *council* and have the powers, duties and rights as applicable under the *Statutory Powers Procedures Act*, R.S.O. 1990, c. S. 22.
- 22.7 There shall be a *secretary* to the *licence appeal committee*, who shall attend all meetings of the *licence appeal committee* and shall keep all necessary records and perform such other duties required by the *licence appeal committee*.
- 22.8 The *secretary* shall arrange the sittings of the *licence appeal committee* and assign members to panels to conduct *hearings* as circumstances require, except that no more than three members may sit on a panel.
- 22.9 The *licence appeal committee* shall require that parties submit disagreements to mechanisms of alternate dispute resolution before they are entitled to a *hearing* before the Committee on the subject matter of the disagreement.
- 22.10 The oral evidence given before the *licence appeal committee* at a *hearing* shall be recorded.
- 22.11 Where a *hearing* is conducted, an *appellant* must “show-cause” why the *licence* should be granted, or why it should not be cancelled, refused, revoked or suspended, with or without *conditions*.
- 22.12 Where the *licence appeal committee* is satisfied that the application for the *hearing* is frivolous or vexatious, the Committee may refuse to grant a *hearing* to the *appellant*.
- 22.13 Where Committee refuses to grant a *hearing*, the appeal fee is non-refundable.
- 22.14 The provisions of Sections 5 to 15 and 21 to 24 of the *Statutory Powers Procedure Act* R.S.O. 1990, c.S.22, as amended, shall apply to all *hearings* conducted by the *licence appeal committee* under this By-law.

**23. DISCLOSURE OF DOCUMENTS AND THINGS**

23.1 Each party to a *hearing* shall disclose to all other parties not less than ten (10) *business* days before the *hearing* or, as otherwise ordered by the *licence appeal committee*, the existence of every document or thing that it will refer to, or give in evidence at the *hearing*.

**24. FAILURE TO ATTEND HEARING**

24.1 When the *appellant* who has been given written notice of the *hearing* does not attend at the appointed time and place, the *licence appeal committee* may proceed with the *hearing* in the *appellant's* absence and the *appellant* shall not be entitled to any further notice of the proceedings.

**25. DISMISSAL OF HEARING**

25.1 After confirming the *appellant* received notice of the *hearing*, the *licence appeal committee* may;

- (a) where the *appellant* fails to appear, or fails to submit any material, dismiss the appeal; or
- (b) where the *appellant* appears and the *hearing* proceeds, dismiss the appeal at any time during the *hearing* if the Committee finds it without merit.

**26. COSTS**

26.1 The *licence appeal committee* may not make any order as to costs.

**27. WRITTEN DECISION**

27.1 At the conclusion of a *hearing*, the *licence appeal committee* may give its decision orally or reserve its decision, but in any case shall provide its decision in writing, with reasons, within fourteen (14) days of the *hearing* to the *appellant* and the *licensing officer*.

**28. POWERS OF THE LICENCE APPEAL COMMITTEE**

28.1 On an appeal, the *licence appeal committee* has all the powers and functions of the *licensing officer* who made the decision and may make any decision that the *licensing officer* was entitled to make in the first instance, and the *licence appeal committee* may do any of the following things if, in its opinion, doing so would maintain the general intent and purpose of the By-law:

- (a) modify or rescind the decision or any condition;



- (b) extend any time for complying with a decision or any condition.

28.2 The *licence appeal committee*, after a *hearing*, may consider:

- (a) a breach of the provisions of this By-law; and
- (b) anything which may be in any way adverse to the public interest; and
- (c) the belief that the *person* will not carry on, or engage in the *business* in accordance with applicable law, or with honesty and integrity; and
- (d) if any *person* has made a false statement in the application for the *licence* or a renewal thereof; and
- (e) any other matter which the *licence appeal committee* is authorized by law to consider.

28.2 The *licence appeal committee* shall send a copy of its final decision or order, including any reasons, to each party to a *hearing*, or to the *person* who represented the party by:

- (a) regular mail;
- (b) electronic mail, transmission of a facsimile; or
- (c) such other method that the Committee specifies.

## **29. EFFECT OF DECISION**

29.1 A decision that has been confirmed, modified or rescinded by the *licence appeal committee*, as the case may be, shall be final and binding upon the *appellant* who shall comply with the decision within the time specified and in the manner specified in the decision where applicable.

## **30. ADDITIONAL FEES ON A LICENCE**

30.1 Notwithstanding any other provisions of the By-law, the *licensing officer* may impose *additional fees* on a *licence*, by way of a “Notice of *additional fee*” at any time during the term of the *licence* for costs incurred by the municipality attributable to the activities of the *business*.

30.2 The “Notice of *additional fee*” shall be sent to the *licensee* by registered mail and shall provide the *licensee* with sixty (60) days from the date of the “Notice of *additional fee*” is deemed to have been made to pay the outstanding amount.

## **31. CANCELLATION OF A LICENCE**

- 31.1 Any *licence* issued under this By-law may be cancelled by the *licensing officer* at any time upon the written request of the *licensee*.

**32. RETURN OF THE *LICENCE* AFTER REVOCATION OR SUSPENSION**

- 32.1 When a *licence* has been revoked, cancelled or suspended, the holder of the *licence* shall return the *licence* to the *licensing section* within twenty-four (24) hours of service of “Written Notice” of the decision of the *licensing officer* or, where an *appeal* had been filed, the decision of the *licence appeal committee*, and the *licensing officer* may enter the *business premises* or *vehicle* belonging to the *licensee* for the purpose of receiving, taking, or removing the said *licence* or *licence plate*.
- 32.2 When a *person* has his or her *licence* revoked or suspended under this By-law, he or she shall deliver the *licence* to the *licensing officer* and in no way shall obstruct or prevent the *licensing officer* from obtaining the *licence*.

**33. POSTING OF *LICENCES***

- 33.1 Each *licence* issued to a *driving school operator* or *taxicab broker* shall be posted in a conspicuous place on the *business premise* or *vehicle*.

**34. *LICENCE* PRODUCTION**

- 34.1 Every licensed *driver* shall carry his *licence* with him at all times while he is operating a *vehicle* and shall surrender the *licence* for reasonable inspection upon demand by the *licensing officer* or *municipal law enforcement officer*.

**35. NOTIFICATION OF CHANGE OF INFORMATION**

- 35.1 A *licensee* shall carry on *business* in the *City* in the name which is set out on the *licence* and shall not carry on *business* in *City* in any other name unless he has first notified the *licensing section*.
- 35.2 When a *licensee* changes his name or address or any information relating to his *licence*, he shall notify the *licensing section* within forty-eight (48) hours of the change, and shall return the *licence* immediately to the *licensing section* for amendment.
- 35.3 The *licensee* shall report any changes to the following information:
- (a) the names, addresses of officers and directors; or
  - (b) the address of the corporate head office; or if a partnership,

- (c) names and addresses of all partners.

**36. MEDICAL CERTIFICATE**

- 36.1 The *licensing officer* may require a *driver* to provide him with a certificate prepared by a physician, attesting as to whether or not the *driver* is physically fit and able to operate a *motor vehicle*, at any time if he feels it may be in the public interest.

**37. ONTARIO DRIVER'S LICENCE SUSPENDED**

- 37.1 When a licensed *driver* has had his *Ontario driver's licence* cancelled, suspended or revoked or has expired, the *licence* issued under this By-law shall be deemed to be suspended as of the date of cancellation, suspension, revocation or expiry under the *Highway Traffic Act* R.S.O. and the *driver* shall immediately return the *licence* issued under this By-law to the *licensing section*.

**38. RE-PHOTOGRAPHING OF DRIVERS**

- 38.1 If at any time the *driver's* photograph required on the application for a *licence* is not a reasonable likeness of the *driver* for any reason, the *licensing officer* may require the *driver* to have another photograph taken.

**39. INSURANCE CERTIFICATE**

- 39.1 Every *applicant* for an *owner's plate* shall submit and file with the *licensing section* a certificate of insurance for the *vehicle* for which the *applicant* is the *owner* and the insurance policy shall:

- (a) be endorsed to provide the *licensing officer* with at least ten (10) days notice in writing of a proposed cancellation or expiration of the insurance policy, or of a variation in the amount of the policy; and
- (b) insure in respect to any one claim, a liability limit of at least two million dollars (\$2,000,000) and be endorsed to include all *persons* who have any interest in the *vehicle*.

**40. INSURANCE CERTIFICATE RENEWALS**

- 40.1 Every licensed *owner* shall file with the *licensing officer* at least five (5) days prior to the expiry date of the current insurance policy all insurance renewal policies or certificates of insurance.

**41. FAIL TO HAVE INSURANCE**

- 41.1 When a licensed *owner* ceases to have a current and valid Ontario standard automobile insurance policy in good standing and properly endorsed, the *licence* shall be deemed to be suspended and the *licence* shall only be reinstated by providing to the *licensing officer* written *proof of insurance* in accordance with the provisions of this By-law.
- 41.2 When the licensed *owner* has his *licence* suspended under Section 41.1, he shall forthwith remove the *owner's plate* and return the *plate* and the *licence* to the *licensing officer*.
- 41.3 When a licensed *owner* cancels his current insurance before the expiry date of the policy, he must produce a certificate of newly acquired insurance or return the *plate* to the *licensing officer* on the date and time of cancellation.

**42. SERVICE OF NOTICE OR ORDER**

- 42.1 Any notice or order required to be given or served under this By-law is sufficiently served if delivered personally or sent registered mail or by electronic mail or facsimile, addressed to the *person* to whom delivery or service is required to be made, at the last address for service appearing in the records of the *licensing section*.
- 42.2 When service is made by registered mail, the service shall be deemed to be made on the seventh day (7) after the date of mailing, unless the *person* on whom service is being made establishes he did not, through absence, accident, illness, or other cause beyond his control, receive the notice or order until a later date.

**43. POWERS OF ENTRY (authorized under Sections 435, 436 and 438 of the Municipal Act, 2001, as amended S.O. 2006, C. 32, Sched. A, s. 184)**

- 43.1 The *City* may enter on a lot at any reasonable time for the purpose of carrying out an inspection to determine whether or not the following are being complied with:
- (a) The provisions of this By-law;
  - (b) An order issued under this By-law; or
  - (c) An order made under section 431 of the *Municipal Act, 2001*, S.O. 2001, c. 25 as amended.
- 43.2 Where an inspection is conducted by the *City*, the *person* conducting the inspection may,
- (a) require the production for inspection of documents or things relevant to the inspection;

- (b) inspect and remove documents or things relevant to the inspection for the purpose of making copies or extracts;
- (c) require information from any *person* concerning a matter related to the inspection including their name, address, phone number and identification; and
- (d) alone or in conjunction with a *person* possessing special or expert knowledge, make examinations or take tests, samples or photographs necessary for the purposes of the inspection.

43.3 The *City* may undertake an inspection pursuant to an order issued under s.438 of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended.

43.4 The *City's* power of entry may be exercised by an employee, officer or agent of the *City* or by a member of the York Regional Police Service, as well as by any *person* under his or her direction.

43.5 Every *driver* or *owner* licensed under this By-law shall on request of the Officer produce his *licence* issued under this By-law and such other documentation as is requested upon an inspection under Section 43.2.

**44. ORDERS AND REMEDIAL ACTION (authorized under Sections 444, and 446 of the *Municipal Act, 2001* as amended S.O. 2006, C.32, Sched. A, s.184)**

44.1 If a *person* contravenes any of the provisions of this By-law, the *City* may issue an order to the *person* to discontinue the contravening activity. The order shall set out the reasonable particulars of the contravention adequate to identify the contravention and the date by which there must be compliance with the order. The order may be served in accordance with the service provisions contained in this By-law.

44.2 If a *person* has contravened a provision of this By-law, the *City* may issue a work order to the *person* who contravened or permitted the contravention of this By-law, as well as to the *owner* of the lot on which the contravention occurred, to do work to correct the contravention. The order shall set out the reasonable particulars of the contravention adequate to identify the contravention, the location of the land on which the contravention occurred, and the date by which there must be compliance with the order. The order may also provide that if the *Person* or *Owner* fails to correct the contravention, the *City* may do the work to correct the contravention at the expense of the *Person* and the *Owner*. The order may be served in accordance with the service provisions contained in this By-law.

44.3 If the *City* has issued an order directing or requiring a *person* or an *owner* to do a matter or thing to correct a contravention of this By-law, and the *person* or the

*owner* has failed to correct the contravention, the *City* may enter upon the lot between the hours of 9:00 am and 5:00 pm Monday to Friday to do all work necessary to correct the contravention, and the *City* may recover the cost of the doing the matter or thing from the *person* directed or required to do it by action or by adding the costs to the tax roll of the *owner* and collecting them in the same manner as property taxes.

44.4 An order issued under this By-law may be served personally or may be served by registered mail sent to the last known mailing address of the *person* as indicated on the *City's* assessment roll. If an order is served on a *person* by registered mail, it shall be deemed to have been served on the *person* on the 5<sup>th</sup> day after mailing of the order, which deemed service may be rebutted by the *person* proving, on a balance of probabilities, that they did not receive the order.

44.5 Upon an inspection under Section 43.2, the Officer or other *person* so authorized is entitled to request and have produced all relevant *licences* and permits and to have access to the invoices, vouchers, appointment books or *trip sheets* or like documents of the *person* being inspected, provided such documents are relevant for the purposes of the inspection and the *person* inspecting may remove any of the aforementioned documents for the purpose of photocopying, provided a receipt is given to the *licensee* and the documents are returned to the *licensee* within two (2) *business* days of removal.

44.6 Every *driver* or *owner* licensed under this By-law shall on request of the Officer produce his *licence* issued under this By-law and such other documentation as is requested upon an inspection under Section 43.4.

**45. RIGHT OF INSPECTION OF LICENSED PREMISES OR VEHICLES/DUTY TO PRODUCE**

45.1 The *licensing officer*, *municipal law enforcement officer* or other *person* so authorized who is performing a duty or exercising a power under this By-law may at any reasonable time enter upon and inspect the *business premises* or *vehicle* of any *licensee* to insure that the provisions of this By-law have been complied with, and on completion of an inspection shall complete and file a written report on the inspection.

45.2 Upon an inspection under Section 43, the Officer or other *person* so authorized is entitled to request and have produced all relevant *licences* and permits and to have access to the invoices, vouchers, appointment books or *trip sheets* or like documents of the *person* being inspected, provided such documents are relevant for the purposes of the inspection and the *person* inspecting may remove any of the aforementioned documents for the purpose of photocopying, provided a receipt is given to the *licensee* and the documents are returned to the *licensee* within two (2) *business* days of removal.

- 45.3 Every *driver* or *owner* licensed under this By-law shall on request of the Officer produce his *licence* issued under this By-law and such other documentation as is requested upon an inspection under Section 43.

**46. VEHICLE INSPECTION**

- 46.1 The *licensing officer* may require at any time an *owner* to submit his *vehicle* for inspection at an appointed place.
- 46.2 The *owner* shall submit his *vehicle* for inspection when required to do so by the *licence* Officer under Section 46.

**47. OBSTRUCT INSPECTOR**

- 47.1 No *person* shall hinder or obstruct, or attempt to hinder or obstruct, the *licensing officer*, *municipal law enforcement officer* or other *person* so authorized who is performing a duty or exercising a power under this By-law pursuant to Section 426 of the *Municipal Act, 2001*.

**48. PENALTY FOR CONTRAVENTION BY A PERSON**

- 48.1 Every *person* who contravenes a provision of this By-law, including an order issued under this By-law, is guilty of an offence.
- 48.2 If there is a contravention of any provision of this By-law, and the contravention has not been corrected, the contravention of the provision shall be deemed to be a continuing offence for each day or part of a day that the contravention remains uncorrected.
- 48.3 If an order has been issued under this By-law, and the order has not been complied with, the contravention of the order shall be deemed to be a continuing offence for each day or part of a day that the order is not complied with.
- 48.4 Every *person* who is guilty of an offence under this By-law shall be subject to the following penalties:
- (a) Upon a first conviction, to a fine of not less than \$300.00 and not more than \$50,000.00;
  - (b) Upon a second or subsequent conviction for the same offence, to a fine of not less than \$400.00 and not more than \$100,000.00;
  - (c) Upon conviction for a continuing offence, to a fine of not less than \$100.00 and not more than \$10,000.00 for each day or part of a day that the offence continues. The total of the daily fines may exceed \$100,000.00.

48.5 For the purposes of this By-law, “multiple offences” means an offence in respect of two or more acts or omissions each of which separately constitutes an offence and is a contravention of the same provision of this By-law.

48.6 For the purposes of this By-law, an offence is a second or subsequent offence if the act giving rise to the offence occurred after a conviction had been entered at an earlier date for the same offence.

**49. PENALTY FOR CONTRAVENTION BY A CORPORATION**

49.1 Despite Section 48, where a *Corporation* is convicted of an offence under the provisions of this By-law pursuant to Section 429 (1) of the *Municipal Act, 2001*, the *Corporation* is liable to a fine not less than \$300.00 and not exceeding \$100,000.00.

**50. ORDER TO DISCONTINUE ACTIVITY**

50.1 Pursuant to the provisions of Section 444 of the *Municipal Act, 2001*, in addition to any other remedy and to any penalty imposed, the *City* may make an order requiring the *person* who contravened the By-law or who caused or permitted the contravention, or the *owner* or occupier of the land on which the contravention occurred, to discontinue the contravening activity.

50.2 Any *person* who contravenes an order issued under Section 50.1 is guilty of an offence pursuant to Subsection 425 (1) of the *Municipal Act, 2001*.

**51. STATEMENT OF THE CLERK**

51.1 For the purposes of prosecution, under this By-law and pursuant to Subsection 447 (6) of the *Municipal Act, 2001*, a statement as to the licensing or non-licensing of any premise or *person*, signed by the *clerk* is, without proof of the office or signature, receivable in evidence as proof, in the absence of evidence to the contrary, of the facts stated therein.

**52. COURT ORDERS/BARRING OF ENTRY/CLOSING OF PREMISES**

52.1 The provisions of Section 447 of the *Municipal Act, 2001* respecting the issuance of court orders, the banning of entry, and the closing of *premises* shall apply to this By-law where required.

**53. COLLECTION OF UNPAID LICENSING FINES**

53.1 Where any part of a fine for a contravention of this By-law remains unpaid after the fine becomes due and payable under Section 66 of the *Provincial Offences Act*, R.S.O. 1990, c. P 3, including any extension of time for payment ordered under that section the *City* is hereby authorized, pursuant to Section 441 (2) of



the *Municipal Act, 2001*, to give the *person* against whom the fine was imposed a written notice specifying the amount of the fine payable and the final date on which it is payable, which shall be not less than twenty-one (21) days after the date of the notice, by delivering the notice or causing it to be delivered to that *person* at the *person's* residence or place of *business*.

#### **54. DISTRESS FOR UNPAID FINES**

54.1 Pursuant to Subsection 441 (3) of the *Municipal Act, 2001*, where a fine remains unpaid after the final date on which it is payable as specified in the notice, the fine shall be deemed to be unpaid taxes and, pursuant to Subsection 351 (1) of the *Municipal Act, 2001*, the *treasurer* of the *City*, or agent may seize the following to recover the taxes and costs of seizure, subject to the exemptions provided for in Subsection 351 (3) and (4) of the *Municipal Act, 2001*:

- (a) The personal property belonging to or in the possession of the *person* fined.
- (b) The interest of the *person* fined in any personal property including such *person's* right to the possession of any personal property under a contract for purchase or a contract to which the *person* fined becomes the *owner* of the property upon performance of any condition.
- (c) The personal property on the land and any interest therein, as described in Subsection (b) of this Section, of the *owner* of the land, even if the *owner's* name does not appear on the tax roll.
- (d) Any personal property on the land, title to which is claimed under any assignment or transfer made for the purpose of defeating the seizure.
- (e) Subsections 351 (5), (7), (8), (9), (10), (13) and (14) of the *Municipal Act, 2001*, apply with necessary modifications to a seizure for an unpaid licensing fine under this By-law.

#### **55. LEVY OF FINES UNDER WARRANT**

55.1 Despite Section 54 of this By-law, the *treasurer* or an Officer of the *City* may seize personal property, pursuant to Subsection 351 (2) of the *Municipal Act, 2001*, after a tax bill has been sent but before the due date if:

- (a) the *treasurer* or an officer has good reason to believe that the personal property subject to the seizure is about to be removed from the *City* before its due date;
- (b) the *treasurer* or an Officer makes an affidavit to that effect before a Justice of the Peace or the head of *council* of the *City*; and

- (c) the Justice of the Peace or head of *council* of the *City* issues a warrant authorizing the *treasurer* or an Officer to levy for the fines and costs in the manner provided by this Section.
- (d) Subsections 351 (5), (7), (8), (9), (10), (13) and (14) of the *Municipal Act, 2001*, apply with necessary modifications to a seizure for an unpaid licensing fine under this By-law.
- (e) No defect, error or omission in the form or substance of the notice required by this By-law invalidates any subsequent proceedings for the recovery of a fine.

## **56. PROCEEDS OF FINES**

- 56.1 Pursuant to the provisions of Subsection 433 (1) of the *Municipal Act, 2001*, where a *person* has been convicted of any offence under this By-law, every fine imposed for a contravention of this By-law belongs to the *City*.

## **57. SEVERABILITY**

- 57.1 Notwithstanding that any section, *schedule*, or any part or parts thereof, of this By-law may be found by any court of law to be invalid or beyond the power of the *council* to enact, such section, *schedule* or part or parts thereof shall be deemed to be severable, and all other sections and *schedules* of this By-law, or parts thereof, are separate and independent there from and enacted as such.

## **58. SCHEDULES**

- 58.1 All *schedules* referred to in this By-law and attached to this By-law shall be deemed to be a part of the By-law.

## **59. CONFLICT**

- 59.1 Where there is a conflict between this By-law and any other *City* By-law that regulates or governs the operation of Mobile *businesses*, this By-law shall prevail.

## **60. INTERPRETATION**

- 60.1 The provisions of the *Legislation Act 2006*, R.S.O. 2006, c.21, Sch. F, shall apply to this By-law.

## **61. REPEAL**

- 61.1 By-laws 2002-294, 2002-301, 2002-303, 2002-305, 2002-308, 2002-310, as amended, are hereby repealed effective May 1, 2012.

**62. EFFECTIVE DATE**

62.1 This By-law comes into force and takes effect on May 1, 2012.

**63. SHORT TITLE**

63.1 This By-law shall be known as the Mobile *Business* Licensing By-law.

READ A FIRST, SECOND, AND THIRD TIME AND PASSED THIS  
1<sup>ST</sup> DAY OF MAY, 2012.

"Kimberley Kitteringham"

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KIMBERLEY KITTINGHAM  
CITY CLERK

"Frank Scarpitti"

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FRANK SCARPITTI  
MAYOR

## SCHEDULE 1

### Relating to the Term, Issue, Expiry, and Prorating of Mobile *Business Licences*

#### 1. TERM OF LICENCE

1.1 Every *licence* listed in this *schedule* is valid for the corresponding term of the *licence* unless:

- (a) the *licence* has been suspended or revoked;
- (b) the *licence* has been cancelled at the request of the *licencee*;
- (c) payment of the said *licence* has not been made.

#### 2. TIME FOR RENEWAL

- 2.1 An application for renewal of a *licence* shall be delivered to the *licensing section* on or before the expiry date. An expired *licence* may be renewed without being subject to any new application requirements within one year of the *licence* expiry date providing all *licence* fees, including late fees, and charges are paid in full and where all required documentation is submitted.
- 2.2 When an application for renewal of a *licence* is delivered to the *licensing section* any time after one year after the expiry date of the *licence*, the *applicant* shall complete an application as a new *applicant*.
- 2.3 Except for Standard or *airport taxicab licence plates*, fees may be pro-rated by calculating the fee based upon the month in which the *application* is made to the *licensing section* to the expiry date of the *licence*.

<b>LICENCE TYPE</b>	<b>EXPIRY DATE</b>
<i>Driving School Operators and Instructors</i>	September 30 <sup>th</sup>
<i>Limousine Owners</i>	December 31 <sup>st</sup>
<i>Limousine Drivers</i>	Annual on Birthday
<i>Refreshment Vehicles</i>	March 31 <sup>st</sup>
Taxi Brokers	April 30 <sup>th</sup>
Taxi Owners	April 30 <sup>th</sup>
Taxi Drivers	Annual on Birthday
<i>Tow Truck Owners and Drivers</i>	June 30 <sup>th</sup>

**SCHEDULE 2****Relating to the Standard Character and Driving Record Criteria  
For Variable Terms, Conditional Issuance, Refusal, Suspension, Revocation of Mobile  
Licences, Applications and Renewals**

*The fundamental purpose of any licence suspension, revocation and/or refusal to issue is to ensure that the licensee will carry on or engage in the business with honesty and integrity and in accordance with all law, particularly where public safety may be at risk.*

<b>Code</b>	<b>Conviction Type</b>	<b>For All New Applications</b>
<b>N-A</b>	<b>Criminal Code</b>	<b>Refuse licence</b> if 2 or more Criminal Code convictions within 2 years of the application date.
<b>N-B</b>	<b>Criminal Code</b>	<b>Refuse licence</b> if 3 or more Criminal Code convictions within 5 years of the application date.
<b>N-C</b>	<b>Criminal Code</b>	<b>Refuse licence</b> if convicted of a Criminal Code offence where the sentence imposed was 5 years or longer.
<b>N-D</b>	<b>Criminal Code</b>	<b>Refuse licence</b> for any Criminal Code convictions and/ or pending charges for a sexual offence including pornography, at any time.
<b>N-E</b>	<b>Highway Traffic Act</b>	<b>Refuse licence</b> if 1 Criminal Negligence or Impaired Driving conviction within 1 year of application date.
<b>N-F</b>	<b>Highway Traffic Act</b>	<b>Refuse licence</b> if 2 Criminal Negligence or Impaired Driving convictions (or 1 of each) between 1 and 4 years old from application date.
<b>N-G</b>	<b>Highway Traffic Act</b>	<b>Refuse licence</b> if either 6 demerit points or 4 driving convictions within 1 year of application date.
<b>N-H</b>	<b>Criminal Code</b>	<b>Issue Probationary licence</b> for 1 year if convicted of 1 Criminal Code conviction within 5 years of application date.
<b>N-I</b>	<b>Highway Traffic Act</b>	<b>Issue Probationary licence</b> for 1 year if Criminal Negligence or Impaired Driving conviction, between 1 to 4 years from application date.
<b>N-J</b>	<b>Highway Traffic Act</b>	<b>Issue Probationary licence</b> for 3 to 6 months if 3 to 5 demerit points or 3 driving convictions within 1 year of application date.

Code	Conviction Type	For All Renewals
R-A	Criminal Code	<b>Refuse <i>licence</i></b> if 2 or more Criminal Code convictions within 2 years of the annual renewal date.
R-B	Criminal Code	<b>Refuse <i>licence</i></b> if 3 or more Criminal Code convictions within 5 years of the annual renewal date.
R-C	Criminal Code	<b>Refuse <i>licence</i></b> for any Criminal Code convictions and/or pending charges for a sexual offence including pornography.
R-D	<i>Highway Traffic Act</i>	<b>Refuse <i>licence</i></b> for any Impaired Driving convictions or DRIVER Suspensions
R-E	<i>Highway Traffic Act</i>	<b>Refuse <i>licence</i></b> if either 6 demerit points or 4 driving convictions within 1 year of previous renewal date.
R-F	Criminal Code	<b>Issue Probationary <i>licence</i></b> for 1 year if convicted of 1 Criminal Code conviction within 5 years of annual renewal date.
R-G	Criminal Code	<b>Issue Conditional <i>licence</i></b> pending Criminal Code, Criminal Negligence or Impaired Driving charges trial outcome.
R-H	<i>Highway Traffic Act</i>	<b>Issue Probationary <i>licence</i></b> for 3-6 months if 3-5 demerit points or 3 driving convictions within 1 year of previous renewal date.
R-I	<i>Highway Traffic Act</i>	<b>Issue Conditional <i>licence</i></b> for pending HTA driving charges within 1 year of renewal date.

**In assessing an application, a number of factors must be considered, including, but not limited to:**

- Potential threat to the public
- Number of *individual* convictions versus multiple convictions during one incident
- Severity of the incident/offence, such as; sexual offences, physical assault, or weapons
- Any outstanding charges
- Findings of not guilty by reason of mental disorder
- Probation, prohibition and other judicial orders which are in effect

## SUSPENSIONS

- 30-Day *licence* Suspension for First Occurrence
- 60-Day *licence* Suspension for Second Occurrence
- 90-Day *licence* Suspension for Third Occurrence

### **SCHEDULE 3**

#### **Relating to Driving Instructors and Operators of *Driving schools***

#### **1. TYPES OF LICENCES**

1.1 The *licensing officer* may issue the following types of *licences* in connection with the *business* of teaching persons to operate a vehicle:

- (a) a *driving school instructor's licence*;
- (b) a *driving school operator's licence*.

#### **2. NUMBER OF LICENCES**

2.1 A *driving school instructor* or a *driving school operator* who is the owner or lessee of more than one vehicle that is utilized for driving instruction shall be issued a vehicle licence plate for each vehicle that is owned or leased and operated for the purpose of driving instruction.

#### **3. AFFIXING THE LICENCE PLATE AND RENEWAL STICKER**

3.1 No *driving school instructor* or *driving school operator* who is the owner or lessee of a vehicle that is utilized for driving instruction shall fail to affix in a secure and visible manner to the rear bumper of the vehicle the *driving school licence plate* issued by the *licensing officer*.

3.2 No *driving school instructor* or *driving school operator* who is the owner or lessee of a vehicle that is utilized for driving instruction shall fail to affix in a secure manner the *licence renewal sticker* to the *driving school licence plate* issued by the *licensing officer*.

#### **4. LICENSING REQUIREMENTS FOR DRIVING SCHOOL INSTRUCTORS**

4.1 In addition to the general requirements for licensing established under the City's Mobile business Licensing By-law, every applicant for a *driving school instructor's licence* and for the renewal of a *driving school instructor's licence* shall:

- (a) be the holder of a current, valid full Class "G" Ontario motor vehicle driver's licence issued under the provisions of the Highway Traffic Act R.S.C. 1990 c. H;

- (b) be the holder of a current, valid *driving school instructor's licence* issued in the *applicant's* name by the Province of Ontario under the provisions of the *Highway Traffic Act* R.S.O. 1990. Ontario Regulation 473/07 as amended;
  - (c) file a letter of employment, or written contract from the *driving school operator* for the employment or services of the instructor;
  - (d) register, obtain and provide to the *licensing officer* a *harmonized sales tax* (HST) number where self-employed and where their services are subject to a written contract filed with the *City*;
  - (e) for each *vehicle* owned, or *leased* and to be *operated* as a *driving school vehicle* by a *driving school instructor*, produce a current valid motor vehicle permit issued by the Ontario Ministry of Transportation with the ownership portion in the *applicant's* name, or where the motor vehicle permit owner portion is in the name of a *person* other than the *applicant*, the *applicant* shall file a copy of a current and valid *vehicle lease* agreement between the *applicant* and the *person* or *corporation* shown on the *motor vehicle permit owner's* portion;
  - (f) provide any other document or thing that the *licensing officer* may require that will assist in the determination that the *applicant* satisfies the requirements of this *schedule* or any applicable law;
  - (g) within 48 hours of changing their address, *vehicle* or *driving school* affiliation, attend at the offices of the *licensing section* and inform the *licensing officer* of such changes and return their *licence* for amendment and replacement; and
  - (h) demonstrate that their past and present conduct and character complies with the criteria provided for in *schedule 2* being the *City's* Standard Character and Driving Record Criteria Policy.
- 4.2 Every *applicant* for a *driving school instructor's licence* shall provide a *vulnerable sector screen report* furnished by the Police Service having jurisdiction where they reside dated within thirty (30) days preceding the application date or at the request of the *licensing officer*.
- 4.3 Every *driving school instructor* upon renewal of their *licence* shall provide a Criminal Conviction Background Search dated within thirty (30) days preceding the renewal date.
- 4.4 Every *applicant* for a *driving school instructor's licence* and every *driving school instructor* upon renewal of their *licence* shall provide a *three year driver record search* (Abstract) from the Ministry of Transportation dated within thirty (30)



days preceding the application date or yearly renewal due date, or at the request of the *licensing officer*.

## 5. **LICENSING REQUIREMENTS FOR DRIVING SCHOOL OPERATORS**

5.1 In addition to the general requirements for licensing established under the By-law every *applicant* for a *driving school operator licence* or for the renewal of a *driving school operator licence* shall:

- (a) provide a “Criminal Conviction Background Search” dated not later than thirty (30) days preceding the date of the application or yearly renewal due date or at the request of the *licensing officer*;
- (b) in the case of a partnership, the “Criminal Conviction Background Search” shall be of each partner;
- (c) in the case of a Corporation the “Criminal Conviction Background Search” shall be of each officer and director;
- (d) provide the Harmonized Sales Tax (H.S.T.) number registered to the *applicant* or *licensee*;
- (e) within 48 hours of any change in address, incorporating or partnership documents or other *individual* information, furnish the *licensing section* with the particulars of the new information, and return the *licence* for replacement if required;
- (f) provide a list of each *vehicle* to be *operated* as a *driving school vehicle* in the *driving school business*, identifying the make, model year, provincial *licence plate* number and *vehicle identification number* (V.I.N.);
- (g) submit all *vehicles* to be *operated* in the *driving school business* for inspection on the date and at the time scheduled by the *licensing officer*;
- (h) for each *vehicle*, owned, or *leased* and to be *operated* as a *driving school vehicle* submit a current valid *motor vehicle permit* issued by the Ontario Ministry of Transportation with the ownership portion in the *applicant’s* name, or if the motor vehicle permit owner’s portion is in another *person* or *Corporation* name; provide a copy of the *lease* agreement for the *motor vehicle*;
- (i) for each *vehicle* owned, or *leased* and *operated* as a *driving school vehicle* by a *driving school operator*, produce a current valid *motor vehicle permit* issued by the Ontario Ministry of Transportation with the *applicant’s* name shown on the *motor vehicle permit plate* portion;

- (j) for each *vehicle* owned, or *leased* and to be *operated* as a *Driving school vehicle* file a *safety standard certificate* within thirty (30) days of application for a *licence* or for renewal of the *licence*;
- (k) for each *vehicle* owned, or *leased* and to be *operated* as a *driving school vehicle*, file proof of valid insurance for *motor vehicle* liability, endorsed to include Ontario Policy Change Form (OPCF) for “*driver Training School*” operations, in the amount of not less than Two Million Dollars (\$2,000,000) inclusive, per occurrence for bodily injuries, property damage and accident benefits, and including damage occasioned by any accident arising out of the operation of any *motor vehicle* to be used in the *business* in respect of which a *licence* is applied for; such insurance policy shall contain an endorsement to provide the *licensing officer* with thirty (10) days prior written notice of cancellation of a material change that would diminish coverage;
- (l) advise the *licensing section* immediately when the use of any *vehicle* listed under Subsection (k) has been discontinued and when additional *vehicles* are proposed or intended for use, and return to the *licensing section* all licence plates issued pursuant to *vehicles* which are no longer *operated* as a *driving school vehicle* in the *operator’s business*;
- (m) upon being ordered so to do by the *licensing officer*, or his or her designate, cease to publish, display or circulate any poster, handbill, card, novelty, notice, newspaper advertisement or other matter used to advertise his or her *business*;
- (n) provide, in every *vehicle* used in the *business*, a frame or other device for holding the *photo identification card* of the *person* giving instruction to a *student driver*;
- (o) keep a permanent record of the name and address of each student, the date of the commencement of instruction, the date, time and name of the instructor for each lesson and the number of the student’s motor vehicle operator’s temporary instruction permit or a motor vehicle operator’s licence, or, in the case of a *student driver* who has not resided in Ontario for more than sixty (60) days, the number, date and place of issue, and the date of expiry of the student’s subsisting *driver’s licence* in accordance with the laws of the province, country or state in which he or she was a resident immediately before becoming a resident of Ontario;
- (p) provide a statement on the form provided by the *licensing section*, giving particulars as to the location of the *driving school premises* together with such other information as may be required to determine the compliance of the use with all applicable By-laws and regulations;

- (q) be required to demonstrate that their past and present conduct and character complies with the criteria provided for in *schedule 2* being the *licensing section's* Standard Character and Driving Record Criteria Policy;

## 6. **VEHICLE REQUIREMENTS**

- 6.1 Every licensed *driving school operator* and every *driving instructor* who owns or *leases* a *vehicle* shall ensure that every *vehicle* used and or *operated* as a *driving school vehicle* in their *business* is:
  - (a) maintained in good repair so that it is *mechanically safe*;
  - (b) maintained so that the exterior is clean and it does not have body damage, paint damage, holes in floorboards, unserviceable tires, doors that do not close or lock properly, broken cracked or chipped windshield or windows, or any other mechanical defect that would render the *vehicle* unsafe;
  - (c) that the interior is clean, dry and free from litter, and the interior upholstery is not torn, worn or soiled;
  - (d) equipped with a dual control braking system in good working order placed in a position for ready use by the instructor seated beside the *student driver*;
  - (e) cleared of any article left by *passengers* after every instructions session; and
  - (f) equipped with a plastic roof sign that shall have the name of the *driving school* on the front and back of the sign, be at least twenty (20) centimeters high by sixty-five (65) centimeters wide, and be securely affixed to the roof of the *vehicle* except when the *vehicle* is not being used for the purpose of *driving school* instruction, or as otherwise approved by the *licensing officer*.

## 7. **PROHIBITIONS**

- 7.1 No *driving school instructor* shall use a *vehicle* for teaching a *person* to *operate* a *motor vehicle* that does not comply with the *vehicle* requirements contained in this *schedule*.
- 7.2 No *driving school operator* shall permit, allow or cause the use a *vehicle* for teaching a *person* to *operate* a *motor vehicle* that does not comply with the *vehicle* requirements contained in this *schedule*.

## 8. **DUTIES OF DRIVING SCHOOL INSTRUCTORS**

8.1 Every licensed *driving school instructor* shall:

- (a) be properly dressed, neat and clean, civil and well behaved when giving driving instruction;
- (b) advise the *licensing section* of all *vehicles* which he or she proposes to use to give instruction, identifying such *vehicles* by the makes and serial numbers thereof before giving instruction to any student;
- (c) submit any such *vehicle* for inspection by the *licensing section* or by a mechanic designated by the *licensing officer* on the date and time specified by the *licensing officer*;
- (d) place the photo ID card in the *vehicle*, in such a location that it is plainly visible when giving instruction to any *STUDENT DRIVER*;
- (e) ensure that the *vehicle* is equipped with an extra rear view mirror for the use of the instructor when giving driving instruction;
- (f) ensure that every *student driver* is the holder of a current Ontario Class G 1, G2 or G *driver's licence*;
- (g) ensure that any *vehicle* being used for instruction bears all signs and *plates* required by this *schedule*;
- (h) refuse driving instruction to any *student driver* whose driving ability appears to be impaired by alcohol or drugs;
- (i) refuse to provide driving instruction in any *vehicle* until the *vehicle* has been inspected, and approved for use by the *licensing officer*, and the *licence plate* issued for the *vehicle* has been attached to the rear bumper of the *vehicle*;
- (j) refuse driving instruction to any *student driver* who is not registered as a student at the *driving school* where the driving instructor is *employed* or under contract;
- (k) not give driving instruction without a Driving Instructor's *licence* issued and in his possession while instructing, pursuant to the *Highway Traffic Act* R.S.O. 1990, as amended;
- (l) refuse to provide instruction on any primary traffic artery, main *highway* route or heavily travelled thoroughfare, during the first hour of any student's training period;

(m) not permit the use of cell phones or other communications devices by any *person* in the *vehicle* during the instruction period.

8.2 No *driving school instructor* shall enter into an agreement to provide driving instruction in the *City* unless the *driving school operator* is currently licensed by the *City* as a *driving school operator*.

## 9. **DUTIES OF DRIVING SCHOOL OPERATORS**

9.1 Every licensed *driving school operator* shall advise the *licensing officer* forthwith:

- (a) when any licensed *vehicle* ceases to be used; and
- (b) when any additional *vehicle* is used in the *business*, and
- (c) return to the *licensing officer* all *plates* issued in respect of *vehicles* that have ceased to be used in the *business*.

9.2 Every licensed *driving school operator* shall:

- (a) allow the *licensing officer* to have access to all *premises*, *vehicles*, equipment, books and records used in the *business* and submit any such *vehicle* for inspection whenever required.
- (b) notify the *licensing officer*, in writing, of the name and address of each *driving school instructor employed* by him and of the date of commencement of such employment, such notification to be given not later than seventy-two (72) hours after the employment has commenced.
- (c) notify the *licensing officer*, in writing, of the name and address of each *driving school instructor* whose employment by him has terminated, and of the date of the termination of such employment, such notification to be given not later than seventy-two (72) hours after the employment has terminated.
- (d) furnish each student with a written statement of all rates and charges for services provided by the school before instruction is given.
- (e) file with the *licensing officer* a statement of rates and charges for services provided by the school. The statement shall be in a form approved by the *licensing officer* and shall commence with the words, "The following is a complete *schedule of rates* and Charges for all services provided by (name of *driving school*) and no other rates or charges shall be demanded or received by the school or by any of its instructors."

- (f) adhere to the rates and charges indicated in the published statement and give fifteen (15) days advance notice to the *licensing officer* of any new statement of rates and charges.

9.3 No *driving school operator* shall permit, cause or allow a *driving school instructor* to act as a *driving school instructor* in the *City* without first ensuring that the instructor has a current and valid instructor's *licence* issued by the *City*.

## 10. **RESTRICTED AREAS**

10.1 No *driving school instructor* shall give driving instructions:

- (a) in any public park; or
- (b) upon any street abutting a school or playground, which, together with the adjoining streets, forms the block in which such school or play ground is situated.

## 11. **CANCELLATION**

11.1 A *licence* issued to a *driving school instructor* or a *driving school operator* may be cancelled by the *licensing officer* at any time if the *licensee* fails to actively *operate* for a continuous period of sixty (90) days the *vehicle* for which the *driving school licence plate* has been issued unless the *owner* can show to the satisfaction of the *licensing officer* just cause for such failure.

## **SCHEDULE 4**

### **Relating to the Licensing and Regulation of Owners and Drivers of *Limousines***

#### **1. TYPES OF LICENCES**

1.1 The *licensing officer* may issue the following types of *licences* in connection with the *business* of owning and operating a *limousine* for the conveyance of the travelling public:

- (a) a *limousine owner's licence*; and
- (b) a *limousine driver's licence*;

#### **2. NUMBER OF LICENCES**

2.1 A *limousine owner* shall be required to apply for, and obtain a *limousine vehicle licence plate* for each *limousine* that is owned and *operated* for the purpose of the conveyance of the travelling public. The maximum number of operating *limousine vehicle licence plates* in the *City* at any time shall not exceed fifty (50).

#### **3. AFFIXING THE LICENCE PLATE AND RENEWAL STICKER**

3.1 No *owner* of a *limousine* shall fail to affix in a secure and visible manner to the exterior front *passenger* side of the *limousine* the *licence plate* issued by the *licensing officer*, or as otherwise approved by the *licensing officer*.

3.2 No *limousine owner* shall fail to affix in a secure manner the *licence renewal sticker* to the *limousine licence plate* issued by the *licensing officer*.

#### **4. LICENSING REQUIREMENTS FOR LIMOUSINE OWNER'S LICENCE**

4.1 In addition to the general requirements for licensing established in the *City's Mobile business Licensing By-law*, every *applicant* for a *limousine owner's licence* and for the renewal of a *limousine owner's licence* shall produce with his application:

- (a) a copy of the current *passenger motor vehicle permit* for the *limousine*, in good standing issued by the Ministry of Transportation, in the *owner's* name;
- (b) a policy of insurance endorsed to the effect that the *licensing officer* will be given at least ten (10) days notice in writing of any cancellation, expiry or variation in the amount of the policy. The insurance shall be in at least the amount of two million dollars (\$2,000,000), exclusive of bodily injury to,

or death of one or more *persons*, or from loss or damage to property resulting from any one accident. The insurance policy shall make provision for *passenger* hazard in an amount not less than the foregoing. A copy or certificate of such insurance shall be deposited with the *licensing officer*;

- (c) a current, valid Ministry of Transportation *safety standard certificate* issued within thirty days (30) of the application, and where the *vehicle* is powered by propane fuel, a certificate of fitness endorsed by a qualified propane *inspector*;
- (d) proof of Harmonized Sales Tax (HST) registration; and
- (e) submit the *vehicle* to be licensed for an inspection and approval by the *licensing officer*.

4.2 Where a *limousine owner* does not actively drive a *limousine*, upon swearing of an affidavit in a form approved by the *City*, he or she may produce a Criminal Background Check as an alternative to the licensing requirement to produce a current and valid *vulnerable sector screening report*.

## 5. **LICENSING REQUIREMENTS FOR LIMOUSINE DRIVER'S LICENCE**

5.1 In addition to the general requirements for licensing established in the *City's* Mobile *business* Licensing By-law, every *applicant* for a *limousine driver's licence* shall produce with his application:

- (a) a current, valid full Class "G" Ontario *motor vehicle driver's licence* issued in the *applicant's* name.
- (b) an original *driver's* Abstract obtained from the Ministry of Transportation, dated within thirty (30) days of the date of the application.
- (c) an original *vulnerable sector screening report* issued by the Police Service having jurisdiction in the *applicant's* resident municipality.
- (d) A certificate prepared by a Physician which states that the *applicant* is fit and able to *operate* a *motor vehicle* carrying *passengers* for hire, dated within thirty (30) days of application; and
- (e) A letter of employment from the licensed *limousine plate owner*.

## 6. **OWNER PROHIBITIONS**

6.1 No *owner* shall:



- (a) permit or allow any *person* other than a *driver employed* by him, and licensed under this *schedule*, to *operate* the *limousine*;
- (b) enter into any *lease* agreement pertaining to the *owner's limousine licence plate*;
- (c) attach to any *vehicle*, the *limousine vehicle licence plate*, other than to the *vehicle* for which the *licence plate* was issued; and
- (d) where an *owner* has been found to have contravened Section 6.1 (c) above, the *licence* shall be immediately cancelled by the *licensing officer*, and the *owner* is prohibited from making a subsequent application for a *limousine vehicle licence plate* for a period of two (2) years following the date of such cancellation.

## 7. **DRIVER PROHIBITIONS**

### 7.1 No *driver* shall:

- (a) drive a *limousine* in the *City* without first obtaining a *licence* for that purpose, issued by the *City*;
- (b) be the *driver* of any *limousine*, unless the *owner* of such *limousine* is licensed under this *schedule* as a *limousine owner*, in relation to such *vehicle*;
- (c) use a cell phone or any other device while operating a *limousine*, for the purpose of contracting for the conveyance of *persons* by *limousine* except by pre-arrangement through the place of *business* of the *owner* or broker of such *limousine*.

## 8. **DRIVER/OWNER PROHIBITIONS**

### 8.1 No *driver* or *owner* shall:

- (a) *operate* or permit to be *operated*, any *limousine* unless it is equipped with a *licence plate*, or other means of identification supplied by the *City* securely affixed to the exterior front side of the *vehicle*;
- (b) *solicit* any *person* to hire the *limousine* or hold out the *limousine* as being available for hire by any *person* at or in any *public place*;
- (c) *stage* the *limousine* so as to *solicit* any *person* to hire the *limousine* without a *prearranged* service agreement;

- (d) smoke, or permit the smoking of any cigar, cigarette or other tobacco product in the *limousine*.

## 9. **DUTIES OF DRIVER**

- 9.1 Every *driver* while *conveying passengers* in a *limousine* shall be attired in a *business suit*, including a necktie, or a uniform supplied by the *owner* of the *limousine*, and such apparel shall be kept in a neat and tidy condition at all times.
- 9.2 Every *driver* shall file a letter of employment, or where self-employed, a written contract between the *driver* and *owner* for the employment or services of the *driver* to drive the *limousine*.

## 10. **DUTIES OF OWNER**

- 10.1 Owners are required to actively *operate* their *limousine*, and failure to do so for a period of six (6) months will result in the cancellation of the *licence*.
- 10.2 When a *limousine licence owner* ceases to have a current and valid Ontario standard automobile insurance policy properly endorsed in accordance with the provisions of this By-law, the *limousine vehicle licence plate* shall be deemed to be suspended as of the date of the cessation of the insurance, and shall only be reinstated upon submitting written *proof of insurance* in the form of a certificate of insurance issued by the insurer, to the satisfaction of the *licensing officer*.
- 10.3 When the licensed *owner* has his *licence* suspended under this By-law, he shall forthwith remove the *limousine vehicle licence plate* from the *vehicle* and return it to the *licensing officer*.
- 10.4 *limousine licence owners* shall file a list of all *City* licensed *drivers* who *operate* the *limousine* in the *City*.

## 11. **DUTIES OF DRIVERS/OWNERS**

- 11.1 Every *limousine driver* or *owner* shall:
  - (a) only provide *limousine* service on a pre-arranged basis, and *persons* contracting for conveyance by *limousine* shall be informed of the rates to be charged at the time of contracting such conveyance, and no greater amount shall be demanded or received;
  - (b) keep on file with the *licensing officer* the current hourly tariff rate charged;
  - (c) file with the *licensing officer* at least seventy-two (72) hours prior to the effective date, any and all changes in tariff rates;

- (d) only charge for services in accordance with the tariff rates filed, such rates shall provide for minimum one (1) hour duration at a rate not less than fifty dollars (\$50.00) for the first hour;
- (e) keep in the *vehicle* a card showing the *schedule of rates*, and provide a copy on request to any *passenger* or licensing *inspector*;
- (f) employ or use only the services of a *limousine driver* licensed by the *City*; and
- (g) upon receipt of notice of inspection, attend with the *limousine operated* by him at the licensing office at a time and date appointed by the *licensing officer* or *inspector*.

## **12. VEHICLE REQUIREMENTS**

12.1 Every *limousine owner* and *driver* shall ensure that every *vehicle operated* as a *limousine* is:

- (a) maintained in good repair so that it is *mechanically safe*;
- (b) maintained so that it does not have body damage, paint damage, holes in floorboards, unserviceable tires, doors that do not close or lock properly, broken cracked or chipped windshield or windows or any other mechanical defect that would render the *vehicle* unsafe, and the exterior is clean;
- (c) maintained so that the interior is clean, dry and free from litter, interior upholstery that is free of tears, wear or soil; and
- (d) cleared of any article left by *passengers* after every conveyance.

## **13. EQUIPMENT PROHIBITIONS**

13.1 No *limousine* shall:

- (a) be equipped with a taxicab meter or other device registering distance travelled or computing FARES to be paid; or
- (b) be equipped with *illuminated roof lights* or other advertising devices.

# **SCHEDULE 5**

**Relating to the Licensing, Regulation and  
Governing of *Refreshment vehicles***

**1. TYPES OF LICENCES**

1.1 The *licensing officer* may issue the following types of licenses in connection with the *business* of *selling products* from a *refreshment vehicle* by going place to place or in a particular place;

- (a) *refreshment vehicle owner*;
- (b) *refreshment vehicle operator*; and
- (c) *refreshment vehicle attendant*.

(Amended by By-law 2012-123)

**2. NUMBER OF LICENCES**

2.1 A *refreshment vehicle owner* who is the *owner* or *lessee* of more than one *vehicle* that is utilized for *selling refreshments* is required to apply for a *refreshment vehicle licence plate* for each *vehicle* that is owned or *leased* and *operated* for the purpose of *VENDING*.

**3. REFRESHMENT VEHICLE OWNERS – TYPE 1 REQUIREMENTS**

3.1 Every *refreshment vehicle owner – type 1* shall:

- (a) ensure the body, doors and windows of such four-wheeled commercial *motor vehicles* are sufficiently sound construction to provide reasonable protection against dust, dirt, flies and other nuisances;
- (b) ensure the floor of such *refreshment vehicle – type 1* shall be a suitable material, free of holes, cracks or crevices, and the surface shall be readily washable and shall be kept clean and in good condition;
- (c) ensure the storage shelves therein shall be painted or covered with suitable impervious materials;
- (d) ensure the *refreshment vehicle– type 1* shall have painted in contrasting colour on both side panels in letters and figures at least 4 inches high, the name and *business* address of the *owner* thereof;
- (e) ensure all condiments, milk, cream and sugar shall be dispensed from containers approved by the *licensing officer*;

- (f) ensure only single service disposable cups, *plates*, containers, forks, spoons and serviettes provided in dispensers approved by the *licensing officer* or *individually* wrapped shall be used in the sale of all *refreshments*;
- (g) ensure the *refreshment vehicle type 1* is equipped with either;
  - (i) a metal refuse container with a self-closing lid which shall be kept at all times in a clean and sanitary condition and emptied at least once daily; or
  - (ii) a disposable litter container which shall be replaced daily;
- (h) ensure that every *person selling* or handling *refreshments*:
  - (i) have clean clothes, appropriate headwear that confines their hair,
  - (ii) be clean and neat in appearance,
  - (iii) have clean hands; and
  - (iv) have a current *food handler's certificate* issued by the *york region health department* and shall keep with him and produce for inspection by the *licensing officer* such *food handler's certificate* at all times.
  - (v) ensure the *refreshment vehicle— type 1* and all parts and equipment thereof for use in the dispensing of *refreshments* shall at all times be kept in a clean and sanitary condition and in good repair;
  - (vi) ensure all milk sold from the *refreshment vehicle* shall be kept in dry storage at a temperature no higher than 40 degrees Fahrenheit and shall be sold only in *individual*, disposable containers;
  - (vii) ensure all sandwiches, cakes, doughnuts, hot dogs, hamburgers, pies and other similar foods shall be wrapped and sold in *individual* servings;
  - (viii) ensure the date of preparation shall be clearly marked as such on or affixed to the wrapper of all sandwiches sold from the *refreshment vehicle*;
  - (ix) ensure no prepared foods other than those kept in unopened cans shall be sold more than twenty-four hours after their preparation;

- (x) ensure adequate refrigeration at a temperature no higher than 5 degrees Celsius shall be provided for perishable foodstuffs which shall be kept so refrigerated;
- (xi) ensure the *refreshment vehicle* shall be equipped so as to maintain hot, prepared foods at a temperature of not less than 66 degrees Celsius, and such foods shall be kept so heated;
- (xii) shall not park on any lot, *highway*, or other location, while carrying on the *business* for which it is licensed, for a period of time exceeding two hours, during any twenty-four (24) hour period;
- (xiii) where the *vehicle* is powered by or uses propane in file annually with the *City*, a propane inspection certificate signed by a certified propane inspector, confirming that the inspection has been done in accordance with the National Standard of Canada CSA-B149.5-05, and further, all companies performing this task shall be a registered contractor under the *Technical Standards and Safety Act* under the direction of the Ministry of Consumer Services.

#### 4. **REFRESHMENT VEHICLE OWNERS – TYPE 2 REQUIREMENTS**

##### 4.1 Every *refreshment vehicle owner – type 1* shall:

- (a) provide a statement on the form provided by the *City* giving particulars as to the location of the *premises* together with such other information as may be required to determine the compliance of the use with all applicable By-laws and regulations;
- (b) ensure the *refreshment vehicle type 2* is equipped with either;
  - (i) a metal refuse container with a self-closing lid which shall be kept at all times in a clean and sanitary condition and emptied at least once daily; or
  - (ii) a disposable litter container which shall be replaced daily; and such containers shall be used for the disposal of all refuse.
- (c) ensure that every *person selling* or handling *refreshments*:
  - (i) have clean clothes, appropriate headwear that confines their hair,
  - (ii) be clean and neat in appearance,
  - (iii) have clean hands; and

- (iv) have a current *food handler's certificate* issued by the *york region health department* and shall keep with him and produce for inspection by the *licensing officer* such *food handler's certificate* at all times.
- (d) ensure the *refreshment vehicle— type 2* and all parts and equipment thereof for use in the dispensing of *refreshments* shall at all times be kept in a clean and sanitary condition and in good repair;
- (e) ensure adequate refrigeration shall be provided for perishable foodstuffs which shall be kept so refrigerated;
- (f) where the *vehicle* is powered by or uses propane in file annually with the *City*, a propane inspection certificate signed by a certified propane inspector, confirming that the inspection has been done in accordance with the National Standard of Canada CSA-B149.5-05, and further, all companies performing this task shall be a registered contractor under the *Technical Standards and Safety Act* under the direction of the Ministry of Consumer Services

#### 4.A) **REFRESHMENT VEHICLE OWNERS – TYPE 3**

(Added in entirety by By-law 2012-123)

4.A)1. Every *refreshment vehicle – type “3”* owner shall:

- (1) ensure that the vehicle shall be of an enclosed commercial type so designed that the cab is entirely separated and partitioned from, and has no direct access to, the body of the vehicle used for the storage and dispensing of refreshments;
- (2) ensure that a refreshment vehicle licensed and used as such prior to January 1, 1966, may be of a type in which there is direct access from the cab to the body of the vehicle used for storage and dispensing, provided such vehicle is equipped with a device approved by the *licensing officer*, whereby the serving windows must be locked and unlocked from the outside only and the engine of the vehicle cannot be started or operated while the serving windows remain open;
- (3) ensure that vehicles shall be equipped with a properly maintained and operational device by which the engine of the vehicle cannot be started or operated while the serving windows of the vehicle are open;
- (4) ensure that all vehicles shall be equipped with a properly maintained and operational audible sound-emitting warning device which is activated when the vehicle is operating in reverse;

- (5) ensure that the body, doors and windows of such vehicle shall be of sufficiently sound construction to provide reasonable protection against dust, dirt, flies and other injurious matter or things;
- (6) ensure that the interior of the vehicle shall be of a light colour and shall be repainted or refinished as often as required by the *licensing officer*;
- (7) ensure that the floor of such vehicle shall be of a suitable impervious material, free of holes, cracks or crevices, and the surface thereof shall be readily washable and shall be kept clean and in good condition;
- (8) ensure that the storage shelves in the vehicle shall be painted or shall consist of a suitable impervious material;
- (9) ensure that the vehicle shall be equipped with either a metal refuse container with a self-closing lid which shall be kept at all times in a clean and sanitary condition and emptied at least once daily, or a disposable litter container which shall be replaced daily; and such containers shall be used for the disposal of all refuse;
- (10) ensure that the storage area of vehicles from which hard ice cream and related products are sold shall be maintained at a temperature no higher than minus-fifteen (- 15) degrees Celsius and such area shall be equipped with an accurate, indicating thermometer;
- (11) ensure that all vehicles where soft ice cream and related products are sold shall have:
  - (a) two (2) sinks of adequate size and of non-corrodible material equipped with hot running water;
  - (b) a tank to receive sink wastes;
  - (c) a refrigerated cabinet for storage of ice cream mix and other milk products which cabinet shall be maintained at a temperature no higher than five (5) degrees Celsius and shall be equipped with an accurate, indicating thermometer;
  - (d) storage for dry products, sundae toppings, and syrups, which storage shall be easily cleanable and where necessary of a type readily dismantled for cleaning;
  - (e) all dispensing equipment, whether for dry cones, single service containers, ice cream, syrups or toppings, of sanitary design;
  - (f) mechanical air-conditioning in the vending and dispensing part of the vehicle;



- (g) adequate insulation to prevent fumes from the engine or engines from reaching the vending and dispensing section of the vehicle; and,
  - (h) Screens or other devices to ensure adequate protection against flies and dust.
- (12) ensure that every vehicle shall have attached thereto at the top or near the highest point thereof at least two (2) amber lights visible by a person one-point-five-two (1.52) metres in height at a distance of not more than one-point-two (1.2) metres in front of or behind the vehicle, and the vehicle shall be equipped with a mechanical device causing such amber lights to flash alternately at all times when the vehicle is stopped for the sale of ice cream products and other frozen confections, and such device shall be so operated at all such times;
- (13) ensure that every vehicle shall have conspicuously displayed on the rear thereof in black letters on a yellow background “watch for children” in letters at least fifteen centimetres (15) centimetres high, and such background shall be at least twenty-two-point-eight (22.8) centimetres high;
- (14) ensure that every vehicle shall have a cover over each of its bumpers which cover shall be on a curve or angle to the rear of the vehicle;
- (15) ensure that every refreshment vehicle to which this section relates shall have painted in contrasting colour on both side panels in letters and figures at least ten (10) centimetres high the name and *business* address of the owner thereof; and below such name and address in letters at least six-point-three (6.3) centimetres high the words “Markham Licence” followed by the *licence* number of such vehicle in figures at least fifteen (15) centimetres high;
- (16) ensure that every refreshment vehicle to which this section relates shall:
- (a) at the time he or she receives his or her *licence*, specify to the *licensing officer* the source of supply of all refreshments to be sold from the vehicle;
  - (b) notify the *licensing officer* forthwith of any change in such source of supply; and,
  - (c) refrain from selling or permitting to be sold from the vehicle any refreshments from a source of supply other than that specified by him or her to the *licensing officer*.
- (17) ensure that no vehicle licensed under this section shall be used for the sale of products other than those to which this section relates;
- (18) ensure that none of the products mentioned in this section shall be sold from a vehicle other than a *motor vehicle*;

- (19) ensure that no person to whom this section relates shall sell any products to which this section relates not prepared, assembled and wrapped in premises and under *conditions* complying entirely with the requirements of the Ontario Medical Officer of Health; and
- (20) ensure that whenever required so to do by the *licensing officer* bring such vehicle to any person designated by the *licensing officer* for inspection at the place and time indicated by the *licensing officer*.

### **REFRESHMENT VEHICLE – TYPE 3 PROHIBITIONS**

(Added in entirety by By-law 2012-123)

#### **4.A)2. No *refreshment vehicle* – type “3” owner shall:**

- (1) permit or allow any person other than a licensed driver or assistant to operate the refreshment vehicle or any person other than a licensed driver or licensed assistant to assist in the sale of refreshments from the vehicle;

#### **4.A)3. No *refreshment vehicle owner, driver or assistant* shall:**

- (1) serve any customer standing on the travelled portion of a highway; and
- (2) ring bells or chimes or making any other recognizable sounds more frequently than at five-minute intervals or for more than five seconds at a time in one place, or after sunset.

## **5. REFRESHMENT VEHICLE OWNERS and OPERATOR PROHIBITIONS**

### **5.1 No *refreshment vehicle owner* or *operator* shall:**

- (a) park or stop such *vehicle*, for the purpose of carrying on the *business* at a distance less than fifty (50) feet from any intersection, or less than one hundred (100) feet from the entrance to any park, or less than fifteen hundred (1,500) feet from any school ground;
- (b) shall park or stop such *vehicle*, on any road within a Residential Plan of Subdivision, unless such subdivision is still in the process of development and houses thereon are still in the process of construction; and

### **5.2 No *refreshment vehicle owner* shall:**

- (a) permit any *refreshment vehicle operator* to *sell* or offer to *sell refreshments* from a *refreshment vehicle* without first obtaining a *licence*.

**SCHEDULE 6**  
**Relating to the Licensing, Regulation and**  
**Governing of *Taxicab* Brokers, Owner and Drivers**

**PART ONE**

**ADMINISTRATION AND GENERAL PROVISIONS**

**1. TYPES OF LICENCES**

1.1 The *licensing officer* may issue the following types of licences in connection with the *business* of providing ‘On Demand For Hire’ Transportation to the travelling public:

- (a) a *taxicab broker’s licence*;
- (b) a *taxicab owner’s licence*;
- (c) an *airport taxicab owner’s licence*;
- (d) a *taxicab driver’s licence*;

**2. AFFIXING THE LICENCE PLATE AND RENEWAL STICKER**

2.1 A *taxicab broker, owner or driver* who is the *owner or lessee* of a *vehicle* that is utilized as a *taxicab* shall affix a *plate*, issued by the *licensing officer*, to each *vehicle* that is owned or *leased* and *operated* as a *taxicab*.

2.2 No *owner or lessee* of a *vehicle* that is utilized as a *taxicab* shall fail to affix in a secure manner the *licence renewal sticker* to the *plate* issued by the *licensing officer*.

**3. ADMINISTRATION AND DUTIES**

3.1 The *licensing section* shall:

- (a) receive and process all applications for licences and for renewal of licences to be issued under this *schedule*;
- (b) issue *licences* to, and renew *licences* for *persons* who meet the requirements of this *schedule*;
- (c) enforce the provisions of this *schedule*;
- (d) provide every *owner* with a tariff card and a copy of the *schedule*;

- (e) generally perform all of the administrative functions conferred upon it by this *schedule*, and the Mobile *business* Licensing By-law.

3.2 When an *owner's plate*, sticker, tariff card or *licence* is defaced, destroyed or lost, the *licensee* shall apply to the *licensing section* for a replacement and shall pay the appropriate fee as required under the Licensing Fees and Charges By-law and the *licensing section* shall issue a replacement.

#### 4. **EXEMPTIONS**

4.1 Where a *taxicab owner* or a *taxicab broker* is licensed by the *City* and ceases to actively drive or *operate* a *taxicab*, upon swearing of an affidavit in a form approved by the *City*, he may be exempted by the *licensing officer* of the requirement to attend and complete the *City* “Refresher Taxi *driver*” training course”.

4.2 Where a *taxicab owner* or *taxicab broker* is exempted under Section 4.1, they are required to attend and complete the *City* “Refresher *taxi owner*” training course.

#### 5. **FLAT RATE**

5.2 The *fare* provisions of this *schedule* may not apply to *taxicabs* while:

- (a) being used for the transportation of children to and from school, or to *taxicabs* operating under contract to any government agency, for the transportation of *persons* with disabilities;
- (b) the *trip* destination is outside Markham, and the *driver* and *passenger* have, before the commencement of the *trip*, agreed on a flat rate;
- (c) the *driver* of the *taxicab* under subsection (b) shall engage the *taxicab meter* while the *taxicab* is within the bounds; or
- (d) the *taxi broker* has a contract with the *City* to provide *taxicab* service for either the York Region Mobility Bus or cab services.

#### 6. **LICENSING PREREQUISITES**

6.1 No *person* shall be licensed unless he is at least eighteen (18) years of age and a citizen of Canada, or a landed immigrant, or produces a valid work permit issued by the Government of Canada to work as a *driver*.

6.2 No *person* shall be licensed as a *driver* unless:

- (a) he submits a certificate by a duly qualified medical practitioner which states that he is fit and is able to *OPERATE* a *motor vehicle*;
- (b) he provides a letter of potential employment from the licensed *owner*, licensed *taxicab broker* or *vehicle lessee* for whom he will be driving;
- (c) he provides a *three year driver record search* issued by the Ministry of Transportation, dated within thirty (30) days preceding the date of the application or yearly renewal due date, or at the request of the *licensing officer*;
- (d) he attends and completes the applicable *City* training programs as required by the *licensing officer*;
- (e) he holds in his name, a current, valid, Class 'G' *driver's licence* issued by the Province of Ontario;
- (f) he provides a current and valid *vulnerable sector screening report* issued by the Police Service having jurisdiction where he is resident, and which is to the satisfaction of the *licensing officer*.
- (g) Notwithstanding subsection (f) above, every *taxicab driver* and *taxicab owner licensee* seeking to renew their *licence* shall produce a current and valid Criminal Background Check, issued within thirty (30) days of the application for renewal and which is to the satisfaction of the *licensing officer*.

6.3 No person shall be licensed as a *taxicab owner* unless:

- (a) he holds a current *taxicab driver's licence* issued by the *City*;
- (b) he holds a current *passenger motor vehicle permit* which is in good standing and was issued by the Ministry of Transportation in the *applicant's* name for the *motor vehicle* of which he is the *owner*;
- (c) he produces and files with the *licensing section* a copy of a current Ontario Standard Automobile Insurance policy, for the *vehicle* for which he is the *owner*, and the policy shall be endorsed to provide that the *licensing officer* will be given at least ten (10) days notice in writing prior to any cancellation, expiration or change in the amount of the policy; and the policy should insure, in respect to any one accident, a third party liability limit of at least two million dollars (\$2,000,000), exclusive of interest and cost; and
- (d) the *vehicle* to be licensed as a *taxicab* meets the requirements of this *schedule*.

- 6.4 If the *applicant* for a *taxicab* owner's *licence* is a *Corporation*, the *person* holding the shares carrying at least fifty-one per cent (51%) of the voting rights attached to all shares of the *Corporation* for the time being issued and outstanding, shall be a *driver* licensed under this By-law. If no one *person* holds at least fifty-one per-cent (51%) of the voting rights of the *Corporation*, then the *Corporation* shall designate one *person* to be the licensed *driver*.
- 6.5 No *person* shall be licensed as a *taxicab* broker unless he is a *driver* licensed under this By-law, or if the *applicant* is a *Corporation*, the *person* holding shares carrying at least fifty-one per-cent (51%) of the voting rights attached to all shares of the *Corporation* for the time being issued and outstanding, shall be a *driver* licensed under this By-law. If no one *person* holds at least fifty-one per-cent (51%) of the voting rights of the *Corporation*, then the *Corporation* shall designate one *person* to be the licensed *driver*.
- 6.6 When more than one *driver* holds shares in a *taxicab* brokerage which is a *Corporation*, the *Corporation* shall designate one of the *drivers* as manager, or as the *person* in control of the brokerage.

## **7. LIMITATION ON THE NUMBER OF LICENCES ISSUED**

- 7.1 One hundred and ninety-two (192) *taxicab* owner *licences* are issued and operated under this *schedule*.
- 7.2 The number of *taxicab* owner *licences*, issued in accordance with Section 7.1, shall include fifty-two (52) *airport taxicab* *licences* bearing current and valid *licence* *plates* issued by the Department of Transportation under the Government Airport Concessions Operations Regulations, with respect to the operation of such TAXICABS at the Toronto Pearson International Airport, and the "*conditions* of Permit for *taxicabs*," issued by the Department of Transportation.
- 7.3 To determine the proportion of *taxicabs* required in the community, the *licensing officer* shall recommend to *council* that additional *taxicab* owner's *licences* be issued using a "Ratio to Population" formula relying on increases in the official population of the *City* based on Statistics Canada population figures, and such additional *licences* shall be issued from the *priority list* in accordance with the provisions of Part Five of this *schedule*.
- 7.4 No *person*, by virtue of the submission of an application for a *taxicab* owner *plate*, shall enjoy a vested right to such *plate*, or where issued, to the continuance of such owner *plate* and, upon issuance, renewal, cancellation, or suspension, the owner *plate* remains the property of the *City*, and the *licensing officer* may refuse to issue or renew and may suspend, revoke or cancel any owner *plate* or *licence* issued under this *schedule*. *Council* reserves the right to amend or repeal this *schedule* and any successor *schedules* and to place further or additional requirements or

restrictions on such *applicants, persons* or *licences* at any time or from time to time.

## **8. REPRESENTATION OF LICENSING**

8.1 No *person* shall publish or cause to be published any representation that he is licensed, if he is not.

## **9. APPLICATION FOR A LICENCE AND FOR THE RENEWAL OF A LICENCE**

9.1 An application for a *taxicab driver's, taxicab owner's, or taxicab broker's licence* and the application for the renewal of such *licences* shall be completed on the forms provided by the *licensing section*.

## **10. SUBMISSION OF LICENCE APPLICATION TO LICENSING SECTION**

10.1 A completed application for a *licence* or for renewal of a *licence* shall be delivered to the *licensing section* and shall be accompanied by:

- (a) the fee in the appropriate amount as set out in the *City Licensing Fees and Charges By-law*;
- (b) if the applicant is a *Corporation*, a copy of the incorporating document and a copy of the last annual information return which has been filed with the appropriate government department;
- (c) the *licence* issued for the year immediately prior to renewal; and, when required by the *licensing officer*, the *owner plate* shall be returned to the *licensing section*, with the application for renewal.

## **11. ISSUE OF LICENCE**

11.1 When an application for a *taxicab driver, taxicab owner, or taxicab broker licence* is made in accordance with the provisions of this *schedule* and the *applicant* meets all of the requirements of this *schedule*, the *licensing officer* shall issue a *licence* which shall set out the expiry date in accordance with *schedule 1* of the *City's Mobile business Licensing By-law*, and the *applicant* shall be licensed.

11.2 Unless provided otherwise in this *schedule*, a *person* who is the *owner* of more than one *taxicab* shall take out a separate *taxicab licence* for each *vehicle* owned by him.

11.3 All applications shall be delivered personally by the *applicant* to the *licensing section*.

**14. RENEWAL OF LICENCE**

- 14.1 Every application for renewal of a *taxicab driver's licence*, a *taxicab owner's licence* or a *taxicab broker's licence* shall be delivered to the *licensing section* before the expiry date of the *licence* as set out in *schedule 1* of the *City's Mobile business Licensing By-law*.
- 14.2 When a *licence* can be renewed because it meets the requirements of this *schedule*, the *licensing officer* shall issue a *licence* which shall set out the expiry date as set out in *schedule 1* of the *City's Mobile business Licensing By-law*.

**15. FAILURE TO RENEW BY END OF TERM OF LICENCE**

- 15.1 Failure to renew a *taxicab driver's licence* by that *licensee's* birth date will result in a late penalty charge as provided for in the *City Licensing Fees and Charges By-law*.
- 15.2 A *driver* who fails to renew his *licence* within one (1) year of the date of expiry shall be treated as a new *applicant* and subject to all the licensing requirements of a new *applicant*.
- 15.3 Failure to renew either a *taxicab owner's licence* or a *taxicab broker's licence* by April 30<sup>th</sup> in each year will result in a late penalty charge as provided for in the *City Licensing Fees and Charges By-law*.

**16. GROUND FOR REFUSAL TO ISSUE OR TRANSFER A LICENCE**

- 16.1 An *applicant* is entitled to be licensed and a *licensee* is entitled to have his *licence* renewed, except where:
- (a) having regard to his financial position, the *applicant* or *licensee* cannot reasonably be expected to be financially responsible in the conduct of the *business* which is to be licensed or is licensed;
  - (b) the past conduct of the *applicant* or *licensee* affords reasonable grounds for the belief that the *applicant* or *licensee* will not carry on the activity for which he is to be licensed or to continue to be licensed, in accordance with law and with integrity and honesty;
  - (c) the issuance of the *licence* or renewal of the *licence* would be contrary to the public interest;
  - (d) the *applicant* or *licensee* is carrying on activities that are, or will be, if the *applicant* is licensed, in contravention of this By-law; or
  - (e) if the *applicant* or *licensee* is a *Corporation*,



- (f) having regard to its financial position, it cannot reasonably be expected to be financially responsible in the conduct of the *business* for which it is to be licensed;
- (g) the past conduct of the officers or directors affords reasonable grounds for the belief that the *applicant* or *licensee* will not carry on the activity for which he is to be licensed or continue to be licensed in accordance with law; or
- (h) the issuance of the *licence* or renewal of the *licence* would be contrary to the public interest.

#### **17. REFUND OF FEE ON REFUSAL TO ISSUE OR RENEW A LICENCE**

- 17.1 When an application for a *licence* or renewal of a *licence* is refused, the *licence* fee paid shall be fully refunded and any other administrative fees as provided for in the *City* Licensing fees and Charges By-law paid shall not be refunded.

#### **18. REFUND OF FEE ON REVOCATION OF A LICENCE**

- 18.1 When a *licence* is revoked, the *licensee* is entitled to apply to the *licensing officer* for a refund of that part of the *licence* fee which is proportionate to the unexpired part of the term for which the *licence* was issued.
- 18.2 The provisions of Section 18.1 do not apply when the unexpired part of the term is less than four (4) months.

#### **19. CANCELLATION OF A LICENCE**

- 19.1 A *licence* issued to a *taxicab owner* may be cancelled by the *licensing officer* at any time if the *taxicab owner* fails to actively *operate* for a continuous period of ninety (90) days, the *vehicle* for which the owner's *taxicab plate* has been issued. The decision of the *licensing officer* may be *appealed* to the *licence appeal committee* upon payment of the *licence appeal fees* as established in the *City* Licensing Fees and Charges By-law.
- 19.2 A *licence* issued to a *taxicab broker* may be cancelled by the *licensing officer* at any time, if the *taxicab broker* fails to actively *operate* for a continuous period of ninety (90) days, the *taxicab brokerage business* for which the *licence* has been issued. The decision of the *licensing officer* may be *appealed* to the *licence appeal committee* upon payment of the *licence appeal fees* as established in the *City's* Licensing Fees and Charges By-law.
- 19.3 Any *licence* may be cancelled by the *licensing officer* at any time, upon the written request of the *licensee*.

**20. RETURN OF THE LICENCE AFTER REVOCATION OR SUSPENSION**

- 20.1 When a *licence* has been revoked or suspended, the holder of the *licence* shall return the *licence* and if applicable, owner's *plate* or *licence* sticker to the *licensing section* within twenty-four (24) hours of service of written notice of the *licensing officer*. The *licensing officer* may enter upon the *business premises* or *vehicles* of the *licensee* for the purpose of receiving, taking or removing the said *licence*, owner's *plate* or *licence* sticker.
- 20.2 When a *person* has had his *licence* revoked or suspended he shall not refuse to deliver up or in any way obstruct or prevent the *licensing officer* from obtaining the *licence*, the owner's *plate* and *licence* sticker in accordance with Section 22.1 of this *schedule*.

**21. RIGHT OF INSPECTION OF PREMISES OR VEHICLES**

- 21.1 The *licensing officer* may at any reasonable time enter upon and inspect the *business premises* or *vehicle* of any *licensee* to insure that the provisions of this *schedule* have been complied with, and on completion of such inspection shall complete and file a written report on the inspection.
- 21.2 Upon an inspection under Section 21.1 the *licensing officer* inspecting is entitled to request and have produced all relevant *licences* and permits, and to have access to all invoices, vouchers, appointment books and *trip sheets* or like documents of the *person* being inspected, provided such documents are relevant for the purposes of the inspection and the *licensing officer* inspecting may remove any of the aforementioned documents for the purpose of photocopying, provided a receipt is given to the *licensee* and the documents are returned to the *licensee* within forty-eight (48) hours of removal.
- 21.3 Every licensed *driver* or *owner* shall, on request of the *licensing officer*, produce his *licence* and such other documentation as is requested upon an inspection under Section 21.1.

**22. VEHICLE INSPECTION**

- 22.1 The *licensing officer* may require at any time that an *owner*, *lessee* or *driver* submit his *vehicle* for inspection at a specified location.
- 22.2 The *owner*, *lessee* or *driver* shall submit his *vehicle* for inspection when required to do so by the *licensing officer* under Section 22.1.

**23. LICENCE PRODUCTION**

- 23.1 Every licensed *taxicab driver*, *taxicab owner* and *taxicab broker*, when requested by the *licensing officer*, an *inspector* or a police officer, shall produce his *licence*, photograph and other relevant documents required under this *schedule*.

**24. STANDS FOR TAXICABS**

- 24.1 No *taxicab driver*, while waiting for hire or engagement, shall park the *taxicab* that he is operating on private property except at a stand authorized and assigned for *taxicabs* and marked as a *taxicab stand* by authorized signs.
- 24.2 No *vehicle*, other than a *taxicab* licensed under this *schedule* which is waiting for hire or engagement, shall be parked at any *taxicab stand* referred to in Section 24.1.
- 24.3 The *taxicab stands* locations are set out in Part Seven of this *schedule* and include the number of *taxicabs* permitted and their hours of operation.

**PART TWO**  
**TAXICAB DRIVER REGULATIONS**

**25. TAXICAB DRIVER DUTIES:**

25.1 Every licensed DRIVER shall:

- (a) each day, before commencing the operation of the *taxicab*, examine the *vehicle* for mechanical defects or interior or exterior damage and shall report forthwith any defects found, to the *owner* or *registered lessee* of the *taxicab*;
- (b) each day, upon completion of the operation of the *taxicab*, return the *vehicle* to his employer and report all defects in the *taxicab* and all accidents to the *owner* or *registered lessee*;
- (c) carry the *taxicab driver's licence* and his *Ontario driver's licence* with him at all times when operating a *taxicab*;
- (d) have available at all times and produce on request of the *licensing officer*, or a *passenger*, the following:
  - (i) a current tariff card;
  - (ii) a current *taxicab driver's photo identification card*, issued by the *licensing officer*;
- (e) have mounted and displayed at all times, in a location approved by the *licensing officer*, an information decal approved by the *licensing officer* containing the *City "customer bill of rights"* including a complaint telephone number and *driver* photograph;
- (f) Notwithstanding Subsection (e), where the *passenger* is a *person* with disabilities, provide the "*customer bill of rights*" in an alternate format where requested to do so that meets the needs of the particular *passenger*;
- (g) keep a daily *trip sheet* showing:
  - (i) the name of the *driver*, the date and the *taxicab owner's plate* number;
  - (ii) the location and the time of the beginning and end of every *trip* made;
  - (iii) the amount of the *fare* collected for each *trip*.

- (h) retain all *trip sheets* for at least twelve (12) months and make them available for inspection at the request of the *licensing officer*;
- (i) be civil and behave courteously;
- (j) be properly dressed, well groomed, neat and clean in personal appearance;
- (k) give a *passenger* a receipt on an authorized form, showing the *driver's* name and *licence* number and an identifying number for the *vehicle*, and amount for the conveyance when requested, or whenever there is a dispute over the *fare*;
- (l) where a *driver* is required to produce a receipt under Subsection (k) the receipt shall comply with Section 223(1) of the *Excise Tax Act S.C.* by stipulating on the receipt that the amount paid or payable by the *passenger* for the conveyance includes the tax payable in respect of the conveyance;
- (m) where the *passenger* is a *person with a disability*, make the receipt available in an “alternate format” suited to the specific needs of the *passenger*;
- (n) subject to Section 28, and except when he has a previous *order* or engagement, serve the first *person* requiring the service of his *vehicle* at any place within Markham, at any time by day or night, except when the *person*:
  - (i) is intoxicated or disorderly; or,
  - (ii) refuses to state his destination; or,
  - (iii) is in possession of an animal other than a personal assistance animal; or,
  - (iv) is eating or drinking any food or beverage; or
  - (v) has not paid a previous *fare* or cancellation fee; or,
  - (vi) is, in the opinion of the *driver*, unable or unwilling to pay the *fare* and has been unable or unwilling to satisfy the *driver* that he has the funds to pay the *fare*;
- (o) punctually keep all his hiring engagements, and shall not make any further engagement or *order* if a previous engagement would prevent him from fulfilling it;

- (p) take due care of all property delivered or entrusted to him for conveyance or safekeeping, and immediately on the termination of any hiring engagement, examine the interior of his *vehicle* for any property lost or left therein, and all property or money left in his *vehicle* shall be forthwith delivered to the *person* owning the property or money and if the *owner* of the property or money cannot at once be found, the *driver* shall deliver the property or money to the nearest police station, with all information in his possession regarding the property or money;
- (q) when a *passenger* enters the *vehicle* and gives the *driver* the desired destination, take the shortest possible route to the destination desired, unless the *passenger* designates otherwise;
- (r) when a dispute arises with a *passenger* about the *fare*, refer the dispute to the nearest *licensing officer* for arbitration;
- (s) only enter a taxicab stand by taking his position at the end of any line formed by the *taxicabs* already on the stand;
- (t) while waiting at a *taxicab stand* or at any other *public place*:
  - (i) not obstruct or interfere in any way with the normal use of the *taxicab stand* or *public place*, or interfere with the surrounding traffic patterns;
  - (ii) not make any loud noise or disturbance;
  - (iii) be sufficiently close to his *taxicab* to have it under observation at all times;
  - (iv) not wash the *taxicab*; or
  - (v) not make repairs to his *taxicab*, unless the repairs are immediately necessary.
- (u) not pick up any *passenger* within sixty (60) meters of a *taxicab stand* when there are one or more *taxicabs* upon the stand:
  - (i) unless an arrangement has been previously made with the *passenger* to pick him up at that location; or
  - (ii) unless the *passenger* exhibits a preference for that *taxicab*, and the chosen *taxicab driver* notifies the *driver* of the first *taxicab* on the *taxicab stand*.

- (v) subject to Subsections (w) and (x) engage the *taxicab meter* at the commencement of the *trip* and keep it engaged throughout the *trip*, except where Section 30.1 is applicable;
- (w) be allowed to engage the *taxicab meter* before the *passenger* enters the *vehicle*, only after the taxicab driver has notified the *passenger* of his arrival and has waited a reasonable time after the due time of the *order*;
- (x) at the conclusion of the *trip*, place the *taxicab meter* in the time-off status and after payment, place in the vacant status;
- (y) keep in his *taxicab* a current street guide or map and surrounding area, which is of a type approved by the *licensing officer*; and
- (z) turn off any radio, tape player or any other sound producing mechanical device in his *taxicab* and turn down the volume on the two-way radio upon being requested to do so by any *passenger*, and having done so, shall leave such devices in the off or turned down position until termination of the *trip* with that *passenger*.

## 26. **DRIVER PROHIBITIONS**

### 26.1 No licensed *driver* shall:

- (a) carry in any *taxicab* a greater number of *passengers* than is set out in the manufacturer's rating of seating capacity for such *vehicle*;
- (b) *operate* a *taxicab* with luggage or any object placed in, hung on or attached to the *vehicle* in such a manner as will obstruct the *driver's* view of the *highway*;
- (c) take, consume or have in his possession any alcohol, drugs or intoxicants while operating a *taxicab* for which he is the *driver*;
- (d) use any tariff card, other than that obtained from the *licensing section*, or remove, exchange, lend or otherwise dispose of the tariff card;
- (e) take on any additional *passengers* after the *taxicab* has departed with one or more *passengers* from any one starting point, except under the following circumstances:
  - (i) when done at the request of a *passenger* already in the *vehicle*;
  - (ii) in an emergency situation; or

- (iii) when operating a *vehicle* which is being used exclusively for the transportation of children to and from school, or for the transportation of *persons* with disabilities provided for in Section 5.2 of this *schedule*;
- (f) *operate a taxicab* which does not have an owner's *plate* affixed thereto;
- (g) *operate a taxicab* whose *owner* is not a licensed taxicab owner;
- (h) permit a *passenger* to stand in a *taxicab* while the *vehicle* is in motion;
- (i) be required to accept any *order* when the expenditure of money by the licensed *taxicab driver* is required on behalf of the *passenger*;
- (j) recommend hotels, restaurants or other like facilities unless requested to do so by the *passenger*;
- (k) be required to provide change for any note larger than fifty dollars (\$50.00) unless the *fare* is at least one-half (1/2) of the value of the said note;
- (l) *operate a taxicab* when the meter has not been adjusted in accordance with the existing current rates set out in this By-law, or when the operation has not been approved by the *licensing officer*;
- (m) *operate a taxicab* when the *taxicab meter* does not *operate* properly;
- (n) *operate a taxicab* when the *taxicab meter* seal is improperly affixed;
- (o) *operate a taxicab* without an owner's *plate*, side numbers and roof light, provided in accordance with the provisions of Section 34.1;
- (p) *operate a taxicab*, unless such *vehicle*:
  - (i) is equipped with an extra tire wheel and jack, ready for use for that *vehicle*;
  - (ii) meets the standards required for the issue of an acceptance under an Ontario Ministry of Transportation *vehicle* Inspection report, or meets the standards for the issue of a Safety Standard Certificate of mechanical fitness;
  - (iii) is clean, dry and in good repair as to its interior; and
  - (iv) is clean and in good repair as to its exterior, free from exterior body damage and with a well maintained exterior paint finish.



- (q) induce any *person* to engage his *vehicle* by any misleading or deceiving statement or representation to that *person* about the location or distance of any destination named by that *person*;
- (r) subject to Section 30.1, and except for a tip, gratuity or credit card service charge, recover or receive any *fare* or charge from any *passengers* or *persons* who had demanded his services, less than the *fare* or charge authorized by this *schedule*;
- (s) recover or receive any *fare* or charge from any *person* to whom he has refused to show the tariff card;
- (t) make any charge for time lost through defects or inefficiency of the *vehicle* or the incompetence of the *driver*;
- (u) make any charge for the time elapsed due to early arrival of the *vehicle* in response to a call for the *vehicle* to arrive at a fixed time;
- (v) enter into or become a party to an *exclusive concession agreement*;
- (w) agree to pay, accept a fee or consideration or do any other act or thing pursuant to an *exclusive concession agreement*;
- (x) charge a tariff which is not in accordance with the tariff approved by the *City* as set out in Part Six;
- (y) use or permit to be used a two-way radio or monitoring device in his *taxicab* which enables him to transmit and/or receive any frequency of a *taxicab broker* licensed under this By-law, with whom he is not affiliated;
- (z) be actively affiliated with more than one licensed *taxicab broker* at any one time;
- (aa) smoke or permit the smoking of any cigar, cigarette or tobacco produce in the *taxicab*; and
- (bb) text, email or talk on a handheld device while driving.

## **27. TRANSPORTATION OF CHILDREN TO AND FROM SCHOOL**

- 27. No *driver* shall *operate* a *taxicab* for the purpose of transporting children to or from school except where;
  - (a) the *vehicle* used for the transportation of children to or from school is licensed as a *taxicab* by the *City*;

- (b) the *taxicab* carries on the front and rear, signs not less than 275 mm by 350 mm in size, clearly visibly displaying the words ‘*school vehicle*’ in black letters on a white or yellow background; and
- (c) signs referred to in Subsection (b) shall be carried only when the *taxicab* is actually engaged in transporting children to and from school, and shall be removed when the *taxicab* is engaged in any other *business*.
- (d)

## **28. EXEMPTIONS**

- 28.1 The provisions of Section 26.1(n) do not apply to a licensed *taxicab driver* who has a disability, impairment or allergy and has filed with the *licensing officer* a certificate from his doctor evidencing such disability, impairment or allergy and is unable to service the *fare* by reason of the disability, impairment or allergy.
- 28.2 When a licensed *taxicab driver* is unable to service a *fare* for the reasons set out in Section 28.1, he shall make proper arrangements for the servicing of that *fare* before proceeding to his next engagement.

## **29. MEDICAL CERTIFICATE**

- 29.1 The *licensing officer* may require a *driver* at any time, if he feels it may be in the public interest, to provide him with a certificate, prepared by a duly qualified medical practitioner, attesting as to whether or not the *driver* or *licensee* is physically fit and able to *operate a taxicab*.

## **30. FLAT RATE**

- 30.1 When a taxi *driver* picks up a *passenger* within the *City*, with the destination outside the *City*, the *driver* and the *passenger* may agree before the commencement of the *trip*, on a flat rate.
- 30.2 The *driver* of the *taxicab* under section 30.1 shall engage the *taxicab meter* while the *taxicab* is within the bounds of the *City*.
- 30.3 Notwithstanding sections 30.1 and 30.2 above, any taxi broker having a contract with York Region Transportation Services to provide *accessible taxicab* service for York Region Mobility Plus will be permitted to *operate* their *taxicabs* on a flat rate wholly within the municipality.

## **31. ONTARIO DRIVER’S LICENCE SUSPENDED**

- 31.1 When a licensed *taxicab driver* has had his Province of *Ontario driver’s licence* cancelled, suspended or revoked, or where the *licence* has expired, the *licence* issued under this By-law shall be deemed to be suspended as of the date of

cancellation, suspension or revocation of the Province of *Ontario driver's licence* and the *driver* shall immediately return to the *licensing section*, the *licence* issued under this *schedule*.

### 32. **EXAMINATION REQUIREMENTS**

- 32.1 Subject to the “Grounds for Refusal to Issue or to Renew” provisions contained in the *City Mobile business Licensing By-law*, no *person* shall be licensed as a *taxicab driver* and no *person* shall have his *taxicab driver's licence* renewed unless he attends and completes a prerequisite training course administered by the *licensing officer* including but not limited to the *taxicab driver training course* and or *taxicab driver Challenge Exam* and the “*taxicab driver refresher course*.”
- 32.2 On an application for renewal of a *taxicab driver's licence*, where a proven *customer* complaint has been received relating to the DRIVER'S knowledge of the geography of the municipality and surrounding area, or at any other time that such a proven complaint is received, and if required by the *licensing officer*, the *licensee* shall attempt and successfully complete, with a mark of at least seventy-five percent (75%), a written test approved and set by the *licensing section*, prior to having his *licence* renewed.

### 33. **TAXICAB DRIVER LEAVES TAXICAB BROKER**

- 33.1 Every licensed *taxicab driver* who ceases to deal through a *taxicab broker* shall:
- (a) remove from his *vehicle* the roof light, radio crystals and telephone number of the *taxicab broker* he is leaving;
  - (b) change and remove from the *vehicle* the colour scheme and all decals or other taxicab brokerage markings on the *vehicle*;
  - (c) return to the *taxicab broker* he is leaving all *business cards* and other equipment belonging to that broker; and
  - (d) within seventy-two (72) hours notify the *licensing officer* of a change of an affiliated *taxicab brokerage*.

**PART THREE****TAXICAB OWNER REGULATIONS****34. TAXICAB OWNER DUTIES:**

34.1 Every licensed *taxicab owner* or *registered lessee* shall:

- (a) keep at all times in the *vehicle* of which he is the *owner* or *registered lessee*, the original, or a photocopy of the original, of each of the following documents:
  - (i) the current Ontario Ministry of Transportation *passenger motor vehicle permit* issued for that licensed *vehicle*;
  - (ii) the current *taxicab owner's licence* issued under this By-law; and
  - (iii) the certificate of liability insurance for the *vehicle*, in accordance with this By-law;
- (b) have in or on his *vehicle*:
  - (i) the owner's *plate* firmly affixed to the rear bumper, or at a location and in a manner approved by the *licensing officer*;
  - (ii) the owner's *plate* number for that *taxicab* in letters of at least 10 cm affixed on both front fenders, on the top rear of the fender, not more than 8cm below the top of the fender, or at a location and in a manner approved by the *licensing officer*; this owner's PLATE number shall be preceded by the letter "M" in identical, sized lettering;
  - (iii) affixed to the rear of the front seat, in a holder, or at a location and in a manner approved by the *licensing officer*, the current tariff card and *plate* number;
  - (iv) a *taxicab meter* of the type approved, sealed and mounted in a position approved by the *licensing officer* so that it is clearly visible to the *passengers* in the front and rear seats of the *taxicab*;
  - (v) an electrically illuminated roof sign which is securely attached to the top of the *taxicab* in a manner approved by the *licensing officer* and wired to the *taxicab meter* and working in

conjunction with the *taxicab meter* so that it is illuminated when the headlights are on and the meter is in the vacant status; and

- (vi) a sleeve inside the *vehicle* facing the backseat displaying the *City* complaint telephone number and a photograph of the *driver*.
- (c) employ or use only the services of licensed *taxicab drivers*;
- (d) provide the *licensing section* and, where applicable, any licensed *taxicab broker* with whom he may be associated, with the name of the licensed DRIVER operating his *vehicle*, within seventy-two (72) hours of the time when the licensed *driver* has commenced to *operate* the said *vehicle*, and , where applicable, file with the *licensing section* a copy of the *lease* with the licensed *driver* and pay the appropriate filing fee in accordance with the *City Licensing Fees and Charges By-law*;
- (e) repair any mechanical defect in the *vehicle*, reported to him by a licensed *driver*;
- (f) current list of *City* licensed *taxicab drivers* operating the *taxicab*.

34.2 Every licensed *taxicab owner* or *registered lessee* who ceases to deal through a *taxicab broker* shall:

- (a) remove from his *vehicle* the roof light, radio crystals and telephone number of the *taxicab broker* he is leaving;
- (b) change and remove from the *vehicle* the colour scheme and all decals or other *taxicab brokerage* markings on the *vehicle*;
- (c) return to the *taxicab broker* he is leaving all *business* cards and other equipment belonging to that broker;
- (d) within seventy-two (72) hours notify the *licensing officer* of a change of an affiliated *taxicab brokerage*.

### **35. TAXICAB OWNER PROHIBITIONS**

35.1 No Licensed *taxicab owner* or *registered lessee* shall:

- (a) in any manner, permit a *taxicab* not owned or *leased* by him, to be *operated* under the authority of his owner's *plate*, unless he has entered into a *lease* or sub-*lease* agreement and a copy of the *lease* or sub-*lease* has

been filed with the *licensing section* in accordance with Section 62(5) of this *schedule*;

- (b) permit a *taxicab* of which he is the *owner* or *registered lessee*, to be *operated* with mechanical defects of which he is aware;
- (c) *operate* a *taxicab* or permit a *taxicab* to be *operated* under this *schedule*, without the owner's *plate* or sticker for that *taxicab* attached thereto;
- (d) *operate* a *taxicab* or permit a *taxicab* to be *operated* which is not registered;
- (e) on any *taxicab* licensed under this By-law, display any owner's *plate*, decal or sticker, issued by the licensing authority of any other municipality;
- (f) allow or permit his *taxicab* to be *operated* when it has exterior body damage or rust;
- (g) put any name, address or telephone number or identification other than that of himself or the *taxicab broker* with whom he is affiliated, on his *taxicab* or roof sign;
- (h) use or permit to be used on his *taxicab*, any emblem, decal, roof sign or other markings which are the same shape and/or colour or similar to any distinctive emblem, decal, roof sign or other markings being used by any *taxicab broker* with whom he is not affiliated;
- (i) *operate* a *taxicab* which has the same distinctive colour scheme being used by any *taxicab broker* with whom he is not affiliated;
- (j) *operate* or permit his *taxicab* to be *operated* in affiliation with a *taxicab broker* who is not licensed under this *schedule*;
- (k) permit his owner's *licence* to be *operated* under a *lease* which restricts the movement of the said *licence* into or out of any licensed *taxicab brokerage*, unless the *owner* is a *taxicab broker* and wishes to keep the owner's *plate* in his own *taxicab brokerage*;
- (l) display or permit the display of any sign, emblem, decal, ornament or advertisement, on or in his *taxicab*, except is a form approved by the *licensing officer*;
- (m) *operate* or permit his *taxicab* to be *operated*, unless the *taxicab meter* is an approved type, listed with the *licensing section*, and has been tested and sealed by an *inspector*;

- (n) *operate* or permit his *taxicab* to be *operated* for the purpose of transporting children to or from schools, except in compliance with the provisions of Section 49.

### **36. INSURANCE**

- 36.1 When a licensed *owner* ceases to have a current and valid Ontario standard automobile insurance policy in good standing, the *licence* shall be deemed to be suspended as of the date on which the cessation of insurance came to the attention of the *licensing officer*, and the *licence* shall only be reinstated on there being delivered to the *licensing officer*, written *proof of insurance* in accordance with the provisions of this *schedule*.
- 36.2 When the licensed *owner* has his *licence* suspended under section 36.1 he shall forthwith remove the owner's *plate* and return the owner's *plate* and the *licence* to the *licensing officer*.
- 36.3 When a licensed *owner* cancels his current insurance before the expiry date of the policy, he must produce a certificate of newly acquired insurance, or return the *taxicab* owner's *plate* to the *licensing officer* on the date and time of the cancellation.
- 36.4 All insurance renewal policies or certificates of insurance shall be filed with the *licensing officer* ten (10) days prior to the expiry date of the current insurance policy.

### **37. VEHICLE APPROVAL**

- 37.1 An *owner* or *lessee* shall, before using any *vehicle* as a *taxicab*:
  - (a) attend at the *licensing section* and produce a copy of the current *passenger motor vehicle permit* in good standing, issued by the Ministry of Transportation, a copy of the current Ontario Standard Automobile Insurance Policy for the *vehicle* being registered, and the owner's Taxi Owner's *licence*;
  - (b) submit the *vehicle* to be registered for inspection and approval by the *licensing section*;
  - (c) pay the fee set out in *City Licensing Fees and Charges By-law*;
  - (d) produce and file with the *licensing section*, either:
    - (i) an Ontario Ministry of Transportation *vehicle* Inspection Report, showing that the *taxicab* has been accepted, within the previous thirty (30) days; or

- (ii) a Safety Standard Certificate, issued under the *Highway Traffic Act*, within thirty (30) days of the application;
- (e) file with the *licensing section*, all documents relating to the *vehicle*, including, if applicable, a leasing agreement or similar documentation relating to ownership, or *vehicle* operation;
- (f) file annually with the *City*, for every *vehicle* which is *operated* by propane, an inspection certificate signed by a propane inspector, confirming that the inspection has been done in accordance with the National Standard of Canada CSA-b149.5-05, and under the *Technical Standards and Safety Act* under the direction of the Ministry of Consumer Services.

### **38. TAXICAB REPLACEMENT AND ACQUISITION**

38.1 A licensed *taxicab owner* who disposes of his *taxicab* or otherwise ceases to use his *taxicab* and acquires another *taxicab* for the purposes permitted under this *schedule*, before using the *vehicle* as a *taxicab*, shall:

- (a) attend at the *licence Office* and produce a copy of the current *passenger motor vehicle permit* in good standing issued by the Ontario Ministry of Transportation in the *plate owner's name*, owner's *licence*, and a copy of the current Ontario Standard Automobile Insurance Policy, endorsed to show the *vehicle* being registered;
- (b) produce and file with the *licensing section*, either;
  - (i) a Ministry of Transportation *vehicle* Inspection Report showing that the *taxicab* has been accepted within the previous thirty (30) days, or
  - (ii) a Safety Standard Certificate issued under the *Highway Traffic Act* within thirty (30) days of the application.
- (c) file with the *licensing section*, all documents required to report the change, including, if applicable, a leasing arrangement or similar documentation relating to ownership, or *vehicle* operation;
- (d) in addition to the provisions of this Section the *vehicle* to be used shall be submitted for inspection by the *licensing section* during normal *business* hours and shall not be used until the inspection has taken place, the approval given;
- (e) If the inspection and approval cannot be completed during normal *business* hours, the *vehicle* can be used, provided the *taxicab owner* returns the



*vehicle* for inspection on the date and time specified by the *licensing section*;

- (f) When the licensed *taxicab owner* meets all the requirements of this Section, the *vehicle* shall be deemed to be registered.

### **39. DISPOSAL OF TAXICAB**

39.1 When the licensed *taxicab owner* or licensed *taxicab driver* disposes of or otherwise ceases to use as a *taxicab*, the *vehicle* registered, he shall immediately remove from the said *vehicle* being disposed of:

- (a) the roof light,
- (b) the taxicab meter,
- (c) all identifying decals or markings,
- (d) fender numbers,
- (e) and all other items which make the *vehicle* appear to the public to be a *taxicab*.

### **40. MODEL YEAR RESTRICTION**

40.1 No *person* shall *operate* or permit to be *operated* under his owner's *licence*, a *vehicle* which is of a model year older than five (5) years calculated from and including the current calendar year.

40.2 Notwithstanding the provisions of Section 40.1, an *owner* may, on written request to the *licensing section* and on payment of the appropriate fee set out in The City Licensing Fees and Charges By-law, obtain an extension on the model year to a maximum of 7 years of age subject to the approval of the *licensing officer* based upon an inspection of the *vehicle*.

### **41. TAXICAB METER SEALING**

41.1 When a *licensing officer* is not available to seal the *taxicab meter* as required under Section 35.1(m), the licensed *taxicab owner*, *lessee*, or the licensed *taxicab driver* who has had the *taxicab meter* altered, repaired or replaced in the *taxicab*, may *operate* the *taxicab* on a weekend for a period of up to seventy two (72) hours and during the week for a period of up to forty eight (48) hours, provided that the licensed *taxicab driver* has in his possession a certificate or receipt for the repair or installation of the *taxicab meter*, signed by the *person* who made the repairs or installation, and the receipt sets out the date, time, and nature of the repairs or installation.

**42. MANDATORY TAXICAB INSPECTIONS**

- 42.1 The *licensing officer* shall give notice to the licensed *taxicab owner* or *registered lessee* of two mandatory inspections a year for each *taxicab* he owns or *leases*.
- 42.2 Upon receipt of a notice of inspection under section 42.1, each licensed *owner* or *lessee* or his agent shall attend with his *vehicle* at the appointed time and place and shall bring with him either:
- (a) An Ontario Ministry of Transportation *vehicle* Inspection report, showing that the *taxicab* has been accepted within the past thirty (30) days; or
  - (b) A Safety Standard Certificate issued under the *Highway Traffic Act*, within thirty (30) days of the inspection date.
- 42.3 When a *taxicab* has been inspected under Section 38.1(d) within thirty (30) days of the date set out in the notice of mandatory inspection referred to in section 42.2 of this section, the *taxicab owner* or *lessee* shall not be required to have the *vehicle* re-inspected as required by the notice, but this section does not affect any inspection required under Section 22 of this *schedule*.
- 42.4 On receipt of a notice of inspection under section 42.1, each licensed *owner* or *lessee* who fails to attend with his *vehicle* at the appointed time and place for a mandatory inspection as outlined under section 42.1 shall be required to pay a late penalty charge as provided for in *City Licensing Fees and Charges By-law*.

**43. TRANSFER OF TAXICAB OWNER'S LICENCE**

- 43.1 No *taxicab owner* shall transfer or otherwise dispose of a *licence*, unless:
- (a) he has held that *licence* as a *taxicab owner* for at least three (3) years, except when the owner's *licence* has been issued from the *priority list*, it must be held for a minimum of five (5) years, and
  - (b) he completes the transfer documents provided by the *licensing officer* for this purpose.
- 43.2 Notwithstanding the provisions of section. 43.1, the holder of a *taxicab owner's licence* may petition the *licensing officer* to permit a transfer or other disposition of the *taxicab owner's licence*, within three (3) years of the date of issuance.
- 43.3 When at least fifty-one percent (51%) of the voting rights attached to all shares of a *Corporation* which is duly licensed under this *schedule* as a *taxicab owner*, are sold or otherwise disposed of, it shall be deemed to be a transfer of a *taxicab owner's licence* and the provisions of sections 43.1 and 43.2 shall apply.

- 43.4 When a transfer is approved by the *licensing officer*, the new *taxicab owner* must submit his *vehicle* for examination in accordance with Section 22 of this *schedule*, before the *licence* and owner's *plate* or sticker, is issued.

#### **44. TRANSFER OF TAXICAB OWNER'S LICENCE TO ESTATE**

- 44.1 The provisions of Section 43.1 do not apply where the *taxicab owner's licence* becomes an asset of the estate of a deceased *owner*.
- 44.2 Where the *owner* of a *taxicab licence* dies, the heirs, executors or other legal representative shall notify the *licensing officer* forthwith of the death. The *taxicab plate* shall be deemed to be suspended and shall be removed from the *taxicab* and returned to the *licensing officer*.
- 44.3 Upon filing documentation sufficient to prove that the *licence* is an asset of the estate, the *licence* may be transferred to the estate of the deceased *owner* and held in the name of the estate for a period of one (1) year. The heirs, executors, or other legal representative shall have a period of six (6) months within which to arrange for such change or transfer without the *licence* being revoked, provided that the death of the *owner* was reported to the *licensing officer* within thirty (30) days of the death.
- 44.4 If the *licence* expires within the aforementioned period of six (6) months, the heirs, executors, or other legal representative may renew the *licence* on the condition that it will expire on the termination of the aforementioned period of six (6) months.
- 44.5 To effect transfer of a *licence* to the estate of a deceased *owner*, the following must be filed with the *licensing section*:
- (a) proof that the *persons* disposing of the property have legal status to effect the transfer;
  - (b) *proof of insurance* in the name of the estate;
  - (c) certified copy of the Death Certificate;
  - (d) any other supporting document required by the *licensing officer*.
- 44.6 Notwithstanding subsections 41.2 to 42.5 of this section, where a *lease* existed between the deceased *owner* and a *lessee*, a copy of which had be filed with the *licensing officer*, the *lease* shall be, for the purposes of the continuous operation of the *licence plate* by the *lessee*, to continue to be in force and effect until a new *lease* can be completed between the estate of the deceased *owner* and the *lessee*.

## **PART FOUR**

### **TAXICAB BROKER REGULATIONS**

#### **45. TAXICAB BROKER DUTIES**

45.1 Every licensed *taxicab broker* shall:

- (a) require all *taxicab* owners who have entered into arrangements with him for the provisions of *taxicab brokerage* services, to use the same design, shape and colour scheme of roof sign, and to attach to each front door of the *taxicab* an identifying decal which shall include the name of the *taxicab broker*, in a form approved by the *licensing officer*, and shall produce and file a sample of the roof sign and identifying decal with the *licensing section*;
- (b) provide the *licensing section* with a list, showing in numerical order by *owner's plate* number, the name of every *driver* operating any *taxicab* with which he has entered into any arrangement for the provision of *taxicab brokerage* services;
- (c) notify the *licensing section*, in writing, within ten (10) days of any additions or deletions from the list provided under Subsection (b);
- (d) carry on the *taxicab brokerage business* twenty-four (24) hours a day during the term of his *licence*, unless otherwise directed by the *licensing officer*;
- (e) keep a record of each *taxicab* dispatched on a *trip*, the time and date of receipt of the *order*, and the pick-up location and retain these records for a period of at least three (3) months;
- (f) supply the *licensing section* with a copy of his Federal Radio *licence* call sign and frequency number, if any;
- (g) upon request, inform any *customer* of the anticipated length of time required for a *taxicab* to arrive at the pick-up location;
- (g) when volume of *business* is such that service will be delayed to a prospective *customer*, the broker shall inform the *customer* of the approximate length of the delay, before accepting the *order*;
- (i) *dispatch* a *taxicab* to the first *person* requesting service within the municipality, unless the *person* requesting service has not paid for a previous *trip* and these facts are verified by the broker;

- (j) file a list of the *taxicab brokerage* rules and procedures, including the terms and *conditions* of payment of *drivers*, with the *licensing section*, and abide by them, and display the same list prominently in the *taxicab brokerage* office;
- (k) carry on *business* only in the name in which he is licensed;
- (l) on instructions of the *licensing officer*, not *dispatch* calls to any *taxicab*, if the licensed *owner* or licensed *driver*, in the opinion of the *licensing officer*, may have contravened any section of this By-law, which substantially affects the public;
- (m) at the request of the *licensing officer*, provide a list showing the number of *taxicabs* available for service to the public on any particular day, including the times when each such *taxicab* went on the road and the time when it was last available for service on that day and also including the number of *dispatched* calls serviced by each such *taxicab*; and
- (n) employ or use only the services of an *owner* or *driver* licensed as such by the *City*.

#### 46. **TAXICAB BROKER PROHIBITIONS**

##### 46.1 No licensed *taxicab broker* shall:

- (a) charge *dues*, or increase his *dues* unless he has first:
  - (i) submitted in writing, a notice of intent, to the *licensing officer*, at least one (1) month prior to the proposed effective date of any increase; and
  - (ii) prominently display in the brokerage office, a copy of the notice of intent for at least one (1) month prior to the proposed effective date of any increase;
- (b) implement any changes in the rules and procedures outlined in Subsection 45.1(j), until the said change is filed with the *licensing section* and displayed prominently in the brokerage office;
- (c) accept *orders* for, or in any way *dispatch* or direct *orders* to a *taxicab*, licensed under this By-law:
  - (i) when the activity would be illegal under another municipal By-law, or provincial statute;

- (ii) where the *fare* is less than that permitted under this By-law;
- (d) accept *orders* for, or in any way *dispatch* or direct *orders* for a pick-up location within the boundaries of the *City* to a *taxicab*, the *owner* of which is not licensed under this By-law;
- (e) *dispatch* or direct *orders* for a parcel delivery to a *taxicab driver* unless the *taxicab driver* first consents to make the parcel delivery;
- (f) be permitted to have exclusive rights to any *taxicab stand* in the municipality, or enter into or become a party to any *exclusive concession agreement*;
- (g) require any *driver* to accept any *order* necessitating the expenditure of money, by the *driver*, on behalf of the *customer*;
- (h) enter into an agreement for the provision of brokerage services with a taxicab driver or taxicab owner who is already affiliated with another taxicab broker;
- (i) make any charge or financial demand, directly or indirectly, of a *taxicab owner, lessee* or sub-*lessee* of a *taxicab*, other than *dues*;
- (j) *dispatch* to any *person* within the *City*, a *taxicab* which is not on the list provided under Subsection 45.1(b).
- (k) charge a tariff or enter into any agreement to charge a tariff which is not in accordance with the appropriate tariff set out in Part Six (6) to this *schedule*.

**PART FIVE****THE PRIORITY LIST****47. PRIORITY LIST**

47.1 When a completed application for a *taxicab owner's licence* is received by the *licensing section* and it meets all of the requirements of this *schedule* but a *licence* cannot be issued because of the limitation on the number of *licences* set out in this *schedule*, the *applicant's* name shall be placed on the *priority list* by the *licensing officer* for the issuance of a *taxicab owner's plate* if the *applicant*:

- (a) has been licensed by the *City* as a *driver* for at least twenty-four (24) months prior to the date that the application for a *taxicab owner's licence* is filed with the *City*;
- (b) files proof that he has been driving a *taxicab* in the *City* for an average of at least thirty-five (35) hours per week for forty-four (44) weeks of the twelve (12) month period immediately before the date the application with the *City* by providing *trip sheets* or other documentation as required by the *licensing officer*;
- (c) files proof of Harmonized Sales Tax account registration;
- (d) files a statutory declaration in a form approved by the *licensing officer*, and any other documentation required to verify the qualification of the *applicant* to remain on the *priority list*;
- (e) pays the fee as provided for in the *City Licensing Fees and Charges By-law*; and
- (f) is not already a *taxicab owner* licensed by the *City*.

**48. STAYING ON PRIORITY LIST**

48.1 The *applicant's* name shall appear only once on the *priority list* at any one time.

48.2 The *applicant's* name shall remain on the *priority list* so long as he complies with the following provisions:

- (a) he continues to be licensed by the *City* as a *driver*;
- (b) has been driving a *taxicab* in the *City* on an average of at least thirty-five (35) hours per week during at least forty-four (44)

weeks per year and files annually a statutory declaration confirming that fact in a form approved by the *licensing officer*;

- (c) he has not received a *taxicab owners plate* the *City priority list* subsequent to his placement on the *priority list*; and
- (d) pays the fee as provided for in the Markham Licensing Fees and Charges By-law.

48.3 If a *driver*, who's name appears on the *priority list* has been, on account of illness, injury or other medical reasons, unable to drive a *taxicab* for the time required under Section 48.2(b), his name shall stay on the *priority list* if he files forthwith, a current doctor's certificate attesting to the *applicant's* inability to *operate* the *taxicab*, and shall state the date of loss of ability to *operate* a *taxicab* and the expected date of the *applicant's* return to work and the doctor's certificate shall cover the entire time period of the medical treatment and provided that the period of medical treatment does not exceed two (2) years out of the total time that his name has been on the list.

48.4 Where the *applicant* was unable to *operate* a *taxicab* for the period referred to in section 48.3, and such period exceeds two (2) years, his name shall be removed from the *priority list*. Where an *applicant's* name has been removed from the *priority list* pursuant to this Section, the *applicant* may ask for a *hearing* before the *licensing appeal committee* within fifteen (15) days of the date that the *applicant* received notice of the decision, and upon payment of the Appeal Fee as provided in the *City Licensing Fees and Charges By-law*.

48.5 Notwithstanding Paragraph 48.2(b), where an *applicant's* name has been on the *priority list* for four (4) years, his name shall remain on the list if he works as a *taxicab dispatcher* or a *taxicab* fleet manager for a licensed *taxicab broker*, and has worked in that capacity or any combination thereof for at least thirty-five (35) hours per week for a period of at least forty-four (44) weeks per year.

48.6 Section 48.7 shall only apply if the *applicant*:

- (a) gives written notification to the *licensing officer* of the particulars of his employment, including proof of employment with the *taxicab broker*;
- (b) carries on no other employment except for that provided in section 48.5 of this *schedule*.

48.7 Notwithstanding section 48.2(b) of this *schedule*, where an *applicant's* name has been on the *priority list* for at least five (5) years, he may apply in writing to the *licensing officer* for permission to take a leave of absence not to exceed a one (1) year period for the sole purposes of seeking alternate employment, such leave of



absence to be allowed only once and such leave of absence to include any vacation entitlement permitted under this *schedule*.

48.8 Where an *applicant* takes a leave of absence pursuant to Section 48.7 of this *schedule* his seniority position on the *priority list* shall be moved back by the same period of time which he was on such leave of absence.

48.9 When an *applicant* fails to renew his *licence* in accordance with the provisions of Part Two of this *schedule*, the *licensing officer* shall remove his name from the *priority list*. The *applicant* may ask for a *hearing* before the *licensing appeal committee* within fifteen (15) days of the date that the *applicant* received notice of the decision, and upon payment of the Appeal Fee as provided in the *City Licensing Fees and Charges By-law*.

48.10 Where an *applicant* has had his *Ontario driver's licence* or Markham *taxicab driver's licence* suspended, his seniority position on the *priority list* shall be moved back by the same number of days for which the *licence* had been suspended.

48.11 Where an *applicant*, whose *licence* has been suspended as set out in Section 48.8, secures and maintains employment pursuant to one of the non-driving qualifying occupations referred to in section 48.5 of this *schedule*, for the entire *licence* suspension period, he shall be permitted to maintain his seniority position on the *priority list*.

#### **49. INSPECTION OF PRIORITY LIST**

49.1 The *priority list* shall be available for inspection during normal *business* hours at the office of the *licensing section*.

#### **50. ISSUANCE OF TAXICAB OWNER'S PLATES FROM PRIORITY LIST**

50.1 When an *applicant's* name has been placed on, and remains on, the *priority list*, and a *plate* becomes available to be issued, the *licensing officer* shall issue the *plate* to that *person* whose name appears first on the *priority list*.

#### **51. NOTICE**

51.1 Prior to issuing a *plate* from the *priority list*, the *licensing officer* shall first publish "Notice of the Intention to Issue *taxicab plates*" and shall publish the names of the *persons* entitled to the issuance of a *licence* according to the *priority list*.

#### **52. PUBLICATION OF NOTICE**

52.1 The notice, referred to in Section 51 shall be published once in a newspaper of general circulation in the *City* and posted on the *City's* Internet Portal and in the Licensing Office with a copy sent to all licensed taxicab brokers.

**53. OBJECTION**

53.1 The notice shall state that any *person* objecting to the issuance must file their written objection and a request for a *hearing* with the *licensing officer* no later than ten (10) days following the date of publication of the notice in accordance with the service requirements of the *City Mobile business* Licensing By-law.

**54. HEARING**

54.1 Where an objection and a request for a *hearing* is received under Section 53, the *licensing officer* shall give the *applicant* and the *person* objecting to the issuance of the license reasonable written notice of the *hearing* by registered mail, addressed to the *person* to whom service is required to be made according to the *licensing section* records.

54.2 The *licensing officer* will hear the objection as soon as possible, and the provisions of the *City Mobile business* Licensing By-law relating to *hearings* shall apply.

54.3 Where an objection and a request for a *hearing* is received under section 53, the *licensing officer* shall request that the *secretary* of the *licensing appeal committee* convene a meeting of the *committee* and shall give the *applicant* and the *person* objecting to the issuance of the *licence* reasonable written notice thereof.

**55. REMOVAL FROM THE LIST**

55.1 The *licensing officer* shall review the *priority list* at regular intervals to determine that the listed *persons* are in compliance with the provisions of Part Five, and any *person* whose name is on the *priority list* who fails to comply with Part Five shall be notified by the *licensing officer* that his name is to be removed from the *priority list* and such *person* may appeal this decision.

55.2 A *person* who has been notified that his name has been removed from the *priority list* shall have thirty (30) days from the date of such notification, to file a written request with the *licensing officer* for a *hearing* before the *appeal committee*. Such request shall state the grounds for appeal and be accompanied by the prescribed appeal fee.

55.3 Such appeal *hearing* shall be heard as soon as possible by the *appeal committee* and the provisions of the *City Mobile business* Licensing By-law relating to appeal *hearings* shall apply.

- 55.4 Where the *person* requesting the *hearing* fails to meet any of the requirements of Part Five, the onus of proving compliance with Part Five before the *licensing appeal committee* shall rest with the *person* requesting the *hearing*.
- 55.5 When a *plate* is issued to an *applicant* whose name is on the *priority list*, the name of that *person* shall be removed from the *priority list* and all names shall be moved forward one position.
- 55.6 When a *taxicab driver*, whose name appears on the *priority list*, purchases a *taxicab owner licence* issued by the *City* from a licensed *taxicab owner* through a private transaction, his name shall be removed from the *priority list*.
- 55.7 When a *taxicab owner* *sells*, transfers or otherwise disposes of his *taxicab owner's licence*, he shall not be entitled to have his name entered on the *priority list* for a period of three (3) years from the date upon which he sold, transferred or otherwise disposed of his owner's *licence*.
- 55.8 Where an appeal or an objection has been received, the *licensing officer* shall note beside the name(s) on the *priority list* that an appeal or objection has been received.

## **56. ISSUE FROM PRIORITY LIST**

- 56.1 When a *taxicab owner's plate* is issued from the *priority list*, the *taxicab owner* who has been approved for the issuance shall, within one month of the date of issuance of the *plate*, affix the *plate* to a *vehicle* which shall be *operated* as a *taxicab*.
- 56.2 An owner's *licence* issued to a *person* on the *priority list* shall be issued on a probationary basis for a period of five (5) years, during which period the *licensee* shall:
- (a) *Operate* the *taxicab* on a regular shift basis;
  - (b) maintain a good operating record;
  - (c) not *sell*, transfer or otherwise dispose of his *taxicab owner's licence*, except for reasons satisfactory to the *licensing officer*.

## **57. NO VESTED INTEREST**

- 57.1 No *person* by virtue of his name being placed on the *priority list* shall obtain a vested right to obtain a *taxicab owner licence*, or to remain on the *priority list*. *Council* reserves the right to amend or repeal this *schedule* and Consolidated Mobile *business* By-law and any successor By-laws and to place further or

additional requirements or restrictions on such applications or *persons* at any time.

## **PART SIX**

### **TARIFF RATES**

#### **BY DISTANCE:** (One to four *passengers*)

First 143 metres or part thereof	\$4.25
Each additional 143 metres or part thereof	\$0.25
Waiting time while under engagement - each 29 seconds	\$0.25
Each additional <i>passenger</i> in excess of four (4) <i>persons</i>	\$2.25
Delivery charge - no <i>passenger</i> :	\$10.75

#### **BAGGAGE:**

Senior citizens and physically disabled *persons* are not subject to the following charges for baggage:

<b>Each trunk</b>	\$0.75
(Any item with content of more than three (3) cubic feet, shall be deemed a trunk.)	

<b>Hand baggage</b> - per item	\$0.25
(if not carried by <i>passenger</i> , inside <i>vehicle</i> .)	

(Brief cases and parcels of comparable size shall be deemed hand baggage.)

Bags and cartons containing groceries,		
if loaded and unloaded by <i>driver</i> :	per bag	\$0.25
	Maximum	\$1.00

#### **WHEELCHAIRS WILL BE CARRIED FREE**

Senior citizens or physically disabled *persons* are not subject to the above charges for baggage.

**PART SEVEN****AUTHORIZED STANDS FOR TAXICABS**

<b>Street</b>	<b>Side</b>	<b>Location</b>	<b>#of Cabs</b>	<b>Hours</b>
7755 Bayview Avenue	South West corner of parking lot	Thornhill Community Centre	6	24 hrs. per day
6041 HIGHWAY 7 East	South East corner of parking lot	Markham Village Community Centre	4	24 hrs. per day
377 Church Street	In front of building	Medial Building (Markham Stouffville Hospital)	2	24 hrs. per day
50 East Valhalla Drive	East side of parking lot, adjoining entrance	Radisson Hotel Toronto-Markham	4	24 hrs. per day
5000 HIGHWAY 7 East	South side (In front of Coast Mountain Sports)	Markville Shopping Centre	2	24 hrs. per day
5000 HIGHWAY 7 East	North side (In front of Food Court)	Markville Shopping Centre	2	24 hrs. per day
2900 Steeles Avenue East	South West corner of parking lot	The Shoppes on Steeles and 404	5	24 hrs. per day
7095 Woodbine Avenue	North side of parking lot	Holiday Inn Toronto-Markham	2	24 hrs. per day
4300 Steeles Avenue East	South West corner of parking lot	Pacific Mall	3	24 hrs. per day

## **The CORPORATION of the CITY CUSTOMER BILL OF RIGHTS**

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### **Markham *taxicab* passengers are entitled to a professional *driver* who:**

- prominently displays his/her *taxicab driver licence* inside the *taxicab*;
- is knowledgeable and knows the major routes and destinations in the *city*;
- is well-groomed, neat and clean in personal appearance;
- speaks, reads and understands English;
- is courteous and provides assistance;
- provides a safe ride;
- knows and obeys *City* By-laws and all traffic laws;
- offers a silent ride if desired;
- takes the most direct route to the destination unless otherwise directed by the *passenger*;
- is physically able to assist *passengers* into the *vehicle* and to assist them with their belongings;
- keeps the interior of his/her *taxicab* clean and free of debris;
- issues a receipt upon request noting the date and time of the *trip*, place of pick up, place of discharge, *taxicab licence* number, Provincial *plate* number and the *fare* charges paid; and
- accommodates a personal service animal.

### **Markham *taxicab* passengers are entitled to a quality *taxicab*:**

- in good mechanical and physical condition;
- with a properly calibrated and sealed taximeter;
- with a clean exterior, *passenger* area and trunk;
- which is heated or air conditioned on demand;
- with easy access to seatbelts; and
- is a smoke free environment

### **Markham *taxicab* passengers are responsible for:**

- paying the required *fare*;
- not eating, drinking or smoking inside the *taxicab*;
- not interfering with the *taxicab driver* in the conduct of his/her duties.

### **Compliments or Complaints**

Telephone: (905) 477-7000



**SCHEDULE 7**  
**Relating to the Licensing, Regulation and**  
**Governing of Owners and Drivers of *Tow trucks***

**ADMINISTRATION AND GENERAL PROVISIONS**

**1. TYPES OF LICENCES**

- 1.1 The *licensing officer* may issue the following types of licenses in connection with the *business* of providing “For Hire” *towing* services to the travelling public:
- (a) a *tow truck owner’s licence*;
  - (b) a *tow truck driver’s licence*;

**2. NUMBER OF LICENCES**

- 2.1 A *tow truck owner* who is the *owner* of more than one *vehicle* that is used in providing *towing* services to the travelling public shall obtain a *tow truck plate* for each *vehicle* that is owned and *operated* as a *tow truck*.

**3. AFFIXING THE LICENCE PLATE AND RENEWAL STICKER**

- 3.1 No *owner* of a *vehicle* that is utilized as a *tow truck* shall fail to affix in a secure and visible manner to the rear portion of the *vehicle*, the *tow truck plate* issued by the *licensing officer* or as otherwise approved by the *licensing officer*.
- 3.2 No *owner* of a *vehicle* that is utilized as a *tow truck* shall fail to affix in a secure manner the *licence renewal validation tag* to the *tow truck plate* issued by the *licensing officer*.

**4. ADMINISTRATION AND DUTIES**

- 4.1 The *licensing section* shall:
- (a) receive and process all applications for *licences* and for renewal of *licences* to be issued under this *schedule*;
  - (b) issue *licences* to, and renew *licences* for *persons* who meet the requirements of this *schedule*;
  - (c) enforce the provisions of this *schedule*;



- (d) receive and file the *Rate schedule* provided by the *owner* and provide a copy of the By-law;
- (e) generally perform all of the administrative functions conferred upon it by this *schedule*.

4.2 When an *owner's plate*, Validation Tag, or *licence* is defaced, destroyed or lost, the *licensee* shall apply to the *licensing section* for a replacement and shall pay the appropriate fee and the *licensing section* shall issue a replacement.

## 5. **LICENCE PLATE PROPERTY OF CITY**

5.1 Every *tow truck plate* issued by the *City* to a *tow truck owner* is the property of the *City* and shall be returned forthwith to the *City* upon expiry, suspension, cancellation, or revocation of the *tow truck owner's licence* or upon demand by the *licensing officer*.

## **LICENSING REQUIREMENTS**

## 6. **TOW TRUCK OWNER**

6.1 In addition to the general licensing requirements contained within the *City Mobile business By-law*, every *applicant* for a *tow truck owner licence* or renewal thereof shall file with the *licensing officer*:

- (a) the original, valid *motor vehicle permit* issued by the Ontario Ministry of Transportation in the *applicant's* name;
- (b) a original certificate of insurance in accordance with Section 21 of this *schedule*, for each *vehicle* to be licensed as a *tow truck*;
- (c) the current *schedule of rates*, in accordance with Section 15 of this *schedule*, on the *applicant's* letterhead, to be charged to *customers* for all services including the *towing* or *conveying* of, and other services to *vehicles*;
- (d) a sample invoice on the *applicant's* letterhead, in a form approved by the *licensing officer*;
- (e) a sample *run sheet* on the *applicant's* letterhead, containing all information required by Section 13.(d) of this *schedule*, in a form approved by the Licensing Office;
- (f) proof of the *applicant's* Harmonized Sales Tax (HST) registration;
- (g) current list of *City* licensed tow truck drivers operating *tow truck(s)* owned

by the *applicant*;

- (h) a current, valid Ontario Ministry of Transportation Annual Inspection Certificate issued under the *Highway Traffic Act*, R.S.O. for each *vehicle* licensed under this *schedule*;
- (i) a current Ministry of Transportation *safety standard certificate* issued under the *Highway Traffic Act*, R.S.O. within the previous one hundred and twenty days (120) of the date of application or application for renewal for each *vehicle* licensed under this *schedule*;
- (j) address of the motor vehicle pound, yard or building used for storage or impounding of towed *motor vehicles*, and information with respect to such pound, yard or building, as required by Section 22 of this *schedule*;
- (k) a copy of any contract for tow brokerage services between the owner and a *tow truck brokerage*;
- (l) a copy of the *applicant's* "Master *business licence*", evidencing registration under the *Ontario Business Names Act*, of the *applicant's business* operating name, where applicable.

## 7. **TOW TRUCK DRIVER**

7.1 Every *applicant* for a *tow truck driver licence* shall be at least eighteen (18) years of age, possess oral and written reading English comprehension skills, shall be of good character as provided for in the *City's Standard Character and Driving Record Criteria Policy*", and shall file with the *licensing section*;

- (a) A valid full *motor vehicle driver's licence* issued by the Province of Ontario under the provisions of the *Highway Traffic Act*, R.S.O. of a class authorizing him or her to drive a *tow truck*, which is in good standing according to the records of the Ministry of Transportation, and during any period in which such Provincial *licence* is under suspension, the *tow truck driver's licence* issued under this *schedule* shall, for all purposes of this *schedule*, be conclusively deemed suspended;
- (b) an original Ontario *three year driving record* obtained from the Ministry of Transportation dated within thirty (30) days of the date of the application for a *licence*, or application for renewal, or at the request of the *licensing officer*;
- (c) an original Criminal Background Check current within thirty (30) days of the date of application, or application for renewal, or at the request of the *licensing officer*;

- (d) a letter of employment, or where self-employed, a written contract between the *applicant* and the tow truck owner for the employment or services of the tow truck driver;
- (e) proof of Harmonized Sales Tax (HST) number where self-employed and where the *applicant's* services are subject to a written contract filed with the *licensing officer*;
- (f) completed tow truck driver application, in a form provided by the *City* ;
- (g) such other information or documentation that the *licensing officer* may require to assist in the determination that the *applicant* satisfies the requirements of this *schedule* or any applicable law.

### **DUTIES AND PROHIBITIONS**

#### **8. TOW TRUCK OWNER AND DRIVER DUTIES**

8.1 Every licensed *tow truck owner* and *driver* shall:

- (a) take due care of all *vehicles* and property delivered or entrusted to him/her for *towing*;
- (b) comply with all reasonable instructions from the *customer*;
- (c) be civil and behave courteously;
- (d) keep every *tow truck* and its equipment clean, in good repair, free from mechanical defects and exterior body damage, with well maintained exterior paint finish;
- (e) carry the *licence* issued to him/her under this *schedule* at all times while he or she is driving a *tow truck* and produce same for inspection when requested to do so by any Police Officer, *municipal law enforcement officer* or any other *person* authorized by *council*;
- (f) keep in the *tow truck* and show to the *customer* a copy of the rate sheet showing the applicable *schedule of rates* filed by the *owner* with the *licensing officer*;
- (g) before demanding payment for services, present to the *customer* an itemized bill for the services, setting out the cost of all services and equipment provided, or to be provided on the basis of the rates set out in the *schedule of rates* filed with the *licensing officer*;

- (h) keep in duplicate, a permanent daily record as required in Section 14 of this *schedule*, of work performed by the *tow truck* owned or *operated* by the *owner*, or on his/her behalf; and
- (i) before commencing, and at the end of each work shift, examine for defects the *tow truck*, and report forthwith to the *owner* of the *tow truck* any defects.

## 9. **TOW TRUCK OWNER AND DRIVER PROHIBITIONS**

### 9.1 No licensed *tow truck owner* or *driver* shall:

- (a) drive or *operate*, or permit to be driven or *operated*, a *tow truck* unless it is equipped with an *owner's plate* supplied by the *City*, securely affixed to the rear portion of the *tow truck*;
- (b) drive or *operate*, or permit to be driven or *operated*, a *tow truck* unless it is clean and free from mechanical defects;
- (c) drive or *operate*, or permit to be driven or *operated*, a *tow truck* which lacks any equipment required by Section 23 of this *schedule*, in good repair;
- (d) drive or *operate*, or permit to be driven or *operated*, a *tow truck* which has been found to be unsafe or defective after examination and inspection as required under this *schedule*;
- (e) interfere with any contract for hiring of a *tow truck* where a *person* has hired or has indicated an intention to hire a *tow truck*, except under direction of a Police Officer directing removal of a *vehicle* by another *owner* or *driver* of a *tow truck* in order to assist in an investigation;
- (f) induce any *person* to employ or hire a *tow truck* by making any false representations to any *person*, including representations regarding the location of, or distance to, any place;
- (g) demand or request payment for his/her services other than in accordance with the applicable *schedule of rates* filed with the *licensing officer*;
- (h) demand, request, or receive a *drop fee*;
- (i) charge a *customer* for lost time though defects or inefficiency of the *tow truck*, or the incompetence of the *tow truck owner* or *driver*;
- (j) suggest or recommend to any *customer* that any *motor vehicle* in respect of which his/her services are to be given or requested, be towed, conveyed,

driven or delivered to any particular salvage yard, body shop, storage yard or any other public garage, building or place, unless he/she has been requested to do so by the *customer*; or

- (k) permit a *person* to be a *passenger* in a *tow truck*, except under the following circumstances:
  - (i) the *passenger* is the *customer* of the *tow truck*; or
  - (ii) the *passenger* is either the spouse, son, daughter or parent or similar relation of the *tow truck driver* and in such cases the *driver* is not to *solicit* a tow, engage in any form of *towing* or have his or her *tow truck* within two hundred (200) metres (approximately 656 feet) of the *scene* of a *collision*, nor shall the *driver* cause or permit his or her *passenger* to *solicit* a tow or take any actions to engage in any form of *towing* while the *passenger* is in the *tow truck*; or
  - (iii) the *passenger* has been issued a *tow truck driver's licence* by the *licensing section*, and is receiving instructions as to the operation of a *tow truck* while a *passenger*.
  - (iv) smoke or permit the smoking of a cigar, cigarette or other tobacco product in the *tow truck*.

## 10. **TOW TRUCK OWNER DUTIES**

10.1 Every *tow truck owner* licensed under this *schedule* shall:

- (a) obtain a *licence* from the *City* in respect of every *tow truck* owned by him/her;
- (b) produce and file an insurance certificate showing *proof of insurance* as required by Section 21 of this By-law, for every *tow truck* of which he/she is the *owner*;
- (c) file with the *licensing officer* a *schedule of rates* to be charged to *customers* for the *towing* or other conveyance of *vehicles* and for other services offered or to be performed by him/her or his/her *driver* for *towing* services;
- (d) charge only the rates filed with the *licensing officer* and provide thirty (30) days notice to *licensing officer* of any change to such *schedule of rates*;
- (e) keep in the *tow truck* and show to the *customer* a copy of a *schedule of rates* showing the applicable charges filed with the *licensing officer*;

- (f) in the carrying out of his/her *business*, use only stationery, forms, bills, invoices, statements or any other printed or written advertising material, including any published advertisement in a newspaper, or other publication, which has printed thereon in clearly legible figures and letters his/her name and address, or if the *owner* is a *Corporation*, the corporate name and address, and if applicable, the name of any *tow truck broker* offering the services of the *tow truck*;
- (g) retain for a period of sixty (60) days, copies of all advertising matter used by him/her and shall produce the same to the *licensing officer* on demand;
- (h) ensure that the name under which the *tow truck owner's licence* has been issued is clearly indicated on both sides of the *tow truck*, in a contrasting colour to such sides, in a location acceptable to the *licensing officer*, in letters and figures not less than ten (10) centimetres in height;
- (i) ensure that the name of any *brokerage* with which the *owner* is associated is clearly indicated on both sides of the *tow truck*, in a contrasting colour to such sides, in a location acceptable to the *licensing officer* in letters and figures not less than ten (10) centimetres in height;
- (j) ensure that the number of the *owner's plate* issued for the *tow truck* is painted on or affixed to both sides of the *tow truck* body, in numbers at least ten (10) centimetres in height and of contrasting colour to the colour of such sides;
- (k) have at all times prominently affixed to the rear portion on the outside of the *tow truck*, the owner's *plate* issued for that *tow truck*;
- (l) have at all times prominently affixed to the owner's *plate*, the current year's validation sticker issued by the *City* for that *tow truck*;
- (m) only use the services of a *tow truck driver* who is licensed as a *driver* under this *schedule*;
- (n) provide a letter of employment to a *driver employed* by the *owner*, or a contract of employment where the *driver* is self-employed, to be filed with the *licensing officer*;
- (o) file upon application for an *owner's licence* and annually upon renewal of the *owner's licence*, and at any time on demand by the *licensing officer*, an up-to-date list of *drivers* operating *tow trucks* on behalf of the *owner*;
- (p) keep every *tow truck* and its equipment clean and in good repair, and whenever notice is received from the *licensing officer* stating that a *tow truck* owned by such *owner*, or its equipment, is not in a fit or proper

condition for use, and outlines briefly the items complained of, shall, within the time mentioned in the notice, put the same in a fit and proper condition;

- (q) give written notice of the sale or disposition of the licensed *tow truck* to the *licensing officer* within seven (7) days of any such sale or disposition, and upon sale or disposition, forthwith return the metal *plate* or *plates* issued by the *City* to the *licensing officer*;
- (r) upon demand by the *licensing officer*, return forthwith the metal *plate* furnished by the *City* ;
- (s) at all times, while the *vehicle* is being used as such, keep in the *vehicle* the *tow truck owner's licence* issued by the *City*, or a copy of such *licence*;
- (t) file a copy of any contract for tow *brokerage* services between the *owner* and a licensed tow *brokerage*;
- (u) file information with the *licensing officer* giving the address and full particulars of the *owner's vehicle pound* Facility, and where the *owner* has a direct or indirect interest in the pound, provide full particulars of any contract, arrangement, agreement or understanding which gives the *owner* such interest;
- (v) file proof of Harmonized Sales Tax (HST) registration with the *licensing officer*; and
- (w) upon application for a *tow truck owner's licence* or renewal, or upon demand by the *licensing officer*, submit the *tow truck* for which the *owner's licence* has been issued, for inspection by the *licensing officer* at a time and place designated by the *licensing officer*.

## 11. **TOW TRUCK OWNER PROHIBITIONS**

11.1 No *tow truck owner* licensed under this *schedule* shall:

- (a) drive or have care and control of a *tow truck* unless he/she is licensed as a *tow truck driver* under this *schedule*;
- (b) drive or *operate* or permit to be driven or *operated* any *tow truck* unless such *tow truck* is licensed under this *schedule*;
- (c) drive or *operate*, or permit to be driven or *operated*, any *tow truck* unless it is equipped with a *tow truck owner plate* supplied by the *City*;

- (d) permit any *owner's plate* issued under this By-law to be affixed to any *tow truck*, other than the *tow truck* for which the *licence* was issued under this By-law;
- (e) by arrangement, agreement or otherwise, permit the use of the *tow truck owner's licence* in respect of any *tow truck* not owned by such *owner*;
- (f) permit any *person* other than a *tow truck driver* licensed under this *schedule* to use such *owner's tow truck* for the *towing* or otherwise *conveying* of a *vehicle*;
- (g) use or permit to be used a *tow truck* found unsafe or defective upon examination and inspection, as required under this *schedule*;
- (h) demand or request payment for the services rendered, or to be rendered, other than in accordance with the applicable *schedule of rates* filed with the *licensing officer*; or
- (i) alter or amend the *schedule of rates* filed with the *licensing officer* without first giving at least thirty (30) days written notice to the *licensing officer*.

## 12. **TOW TRUCK DRIVER DUTIES**

12. Every *tow truck driver* regulated under this *schedule* shall:

- (a) be neat and clean in personal appearance, properly dressed in a uniform shirt displaying the company *business* name, and display on his/her *person* a valid *City tow truck driver licence* card;
- (b) upon a request made by any Police Officer or By-law Enforcement Officer, provide his or her name, residential address, *business* address, *Ontario driver's licence* and *city tow truck driver's licence* to such Officer;
- (c) drive the *tow truck* which is *towing* or otherwise *conveying* a *vehicle* by the most direct route to the destination requested by the *customer*, and in the most expeditious manner, unless otherwise directed by the *customer*; and
- (d) clean up any debris, fragments of glass, *vehicle* parts or other materials (excluding loads dumped during the *collision*) which may be a danger to the public from any *highway* or roadway prior to *towing* the *vehicle* from the *collision scene*.

## 13. **TOW TRUCK DRIVER PROHIBITIONS**

13.1 No *tow truck driver* licensed under this *schedule* shall:



- (a) drive or have care and control of a *tow truck* unless he/she is licensed as a *tow truck driver* under this *schedule*;
- (b) drive or have care and control of a *tow truck* unless the *owner* of the *tow truck* is licensed under this *schedule*;
- (c) commence to drive or have care and control of a *tow truck* without first providing the *licensing officer* with a letter signed by the *owner* that he/she consents to the *driver* operating his/her licensed *tow trucks*;
- (d) permit any other *person* other than a *driver* licensed under this *schedule* to use a *tow truck* licensed under this *schedule* for the *towing* or otherwise *conveying* of any *vehicle*;
- (e) commence to tow or otherwise convey or move any *vehicle*, or hook, lift or connect the *vehicle* to the *tow truck*, or perform any other services unless first requested so to do by a *customer*, or a peace officer or any member of a municipal fire department, or any *person* authorized by law to direct the removal of the *vehicle* from private or public property;
- (f) stop, or park within two hundred (200) metres (approximately 656 feet) of a *collision scene* unless the *tow truck driver* has been summoned to the *collision scene* by one of the *persons* referred to in Subsection (e) or where there are fewer *tow trucks* at the *collision scene* than *vehicles* apparently requiring the services of a *tow truck*;
- (g) ask or seek out a *customer* or allow or direct an agent to ask or seek out a *customer*, at a *collision scene* or within two hundred (200) metres (approximately 656 feet) of a *collision scene*, where the actions of the *driver* or agent constitute a *nuisance*;
- (h) remove any *vehicle* from the *scene* or immediate vicinity of an accident in respect of which a report is required by law to be made to a Police Officer, until such report has been made and the investigating Police Officer has completed his or her investigation in respect of such *vehicle*, or has stated that the presence of such *vehicle* is no longer required for the investigation.
- (i) Nothing contained in Subsection (h) of this section shall prevent the removal or moving of a *vehicle* for the purpose of preventing injury or damage to any *person* or property, or for the purpose of avoiding undue interference with traffic on a *highway*.

## 14. **RECORDS MANAGEMENT**

### 14.1 Every licensed *owner* shall:

- (a) keep a permanent daily record of services provided by the *tow trucks* owned by such *owner*, showing the name and address of every *customer*, a description of the *vehicle* towed or conveyed, including the Provincial *motor vehicle permit* number or *vehicle identification number* of any such *vehicle*, the rate charged, and the total charge collected;
- (b) at all times permit the *licensing officer* or any *person* authorized by him/her to have access to such records to verify the same;
- (c) ensure that every *vehicle* carry a run-sheet upon which each *driver* or *owner* shall record the name and address of such *owner*, the name of the *customer*, the date, origin and designation of each *trip* or service to be performed, the rate or charge, and the Provincial *motor vehicle permit* number, with respect to every *vehicle* towed or conveyed;
- (d) retain *run sheets* in a form approved by the *licensing officer*, in duplicate, dated and numbered by consecutively numbered bills or invoices showing:
  - (a) the name and address of every *customer*;
  - (b) a description of the *vehicle* towed or conveyed including the Provincial *motor vehicle permit* number of any such *vehicle*;
  - (c) the hook-up and drop off locations;
  - (d) the services provided;
  - (e) the rate charged;
  - (f) the total fee collected;
  - (g) the *City tow truck licence* number; and
  - (h) the name and *City licence* number of the *tow truck driver*; and
- (e) retain the original copy of all run-sheets for at least six (6) months after the services recorded in them were provided, and shall make them available for inspection by any *person* authorized by the *City* and such *person* shall be permitted to remove such records and retain same for a reasonable time.

## 15. **REQUIREMENT TO FILE SCHEDULE OF RATES**

- 15.1 Every *owner* of a *tow truck* shall file with the *City* a *schedule of rates* to be charged to *customers* for all services including the *towing* of, conveyances of, and other services to, *vehicles* within the *City* by every *tow truck* owned by such *owner*.

- 15.2 A copy of a *schedule of rates* filed with the *City* in accordance with section 15.1 of this Section showing the charges to be made to *customers* of a *tow truck* for the services of *towing* or otherwise *conveying* of any *vehicle*, or for any other services rendered by the *owner* or *driver* of such *tow truck*, shall at all times be kept in the *tow truck*, to be shown to the *customer* on demand.
- 15.3 A *schedule of rates* filed with the *City* by an *owner* may not be altered or amended unless thirty (30) days written notice is given to the *licensing officer*.
- 15.4 Every *owner* or *driver* shall, upon the request of a *customer*, provide a copy of the applicable *schedule of rates* filed with the *City* as required by this *schedule*.

## 16. **BASIS FOR RATES**

- 16.1 The *schedule of rates* filed with the *City* shall be based solely on one or more of the following factors or items, or a combination of them:
- (a) Time:
    - (i) time required to reach *scene* after hiring;
    - (ii) time required to perform services;
    - (iii) stand-by time.
  - (b) Distance:
    - (i) distance to travel to reach *scene* after hiring;
    - (ii) distance *vehicle* is towed or conveyed.
  - (c) Additional Services:
    - (i) changing more than one (1) wheel;
    - (ii) disconnecting drive shaft;
    - (iii) up-righting of an overturned *vehicle*;
    - (iv) moving *vehicle* to *towing* position; opening locked *vehicles* without keys;
    - (v) winching;
    - (vi) provision and use of dolly or *flatbed*; and
    - (vii) other specified services.
- 16.2 Where rates vary according to time of day or geographical zones, the basis for such variances shall be clearly set out in the *schedule of rates* filed with the *City*.

- 16.3 Where a combination of different factors or items may determine the rate to be charged, the exact formula for determining the rate shall be set out in the *schedule of rates* filed with the *City*.
- 16.4 No *owner* or *driver* shall demand or request payment for his services other than in accordance with the applicable *schedule of rates* filed with the *City*.
- 16.5 No other charges may be added for locator, administrative or finder's fees or services.
- 16.6 This *schedule* does not prohibit the entering into of a written contract or agreement between the *owner* of a *tow truck* or a *tow truck broker*, and an automobile association, motor league, any government or local board thereof, or any limited *Corporation*, containing a *schedule* providing for the provision of *towing* services at rates lower than those shown in the *schedule of rates* filed by the *tow truck owner* as required by this *schedule*, provided that:
- (a) a copy of such written *schedule of rates* and the contract or agreement relating thereto is filed with the *City* at least thirty (30) days before any services, to which such contract or agreement applies, are to be provided;
  - (b) any *customer* to which such *schedule of rates* or such contract or agreement applies, is a party to such contract or agreement, or is a member or employee of such party at the time at which the services are performed;
  - (c) no *owner* or *driver* to whom such contract or agreement applies shall demand or request payment for his services other than in accordance with the applicable *schedule of rates* filed with the *City* pursuant to Section 16 of this *schedule* except to the extent to which such rates are modified by the *schedule of rates* set out in such contract or agreement, in which case the rates contained therein shall be charged;
  - (d) the rates set out in the *schedule* in any such contract or agreement shall be calculated in the same manner and on the same basis of the same factors as are authorized to be charged to a *customer* by Section 16 of this *schedule*; and
  - (e) the provision of this *schedule* relating to the calculations of rates and to the filing and amending of *schedule of rates*, shall apply to the rates and *schedules* of rates set out in any contract or agreement referred to in this section.
  - (f) Notwithstanding the provisions of any other section of this *schedule*, where an estimate is given to the *customer* of the cost of services or equipment to be provided by an *owner* or *driver*, the charge to the

*customer* shall not exceed the charges indicated in the *schedule of rates* filed with the *licensing officer* under this *schedule* or the amount of estimate, whichever is lower.

**17. ITEMIZED BILL REQUIRED**

17.1 Every *owner* or *driver* hired to perform or provide services shall, before demanding payment for such services, present to the *customer* an itemized bill for such services setting out the cost of all services and equipment provided or to be provided on the basis of the rate set out in the *schedule of rates* filed by the *owner* with the *City* in respect of each specific item set out in section 16 of this *schedule*.

**18. OWNER AND DRIVERS TO CHARGE RATES IN COMPLIANCE WITH SCHEDULE OF RATES**

18.1 No *owner* or *driver* shall, except as otherwise provided in this *schedule*, be entitled to recover or receive any fee or charge or amount from any *person* or *persons* from whom he/she shall have demanded any fee, other than those set out in the applicable *schedule of rates* filed with the *City* pursuant to this *schedule*.

**19. NO CHARGE PERMITTED FOR INEFFICIENCY OR INCOMPETENCE**

19.1 No *owner* or *driver* shall make any charge under this *schedule* for time lost through defects or inefficiency of the *tow truck*, or the incompetence of the *owner* or *driver* thereof.

**20. DROP FEE PROHIBITED**

20.1 No *owner* or *driver* shall demand, request, accept or receive, directly or indirectly, any charge, gift, payment, drop-fee, thing or other consideration from any *person* who owns or has a direct or indirect interest in any *motor vehicle* compound, *motor vehicle* body shop, public garage or any other yard, shop, building or place used for the storage, repair or servicing of *motor vehicles*, in respect of, or in consideration for, the *towing* or *conveying* of a *vehicle* to such pound, body shop, public garage, yard, shop, building or place, and no *owner* or *driver* shall be a party to any transaction by which any such charge, gift, payment, drop-fee, thing or other consideration is paid or given, or is required to be paid or given.

20.2 No *customer* of a *tow truck* shall be required or requested, directly or indirectly, to pay any drop-fee or any payment or transaction made or done in contravention of section 20.1 of this Section.

## 20.3 This Section does not prohibit:

- (a) any payment for the *towing* or otherwise *conveying* of a *vehicle* owned by the *customer*, provided that such payment is authorized by this *schedule* to be charged to the *customer*;
- (b) where the *person* making the payment is the *owner* of a *tow truck* or is a *tow truck broker*, the payment by such *owner* to the *driver* of a *tow truck* owned or provided by such *person*, provided that
  - (i) full disclosure in writing of such payment and of the services in respect of which it is made, is made to the *customer* before any charge is made to such *customer* in respect of such services; and
  - (ii) no charge is made to the *customer* in respect of such services other than as authorized by Section 16 to this *schedule* for the services referred to therein; or
- (c) any payment to an *owner* or *driver* for *towing* or other services, provided that such payment is authorized by this *schedule* to be charged to the *customer* of the *tow truck* in respect of such services, and is paid on behalf of, and at the request of, such *customer*.

**21. INSURANCE REQUIREMENTS**

21.1 Every *person* who, as the *owner* of a *tow truck*, applies for a *licence* under this *schedule*, shall, before receiving such *licence*, procure a policy of insurance endorsed to the effect that the *City* shall be given at least ten (10) days notice in writing of the cancellation or expiration of the policy or policies, and insurance for each such *vehicle* in at least the following amounts on a form supplied by the *City*:

- (a) automobile liability insurance to the limit of at least two million dollars (2,000,000.00) exclusive of interest and costs, against liability resulting from bodily injury to or the death of one (1) or more *persons* and loss of or damage to property;
- (b) insurance in the amount of at least one-hundred thousand dollars (\$100,000.00) against legal liability for damage to *customers' vehicles* while being towed or while in the care, custody or control of the *licencee*, caused by *collision*, theft or all perils damage;

- (c) comprehensive general liability insurance of two million dollars (\$2,000,000.00);
  - (d) in respect of any one claim, cargo liability insurance in the amount of at least fifty thousand dollars (\$50,000.00) to indemnify the *licencee* against loss by reason of his legal liability for direct physical loss or damage to *vehicles* and other items of property accepted by the *licensee* for *towing* or conveyance.
- 21.2 A certified copy of the applicable insurance policy or policies, or a certificate covering the same in the form required by the *licensing officer*, shall be filed with the *City*.
- 21.3 The *licensing officer* may, notwithstanding anything else contained in this By-law, suspend a *tow truck owner's licence* in respect of any *tow truck* as to which there has been a failure to comply with Section 21 or where there has been a cancellation of a policy of insurance filed under Section 21, and such suspension shall continue until there has been satisfactory compliance with Section 21.

## **22. VEHICLE STORAGE YARDS/POUNDS**

- 22.1 Every *owner* and every *driver* who owns, or has any interest, either directly or indirectly, in a *motor vehicle pound*, a yard or building used for the storage or impounding of *motor vehicles*, a *motor vehicle* body shop or other kind of public garage, or any other yard, shop, building or place used for the storage, repair or servicing of *motor vehicles*, shall before receiving a *licence* as *owner* or *driver*, provide and file with the *City* full information as to the location and size of such yard, shop, building or place, and the facilities provided therein, and as to the kind and extent of any interest therein, and shall provide to the *City* full particulars of any contract, arrangement, agreement or understanding giving the *owner* or *driver* such interest.
- 22.2 Where the *owner* of a *tow truck* resides, or has his head office or any other *business* office outside the *City*, or owns or has an interest in any public garage, yard, shop or other place referred to in this section, outside the *City*, such *owner* shall, in addition to the other information required to be furnished by this *schedule*, notify the *City* of the number and type of any *licence* issued to him, her or it by any other municipality or licensing authority.
- 22.3 The *owner*, *lessee* and *operator* of a *vehicle* storage yard must be approved by the *licensing officer* and shall comply with the *City* zoning requirements and all applicable law.

**23. VEHICLE STANDARDS AND EQUIPMENT**

23.1 Only dual rear-wheel *tow trucks* will be issued *licences* under this *schedule* and every *owner* shall provide and maintain on every *tow truck* licensed under this *schedule*, the following equipment:

- (a) Dual rear-wheel truck;
- (b) A winching or hoisting device of sufficient capacity to safely lift the *motor vehicle* to be towed, and a tow cradle, tow bar or tow sling equipped and maintained in a manner to ensure the safe lifting and *conveying* of *towed vehicles*;
- (c) One device for securing the steering wheel of a *vehicle*;
- (d) At least one 2.27 kg., chemical fire extinguisher having an effective total rating equivalent to at least 4-B, C;
- (e) At least two (2) safety chains having a minimum length of 2.7 metres (9 feet) each with links of at least 21 mm. (1 inch) steel;
- (f) Broom;
- (g) Shovel;
- (h) First Aid Kit;
- (i) An intermittent amber warning light system consisting of at least one light, which is clearly visible in all directions from a distance of at least one hundred (100) metres;
- (j) Pry bar at least 152.4 cm. (5 foot) in length;
- (k) Two (2) wheel blocks;
- (l) Flares and reflector kits;
- (m) Wheel wrenches;
- (n) Rope;
- (o) Booster Cables;
- (p) *towing* lights (magnetic) which shall be attached as close to the rear of the *vehicle* in tow for illumination and braking; and



(q) Reflective safety vests for *driver*.

## 24. **MANDATORY INSPECTION**

- 24.1 A *licensing officer* may require an *owner* to submit his *tow truck* for inspection at any time and at an appointed place and the *owner* shall submit each *tow truck* for inspection when required to do so by a *licensing officer*.
- 24.2 Where the *licensing officer* has made an appointment for the inspection of a *tow truck* or its equipment pursuant to Section 24.1 of this *schedule* and if such *tow truck* and equipment are not produced at the time and place appointed for such inspection, the *licensing officer* may suspend the *tow truck owner's licence* in respect of such *tow truck* until such time as the *tow truck* and its equipment have been tested, inspected and approved.
- 24.3 When a *tow truck* and its equipment have been examined by the Ministry of Transportation, a *licensing officer* or licensed mechanic and the *tow truck* or its equipment is found to be mechanically defective, neither the *owner* nor the *driver* shall *operate* the *tow truck* and the *owner* shall not permit the *tow truck* to be *operated*, until the *tow truck* has been re-inspected and approved by the Ministry, or other inspecting authority.
- 24.4 When a *tow truck* is examined by the Ministry of Transportation, or a licensed mechanic, or by a *licensing officer* and a report states that the *tow truck* or equipment is dangerous or unsafe, the *owner* or *driver* shall remove and return to a *licensing officer* the *owner's plate* to be held until the *owner* delivers to the *licensing officer* either an annual inspection certificate or a *safety standard certificate*, and the *tow truck* and the equipment are certified to be safe by the Ministry of Transportation, or *licensing officer*.
- 24.5 When an *owner* is unable to obtain a *safety standard certificate* issued under the *Highway Traffic Act*, R.S.O., for the *tow truck* following an inspection, the *owner* shall remove and return to the *licensing officer* the *owner's plate* and shall not *operate* or permit the *tow truck* to be *operated* until he obtains and produces a *safety standard certificate* or an annual inspection certificate and the *tow truck* and equipment are certified to be safe by the Ministry of Transportation, or the *licensing officer*.
- 24.6 Where the provisions of this *schedule* require an *owner* or *driver* of a *tow truck* to remove and deliver an *owner's plate* to a *licensing officer* and the *owner* or *driver* fails to do so, the *licensing officer* may remove the *owner's plate*.
- 24.7 Where the police have removed the permit and/or number *plate* issued by the Ministry of Transportation in respect of a *tow truck*, the police shall also remove the *tow truck owner's plate*.



# 1. Taxicabs (*Licensed*)

## Current State

### Industry Size

- 192 Taxicabs
- 140 Standard Taxicabs (35 plates in the Office and not being operated)
- 52 Airport plated Taxicabs
- 6 Taxicab Brokers
- 398 Taxicab Drivers

### Accessible Taxicabs

- Currently there are no Accessible Taxicabs Licensed in the City

### Service Model

- Vehicle dispatched and are able to use cabstands and accept street hails
- Standard Sedans and Minivans being used
- Metered based tariff
- Tariff set by the City

### Taxicab Owner Requirements

- Insurance
- Mechanical inspection
- Criminal Check
- Driving Check
- Annual Inspection
- Licence Fee

### Taxicab Driver Requirements

- Criminal Check
- Driving Check
- Licence Fee

### Challenges

- Competing with unregulated competitors like Uber and other unlicensed taxis that are not compelled to obtain the proper insurance, inspections and reports as well as not being required to pay licence fees



## Proposed State

### Continue to License:

- ✓ Taxicabs Owners (standard and airport taxicabs)
- ✓ Taxicab Brokers
- ✓ Taxicab Drivers

### PROPOSED REGULATIONS:

#### Accessible Taxicabs

- ✓ All new Taxicab Owner Licences issued have to go on an Accessible Taxicab for the first 4 years after which it can be transferred to a standard taxicab
- ✓ Any Accessible Taxicab licensed by another municipality can pick up in Markham

#### Service Model

- ✓ Removal of the cap on Taxicab Owner Licences
- ✓ Open the issuance of Taxicab Owner Licences to any Taxicab driver with 5 years taxi driving experience
- ✓ New Taxicab Owner Licences must be Accessible for the first 4 years
- ✓ Tariff to be set by the taxicab company and must be filed with the City
- ✓ Vehicles age extended from 7 to 10 years

#### Taxicab Owner

- ✓ Elimination of the Vehicle Age Extension Fee
- ✓ Elimination of meters in Airport Taxicabs
- ✓ A Taxicab Owner licensed in another municipality can pick up in Markham provided they pay the City's Taxicab Owner Licence fee

#### Taxicab Driver

- ✓ Elimination of the Training requirement by the City
- ✓ A Taxicab Driver licensed in another municipality can pick up in Markham provided they pay the City's Taxicab Owner Licence fee

## 2. Limousines (*Licensed*)

### Current State

#### Industry Size

- 8 Limousines
- 15 Limousine Drivers

#### Service Model

- Pre-arranged trip only
- Limousines cannot sit on a cabstand or pick up street hails
- Flat rate based on time and distance
- Tariff not set by the City
- Higher end vehicles being used

#### Limousine Owner Requirements

- Insurance
- Mechanical inspection
- Criminal Check
- Driving Check
- Annual Inspection
- Licence Fee

#### Limousine Driver Requirements

- Criminal Check
- Driving Check
- Licence Fee

#### Challenges

- Competing with unregulated competitors like Uber and other unlicensed limousines that are not compelled to obtain the proper insurance, inspections and reports as well as not being required to pay licence fees
- The impending closure of the Buttonville Airport has seen the demand for limousine drop dramatically



### Proposed State

#### Continue to License:

- ✓ Limousines Owners
- ✓ Limousine Drivers

#### PROPOSED REGULATIONS:

#### Service Model

- ✓ Limousine Owner/Company to set tariff and file with the City of Markham
- ✓ Permit the leasing of the Limousine Owner plate

#### Limousine Owner

- ✓ Adjust the Limousine Owner licence fee to bring it in line with our comparable municipalities
- ✓ A Limousine Owner licensed in another municipality can pick up in Markham provided they pay the City's Limousine Owner Licence fee

#### Limousine Driver

- ✓ A Limousine Driver licensed in another municipality can pick up in Markham provided they pay the City's Limousine Driver Licence fee

## 3. Private Transportation Companies - PTC's (Unlicensed at this time)

### Current State

#### Industry Size

- 2 Companies or Platforms (Uber and Lyft)
- Approximately 1 million trips in Markham annually

#### Service Model

- Pre-arranged trips only
- PTC's cannot sit on a cabstand or pick up street hails
- Flat rate based on time and distance
- Variety of vehicles being used from standard sedans to higher end vehicles

#### Owner and Driver Requirements

- There are currently no requirements for either the owner/platform or the drivers



### Proposed State

#### Implement Licensing for:

- ✓ Private Transportation Companies/Platforms
- ✓ Private Transportation Companies Drivers/Operators

#### Service Model

- ✓ Pre-arranged trips only
- ✓ PTC's cannot sit on a cabstand or pick up street hails
- ✓ Flat rate based on time and distance
- ✓ Rates must be filed with the City
- ✓ Variety of vehicles being used from standard sedans to higher end vehicles

#### PROPOSED REGULATIONS:

##### Transportation Company Requirements

- ✓ Insurance
- ✓ Mechanical inspections
- ✓ Criminal Check
- ✓ Annual Inspection
- ✓ Licence Fee
  - Annual Fee
  - 11 cents per ride fee
- ✓ Data sharing requirements on trips and drivers

##### Taxicab Driver Requirements

- ✓ Criminal Check
- ✓ Driving Check

## **Schedule 4**

### **Relating to the Licensing, Regulation and Governing of Limousine Owners and Drivers**

#### **DEFINITIONS**

“Limousine” means a Motor Vehicle with at least four-doors that has been approved to operate as a Limousine by the Licensing Officer and that is operated in accordance with all of the applicable provisions pertaining to Limousines under this By-law.

“Limousine Driver” means a limousine operator who is licensed as such or is required to be licensed as such under this By-law;

“Solicit” means an appeal for Customers by bell, horn, whistle, words or gestures directed at Individuals or groups of Persons.

“Stage” means stopping, parking or otherwise placing a Limousine in a loading or curb side area, not including a parking lot, where the Limousine is not engaged in a Prearranged Trip.

## **Schedule 4**

### **Relating to the Licensing and Regulation of Limousine Owners, Drivers and Companies**

#### **1.0 LICENSING REQUIREMENTS FOR LIMOUSINE OWNERS**

- 1.1 In addition to the general requirements for licensing established in the City's Mobile Business Licensing By-law, every Applicant for a Limousine Owner's Licence and for the renewal of a Limousine Owner's Licence shall produce with his application:
- (a) the current hourly tariff rate charged;
  - (b) the Vehicle to be licensed for an inspection and approval by the Licensing Officer; and
  - (c) file a list of all licensed Drivers who Operate the Limousine.
- 1.2 For purposes of this Schedule, an Applicant for a Limousine Driver or Limousine Owner licence who, in the opinion of the Licensing Officer, is satisfactorily licensed by another municipality shall be considered licensed by the City of Markham and may operate within the City's boundaries, subject to the following:
- (a) the Applicant is not in breach of the City's threshold policy for licences, as per Schedule 2 of this By-law;
  - (b) the Applicant owes no amounts to the City as a result of outstanding fees or fines;
  - (c) the Applicant has paid the required licensing fee;
  - (d) once licensed, the Licensee continues to either:
    - (i) be licensed with the other municipality and meet the requirements of this subsection; or
    - (ii) meet the renewal requirements for the licence, under this by-law for Limousine Owners and Drivers.
- 1.3 For purposes of complying with application and renewal provisions for Limousine Drivers, Limousine Owner holding a valid City of Markham licence may, on behalf of a Limousine Driver, submit and maintain the required documents and, under such circumstances, the Limousine Driver shall be required to consent to access to those documents by the City for purposes of the administration and enforcement of this By-law.
- 1.4 A vehicle may only be licensed as a Limousine if it is not older than ten model years old.



## **Schedule 4**

### **Relating to the Licensing and Regulation of Limousine Owners, Drivers and Companies**

- 1.5 Despite section 1.4, a Limousine Owner may apply to continue to operate his Limousine for an additional year by making an application to the City. Such an application may not be made if the model year of the Limousine is more than eleven (11) years old or for an initial licensing application.
- 1.6 An application under section 1.5 must be made at the time of renewal and shall require an inspection and the approval of the Licensing Officer.
- 1.7 For purposes of complying with application and renewal provisions of this By-law and a Limousine Owner holding a valid City of Markham licence may, on behalf of a Limousine Driver, submit and maintain the required documents and, under such circumstances, the Limousine Driver shall be required to consent to access to those documents by the City for purposes of the administration and enforcement of this By-law.

## **2.0 LIMOUSINE OWNER AND DRIVER DUTIES**

- 2.1 Every Limousine Owner and Driver shall:
  - (a) provide Limousine service on a pre-arranged basis, and Persons contracting for conveyance by Limousine shall be informed of the rates to be charged at the time of contracting such conveyance, and no greater amount shall be demanded or received;
  - (b) file with the Licensing Officer at least seventy-two (72) hours prior to the effective date, any and all changes in tariff rates;
  - (c) only charge for services in accordance with the tariff rates filed;
  - (d) keep in the Vehicle a card showing the Schedule of Rates, and provide a copy on request to any passenger or person appointed to enforce this by-law;
  - (e) maintain the Vehicle in good repair and mechanically safe;
  - (f) maintain the interior of the Vehicle in good repair free from litter, garbage and damage;
  - (g) maintain the exterior of the Vehicle in good repair free from dents, damage and dirt;
  - (h) while driving his Limousine shall take the shortest possible route to the destination desired, unless the passenger designates another route.



## **Schedule 4**

### **Relating to the Licensing and Regulation of Limousine Owners, Drivers and Companies**

- (i) be civil and well-behaved;

### **3.0 LIMOUSINE OWNER PROHIBITIONS**

#### **5.1 No Limousine Owner shall:**

- (a) Hire, employ or permit a Person not licensed under this By-law to Operate a limousine owned by him;
- (b) Operate or permit to be Operated, any Limousine unless it is equipped with a Licence Plate supplied by the City securely affixed to the exterior front of the Vehicle;
- (c) Solicit any Person to hire the Limousine or hold out the Limousine as being available for hire by any Person at or in any public place;
- (d) Stage the Limousine so as to Solicit any Person to hire the Limousine without a Prearranged service agreement;
- (e) not park or stop on a Taxicab Stand.

### **4.0 LIMOUSINE DRIVER PROHIBITIONS**

#### **4.1 No Limousine Driver shall:**

- (a) operate Limousine not licensed under this By-law;
- (b) Operate, any Limousine unless it is equipped with a Licence Plate, supplied by the City securely affixed to the exterior front side of the Vehicle;
- (c) Solicit any Person to hire the Limousine or hold out the Limousine as being available for hire by any Person at or in any public place;
- (d) Stage a Limousine so as to Solicit any Person to hire the Limousine without a Prearranged service agreement;
- (e) not park or stop on a Taxicab Stand.

## **Schedule 6**

### **Relating to the Licensing, Regulation and Governing of Taxicab Brokers, Owner and Drivers**

#### **DEFINITIONS**

“Accessible Taxi” means a motor vehicle which can be used for the transportation of passengers unable to board regular vehicles due to physical disability, and for transporting of passengers in wheelchairs for hire or reward and which has been approved by the Licensing Officer for this purpose;

“Accessible Taxicab Driver” means the operator of an accessible taxi who holds and maintains or is required to hold and maintain a City of Markham Accessible Taxi License and who transports ambulatory and/or non-ambulatory passengers from any point within the City of Markham to any other point; (

“Accessible Taxi Owner” means the owner of an accessible taxi who is licensed or required to be licensed under the provisions of this By-law;

“Taxicab” means a motor vehicle of a type approved by the Licensing Officer, licensed or required to be licensed under the provisions of this By-law which is used for the hire and conveyance of persons, materials or luggage, from a point of origin within the City of Markham to a destination directly or indirectly and shall not include an accessible taxi;

"Taxicab Brokerage" means any person who accepts and dispatches calls from the general public in a fair and equitable manner to taxis owned by someone other than himself, herself, his or her family members, or itself and who is licensed or required to be licensed under the provisions of this By-law;

“Taxicab Driver” means the operator of a taxi who is licensed or required to be licensed under the provisions of this By-law;

“Taxicab Owner” the holder of the taxicab owner licence or the Person required to hold such licence.

## **Schedule 6**

### **Relating to the Licensing, Regulation and Governing of Taxicab Brokers, Owner and Drivers**

#### **1.0 LICENSING REQUIREMENTS FOR TAXICAB OWNERS AND DRIVERS**

- 1.1 In addition to the general requirements for licensing established in the City's Mobile Business Licensing By-law, every Applicant for a Taxicab Owner's Licence and for the renewal of a Taxicab Owner's Licence shall produce with his application:
- (a) the current tariff rate charged;
  - (b) the Vehicle to be licensed for an inspection and approval by the Licensing Officer; and
  - (c) a valid Taxicab Driver's Licence;
  - (d) file a list of all licensed Drivers who Operate the Taxicab.
- 1.2 If the Applicant for a Taxi Owner's Licence is a Corporation, the Person holding the shares carrying at least fifty-one per cent (51%) of the voting rights attached to all shares of the Corporation for the time being issued and outstanding, shall be a Driver licensed under this By-law. If no one Person holds at least fifty-one per cent (51%) of the voting rights of the Corporation, then the Corporation shall designate one Person to be the licensed Driver.
- 1.3 No Person shall be licensed as a Taxi Broker unless he is a Driver licensed under this By-law, or if the Applicant is a Corporation, the Person holding shares carrying at least fifty-one per cent (51%) of the voting rights attached to all shares of the Corporation for the time being issued and outstanding, shall be a Driver licensed under this By-law. If no one Person holds at least fifty-one per cent (51%) of the voting rights of the Corporation, then the Corporation shall designate one Person to be the licensed Driver.
- 1.4 For purposes of this Schedule, an Applicant for a Taxicab Driver or Taxicab Owner licence who, in the opinion of the Licensing Officer, is satisfactorily licensed by another municipality shall be considered licensed by the City of Markham and may operate within the City's boundaries, subject to the following:
- (a) the Applicant is not in breach of the City's threshold policy for licences, as per Schedule 2 of this By-law;
  - (b) the Applicant owes no amounts to the City as a result of outstanding fees or fines;
  - (c) the Applicant has paid the required licensing fee;
  - (d) once licensed, the Licensee continues to either:
    - (i) be licensed with the other municipality and meet the requirements of this subsection; or

## **Schedule 6**

### **Relating to the Licensing, Regulation and Governing of Taxicab Brokers, Owner and Drivers**

(ii) meet the renewal requirements for the licence, under this by-law for Taxicab Owners and Drivers.

- 1.5 For purposes of complying with application and renewal provisions for Taxicab Drivers, Taxicab Owner holding a valid City of Markham licence may, on behalf of a Taxicab Driver, submit and maintain the required documents and, under such circumstances, the Taxicab Driver shall be required to consent to access to those documents by the City for purposes of the administration and enforcement of this By-law.
- 1.6 Notwithstanding any other provisions in this section, a Taxicab Driver licensed by another municipality, and driving a Motor Vehicle also licensed by that same municipality, may transport children to and from school or may transport Persons with disabilities without first obtaining a licence under this section.
- 1.7 A vehicle may only be licensed as a Taxicab if it is not older than ten model years old.
- 1.8 Despite section 1.4, a Taxicab Owner may apply to continue to operate his Taxicab for an additional year by making an application to the City. Such an application may not be made if the model year of the Taxicab is more than eleven (11) years old or for an initial licensing application.
- 1.9 An application under section 1.5 must be made at the time of renewal and shall require an inspection and the approval of the Licensing Officer.
- 1.10 For purposes of complying with application and renewal provisions of this by-law a Taxicab Brokerage or a Taxicab Owner holding a valid City of Markham licence may, on behalf of a Taxicab Driver, submit and maintain the required documents and, under such circumstances, the Taxicab Driver shall be required to consent to access to those documents by the City for purposes of the administration and enforcement of this By-law.

## **2.0 TAXICAB DRIVER DUTIES**

- 2.1 Every Driver shall:
  - (a) each day, before commencing the operation of the Taxi, examine the Vehicle for mechanical defects or interior or exterior damage and shall report forthwith any defects found, to the Owner of the Taxi;
  - (b) each day, upon completion of the operation of the Taxi, return the Vehicle to his employer and report all defects in the Taxi and all accidents to the Owner;

## Schedule 6

### Relating to the Licensing, Regulation and Governing of Taxicab Brokers, Owner and Drivers

- (c) carry the Taxi Driver's Licence and his Ontario Driver's Licence with him at all times when operating a Taxi;
- (d) have available at all times and produce on request of the Licensing Officer, or a Passenger, the following:
  - (i) a current tariff card;
  - (ii) a current Taxi Driver's Photo Identification Card, issued by the Licensing Officer;
- (e) keep a daily Trip Sheet showing:
  - (i) the name of the Driver, the date and the Taxi Owner's Plate number;
  - (ii) the location and the time of the beginning and end of every Trip made;
  - (iii) the amount of the Fare collected for each Trip.
- (f) retain all Trip Sheets for at least twelve (12) months and make them available for inspection at the request of the Licensing Officer;
- (g) be civil and behave courteously while Operating a Taxicab;
- (h) give a Passenger a receipt on an authorized form, showing the Driver's name and Licence number and an identifying number for the Vehicle, and amount for the conveyance when requested, or whenever there is a dispute over the Fare;
- (i) except when he has a previous Order or engagement, serve the first Person requiring the service of his Vehicle at any place within Markham, at any time by day or night, except when the Person:
  - (i) is intoxicated or disorderly; or,
  - (ii) refuses to state his destination; or,
  - (iii) is in possession of an animal other than a personal assistance animal; or,
  - (iv) is eating or drinking any food or beverage; or
  - (v) has not paid a previous Fare or cancellation fee; or,
  - (vi) is, in the opinion of the Driver, unable or unwilling to pay the Fare and has been unable or unwilling to satisfy the Driver that he has the funds to pay the Fare;
- (j) take due care of all property delivered or entrusted to him for conveyance or safekeeping, and immediately on the termination of any hiring engagement, examine the interior of his Vehicle for any property lost or left therein.
- (k) when a Passenger enters the Vehicle and gives the Driver the desired destination, take the shortest possible route to the destination desired, unless the Passenger designates otherwise;

## **Schedule 6**

### **Relating to the Licensing, Regulation and Governing of Taxicab Brokers, Owner and Drivers**

- (l) subject to Subsections (w) and (x) engage the Taxi Meter at the commencement of the Trip and keep it engaged throughout the Trip, except where Section 30.1 is applicable;

### **3.0 TAXICAB DRIVER PROHIBITIONS**

#### **3.1 No Driver shall:**

- (a) Operate a taxicab not licensed under this By-law;
- (b) Operate a Taxi when the meter has not been adjusted in accordance with the rates filed by the Taxicab Owner or Broker;
- (c) Operate a Taxi when the Taxi Meter does not Operate properly;
- (d) Operate a Taxi when the Taxi Meter seal is not or improperly affixed;
- (e) Operate a Taxi without the:
  - (i) Owner's Plate affixed;
  - (ii) side numbers attached; or
  - (iii) roof light securely affixed.
- (f) Operate a Taxi, unless such Vehicle:
  - (i) is equipped with an extra tire wheel and jack, ready for use for that Vehicle;
  - (ii) meets the standards required for the issue of an acceptance under an Ontario Ministry of Transportation Vehicle Inspection report, or meets the standards for the issue of a Safety Standard Certificate of mechanical fitness;
  - (iii) is clean, dry and in good repair as to its interior; and
  - (iv) is clean and in good repair as to its exterior, free from exterior body damage and with a well maintained exterior paint finish.

### **4.0 TAXICAB OWNER DUTIES**

#### **4.1 Every Owner shall have in or on his Vehicle:**

- (i) the owner's Plate firmly affixed to the rear bumper, or at a location and in a manner approved by the Licensing Officer;
- (ii) the owner's Plate number for that Taxi in letters of at least 10 cm affixed on both front fenders, on the top rear of the fender, not more than 8cm below the top of the fender, or

## **Schedule 6**

### **Relating to the Licensing, Regulation and Governing of Taxicab Brokers, Owner and Drivers**

- at a location and is a manner approved by the Licensing Officer; this owner's Plate number shall be preceded by the letter "M" in identical, sized lettering;
- (iii) affixed to the rear of the front seat, in a holder, or at a location and is a manner approved by the Licensing Officer, the current tariff card and Plate number;
- (iv) a Taxi Meter of the Type approved, sealed and mounted in a position approved by the Licensing Officer so that it is clearly visible to the Passengers in the front and rear seats of the Taxi;
- (v) an electrically illuminated roof sign which is securely attached to the top of the Taxi in a manner approved by the Licensing Officer and wired to the Taxi Meter and working in conjunction with the Taxi Meter so that it is illuminated when the headlights are on and the meter is in the vacant status; and
- (vi) a sleeve inside the Vehicle facing the backseat displaying the City complaint telephone number and a photograph of the Driver.

## **5.0 TAXICAB OWNER PROHIBITIONS**

### **5.1 No Owner shall:**

- (a) Operate a Taxicab or permit a Taxi to be Operated with mechanical defects;
- (b) Operate a Taxi or permit a Taxi to be Operated, without the valid Owner's Plate affixed;
- (c) Operate a Taxi or permit a Taxi to be Operated which is not registered;
- (d) Operate Taxicab or permit a Taxi to be Operated with exterior body damage or rust
- (e) Operate or permit his Taxi to be Operated in affiliation with a Taxi Broker who is not licensed under this Schedule;
- (f) display or permit the display of any sign, emblem, decal, ornament or advertisement, on or in his Taxi, except is a form approved by the Licensing Officer;
- (g) Operate or permit his Taxi to be Operated, unless the Taxi Meter is an approved Type, listed with the Licensing Section, and has been tested and sealed;
- (h) employ an unlicensed Taxi Driver;

## **Schedule 6**

### **Relating to the Licensing, Regulation and Governing of Taxicab Brokers, Owner and Drivers**

#### **6.0 INSURANCE**

- 6.1 When a licensed Owner ceases to have a current and valid Ontario standard automobile insurance policy in good standing, the Licence shall be deemed to be suspended as of the date on which the cessation of insurance came to the attention of the Licensing Officer, and the Licence shall only be re-instated on there being delivered to the Licensing Officer, written proof of insurance in accordance with the provisions of this Schedule.
- 6.2 When the licensed Owner has his Licence suspended for failing to maintain required insurance he shall forthwith remove the owner's Plate and return the owner's Plate and the Licence to the Licensing Officer. Where the Owner or Driver fails to surrender the Plate for having no insurance, the Licensing Officer or anyone appointed under this By-law, may remove the Plate pending the delivery to the Licensing Officer, written proof of insurance in accordance with the provisions of this By-law.
- 6.3 When a licensed Owner cancels his current insurance before the expiry date of the policy, he must produce a certificate of newly acquired insurance, or return the Taxi owner's Plate to the Licensing Officer on the date and time of the cancellation.
- 6.4 All insurance renewal policies or certificates of insurance shall be filed with the Licensing Officer ten (10) days prior to the expiry date of the current insurance policy.

#### **7.0 MANDATORY INSPECTIONS**

- 7.1 The Licensing Officer shall give notice to the licensed Taxi Owner of two mandatory inspections a year for each Taxi he owns.

#### **8.0 ACCESSIBLE TAXICABS - OWNERS**

- 8.1 In addition to the general requirements for licensing established in the City's Mobile Business Licensing By-law and those for Taxicab Owners, every Applicant for an Accessible Taxicab Owner's Licence and for the renewal of an Accessible Taxicab Owner's Licence shall produce with his application:
  - (a) A holder of an Accessible Taxicab Owner's licence shall be permitted to operate a Motor Vehicle that, in addition to satisfying the vehicle requirements set out in this By-law, has received approval from the Ministry of Transportation as an accessible vehicle.



## **Schedule 6**

### **Relating to the Licensing, Regulation and Governing of Taxicab Brokers, Owner and Drivers**

(b) Every Accessible Taxicab Owner whose Accessible Taxicab does not operate under a Taxicab Brokerage shall file with the City all fares and other charges for services provided from his or her Accessible Taxicabs.

- 8.2 Every Taxicab Driver or Accessible Taxicab Driver who has been licensed as such by the City of Markham for at least the five immediately preceding years may apply for a licence as an Accessible Taxicab Owner.
- 8.3 Every Accessible Taxicab Owner shall maintain an Accessible Taxicab and shall operate such Taxicab in accordance with this section for at least four (4) years, at which time such Accessible Taxicab Owner may renew his or her licence as a Taxicab Owner and be subject to the provisions in that section.
- 8.4 Despite subsection 8.3, an Accessible Taxicab Owner may, at any time, sell or transfer his business to any Person licensed under sections under this by-law provided the purchaser operates the Accessible Taxicab for the duration of the four year period required in section 8.3.

#### **9.0 ACCESSIBLE TAXICAB - DRIVERS**

- 9.1 In addition to the general requirements for licensing established in the City's Mobile Business Licensing By-law and those for Taxicab Drivers, every Applicant for an Accessible Taxicab Driver's Licence and for the renewal of an Accessible Taxicab Driver's Licence shall produce with his application:
- (a) a certificate of completion of an Accredited Securement Training course, as approved by the Licensing Officer; and
  - (b) any other documentation or information requested by the Licensing Officer.
- 9.2 Every Accessible Taxicab Driver shall serve the first Person unable to board a regular Taxicab due to a disability, as defined in the Accessibility for Ontarians with Disabilities Act, who has requested the service of the Accessible Taxicab at any place within the city and at any time of day or night, except where the provisions of subsection 2.1(i) apply.
- 9.3 Every Person operating an Accessible Taxicab shall:
- a) offer such assistance as required to facilitate the entry or exit of a physically disabled Person into or out of an Accessible Taxicab;

## **Schedule 6**

### **Relating to the Licensing, Regulation and Governing of Taxicab Brokers, Owner and Drivers**

- b) where a wheelchair is being used by a passenger, ensure that the wheelchair and occupant restraint system is properly secured in the area so provided; c) ensure that the passenger's seatbelt is properly secured.

#### **10.0 TAXICAB BROKERS**

##### **10.1 Every Taxi Broker shall:**

- (a) provide the Licensing Officer with a list, showing in numerical order by Owner's Plate number, the name of every Driver operating any Taxi with which he has entered into any arrangement for the provision of Taxi Broker services;
- (b) A Taxicab Brokerage may only offer or charge customers fares and fees that have been filed with the City.
- (c) (7) Prior to undertaking any engagement, a Taxicab Brokerage shall provide the customer the full fare to be charged for the service.
- (d) notify the Licensing Section, in writing, within ten (3) days of any additions or deletions from the list provided under Subsection (a);
- (e) keep a record of each Taxi Dispatched on a Trip, the time and date of receipt of the Order, and the pick-up location and retain these records for a period of at least six (6) months;
- (f) provide the Licensing Officer with a copy of his Federal Radio Licence call sign and frequency number, if any;
- (g) on instructions of the Licensing Officer, not Dispatch calls to any Taxi, if the licensed Owner or licensed Driver, in the opinion of the Licensing Officer, may have contravened any section of this By-law;
- (h) at the request of the Licensing Officer, provide a list showing the number of Taxis available for service to the public on any particular day, including the times when each such Taxi went on the road and the time when it was last available for service on that day and also including the number of Dispatched calls serviced by each such Taxi.
- (i) a description of any Platform and/or Trip Meter used in the provision of services, including as applicable:

## **Schedule 6**

### **Relating to the Licensing, Regulation and Governing of Taxicab Brokers, Owner and Drivers**

- (j) the means by which customers interact with the Platform;
- (k) all types of data collected from customers;
- (l) all types of data provided to customers;
- (m) means by which the customer is provided with the fare amount;
- (n) how payment is made through the Platform and/or what forms of payment are accepted;
- (o) the basis upon which the Trip Meter calculates fares;
- (p) any other information the Licensing Officer may request.
- (q) proof, satisfactory to the Licensing Officer that the Taxicab Brokerage has appropriate general liability insurance in the amount of \$5,000,000 or more;
- (r) a complete listing of all fares and fees that may be charged to customers for the services provided.

#### **11.0 TAXI BROKER PROHIBITIONS**

- 11.1 No Taxi Broker shall Dispatch or direct Orders for a pick-up to a Taxicab which is not licensed under this By-law.



Report to: General Committee

Meeting Date: April 23, 2019

**SUBJECT:** Advisory Board and Committee (ABC) Review for the 2018 – 2022 Term of Council

**PREPARED BY:** Kimberley Kitteringham, City Clerk, ext. 4729  
 Martha Pettit, Deputy Clerk, ext. 8220  
 Laura Gold, Council/Committee Co-ordinator, ext. 4930

**RECOMMENDATION:**

1. That the report titled “Advisory Board and Committee (ABC) Review for the 2018-2022 Term of Council” be received; and,
2. That Council maintain the ABCs as outlined in **Appendix “E”**; and,
3. That Council re-classify, amalgamate or dissolve the ABCs as outlined in **Appendix “F”** as of June 30, 2019, and Council extend its sincere thanks to all citizen appointees and City staff liaisons of these ABCs for their contribution to Markham over the years; and,
4. That the composition of the Appointment Committee be maintained and that this Committee conduct interviews for the Heritage Markham Committee, Committee of Adjustment, and the Library Board; and, that a panel of City staff conduct interviews for all other ABCs and present the slate of candidates to Council for approval on an as needed basis; and further,
5. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

**PURPOSE:**

Markham City Council’s governance structure includes a number of advisory boards and committees (ABCs) that provide input into decision-making in the City. These bodies are reviewed at the beginning of a Council term to ensure they continue to contribute to a sustainable legislative structure that enhances Council’s ability to achieve its objectives. This report provides a comprehensive review of Markham’s existing ABCs and recommends changes to same for the 2018-2022 term of Council.

**BACKGROUND:**

ABCs have traditionally been created by municipal councils to provide feedback/advice on specific projects, events or issues. ABC members are appointed by Council and can provide valuable expertise and perspectives that add richness and authenticity to initiatives and projects, etc. In Markham, appointments to ABCs are conducted in accordance with the City’s Board & Committee Appointment Policy (**see Appendix “A”**). ABCs can also facilitate communication between community members and can serve as a liaison between municipal staff, local partners and community members. Additionally, an ABC can provide an important mechanism for engagement and information exchange. The mandate, purpose and objectives of ABCs are usually captured in a Terms of Reference document and the approved minutes of ABC meetings are usually included on the relevant Standing Committee agendas for information purposes. It is considered a best practice (for continuity and to encourage the exchange of new ideas) to stagger the terms of ABC member appointments such that they do not

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all expire at the same time. Municipal Councils are under no obligation to take the advice or recommendations put forward by ABCs.

ABCs generally require significant municipal resources to support. For instance, in Markham, ABCs typically have a Staff Liaison(s), whose role it is to serve as a conduit between the City and the committee, and provide support and direction. The majority of Markham's ABCs also have some form of secretariat and/or communications support provided by the City.

Many ABCs were created before electronic and social media tools were in general use and were the primary way for councils to receive advice directly from citizens about specific issues. Over the past several years however, there have been significant improvements in municipal government approaches to citizen engagement. This has increased the ability of citizens to interact directly with their elected representatives and municipal staff in less formal ways and without participation on ABCs. In fact, the City of Markham has recently launched a new online web tool **YourVoiceMarkham.ca** to facilitate and increase public engagement on City projects, programs and initiatives.<sup>i</sup> This changing public consultation landscape in local government has coincided with an emerging trend of reducing the number of ABCs in Ontario municipalities.

At the end of 2018, Legislative Services staff undertook a review of Markham's ABCs which included the following:

- A municipal survey comparing the committee structure of 8 other municipalities with Markham's committees (Brampton, Georgina, London, Mississauga, Newmarket, Oshawa, Pickering, and Whitchurch-Stouffville) to determine Advisory Committee practices and trends in other municipalities;
- An internal survey of the Appointment Committee on the appointment process;
- An internal survey of Council/Committee Coordinators and Staff Liaisons on the amount of time they spent supporting their assigned Advisory Committee;
- An internal survey of Committee Chairs and Staff Liaisons of Advisory Committees, excluding working groups, Community Centre Boards, foundations and tribunals and inactive committees, on the efficiency and effectiveness of their committees and on the appointment process; and,
- Research on meeting attendance, ABC accomplishments, and on the diversity of volunteer applicants (this information was obtained from attendance records, meeting minutes, input from staff, and from the voluntary diversity survey applicants complete when they submit their application form).

On February 26, 2019 Council passed a resolution regarding the following Advisory Committees of the Development Services Committee: Markham Centre Advisory Committee, Historical Unionville Community Vision Committee, Cornell Advisory Group, Markham Main Street Committee, planning matters related to the Langstaff Area, and the Milliken Mills Main Street Advisory Committee (**see Appendix "B"**).

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**OPTIONS/ DISCUSSION:**

Attached to this report as **Appendix “C”** is a document entitled “Report on Markham’s Citizen Advisory Boards and Committee 2014-2018.” A summary of its key findings follows.

**Key ABC Review Findings****1. Number of ABCs**

Markham currently has 61 ABCs including 32 with citizen appointments, 3 comprised of Council Members only, 2 Foundations, 15 Sub-Committees of Council, 3 tribunals, and 6 Community Centre Boards, (see **Appendix “D”**). This is considerably more than most other Ontario municipalities.<sup>ii</sup> Some of these ABCs are considered inactive (they met less than three times in the previous Council term). Significant municipal resources are required to support these bodies (see page 3 of **Appendix “C”**). In fact, with the recent amendments to the Municipal Act (via Bill 68) some of Markham’s ABCs may also now constitute “local boards” under the Act. The implications of this designation are numerous and far-reaching. For instance, this would require them to abide by many of the same rules as Council (e.g. adherence to open meeting requirements, implementation of codes of conduct, retaining an Integrity Commissioner, maintaining a conflict of interest registry, etc.). Staff are in the process of reviewing which of Markham’s current ABCs may fall under these new requirements.

To ensure the City is better able to provide adequate support to each ABC and to offer a meaningful volunteer experience for those ABCs with citizen members, staff suggest that the City reduce its current number of ABCs by combining ABCs with similar mandates, with the expectation that any outstanding deliverables would be transferred to the inheriting Committee. Staff also recommend dissolving inactive ABCs or those which have already completed their mandate.

It is also suggested that the ABCs created to support specific special events (e.g., Canada Day Committee) be reclassified as “Task Forces” with a 2-year term of appointment.<sup>iii</sup> This will allow these bodies to function with greater flexibility and less formality and will alleviate the issues some have experienced achieving quorum for meetings.

Legislative Services staff will be reporting back prior to June, 2019 with recommendations regarding a new legislative framework for the hearing of all quasi-judicial matters currently presented to the Licensing Appeal Hearing Committee and the Property Standards Committee.

Reducing the number of ABCs will allow the City to better balance the benefits of ABCs with the staff and Council resources required to support them. A list of ABCs proposed to remain “as is” is attached as **Appendix “E”**. A list of ABCs to be modified or dissolved is attached as **Appendix “F”**.

**2. ABC Effectiveness**

Based on the research conducted, it is clear that many of Markham’s ABCs are active in some form. Their accomplishments vary from hosting an event, community outreach,

raising funds for a City program or initiative, hearing deputations on matters regarding their mandate, or providing feedback to Council on City policies or programs. However, in reality, Markham's ABCs do not generally "advise" Council in a direct or obvious sense. For instance, only a few of them actually made a presentation at a Standing Committee or Council Meeting or provided recommendations to Council.

### 3. ABC Appointments

The ABC Appointment Committee is currently comprised of the Mayor and all Regional Councillors. In order to convene the Committee, three Members must be present. On average, the Appointment Committee meets from 10-20 times per year and conducts approximately 60 -120 interviews annually. The current process is both time consuming and challenging in terms of coordinating suitable interview times with the schedules of five busy Members of Council. As such, it is recommended that the Appointment Committee be tasked with conducting the interviews for the following statutory bodies: Committee of Adjustment, Heritage Markham and the Library Board. Interviews for all other ABCs would be conducted by an internal Staff panel (comprised of a member of the Legislative Services Department and the Committee Staff Liaison) with recommendations brought forward for Council's approval. This streamlined appointment procedure will result in a more efficient process that is less demanding on the schedules of the Mayor and Regional Councillors.

### **FINANCIAL CONSIDERATIONS:**

Based on an estimated average cost of \$50 for refreshments per meeting as noted in the Review Report (See page 12 of **Appendix "C"**), at an average of 10 meetings per year (monthly meetings, save and except July & August) the reduction of 29 ABCs will result in approximately \$1,450 savings on refreshment costs. This is a very rough estimate as some Committees recommended to be dissolved met less than 10 times per year and/or were not provided refreshments on a regular basis.

### **CONCLUSION:**

Since their inception, Markham's ABCs have provided tremendous value to the City. However, they also require significant resources to support and have resulted in other ongoing challenges as discussed in this report. The resourcing requirements will likely continue to increase with the enhanced legislative requirements contained in the Municipal Act. The proposed changes in this report will reduce the number of ABCs by 29 (leaving 32 ABCs) thereby reducing the amount of City resources required for support. This will allow time for staff to: 1. focus on updating the Terms of Reference for each remaining ABC to ensure they reflect Markham's strategic priorities; 2. review the terms of appointment for ABC members; and 3. focus on providing a more meaningful volunteer experience for ABC members.

The public is interested in greater accountability from government and more transparency in decision making. At the same time, local governments are looking for opportunities to gather greater public input. Not surprisingly, this has resulted in the emergence of other (and arguably more effective) public consultation methods (public open houses, online surveys, social media). It is clear that the traditional "one-size-fits-all" approach to public engagement exemplified by a traditional ABC-centric governance model is no longer appropriate for the City. As issues emerge in the future, it is recommended that

the City explore alternative public engagement options such as the ones noted above or create time-limited Task Forces.

Upon approval, Legislative Services staff will notify the Chairs and members of all impacted ABCs. Councillor appointments to ABCs will then be undertaken, followed by any outstanding citizen appointments to same. All outgoing ABC members will be formally recognized at Council's Volunteer Appreciation event scheduled for the fall.

#### **ALIGNMENT WITH STRATEGIC PRIORITIES:**

This report recommends changes to the City's ABC structure to ensure advisory bodies operate efficiently and in a manner that supports the City's Strategic Plan "Building Markham's Future Together".

#### **BUSINESS UNITS CONSULTED AND AFFECTED:**

ABC Staff Liaisons and Committee Chairs were consulted in the preparation of the ABC review conducted by Legislative Services staff.

#### **RECOMMENDED BY:**

Kimberley Kitteringham  
City Clerk/Director of Legislative Services  
& Corporate Communications & Engagement

Trinela Cane  
Commissioner of Corporate Services

#### **ATTACHMENTS:**

**Appendix "A"** – Board & Committee Appointment Policy

**Appendix "B"** – Council Extract from February 26, 2019 Meeting RE: DSC Advisory Committees

**Appendix "C"** – "Review Report on Markham's Citizen Advisory Boards and Committees 2014-2018"

**Appendix "D"** - Current List of Markham ABCs (Citizen and Non-Citizen)

**Appendix "E"** – ABCs to Remain As Is for the 2018-2022 Term of Council

**Appendix "F"** - Proposed Changes to ABCs

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<sup>i</sup> Designed to reach out and educate, seek input, submit ideas and opinions, YourVoiceMarkham.ca is a versatile platform that is easy to use. As participants visit the site, they are encouraged to identify what areas of our business interest or concern them, allowing the City to keep them informed of projects that they have already engaged in and new ones as they develop.

<sup>ii</sup> The 8 municipalities surveyed by Legislative Services staff had, on average, only 14 Advisory Committees.

<sup>iii</sup> In 2015, the City of Vaughan dramatically reduced its Sub-Committees and Advisory Committees and replaced them with time-limited Task Forces with specific mandates. In 2019, the Town of Whitchurch-Stouffville reduced their ABCs to 4 (from 18) and established Staff Working Groups.





**CITY OF MARKHAM**

**BOARD & COMMITTEE  
APPOINTMENT POLICY**

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## PURPOSE OF POLICY

The purpose of the City of Markham (Markham) Board and Committee Appointment Policy is to ensure a fair and equitable appointment process to City **Boards** and **Committees** where:

- The most qualified applicants are appointed as **Members**; and
- Applicants are representative of Markham's diverse community with a broad wealth of experience and skills.

## SCOPE OF POLICY

This Policy applies to appointments to all Markham **Boards** and **Committees**. This Policy does not apply to Markham **Boards** and **Committees** which are subject to their own applicable legislative requirements, governing by-laws and/or other legal requirements regarding **Board** and **Committee** appointments.

### 1. DEFINITIONS

The following definitions are referred to throughout this Policy:

**Appointment Committee** – means a Sub-Committee of **Council** responsible for interviewing applicants and recommending a candidate/slate of candidates for **Council**'s consideration and for ensuring consistency, fairness and professionalism in the recruitment, selection and orientation process.

**Board, Committee** – means any Advisory Committee, Statutory Committee or Board, established by a resolution of **Council** or by enabling legislation, to provide advice, make recommendations; fulfill a statutory or quasi-judicial role; organize events; or provide program support among other functions.

**Clerk** – means the Clerk of the City of Markham, or his or her designate.

**Council** – means the **Council** of the Corporation of the City of Markham.

**Diversity Information** – means information provided on a voluntary basis regarding board and committee applicants' 1) age; 2) gender; 3) aboriginal status; 4) visual minority status; 5) length of time in Canada; and 6) persons with a barrier to ability. **Diversity Information** is used to determine the relative diversity represented on **Boards** and **Committees** at various stages of the **Board** and **Committee** appointment process. **Diversity Information** reflects the communities of focus outlined in the Markham Diversity Action Plan and profile criteria used by Statistics Canada in the course of their data collection.

**Eligibility** – means the qualifications established by **Council** that an applicant must possess in order to serve on **Boards** and **Committees**.

**Member** – means a person appointed by **Council** to serve on a **Board** or **Committee**.

**Orientation Session** – means a training session for new **Members** of **Boards** and **Committees**.

**Recruitment Information Session** – refers to a meeting or event where interested applicants can enquire about volunteer opportunities related to **Boards** and **Committees**.

**Short Listed Applicants** – means a list determined by the **Appointment Committee** of the most qualified applicants for appointment to a particular **Board** or **Committee**. Persons appearing on this list can be appointed or considered as alternates if a vacancy arises.

**Term of Council** – means the period of time for which **Council** is elected to serve, as governed by applicable legislation.

**Terms of Reference** – a document outlining the mandate and board or committee operational details including such things as composition, activities, term, quorum, meeting schedule, staff roles and the like. **Terms of Reference** must be approved by **Council**, including any amendments.

**Voluntary Diversity Form** – is a confidential form voluntarily completed by **Board** and **Committee** applicants to collect **Diversity Information**.

## 2. ELIGIBILITY & GENERAL QUALIFICATIONS OF MEMBERS

- 2.1. A **Member** must be 18 or more years of age to serve on **Boards** and **Committees**, unless otherwise specified in the Terms of Reference for the applicable **Board** or **Committee**, or where youth representation is required.
- 2.2. A **Member** will be a resident of Markham, or own property within Markham unless it is deemed by **Council** that there is need to acquire specialized knowledge, experience or representation, or a need to maintain continuity within a **Board** or **Committee** and requires reappointment of a **Member** who has moved from Markham.
- 2.3. **Members** are responsible for advising the **Clerk** of any change with respect to their **Eligibility** to serve on **Boards** and **Committees**. The **Clerk** in consultation with the appropriate **Staff** will then decide if the **Member** is still eligible to serve on the **Boards** and **Committees** based on other qualifying criteria.
- 2.4. Employees of the City of Markham or a local board are not eligible to serve as a **Member**, unless provided for in legislation.

## 3. TERM & LENGTH OF SERVICE ON A BOARD OR COMMITTEE

- 3.1. **Members** will be appointed for a period of time set out in the **Terms of Reference** for the applicable **Board** or **Committee**, and will continue to serve until any of the following scenarios occur:
  - i) Their term expires;
  - ii) Their appointment is revoked by Council;
  - iii) They no longer meet the required **Eligibility**; and,
  - iii) The **Board** or **Committee** to which they are appointed is dissolved by Council.
- 3.2. Notwithstanding Section 3.1, **Members** will continue to be appointed and serve beyond their term of appointment until the appointment of successors.
- 3.3. **Members** will not be appointed to more than two (2) **Boards** or **Committees** in a **Term of Council**.
- 3.4. **Members** will not be appointed for more than two (2) consecutive terms on the same **Board** or **Committee**. Notwithstanding the foregoing, **Council** may reappoint a **Member** beyond two (2) consecutive terms if deemed necessary by **Council** to maintain continuity and to achieve balance between new and experienced **Members**.
- 3.5. **Members** eligible for reappointment must complete an application form and submit it to the **Clerk**.

- 3.6. **Members** that have served two (2) consecutive terms on one (1) **Board** or **Committee** may apply to serve on another **Board** or **Committee**.

#### 4. **MEMBER RECRUITMENT PROCESS**

- 4.1. The recruitment of **Members** will begin where vacancies are required to be filled, and, if applicable, following any changes to the terms of reference for the applicable **Boards** and **Committees**, or after the establishment of any new **Boards** and **Committees**.
- 4.2. The recruitment process includes written advertisements and may include a **Recruitment Information Session** for interested applicants, where possible.
- 4.3. Advertisements

Advertisements for vacancies on **Boards** and **Committees** will contain the following information:

- A. **Member Eligibility;**
  - B. Meeting frequency and time;
  - C. Information on how to obtain the following: 1) an application form; 2) **Board** and **Committee Terms of Reference**; and 3) information with respect to attending a **Board** or **Committee** meeting prior to submitting an application;
  - D. The date, time, and location of the **Recruitment Information Session** held to provide information about various **Boards** and **Committees** to interested applicants;
  - E. Details with respect to submitting an application including, without limitation, application deadline, where to submit the application or the application process;
  - F. A note that personal information is collected in accordance with the *Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990, c. M.56*;
  - G. A note that the vacancy is a volunteer position.
- 4.4. Vacancies on **Boards** and **Committees** will be advertised in appropriate locations as determined by the **Clerk**.
- 4.5. Recruitment Information Sessions

At the onset of the recruitment process and whenever possible, a **Recruitment Information Session** may be held to provide an opportunity for prospective **Members** to ask questions of staff regarding the **Boards** and **Committees**.

#### 4.6. Filling Positions Where Specialized Knowledge is Required

**Boards** and **Committees** may have one or more position in its composition designated to a stakeholder group with a specialized knowledge, experience or representation. **Council** may fill this type of vacancy in the following manner: 1) by invitation; 2) by seeking the assistance of a recruitment agency; or, 3) outreach to specific organizations or other means deemed appropriate by **Council**. Activities with respect to filling **Board** and **Committee** vacancies where specialized expertise is required will be coordinated by the **Clerk**, in consultation with applicable staff.

### 5. APPLICATION PROCESS

- 5.1. All applicants will submit to the **Clerk** a completed application, together with a resume or other supporting information, where applicable.
- 5.2. Completed applications must be submitted before the deadline prescribed by the **Clerk** in order to be considered for appointment to **Boards** and **Committees**.
- 5.3. Applicants applying to more than one vacancy will be requested to prioritize their preference.
- 5.4. Applicants will answer questions on the application form based on their first preference and to the best of their ability.
- 5.5. In order to support Markham's commitment to diverse representation on its **Boards** and **Committees**, applicants will be encouraged to complete a **Voluntary Diversity Form**. The information collected will be processed separately from the application form and will remain confidential and in the secure care and custody of the **Clerk**.

In order to process the **Diversity Information** in a fair and equitable manner, the information will be collected in the following manner:

- A. Upon receipt of the application by the **Clerk**, the application form along with the diversity form will be assigned a sequential application number;
- B. The **Clerk** will then separate the application form from the diversity form;
- C. Once the deadline for receiving applications has past, the **Clerk** will provide a copy of all application forms to the **Appointment Committee** (see Section 6);
- D. The **Appointment Committee** will provide the **Clerk** with the application number(s) of the applicants selected to be interviewed;

- E. After the interviews have occurred and the applicants have been selected, the **Appointment Committee** will provide the **Clerk** with the application number(s) of the applicants selected by the **Appointment Committee** for Council's consideration;
  - F. The **Clerk** will match the number on the application form with the number on the **Voluntary Diversity Form** in order to provide an aggregate indicator of the diversity of applicants at each stage of the recruitment process: applications received, applicants interviewed and applicants selected for recommendation to Council;
  - G. The **Clerk** will provide **Council** with the diversity statistics on an annual basis;
  - H. The **Clerk** will retain **Diversity Information** records in accordance with the City Record Policy after which point it will be destroyed.
- 5.6. Applicants may be required to complete supplementary screening requirements, such as a criminal record check; all applicants exposed to children will be required to complete a vulnerable sector screening. These requirements will be noted in the recruitment advertisement and are considered part of the **Eligibility** requirements for **Members** of a particular **Board** or **Committee**.
- 5.7. All personal information collected in the application process, is collected in accordance with the *Municipal Freedom of Information and Protection of Privacy Act R.S.O., 1990, c.M.56* and will be used to determine **Eligibility** for appointment and aggregate **Diversity Information**.

## 6. SELECTION PROCESS

- 6.1. **Council** will appoint a Sub-Committee known as the **Appointment Committee** to fill all vacancies on **Boards** and **Committees**. The **Appointment Committee** will be comprised of five (5) Members of Council appointed by **Council**, and will be responsible for interviewing **Short Listed Applicants** and recommending a candidate/slate of candidates for **Council's** consideration and for ensuring consistency, fairness and professionalism in the recruitment, selection and orientation process.
- 6.2. The current Chair or another **Member** of the **Board** or **Committee** may be invited to attend the **Appointment Committee** interviews. As well, **Boards** or **Committees** may provide the **Clerk** with suggested candidate evaluation criteria for consideration.
- 6.3. The Member(s) of Council appointed to the **Board** or **Committee** where a vacancy occurs may provide input on the applicants, or suggest selection criteria for consideration by the **Appointment Committee**.



- 6.4. The **Appointment Committee** must have a minimum of three (3) Members of **Council** in attendance to hold meetings, including applicant interviews.
- 6.5. The **Clerk**, in consultation with appropriate staff, will pre-screen applicants for the **Appointment Committee**.
- 6.6. Once the **Appointment Committee** feels that there are an adequate number of appropriate applications, the **Appointment Committee** will review the applications and create a short list of applicants to interview. The **Appointment Committee** may request an extension to the application submission deadline when there are an insufficient number of applications deemed appropriate.
- 6.7. Unless the **Appointment Committee** decides otherwise, current **Members** that are eligible for reappointment will be evaluated in the same way as all new applicants.
- 6.8. Applicants that have been short listed will be invited to an interview by a representative of the Office of the Mayor and Members of **Council**, or the **Clerk**.
- 6.9. All applicants being interviewed for the same **Board** or **Committee** will be asked the same questions in order to ensure a fair and equitable appointment process. The **Clerk** will provide the **Appointment Committee** with interview questions. The applicants' responses will be evaluated using a measured or scored approach.
- 6.10. The **Appointment Committee** will recommend to **Council** one applicant per vacancy.
- 6.11. The **Appointment Committee** is encouraged to recommend additional **Short Listed Applicants** to fill future vacancies. The **Clerk** will maintain confidential records of **Short Listed Applicants**, and other qualified applicants, that can be used to fill future vacancies for the current Term of Council. All **Short Listed Applicants** will be advised of their application status.
- 6.12. The **Appointment Committee** recommendations will be provided to the **Clerk**, and placed on a Confidential Agenda for consideration by **Council** in accordance with Section 239 (b) of the *Municipal Act, 2001 S.O. 2001, c. 25*.
- 6.13. Once **Council** makes its appointments, the City will send a letter to all successful and unsuccessful Applicants congratulating them on their appointment or thanking them for their interest in applying, respectively.
- 6.14. Once **Council** makes its appointments the **Clerk** will provide **Council** with aggregate statistics pertaining to the diversity of the applicants at the different stages of the appointment process. These statistics are calculated based on information collected from the **Voluntary Diversity Form** (see Section 5.5). The **Clerk** will provide **Council** with this information annually, and will include the diversity statistics from the following stages of the appointment process:

- A. Applications received;
  - B. Applicants interviewed;
  - C. Applicants selected.
- 6.15. All newly appointed **Members** of **Boards** and **Committees** will sign two (2) copies of the Code of Conduct that will be provided to **Members** in their orientation package. **Members** will keep one (1) copy for their reference and return one (1) copy to the **Clerk**.
- 6.16. The **Clerk** will notify the applicable Staff of the appointment and provide them with information on how to contact the new **Member(s)**.
- 6.17. The **Clerk** will maintain a confidential database containing all appointments to **Boards** and **Committees**.

## 7. VACANCIES

- 7.1. Vacancies on **Boards** and **Committees** are created when a **Member** resigns or vacates the position, effective:
- A. The date of the resignation;
  - B. The date the **Member** is removed by **Council** resolution;
  - C. The date the **Member** no longer qualifies for the position;
  - D. The date of the death of the **Member**.
- 7.2. In accordance with the Rules of Procedure Governing Statutory and Advisory Committees (as amended), **Boards** and **Committees** may pass a resolution requesting that a **Member's** position be declared vacant when a **Member** has been absent without good reason for three (3) consecutive meetings or five (5) meetings in any calendar year.
- 7.3. A **Member** who is resigning from their appointed position will submit a written letter of resignation to the **Clerk**.
- 7.4. Whenever possible, vacancies will be filled from the **Short Listed Applicants** for particular **Boards** and **Committees**; otherwise vacancies will be filled as specified in Sections 4, 5 and 6.

## 8. ORIENTATION FOR NEW MEMBERS

- 8.1. The **Clerk**, in consultation with appropriate staff will provide new **Members** with an orientation package prior to the first meeting, which will generally include:
  - A. Previous meeting minutes;
  - B. **Members'** contact information, provided the consent of the **Members** has been obtained;
  - C. Meeting dates;
  - D. **Terms of Reference**;
  - E. Rules of Procedure Governing Statutory and Advisory Committees (as amended);
  - F. Two (2) copies of the Code of Conduct;
  - G. Accessible Customer Service: A Guide for Markham Advisory Boards and Committees Members and Volunteers;
  - H. Markham's Strategic Priorities; and
  - I. Other relevant documentation deemed appropriate for volunteers prepared in cooperation with key stakeholders.
- 8.2. Staff will, whenever possible, telephone new **Members** to provide them with meeting details and to address any questions or concerns.
- 8.3. At the onset of each **Council** term, once **Council** makes its appointments, the **Clerk** will hold an **Orientation Session** for newly appointed **Members**. An **Orientation Session** will also be held for **Members** appointed to fill a vacancy in the midst of a **Term of Council**, when there is sufficient attendance to hold an **Orientation Session**.

## 9. LEAVE OF ABSENCE

- 9.1. A **Member** who would like to take a leave of absence for an extended period of time must obtain the approval of the **Board** or **Committee**. The approved request will be forwarded to the **Clerk**.
- 9.2. **Council** may appoint a temporary **Member** to the **Board** or **Committee**. The temporary vacancy will be filled as prescribed above in Section 7. The **Member** whose spot is vacant as a result of a leave of absence will not be included towards establishing quorum until the temporary vacancy is filled.

## **10. COMPLETION OF MEMBERS TERM**

- 10.1. At the completion of a **Member**'s term or once **Council** receives the resignation; the **Member** will be sent a letter thanking them for their service.
- 10.2. At the completion of a **Member**'s term or when a **Member** submits their resignation, the **Clerk** may conduct an exit interview with the objective of improving the volunteer position (to be conducted in person or by completing a written questionnaire). The **Member** may provide suggestions for improving the position, or may seek information with respect to other opportunities to serve on other **Boards** and **Committees**.

## **11. EXCEPTIONS TO THIS POLICY**

Where a conflict exists between the provisions of this policy and any legislative or legal requirement, the legislative or legal requirement will prevail.

## **12. INTERPRETATION & ADMINISTRATION**

The **Clerk** is responsible for interpreting and administering this policy, and such interpretations will be final.



## APPENDIX B

### RESOLUTION OF COUNCIL MEETING NO. 5 DATED FEBRUARY 26, 2019

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#### 11. NEW/OTHER BUSINESS

##### 11.3. NEW/OTHER BUSINESS: APPOINTMENT TO DEVELOPMENT SERVICES

##### SUB-COMMITTEES (16.24)

##### Unionville Subcommittee

1. That the following Members of Markham Council be appointed to the Unionville Subcommittee for a term ending November 14, 2022, to take effect immediately:
  - Deputy Mayor Don Hamilton (Chair)
  - Councillor Alan Ho
  - Councillor Reid McAlpine
  - Councillor Amanda Collucci; and,
2. That planning and development matters pertaining to Markham Centre Advisory Committee be included as part of the mandate of the Unionville Subcommittee and that community representatives be invited to attend where there are specific agenda items; and,
3. That planning and development matters related to Historical Unionville Community Vision committee be included as part of the mandate of the Unionville Subcommittee and that community representatives be invited to attend where there are specific agenda items; and,
4. That the Chair and Vice-Chair of Development Services Committee are ex-officio Members of the Unionville Subcommittee; and further,
5. That the Unionville Subcommittee Terms of Reference be amended, accordingly.

##### Markham Subcommittee

1. That the following Members of Markham Council be appointed to the Markham Subcommittee for a term ending November 14, 2022, to take effect immediately:
  - Regional Councillor Jack Heath (Chair)
  - Councillor Karen Rea
  - Councillor Amanda Collucci
  - Councillor Andrew Keyes; and,

2. That planning and development matters related to Cornell Advisory Group be included as part of the mandate of the Markham Subcommittee and that community representatives be invited to attend where there are specific agenda items; and,
3. That planning and development matters related to Markham Main Street Committee be included as part of the mandate of the Markham Subcommittee and that community representatives be invited to attend where there are specific agenda items; and,
4. That the Chair and Vice-Chair of Development Services Committee are ex-officio Members of the Markham Subcommittee; and further,
5. That the Markham Subcommittee Terms of Reference be amended, accordingly.

#### Thornhill Subcommittee

1. That the following Members of Markham Council be appointed to the Thornhill Subcommittee for a term ending November 14, 2022, to take effect immediately:
  - Regional Councillor Jim Jones (Chair)
  - Councillor Keith Irish
  - Councillor Khalid Usman;
  - Councillor Isa Lee; and,
2. That planning and development matters related to the Langstaff area be included as part of the mandate of the Thornhill Subcommittee; and,
3. That the Chair and Vice-Chair of Development Services Committee are ex-officio Members of the Thornhill Subcommittee; and further,
4. That the Thornhill Subcommittee Terms of Reference be amended, accordingly.

#### Milliken Subcommittee

1. That the following Members of Markham Council be appointed to the Milliken Subcommittee for a term ending November 14, 2022, to take effect immediately:
  - Regional Councillor Joe Li (Chair)
  - Councillor Khalid Usman
  - Councillor Isa Lee; and,
2. That planning and development matters related to the Milliken Mills Main Street Advisory Committee be included as part of the mandate of the Milliken Subcommittee and that community representatives be invited to attend where there are specific agenda items; and,
3. That the Chair and Vice-Chair of Development Services Committee are ex-officio Members of the Milliken Subcommittee; and further,

4. That the Milliken Subcommittee Terms of Reference be amended, accordingly.

A handwritten signature in black ink, appearing to read 'K. Kitteringham', with a long horizontal stroke extending to the right.

Kimberley Kitteringham  
City Clerk

Copy to:

- Trinela Cane
- Catherine Conrad
- Martha Pettit
- Alida Tari
- Laura Gold

## APPENDIX “C”



# APPENDIX C - REPORT ON MARKHAM CITIZEN ADVISORY BOARDS COMMITTEES 2014-2018 - APRIL 4

Engaging Markham residents in the democratic process.

Prepared by Laura Gold

Note: This Report deals with Advisory Boards/Committees with citizen Members only.



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## 1. Executive Summary

### Markham's Advisory Boards/Committee

The City of Markham has 42 Advisory Boards/Committees (see “**Appendix A**”). They provide Markham City Council with expertise, advice, assistance, and feedback from a citizen perspective. Research and surveys were conducted to evaluate the efficiency and effectiveness of these Advisory Boards/Committees during the 2014-2018 Term of Council.

### How Markham Compares with its Peer Municipalities

Staff in the Legislative Services and Corporate Communications and Community Engagement Department surveyed nine municipalities (Georgina, Markham, Mississauga, Oshawa, Pickering, Newmarket, Stouffville, Brampton, and London) regarding their Advisory Board/Committee practices. The municipalities on average had 15.1 Advisory Board/Committees. Most of the municipalities surveyed: did not permit Committee Members to remotely participate in meetings (67%); required their Advisory Boards/Committees to report annually to Council (78%); and had a Code of Conduct (56%).

### The Appointment Process to Serve on a City Committee

In the 2014-2018 Term of Council, Markham's Appointment Committee, comprised of the Mayor and Regional Councillors, conducted approximately 350 interviews. During this same time, approximately 250 Markham residents were appointed to serve on a committee, and approximately 65 members resigned from their position on an Advisory Boards/Committee. Based on survey results (survey were completed by the Appointment Committee, Advisory Chairs, and Staff Liaisons), the following is recommended: 1) the composition of the Appointment Committee be reviewed in the new Term of Council; 2) the interview questions be refreshed; 3) regular updates on the status of appointments be provided to the relevant Board/Committee Chair; and 4) attendance of the Appointment Committee be monitored to ensure quorum is achieved more frequently.

### Diversity of Markham's Committees

In the 2014-2018 Term of Council, (50%) of all applicants to Advisory Boards/Committee were a visual minority, with (55%) of these applicants being appointed as members. The majority of applicants that indicated they were a visual minority were Asian (40%) or East Indian (36%). Only (4%) of applicants indicated they have a disability. Applicants aged (44-54) were most likely to get appointed to a board or committee and applicants aged (18-24) were least likely to get appointed to a committee. An equal number of males and females were appointed to boards or committees from the applicants that identified their gender. It is recommended that the City work on increasing the number of applications submitted by (18-24) year olds and persons with a disability by (10%) by choosing promotional activities that target these audiences. It is also recommended,

## Report on Markham's Citizen Advisory Boards/Committees 2014 – 2018

if possible, that the composition of the Appointment Committee be diversified to provide more diverse insight into the decision making process with respect to the selection of members. Consider having the appointed Council representative of the Committee participate in the recruitment for citizen members of the Committee.

### **City Resources Required to Support a Markham Advisory Board/Committee**

Markham's Advisory Boards/Committees require significant City resources to support them, which include staff resources and meeting refreshments. Advisory Committees for the City's large events require the greatest amount of staff resources. The median amount of staff time spent per year supporting a City Advisory Board/Committee is estimated to be 240.5 hours. The estimated cost of providing basic refreshments to an Advisory Board/Committee per year is \$500. The total estimated cost of providing an Advisory Board/Committee with staff resources and basic refreshments is \$12,525 per year, based on the median amount of time staff spent per year supporting a City committee (see **"Appendix B"**).

It is recommended that the City reduce its number of Advisory Boards/Committees by (10%) to ensure committees are effectively supported while managing the City's limited resources. It is suggested that this be done by combining similar Advisory Boards/Committees and disbanding inactive ones. It is also recommended that a balance scorecard be created and completed each year to measure the costs and benefits associated with each Advisory Board/Committee on a go forward basis.

### **Terms of Reference**

A recent survey of Advisory Board/Committee Chairs indicate that (56%) of Committee Chairs felt their committee's Terms of Reference were not appropriate, although (78%) of Committee Chairs felt their committees were achieving their mandate. Qualitative feedback suggests that committee Terms of References should be updated to reflect the City's current strategic goals and activities, and to ensure members are engaged. Based on the survey results, it is recommended that the City review the City's Advisory Board/Committee Terms of References that have not been recently updated in the new Term of Council to ensure their mandate provides value to its members and to the City. It is also being recommended that a Terms of Reference be created for any committee that does not currently have one.

### **Meeting Effectiveness**

Survey results indicate that only (52%) of Advisory Board/Committee Chairs felt their committee meetings were effective, although (96%) felt they were either effective or somewhat effective. Qualitative feedback suggested the following: that a refresher on the rules of procedure be provided; that the rules regarding meeting attendance be better enforced; and that all committees receive meeting refreshments. Based on the survey results, it is recommended that in the new

## Report on Markham's Citizen Advisory Boards/Committees 2014 – 2018

Term of Council the City provide a refresher on meeting procedure to each committee, and that the Committee Chairs be trained on how to chair a meeting.

### **Meeting Attendance**

Markham's Advisory Boards/Committees on average held 1.7 meetings per year without quorum. The Markham-Milliken Children's Festival Committee and the Canada Day Committee had the most difficulty obtaining quorum. The following is being recommended: 1) each Advisory Board/Committee establish rules of engagement regarding meeting attendance and for the handling of other problem areas the committee may be experiencing; 2) the rules of procedure regarding meeting attendance be better enforced; and, 3) The structure of the City's event-based committees be changed so that they exist primarily to assist the City in the organization of events - so that quorum is not required to pass committee resolutions regarding event decisions.

### **Committee Accomplishments**

Based on the research conducted, the majority of Markham's Advisory Boards/Committees are active. Their accomplishments may include hosting an event, community outreach, raising funds for a City program or initiative, hearing deputations on matters regarding their mandate, or providing feedback on City policies or programs. Survey results indicate that (45%) of Committee Chairs versus (25%) of staff are satisfied with their committee's accomplishments. Based on these results, it is recommended that a business plan template or annual work plan be created that committees be required to complete each year to ensure the activities they are focusing on are within their mandate and are contributing to the goals of the organization.

### **Volunteer Experience**

Markham residents may volunteer to participate on a City Advisory Board/Committee to make a difference in their community and/or to be engaged in the democratic process. Survey results suggest that volunteer contributions need to be better recognized by the City while a member is still serving on a board or committee. It is recommended that a volunteer recognition plan be created to better acknowledge the hard work of committee members while they are serving on a City committee.

### **Communication**

Effective boards and committees have a good relationship with City Staff, Members of Council and other Advisory Boards/Committees. Survey results suggest that the communication between committees and staff need to be improved, and that boards and committees need to be better connected with the City's activities and goals. It is recommended that an annual meeting be held with Board/Committee Chairs, Secretariat Staff, and Staff Liaisons to improve communication with the City and committees, and to help promote inter-committee communication.

**Conclusion**

Effective committees require City resources. In order to ensure their success, the City must balance the number of Advisory Boards/Committees it has with the resources it is able to provide.

## 2. Purpose

The purpose of this report is to provide a snapshot of Markham's Advisory Boards/Committees in the 2014-2018, Term of Council and make recommendations for the next Term of Council. Some of the subject matters covered in this report include:

- Why we have boards and committees;
- The appointment process to serve on a City Advisory Board/Committee;
- The Diversity of City's Advisory Boards/Committees;
- Other municipalities' practices with respect to Advisory Boards/Committees;
- How committees impact City resources;
- The efficiency and effectiveness of the City's Advisory Boards/Committees, including their:
  - Terms of Reference;
  - meeting effectiveness;
  - meeting attendance;
  - communication with the City;
  - accomplishments; and,
  - volunteer experience.

## 3. Methodology

In order to review the efficiency and effectiveness of the City's Advisory Boards/Committees, and the citizen appointment process to serve on a City Advisory Board/Committee, the following surveys were conducted and completed on a voluntary basis:

- The Appointment Committee was surveyed on the appointment process;
- Council/Committee Coordinators and Staff Liaisons were surveyed on the amount of time they spent supporting their assigned Advisory Board/Committee during the last Council term;
- Other municipalities were surveyed on their practices with respect to their Advisory Boards/Committees;
- Committee Chairs and Staff Liaisons of Markham Advisory Boards/Committees, excluding working groups, Community Centre Boards, foundations, tribunals, and inactive committees, were surveyed on the efficiency and effectiveness of their committees and on the appointment process.

Research was also gathered on meeting attendance, board and committee accomplishments, and on the diversity of volunteer applicants. This information was obtained from attendance records,

meeting minutes, input from staff, and from the voluntary diversity survey applicants complete when they submit their application form.

## 4. Why we have Advisory Boards and Committees

Advisory Boards/Committees are generally created by Council in response to citizen concerns, to support Council priorities, or to address an operational need. Some of the City's Advisory Boards/Committees are legislatively required. Typically, these bodies have a Terms of Reference stipulating their mandate and outlining roles and responsibilities. A Council resolution or by-law is required to form an Advisory Board/Committee.

Some of the benefits the City gains from its Advisory Boards/Committees include:

- Obtaining expertise, experience and perspective from a citizen perspective;
- Receiving advice on matters related to the board or committee's mandate;
- Obtaining feedback on new City programs and policies;
- Receiving help organizing a large City event; and,
- Engaging residents in the democratic process.

## 5. How Does Markham Compare with its Peer Municipalities?

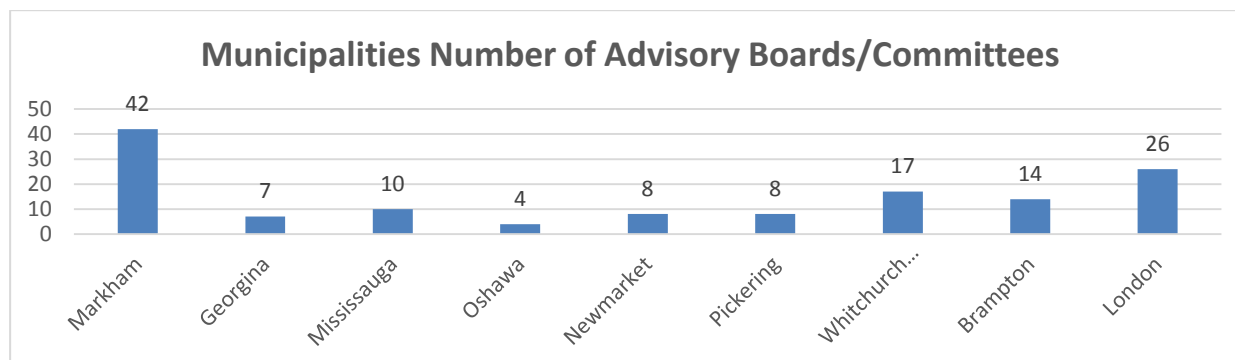
Nine local municipalities were surveyed regarding their Advisory Board/Committee practices. Responses to the survey were received from Georgina, Mississauga, Oshawa, Pickering, Newmarket, Whitchurch-Stouffville, Brampton, and London. Markham's practices were then compared against the survey results. The results were as follows:

### **Number of Advisory Boards/Committees**

Municipalities on average have 15.1 Advisory Boards/Committees. Markham has 42 Advisory Boards/Committees, which is (278%) or 26.9 more than the survey sample.

## Report on Markham's Citizen Advisory Boards/Committees 2014 – 2018

The chart below shows how many Advisory Boards/Committees each surveyed municipality has.



### Remote Participation of Members at Meetings

Six or (67%) of the nine municipalities' surveyed did not permit members of its Advisory Boards/Committees to remotely participate in meetings. Two or (22%) permitted their Advisory Committee on Accessibility members to participate remotely. Markham was the only municipality to let members of its Advisory Boards/Committees to participate remotely when possible, however, remote participants are not included towards quorum.

### Reporting Requirements

Seven or (78%) of the municipalities' surveyed required their Advisory Boards/Committees to report annually to Council. However, none of the municipalities surveyed required their Advisory Boards/Committees to submit an annual report with key performance indicators. Similarly, Markham recommends that all Advisory Boards/Committees report to Council on an annual basis with respect to their accomplishments, but does not require its Advisory Boards/Committees to submit an annual report with key performance indicators.

### Code of Conduct

Five or (56%) of the municipalities surveyed had a Code of Conduct for its Advisory Boards/Committees. Three or (60%) of these municipalities used the Integrity Commissioner to investigate complaints. One or (20%) use their Clerk to investigate complaints. In comparison, Markham currently has a simple Code of Ethics, but is in the process of replacing it with a more comprehensive Code of Conduct and the Clerk currently investigates complaints.

With the recent amendments to the Municipal Act (via Bill 68) some of Markham's ABCs may also now constitute "local boards" under the Act. The implications of this designation are numerous and far-reaching. For instance, this would require them to abide by many of the same rules as Council (e.g. open meeting requirements, codes of conduct, integrity commissioner, conflict of



interest registry, etc.). Staff are in the process of reviewing which of Markham's ABCs may fall under these new requirements.

## 6. Appointments to Markham's Advisory Committees

The City of Markham has 41 citizen Advisory Boards/Committees (see Appendix A). Appointments to these committees are overseen by the Appointment Committee, comprised of the Mayor and the four Regional Councillors. The Appointment Committee conducted approximately 350 interviews between January 1, 2015, and June 31, 2018, and recommended to Council approximately 250 citizen appointments.

During this same period, there were approximately 65 citizen members that resigned from a Markham Advisory Board/Committee. Some of the reasons citizens resign from committees include: moving out of Markham; work conflicting with committee obligations; and/or a shift in their life focus.

Feedback from the Appointment Committee was to include the Council Liaison(s), the Councillor(s) appointed to the committee in the interview process, to refresh some of the interview questions, and to keep an attendance record of who attends each interview session. A full analysis of the Appointment Committee could not be conducted due to poor response to the survey.

The following qualitative feedback was obtained from the survey results from the Committee Chairs and the Staff Liaisons regarding the appointment process to serve on a City Advisory Board/Committee:

- Include the Councillor Liaison(s) in the interviews held to select new members;
- Include the Committee Chair in the interview process;
- Advise residents interested in serving on a committee of the work requirements prior to appointing them to a board or committee;
- Consult with the Chair of the committee prior to appointing new members to the committee;
- Enforce term limits and residency requirements;
- Waive the requirement to hold an interview of past Members who are re-applying to serve on a board or committee.

## 7. The Diversity of Markham's Committees

Markham strives for the composition of its Advisory Boards/Committees to reflect the diversity of Markham. Diversity on boards and committees helps promote innovation, insightful decision making, inclusiveness, and decisions/advice that reflect the diversity of Markham's residents and businesses.

When applicants apply to serve on a Markham Advisory Board/Committee they have the option to complete a voluntary diversity survey. The following diversity results are based on the results from this survey, in 2014-2018 Term of Council:

### Visual Minority

- (50%) of all applicants to boards and committees identified themselves as being a visual minority;
- (55%) of these applicants were appointed as a member to a Markham Advisory Board/Committee;
- The majority of applicants that identified themselves as being a visual minority that were appointed to a Markham Advisory Board/Committee identified themselves as being Asian (40%) or East Indian (36%).

### Disability

- (4%) of all applicants to committees identified themselves as having a disability;
- (40%) of these members that indicated they had a disability were appointed to a Markham Advisory Board/Committee.

### Age

- The greatest number of applicants to Markham Advisory Boards/Committees were aged from (35-44) years old (20%);
- The least number of applicants to Markham Advisory Boards/Committees were aged from (18-24) years of age (5%);
- (68%) of applicants aged (45-54) were successfully appointed to a Markham Advisory Board/Committee (more than any other age group);
- (23%) of applicants aged (18-24) were successfully appointed to a Markham Advisory Board/Committee (less than any other age group).

### Gender

- (53%) of applicants to Markham Advisory Boards/Committees identified themselves as male; (39%) identified themselves as female; and (8%) did not identify their gender.

- Applicants that were appointed to a Markham Advisory Board/Committee that identified their gender were (50%) male, and (50%) female.

Having more diverse board and committees brings many benefits, but can also lead to cultural or generational differences between members. Accordingly, Markham has started to provide its Advisory Boards/Committees with diversity training.

## 8. How Advisory Committees Impact City Resources

Advisory Boards/Committees require City resources to operate. Most committees have a Staff Liaison, Council Liaison and Council/Committee Coordinator that attend meetings and provide support. Additionally, many boards and committees are provided with refreshments at meetings. The cost of supporting a board or committee should be considered prior to creating a new committee, and when reviewing the costs and benefits derived from existing committees.

The amount of human resources required to support a City Advisory Board/Committee was estimated by asking staff from a sample of the City's committees to complete a survey on the matter. Responses were received from the staff that support the following committees (see **"Appendix B"** for a detailed breakdown of the staff time spent supporting committees):

- Advisory Committee on Accessibility;
- Animal Care Committee;
- Canada Day Committee;
- Cycling & Pedestrian Advisory Committee;
- Doors Open Markham Committee;
- Environmental Advisory Committee;
- German Mills Meadow & Natural Habitat Liaison Committee;
- Markham-Milliken Children's Festival Committee;
- Senior's Advisory Committee;
- Senior's Hall of Fame Committee;
- Public Realm Advisory Committee;
- Race Relations Committee;
- Varley-McKay Art Foundation of Markham.

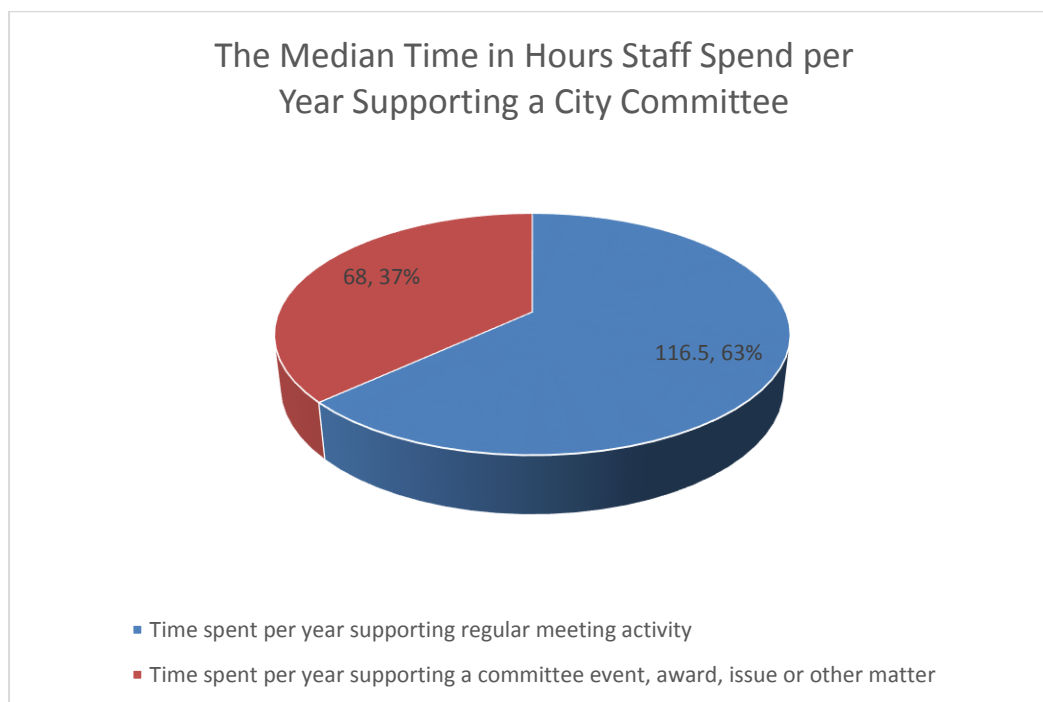
The survey results indicate that there is a large range in the amount of human resources required to support a City board or committee, with Committees for large City events requiring the most staffing resources. Consequently, the median was used to estimate the amount of staff time required to support a board or committee. The results are as follows:

- The median amount of staff time spent supporting regular committee activities per meeting is 11.25 hours;

## Report on Markham's Citizen Advisory Boards/Committees 2014 – 2018

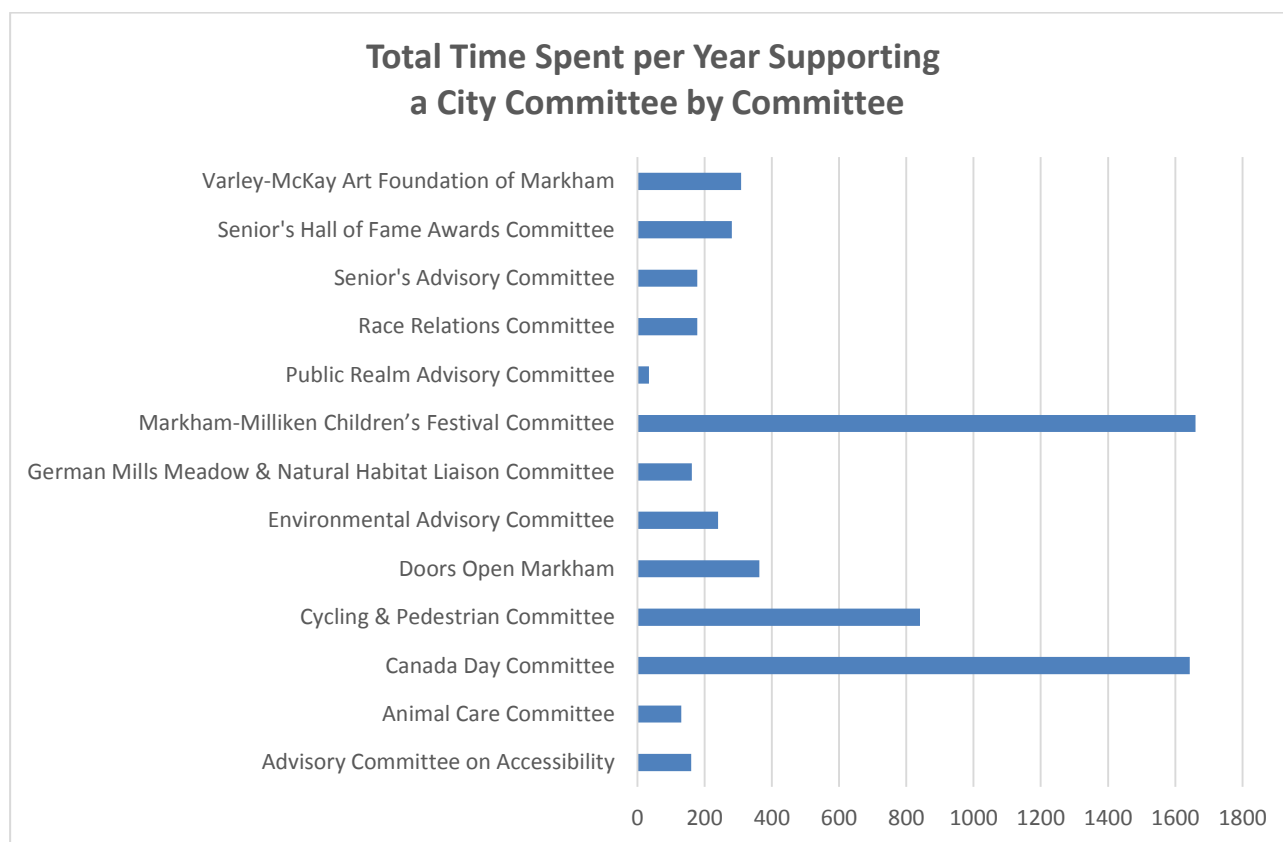
- The median amount of staff time spent supporting regular committee activities per year is 116.5 hours;
- The median staff time spent per year supporting an event or award, and/or handling committee issues or any other matter pertaining to the committee is 68 hours;
- The median total amount of staff time spent per year supporting a committee is 240.5 hours;
- The estimated cost of providing staff support to a committee is \$12,025 per year based on the median amount of hours spent supporting a committee, and on the assumption that staff members are paid \$50 per hour;
- The cost of providing a committee of 15 people coffee, tea, a jug a water and cookies is \$50 per meeting, or \$500 per 10 meetings.
- The total estimated cost of providing staff resources and refreshments to a committee per year is \$12,525, based on basic meeting refreshments provided at 10 committee meetings, and on the median staff resources provided to support a committee.

Below is a chart displaying the median time in hours staff spend per year supporting a City committee.



## Report on Markham's Citizen Advisory Boards/Committees 2014 – 2018

Below is a chart listing by committee the total time staff spent supporting the committee per year.



## 9. Terms of References of Markham Advisory Boards/Committees

An Advisory Board/Committee's Terms of Reference outlines its mandate, roles and responsibilities, composition, and meeting frequency. Typically the Terms of Reference is created when the body is first established. However, some committees were never provided with a Terms of Reference document. Over the years, some Terms of References have been reviewed and updated, but many have not been updated since the committee was originally established. Changes to a committee's Terms of Reference must be approved by Council. All City committees should have a Terms of Reference so that they have a clear mandate and understanding of their roles and responsibilities.

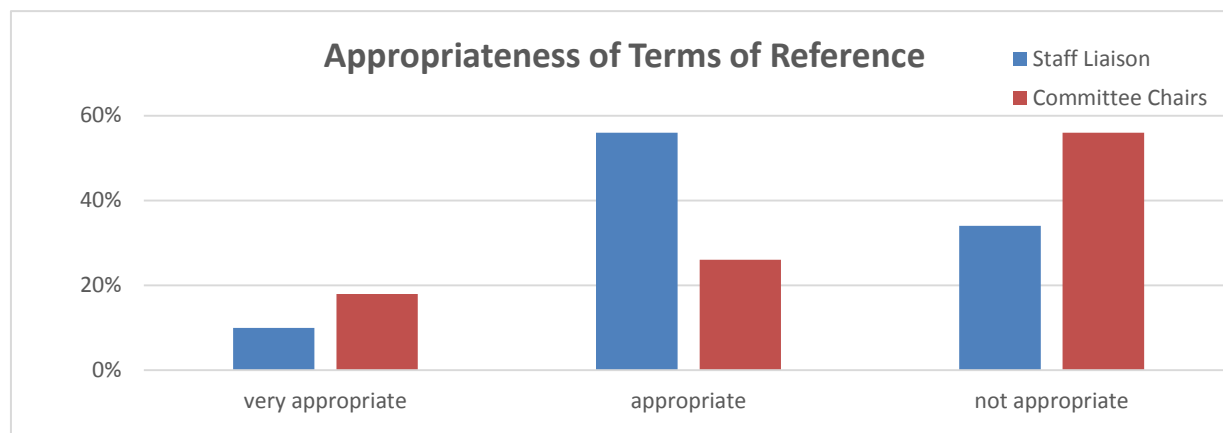
The following quantitative feedback on Markham's Advisory Board/Committee Terms of Reference was provided from the survey results:

- (56%) of Committee Chairs felt that their committee's Terms of Reference was not appropriate versus (34%) of Staff;

## Report on Markham's Citizen Advisory Boards/Committees 2014 – 2018

- (78%) of Committee Chairs felt their committees were achieving or somewhat achieving their mandate versus (94%) of Staff;
- (30%) of Committee Chairs were very satisfied with the composition/mix of committee members versus (16%) of Staff;
- (60%) of Committee Chairs were somewhat satisfied with the composition/mix of committee members versus (69%) of Staff.

Below is a chart comparing the responses of Staff versus the responses of Committee Chair in regards to the appropriateness of their committee's Terms of Reference.



The following qualitative feedback was obtained from the Committee Chairs and the Staff Liaisons from the survey results:

- Update Terms of Reference documents to reflect the City's current strategic goals (project should be undertaken by Clerks in partnership with the Committees);
- Ensure Committees have a purpose and that its members understand their role.

## 10. Meeting Effectiveness of Markham's Advisory Boards/Committees

Effective meetings have a purpose and Committee Members leave feeling they have accomplished something. They have a set agenda with items related to the committee's mandate with sufficient time allotted to discuss each item. A majority of members are in attendance so the board or committee is able to make decisions. The City's "Rules of Procedure Governing Statutory and Advisory Committee Meetings" are followed and all members have an opportunity to share their

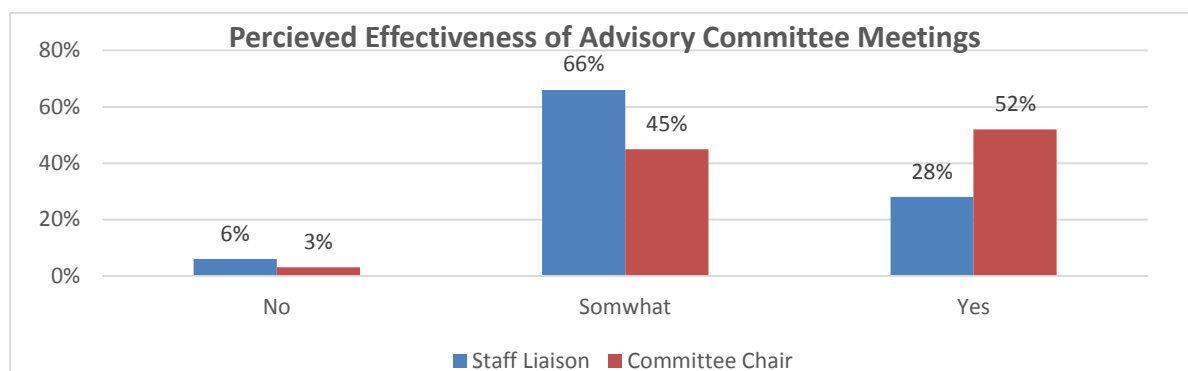
## Report on Markham's Citizen Advisory Boards/Committees 2014 – 2018

viewpoint in a respectful manner. Holding effective meetings helps Advisory Boards/Committee's achieve their goals and work as a team.

The following quantitative results regarding meeting effectiveness was obtained based on the survey results:

- (52%) of Committee Chairs felt that their committee meetings were effective versus (28 %) of Staff Liaisons;
- (96%) of Committee Chairs and (94%) of Staff Liaisons thought that their committee meetings were either somewhat effective or effective;

Below is a chart that compares Staff Liaisons' and the Committee Chairs' perceived effectiveness of Advisory Board/Committee meetings.



The following qualitative feedback was obtained from the Committee Chairs and the Staff Liaisons from the survey results:

- Enforce the Rules of Procedure regarding meeting attendance, so that members not attending meetings are removed from committees;
- Ensure the appointed Councillor and Staff Liaisons regularly attend meetings;
- Provide meeting refreshments to all committees;
- Provide a refresher on meeting procedure in the new Term of Council, and any time a new member joins the board or committee.

## 11. Meeting Attendance at Markham's Advisory Boards/Committees

Advisory Boards/Committees sometimes have difficulty obtaining quorum (having a majority of members in attendance at a meeting). Committees cannot make decisions when they do not have quorum. However, items on the agenda can be discussed. Quorum is often lost due to poor

weather, meetings held in December, meetings held during the March or summer breaks, meetings held soon after a large committee event, when members are unsatisfied with their volunteer experience, when members feel their role is unclear, or when there is committee conflict. When committees have trouble achieving quorum it can impact the morale of members and the overall effectiveness of the committee.

Some strategies used in this Term of Council to resolve issues regarding obtaining quorum were: reducing the number of times per year certain committees meet; cancelling meetings when there is nothing on the agenda; rebuilding committees that had dwindling membership; and resolving issues identified by committees. Although some progress has been made, meeting attendance remains an issue for some committees.

The majority of Advisory Board/Committee meetings in the 2014-2018, Term of Council were held with quorum (see "Appendix C"). The average number of meetings held per year without quorum was 1.7. There were no Advisory Committees that struggled significantly with quorum in this time period. However, Markham's Canada Day Committee and Markham-Milliken Children's Festival were two committees that struggled the most with obtaining quorum.

## **12. Committee Communication with Staff, Members of Council, and Other Committees**

Effective committees have a good relationships with City Staff, Members of Council and other City committees. They have a Staff and Council Liaison that keeps them updated on City issues/matters related to their mandate. Furthermore, they communicate with other committees on matters of a shared interest, for example, event committees sharing ideas regarding children's activities and performers. Lastly, it appears that when an Advisory Board/Committee has good relations with Staff, Council, and other City committees it enhances the members' volunteer experience by making them feel their work is valued and that they are contributing to the community.

The following qualitative feedback was obtained from the survey results from the Staff Liaisons and Committee Chairs on committee communication matters:

- Improve communication/strengthen the relationship between committees and staff;
- Improve the connection between committee activities and the City's goals/activities;
- Consider committee recommendations as the voice of the community;
- Clarify the support Corporate Communications and the Mayor's Office Representative can provide to committees;



- Provide Committees with ways to get their message out (e.g. allowing them to have their own website or Facebook Page);
- Improve the transition of new staff with respect to supporting committees (e.g. a change in the Corporate Communication Representative, Mayor's Office Representative, Council/Committee Coordinator or Staff Liaison on a committee);
- Create an umbrella committee that all Chairs of Advisory Boards/Committee serve on to share ideas and to encourage City committees to work together.

### **13. Committee Accomplishments**

The accomplishments of the City's Advisory Boards/Committees are the activities they undertake to achieve their mandate. These activities were reviewed for the 2014-2018, Term of Council by reviewing past meeting minutes. The results showed that most of the City's Advisory Boards/Committees are active. Some of the types of activities they have been undertaking include (see "Appendix B" to view a more comprehensive list of committee accomplishments):

- Community engagement activities;
- Raising funds for a City program or initiative;
- Hosting an award, event or fair;
- Listening to deputations from the community on matter regarding their mandate;
- Providing feedback to staff on a City program, policy, or initiative; and/or,
- Holding a focus group.

The following quantitative result regarding committee accomplishments was obtained from Staff Liaisons and Committee Chairs from the survey results:

- (41%) of Advisory Committee Chairs were very satisfied with their Committee's accomplishments versus only (25%) of Staff Liaisons.

### **14. The Volunteer Experience**

Residents may volunteer to serve on a City Advisory Board/Committee to give back to the community, make a difference, learn more about municipal government, or to gain new skills or knowledge. Volunteers that are satisfied with their volunteer placement generally feel their hard work is valued and respected.

The following qualitative feedback was obtained regarding the volunteer experience serving on a City Advisory Board/Committee from the Committee Chairs survey results:

- Acknowledge the hard work of Committee Members;
- Respect and appreciate the volunteer time of Committee Members.

## 15. Other Survey Results

The following miscellaneous qualitative feedback was obtained from the Committee Chairs and the Staff Liaisons on other Advisory Board/Committee matters from the survey results:

- Suggested that Markham Theatre is working collaboratively as a cohesive team and that it is very committed to contributing to the huge success of the Theatre;
- Suggested that a budget be provided to Advisory Boards/Committees that they can use for projects or initiatives they are undertaking;
- Recommended that cemetery operations be taken over by City Staff;
- Recommended that the Agricultural Advisory Committee be disbanded, as it is no longer active.

## 16. Recommendations

Based on the survey results and the research conducted, staff recommend the following to improve the efficiency and effectiveness of Markham's Advisory Boards/Committees:

### **Improving the Management of City Resources and Communication between the City and Advisory Boards/Committees**

- Develop a balanced scorecard that can be used to measure the costs and benefits of each City Advisory Board/Committee that is completed on an annual basis (Secretariat Staff to develop);
- Create a business plan template that can be completed by Advisory Boards/Committees and submitted to Council for approval each year to help ensure the activities they are focusing on are working towards the goals of the organization (Secretariat Staff to develop);
- Reduce the number of Advisory Boards/Committees by (10%) so that City can better support the Board/Committees that it has with the current resources;

## Report on Markham's Citizen Advisory Boards/Committees 2014 – 2018

- Hold a meeting once per year with Secretariat Staff, Staff Liaisons, and Committee Chairs to improve communication between the City's Advisory Boards/Committees and the City, and to encourage committees to communicate with each other.

### **Improving the Appointment Process**

- Review the composition of the Appointment Committee in 2018-2022 Term of Council;
- Provide regular updates to the Committee Chair on the status of the appointments;
- Refresh the interview questions used to interview committee members to ensure the City is appointing applicants with the right skillsets.
- Keep an attendance record of who attends the Appointment Committee sessions.

### **Diversity on Committees**

- Increase the number of applications submitted to be considered for a position on a Markham Advisory Board /Committee by (18-24) year olds by (10%) by using social media and other ways of promoting the vacancies that appeal more to a younger audience (Secretariat Staff to work with Corporate Communications to achieve this objective);
- Increase the number of applications submitted by persons with disabilities by (10%) by using more innovative ways to promote vacancies to this target audience (Secretariat Staff to work with Corporate Communications to achieve this objective);
- If possible, have more diversity in the composition of the Appointment Committee to diversify the insight that goes into the decision making process with respect to the selection of members.

### **Board/Committee Terms of References**

- Review City Advisory Boards/Committee Terms of References that have not been recently reviewed in the new Term of Council in collaboration with the committees to ensure their mandate is providing value to the City and its volunteers;
- Ensure all Advisory Boards/Committees have a Terms of Reference (Secretariat Staff to work with Staff Liaison's to create Terms of References if required).

### **Meeting Effectiveness**

- Provide a refresher on meeting procedures to all Advisory Boards/Committees in new Term of Council;
- Provide Committee Chairs with training on how to Chair a meeting.

### **Meeting Attendance**

- Have committees establish rules of engagement regarding meeting attendance and other problem areas that a committee may be experiencing;

## Report on Markham's Citizen Advisory Boards/Committees 2014 – 2018

- Ensure the rules of procedure regarding meeting attendance are enforced;
- Change the structure of the City's event committees so that they exist primarily to assist the City in the organization of events, so that quorum is not required to pass committee resolutions regarding event decisions.

### **Volunteer Experience**

- Develop a volunteer recognition plan to recognize Committee Members hard work while they are still serving on a Markham committee.

### **Combine Similar Committees and Disband Inactive Committees**

- Combine the Public Art and Public Realm Advisory Committee or disband the Public Realm Advisory Committee;
- Combine the Senior's Hall of Fame Awards Committee and the Senior's Advisory Committee
- Disband the Achievement & Civic Recognition Committee, Agricultural Advisory Committee, and the Pan Am Host Advisory Committee, as these committees are no longer active.

## **16. Conclusion**

In conclusion, Markham has many active Advisory Boards/Committees comprised of members that represent the diversity of Markham. These bodies engage residents in the democratic process and provide Council with valuable advice from a citizen perspective. However, City resources are required to support these committees. Advisory boards/committees that are sufficiently supported by staff and Council operate effectively. These committees also seem to provide a more rewarding volunteer experience to its members. Given the current resources available, the City must balance the number of Advisory Boards/Committee it has with the amount of staff and Council support required. The City otherwise risks the success of its Advisory Boards/Committees: in achieving their mandates; providing value to the City; and in being able to provide members with a rewarding volunteer experience.

## **17. Appendixes**

- A) Appendix A** – List of Markham Advisory Boards/Committees
- B) Appendix B** – Staff Time Spent Supporting Markham's Advisory Boards/Committees
- C) Appendix C** - Meetings Held Without Quorum in the 2014-2018 Term of Council
- D) Appendix D** - Markham Advisory Board/Committee Accomplishment in the 2014 -2018 Term of Council

**“Appendix A”****Markham Citizen Advisory Boards/Committees and Working Groups  
(listed in alphabetical order)**

- |   |  |
|---|--|
| 1. Achievement & Civic Recognition Committee                | 23. Markham-Milliken Children's Festival Committee         |
| 2. Advisory Committee on Accessibility                      | 24. Milliken Mills Main Street Advisory Group              |
| 3. Agricultural Advisory Committee                          | 25. Markham Sports Hall of Fame Committee                  |
| 4. Animal Care Committee                                    | 26. Markham Village Train Station Community Centre Board   |
| 5. Box Grove Community Centre Board                         | 27. Mayor's Youth Council                                  |
| 6. Canada Day Committee                                     | 28. Milne Pathway Working Group                            |
| 7. Cedar Grove Community Centre Board                       | 29. Pan Am Host Advisory Committee                         |
| 8. Cemetery Board   | 30. Property Standards Committee                           |
| 9. Committee of Adjustment                                  | 31. Public Art Advisory Committee                          |
| 10. Cornell Advisory Group                                  | 32. Public Realm Advisory Committee                        |
| 11. Cycling & Pedestrian Advisory Committee                 | 33. Public Library Board                                   |
| 12. Door Open Markham Committee                             | 34. Race Relations Committee                               |
| 13. Environmental Advisory Committee                        | 35. Santa Claus Parade Advisory Committee                  |
| 14. Flato Markham Theatre Advisory Board                    | 36. Seniors Advisory Committee                             |
| 15. Friends of the Markham Museum Board                     | 37. Senior's Hall of Fame Awards Committee                 |
| 16. German Mills Community Centre Board                     | 38. Train Anti Whistling Working Group                     |
| 17. German Mills Meadow & Natural Habitat Liaison Committee | 39. Thornhill Revitalization Committee                     |
| 18. Heintzman House Community Centre Board                  | 40. Unionville-Stiver Mill Preservation Advisory Committee |
| 19. Heritage Markham Committee                              | 41. Varley-McKay Art Foundation of Markham                 |
| 20. Historical Unionville Community Vision Committee        | 42. Victoria Square Community Centre Board                 |
| 21. Main Street Markham Committee                           |  |
| 22. Markham Centre Advisory Group                           |  |

Other City Advisory Committees that are comprised of only Councillor Members or Councillor Members and Business Representatives include:

1. Licensing Committee
2. Automated Vacuum Collection Feasibility Working Group
3. Pandemic Readiness Emergency Plan Steering Committee

**“Appendix B”**  
**Staff Time Spent Supporting Markham's Advisory Committees**

**Summary of Results**

<b>Committee</b>	<b>Time spent per meeting in hours supporting regular meeting activities</b>	<b>Time spent per year in hours supporting regular meeting activity</b>	<b>Time spent per year in hours supporting a committee event, award, issue or other matter</b>	<b>Total time spent per year in hours supporting the committee</b>	<b>Estimated Cost – with assumption that staff are paid \$50 per hour</b>
Advisory Committee on Accessibility	10.83	110.3	50	160.3	\$8,015
Animal Care Committee	11	110	21	131	\$6,550
Canada Day Committee	26.67	213.36	1430	1643.36	\$82,188
Cycling & Pedestrian Committee	21	212	64	841	\$42,050
Doors Open Markham	8	80	283	363	\$18,150
Environmental Advisory Committee	11.25	116.5	124	240.5	\$12,025
German Mills Meadow & Natural Habitat Liaison Committee	56	112	50	162	\$8,100
Markham-Milliken Children's Festival Committee	23.5	188	1472	1660	\$83,000
Public Realm Advisory Committee	9.75	19.5	15	34.5	\$1,725
Race Relations Committee	10.83	110.3	68	178.3	\$8,915
Senior's Advisory Committee	13	130	48	178	\$8,900
Senior's Hall of Fame Awards Committee	9	90	191	281	\$14,050
Varley-McKay Art Foundation of Markham	19.75	158	151	309	\$15,450
<b>Total</b>	<b>230.58</b>	<b>1649.96</b>	<b>3967</b>	<b>6181.96</b>	<b>\$309,118.00</b>

**The Mean, Median and Range of Staff Time Spent Supporting Committees**

	<b>Average Amount of Time Spent in Hours Supporting a Meeting</b>	<b>Time spent per year in Hours supporting regular meeting activity</b>	<b>Time spent per year in Hours supporting a committee event, award, issue or other matter</b>	<b>Total time spent per year in hours supporting the committee</b>
<b>Mean</b>	17.74	126.92	305.12	475.54
<b>Median</b>	11.25	116.5	68	240.5
<b>Range</b>	48	193.86	1415	1625.5



## Report on Markham's Citizen Advisory Boards/Committees 2014 – 2018

## Staff Time Spent Supporting Committees Broken-down by Committee

## Advisory Committee on Accessibility

## Monthly Activities

Task/Action	Committee Coordinator Time Spent in Hours	Staff Liaison Time Spent in Hours	Corporate Com. Time in Hours	Total Hours
Time spent per meeting preparing, coordinating or reviewing the agenda	1	0	0	1
Time spent per meeting preparing or reviewing the meeting minutes and following up on action items	2.5	0.5	0	3
Time spent per meeting attending the meeting	2.5	3	0	5.5
Time spent per meeting on email correspondence	1	0.33	0	1.33
Total per month	7	3.83	0	10.83
<b>Total time per year (total times the number of meetings)</b> • Meets 10 times per year	<b>70</b>	<b>38.3</b>	<b>2 (per year)</b>	<b>110.3</b>

## Yearly Activities

Task/Action	Committee Coordinator Time Spent in Hours	Staff Liaison Time Spent in Hours	Corp Com Time in Hours	Total Hours
Time spent per year supporting and/or attending a committee event or award	15	15	15	45
Time spent per year managing committee issues or on any other mattering pertaining to your role supporting the Committee	2	1	2	5
<b>Total</b>	<b>17</b>	<b>16</b>	<b>17</b>	<b>50</b>

<b>Grand Total</b>	<b>160.3</b>
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## Report on Markham's Citizen Advisory Boards/Committees 2014 – 2018

**Animal Care Committee****Monthly Activities**

<b>Task/Action</b>	<b>Committee Coordinator Time Spent in Hours</b>	<b>Staff Liaison Time Spent in Hours</b>	<b>Corp Com Time Spent in Hours</b>	<b>Total Hours</b>
Time spent per meeting preparing, coordinating or reviewing the agenda	1	1	0	2
Time spent per meeting preparing or reviewing the meeting minutes and following up on action items	2.5	0.5	0	3
Time spent per meeting attending the meeting	2	2	0	4
Time spent per meeting on email correspondence	1	1	0	2
Total per month	6.5	4.5	0	11
<b>Total time per year (total times the number of meetings)</b> • Meets 10 times per year	<b>65</b>	<b>45</b>	<b>0</b>	<b>110</b>

**Yearly Activities**

<b>Task/Action</b>	<b>Committee Coordinator Time Spent in Hours</b>	<b>Staff Liaison Time Spent in Hours</b>	<b>Corp Com Time Spent in Hours</b>	<b>Total Hours</b>
Time spent per year supporting and/or attending a committee event or award	1	5	3	9
Time spent per year managing committee issues or on any other mattering pertaining to your role supporting the Committee	2	10	0	12
<b>Total</b>	<b>3</b>	<b>15</b>	<b>3</b>	<b>21</b>

<b>Grand Total</b>	<b>131</b>
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## Report on Markham's Citizen Advisory Boards/Committees 2014 – 2018

**Canada Day Committee****Monthly Activities**

<b>Task/Action</b>	<b>Committee Coordinator Time Spent in Hours</b>	<b>Staff Liaison Time Spent in Hours</b>	<b>Corp Com Time Spent (includes the time multiple employees) in Hours</b>	<b>Total Hours</b>
Time spent per meeting preparing, coordinating or reviewing the agenda	1	0.26	0.41	1.67
Time spent per meeting preparing or reviewing the meeting minutes and following up on action items	2.5	0.5	1	4
Time spent per meeting attending and preparing for the meeting	2	3	7	12
Time spent per meeting on email correspondence	1	8	0 (included under time spent support the event)	9
Total per month	6.5	13.25	8.41	26.67
<b>Total time per year (total times the number of meetings)</b> • Meets 8 times per year	<b>52</b>	<b>106</b>	<b>67.28</b>	<b>213.36</b>

**Yearly Activities**

<b>Task/Action</b>	<b>Committee Coordinator Time Spent in hours</b>	<b>Staff Liaison Time Spent in hours</b>	<b>Corp Com Time Spent in hours</b>	<b>Total hours</b>
Time spent per year supporting and/or attending a committee event or award	0	300	764	950
Time spent per year managing committee issues or on any other mattering pertaining to your role supporting the Committee	2	25	339	366
<b>Total</b>	<b>2</b>	<b>325</b>	<b>1103</b>	<b>1430</b>

<b>Grand Total</b>	<b>1643.36</b>
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## Report on Markham's Citizen Advisory Boards/Committees 2014 – 2018

The Canada Day Committee is supported by each and every member of the Corporate Communications team. Special Events begins logistics planning in January, while communications team begins sponsorship activities. Designers are tasked with signage and social media images, communications follows its comprehensive communications plan to create media advisories and conducts media outreach, signage content, social media, advertising and portal messaging, and oversees all aspects of the event.

On July 1, at least 12 members of Corporate Communications are required to manage the day's four (Citizenship Ceremony, Senior's Luncheon, People's Parade, and Milne Dam Park) events from 6 a.m. to finish, with several attending and managing the entire day.

Working with Community and Fire Services, considerable time is placed on ensuring a proper emergency communication plan is prepared and read to launch, should it be required.

## Report on Markham's Citizen Advisory Boards/Committees 2014 – 2018

**Cycling & Pedestrian Advisory Committee****Monthly Activities**

<b>Task/Action</b>	<b>Committee Coordinator Time Spent in Hours</b>	<b>Staff Liaison Time Spent in Hours</b>	<b>Corp Com Time Spent in Hours</b>	<b>Total in Hours</b>
Time spent per meeting preparing, coordinating or reviewing the agenda	1	1	0	2
Time spent per meeting preparing or reviewing the meeting minutes and following up on action items	3	4	0	7
Time spent per meeting attending and preparing for the meeting	2	8.5	0	10.5
Time spent per meeting on email correspondence	1	0.5	0	1.5
Total per month	7	14	0	21
<b>Total time per year (total times the number of meetings)</b> • Meets 10 times per year	<b>70</b>	<b>140</b>	<b>2 (per year)</b>	<b>212</b>

**Yearly Activities**

<b>Task/Action</b>	<b>Committee Coordinator Time Spent in Hours</b>	<b>Staff Liaison Time Spent in Hours</b>	<b>Corp Com Time Spent in Hours</b>	<b>Total Hours</b>
Time spent per year supporting and/or attending a committee event or award	1	140	70	211
Time spent per year managing committee issues or on any other mattering pertaining to your role supporting the Committee	2	350	66	418
<b>Total</b>	<b>3</b>	<b>490</b>	<b>136</b>	<b>629</b>

<b>Grand Total</b>	<b>841</b>
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## Report on Markham's Citizen Advisory Boards/Committees 2014 – 2018

**Doors Open Markham****Monthly Activities**

<b>Task/Action</b>	<b>Committee Coordinator Time Spent in Hours</b>	<b>Staff Liaison Time Spent in Hours</b>	<b>Corp Com Time Spent in Hours</b>	<b>Total Hours</b>
Time spent per meeting preparing, coordinating or reviewing the agenda	0	1	0	1
Time spent per meeting preparing or reviewing the meeting minutes and following up on action items	0	2	0	2
Time spent per meeting attending and preparing for the meeting	0	2	2	4
Time spent per meeting on email correspondence	0	1	0	1
Total per month	0	6	2	8
<b>Total time per year (total times the number of meetings)</b> • <b>Meets 10 times per year</b>	<b>0</b>	<b>60</b>	<b>20</b>	<b>80</b>

**Yearly Activities**

<b>Task/Action</b>	<b>Committee Coordinator Time Spent in Hours</b>	<b>Staff Liaison Time Spent in Hours</b>	<b>Corp Com Time Spent in Hours</b>	<b>Total Hours</b>
Time spent per year supporting and/or attending a committee event or award	0	0 (counted these hours in other questions)	210	210
Time spent per year managing committee issues or on any other mattering pertaining to your role supporting the Committee	0	13	60	73
<b>Total</b>	<b>0</b>	<b>13</b>	<b>270</b>	<b>283</b>

<b>Grand Total</b>	<b>363</b>
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## Report on Markham's Citizen Advisory Boards/Committees 2014 – 2018

**Environmental Advisory Committee****Monthly Activities**

<b>Task/Action</b>	<b>Committee Coordinator Time Spent in Hours</b>	<b>Staff Liaison Time Spent in Hours</b>	<b>Corp Com Time Spent in Hours</b>	<b>Total Hours</b>
Time spent per meeting preparing, coordinating or reviewing the agenda	1	0.5	0	1.5
Time spent per meeting preparing or reviewing the meeting minutes and following up on action items	2.5	0.5	0	3.0
Time spent per meeting attending the meeting	2.5	2.5	0	5
Time spent per meeting on email correspondence	1	0.75	0	1.75
Total per month	7	4.25	0	11.25
<b>Total time per year (total times the number of meetings)</b> • Meets 10 times per year	<b>70</b>	<b>42.5</b>	<b>4 (attend 2 meetings per year)</b>	<b>116.5</b>

**Yearly Activities**

<b>Task/Action</b>	<b>Committee Coordinator Time Spent in Hours</b>	<b>Staff Liaison Time Spent in Hours</b>	<b>Corp Com Time Spent in Hours</b>	<b>Total Hours</b>
Time spent per year supporting and/or attending a committee event or award	1	50	47	98
Time spent per year managing committee issues or on any other mattering pertaining to your role supporting the Committee	2	14	10	26
<b>Total</b>	<b>3</b>	<b>64</b>	<b>57</b>	<b>124</b>

<b>Grand Total</b>	<b>240.5</b>
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## Report on Markham's Citizen Advisory Boards/Committees 2014 – 2018

**German Mills Meadow & Natural Habitat Liaison Committee****Monthly Activities**

<b>Task/Action</b>	<b>Committee Coordinator Time Spent in Hours</b>	<b>Staff Liaison Time Spent in Hours (3 staff attend)</b>	<b>Corp Com Time Spent in Hours</b>	<b>Total Hours</b>
Time spent per meeting preparing, coordinating or reviewing the agenda	1	21	0	22
Time spent per meeting preparing or reviewing the meeting minutes and following up on action items	3	12	0	15
Time spent per meeting attending the meeting	2	6	0	8
Time spent per meeting on email correspondence	1	10	0	11
Total per month	7	49	0	56
<b>Total time per year (total times the number of meetings)</b> • Meets 2 times per year	<b>14</b>	<b>98</b>	<b>0</b>	<b>112</b>

**Yearly Activities**

<b>Task/Action</b>	<b>Committee Coordinator Time Spent</b>	<b>Staff Liaison Time Spent</b>	<b>Corp Com Time Spent</b>	<b>Total</b>
Time spent per year supporting and/or attending a committee event or award	0	0	0	0
Time spent per year managing committee issues or on any other mattering pertaining to your role supporting the Committee	1	49	0	50
<b>Total</b>	<b>1</b>	<b>49</b>	<b>0</b>	<b>50</b>

<b>Grand Total</b>	<b>162</b>
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## Report on Markham's Citizen Advisory Boards/Committees 2014 – 2018

**Markham-Milliken Children's Festival Committee****Monthly Activities**

<b>Task/Action</b>	<b>Committee Coordinator Time Spent in Hours</b>	<b>Staff Liaison Time Spent in Hours</b>	<b>Corp Com Time Spent in Hours (includes multiple staffs time)</b>	<b>Total Hours</b>
Time spent per meeting preparing, coordinating or reviewing the agenda	1	0.5	0.5	2
Time spent per meeting preparing or reviewing the meeting minutes and following up on action items	2.5	1	1.5	5
Time spent per meeting attending and preparing for the meeting	2	2	6.5	10.5
Time spent per meeting on email correspondence	1	5	0 (included under time spent supporting the event)	6
Total per month	6.5	8.5	8.5	23.5
<b>Total time per year (total times the number of meetings)</b> • Meets 8 times per year	<b>52</b>	<b>68</b>	<b>68</b>	<b>188</b>

**Yearly Activities**

<b>Task/Action</b>	<b>Committee Coordinator Time Spent</b>	<b>Staff Liaison Time Spent</b>	<b>Corp Com Time Spent</b>	<b>Total</b>
Time spent per year supporting and/or attending a committee event or award	0	120	974	1094
Time spent per year managing committee issues or on any other mattering pertaining to your role supporting the Committee	2	16	360	378
<b>Total</b>	<b>2</b>	<b>136</b>	<b>1,334</b>	<b>1,472</b>

<b>Grand Total</b>	<b>1660</b>
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Corporate Communications carries the bulk of the responsibility for this event, from securing sponsorships and volunteers, to managing the intricate details of two entertainment stages, inflatables, free activity stations and more. Each Member of Special Events, Design and Communications plays a significant role for

## Report on Markham's Citizen Advisory Boards/Committees 2014 – 2018

the months leading up to the event, and including a full day on event day. Working with Community & Fire Services, considerable time is placed on ensuring proper emergency communications plan is prepared and ready to launch, should it be required.

## Report on Markham's Citizen Advisory Boards/Committees 2014 – 2018

**Public Realm Advisory Committee****Monthly Activities**

<b>Task/Action</b>	<b>Committee Coordinator Time Spent in Hours</b>	<b>Staff Liaison Time Spent in Hours (3 staff attend)</b>	<b>Corp Com Time Spent in Hours</b>	<b>Total Hours</b>
Time spent per meeting preparing, coordinating or reviewing the agenda	1	0.5	0	1.5
Time spent per meeting preparing or reviewing the meeting minutes and following up on action items	3	0.5	0	3.5
Time spent per meeting attending the meeting	2	1	0	3
Time spent per meeting on email correspondence	1	0.75	0	1.75
Total per month	7	2.75	0	9.75
<b>Total time per year (total times the number of meetings)</b> • Meets 2 times per year	<b>14</b>	<b>5.5</b>	<b>0</b>	<b>19.5</b>

**Yearly Activities**

<b>Task/Action</b>	<b>Committee Coordinator Time Spent in Hours</b>	<b>Staff Liaison Time Spent in Hours</b>	<b>Corp Com Time Spent in Hours</b>	<b>Total Hours</b>
Time spent per year supporting and/or attending a committee event or award	0	12	0	12
Time spent per year managing committee issues or on any other mattering pertaining to your role supporting the Committee	1	2	0	3
<b>Total</b>	<b>1</b>	<b>14</b>	<b>0</b>	<b>15</b>

<b>Grand Total</b>	<b>34.5</b>
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## Report on Markham's Citizen Advisory Boards/Committees 2014 – 2018

**Race Relations Committee****Monthly Activities**

<b>Task/Action</b>	<b>Committee Coordinator Time Spent in Hours</b>	<b>Staff Liaison Time Spent in Hours</b>	<b>Corp Com Time Spent in Hours</b>	<b>Total Hours</b>
Time spent per meeting preparing, coordinating or reviewing the agenda	1	0	0	1
Time spent per meeting preparing or reviewing the meeting minutes and following up on action items	2.5	0.5	0	3
Time spent per meeting attending the meeting	2.5	3	0	5.5
Time spent per meeting on email correspondence	1	0.33	0	1.33
Total per month	7	3.83	0	10.83
<b>Total time per year (total times the number of meetings)</b> • Meets 10 times per year	<b>70</b>	<b>38.3</b>	<b>2 (attends 1 meeting per year)</b>	<b>110.3</b>

**Yearly Activities**

<b>Task/Action</b>	<b>Committee Coordinator Time Spent in Hours</b>	<b>Staff Liaison Time Spent in Hours</b>	<b>Corp Com Time Spent in Hours</b>	<b>Total Hours</b>
Time spent per year supporting and/or attending a committee event or award	40	15	10	65
Time spent per year managing committee issues or on any other mattering pertaining to your role supporting the Committee	2	1	0	3
<b>Total</b>	<b>42</b>	<b>16</b>	<b>10</b>	<b>68</b>

<b>Grand Total</b>	178.3
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## Report on Markham's Citizen Advisory Boards/Committees 2014 – 2018

**Senior's Advisory Committee****Monthly Activities**

<b>Task/Action</b>	<b>Committee Coordinator Time Spent in Hours</b>	<b>Staff Liaison Time Spent in Hours</b>	<b>Corp Com Time Spent in Hours</b>	<b>Total Hours</b>
Time spent per meeting preparing, coordinating or reviewing the agenda	1	0.25	0	1.25
Time spent per meeting preparing or reviewing the meeting minutes and following up on action items	2	0.25	0	2.25
Time spent per meeting attending the meeting	2.5	4	0	6.5
Time spent per meeting on email correspondence	1	2	0	3
Total per month	6.5	6.5	0	13.0
<b>Total time per year (total times the number of meetings)</b> • Meets 10 times per year	<b>65</b>	<b>65</b>	<b>0</b>	<b>130</b>

**Yearly Activities**

<b>Task/Action</b>	<b>Committee Coordinator Time Spent</b>	<b>Staff Liaison Time Spent</b>	<b>Corp Com Time Spent</b>	<b>Total</b>
Time spent per year supporting and/or attending a committee event or award	1	25	10	36
Time spent per year managing committee issues or on any other mattering pertaining to your role supporting the Committee	2	10	0	12
<b>Total</b>	<b>3</b>	<b>35</b>	<b>10</b>	<b>48</b>

<b>Grand Total</b>	<b>178</b>
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## Report on Markham's Citizen Advisory Boards/Committees 2014 – 2018

**Senior's Hall of Fame Awards Committee****Monthly Activities**

<b>Task/Action</b>	<b>Committee Coordinator Time Spent in Hours</b>	<b>Staff Liaison Time Spent in Hours</b>	<b>Corp Com Time Spent in Hours</b>	<b>Total Hours</b>
Time spent per meeting preparing, coordinating or reviewing the agenda	1	0	0	1
Time spent per meeting preparing or reviewing the meeting minutes and following up on action items	2	0	0.5	2.5
Time spent per meeting attending the meeting	2	0	1.5	3.5
Time spent per meeting on email correspondence	1	0	1	2
Total per month	6	0	3	9
<b>Total time per year (total times the number of meetings)</b> • Meets 10 times per year	<b>60</b>	<b>0</b>	<b>30</b>	<b>90</b>

**Yearly Activities**

<b>Task/Action</b>	<b>Committee Coordinator Time Spent in Hours</b>	<b>Staff Liaison Time Spent in Hours</b>	<b>Corp Com Time Spent in Hours</b>	<b>Total Hours</b>
Time spent per year supporting and/or attending a committee event or award	21	0	85	106
Time spent per year managing committee issues or on any other mattering pertaining to your role supporting the Committee	7	0	78	85
<b>Total</b>	<b>28</b>	<b>0</b>	<b>163</b>	<b>191</b>

<b>Grand Total</b>	<b>281</b>
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## Report on Markham's Citizen Advisory Boards/Committees 2014 – 2018

**Varley-McKay Art Foundation of Markham****Monthly Activities**

<b>Task/Action</b>	<b>Committee Coordinator Time Spent in Hours</b>	<b>Staff Liaison Time Spent in Hours</b>	<b>Corp Com Time Spent in Hours</b>	<b>Total Hours</b>
Time spent per meeting preparing, coordinating or reviewing the agenda	1	0.5	0	1.5
Time spent per meeting preparing or reviewing the meeting minutes and following up on action items	4	1	0	5
Time spent per meeting attending and preparing for the meeting	2.5	8.75	0	11.5
Time spent per meeting on email correspondence	1	1	0	2
Total per month	8.5	11.25	0	19.75
<b>Total time per year (total times the number of meetings)</b> • Meets 8 times per year	<b>68</b>	<b>90</b>	<b>0</b>	<b>158</b>

**Yearly Activities**

<b>Task/Action</b>	<b>Committee Coordinator Time Spent in Hours</b>	<b>Staff Liaison Time Spent in Hours</b>	<b>Corp Com Time Spent in Hours</b>	<b>Total in Hours</b>
Time spent per year supporting and/or attending a committee event or award	0	53	10	63
Time spent per year managing committee issues or on any other mattering pertaining to your role supporting the Committee	0	88	0	88
<b>Total</b>	<b>0</b>	<b>141</b>	<b>10</b>	<b>151</b>

<b>Grand Total</b>	<b>309</b>
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## Report on Markham's Citizen Advisory Boards/Committees 2014 – 2018

**“Appendix C”****Number of Meetings Held without Quorum in 2014-2018 Term of Council**

<b>Committee</b>	<b>2015</b>		<b>2016</b>		<b>2017</b>		<b>2018</b>	
	<b>No. of Meetings</b>	<b>No. of Meetings without Quorum</b>	<b>No. of Meetings</b>	<b>No. of Meetings without Quorum</b>	<b>No. of Meetings</b>	<b>No. of Meetings without Quorum</b>	<b>No. of Meetings</b>	<b>No. of Meetings without Quorum to date</b>
Advisory Committee on Accessibility	8	1	10	0	10	1	10	1
Agricultural Advisory Committee	2	1	6	1	0	0	0	0
Animal Care Committee	12	0	12	2	10	0	10	1
Canada Day Committee	7	0	8	0	8	1	7	3
Cycling and Pedestrian Advisory Committee	10	0	10	0	10	0	10	0
Doors Open Markham	8	0	8	0	9	0	10	0
Environmental Advisory Committee	10	0	8	1	9	1	10	1
Flato Markham Theatre Advisory Board	9	1	9	2	9	0	9	0
German Mills Meadow & Natural Habitat Liaison Committee	1	0	2	0	2	0	2	0
Friends of the Markham Museum Board	10	0	9	0	9	1	10	1
Historical Unionville Community Vision Committee	0	0	4	0	9	1	9	0
Main Street Markham	10	0	8	1	5	1	5	0
Markham-Milliken Children's Festival Committee	9	5	7	1	8	2	8	2
Markham Sports Hall of Fame Awards Committee	0	0	7	0	9	0	6	1
Public Art Advisory Committee	4	0	4	0	4	0	4	0
Public Library Board	10	0	10	1	9	0	10	1
Public Realm Advisory Committee	4	0	3	1	4	0	2	1
Seniors Advisory Committee	12	1	7	2	8	0	10	1
Seniors Hall of Fame Committee	5	1	7	0	8	1	8	1
Varley-McKay Art Foundation of Markham	8	0	7	1	5	0	7	0
<b>total</b>	<b>139</b>	<b>10</b>	<b>146</b>	<b>13</b>	<b>145</b>	<b>9</b>	<b>147</b>	<b>14</b>



**“Appendix D”****Markham Advisory Board/Committee Accomplishments  
in 2014-2018 Term of Council**

Committee	Accomplishments
1. Achievement & Civic Recognition Committee	Did not meet in this Term of Council
2. Advisory Committee on Accessibility	<ul style="list-style-type: none"> <li>• Provides feedback on the City's multiyear accessibility plan;</li> <li>• Provided feedback on the accessibility of the City's website;</li> <li>• Provided feedback on the accessibility of key commercial and City site plans;</li> <li>• Made recommendations to Council on accessibility matters;</li> <li>• Organized the 2015, 2016, 2017, and 2018 Accessibility Fair;</li> <li>• Supported the Markham Board of Trade Award 2015, and 2016;</li> <li>• Created and launched the Markham Accessibility Award;</li> <li>• Participated in the Canada Day Parade.</li> </ul>
3. Agricultural Advisory Committee	<ul style="list-style-type: none"> <li>• Organized the 2015 and 2016 Agricultural Tour;</li> <li>• Made recommendations to Council on agricultural matters;</li> <li>• Provided feedback on the City Tree-By-Law, the Province's Land Use Planning Review, and on building permit fees for agricultural buildings;</li> <li>• Received presentations on relevant City programs;</li> <li>• Attended the Friends of the Greenbelt Workshop;</li> <li>• Has meet since 2016.</li> </ul>
4. Animal Care Committee	<ul style="list-style-type: none"> <li>• Heard deputations regarding matters pertaining to animals;</li> <li>• Donated \$36K to the Cat Adoption and Education Centre;</li> <li>• Participated in the Unionville Old Tyme Christmas Parade;</li> <li>• Made recommendation to Council on matters regarding animals;</li> <li>• Attended many events educating the public on the City's animal services and</li> </ul>

## Report on Markham's Citizen Advisory Boards/Committees 2014 – 2018

Committee	Accomplishments
	raising funds for the Cat Adoption and Education Centre; <ul style="list-style-type: none"> <li>• Provided feedback on relevant City programs;</li> <li>• Reviewed and made recommendations to staff with respect to the City's Animal Control By-Law.</li> </ul>
5. Box Grove Community Centre Board	<ul style="list-style-type: none"> <li>• Managed the operations of Box Grove Community Centre.</li> </ul>
6. Canada Day Committee	<ul style="list-style-type: none"> <li>• Helped organize the 2015, 2016, 2017, and 2018 Canada Day event.</li> </ul>
7. Cedar Grove Community Centre Board	<ul style="list-style-type: none"> <li>• Manages the operations of Box Grove Community Centre.</li> </ul>
8. Cemetery Board	<ul style="list-style-type: none"> <li>• Managed the City's cemeteries.</li> </ul>
9. Cornell Advisory Group	<ul style="list-style-type: none"> <li>• Provided feedback on development applications being submitted for the Cornell area.</li> </ul>
10. Cycling & Pedestrian Advisory Committee	<ul style="list-style-type: none"> <li>• Organize and plan the annual Giro and Cycling Day in Markham;</li> <li>• Provided feedback on relevant City programs and projects;</li> <li>• Heard deputations on Cycling matters;</li> <li>• Made recommendations to Council on cycling and pedestrian matters (e.g. requesting Council pass a by-law restricting vehicles from parking on bicycle facilities, and endorsing the Lake to Lake Path implementation through the City of Markham).</li> </ul>
11. Door Open Markham Committee	<ul style="list-style-type: none"> <li>• Organize and plan the Doors Open Markham event.</li> </ul>
12. Environmental Advisory Committee	<ul style="list-style-type: none"> <li>• Participated in the Net Zero Workshop held by City of Markham;</li> <li>• Attended the annual Regional Environmental Advisory Committee meeting;</li> <li>• Hosted Earth Day Events in 2015, 2016, 2017, and in 2018;</li> <li>• Worked with the Cycling &amp; Pedestrian Committee promote awareness of the City' trail system at the Earth Day Event;</li> <li>• Helped promote the City's new textile program;</li> <li>• Attended the Provincial Environmental Advisory Committee Symposium;</li> <li>• Provided feedback on City programs;</li> </ul>

## Report on Markham's Citizen Advisory Boards/Committees 2014 – 2018

Committee	Accomplishments
	<ul style="list-style-type: none"> <li>• Heard deputation on environmental matters.</li> </ul>
13. Flato Markham Theatre Advisory Board	<ul style="list-style-type: none"> <li>• Hosted Fundraising Gala in 2015, 2016, 2017, and 2018;</li> <li>• Hosted Live Art Awards and requested that the week be proclaimed;</li> <li>• Provided feedback on the theatre operations;</li> <li>• Launched Every Child Every Year;</li> <li>• Provided feedback/input into the development of the Theatre's Strategic Plan;</li> <li>• Provided feedback on theatre programs;</li> <li>• Raised funds for the theatre;</li> <li>• Supported a grant application for the Theatre.</li> </ul>
14. Friends of the Markham Museum Board	<ul style="list-style-type: none"> <li>• Hosted a speaker series at the Museum;</li> <li>• Provided feedback on the Museum Strategic Plan;</li> <li>• Raised funds for the Museum.</li> </ul>
15. German Mills Community Centre Board	<ul style="list-style-type: none"> <li>• Manages the operations of the German Mills Community Centre Board.</li> </ul>
16. German Mills Meadow & Natural Habitat Liaison Committee	<ul style="list-style-type: none"> <li>• Provided recommendations to Council and staff regarding the German Mills Meadow &amp; Natural Habitat.</li> </ul>
17. Heintzman House Community Centre Board	<ul style="list-style-type: none"> <li>• Hosted an annual art show;</li> <li>• Host an annual Halloween event;</li> <li>• Host an annual Christmas Craft Sale;</li> </ul>
18. Historical Unionville Community Vision Committee	<ul style="list-style-type: none"> <li>• Made recommendations to Council regarding the Unionville area (e.g. requesting Unionville Core Area Streetscape Master Plan, introducing wayfinding signs on Main Street Unionville, and requesting full enforcement of property standards on Main Street Unionville);</li> <li>• Received presentations from staff on the Main Street Unionville Vision Plan and on other relevant matters.</li> </ul>
19. Main Street Markham Committee	<ul style="list-style-type: none"> <li>• Provided input on relevant City programs/projects;</li> <li>• Made recommendations to staff and Council regarding the Main Street Markham Area (e.g. requesting staff investigate installing a heritage bus shelter at Princess and Main Street Markham, and</li> </ul>

## Report on Markham's Citizen Advisory Boards/Committees 2014 – 2018

Committee	Accomplishments
	<p>on the requesting the replacement of the tree/Christmas tree near the old City Hall);</p> <ul style="list-style-type: none"> <li>Received presentation/updates on relevant City projects/programs.</li> </ul>
20. Markham Centre Advisory Group	<ul style="list-style-type: none"> <li>Provided feedback on development applications in the area.</li> </ul>
21. Markham-Milliken Children's Festival Committee	<ul style="list-style-type: none"> <li>Assisted staff in the planning and undertaking of the Markham-Milliken Children's Festivals held in 2015, 2016, 2017, and 2018.</li> </ul>
22. Milliken Advisory Group	Did not meet in this Term of Council.
23. Markham Sports Hall of Fame Committee	<ul style="list-style-type: none"> <li>Planning/creating the Markham Sports Hall of Fame Awards;</li> <li>First Award ceremony to be held in 2019.</li> </ul>
24. Mayor's Youth Taskforce	<ul style="list-style-type: none"> <li>Markham Youth Expo – Annual event for youth and community to showcase youth talent and services for youth.</li> <li>Amazing Race Markham – Annual event for youth to participate in a fun and challenging full day race. Teams raise funds for a chosen local charity such as the food bank, Native Youth Services, MSH</li> <li>Collage- Annual networking event which brings area youth councils together for social and networking.</li> <li>Think Tank – Annual event which brings together local presenters to present on topics relating to youth issues and topics.</li> <li>Get Involved Conference – Annual conference in which the MMYC host local grade 8 students for a day long conference. Topics include leadership, volunteering, and teamwork.</li> </ul>
25. Pan Am Host Advisory Committee	<ul style="list-style-type: none"> <li>Helped organize the Pan Am festivities in Markham.</li> </ul>
26. Property Standards Committee	<ul style="list-style-type: none"> <li>Heard property standard appeals and made decisions on the matters.</li> </ul>
27. Public Art Advisory Committee	<ul style="list-style-type: none"> <li>Reviews and advises Council on public art projects including the Downtown Markham Public Art installation, the Benjamin Thorne, Berczy, and Rizal statues, the Charity Sculpture, and the War Memorial Cenotaph;</li> <li>Participated in the York University Public Art Symposium May 2017.</li> </ul>

## Report on Markham's Citizen Advisory Boards/Committees 2014 – 2018

Committee	Accomplishments
28. Public Realm Advisory Committee	<ul style="list-style-type: none"> <li>• Provided feedback on Markham's public realm projects;</li> <li>• Projects have included: Forest of Hope, Unionville inspiration board, wrapping of traffic control boxes, revitalization of park shelters, and community message boards.</li> </ul>
29. Public Library Board	<ul style="list-style-type: none"> <li>• Provided feedback on Library policies, programs, and operations.</li> </ul>
30. Race Relations Committee	<ul style="list-style-type: none"> <li>• Hosted the 2015, 2016, and 2018 Many Faces of Markham event;</li> <li>• Had a booth at the York Region Police, International Day for the Elimination of Racism event;</li> <li>• Had a booth at the Taste of Asia promoting the Race Relations Committee;</li> <li>• Held a youth conference;</li> <li>• Held a Human Rights Event;</li> <li>• Held a Race Relations Open House;</li> <li>• Provided feedback on the Diversity and Inclusion Charter for York Region;</li> <li>• Hosted a Community Round table event.</li> </ul>
31. Santa Claus Parade Advisory Committee	<ul style="list-style-type: none"> <li>• Planned and organized the Markham Santa Claus Parade.</li> </ul>
32. Seniors Advisory Committee	<ul style="list-style-type: none"> <li>• Heard presentations on matters regarding seniors;</li> <li>• Provided feedback at many meetings on Markham's proposed Older Adult Strategy;</li> <li>• Hosted a Health and Wellness Fair for Seniors;</li> <li>• Provide input into the Senior's section in Markham Life, including providing article ideas;</li> <li>• Received presentation and provided feedback from a seniors perspective on City program;</li> <li>• Assisted with the a senior's art show and fashion show;</li> <li>• Hosted a senior's craft show;</li> <li>• Helped promote the Senior's Extravaganza and other seniors events.</li> </ul>
33. Senior's Hall of Fame Awards Committee	<ul style="list-style-type: none"> <li>• Obtained nominations for the Senior's Hall of Fame Awards ceremony;</li> <li>• Provided input into the planning and organization of the ceremony;</li> </ul>

## Report on Markham's Citizen Advisory Boards/Committees 2014 – 2018

Committee	Accomplishments
	<ul style="list-style-type: none"> <li>Judged the nominations and selected the winners of the awards.</li> </ul>
34. Thornhill Revitalization Committee	<ul style="list-style-type: none"> <li>Did not meet in this Term of Council.</li> </ul>
35. Unionville-Stiver Mill Preservation Advisory Committee	<ul style="list-style-type: none"> <li>Did not meet in this Term of Council.</li> </ul>
36. Varley-McKay Art Foundation of Markham	<ul style="list-style-type: none"> <li>Primary focus is on raising funds to support the <u>Varley Art Gallery of Markham</u>, with a focus on art acquisitions, conservation of the art collection, educational programs and exhibition research;</li> <li>Organized the annual Rouge Varley Gala;</li> <li>Hosted Vintages at the Varley New World Wine event;</li> <li>The Foundation also helps operate an active volunteer program to further support the Varley Art Gallery of Markham.</li> </ul>
37. Victoria Square Community Centre Board	<ul style="list-style-type: none"> <li>Managed the operations of Victoria Square Community Centre.</li> </ul>

## Appendix “D”

### Current List of ABCs

#### Advisory Committees with Citizen Appointments

1.	Achievement & Civic Recognition Committee
2.	Advisory Committee on Accessibility
3.	Agricultural Advisory Committee
4.	Animal Care Committee
5.	Canada Day Committee
6.	Cemetery Board
7.	Cornell Advisory Group
8.	Cycling & Pedestrian Advisory Committee
9.	Doors Open Markham Committee
10.	Environmental Advisory Committee
11.	Flato Markham Theatre Advisory Board
12.	German Mills Meadow & Natural Habitat Liaison Committee
13.	Heritage Markham Committee
14.	Historical Unionville Community Vision Committee
15.	Main Street Markham Committee
16.	Markham Centre Advisory Group
17.	Markham-Milliken Children’s Festival Committee
18.	Milliken Mills Main Street Advisory Group
19.	Markham Sports Hall of Fame Committee
20.	Mayor’s Youth Council
21.	Milne Pathway Working Group
22.	Pan Am Host Advisory Committee
23.	Public Art Advisory Committee
24.	Public Realm Advisory Committee
25.	Public Library Board - appointed for the term of Council
26.	Race Relations Committee
27.	Santa Claus Parade Advisory Committee
28.	Seniors Advisory Committee
29.	Senior’s Hall of Fame Awards Committee
30.	Train Anti Whistling Working Group
31.	Thornhill Revitalization Committee
32.	Unionville-Stiver Mill Preservation Advisory Committee

**Advisory Committees with Council Members Only** - appointed for the term of Council

1.	Appointment Committee
2.	Automated Vacuum Collection Feasibility Working Group
3.	Pandemic Readiness Emergency Plan Steering Committee

**Foundations**

1.	Varley-McKay Art Foundation of Markham
2.	Friends of the Markham Museum Board

**Council Sub-Committees** - appointed for the term of Council

1.	Budget Sub-Committee
2.	Development Charges Sub-Committee
3.	Eabametoong First Nations Sub-Committee
4.	Environmental Issues Committee
5.	Green Print Steering Committee
6.	Information Communication & Technology Sub-Committee
7.	Markham Sports Entertainment & Cultural Centre Sub-Committee
8.	Markham Sub-Committee* (including Main Street Markham & Cornell Advisory Group)
9.	Milliken Mills Sub-Committee* (including Milliken Mills Main Street Advisory Group)
10.	Parking Advisory Committee
11.	South East Community Centre & Library
12.	Thornhill Sub-Committee* (including Langstaff Implementation Committee)
13.	Transit Sub-Committee
14.	Unionville Sub-Committee* (including Historical Unionville Community Vision Committee, Markham Centre Advisory Group and Markham Centre Sub-Committee)
15.	York University Committee



\*Adopted by Council on February 26, 2019.

**Tribunals (Quasi-Judicial)**

1.	Licensing Committee*
2.	Committee of Adjustment – appointed for the term of Council
3.	Property Standards Committee - appointed for the term of Council

\*No citizen appointees on this Committee

**Community Centre Boards**

1.	Box Grove Community Centre Board
2.	Cedar Grove Community Centre Board
3.	German Mills Community Centre Board
4.	Heintzman House Community Centre Board
5.	Markham Village Train Station Community Centre Board
6.	Victoria Square Community Centre Board

**APPENDIX “E”****ADVISORY BOARDS AND COMMITTEES (ABCS) TO REMAIN AS IS****FOR 2018-2022 TERM OF COUNCIL****Advisory Committees with Citizen Appointments**

1.	Advisory Committee on Accessibility
2.	Animal Care Committee
3.	Cemetery Board
4.	Cycling & Pedestrian Advisory Committee
5.	Environmental Advisory Committee
6.	Flato Markham Theatre Advisory Board
7.	Heritage Markham Committee
8.	Markham Sports Hall of Fame Committee
9.	Mayor's Youth Council
10.	Public Art Advisory Committee
11.	Public Library Board
12.	Race Relations Committee
13.	Seniors Advisory Committee

**Advisory Committees with Council Members Only**

1.	Appointment Committee*
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\*conducting interviews for Heritage Markham, Public Library Board & Committee of Adjustment only

**Foundations – no changes**

1.	Varley-McKay Art Foundation of Markham
2.	Friends of the Markham Museum Board

**Tribunals (Quasi-Judicial) – no changes at this time**

1.	Licensing Committee*
2.	Committee of Adjustment
3.	Property Standards Committee

\*proposed changes to be brought forward in June 2019

**Council Sub-Committees**

1.	Budget Sub-Committee (including Development Charges Sub-Committee)
2.	Markham Sub-Committee* (including Main Street Markham & Cornell Advisory Group)
3.	Milliken Mills Sub-Committee* (including Milliken Mills Main Street Advisory Group)
4.	Thornhill Sub-Committee* (including Langstaff Implementation Committee)
5.	Unionville Sub-Committee* (including Historical Unionville Community Vision Committee, Markham Centre Advisory Group and Markham Centre Sub-Committee)

\*Adopted by Council on February 26, 2019.

**Community Centre Boards – no changes**

1.	Box Grove Community Centre Board
2.	Cedar Grove Community Centre Board
3.	German Mills Community Centre Board
4.	Heintzman House Community Centre Board
5.	Markham Village Train Station Community Centre Board
6.	Victoria Square Community Centre Board

**APPENDIX “F”****PROPOSED CHANGES TO EXISTING COMMITTEES****FOR 2018-2022 TERM OF COUNCIL****Advisory Committees to be Re-Classified as Taskforces**

	<b>Committee Name</b>	<b>Proposed 2 Year Term</b>
1.	Canada Day Committee	September - September
2.	Doors Open Markham	November - November
3.	Markham-Milliken Children's Festival Committee	September - September
4.	Santa Claus Parade Advisory Committee	January - January

**Advisory Committee Functions to be Amalgamated into Another Existing Committee & Originating Committee Dissolved**

	<b>Committee Name</b>	<b>Comments</b>
1.	Agricultural Advisory Committee	Matters will be sent directly to DSC
2.	Automated Vacuum Collection Feasibility Working Group	Matters will be sent directly to General Committee
3.	Cornell Advisory Group	Matters will be dealt with at the Markham Sub-Committee*
4.	Development Charges Sub-Committee	Matters will be dealt with at the Budget Sub-Committee
5.	Eabametoong First Nations Sub-Committee	Matters will be sent directly to General Committee
6.	Environmental Issues Committee	Matters will be sent directly to General Committee. Cross Commission Staff can give grants out with criteria, similar to Celebrate Markham
7.	Green Print Steering Committee	Matters will be sent directly to General Committee
8.	Historical Unionville Community Vision Committee	Matters will be dealt with at the Unionville Sub-Committee*
9.	Information Communication & Technology Sub-Committee	Matters will be sent directly to General Committee

10.	Langstaff Implementation Committee	Matters will be dealt with at the Thornhill Sub-Committee*
11.	Main Street Markham	Matters will be dealt with at the Markham Sub-Committee*
12.	Markham Centre Advisory Group	Matters will be dealt with at the Unionville Sub-Committee*
13.	Markham Centre Sub-Committee	Matters will be dealt with at the Unionville Sub-Committee*
14.	Milliken Mills Main Street Advisory Group	Matters will be dealt with at the Milliken Mills Sub-Committee*
15.	Pandemic Readiness Emergency Plan Steering Committee	Matters will be dealt with under the City's Emergency Management program
16.	Public Realm Advisory Committee	Matters will be sent directly to General Committee
17.	Seniors Hall of Fame Awards Committee	Matters will be dealt with at the Seniors Advisory Committee
18.	Transit Sub-Committee	Matters will be sent directly to Development Services Committee
19.	York University Committee	Matters will be sent directly to General Committee

\*Adopted by Council on February 26, 2019.

### Advisory Committees to be Dissolved

	Committee Name	Comments
1.	Achievement and Civic Recognition Committee	Will be handled through Mayor's office if required
2.	German Mills Meadow and Natural Habitat Liaison Committee	Mandate completed
3.	Markham Sports Entertainment and Cultural Centre Subcommittee	Mandate completed
4.	Milne Pathway Working Group	Mandate completed
5.	Pan Am Host Advisory Committee	Mandate completed
6.	Parking Advisory Committee	Did not meet in past term of Council
7.	South East Community Centre and Library	Mandate completed
8.	Thornhill Revitalization Committee	Mandate completed
9.	Train Anti-Whistling Group	Mandate completed

10.	Unionville Stiver Mill Preservation Advisory Committee	Mandate completed
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Report to: General Committee

Meeting Date: May 6, 2019

**SUBJECT:** Waste Management Collection Services Contract Process  
**PREPARED BY:** Claudia Marsales, Senior Manager, Waste & Environmental Services – Ext 3560

**RECOMMENDATION:**

- 1) That the report entitled ‘Waste Management Collection Services Contract Process’ be received; and,
- 2) That Staff be authorized to issue a ‘Request for Proposal’ (RFP) for the provision of long-term residential and multi-residential waste management collection services for the City of Markham; and,
- 3) That Staff report back to Council on the RFP results and subsequent process to finalize a long-term contract for waste management collection services; and further,
- 4) That Staff be authorized and directed to do all things necessary to give effect to this resolution.

**EXECUTIVE SUMMARY:**

n/a

**PURPOSE:**

The purpose of this report is to obtain approval to issue an RFP for long-term waste management collection services.

**BACKGROUND:**

Waste and recycling collection is one of the City’s most visible services. Miller Waste Systems has been the City’s collection provider for many years, providing residents with excellent and reliable collection services.

In 2010, Council approved an 8-year collection services contract with Miller Waste (with an expiry date of November 30, 2018). In light of the uncertainty created by new Provincial waste management legislation enacted in 2016 (discussed more fully below), Staff obtained Council approval to extend the Miller Waste contract for up to two (2) successive one-year renewal terms:

- December 1, 2018 – November 30, 2019
- December 1, 2019 – November 30, 2020



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According to Miller, the waste collection fleet is now operating past its 8-year lifecycle and there is no option to extend the existing Miller Waste contract past 2020 due to the age of the waste collection fleet (which will be 10 years old at the end of the second renewal term).

The current Miller Waste contract provides waste management collection services for all single-family units, apartment buildings, condominiums, BIA's, white goods, municipal facilities, depots, and leaf and yard waste materials. The current Miller Waste contract also includes many service enhancements such as collection of blue boxes at super mail boxes, and the front door Assisted Collection Service for residents in need.

The 2019 waste collection contract value is \$9,426,017 (incl. HST) .

### **Impact of Provincial waste management legislation on waste collection contract**

In 2016, the Province of Ontario passed new waste management legislation (Waste-Free Ontario Act), introducing the biggest change to municipal Blue Box recycling programs since 1989, with potential impact to all municipal Blue Box collection services.

As a result of the new waste management legislation and proposed changes to the Blue Box recycling system, all Ontario municipalities are facing uncertainty when renewing their waste collection and processing contracts.

In 2017, the Association of Municipalities of Ontario (AMO) recommended that municipalities not enter into long-term contracts for Blue Box collection or processing. They recommended shorter-term extensions with annual renewal options and off-boarding clauses for Blue Box service contracts in order to take advantage of increased program funding when and if it becomes available. The proposed new Blue Box program, if enacted, could provide the opportunity for municipalities to be fully compensated for costs related to Blue Box collection, material processing, recycling depots, and public space recycling services

Markham was one of many municipalities with a collection contract set to expire during the transition discussions. Consequently, Staff recommended proceeding with short-term contract extensions of the Miller contract at that time.

As a result of the 2018 Provincial elections, and subsequent change of government, the new Ontario Minister of the Environment, Conservation & Parks is in the process of reviewing the Blue Box program. To date, no timelines have been provided to indicate if or when, the Blue Box program will be transitioned to a new fully funded system.

With so many unknowns about the future of the Blue Box program (including timelines), and the fact that the current Miller Waste collection fleet is now operating past its 8 year lifecycle, Staff recommend proceeding with a long-term waste management collection

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contract process (which includes flexible contract terms in favour of the City to accommodate potential changes in the Blue Box program and Regional review).

### **OPTIONS/ DISCUSSION:**

**A competitive RFP process is one of the best methods for ensuring quality of service, and ensuring that prices reflect current market pricing.**

An RFP is a public invitation to vendors to submit proposals in response to clearly defined specifications. Vendors are invited to respond to the RFP and propose how they will meet the specified needs and requirements, and are required to detail (at a minimum) their experience/expertise, references, financial capability, services, products/equipment and cost.

The RFP process complies with the City's Purchasing By-Law #2017-8 to obtain competitive bids for goods and services over \$100,000. The RFP process complies with the City's obligations under the CETA (Canada-European Union Comprehensive Economic and Trade Agreement) and CFTA (Canadian Free Trade Agreement) trade agreements, which apply to public sector procurements above a certain dollar threshold. Single/Sole source non-competitive contract awards ("limited tendering") are permitted under CETA and CFTA only under limited exceptions, which would not apply to the City's procurement of long-term waste management collection services.

The RFP process brings structure, transparency and accountability to the public procurement process while providing the flexibility to weigh experience/expertise, safety record, services, equipment, references, innovation and value in addition to cost as part of the evaluation criteria and award decision. Each evaluation criteria is assigned a maximum score. The evaluation team reviews each submission and assigns a score for each evaluation criteria. At the end of the process, it is the highest ranked proposal that would be recommended for contract award.

The RFP process can be fairly complex and time consuming to prepare and manage, requiring a significant investment in Staff resources. In addition, lead-time of a minimum of 12 months is required to transition from contract award to the start of a new waste collection service. This timeframe takes into account time required to order and obtain a new waste collection fleet and other transition issues such as route reconfigurations and transfer station logistics.

Table #1 below provides the key dates for the contract process. Any slippage of the schedule could impact the ability to complete the process, secure a new waste collection fleet, and have a vendor in place by the December 1, 2020 deadline. It is estimated that an 18-month timeline is needed to complete the process. This allows sufficient time for development of RFP specifications, preparation of contract documents, contract award by Council and lead-time for the selected vendor to obtain new waste collection vehicles. Delivery of new waste collection vehicles can take up to 12 months after contract award by Council.

**Table #1  
Contract Process**

<b>Contract Renewal Process</b>	<b>Key Dates</b>
Issue RFP documents	June 16, 2019
RFP closes - Bid evaluation process	August 19, 2019
Report for Council approval – award contract	November 11, 2019
New waste collection contract begins	<b>December 1, 2020</b>

### **Currently Several Waste Collection Providers in the Ontario Marketplace**

Several years ago, large Ontario municipalities were challenged to receive competitive waste collection bids from qualified waste management companies. Recently, there has been a reversal of this trend. After decades of consolidation and instability in the industry, several large service providers service Ontario municipalities.

Table # 2 below provides a list of waste management collection companies qualified and of sufficient size to provide collection services to large municipalities like Markham.

**Table #2  
Ontario Waste Management Companies**

<b>SERVICE PROVIDER</b>	<b>EMPLOYEES &amp; FACILITIES</b>	<b>SIMILAR RESIDENTIAL CONTRACTS</b>
Miller Waste Systems Inc.	1,400 employees, 20 facilities across Canada	Toronto, Richmond Hill, Vaughan, Durham Region, Waterloo Region, Halton Region, Cambridge, London, Ottawa, Pembroke
Halton Recycling Ltd. DBA Emterra Environmental	1,100 employees, 30+ facilities in Canada & US	Niagara Region
Canadian Waste Management Inc.	Worldwide	Lincoln/West Lincoln, other municipal contracts in Southern Ontario
GFL Environmental Inc.	9000 employees, 500+ facilities in Canada & US	York Region Northern 6, Hamilton, Toronto, Windsor, Bellville, Brockville, Dufferin County, Northumberland County, Durham Region, Waterloo Region, Sault Ste. Marie, St. Thomas
Modern Disposal Services Inc.	500 facilities in Canada & US	Haldimand County
Waste Connections of Canada formerly	3,000 employees & 11 facilities in Ontario	Muskoka, County of Simcoe, Brantford, Barrie, Region of

Progressive Waste Solutions		Peel, Peterborough, Kingston, Chatham
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### **Staff Team will Oversee RFP Process**

An in-house Staff team will be established to prepare issue and evaluate the RFP, and oversee the process. In order to proceed with a competitive RFP process there is preliminary work that must be completed to create a credible RFP document that will elicit high quality proposals and competitive prices. The in-house Staff technical team will be led by the Director of Environmental Services and include Staff from Waste Management, Finance, and Legal.

### **CONCLUSION:**

Waste and recycling collection is one of the City's most visible services and largest contract. Markham residents are proud and passionate about their recycling and waste collection programs and demand a high level of service, including good housekeeping practices, clean vehicles and reliable service.

Staff is recommending to proceed with a long-term waste collection contract based on the following:

- There is no option to extend the existing Miller Waste contract past 2020 due to age of the waste collection fleet (10 years old)
- The Ministry of Environment, Conservation & Parks can not provide any indication or timeframe as to when or even if the Blue Box program will transition to a fully funded program (so there is no benefit to a short-term contract)
- Results of potential Regional Review are unknown; key public services must continue to be provided.

Staff is recommending proceeding with an RFP process to select a vendor, which provides the best overall value to the City. The RFP process provides flexibility, and signals to the marketplace transparency, accountability and fairness in the award of contracts for public goods and services.

### **FINANCIAL CONSIDERATIONS**

Complies with City Purchasing By-law #2017-8

### **HUMAN RESOURCES CONSIDERATIONS**

None

### **ALIGNMENT WITH STRATEGIC PRIORITIES:**

None

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**BUSINESS UNITS CONSULTED AND AFFECTED:**

Senior staff from Purchasing and Legal has been actively involved in the Miller Contract and will be involved in the contract renewal process.

**RECOMMENDED BY:**

Phoebe Fu  
Director, Environmental Services

Brenda Librecz  
Commissioner, Community & Fire  
Services

**ATTACHMENTS:**

None