

**REGULAR MEETING OF COUNCIL  
AGENDA**

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**DATE:** April 1, 2019  
**TIME:** 4:30 p.m.  
**LOCATION:** Council Chambers, Enderby City Hall

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**1. APPROVAL OF AGENDA**

**2. ADOPTION OF MINUTES**

[Regular Meeting Minutes of March 18, 2019](#)

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**3. PETITIONS AND DELEGATIONS**

[Enderby Open Air Farmers Market](#) – Gabriele Wesle

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**4. DEVELOPMENT MATTERS**

[0019-19-DVP-END](#)

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Legal: Lot 3, District Lot 150, Kamloops (Formerly Osoyoos) Division Yale District  
Plan: PLAN 20301  
Address: 407 Kildonan Avenue, Enderby BC  
Applicant: Tyler Rands

**5. BUSINESS ARISING FROM THE MINUTES AND/OR UNFINISHED BUSINESS**

**6. BYLAWS**

[Bylaw Notice Enforcement Bylaw No. 1581, 2015 Amendment Bylaw No. 1672, 2019 and Municipal Ticketing Information \(MTI\) System Bylaw No. 1518, 2013 Amendment Bylaw No. 1673, 2019 - adoption](#)

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**7. REPORTS**

Mayor and Council

Area F Director

**8. NEW BUSINESS**

[2019 Community Child Care Planning Program – Approval Agreement & Terms of Conditions of Funding](#)

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Correspondence dated March 6, 2019

[BC Energy Step Code](#)

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Memo prepared by Chief Administrative Officer dated March 26, 2019

[Ride-Sharing Services and Regulatory Recommendations](#)

Page 54

Memo prepared by Chief Administrative Officer dated March 26, 2019

[2019 Proposed Budget](#)

Distributed under separate cover

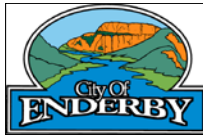
**9. PUBLIC QUESTION PERIOD**

**10. CLOSED MEETING RESOLUTION**

Closed to the public, pursuant to Section 90 (1) (k) and 90 (2) (b) of the *Community Charter*

**11. ADJOURNMENT**





## THE CORPORATION OF THE CITY OF ENDERBY

Minutes of a **Regular Meeting** of Council held on Monday, March 18, 2019 at 4:30 p.m. in the Council Chambers of City Hall

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Present: Mayor Greg McCune  
Councillor Tundra Baird  
Councillor Brad Case  
Councillor Raquel Knust  
Councillor Brian Schreiner  
Councillor Shawn Shishido

Staff: Chief Administrative Officer – Tate Bengtson  
Chief Financial Officer – Jennifer Bellamy  
Planner and Deputy Corporate Officer – Kurt Inglis  
Recording Secretary – Laurel Grimm

Other: The Press and Public

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### **APPROVAL OF AGENDA**

Moved by Councillor Schreiner, seconded by Councillor Shishido  
*“That the March 18, 2019 Council Meeting agenda be approved as circulated.”*

CARRIED

### **ADOPTION OF MINUTES**

[Regular Meeting Minutes of March 4, 2019](#)

Moved by Councillor Case, seconded by Councillor Baird  
*“That the March 4, 2019 Council Meeting minutes be adopted as amended.”*

CARRIED

### **BUSINESS ARISING FROM THE MINUTES AND/OR UNFINISHED BUSINESS**

None

### **BYLAWS**

[Bylaw Notice Enforcement Bylaw No. 1581, 2015 Amendment Bylaw No. 1672, 2019 And Municipal Ticketing Information \(MTI\) System Bylaw No. 1518, 2013 Amendment Bylaw No. 1673, 2019 - 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> readings](#)

Moved by Councillor Baird, seconded by Councillor Knust  
*“THAT Council gives three readings to the Corporation of the City of Enderby Bylaw Notice Enforcement Bylaw No. 1581, 2015 Amendment Bylaw No. 1672, 2019;*

*AND THAT Council gives three readings to the City of Enderby Municipal Ticketing Information (MTI) System Bylaw No. 1518, 2013 Amendment Bylaw No. 1673, 2019.”*

CARRIED

[The Corporation of the City of Enderby Parks, Recreation and Culture Fees Imposition Bylaw No. 1578 Amendment Bylaw No. 1671, 2019 – adoption](#)

Moved by Councillor Shishido, seconded by Councillor Case

*“THAT Council adopt the Corporation of the City of Enderby Parks, Recreation and Culture Fees Imposition Bylaw No. 1578, 2015 Amendment Bylaw No. 1671, 2019.”*

CARRIED

**REPORTS**

Mayor and Council Reports

Councillor Schreiner

- Suggested replacing the tables and chairs in Council Chambers. Discussion followed. Some expressed a desire to keep the existing furniture, others discussed new furniture.

Councillor Shishido

- Enderby and District Arts Council is appearing as a delegation at the next Enderby and District Chamber of Commerce meeting.
- Praised Enderby arena's ice quality.
- Attended the Enderby Fish and Game Club
- Habitat for Humanity discussion.

Councillor Knust

- Attended a cannabis in the workplace seminar at the March 11<sup>th</sup> Job Fair. Most employers will be treating cannabis use the same as alcohol use. Employers should implement policies around cannabis in the workplace.

Mayor McCune

- Habitat for Humanity meeting with the Enderby Legion. Will be meeting again to discuss potential sites and next steps.

Tate Bengtson

- Coordinating with street sweeping contractor. Late winter is pushing everything back, but pushing to get them in place as early as possible.
- Cemetery Maintenance Quote has closed and awarded to Summer Scape.
- Surveying and geotechnical being done on Reservoir Road soon.
- Councillor Shishido asked staff to look into damaged landscape ties at the Maud Street parking lot.

*Councillor Davyduke entered the room (4:53 p.m.)*

**NEW BUSINESS**

[Funding Request from Young Agrarians for Okanagan Land Matching Program Pilot](#)

Moved by Councillor Shishido, seconded by Councillor Case

*“THAT Council approves the funding request from the Young Agrarians in the amount of \$348 for the Okanagan Land Matching Program Pilot (2019-2020);*

*AND THAT the release of funds is subject to all other member municipalities and electoral areas also supporting the Young Agrarians Land Matching Program.”*

CARRIED

Enderby Arts Festival 2019 – Temporary Road Closure

Moved by Councillor Baird, seconded by Councillor Schreiner  
*“THAT Council receives the Enderby & District Arts Council’s Temporary Road Closure application for information.”*

CARRIED

CEFP: 2018 Evacuation Route Planning – Approval Agreement & Terms of Conditions of Funding

Moved by Councillor Baird, seconded by Councillor Case  
*“THAT the correspondence be received and filed.”*

CARRIED

RCMP Appreciation Day in BC – February 1

Moved by Councillor Baird, seconded by Councillor Case  
*“THAT Council authorizes the Mayor, on behalf of Council, to provide a letter to the RCMP Day Committee supporting the designation and acknowledgment of February 1st as ‘Royal Canadian Mounted Police Day’”*

CARRIED

RDNO Building Permits Report – February 2019

Moved by Councillor Schreiner, seconded by Councillor Davyduke  
*“THAT the correspondence be received and filed.”*

CARRIED

**PUBLIC QUESTION PERIOD**

Denis Delisle, Area F Director

- Getting climate-change ready in the North Okanagan; looking at fires and floods
- Local food security and composting
- Meeting with the Ministry of Transportation and Infrastructure on Baxter Bridge
- Exploring extending fire protection to include Swansea Point. Stroulger Road is also interested in fire protection.
- Regional District fees for Cannabis applications have not been enough to cover current costs.

Brooke Hovey, *Okanagan Advertiser*, requested some clarification on the Habitat for Humanity Meeting. Mayor McCune stated that Habitat for Humanity had approached the Legion to discuss possible housing needs in the area. They are looking at possible locations for senior/veteran housing and will be discussing further with the Legion and Council. Typically because of the cost of land, they will look at areas that could be donated or sold at a reduced price.

**CLOSED MEETING RESOLUTION**

Moved by Councillor Baird, seconded by Councillor Davyduke (5:05 p.m.)

*“That, pursuant to Section 92 of the Community Charter, the regular meeting convene In-Camera to deal with matters deemed closed to the public in accordance with Section 90 (2) (b) of the Community Charter.”*

CARRIED

**ADJOURNMENT**

The regular meeting reconvened at 5:27 p.m.

Moved by Councillor Davyduke, seconded by Councillor Schreiner

*“That the regular meeting of March 18, 2019 adjourn at 5:27 p.m.”*

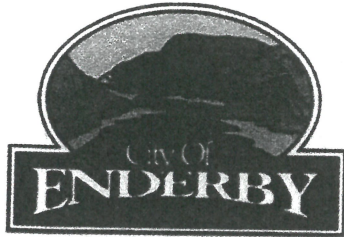
CARRIED

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MAYOR

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CORPORATE OFFICER



## REQUEST TO APPEAR AS A DELEGATION

On 01 April 2019  
Day Month Year

Date of Request 20 March 2019

Name of Person Making Request Gabriele Weste

Name and Title of Presenter(s) EOAM president

Enderby open Air Farmers Market

Contact Information 250-306 6582

Details of Presentation Review of market year  
and request to ok wagon rides on  
Old Vernon Rd for the upcoming  
Market Season

Desired Action from Council (check all that apply)

- ☐ Information Only
- ☐ Proclamation
- ☐ Funding Request
- ☐ Road Closure
- ☐ Policy or Resolution

Please describe desired action in detail Wagon Rides

Please attach any supporting documentation or presentation materials related to your delegation request.

**CITY OF ENDERBY**  
**DEVELOPMENT VARIANCE PERMIT APPLICATION**

**File No: 0019-19-DVP-END**

**March 27, 2019**

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**APPLICANT:** Tyler Rands

**LEGAL DESCRIPTION:** LOT 3 DISTRICT LOT 150 KAMLOOPS (FORMERLY OSOYOOS) DIVISION YALE DISTRICT PLAN 20301

**PID #:** 007-873-492

**LOCATION:** 407 Kildonan Avenue, Enderby BC

**PROPERTY SIZE:** 0.508 acres (2056.4 m<sup>2</sup>)

**ZONING:** Residential Single Family (R.1-A)

**O.C.P DESIGNATION:** Residential Low Density

**PROPOSAL:** One-lot subdivision creating a 636.4 m<sup>2</sup> (0.157 acres) lot and a 1,420 m<sup>2</sup> (0.351 acres) panhandle lot

**PROPOSED VARIANCE:** Vary Section 1101.1.c.i of Zoning Bylaw No. 1550, 2014 by reducing the minimum frontage for a panhandle lot that cannot be further subdivided from 10 m (32.81 feet) to 9.21 m (30.22 feet). Vary Section 2.0 of Schedule "A" of Subdivision Servicing and Development Bylaw No. 1278, 2000 by not dedicating a minimum of 9 m (29.53 feet) from the existing centreline of Kildonan Avenue. Waive requirement for the lot frontage to be not less than one-tenth the perimeter of the parcel.

**RECOMMENDATIONS:**

THAT Council authorize the issuance of a Development Variance Permit for the property legally described as LOT 3 DISTRICT LOT 150 KAMLOOPS (FORMERLY OSOYOOS) DIVISION YALE DISTRICT PLAN 20301 and located at 407 Kildonan Avenue, Enderby B.C. to permit a variance to Section 1101.1.c.i of Zoning Bylaw No. 1550, 2014 by reducing the minimum frontage for a panhandle lot that cannot be further subdivided from 10 m (32.81 feet) to 9.21 m (30.22 feet) for Remainder Lot 3 of Plan 20301 as shown on the attached Schedule "A", subject to the City of Enderby receiving a Letter of Undertaking from a lawyer or notary on behalf of the applicant, which confirms that a statutory right-of-way in

favour of BC Hydro, and to the satisfaction of BC Hydro, will be registered concurrently with the application to deposit the subdivision plan;

AND THAT Council authorize the issuance of a Development Variance Permit for the property legally described as LOT 3 DISTRICT LOT 150 KAMLOOPS (FORMERLY OSOYOOS) DIVISION YALE DISTRICT PLAN 20301 and located at 407 Kildonan Avenue, Enderby B.C. to permit a variance to Section 2.0 of Schedule "A" of Subdivision Servicing and Development Bylaw No. 1278, 2000 by not dedicating a minimum of 9 m (29.53 feet) from the existing centreline of Kildonan Avenue;

AND THAT Council waive the minimum lot frontage requirement of Section 1101.1.b.i of the City of Enderby Zoning Bylaw No. 1550, 2014 by permitting the lot frontage to be less than one-tenth of the perimeter of the parcel for the proposed Remainder Lot 3 of Plan 20301 as shown on the attached Schedule "A".

#### **BACKGROUND:**

This report relates to a Development Variance Permit application for a proposed one-lot subdivision at 407 Kildonan Avenue which would create a 636.4 m<sup>2</sup> (0.157 acres) lot and a 1,420 m<sup>2</sup> (0.351 acres) panhandle lot, as shown on the attached Schedule "A". As the proposed panhandle lot does not meet the minimum frontage requirements of the Zoning Bylaw, the applicant is seeking a variance and lot frontage waiver; furthermore, the applicant is seeking a variance to not dedicate a minimum of 9 m (29.53 feet) from the existing centreline of Kildonan Avenue

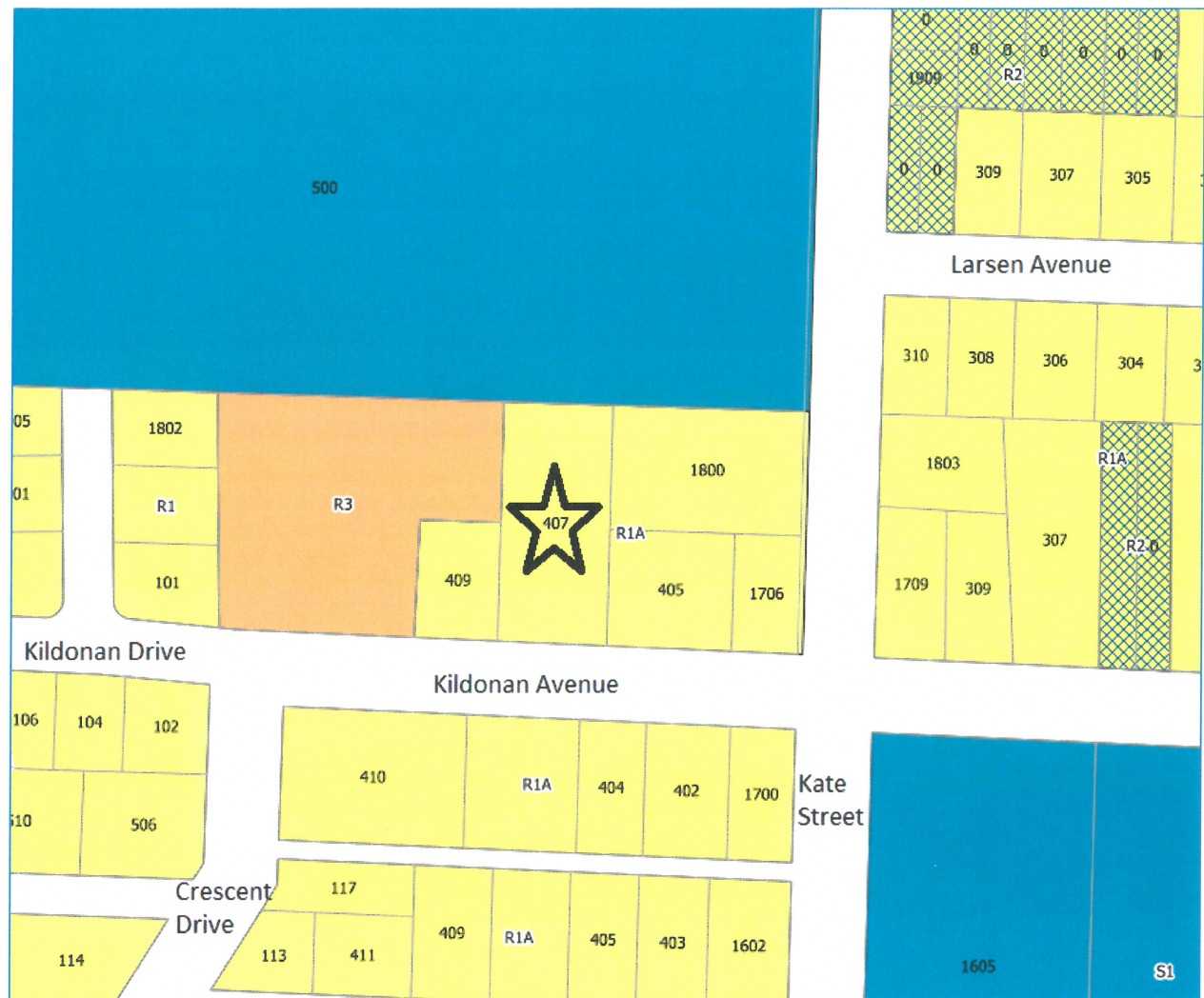
#### Site Context

The subject property is 2056.4 m<sup>2</sup> (0.508 acres) in area and is located on the north side of Kildonan Avenue. The property is flat with a single family dwelling located in the southwest corner of the lot. The northern portion of the lot is a large, grassed back yard with a small shed adjacent to the eastern lot line. It should be noted that as part of the applicant's application for a one-lot subdivision, the City's Approving Officer has required that this shed be removed or demolished as it would not be permitted as a standalone structure on the panhandle lot if the subdivision is ultimately approved, given that an accessory residential building must accompany a principal structure.

The subject property and the properties to the east, south and west are zoned Residential Single Family (R.1-A) and designated in the OCP as Residential Low Density. The property to the northwest is zoned Residential Multi-Family Medium Intensity Zone (R.3) and is designated as Residential Medium Density in the OCP, while the property to the north (AL Fortune High School) is zoned Assembly, Civic, and Public Service and is designated as a School Site in the OCP.

The following figure shows the zoning designations of the subject and surrounding properties:





**Figure 1: Zoning Map**

Yellow - Residential Single Family (R.1-A)  
 Orange - Residential Multi-Family Medium Intensity Zone (R.3)  
 Blue - Assembly, Civic and Public Service Use (S.1)

The following orthophoto of the subject and surrounding properties was taken in 2011:





Figure 2: Orthophoto

### The Proposal

The applicant is proposing a one-lot subdivision at 407 Kildonan Avenue which would create a 636.4 m<sup>2</sup> (0.157 acres) lot and a 1,420 m<sup>2</sup> (0.351 acres) panhandle lot, as shown on the attached Schedule "A". The new panhandle lot would be zoned Residential Single Family (R.1-A) which would accommodate the development of a new single family dwelling. As the proposed panhandle lot does not meet the minimum frontage requirements of the Zoning Bylaw, the applicant is seeking a variance and lot

frontage waiver; furthermore, the applicant is seeking a variance to not dedicate a minimum of 9 m (29.53 feet) from the existing centreline of Kildonan Avenue.

The applicant has stated that they intend to develop a single family dwelling on the proposed panhandle lot.

#### **ZONING BYLAW:**

The subject property is zoned Residential Single Family (R.1-A) and the permitted uses within this zone include accessory residential buildings, single family dwellings, secondary suites, bed and breakfasts, civic and public service use, and restricted agricultural use. The proposal as compared to the Zoning Bylaw requirements for the R.1-A zone is as follows (highlighted items are the ones requiring a variance):

CRITERIA	PROPOSAL	ZONING REQUIREMENTS
Lot Area (min.)	634.4 m <sup>2</sup> (6,829 square feet) 1420 m <sup>2</sup> (15,285 square feet)	450 m <sup>2</sup> (4,844 square feet)
Lot Coverage (max.)	<50%	50%
Lot Frontage (min.)	>One-tenth the perimeter of the parcel  9.21 m (30.22 feet)	One-tenth of the perimeter of the parcel; and  10 m (32.81 feet) where the panhandle lot cannot be further subdivided
Setbacks		
Front Yard	7.06 m (23.16 feet)	6 m (19.68 feet)
Rear Yard	6.45 m (21.16 feet)	6 m (19.68 feet)
Exterior Side Yard	N/A	5 m (16.40 feet)
Side Yard	1.25 m (4.10 feet)	1.2 m (3.94 feet)
Other buildings	> 3 m (9.842 feet)	3 m (9.842 feet)

#### **OFFICIAL COMMUNITY PLAN:**

Policies contained within the Official Community Plan which apply to this development include:

- Policy 2.2.b - To maintain and enhance the City of Enderby as a sustainable, diverse, vibrant, unique and attractive community.
- Policy 2.2.c - To maintain and enhance the social well-being, development, and the quality of life for all citizens of Enderby.
- Policy 2.2.f - To respect and preserve a process of open, flexible and participatory decision making in the ongoing planning and day-to-day decisions of the City.
- Policy 3.3.c - Council recognizes that development of land has social impacts and will act through the approval process to minimize negative and maximize positive impacts.



- Policy 5.3.f - Council will develop strategies and tools to encourage and facilitate infill and redevelopment within existing developed areas of the community.
- Policy 8.3.h - Council will support infill and redevelopment within the community.
- Policy 8.3.i - Council will employ Smart Growth principles in future development.
- Policy 8.3.l - Council will support alternative infrastructure standards and urban design principles which promote environmental, economic, and social sustainability.
- Policy 9.3.f - Council will develop a robust strategy to support infill, redevelopment, and brownfield reclamation that utilizes existing infrastructure, revitalizes the community, and enhances the use of underutilized lands.
- Policy 20.3.f - Council will encourage infill, redevelopment and brownfield strategies that focus growth towards areas with existing infrastructure.
- Policy 20.3.g - Council will support innovative options that will assist in maintaining appropriate levels of infrastructure and service delivery in a fiscally responsible manner.

#### **REFERRAL COMMENTS:**

The subject application was referred to the City of Enderby Public Works Manager, Building Inspector, Fire Chief, BC Hydro, Telus, and Shaw.

The BC Hydro Design Technician Work Leader provided the following comments in response to the referral:

*"...BC Hydro will require a Right of Way over the 9.21m by 30.00m section at the start of the pan-handle driveway to permit the application to move forward."*

The Fire Chief verbally advised that he had no concerns with the proposal.

No other comments were received in response to the referral.

#### **PLANNING ANALYSIS:**

The City of Enderby Planner raises no objections to the applicant's request to vary Section 1101.1.c.i of Zoning Bylaw No. 1550, 2014 by reducing the minimum frontage for a panhandle lot that cannot be further subdivided from 10 m (32.81 feet) to 9.21 m (30.22 feet) and to waive the requirement for the frontage to be not less than one-tenth the perimeter of the parcel for Remainder Lot 3 of Plan 20301 as shown on the attached Schedule "A", and upon consideration of input from adjacent land owners, it is recommended that Council authorize the issuance of the Development Variance Permit for the following reasons:

- Staff are confident that the proposed 9.21 m wide frontage would provide sufficient room for a suitable driveway access for the proposed panhandle lot;

- Given that the proposed panhandle lot is only zoned for the development of a single family dwelling (potentially with a secondary suite), it is not anticipated that a slightly narrower frontage would result in any access challenges given the density;
- Approval of the variance and lot frontage waiver would facilitate infill development (i.e. the creation of one new lot), which is a key element of Smart Growth development and is supported in the OCP, and provides the following community benefits:
  - More efficient use of land by increasing the ratio of improvement-to-land values;
  - Reducing pressures related to greenfield development and boundary expansion which in turn facilitates urban containment and rural protection;
  - Focusing future growth within developed areas of the community in order to maximize the value of existing infrastructure; and
  - Adding residential capacity without encroaching upon rural or environmentally sensitive areas.
- It is not anticipated that the proposed variance or lot frontage waiver would negatively affect the use and enjoyment of the subject or neighbouring properties.

As part of the applicant's application for a one-lot subdivision, the applicant is required to demonstrate that Kildonan Avenue adjacent to the proposed lots is dedicated a minimum of 9 m (29.53 feet) from the existing centreline of the road; the City's Subdivision Approving Officer has stated that in order to demonstrate this, the applicant must engage a BC Land Surveyor to confirm that there is at least 9 m (29.53 feet) of dedication between the centreline of Kildonan Avenue and the southern edge of the subject property. Staff have confirmed that there is 20 m (65.6 feet) of dedication in place for Kildonan Avenue, which exceeds the Subdivision Servicing and Development Bylaw minimum of 18 m (59.06 feet). Given that there is already sufficient road dedication in place, the applicant is requesting a variance so that they do not need to obtain a BC Land Surveyor to confirm the extent of the dedication between the centreline of Kildonan Avenue and the southern edge of the subject property. The City of Enderby Planner raises no objections to the applicant's request to vary Section 2.0 of Schedule "A" of Subdivision Servicing and Development Bylaw No. 1278, 2000 by not dedicating a minimum of 9 m (29.53 feet) from the existing centreline of Kildonan Avenue, and upon consideration of input from adjacent land owners, it is recommended that Council authorize the issuance of the Development Variance Permit for the following reasons:

- The 20.0 m (65.6 feet) of road dedication currently in place for Kildonan Avenue exceeds the Subdivision Servicing and Development Bylaw minimum of 18.0 m (59.06 feet);
- Requiring the applicant to obtain a BC Land Surveyor to confirm the extent of road dedication along Kildonan Avenue is an unnecessary expense, given that there would be no situation where the City would require additional road dedication from the applicant; and
- It is not anticipated that the proposed variance would negatively affect the use and enjoyment of the subject or neighbouring properties.

Given the referral comments from BC Hydro, Staff are recommending that the issuance of this Development Variance Permit be subject to the City of Enderby receiving a Letter of Undertaking from a

lawyer or notary on behalf of the applicant, which confirms that a statutory right-of-way in favour of BC Hydro, and to the satisfaction of BC Hydro, will be registered concurrently with the application to deposit the subdivision plan.

## SUMMARY

This is an application for a Development Variance Permit for the property located at 407 Kildonan Avenue, Enderby BC. The applicant is proposing a one-lot subdivision which would create a 636.4 m<sup>2</sup> (0.157 acres) lot and a 1,420 m<sup>2</sup> (0.351 acres) panhandle lot. As the proposed panhandle lot does not meet the minimum frontage requirements of the Zoning Bylaw, the applicant is seeking a variance and lot frontage waiver; furthermore, the applicant is seeking a variance to not dedicate a minimum of 9 m (29.53 feet) from the existing centreline of Kildonan Avenue

The City of Enderby Planner is supportive of the proposed variances and lot frontage waiver, subject to the condition noted above.

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**Prepared By:**



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Kurt Inglis, MCIP, RPP  
Planner and Deputy Corporate Officer

**Reviewed By:**



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Tate Bengtson  
Chief Administrative Officer

**THE CORPORATION OF THE CITY OF ENDERBY**  
**DEVELOPMENT VARIANCE PERMIT APPLICATION**  
**SUBJECT PROPERTY MAP**

**File:** 0019-19-DVP-END

**Applicant:** Tyler Rands

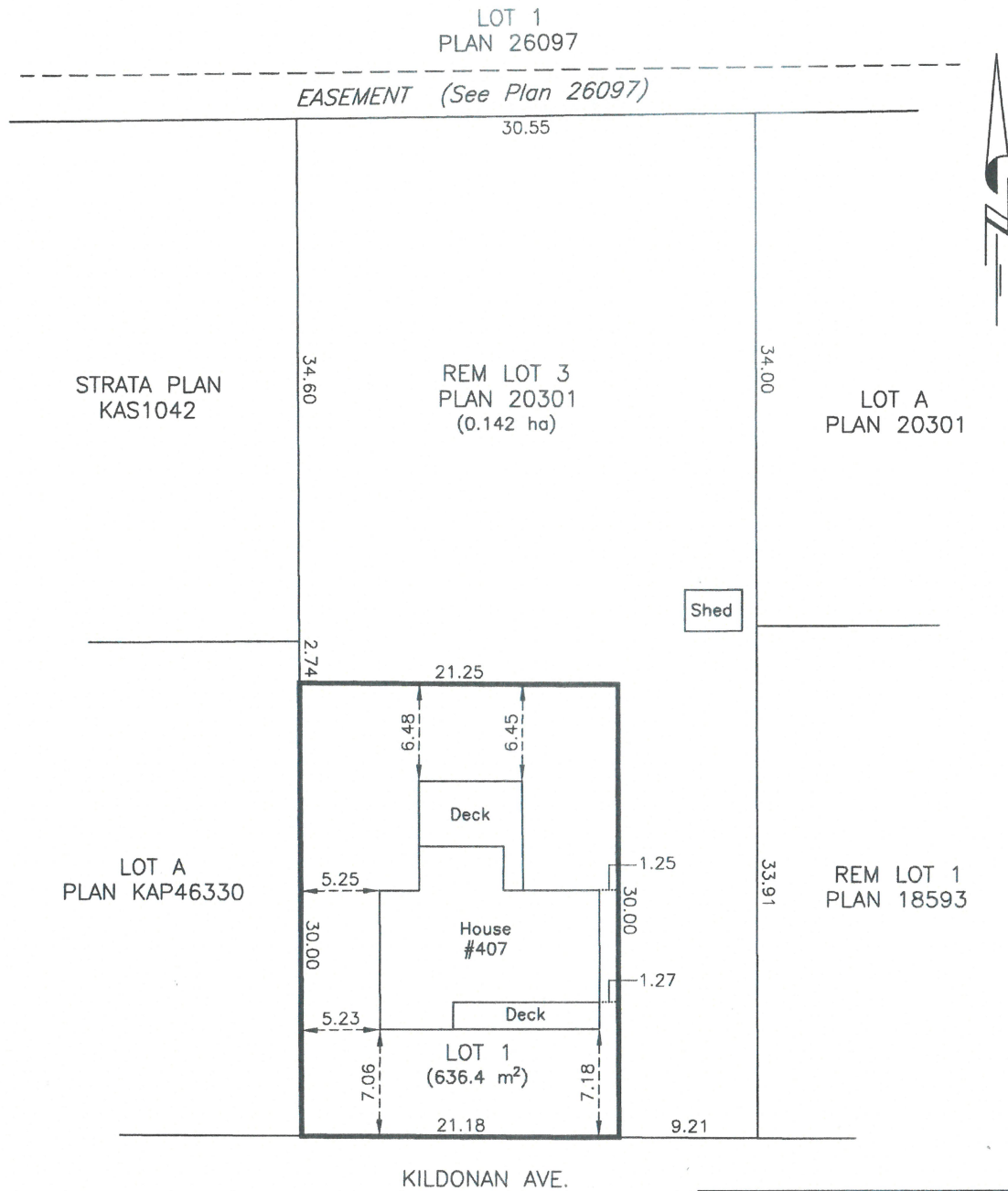
**Owner:** Tyler and Lisa Rands

**Location:** 407 Kildonan Avenue, Enderby BC

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ALL DISTANCES ARE IN METRES.



PLAN OF PROPOSED SUBDIVISION OF PART  
OF LOT 3, PLAN 20301, DL 150,  
K(Formerly O)DYD

104790A00

SCALE: 1 : 400 OUR FILE: R10479

DATE: 25 Feb 2019 DRAWN: RL

Rands

**WILLIAM E. MADDOX**  
B.C. LAND SURVEYOR  
3500 - 30th STREET  
VERNON, BC V1T 5E8  
TELEPHONE: (250) 542-4343





## City of Enderby Zoning Map





THE CORPORATION OF THE CITY OF ENDERBY

BYLAW NO. 1672, 2019

A BYLAW TO AMEND THE BYLAW NOTICE ENFORCEMENT BYLAW NO. 1581, 2015

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WHEREAS Council of the City of Enderby has adopted "City of Enderby Bylaw Notice Enforcement Bylaw No. 1581, 2015";

AND WHEREAS Council wishes to amend Schedule "A" in accordance with the City of Enderby Business License and Regulation 1558, 2014;

NOW THEREFORE Council of the City of Enderby, in open meeting assembled, enacts as follows:

1. This bylaw may be cited as the "City of Enderby Bylaw Notice Enforcement Bylaw No. 1581, 2015 Amendment Bylaw No. 1672, 2019".
2. Schedule "A" of "City of Enderby Bylaw Notice Enforcement Bylaw No. 1581, 2015" is deleted and Schedule "A" attached to and forming part of this bylaw is substituted therefore.

Read a FIRST TIME this day of , 2019.

Read a SECOND TIME this day of , 2019.

Read a THIRD TIME this day of , 2019.

ADOPTED this day of , 2019.

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MAYOR

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CHIEF ADMINISTRATIVE OFFICER

**SCHEDULE 'A'**  
**BYLAW NO. 1581, 2015**

**DESIGNATED BYLAW CONTRAVENTIONS AND PENALTIES**

<b>Bylaw No.</b>	<b>Section</b>	<b>Description</b>	<b>A1 Penalty</b>	<b>A2 Early Payment Penalty</b>	<b>A3 Late Payment Penalty</b>	<b>A4 Compliance Agreement Available</b>
<b>DOG CONTROL BYLAW</b>						
<b>1469</b>	3.1	Keeping an unlicensed dog	\$50	\$25	\$60	YES
<b>1469</b>	4.1.c	Dog not wearing license	\$50	\$25	\$60	YES
<b>1469</b>	5.2	Dog unlawfully at large	\$100	\$50	\$110	YES
<b>1469</b>	5.3.a	Dog molesting passers-by or approaching in a menacing fashion or apparent attitude of attack	\$100	\$50	\$110	YES
<b>1469</b>	5.3.b	Dog bites, inflicts injury, assaults or otherwise attacks a person	\$200	\$100	\$225	NO
<b>1469</b>	5.3.c	Dog chases vehicles or cyclists	\$100	\$50	\$110	YES
<b>1469</b>	5.3.d	Dog chases, harasses, bites, inflicts injury, assaults or otherwise attacks any other animal	\$200	\$100	\$225	NO
<b>1469</b>	5.3.e	Dog damages property, other than that of the owner	\$50	\$25	\$60	YES
<b>1469</b>	5.3.f	Dog barking excessively	\$50	\$25	\$60	YES

1469	5.4	Failure to remove faecal material	\$100	\$50	\$110	NO
1469	5.4.1	Failure to be in possession of at least one dog faecal matter disposal bag	\$100	\$50	\$110	NO
1469	5.5.a	Dangerous dog not muzzled and on a leash	\$150	\$75	\$175	NO
1469	5.5.b	Unsecured dangerous dog	\$150	\$75	\$175	YES
1469	5.6	Dog on a public beach, swimming area, park or public area which is signed otherwise	\$50	\$25	\$60	NO
1469	6.7.a	To release or rescue or attempt to release or rescue an impounded dog	\$150	\$150	\$150	NO
1469	6.7.b	To resist, intervene, or otherwise interfere with the Pound keeper or Dog Control Officer	\$300	\$300	\$300	NO
<b>Bylaw No.</b>	<b>Section</b>	<b>Description</b>	<b>A1 Penalty</b>	<b>A2 Early Payment Penalty</b>	<b>A3 Late Payment Penalty</b>	<b>A4 Compliance Agreement Available</b>
<b>WATER AND SPRINKLING REGULATION BYLAW</b>						
1468	9.04, 9.05	Prohibited water use including violation of sprinkling regulations	\$100	\$50	\$110	YES



Bylaw No.	Section	Description	A1 Penalty	A2 Early Payment Penalty	A3 Late Payment Penalty	A4 Compliance Agreement Available
<b>BUSINESS LICENSE AND REGULATION BYLAW</b>						
1558	4(a)(i)	No business license	\$500	\$500	\$500	YES
1558	4(a)(ii)	Business license not valid for person, activity or premises	\$100	\$50	\$110	YES
1558	4(a)(iii)	No business license for each premises	\$100	\$50	\$110	YES
1558	3(b)(viii)	Prohibit entry of authorized person	\$500	\$500	\$500	NO
1558	4(a)(v)	Fail to display business license	\$100	\$50	\$110	YES
1558	4(f)(iv)	Removal of suspension notice	\$500	\$500	\$500	NO
1558	5(h)	Mobile Vendor sells food without having a valid Provincial permit	\$300	\$150	\$330	YES
1558	5(h)	Mobile Vendor fails to provide suitable garbage collection containers, or fails to keep the area free of waste material	\$100	\$50	\$110	YES
1558	5(h)	Mobile Vendor fails to be attended by qualified staff at all times when on a site, or fails to be removed from the location when not staffed	\$100	\$50	\$110	YES
1558	5(h)	Mobile Vendor operating without proper approvals	\$300	\$150	\$330	YES

<b>1558</b>	5(i)(v) (a)	Cannabis-Related Business fails to install video surveillance cameras	\$500	\$500	\$500	YES
<b>1558</b>	5(i)(v) (b)	Cannabis-Related Business fails to retain video camera data for at least 21 days	\$300	\$150	\$330	YES
<b>1558</b>	5(i)(v) (c)	Cannabis-Related Business fails to install a security and/or fire alarm system that is monitored by a licensed third party	\$500	\$500	\$500	YES
<b>1558</b>	5(i)(v) (d)	Cannabis-Related Business fails to have locked retail display cases for cannabis and accessories, or fails to have a locked cannabis storage room	\$500	\$500	\$500	YES
<b>1558</b>	5(i)(v) (e)	Cannabis-Related Business fails to display a sign indicating that no persons under 19 years of age are permitted unless accompanied by a parent or guardian	\$500	\$500	\$500	YES
<b>1558</b>	5(i)(v) (f)	Cannabis-Related Business fails to ensure that two employees are present on the premises when open to the public, including one manager	\$300	\$150	\$330	YES

<b>1558</b>	5(i)(v) (g)	Cannabis-Related Business fails to promptly bring required information to the attention of the License Inspector	\$300	\$150	\$330	YES
<b>1558</b>	5(i)(v) (h)	Cannabis-Related Business fails to promptly provide the License Inspector with a current police information check for any new on-site manager, director or shareholder	\$300	\$150	\$330	YES
<b>1558</b>	5(i)(v) (i)	Cannabis-Related Business fails to install or maintain an air filtration system that effectively minimizes odour impacts	\$500	\$500	\$500	YES
<b>1558</b>	5(i)(vii) (a)	Cannabis-related Business permits a person under 19 years of age to enter or remain on the premises without being accompanied by a parent or guardian	\$500	\$500	\$500	NO
<b>1558</b>	5(i)(vii) (b)	Cannabis-Related Business operating outside of permitted hours	\$500	\$500	\$500	NO
<b>1558</b>	5(i)(vii) (c)	Cannabis-Related Business permitting the consumption of cannabis or cannabis containing products on the premises	\$500	\$500	\$500	NO

<b>1558</b>	5(i)(vii) (d)	Cannabis-Related Business blocking the windows of the premises	\$300	\$150	\$330	YES
<b>1558</b>	5(i)(vii) (e)	Cannabis-Related Business displaying items related to the consumption of cannabis in a manner which can be seen by a minor who is outside the premises	\$300	\$150	\$330	YES
<b>1558</b>	5(i)(vii) (f)	Cannabis-Related Business advertising or promoting the use of cannabis in a manner which can be seen or heard by a minor who is outside the premises	\$300	\$150	\$330	YES
<b>1558</b>	5(i)(vii) (g)	Cannabis-Related Business displaying unpermitted advertising or signage	\$300	\$150	\$330	YES
<b>1558</b>	5(i)(vii) (h)	Cannabis-Related Business using the premises to carry on a business other than that defined as a 'Cannabis-Related Business'	\$500	\$500	\$500	YES
<b>1558</b>	5(j)(i)	Pawnshop fails to establish or maintain a Pawnshop Register	\$500	\$500	\$500	YES

<b>1558</b>	5(j)(ii)	Pawnshop fails to immediately make a record in a Pawnshop Register following a purchase or pawn, or fails to provide all required information in a record	\$400	\$200	\$440	YES
<b>1558</b>	5(j)(iii)	Unlawful amendment, obliteration, or erasing of an entry in a Pawnshop Register	\$500	\$500	\$500	NO
<b>1558</b>	5(j)(iv)	Pawnshop fails to make Pawnshop Register available for inspection	\$500	\$500	\$500	NO
<b>1558</b>	5(j)(v)	Pawnshop fails to submit current copy of Pawnshop Register to Chief of Police on a weekly basis	\$300	\$150	\$330	YES
<b>1558</b>	5(j)(vi)	Pawnshop fails to immediately update Pawnshop Register with records of any property taken during the absence of a Pawnshop Register	\$400	\$200	\$440	YES
<b>1558</b>	5(j)(vii) (a)	Pawnshop fails to keep a Pawnshop Register on site which contains any entry that is less than 24 months old	\$400	\$200	\$440	YES
<b>1558</b>	5(j)(vii) (b)	Pawnshop fails to transfer ownership of Pawnshop Register	\$400	\$200	\$440	YES



<b>1558</b>	5(j)(vii) (c)	Pawnshop carries on the business on a property other than the premises designated in the Pawnshop license	\$500	\$500	\$500	NO
<b>1558</b>	5(j)(vii) (d)	Pawnshop takes in pawn or purchases any property outside of permitted hours	\$500	\$500	\$500	NO
<b>1558</b>	5(j)(vii) (e)	Pawnshop takes in pawn or purchases any property whose serial number or identifiable marking has been tampered with or removed	\$500	\$500	\$500	NO
<b>1558</b>	5(j)(vii) (f)	Pawnshop takes in pawn or purchases any property from any person under the age of 18	\$400	\$200	\$440	YES
<b>1558</b>	5(j)(vii) (g)	Pawnshop fails to permit Chief of Police or police force member to inspect any pawned or purchased property for the purposes of a police investigation	\$500	\$500	\$500	NO
<b>1558</b>	5(j)(viii) (a)  5(j)(ix)	Pawnshop fails to tag by date each item or property taken by pawn or purchase	\$400	\$200	\$440	YES
<b>1558</b>	5(j)(viii) (b)  5(j)(ix)	Pawnshop repairs, alters, disposes of, parts with possession of, or removes from the premises any item taken by pawn or purchase	\$400	\$200	\$440	YES

1558	5(j)(viii) (c)  5(j)(ix)	Pawnshop suffers or permits any other person to repair, alter, dispose of, part with possession of, or remove from the premises any item taken by pawn or purchase	\$400	\$200	\$440	YES
Bylaw No.	Section	Description	A1 Penalty	A2 Early Payment Penalty	A3 Late Payment Penalty	A4 Compliance Agreement Available
<b>GOOD NEIGHBOUR BYLAW</b>						
1517	2.1	Obstruct an officer	\$500	\$500	\$500	NO
1517	2..2	Obstruct entry to property	\$500	\$500	\$500	NO
1517	3.3 (b)	Operate public address system before 9:00 am or after 6:00 pm	\$100	\$50	\$110	YES
1517	3.4 (a)	Noise disturbing people	\$100	\$50	\$110	YES
1517	3.4 (b)	Allow disturbing noise	\$100	\$50	\$110	YES
1517	3.5 (a)	Apparatus producing noise	\$100	\$50	\$110	YES
1517	3.5 (b)	Allow apparatus producing noise	\$100	\$50	\$110	YES
1517	3.5 (c)	Disturbing animal noise	\$100	\$50	\$110	YES
1517	3.5 (d)	Equipment producing noise	\$100	\$50	\$110	YES
1517	3.5 (e)	Construction noise	\$100	\$50	\$110	YES
1517	3.5 (f)	Fighting creating a nuisance	\$100	\$50	\$110	NO
1517	4.3 (a)	Accumulation of matter	\$100	\$50	\$110	YES

<b>1517</b>	4.3 (a) 4.17 (b)	Accumulation of matter when on an Enhanced Compliance Schedule	\$500	\$400	\$500	YES
<b>1517</b>	4.3 (b)	Accumulation of rubbish around container	\$100	\$50	\$110	YES
<b>1517</b>	4.3 (b) 4.17 (b)	Accumulation of rubbish around container when on an Enhanced Compliance Schedule	\$500	\$400	\$500	YES
<b>1517</b>	4.3 (c)	Unsightly property	\$100	\$50	\$110	YES
<b>1517</b>	4.3 (c) 4.17 (b)	Unsightly property when on an Enhanced Compliance Schedule	\$500	\$400	\$500	YES
<b>1517</b>	4.3 (d)	Accumulation of vegetation	\$100	\$50	\$110	YES
<b>1517</b>	4.3 (d) 4.17 (b)	Accumulation of vegetation when on an Enhanced Compliance Schedule	\$500	\$400	\$500	YES
<b>1517</b>	4.3 (e)	Accumulation of construction or demolition waste	\$100	\$50	\$110	YES
<b>1517</b>	4.4 (a)	Accumulation of matter obstructs drainage facility	\$100	\$50	\$110	YES
<b>1517</b>	4.4 (b)	Failure to maintain boulevard/lane or keep free of weeds	\$100	\$50	\$110	YES
<b>1517</b>	4.4 (b) 4.17 (b)	Failure to maintain boulevard/lane or keep free of weeds when on an Enhanced Compliance Schedule	\$500	\$400	\$500	YES

1517	4.4 (c)	Driveway crossing in disrepair	\$100	\$50	\$110	YES
1517	4.4 (d)	Failure to maintain plantings in boulevard/lane	\$100	\$50	\$110	YES
1517	4.4 (e)	Accumulation of matter on boulevard, lane, or sidewalk	\$100	\$50	\$110	YES
1517	4.4 (e) 4.17 (b)	Accumulation of matter on boulevard, lane, or sidewalk when on an Enhanced Compliance Schedule	\$500	\$400	\$500	YES
1517	4.6	Deposit material upon boulevard or lane	\$100	\$50	\$110	YES
1517	4.7	Failure to remove snow or ice	\$100	\$50	\$110	YES
1517	4.8	Failure to remove snow or ice from the roof	\$100	\$50	\$110	YES
1517	4.9	Deposit snow on highway	\$100	\$50	\$110	YES
1517	5.2	Unlawful burning	\$100	\$50	\$110	YES
1517	5.4.3	Failure to comply with burning permit conditions	\$200	\$100	\$225	NO
1517	5.4.4	Burn unlawful materials	\$200	\$100	\$225	NO
1517	5.4.5	Failure to put competent person in charge	\$200	\$100	\$225	NO
1517	6.2.1	Panhandle within specified area	\$50	\$25	\$60	YES
1517	6.2.2	Panhandle from person in a motor vehicle	\$50	\$25	\$60	YES
1517	6.2.3	Panhandling causes concern for safety or security	\$50	\$25	\$60	YES



1517	6.2.4	Panhandle or follow person after a negative response	\$50	\$25	\$60	YES
1517	6.2.5	Panhandle before dawn or after sunset	\$50	\$25	\$60	YES
1517	6.2.6	Sit or lie on a street for the purpose of panhandling	\$50	\$25	\$60	YES
1517	6.2.7	Obstruct the path of pedestrian traffic	\$50	\$25	\$60	YES
1517	6.2.8	Panhandle as a member of a group	\$50	\$25	\$60	YES
1517	6.2.9	Panhandle in the same place for excessive period	\$50	\$25	\$60	YES
Bylaw No.	Section	Description	A1 Penalty	A2 Early Payment Penalty	A3 Late Payment Penalty	A4 Compliance Agreement Available

#### STREET AND TRAFFIC BYLAW

1471	402	Park, drive or operate a vehicle or cycle in contravention of a traffic control device	\$100	\$50	\$110	NO
1471	403	Remove or alter a traffic control device	\$100	\$50	\$110	NO
1471	404	Failure to obey command	\$100	\$50	\$110	NO
1471	409	Vehicle blocking intersection or marked crosswalk	\$100	\$50	\$110	NO
1471	411	Failure to obey load limits	\$100	\$50	\$110	YES
1471	415	Ride bicycle on a sidewalk or walkway	\$100	\$50	\$110	YES
1471	416	Ride skateboard contrary to bylaw	\$100	\$50	\$110	YES

1471	420	Removal of traffic notice	\$100	\$50	\$110	NO
1471	601	Parking vehicles contrary to bylaw	\$100	\$50	\$110	YES
1471	701	Littering	\$100	\$50	\$110	NO
1471	702	Excavation or construction on highway without authorization	\$100	\$50	\$110	NO
1471	703	Impeding traffic on highway or causing damage to highway	\$100	\$50	\$110	NO
1471	704	Trees or shrubs obstructing sidewalk or highway	\$100	\$50	\$110	YES
1471	706	Defacing poles	\$100	\$50	\$110	YES
<b>Bylaw No.</b>	<b>Section</b>	<b>Description</b>	<b>A1 Penalty</b>	<b>A2 Early Payment Penalty</b>	<b>A3 Late Payment Penalty</b>	<b>A4 Compliance Agreement Available</b>
<b>ZONING BYLAW</b>						
1550	101	Obstructing an inspection or inspector	\$500	\$500	\$500	NO
1550	303.1	Unlawful use of land, buildings or structures	\$200	\$100	\$225	YES
1550	305	Off-street parking or loading contravention	\$100	\$50	\$110	YES
1550	307.2.a	Home occupation contravenes permitted use	\$100	\$50	\$110	YES
1550	307.2.b	Temporary building or structure contravenes permitted use	\$100	\$50	\$110	YES

<b>1550</b>	307.2.c	Boarding use contravenes permitted use	\$100	\$50	\$110	YES
<b>1550</b>	307.3.b	Tent, trailer or mobile home use contravention	\$100	\$50	\$110	YES
<b>1550</b>	307.3.c	Unenclosed storage of vehicles in state of disrepair or not licensed	\$100	\$50	\$110	YES
<b>1550</b>	307.3.h	Annoyance or nuisance to surrounding areas by reason of unsightliness or the emission of odours, liquid effluence, dust, fumes, smoke, vibration, noise or glare	\$200	\$100	\$225	YES
<b>1550</b>	307.4.a	Unauthorized parking and storage in residential zones	\$100	\$50	\$110	YES
<b>1550</b>	309.1.a	Failure to maintain screening	\$100	\$50	\$110	YES
<b>1550</b>	310.3.a	Sign not permitted	\$100	\$50	\$110	YES
<b>1550</b>	310.3.b	Prohibited sign	\$100	\$50	\$110	YES
<b>1550</b>	310.3.d	More than one home occupation, real estate or political sign	\$100	\$50	\$110	YES
<b>1550</b>	310.3.e	Illumination not permitted for home occupation, real estate or political signs	\$100	\$50	\$110	YES
<b>1550</b>	310.3.h	Failure to maintain sign	\$100	\$50	\$110	YES

<b>1550</b>	501.10. c	Annoyance or nuisance to surrounding areas by reason of unsightliness or the emission of odours, liquid effluence, dust, fumes, smoke, vibration, noise or glare	\$200	\$100	\$225	YES
<b>1550</b>	501.10. c	Create or cause a health, fire, or explosion hazard, electrical interference, or undue traffic congestion.	\$500	\$500	\$500	YES
<b>1550</b>	502.10. c	Annoyance or nuisance to surrounding areas by reason of unsightliness or the emission of odours, liquid effluence, dust, fumes, smoke, vibration, noise or glare	\$200	\$100	\$225	YES
<b>1550</b>	502.10. c	Create or cause a health, fire, or explosion hazard, electrical interference, or undue traffic congestion.	\$500	\$500	\$500	YES



Bylaw No.	Section	Description	A1 Penalty	A2 Early Payment Penalty	A3 Late Payment Penalty	A4 Compliance Agreement Available
<b>CEMETERY REGULATION BYLAW</b>						
1515	12 (5)(a)	Damage any memorial, fence, gate, improvement or structure	\$200	\$100	\$225	NO
1515	12 (5)(b)	Deposit rubbish or offensive matter	\$100	\$50	\$110	NO
1515	12 (6)	Conducting business on grounds	\$100	\$50	\$110	NO
1515	12 (8)(b)	Operate a vehicle on any road, path or walk for purposes other than attending or conducting a funeral or visiting a lot	\$100	\$50	\$110	YES
1515	12 (8)(c)	Operate a vehicle at a speed in excess of fifteen (15) kilometres per hour or upon or over any lot	\$100	\$50	\$110	YES
1515	12 (8)(d)	Possess or consume alcoholic beverages or controlled substances	\$100	\$50	\$110	YES
1515	12 (9), 12 (10)	Disobeying the reasonable directions or orders of the Cemetery Administrator	\$200	\$100	\$225	NO

1515	15	Entering or remaining in the Cemetery during the hours it is closed without the permission of the Cemetery Administrator	\$100	\$50	\$110	YES
Bylaw No.	Section	Description	A1 Penalty	A2 Early Payment Penalty	A3 Late Payment Penalty	A4 Compliance Agreement Available
<b>BUILDING BYLAW</b>						
1582	301 (1)	Commence or continue any construction, alteration, reconstruction, demolition, removal or relocation of any building or structure without a permit	\$500	\$250	\$500	YES
1582	301 (12)	Obstruction of Building Official	\$500	\$500	\$500	NO
1582	303 (2)	Failure to Comply with a 'Stop Work Order' Notice	\$500	\$250	\$500	YES
1582	304 (2)	Failure to Comply with a 'Do Not Occupy' Notice	\$500	\$250	\$500	YES

Bylaw No.	Section	Description	A1 Penalty	A2 Early Payment Penalty	A3 Late Payment Penalty	A4 Compliance Agreement Available
<b>FIRE PROTECTION BYLAW</b>						
1529	3.7 b)	Fail to comply with order to remove Vehicle, material of other matter	\$100	\$50	\$110	YES
1529	3.7 d)	Enter prescribed boundaries at an Incident	\$100	\$50	\$110	YES
1529	3.7 f)	Impede, obstruct or hinder a Member	\$500	\$500	\$500	NO
1529	3.7 g)	Drive vehicle over equipment	\$100	\$50	\$110	YES
1529	4.1	Accumulation of combustible growth/ waste/ rubbish	\$100	\$50	\$110	YES
1529	4.2	Fail to remove daily combustibles	\$100	\$50	\$110	YES
1529	4.3	Fail to provide proper storage container	\$100	\$50	\$110	YES
1529	4.4	Fail to remove flammable, combustible or explosive material	\$200	\$100	\$225	YES
1529	4.5	Fail to maintain fire doors/separations	\$200	\$100	\$225	YES
1529	4.6	Excessive storage of flammable /combustible liquids	\$300	\$150	\$330	YES
1529	4.7	Fail to provide approved container or proper placement	\$100	\$50	\$110	YES



1529	4.8	Fail to post adequate no smoking signs	\$100	\$50	\$110	YES
1529	4.9	Cleaning with combustible/flammable liquids	\$100	\$50	\$110	YES
1529	4.10	Fail to provide portable fire extinguisher	\$100	\$50	\$110	YES
1529	5.1 a)(i)	Sell Low Hazard Fireworks	\$200	\$100	\$225	YES
1529	5.1 a)(ii)	Sell High Hazard Fireworks	\$300	\$150	\$330	YES
1529	5.1 a)(iii)	Sell Firecrackers	\$200	\$100	\$225	YES
1529	5.1 b)(i)	Set off Low Hazard Fireworks without permit	\$200	\$100	\$225	YES
1529	5.1 b)(ii)	Set off High Hazard Fireworks without permit	\$200	\$100	\$225	YES
1529	5.1 b)(iii)	Set off Firecrackers without a permit	\$200	\$100	\$225	YES
1529	6.1	Fail to secure vacant premises	\$100	\$50	\$110	YES
1529	6.4	Fail to secure damaged building	\$200	\$100	\$225	YES
1529	7.3	Obstruction of Fire Chief or Officer	\$500	\$500	\$500	NO
1529	7.4	Fail to provide information	\$100	\$50	\$110	NO
1529	7.5	Provide false information	\$200	\$100	\$225	NO
1529	8.2	Fail to address property	\$100	\$50	\$110	YES
1529	9.2	Fail to retain records of fire alarm and sprinkler systems	\$100	\$50	\$110	YES
1529	9.3	Fail to correct deficiencies immediately	\$100	\$50	\$110	YES

1529	10.1 a)	Obstruction within one (1) meter of a fire hydrant	\$200	\$100	\$225	YES
1529	10.1 b)	Attach item to hydrant or standpipe	\$300	\$150	\$330	YES
1529	10.1 e)	Parking within five (5) metres of a Fire Hydrant	\$200	\$100	\$225	YES
1529	10.3	Interference with fire hose line	\$300	\$150	\$330	NO
1529	11.1	Obstructed building access routes	\$300	\$150	\$330	YES
1529	11.2	Obstructed access during construction	\$300	\$150	\$330	YES
1529	11.3	Fail to gain approval for fire lane gates or access routes	\$300	\$150	\$330	YES
1529	11.4	Fail to provide "No Parking Fire Lane" sign(s)	\$300	\$150	\$330	YES
1529	12.3	Remove/ deface/ alter posted notices	\$300	\$150	\$330	NO
1529	12.4	Impersonate member of the Department	\$500	\$500	\$500	NO
Bylaw No.	Section	Description	A1 Penalty	A2 Early Payment Penalty	A3 Late Payment Penalty	A4 Compliance Agreement Available
<b>PUBLIC SPACES BYLAW</b>						
1604	3.1	Failure to adhere to posted signage	\$100	\$50	\$110	YES
1604	3.2	Littering	\$200	\$100	\$225	YES
1604	3.3	Illegal dumping	\$500	\$250	\$500	YES

1604	3.4	Conducting a business without a permit	\$200	\$100	\$225	YES
1604	3.5	Making a fire without a Special Burning Permit	\$500	\$250	\$500	YES
1604	3.6	Conducting an event, procession, march, drill, performance, ceremony, concert, gathering or meeting without permission	\$100	\$50	\$110	YES
1604	3.7	Feeding, teasing, molesting, injuring, or throwing substances at any animal or fowl	\$500	\$250	\$500	YES
1604	3.8	Allowing a horse to enter upon a Public Space	\$100	\$50	\$110	YES
1604	3.8	Failure to control a horse within a Public Space	\$300	\$150	\$330	YES
1604	3.8	Failure to clean up horse excrement	\$200	\$100	\$225	YES
1604	3.9	Enter into a park outside of the established hours of operation	\$50	\$25	\$55	YES
1604	3.10	Vehicle remaining in a park while closed	\$50	\$25	\$55	YES
1604	3.11	Post, paint or distribute advertisements	\$50	\$25	\$55	YES
1604	3.12	Ride or drive a vehicle outside of designated access roads, lanes or parking lots	\$200	\$100	\$225	YES



1604	3.13	Grease, wash, clean or repair any Vehicle in a public space	\$100	\$50	\$110	YES
1604	3.14	Possess open liquor in a public space	\$100	\$50	\$110	YES
1604	3.15	Taking up temporary or permanent abode in or on a public space	\$200	\$100	\$225	YES
1604	3.16	Erect, construct or build any tent, building, shelter, trailer, pavilion or other construction in a public space	\$100	\$50	\$110	YES
1604	3.17	Establish or set up a campsite in a public space	\$100	\$50	\$110	YES
1604	3.19	Urinate or defecate in or on any public space	\$200	\$100	\$225	YES
1604	3.21	Return to or enter a public space after having been ordered to leave	\$500	\$500	\$500	YES
1604	3.22	Smoke tobacco, or hold lighted tobacco, in a public building or structure or within the prescribed distance of a doorway, window or air intake of a place which i) is ordinarily open to the public, ii) is a work place, or iii) is a prescribed place as defined within the Tobacco Control Regulation	\$100	\$50	\$110	YES

1604	3.22.1	Smoke, vape, consume or ingest cannabis in any public space	\$100	\$50	\$110	YES
1604	3.23	Use of a barbecue contrary to regulations	\$50	\$25	\$55	YES
1604	3.24	Damage or vandalize public property or publicly owned assets	\$300	\$150	\$330	YES
1604	3.25	Operation of an unmanned aircraft, drone or a model aircraft in a park or public space	\$100	\$50	\$110	YES
1604	3.26	Use or access an electrical service or any other utility	\$100	\$50	\$110	YES
1604	3.27	Plug, tamper with or in any way damage any plumbing, lighting, heating, or other fixture	\$300	\$150	\$330	YES
1604	3.28	Conduct oneself in an offensive or disorderly manner	\$200	\$100	\$225	YES
1604	3.29	Excavate in a public space	\$200	\$100	\$225	YES
1604	3.31	Obstruction of Officer or employee/agent of the City	\$500	\$500	\$500	NO

Bylaw No.	Section	Description	A1 Penalty	A2 Early Payment Penalty	A3 Late Payment Penalty	A4 Compliance Agreement Available
<b>STORMWATER PROTECTION AND DRAINAGE REGULATION BYLAW</b>						
1640	16	Failure to obtain a permit prior to commencement of construction for prescribed activities	\$200	\$100	\$225	YES
1640	24	Contaminant or prohibited material is discharged, dumped, deposited, spilled or washed, directly or indirectly, into the drainage system	\$300	\$150	\$330	YES
1640	25	Connect, or allow to remain connected, a sanitary sewer to any part of the drainage system	\$300	\$150	\$330	YES
1640	26	Wash or permit the washing of concrete material into the drainage system	\$300	\$150	\$330	YES
1640	36	Foul, obstruct, alter, or impede the flow of a watercourse	\$300	\$150	\$330	YES
1640	37	Perform works in or over a watercourse or other component of the drainage system without permission from the Director	\$300	\$150	\$330	YES

1640	40	Discharge water or obstruct/alter a drainage system such that it causes or is likely to cause erosion of the land mass of the municipality	\$300	\$150	\$330	YES
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THE CORPORATION OF THE CITY OF ENDERBY

BYLAW NO. 1673, 2019

A BYLAW TO AMEND THE MUNICIPAL TICKETING INFORMATION (MTI) SYSTEM BYLAW  
NO. 1518, 2013

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WHEREAS Council of the City of Enderby has adopted "City of Enderby Municipal Ticketing Information System Bylaw No. 1518, 2013";

AND WHEREAS Council wishes to amend Schedule "3" in accordance with the City of Enderby Business License and Regulation Bylaw No. 1558, 2014;

NOW THEREFORE Council of the City of Enderby, in open meeting assembled, enacts as follows:

1. This bylaw may be cited as the "City of Enderby Municipal Ticketing Information (MTI) System Bylaw No. 1518, 2013 Amendment Bylaw No. 1673, 2019".
3. Schedule "3" of "City of Enderby Municipal Ticketing Information (MTI) System Bylaw No. 1518, 2013" is deleted and Schedule "3" attached to and forming part of this bylaw is substituted therefore.

Read a FIRST TIME this day of , 2019.

Read a SECOND TIME this day of , 2019.

Read a THIRD TIME this day of , 2019.

ADOPTED this day of , 2019.

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CHIEF ADMINISTRATIVE OFFICER



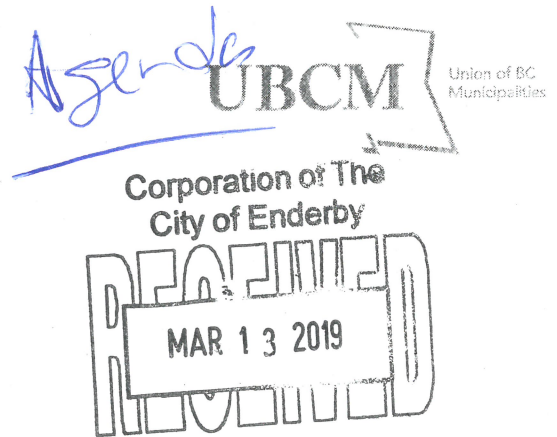
## SCHEDULE "3"

### BUSINESS LICENCE AND REGULATION BYLAW NO 1558, 2014

	SECTION	FINE \$	Fine if Pd within 30 days \$
No business license	4(a)(i)	500.	500.
Business License Not Valid for Person, Activity, or Premises	4(a)(ii)	100.	50.
No Business License for Each Premises	4(a)(iii)	100	50
Prohibit Entry of Authorized Person	3(b)(viii)	500.	500.
Fail to Display Business License	4(a)(v)	100.	50.
Removal of Suspension Notice	4(f)(iv)	500.	500.
Mobile Vendor sells food without having a valid Provincial permit	5(h)	300.	150.
Mobile Vendor fails to provide suitable garbage collection containers, or fails to keep the area free of waste material	5(h)	100.	50.
Mobile Vendor fails to be attended by qualified staff at all times when on a site, or fails to be removed from the location when not staffed	5(h)	100.	50.
Mobile Vendor operating without proper approvals	5(h)	300.	150.
Cannabis-Related Business fails to install video surveillance cameras	5(i)(v) (a)	500.	500.
Cannabis-Related Business fails to retain video camera data for at least 21 days	5(i)(v) (b)	300.	150.
Cannabis-Related Business fails to install a security and/or fire alarm system that is monitored by a licensed third party	5(i)(v) (c)	500.	500.
Cannabis-Related Business fails to have locked retail display cases for cannabis and accessories, or fails to have a locked cannabis storage room	5(i)(v) (d)	500.	500.
Cannabis-Related Business fails to display a sign indicating that no persons under 19 years of age are permitted unless accompanied by a parent or guardian	5(i)(v) (e)	500.	500.
Cannabis-Related Business fails to ensure that two employees are present on the premises when open to the public, including one manager	5(i)(v) (f)	300.	150.
Cannabis-Related Business fails to promptly bring required information to the attention of the License Inspector	5(i)(v) (g)	300.	150.

Cannabis-Related Business fails to promptly provide the License Inspector with a current police information check for any new on-site manager, director or shareholder	5(i)(v)(h)	300.	150.
Cannabis-Related Business fails to install or maintain an air filtration system that effectively minimizes odour impacts	5(i)(v)(i)	500.	500.
Cannabis-related Business permits a person under 19 years of age to enter or remain on the premises without being accompanied by a parent or guardian over 19 years of age	5(i)(vii)(a)	500.	500.
Cannabis-Related Business operating outside of permitted hours	5(i)(vii)(b)	500.	500.
Cannabis-Related Business permitting the consumption of cannabis or cannabis containing products on the premises	5(i)(vii)(c)	500.	500.
Cannabis-Related Business blocking the windows of the premises	5(i)(vii)(d)	300.	150.
Cannabis-Related Business displaying items related to the consumption of cannabis in a manner which can be seen by a minor who is outside the premises	5(i)(vii)(e)	300.	150.
Cannabis-Related Business advertising or promoting the use of cannabis in a manner which can be seen or heard by a minor who is outside the premises	5(i)(vii)(f)	300.	150.
Cannabis-Related Business displaying unpermitted advertising or signage	5(i)(vii)(g)	300.	150.
Cannabis-Related Business using the premises to carry on a business other than that defined as a 'Cannabis-Related Business'	5(i)(vii)(h)	500.	500.
Pawnshop fails to establish or maintain a Pawnshop Register	5(j)(i)	500.	500.
Pawnshop fails to immediately make a record in a Pawnshop Register following a purchase or pawn, or fails to provide all required information in a record	5(j)(ii)	400.	200.
Unlawful amendment, obliteration, or erasing of an entry in a Pawnshop Register	5(j)(iii)	500.	500.
Pawnshop fails to make Pawnshop Register available for inspection	5(j)(iv)	500.	500.
Pawnshop fails to submit current copy of Pawnshop Register to Chief of Police on a weekly basis	5(j)(v)	300	150.
Pawnshop fails to immediately update Pawnshop Register with records of any property taken during the absence of a Pawnshop Register	5(j)(vi)	400.	200.
Pawnshop fails to keep a Pawnshop Register on site which contains any entry that is less than 24 months old	5(j)(vii)(a)	400.	200.
Pawnshop fails to transfer ownership of Pawnshop Register	5(j)(vii)(b)	400.	200.

Pawnshop carries on the business on a property other than the premises designated in the Pawnshop license	5(j)(vii) (c)	500.	500.
Pawnshop takes in pawn or purchases any property outside of permitted hours	5(j)(vii) (d)	500.	500.
Pawnshop takes in pawn or purchases any property whose serial number or identifiable marking has been tampered with or removed	5(j)(vii) (e)	500.	500.
Pawnshop takes in pawn or purchases any property from any person under the age of 18	5(j)(vii) (f)	400.	200.
Pawnshop fails to permit Chief of Police or police force member to inspect any pawned or purchased property for the purposes of a police investigation	5(j)(vii) (g)	500.	500.
Pawnshop fails to tag by date each item or property taken by pawn or purchase	5(j)(viii) (a) 5(j)(ix)	400.	200.
Pawnshop repairs, alters, disposes of, parts with possession of, or removes from the premises any item taken by pawn or purchase	5(j)(viii) (b) 5(j)(ix)	400.	200.
Pawnshop suffers or permits any other person to repair, alter, dispose of, part with possession of, or remove from the premises any item taken by pawn or purchase	5(j)(viii) (c) 5(j)(ix)	400.	200.



March 6, 2019

Tate Bengtson, Chief Administrative Officer  
City of Enderby  
PO Box 400  
Enderby, BC V0E 1V0

**RE: 2019 Community Child Care Planning program – Approval Agreement & Terms of Conditions of Funding – IN CONFIDENCE**

Dear Mr. Bengtson,

Thank you for submitting an application under the 2019 Community Child Care Planning grant program.

I am pleased to inform you **in confidence** that the Evaluation Committee has approved funding for your project, *Enderby Child Care Planning Process*, in the amount of \$24,750.

A payment in the amount of \$18,562.50 will follow by electronic funds transfer after UBCM has received a signed copy of this Approval Agreement. This amount represents 75 percent of the total approved grant. The remaining 25 percent will be available after a satisfactory final report and financial summary has been submitted to UBCM.

The Ministry of Children and Family Development has provided funding for this program and the general Terms & Conditions are attached. In addition, in order to satisfy the terms of the contribution agreement, we have the following requirements:

- (1) This approval agreement is required to be signed by the CAO or designate and returned to UBCM;
- (2) To provide the Province of BC with the opportunity to make announcements of funding approvals under this program, please keep information regarding this funding approval in confidence until March 25, 2019;
- (3) The funding is to be used solely for the purpose of the above-named project and for the expenses itemized in the budget that was approved as part of your application;
- (4) All expenditures must meet eligibility requirements as defined in the Program & Application Guide;
- (5) All project activities must be completed within 12 months and no later than March 1, 2020;

*The Community Child Care Planning program is funded by the Province of BC*



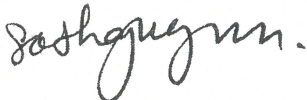
- (6) The Final Report Form is required to be submitted to UBCM within 30 days of project end date and no later than March 31, 2020;
- (7) Any unused funds must be returned to UBCM within 30 days following the project end date.
- (8) The approved planning project must include the completion of the mandatory community child care space inventory (using the required Excel template as found on the UBCM website) and the completion of the mandatory community child care space creation action plan, including the required content outlined in Appendix 2 of the Program & Application Guide;
- (9) The approved applicant is required to comply with all applicable privacy legislation;

Please note that descriptive information regarding successful applicants under the 2019 Community Child Care Planning grant program will be posted on the UBCM and/or the provincial government website and all final report materials will be made available to the Ministry of Children and Family Development.

On behalf of the Evaluation Committee, I would like to congratulate you for responding to this opportunity to support licensed child care opportunities in your community.

If you have any questions, please contact Local Government Program Services at 250.952.9177 or [sprynn@ubcm.ca](mailto:sprynn@ubcm.ca).

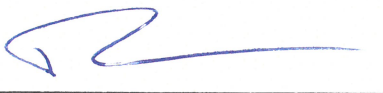
Sincerely,



Sasha Prynn  
Program Officer

cc. Kurt Inglis, Planner & Deputy Corporate Officer, City of Enderby

I, Tate Benja, have read and agree to the general Terms & Conditions and the requirements for funding under the 2019 Community Child Care Planning program.



Signature

March 14 / 2019

Date

Please return a scanned copy of the signed Approval Agreement to [lgps@ubcm.ca](mailto:lgps@ubcm.ca)



Agenda

**THE CORPORATION OF THE CITY OF ENDERBY**

**MEMO**

To: Mayor and Council

From: Tate Bengtson, CAO

Date: March 26, 2019

Subject: BC Energy Step Code

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**RECOMMENDATION**

THAT the memorandum from the Regional District of North Okanagan Building Department be received and filed;

AND THAT Council does not proceed at this time with requiring early adoption of the BC Energy Step Code;

AND THAT Council directs staff to monitor other jurisdictions for best practices and lessons learned on the BC Energy Step Code, and report back to Council if and when there appears to be a policy basis to reconsider its early adoption;

AND FURTHER THAT Council directs staff to provide information materials on the City of Enderby website, such as the *BC Energy Step Code: Build Guide*, in order to encourage voluntary adoption and raise awareness among the local building community about the forthcoming obligations.

**BACKGROUND**

The Province of BC has recently introduced the BC Energy Step Code in an effort to improve the energy efficiency of residential and commercial buildings.

As described by the Province:

*The BC Energy Step Code is a voluntary provincial standard enacted in April 2017 that provides an incremental and consistent approach to achieving more energy-efficient buildings that go beyond the requirements of the base BC Building Code. It does so by establishing a series of measurable, performance-based energy-efficiency requirements for construction that builders can choose to build to, and communities may voluntarily choose to adopt in bylaws and policies.*

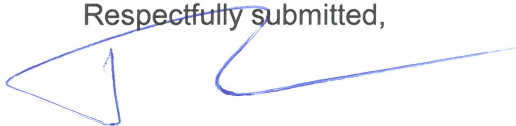
The BC Energy Step Code is designed to introduce new requirements gradually, with an end goal of having all new buildings constructed to a net-zero energy ready level by 2032. The first step will become a mandatory requirement in 2022; however, local authorities may adopt the

first or higher steps in advance, provided they provide notice to the Province and consult with industry prior to the requirement taking effect.

Given the predicted unevenness of early adoption and the limited number of energy advisors, the nature of the local building industry, the economic context, and finite staff resources, Staff are recommending that Council does not proceed at this time with early adoption of the BC Building Step Code. However, Staff suggest that it may be prudent to monitor other jurisdictions for best practices and lessons learned, and report back to Council if and when there appears to be a policy basis to reconsider its early adoption.

Moreover, there is no harm in encouraging the building industry itself to adopt the BC Energy Step Code early, on a voluntary basis. In order to encourage industry adoption and education, Staff are recommending that information resources produced by the Province of BC be posted to the City's website.

Respectfully submitted,



Tate Bengtson  
Chief Administrative Officer



# STAFF REPORT

**TO:** Tate Bengston, Chief Administrative  
Officer, City of Enderby

**FROM:** Building Department

**SUBJECT:** BC Energy Step Code

**File No:** 3760.01

**Date:** March 13, 2019

## RECOMMENDATION:

That the report regarding the BC Energy Step Code be received for information.

## SUMMARY:

The intent of this report is to inform Council of the creation of the BC Energy Step Code by the Provincial Government and the City's authority to adopt a level of the BC Energy Step Code prior to the province wide adoption schedule. The province has identified their intent to increase the energy requirements in the BC Building Code in 2022 (20% more efficient) and 2027 (40% more efficient), and move to the higher steps of the Step Code as a minimum requirement by 2032.

## DISCUSSION:

Prior to adoption of the BC Building Act in December of 2018, local governments had the ability to mandate energy conservation, greenhouse gas reductions, and green building practices through the implementation of local bylaws. The intent of the Building Act was to make building regulations uniform throughout the province so developers would have consistent regulations no matter where they built within the province. The New Building Act made these bylaws unlawful. To replace these bylaws and achieve provincial goals to construct net-zero energy ready buildings by 2032, the provincial government developed the BC Energy Step Code that local governments may elect to adopt.

The BC Energy Step Code is a key measure to enable BC to meet the provincial goal of constructing net-zero energy ready building by 2032, and help local governments achieve their greenhouse gas emission reduction targets. The Step Code achieves this by establishing a series (or steps) of measurable, performance-based energy efficiency requirements for construction that communities may choose to adopt when ready.

The Step Code marks the transition from a prescriptive to a performance-based approach. This means the Step Code does not specify how to construct a building, but rather identifies an energy efficiency target that must be met and lets the designer/builder decide how to meet it. In the Okanagan, the Step Code can currently be applied to Part 9 buildings (houses and small buildings), which has 5 levels of performance targets broken down to lower and upper steps. Application to Part 3 buildings (larger residential and commercial buildings) is anticipated to be available in the Okanagan starting in 2019. The Step Code was developed over multiple years in consultation with stakeholders including the building and development sectors, associated trades and professionals, utilities, public agencies, non-government organizations, and local governments. The province has identified 2017-2020 as a transitional period, during which time the Energy Step Code Council (comprised of associations

representing the stakeholders identified above) will provide preliminary support to local governments as they transition towards the consultation, engagement and implementation of the Step Code. The BC Building Code will be updated to require staged increases in energy performance once the transition period formally closes. The province has identified their intent to increase the energy requirements in the BC Building Code in 2022 (20% more efficient) and 2027 (40% more efficient), and move to the higher steps of the Step Code as a minimum requirement by 2032.

The City has the option to adopt and make mandatory a level of the BC Energy Step Code earlier than the mandated provincial timeline for adoption. It is suggested that the City not adopt the BC Energy Step Code prior to the Provincial wide adoption in 2022.

#### **FINANCIAL/BUDGETARY CONSIDERATIONS:**

Instead of a building meeting a prescribed standard for insulation (Example: installing R24 walls and R50 in the ceilings) a builder will need to engage the services of an energy advisor who will model the house using software to determine the energy efficiency rating of the house. The energy model takes into account building orientation, efficiency of heating, air conditioning, ventilation, appliances, insulation, windows and doors, etc. The energy advisor will do a blower door test on the house to verify the air tightness of the house. Currently, there are approximately 6 energy advisors located in the Okanagan Valley. The current cost for these services is approximately \$2000 per house. This cost will change depending upon the demand and the number of energy advisors practicing in our area. Currently, there does not appear to be an adequate number of energy advisors to service the approximately 1800 houses constructed in the Okanagan each year. This should also change as demand increases.

The cost of the actual building will also vary as higher steps will require more insulation and more efficient windows, doors and heating systems. Putting a value on this is difficult as the Step Code is performance based and no two buildings will be the same. The Energy Step Code Advisory Board has suggested that the cost of implementing the Step Code will be minimal but gives no hard numbers.

The Central Okanagan Chapter of the Canadian Home Builders Association has commissioned a study that indicates an increased building cost of between 2% and 9% to achieve the lower levels of the Step Code. This equates to an increase of between \$11,000 and \$48,000, per house depending upon the size, options and quality of the house. The report did not take into account the amount of energy savings and the payback period. The Central Okanagan Chapter of the Canadian Home Builders Association does not endorse early implementation of the BC Energy Step Code because it does not provide a cost neutral solution and fails to address the largest energy user being the existing housing stock. The report indicates that the increased cost will be a barrier to housing affordability in an already challenging market.

The province suggest local governments could offer wide range of incentives to encourage use of the Step Code including permit fee reduction, expedited permitting, reductions in DCC's or density bonuses. The City does not have a bylaw regulating building efficiency or greenhouse gas reduction prior to the new Building Act becoming effective so any financial incentives, if offered, would be an additional cost or reduction in revenue to the City.

Educating contractors and home owners will take additional staff resources. Most contractors are aware of the Step Code and have taken courses in preparation of the proposed changes and should be capable of complying with the regulations if implemented. A large percentage of the homes constructed in the City are by owner/builders who will not have the experience, education or knowledge to comply with the regulations and will likely be looking to Building Department Staff to educate them and guide them through the process. We anticipate this will take additional staff time and resources.

It is important to note that anyone can voluntarily construct their house to any level of the BC Energy Step Code and many houses constructed in the City meet or exceed the higher levels of the Step Code.

**What other local governments are doing:**


The City of Kelowna, City of Vernon, City of West Kelowna, and District of Lake Country have all given notice to the Province that they have started to consult on the BC Energy Step Code. None have yet to adopt the Step Code at this date. We suggest we follow their lead and wait and see how they approach adoption of the Step Code.

The City of Penticton has adopted Step One of the Step Code effective March 15, 2019 and Step Three effective March 15, 2020. As an incentive they offer a 5% building permit fee discount on Step Three buildings that are constructed prior to March 15, 2020.

The Regional District of North Okanagan will not be adopting the Step Code prior to Provincial adoption in 2022.

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Submitted by:



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*Dave Gardner*  
Chief Building Inspector



*A. Gendy*

**MEMO**

To: Mayor and Council

From: Tate Bengtson, CAO

Date: March 26, 2019

Subject: Ride-Sharing Services and Regulatory Recommendations

---

**RECOMMENDATION**

THAT Council receives and files the all-party Select Standing Committee on Crown Corporations' report entitled *Transportation Network Services: Boundaries, Supply, Fares, and Driver's Licenses*, dated March 2019.

**BACKGROUND**

Council has been advocating at the Provincial level for the introduction of ride-sharing regulations for several years. Council submitted a policy resolution to the Union of British Columbia Municipalities on this matter, which was endorsed at the 2017 convention.

In particular, Council has emphasized that ride-sharing regulations need to be sufficiently flexible so that this transportation option has a chance to get established in smaller markets. In smaller markets, it is more likely that ride-sharing operators will be part-time or casual in nature. These same small markets are also typically underserved by other transportation options, such as buses and taxis. As a result, adding regulatory or cost burdens to ride-sharing operators in order to "level the playing field" with other transportation options does not reflect the context, challenges, or opportunities of ride-sharing in small communities.

On November 27, 2018, the Legislative Assembly of British Columbia authorized the all-party Select Standing Committee on Crown Corporations to conduct an inquiry into transportation network services (also known as ride-sharing services) involving boundaries, supply of service providers, price and fare regimes, and appropriate classes of driver's licenses.

The City was invited, and provided, a formal response to the Select Standing Committee. The response emphasized the following points:

- Market demand should determine the supply of ride-sharing vehicles, at least in small communities which are underserved by other transportation options.
- A Class 5 drivers' license is sufficient for operating a ride-sharing vehicle; more appropriate mechanisms available to ride-sharing companies and insurance

providers should be used to obtain, more efficiently and effectively, the same benefits associated with requiring a Class 4 drivers' license.

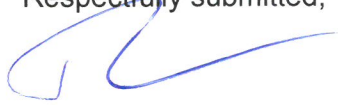
The Select Standing Committee has completed its report, which is attached to this memorandum. The report makes a number of recommendations and references Enderby's comments at six different points. The report's recommendations are consistent with Council's policy positions. This includes recommendations that the Province:

- Not implement boundaries for TNS [Transportation Networking Services, also known as "Ride-Sharing Services"]; and
- Require TNS drivers to hold a Class 5 driver's license [rather than a Class 4 license].

A summary of recommendations is provided on page 31 of the report.

As a next step, the report will be presented by the Select Standing Committee Chair to the Legislative Assembly.

Respectfully submitted,



Tate Bengtson  
Chief Administrative Officer



Select Standing Committee on Crown Corporations

# Transportation Network Services: Boundaries, Supply, Fares, and Driver's Licences



LEGISLATIVE ASSEMBLY  
of BRITISH COLUMBIA

**MARCH 2019**  
FOURTH SESSION  
OF THE 41<sup>ST</sup> PARLIAMENT





March 26, 2019

To the Honourable  
Legislative Assembly of the  
Province of British Columbia

Honourable Members:

I have the honour to present herewith the First Report of the Select Standing Committee on Crown Corporations for the Fourth Session of the 41st Parliament, entitled *Transportation Network Services: Boundaries, Supply, Fares, and Driver's Licences*.

The Report covers the work of the Committee on its inquiry into Transportation Network Services in British Columbia and was approved by the Committee on March 12, 2019.

Respectfully submitted on behalf of the Committee,

Bowinn Ma, MLA  
Chair

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# Composition of the Committee

## Members

### Third and Fourth Sessions of the 41st Parliament

Bowinn Ma, MLA	Chair	North Vancouver-Lonsdale
Stephanie Cadieux, MLA	Deputy Chair	Surrey South
Spencer Chandra Herbert, MLA		Vancouver-West End
Jas Johal, MLA		Richmond-Queensborough
Ravi Kahlon, MLA		Delta North
Peter Milobar, MLA		Kamloops-North Thompson
Adam Olsen, MLA		Saanich North and the Islands
Rachna Singh, MLA		Surrey-Green Timbers
Jordan Sturdy, MLA		West Vancouver-Sea to Sky

## Committee Staff

Susan Sourial, Clerk Assistant, Committees and Interparliamentary Relations

Nicki Simpson, Committee Researcher

# Terms of Reference

## Third and Fourth Sessions of the 41<sup>st</sup> Parliament

On November 27, 2018 and February 21, 2019, the Legislative Assembly agreed that the Select Standing Committee on Crown Corporations be authorized to examine, inquire into and make recommendations on regulations regarding transportation network services in British Columbia;

That the Committee be authorized to meet for up to three days to hear from expert witnesses;

That the Committee shall limit its consideration to forming recommendations on the following:

- criteria to consider when establishing boundaries;
- appropriate policies to balance the supply of service with consumer demand, including the application of the Passenger Transportation Board's current public convenience and necessity regime as it pertains to transportation network services;
- criteria to be considered when establishing price and fare regimes that balance affordability with reasonable business rates of return for service providers; and
- appropriate classes of driver's licences, including but not limited to ensuring a robust safety regime without creating an undue barrier for drivers.

In addition to the powers previously conferred upon the Select Standing Committee on Crown Corporations, the Committee shall be empowered:

- a) to appoint of their number one or more subcommittees and to refer to such subcommittees any of the matters referred to the Committee;
- b) to sit during a period in which the House is adjourned, during the recess after prorogation until the next following Session and during any sitting of the House;
- c) to adjourn from place to place as may be convenient; and
- d) to retain personnel as required to assist the Committee,

And shall report to the Legislative Assembly no later than March 31, 2019 and shall deposit the original of its reports with the Clerk of the Legislative Assembly during a period of adjournment and upon resumption of the sittings of the House, or at the next following Session, the Chair shall present all reports to the Legislative Assembly.

# Definitions

The following definitions are used for the purpose of this report:

## Boundaries

In legislation, the term “boundaries” is used to describe geographic areas where vehicles authorized under licence are permitted to pick up passengers. This differs from “geofencing” which is used to describe a virtual perimeter in a real-world geographic area.

## Deadheading

Deadheading results when a Passenger Directed Vehicle (PDV) drops off their passenger outside of their operating boundary and must return to their operating area without a passenger, resulting in “empty kilometers” or “empty miles.”

## Dynamic Pricing

Dynamic or variable pricing is a flexible approach to setting the cost of a product or service. Prices may vary to reflect changing market conditions or to incentivize behavior. For example, companies may implement dynamic pricing based on current market demand to increase supply, and regulators may implement dynamic pricing based on peak travel times to reduce congestion.

## Empty Kilometers or Empty Miles

Distance travelled by a PDV without a passenger.

## Geofencing

A geofence is a virtual perimeter for a real-world geographic area. A geofence could be dynamically generated—as in a radius around a point location— or be a predefined set of boundaries. This term is used in this report to distinguish between “boundaries” as defined by legislation and the use of virtual perimeters for other purposes.

## Passenger Directed Vehicle (PDV)

A commercial passenger vehicle that can accommodate a driver and passengers, and is operated to and from locations determined by the passenger or group of passengers or by a person acting on behalf of the passenger or group of passengers.

## Passenger Transportation Board (PTB)

The Passenger Transportation Board (PTB) is an independent tribunal whose members are appointed by the Lieutenant-Governor-in-Council. The PTB’s primary responsibility is to make decisions on applications relating to the licensing of PDVs.



### **Ride-hailing**

The provision of immediate or on-demand service whereby a vehicle and driver are hired for a fee to transport a passenger, or a small group of passengers, between locations of their choice. This service may be provided by transportation network companies and traditional taxi operators.

### **Surge Pricing**

A type of dynamic pricing utilized by the Transportation Network Services (TNS) industry where prices vary to reflect changing market conditions by increasing in times of greater demand.

### **Transportation Network Services (TNS)**

Pre-arranged transportation in a privately-owned vehicle for financial compensation that is paid to the driver and to a TNC. Transportation network services are a type of app-based ride-hailing service, connecting passengers with drivers willing to use their personal vehicles to transport paying passengers.

### **Transportation Network Companies (TNC)**

A company that owns and operates an app that is used to provide TNS.

# Executive Summary

On November 27, 2018 and February 21, 2019, the Select Standing Committee on Crown Corporations was provided with a mandate to examine four areas of Transportation Network Services (TNS) regulation: boundaries, supply, fare regimes, and driver's licences. Members focused their work closely on these four topics, and this report provides an account of both the input the Committee received from experts and the Committee's resulting deliberations and recommendations. The Committee worked well together and was able to reach agreement in many areas; however, Members did not all agree on every topic, and in particular on their final recommendation. This report is representative of the Committee's discussions and presents the concerns, priorities, and differences of opinion expressed by Committee Members.

Several common themes became evident in relation to the four questions and the Committee made a number of broad recommendations to support all four areas of regulation. Members agreed that decisions must be evidence-based and suggested collecting and sharing data on TNS to ensure that accurate information is available for the purposes of assessing and managing the industry. They also recognized the need to revisit regulations; however, they suggested delaying this legislated review process until 2023 to allow the industry to settle into a normal state of operation. A review based on sound data will allow regulations to be both responsive and adaptive going forward.

The Committee's discussions regarding boundaries, supply, and fare regimes were closely linked as a result of the significant overlap in the problems that each area of regulations seeks to address. Each of these topics touch on mitigating the potential impact of TNS on congestion, encouraging transit ridership, and balancing the need to limit supply in congested areas while concurrently encouraging supply in underserved areas.

Deadheading is a key area of concern that emerged in deliberations on boundaries, and Members heard about other issues caused by geographic boundaries such as trip refusals and increased emissions. The Committee acknowledged these problems and recommended not implementing boundaries for TNS. Members considered other options to manage the distribution of TNS vehicles including geofencing to redistribute supply and price mechanisms such as per-trip or per-kilometer fees to address congestion.

The TNS model requires a large number of part-time drivers to be available when demand increases, and Members agreed that limiting the total number of drivers or vehicles available is not an appropriate mechanism to manage supply. However, Members did not agree on other mechanisms to limit the number of vehicles operating at a particular time in a certain location. Some Members proposed addressing supply issues regionally, in recognition of the different types of problems faced throughout the province. Members also expressed mixed views about congestion and mobility pricing. Finally, the Committee examined supply from the perspective of the types of vehicles used for TNS and agreed that the vehicles should be no more than ten years old to encourage safety and increase the likelihood that vehicles are low carbon.

A number of issues were raised in regard to price and fare regimes. Members agreed on the importance of accessibility and recommended that TNCs be required to charge the same fare for accessible trips. The Committee also discussed protecting investments made in public transit and encouraging the trend towards increased transit ridership. They recommended setting a minimum price that does not undercut public transit.



Given the importance of dynamic pricing to TNS, the Committee expressed support for variable pricing and considered whether limits to surge pricing would be necessary. Because dynamic pricing means that fares may vary from hour to hour, Members emphasized the need for drivers to communicate the cost of a trip in advance.

The concerns and issues raised in relation to driver licensing were distinct from the previous three topics and Committee deliberations focused on safety. Members agreed that ensuring safety is paramount and discussed the need for passengers to be comfortable entering a car driven by a stranger; however, Members expressed uncertainty over whether the Class 4 licensing process actually produces safer drivers. Most Members felt there was insufficient evidence to demonstrate that requiring TNS drivers to hold a Class 4 licence would increase road safety and emphasized other considerations, such as the safety benefits of driver rating systems and the potential of TNS to prevent impaired driving. Others pointed to the value of additional safeguards against poor driving, such as driving record checks and medical exams, and the need to regulate commercial activity. While Members were not in agreement on this recommendation, a majority supported requiring a Class 5 licence.

# Consultation Process

## Background

The Committee's Terms of Reference allowed for up to three days of hearings with expert witnesses. These hearings began with a presentation from the Ministry of Transportation and Infrastructure followed by presentations from a variety of expert witnesses. The Committee also invited expert witnesses to provide written submissions, reviewed a number of reports from other jurisdictions, and requested specific information from the Insurance Corporation of British Columbia (ICBC), RoadSafetyBC, and the Passenger Transportation Board.

## Consultation Process

### Presentations and Written Submissions

The Committee invited 32 witnesses with knowledge and expertise in fields relevant to the Committee's review of TNS to present and heard from 15 expert witnesses over the course of two days. Witnesses brought experience from academic research, direct experience with TNS, and experience in policing or training in BC. The Committee also extended 709 invitations to all municipalities, regional districts, First Nations, taxi associations, and disability advocacy organizations in BC, as well as all TNCs operating in Canada to provide written submissions. In response, the Committee received 47 written submissions.

A complete list of expert witness presentations is available in Appendix A and a list of witnesses who provided written submissions can be found in Appendix B.

### Review of Reports on other Jurisdictions

The Committee looked to other jurisdictions to learn from their experience with TNS and reviewed four reports that evaluate various impacts of TNS in major cities.

The first report: *Emerging Mobility Evaluation Report: Evaluating Emerging Mobility Services and Technologies in San Francisco* (July 2018) by the San Francisco County Transportation Authority, evaluates a range of mobility services in San Francisco, including TNS, against a framework of guiding principles for emerging mobility.

The second report: *TNCs & Congestion* (October 2018) by the San Francisco County Transportation Authority, examined the extent to which TNS contributed to increased roadway congestion in San Francisco between 2010 and 2016.

The third report: *The New Automobility: Lyft, Uber and the Future of American Cities* (July 2018) by Schaller Consulting, profiles TNS use and their impact on cities in the US including how TNS can benefit urban transportation and ways in which policy makers can respond to traffic and transit impacts.

The fourth report: *The TNS Regulatory Landscape* (December 2017) by the San Francisco County Transportation Authority, provides an overview of TNS regulations across several jurisdictions in America.

## Meeting Schedule

Date	Type	Location
December 13, 2018	Organizational Meeting	Vancouver
January 30, 2019	Ministry Briefing; Public Hearing	Vancouver
January 31, 2019	Public Hearing	Vancouver
February 11, 2019	Deliberations	Victoria
February 25, 2019	Deliberations	Victoria
March 4, 2019	Deliberations	Victoria
March 12, 2019	Deliberations; Adoption of Report	Victoria



# Introduction

## 2018 Report

On February 15, 2018, the Select Standing Committee on Crown Corporations released a report entitled: *Transportation Network Companies in British Columbia*. The unanimous report made 32 recommendations for establishing a provincial regulatory regime to govern transportation network companies. The Committee's recommendations were presented to the Legislative Assembly to inform legislation laying out the regulatory framework for TNS. The Committee identified three recommendations from their 2018 report that apply to the most recent Terms of Reference and have re-endorsed the following recommendations:

9. Require transportation network companies to disclose the cost of a proposed trip on the app prior to the customer engaging the service.
10. Monitor data to determine if there is a need for the implementation of a base rate or a cap on surge or primetime pricing and to inform regulatory decisions in regard to service boundaries, vehicle caps, or lack thereof.
13. Require transportation network companies to provide data to government for monitoring purposes, including but not limited to: wait times; trip lengths; trip start and end locations; trip start and end times; accessible vehicle trip statistics; trip refusals; trip fares; drivers' hours and earnings; driver and passenger demographics; and consider extending this requirement to the taxi industry.

## Legislation Adopted

On November 27, 2018, the *Passenger Transportation Amendment Act, 2018* received Royal Assent. The Act establishes a provincial regulatory regime for TNS and enables commercial app-based ride-hailing in BC. The Act sets out a number of definitions and other areas to be prescribed in regulation. As work begins drafting regulations to operationalize the Act, the Committee has been tasked with examining four questions in greater detail. This report builds on the previous work of the Committee to offer in-depth insight into the four areas of regulation laid out in the Committee's Terms of Reference.

## Themes

The Committee heard from experts with experience operating, studying, or regulating both passenger directed vehicles in BC and TNS in other jurisdictions, and Members are appreciative of all the thoughtful input they received. The Committee discussed the benefits of TNS, particularly in remote communities and areas underserved by transit, and also recognized the potential for congestion to increase. Members sought to balance the importance of managing these impacts while securing the benefits of the TNS industry for British Columbians.

The work of the Committee focused closely on TNS and while there are themes in common with taxis, the Committee did not examine the taxi industry or make any recommendations regarding taxi regulation. As

such, the recommendations apply to TNS and are not necessarily intended to apply to the taxi industry. Members emphasized the importance of creating a level playing field throughout their discussions and hope that the Ministry of Transportation and Infrastructure will maintain a competitive passenger directed vehicle industry.

The work of the Committee has focused closely on four areas: boundaries, supply, fare regimes, and driver's licences. During their deliberations, Committee Members identified a number of themes that were relevant throughout their discussions of those four topics. The need to make decisions based on complete and reliable information was emphasized and, in each of the four areas, Committee Members agreed on the importance of having access to data. To that end, Members agreed that TNCs should provide anonymized data to regulators who would be able to assess the impact of the industry. Members also expressed support for making the data available more broadly to academics and local governments. Understanding and assessing the impacts of TNS will be easier if data collected from TNCs is shared to the greatest extent possible while maintaining privacy.

Without TNS currently operating in BC, it is difficult to predict what the industry will look like in the future, and data provided by TNCs will not reflect the typical state of the industry for several years. As new companies emerge and passengers adjust to different modes of transportation, trip patterns and volume will slowly normalize. While looking to other jurisdictions provides a model to help set expectations, no other region will perfectly reflect the conditions that exist in BC. Members discussed challenges with assessing impacts or imposing regulations before the industry has had a chance to become established and agreed that it is important for government to be equipped to respond to any issues that arise.

The Committee acknowledged that the *Passenger Transportation Amendment Act, 2018* provides for a review of regulations in 2022 and is supportive of reviewing the industry to assess impacts. The Committee discussed delaying the initiation of a review of TNS until 2023 to ensure that data is representative of a normal operating state and that government has a full understanding of any associated impacts. The Committee also extolled the merits of including local governments in the review of TNS, to help provide a better understanding of regionally specific impacts. A well-timed review would provide an opportunity to update the regulatory framework to ensure that TNS benefit the public and that any unforeseen impacts of the industry are being managed.

## RECOMMENDATIONS

The Committee recommends to the Legislative Assembly that the provincial government:

1. Require transportation network companies to provide data to government for monitoring purposes, including but not limited to: wait times; trip lengths; trip start and end locations; trip start and end times; accessible vehicle trip statistics; trip refusals; trip fares; drivers' hours and earnings; driver and passenger demographics; and consider extending this requirement to the taxi industry. (Recommendation #13 from the [Committee's 2018 report](#))
2. Make anonymized data provided by TNCs available to the broadest extent possible while maintaining privacy.



3. Do not begin the “review by special committee” process stipulated in Section 42.1 of the *Passenger Transportation Amendment Act, 2018* earlier than 2023.

# Ministry of Transportation and Infrastructure Briefing

Several officials from the Ministry of Transportation and Infrastructure provided an informational briefing to the Committee prior to the public hearings. The presentation offered background information on regulations in British Columbia, highlighted recent legislative changes brought forward in the *Passenger Transportation Amendment Act, 2018*, and focused on changes to legislation that relate to the four areas described in the Committee's Terms of Reference.

## *Passenger Transportation Amendment Act, 2018*

Ministry officials explained that the *Passenger Transportation Amendment Act, 2018* establishes the legislative framework to enable TNS in British Columbia.

Ministry officials discussed the existing framework and explained that the Passenger Transportation Board (PTB) is an independent tribunal whose members are appointed by the Lieutenant-Governor-in-Council. The board makes determinations on TNS licence applications and sets the terms and conditions of the licence, including any supply limits and boundaries. Under the new legislation, the board also sets conditions regarding information and data that the licensee must provide to the board and the registrar.

When evaluating licence applications the PTB applies a three-part test, or the public convenience and necessity regime, which was updated in the new legislation. First, the board examines whether there is a public need for the service. Second, the board considers whether the applicant is a fit and proper person capable of delivering the service. Third, the board considers whether the application, if approved, would promote sound economic conditions in the passenger transportation sector. The PTB may now grant licences to applications even if they do not meet all three criteria.

Ministry representatives emphasized that there is still significant work required to develop regulations to fully operationalize the Act.

## Boundaries

In legislation, boundaries are described as 'operating areas' and are the geographic areas where vehicles authorized under licence are permitted to pick up passengers. There is no regulation-making authority with respect to boundaries under the Act, or as a result of changes under the *Passenger Transportation Amendment Act, 2018*. These boundaries are instead set by the PTB when the licence is granted, and the PTB has exclusive authority to set boundaries as a term and condition.

## Supply

Ministry officials explained that 'fleet size' was added to the list of definitions in the Act and is intended to have a prescribed meaning, which means that the definition will be determined through regulation. This will allow regulators to make a distinction between what fleet size means for a taxi operator and what fleet size means in relation to TNCs. The possibility to measure fleet size differently for the two industries is intended to address the different nature of each; taxis are commercial vehicles that can be used to offer rides twenty-four

hours a day, while TNS vehicles are private vehicles that may be used for purposes other than offering rides for much of the day.

## Prices and Fares

Representatives from the Ministry explained that the *Passenger Transportation Amendment Act, 2018* included a change to the definition of rates to allow the PTB to set minimum and maximum fares. While a licensee can apply to the PTB to change rates, there is no regulation-making authority to set rates.

## Licences

The *Passenger Transportation Amendment Act, 2018* did not make any changes to the current provincial program for driver licensing which is set out under the *Motor Vehicle Act*. Currently, a Class 4 licence is required to drive passenger directed vehicles including taxis and TNS vehicles. A Class 4 licence requires that the driver:

- Be at least 19 years of age;
- Hold a valid, full-privileged driver licence — i.e. a class 5 or 6 in British Columbia or an equivalent licence from another jurisdiction;
- Have at least two years of non-learner driving experience;
- Have a driving record with fewer than four offences that resulted in penalty points in the past two years;
- Have no motor vehicle-related Criminal Code convictions — or the equivalent, if the driver is from outside of BC — in the past three years;
- Have no fines or debts owing to ICBC;
- Pass a knowledge test and a road signs test to get a commercial learner's licence;
- Pass a road test that includes passing a pre-trip inspection of the vehicle; and
- Pass a medical examination.

The medical examination is repeated every five years until age 45, every three years from age 45 to 65, then every year after that. Driver licensing in British Columbia falls under the purview of the Ministry of Public Safety and Solicitor General and is administered by ICBC.

## Committee Inquiry

Members were interested in the changes to the three-part test and asked about the significance of the new public convenience and necessity regime. Ministry officials explained that changes offer the PTB the flexibility to approve an application that doesn't meet one or more of the three tests. Committee Members also had questions about the Class 4 licensing process and learned that it can cost drivers approximately \$500 to receive a commercial licence. Ministry officials explained that the purpose of commercial licensing is to ensure that drivers are trained and assessed, to ensure public safety. Members were also interested to learn that BC is unique among jurisdictions with TNS due to the number of small municipalities and the province's insurance structure.



# Boundaries

The Committee was directed to make recommendations on criteria to consider when establishing boundaries. Operating boundaries as they exist in the taxi industry are set when a taxi licence is granted and dictate the area in which a taxi is permitted to pick up passengers. The Ministry of Transportation and Infrastructure briefing provided more details<sup>1</sup> on the existing boundary system for TNS.

In remote areas, necessary services are often located in neighbouring communities, and in large urban areas composed of multiple municipalities, trips regularly cross municipal borders. Witnesses highlighted the drawbacks of borders that restrict this travel and urged the Committee to consider expanding or eliminating geographic boundaries. They pointed to the need to manage the impacts of congestion and many suggested alternative mechanisms more closely linked to supply. The consideration of boundaries is closely linked to Committee deliberations on supply and pricing; in all three areas the Committee discussed congestion, regional management of impacts, and transit ridership.

## Expert Witness Input

### Challenges Associated with Boundaries

Witnesses identified a number of challenges with respect to the current system of operating boundaries including deadheading, trip disruption, and issues with access, customer service, and enforcement.

#### *Deadheading*

Numerous witnesses called for the elimination of boundaries, pointing to various problems they have caused. The Vancouver Airport Authority, BC Transit, Clark Lim, an academic from the University of British Columbia, the B.C. Taxi Association, the City of Chilliwack, the Greater Vancouver Board of Trade, and the Competition Bureau which is a federal agency that ensures a competitive marketplace, all stated that implementing boundaries will result in deadheading which increases emissions, leads to ride refusal, and causes inefficient service. Uber Canada added that deadheading increases congestion and environmental impacts, reduces driver earnings, and leads to trip refusals, and as such, they recommended eliminating operating boundaries.

#### *Trip disruption*

TransLink and BC Transit both drew from their own experience and indicated that narrow boundaries would distort supply, erode service quality, and disrupt the flow of travel. TransLink observed that most trips in Metro Vancouver happen without regard for municipal boundaries and suggested eliminating boundaries. They explained that boundaries would disrupt cross-municipal trips and suggest working to capture the majority of trips within any boundaries that are set. BC Transit pointed to challenges they have experienced providing service to connect small communities. They noted that continued demand for interregional services demonstrates that boundaries restricting where trips may originate could be disruptive of existing trip patterns.

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<sup>1</sup> A summary of the briefing provided by the Ministry of Transportation and Infrastructure can be found on page 13.



The City of Kelowna, the Sustainable Transportation Partnership of the Central Okanagan, and the Regional District of Central Okanagan also drew from their own experience with the broad taxi boundaries that exist in their region and recommended that drivers should be free to cross municipal boundaries to pick up and drop off passengers.

### **Access**

The Office of the Seniors Advocate stated that implementing a boundary system would unnecessarily restrict the ability of seniors to return to a driver they are comfortable with and could prevent seniors from using the same driver for both legs of a single trip. Lyft suggested that boundaries would reduce service in neighbourhoods poorly served by transit and prevent TNS from operating normally.

### **Customer Service**

The Victoria Transport Policy Institute, which is an independent research organization, opposed boundaries, arguing that a system without operating boundaries would maximize customer convenience and affordability. The Greater Vancouver Board of Trade also pointed to passenger experience and argued that boundaries result in less reliable service due to ride refusal, a loss of income for drivers, and deadheading. This focus on reliability was echoed by the Competition Bureau, who emphasized their belief that greater reliance on market forces is the best way forward for regulation. They recommended eliminating boundaries for both taxis and TNS because this can prevent excess supply in one geographic area from serving consumer demand in another. They maintained that market forces should be relied on to balance supply and demand to the maximum extent possible.

### **Enforcement**

Ryde Today, a luxury transportation booking app currently operating in the Lower Mainland, explained that they believed boundaries are regressive and challenging to enforce. Uber Canada added that no jurisdiction in Canada with permanent TNS regulations has area-of-operation restrictions in place for TNS drivers.

### **Extended Boundaries**

Some witnesses recommended expanding the geographical size of existing boundaries to address these issues. Hara Associates, a consulting firm that advises regulators, recommended boundaries that are broad enough to capture most travel within them, but warned that expanding the geographical size of taxi boundaries would impact the value of taxi licences. They explained that collecting data would help determine where new boundaries should be set. The Metro Vancouver Regional District recommended aligning boundaries with Urban Containment Boundaries, future mobility pricing boundaries, and gas tax boundaries to avoid incentivizing longer single-passenger trips and sprawling development patterns. Other submissions proposed aligning boundaries with regional districts and the City of Victoria suggested that this would support regional integration. The City of Colwood also expressed a need for regional integration and suggested implementing boundaries that provide sufficient operational flexibility.

### **Other Proposed Mechanisms**

A number of witnesses contended that boundaries are out of date and suggested updated mechanisms to manage supply. The B.C. Taxi Association drew from their experience to argue that current operating boundaries are out of date and cause problems such as poor customer service. Dr. Sumeet Gulati, an

academic from the University of British Columbia, explained that operational boundaries are only needed if government intervention is necessary to balance demand and supply; however, he believes that this is no longer the case because of centralized dispatch apps. As a result, current boundaries serve to hinder the balance of supply. Dr. Gulati recommended that boundaries be eliminated for both taxi companies and TNS and suggested that apps and dynamic pricing are more effective tools to ensure supply. GoKabu, a TNC operating in the Lower Mainland, also suggested utilizing new technology, including dispatch apps, to move vehicles into areas of high demand and out of areas facing congestion to manage supply and indicated that traditional boundaries could hinder this.

Mr. Lim presented from a traffic engineering and transportation planning perspective and recommended data-based decision-making. He suggested working toward a system with no boundaries and implementing dynamic geofencing during the transition. The City of Vancouver also suggested using real-time data to manage demand and distribution of supply and Local Ride Network by Oye.One, a company that runs a ride-booking app, stated that management would have to be demand-based in real-time. They recommended using geofencing to manage supply.

The Vancouver Police Department focused on safety and indicated that restrictive boundaries contribute to undersupply making it difficult for people to get home safely, particularly late at night. They suggested managing supply electronically by limiting the number of vehicles working in a particular area at a certain period of time through geofencing. Dr. Garland Chow, an academic from the UBC Sauder School of Business, argued that managing supply involves a trade-off between response times and congestion. Dr. Chow suggested implementing geofencing to manage congestion, and TransLink also advocated for the use of geofencing to address the challenges boundaries were intended to solve.

### **Maintain Existing Boundaries**

A number of submissions suggested applying existing taxi boundaries to TNS. Skeena Taxi Ltd., an owner-operator fleet based in Prince Rupert that is run as a co-operative, asserted that provincial policies should respect municipal boundaries and boundaries already established by the Passenger Transportation Board. WestCabs, a taxi operator, argued that there should be equality in regulations and requirements for the taxi and TNS industries. They explained that removing boundaries would cause problems such as increased traffic, present challenges for enforcement of regulations that vary between municipalities, create problems for municipal business licences, and cause other issues for law enforcement. They recommended maintaining the current system of boundaries. SBDS Enterprises Ltd. or "Star Taxi," a taxi operator, suggested setting boundaries in a way that protects small taxi companies. Benn Proctor, an independent Vancouver taxi expert, also touched on protecting taxi companies and suggested the Committee consider a mechanism to protect the value of taxi licences in municipalities where they are currently worth more if boundaries are eliminated.

### **Consistent Regulations**

Several witnesses recommended that boundaries should be eliminated for both TNS and taxi companies. Dr. Gulati, Squamish taxi, a taxi operator, the B.C. Taxi Association, Ryde Today, and Local Ride Network by Oye. One emphasized that they believe taxis and TNS should be subject to the same regulations and recommended eliminating boundaries for both. The B.C. Taxi Association explained that most suburban taxi companies have a well-established client base and suggested that suburban taxi companies would continue to prioritize their own customers.



## Rural and Remote Communities

Many local governments in rural and remote areas of the province highlighted the unique challenges faced in those areas. The Municipal Council for the Village of Radium Hot Springs suggested that TNS regulations reflect the differences between rural and urban areas. The District of Sechelt Council discussed challenges faced by their community as a result of isolation and explained that boundaries further limit mobility for their citizens.

The Cowichan Valley Regional District explained that boundaries should not prevent travel between neighbouring regions. Necessary services such as hospitals or food shopping are often located in nearby communities and less restrictive boundaries would ensure improved access to those services. The District of Kent also expressed that drivers should be able to pick up fares outside of their home jurisdiction in order to enhance mobility in more remote areas. TNS could provide people who have limited transportation options access to services in neighbouring communities. The Village of Pemberton highlighted challenges faced by small and rural communities and explained that current taxi regulations do not serve these communities. They recommended implementing boundaries that are not geographically restrictive.

Dr. Anthony Perl, the Director of Urban Studies at SFU, emphasized that a one-size-fits all approach will not address the regional differences in BC and recommended dividing the province into three regulatory areas. One area would cover Metro Vancouver and the lower mainland, one would include mid-sized urban areas, and one would cover the rest of the province. He explained that this would allow regulations to encourage service in more remote areas, where transportation options are sparse, and the marginal social benefits of TNS would be highest. At the same time, regulations would also manage service in more dense urban areas, where demand is high and private benefits would be concentrated. He explained that because of this existing discrepancy, the market will not balance itself.

## Committee Deliberations

The Committee agreed that the current model of boundaries based on geographically-limited operating areas determined by the Passenger Transportation Board are not the best mechanism to manage TNS. These boundaries were initially put in place to address congestion and the tendency for taxi services to concentrate in urban cores; however, boundaries result in deadheading.

Members articulated concerns that boundaries would disrupt travel and some Members worried that imposing restrictive boundaries could prevent TNS from operating effectively in BC. Members discussed implementing broader boundaries that recognize the natural flow of travel, although they concluded that boundaries may not always accurately reflect trip patterns. Given the problems that boundaries were put in place to solve, and the new and innovative ways that TNS operate, Committee Members suggested that other mechanisms may be more appropriate to geographically redistribute supply if required. Provided that data is collected and reviewed, regulators in the future will be able to assess whether boundaries are necessary.

Numerous witnesses expressed concern for the potential of TNS to increase congestion and Members discussed the issue extensively throughout deliberations on boundaries, supply, and pricing. Some Members were of the view that that TNS would only consist of a small portion of the increase in congestion that would occur whether or not the industry was present. They asserted that it would be unfair to hold an industry that does not currently operate in BC responsible for existing issues with congestion. Others felt the increase in

congestion that has occurred in markets with geographically unregulated TNS has been substantial and that even a small increase in vehicles for an area that is already facing congestion would have a significant impact on traffic and wait times for road users.

In order to manage potential increases in congestion, some Members suggested implementing a form of congestion pricing on TNS through per-trip or per-kilometer fees, while others felt that if congestion pricing is to be applied, it should apply to all vehicles, not just TNS. Congestion pricing mechanisms for TNS, such as per-trip or per-kilometer fees, are designed to prevent oversupply in high traffic areas and could be established by regional transportation authorities through the PTB to address particular areas of concern. Often, revenue from congestion fees is reinvested in public transit and overall mobility improvements. Some Members were concerned that congestion pricing would result in TNS fares exceeding rates that are affordable and could prevent people with lower incomes from accessing TNS. Other Members noted that well-funded public transportation systems support people with lower incomes.

The Committee considered the idea of implementing geofencing as part of another mechanism to dynamically manage supply in various areas. Minimum fares or per kilometer fees, payable by the company, could be set for vehicles to pick-up or operate according to geofenced areas and congestion trends. One view was that geofencing could incentivize TNS operation in the suburbs and disincentivize operation in congested areas at peak times. Members looked to patterns of TNS supply in other jurisdictions and questioned the extent to which TNS vehicles operate in suburban areas. Members also suggested that geofencing could be implemented in a manner that allows regional districts and transportation authorities to manage their own congestion and supply issues through dynamic restrictions. Some Members expressed concerns with local or regional governments managing TNS and these concerns are reflected in more depth in the next section on supply.

## **RECOMMENDATION**

The Committee recommends to the Legislative Assembly that the provincial government:

4. Not implement boundaries for TNS.



# Supply

The Committee's mandate included making recommendations on appropriate policies to balance the supply of service with consumer demand, including the application of the PTB's current public convenience and necessity regime as it pertains to TNS. The Ministry of Transportation and Infrastructure briefing<sup>2</sup> provides more details on changes to the public convenience and necessity regime.

Balancing supply of service with consumer demand is complex and must be done in a way that addresses regionally specific challenges. The significant differences between BC's already congested urban areas and remote communities with limited transportation options has resulted in a need to limit congestion in some areas, while encouraging supply in others. Witnesses expressed mixed opinions on vehicle caps and many suggested alternatives such as implementing price mechanisms or utilizing the public convenience and necessity regime to diversify supply. Numerous witnesses pointed to increases in congestion that have occurred in other jurisdictions and suggested preventative measures. Securing reliable data on trip patterns and the volume of TNS use will help regulators be nimble in adapting to supply management in the future.

## Expert Witness Input

### Congestion

Numerous witnesses expressed concerns about the potential of TNS to increase congestion. The San Francisco County Transportation Authority (SFCTA) explained that TNS are likely to increase accessibility in suburbs and areas underserved by transit; however, they have also observed that the majority of trips in San Francisco are being made at the most congested times in the most congested areas. According to a study produced by the SFCTA in October 2018 titled *TNCs & Congestion*<sup>3</sup>, TNS accounted for 50 percent of new congestion added between 2010 and 2016, as measured by vehicle hours of delay, vehicle miles travelled, and average speeds. The remaining 50 percent of the increase in congestion is attributed to employment growth, population growth, and network capacity shifts. The SFCTA report also indicated that while deadheading is a contributor to congestion, TNS vehicles only spend about 20 percent of the time empty whereas taxis spend about 40 percent of the time empty. They emphasized that the impact of adding vehicles to an already congested area is much greater than adding the same number of vehicles to a low traffic area and suggested implementing measures to address congestion.

The Canadian Centre for Policy Alternatives (CCPA) which is a research institute, Dr. Perl, Hara Associates, TransLink, Dr. Alejandro Henao who is an academic from the University of Colorado Denver, SFCTA, Dr. Chow, Steven Hill who is a journalist from the New America Foundation and American Academy in Berlin, the City of Vancouver, BC Transit, the Squamish-Lillooet Regional District, the Metro Vancouver Regional District, the City of Victoria, the Victoria Transport Policy Institute, the South Island Prosperity Project which is the economic development organization for the region of Greater Victoria, and the District of Squamish all expressed concerns about the potential of TNS to increase congestion.

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<sup>2</sup> A summary of the briefing provided by the Ministry of Transportation and Infrastructure can be found on page 13.

<sup>3</sup> This report was reviewed by the Committee and more information is provided on page 8.

## Vehicle Caps

A number of witnesses recommended eliminating static vehicle caps that are used in the taxi industry for TNS. The City of Kelowna, the Regional District of the Central Okanagan, and the Sustainable Transportation Partnership of the Central Okanagan explained that demand is not static throughout the day and that capping the number of drivers would result in an undersupply of TNS. The ability to meet demand is particularly important with late evening service and providing options to curb impaired driving.

Hara Associates and Lyft both explained that the TNS model requires a critical mass of part-time drivers to meet variable demand, and the City of Enderby added that managing a supply of predominantly casual workers would pose challenges. The Greater Vancouver Board of Trade also emphasized the TNS model and stated that restrictive caps on TNS would create a duplication of the taxi system, negating the benefits of the TNS industry. They, along with the City of Kelowna, added that no other jurisdiction in Canada limits the number of drivers in a TNS network.

The Competition Bureau was also in favour of eliminating caps and indicated that unrestricted supply reduces prices and wait times, increases quality of service, and fosters innovation. They suggested that greater supply will not reduce drivers' wages because improved service will increase demand.

The PTB indicated that the TNS fleet size should initially be at a level where the TNS business model is provided with a fair opportunity to succeed. They suggested monitoring impacts of the industry through performance indicators to determine whether the fleet size should be altered as data is collected. This would allow supply and demand to be balanced with the aim of meeting public need for service, providing sound economic conditions, and meeting environmental needs.

Other witnesses suggested allowing a moderate number of vehicles to enter the market. The CCPA, explained that unrestricted TNS would increase total vehicle miles travelled. They cited a report produced by Schaller Consulting in July 2018 titled *The New Automobility: Lyft, Uber and the Future of American Cities*<sup>4</sup> and indicated that for each private vehicle mile removed from the road by TNS, 2.8 additional TNS miles on the road are added. The CCPA discussed the social costs associated with an increased supply of vehicles including traffic congestion, air pollution, greenhouse gas emissions, noise pollution, road maintenance costs, and accidents and recommend allowing only a modest increase in vehicles. BC Transit also advised caution, suggesting that a conservative approach to supply of vehicles should be taken. They cited several studies and stated that due to the existing level of uncertainty around the potential impacts, a cautious approach is warranted.

Some witnesses suggested implementing vehicle caps in line with the taxi industry. The B.C. Taxi Association argued that TNS companies do not have a distinct or different market from taxis and suggested that vehicle caps be implemented to protect the taxi industry. They explained that unrestricted operation of TNS creates an unfair disadvantage for taxi companies and cited examples of taxi ridership falling in cities where TNS were introduced without restrictions. Other organizations also expressed concern for the taxi industry. Skeena Taxi Ltd., ReRyde which is a TNC operating in Winnipeg, and the Taxi Drivers' Association of Southern BC all suggested vehicle caps, with Skeena Taxi Ltd. specifying that allowing one taxi per 1500 people in each community would ensure a living wage for drivers.

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<sup>4</sup> This report was reviewed by the Committee and more information is provided on page 8



## Price Mechanisms

Many expert witnesses focused on price mechanisms as an alternative to vehicle caps. Price mechanisms place fees, taxes, or levies on certain behaviours to incentivize actions. Congestion pricing is a well-known example in which a fee is charged to drive in congested areas, providing drivers who are able to avoid these areas with an incentive to do so.

TransLink explained that taking a market-based approach using price mechanisms to manage demand would be more effective than taking a supply management approach using boundaries or caps to artificially constrain supply. Price mechanisms could be optimized to incentivize behavior including first-mile and last-mile trips, pooled or shared services that increase vehicle occupancy, the use of accessible vehicles, trips in areas with fewer affordable options, trips to and from transit, TNS that resembles public transit, and equitable provision of service.

Many submissions focused on particular mechanisms. Dr. Chow suggested implementing congestion pricing or geofencing and Dr. Perl recommended a fee system to manage congestion in high traffic areas and motivate TNS to operate in more remote areas. GoKabu recommended encouraging TNS to adjust supply based on data to avoid congestion. The City of Colwood advocated for fare flexibility, off-peak or peak-hour trip generation, and shift change efficiencies to balance supply of service. The City of Victoria recommended a two-tiered ride-hailing tax in addition to implementing tracking and tolling for use of the public right of way. The Victoria Transport Policy Institute proposed using congestion pricing and HOV lanes to manage an increase in vehicles and explained that congestion pricing limits traffic volumes to optimal road capacity. They added that congestion pricing would allow higher value trips, such as those made by emergency or commercial vehicles, and more space-efficient modes, such as rideshare and buses, to outbid lower-value trips and more space-intensive modes for scarce road space.

Mr. Proctor and Hara Associates both suggested an annual lease, minimum wage of \$17, or a per-trip fee to regulate supply. Mr. Proctor added that a per-trip fee could also serve to cover regulatory costs, fund accessible services, and be applied strategically to address congestion. TransLink also proposed implementing a per-trip fee to manage supply. They added that a per-trip fee is easier to apply than a per-kilometer fee and suggested that the revenue raised could be put towards subsidizing transit or TNS in underserved areas.

Other witnesses suggested implementing a per-kilometer fee. Dr. Henao explained that oversupply causes congestion, lower vehicle occupancy, and lower incomes for drivers; while undersupply results in longer wait times and larger distances to cover to pick up passengers. Dr. Henao emphasized that balancing supply is important for passengers, companies, and drivers, but also for the public good. He recommended implementing a per-kilometer fee based on the number of passengers in the vehicle to incentivize higher occupancy and disincentivize empty kilometres. This system could be modified to incentivize other behaviours such as operating at off-peak times, providing accessible services, or using an electric vehicle.

A number of submissions identified geofencing as a mechanism to manage supply. The Vancouver Police Department, Mr. Hill, and the City of Vancouver suggested using real-time data and variable fee structures to manage supply electronically by limiting the number of vehicles working in a certain area. Dr. Chow explained that regulating the number of TNS drivers does not make sense because most drivers are part-time and instead suggested limiting the number of vehicles that can be operated in particular areas at certain times. Dr. Chow recommended requiring operators to share trip information and data to measure congestion and help determine the best way to prevent it. Local Ride Network by OyeOne echoed the idea that vehicle caps

would not work for the TNS model and indicated that any restrictions would have to be demand-based in real-time.

Dynamic or variable pricing was also identified as a mechanism to manage supply. Uber Canada suggested allowing dynamic pricing, indicating that this would increase reliability and allow for ride-pooling, a higher-occupancy mode of TNS, to be possible. TransLink and BC Transit suggested applying dynamic pricing based on the price of public transit, time of day, or route taken. Prices would be adjusted to exceed the cost of public transit in different regions of the province, to encourage travel at off-peak times, and to discourage travel in high-traffic areas. They suggested these pricing options in addition to a per-trip fee, which could be used to subsidize TNS trips outside of urban centres to encourage demand in those areas and reduce the burden on public transit.

## Public Convenience and Necessity Regime

Several expert witnesses directly addressed the public convenience and necessity regime that the PTB uses to issue taxi licences. Some were opposed to the regime; Mr. Proctor advised that the public convenience and necessity regime cannot work because it is not possible to know how many vehicles are needed to meet demand and there is an incentive for incumbent firms to mislead the PTB. The City of Kelowna also discussed the role of incumbent firms and suggested that TNS would be unlikely to receive licences under the public convenience and necessity regime as they would be required to demonstrate that additional services don't harm other operators. Uber Canada expressed that the public convenience and necessity regime has led to a lack of competition in the passenger directed vehicle sector and has prevented new entrants from participating. They recommended allowing new entrants without restrictions. They cited a study carried out in Brampton, Ontario which indicated that unrestricted operation of TNS would not negatively impact the taxi industry.

Other witnesses suggested changes to the use of the public convenience and necessity regime. Hara Associates emphasized the benefits of competition between different types of companies and argued that this may not occur should larger companies be allowed to secure all of the available licences under a public convenience and necessity regime. Hara Associates added that if the public convenience and necessity regime remains in place, there is an opportunity in regulations to define "public need" in a manner that indicates to the PTB that diversity of supply is an important feature to be taken into consideration. The City of Victoria expressed that the regime could be used to give local companies priority and the CCPA recommended that increased supply of passenger directed vehicles should be allocated only to co-operative or not-for-profit providers to ensure a reasonable rate of return for drivers.

WestCabs recommended maintaining the current public convenience and necessity regime, suggesting that an oversupply of vehicles could be damaging to the economy. They noted that the PTB preserves a balanced state for the transportation industry which allows a healthy economy to exist as supply meets demand. They added that the current regime ensures a supply of accessible vehicles and emphasized that changes could reduce the supply of accessible vehicles that seniors and those facing mobility challenges require.

## Data

Managing supply through price mechanisms is often complex and a number of submissions highlighted the need for data. Mr. Lim suggested that companies be required to provide data to inform further regulatory development in each of the four areas examined by the Committee. Mr. Lim explained that an ideal system



would predict demand and respond accordingly and suggested collecting comprehensive data to build models that could accomplish this. Dr. Perl also spoke in favour of predicting demand and indicated that collecting data on TNS and the sociodemographic context of mobility would help determine the best way to manage supply. Dr. Henao focused on mechanisms to collect data and suggested a price mechanism that incentivizes drivers to report on their own activity. For example, charging a fee for empty kilometers would encourage drivers to report on kilometers driven with passengers in their vehicle.

The Squamish-Lillooet Regional District and the District of Squamish expressed concerns over monitoring, data collection, and the potential impact of TNS on greenhouse gas emissions goals. They recommended making data collected from passenger directed vehicles publicly available and explained that accessing usage data within communities would allow local governments to track enforcement issues and guide bylaw decisions. They also recommended monitoring the impact of TNS on congestion and transit ridership to guide future updates to regulations. The City of Victoria also expressed concerns about emissions and recommended requiring TNS to develop and implement a system for measuring their greenhouse gas emissions and their impact on traffic congestion.

### Regional Impacts

A number of submissions highlighted the unique supply challenges that exist in remote communities, suburban areas, and dense urban cores across the province. The Village of Tahsis, Squamish-Lillooet Regional District, Village of Pemberton, and District of Sechelt told the Committee that their communities are underserved by taxis and public transit. They expressed a need for more transportation options and urged the Committee to consider regulations that encourage TNS to operate outside dense urban areas.

The City of Enderby explained that small markets where bus and taxi service are costly to operate face the greatest limits in terms of transportation choices. They indicated that it would only make economic sense to become a TNS driver in small communities if prohibitive barriers are not in place and suggested allowing unrestricted supply in remote areas. The District of Sechelt explained that oversupply will never be a problem for their community and indicated that restrictive regulations create a barrier to entry in smaller communities. They argued that a one-size-fits-all approach will not address the realities of small markets.

The City of Vancouver also raised local issues, discussed impacts specific to urban cores, and emphasized that it is important for local governments to have the authority to address local priorities and manage the potential impacts of increased numbers of vehicles on city streets. The City recommended that a Metro Vancouver Subcommittee, under the direction of the PTB, be established to develop details of a regional framework on boundaries, supply, demand, and other level of service metrics that address challenges unique to the Metro Vancouver region. The City of Kelowna also recommended allowing municipalities to regulate TNS.

### Committee Deliberations

Committee Members felt that the vehicle cap strategy currently used to regulate the taxi industry is not an appropriate mechanism to regulate TNS supply and emphasized that a flexible supply of drivers is required to meet fluctuating demand.

Similar to the discussion regarding boundaries, some Members expressed concerns about congestion based on the experience of other jurisdictions and indicated that a mechanism must be put in place to manage supply. These Members indicated that they do not support fully unrestricted ride-hailing. Committee

Members suggested that a modern and dynamic approach would be more appropriate to encourage equitable distribution of service and supply rather than the current model of vehicle caps. They discussed implementing dynamic pricing or geofencing to encourage positive behaviour. Some emphasized that regulators should ensure they maintain the flexibility and agility to be responsive to potential issues such as congestion.

A major focus in the Committee's discussions on regulating TNS supply was the role of regional governments. Some Members favoured allowing regional governments to submit proposed fare schedules or price mechanisms to the PTB following the advent of TNS to address regional congestion issues. Regional transportation authorities could examine data and determine whether to introduce dynamic pricing, geofencing, or other mechanisms for TNS to address congestion in high volume areas, incentivize transit use, or encourage the operation of low-carbon or accessible vehicles in their areas. A one-size-fits-all approach would not address regional differences in BC; therefore, allowing regional governments to address local concerns could better address the needs of different regions.

Other Members favoured a province-wide approach, expressing concern that allowing regional governments to regulate aspects of TNS or impose geofencing could delay the advent of ride-hailing. Members also expressed concerns that local governments could use this regulatory authority to block TNS or introduce excessive per-trip fees. Members highlighted governance challenges that arise from the number of municipalities in the Lower Mainland and indicated that it would not be efficient or effective for regional authorities to create TNS regulations. One suggestion was for provincial regulations to be structured in a manner that addresses local challenges in different regions.

Members discussed regulation that describes the types of vehicles used for TNS. The Committee was of two views; some Members pointed to price mechanisms as a method to incentivize the use of low-carbon vehicles for TNS, while others voiced concerns about the timing and feasibility of such measures. Members acknowledged work that has been done in the province to encourage the use of low-carbon or electric vehicles and the steps that have been taken by the taxi industry to electrify fleets and expressed support for this work moving forward. Other Members contended that many casual drivers enter TNS to supplement their income and would likely not be able to afford an electric or low-carbon vehicle. Members also noted that currently no electric vehicles are wheelchair accessible.

Requiring the use of low-carbon vehicles initially could create an artificial barrier to TNS and some Members suggested that any consideration of adopting these measures should wait until the TNS industry is established. They pointed to existing provincial incentives and the marketing advantage offered to companies who operate green vehicles and suggested allowing the type of vehicle used to be determined by the market. Members considered instead requiring a maximum vehicle age of ten years. This would both encourage vehicle safety and support a greater number of low-carbon vehicles being used for TNS.

## **RECOMMENDATIONS**

The Committee recommends to the Legislative Assembly that the provincial government:

5. Require a maximum vehicle age of ten years for vehicles used in delivering TNS.
6. Not implement caps on TNC fleet sizes.



# Fare Regimes

The Terms of Reference required the Committee to make recommendations on criteria to be considered when establishing price and fare regimes that balance affordability with reasonable business rates of return for service providers. Currently, the PTB may set maximum and minimum fares for TNCs at the time that the licence is granted.

Dynamic pricing, including surge pricing, is a key feature of the TNS model and witnesses explained that it allows companies to meet demand during busy times. This mechanism could solve current issues with undersupply and many witnesses expressed support, provided that prices are clearly communicated to passengers ahead of time. Witnesses emphasized that those who would benefit the most from ride-hailing are people with limited mobility options. They indicated that prices must be set in a way that ensures equitable access in order to maximize the benefit of TNS. The Committee also heard concerns about public transit ridership and the need to protect investments that have been made in existing public transportation infrastructure.

## Expert Witness Input

### Fare Limits

Most expert witnesses discussed whether or not limits should be placed on fares and several witnesses recommended some limits. Skeena Taxi Ltd. recommended implementing average fares to prevent predatory pricing and maintain labour standards and fair wages for drivers. Ryde Today also highlighted predatory pricing and suggested that minimum fares be set to prevent larger established companies from undercutting small TNS businesses. ReRyde and WestCabs both recommended setting ride-hailing prices lower than taxi prices, with ReRyde specifying that prices should be set 20 percent lower. WestCabs explained that this difference would reflect the lower operating costs of TNS. Mr. Proctor indicated that companies may raise prices in the future and suggested ensuring that government is able to implement a maximum rate at that point; however, he noted that this is currently unnecessary. Dr. Chow recommended setting both a maximum rate and a minimum rate to protect drivers and prevent predatory pricing.

A number of other witnesses were in favour of allowing the market to set rates. Lyft and Ryde Today also recommended that the government set no caps on pricing. The Cowichan Valley Regional District contended that private businesses should set fares and the Greater Vancouver Board of Trade expressed that a fare regime should be market driven. The Competition Bureau indicated that deviation from market-based pricing is typically detrimental to economic well-being and can hamper innovation, increase prices, and decrease choice. The District of Sechelt also highlighted innovation and indicated that an unrestricted fare regime would allow for flexible business models that would be better equipped to deal with the challenges of operating in a semi-rural area. The Victoria Transport Policy Institute discussed the experience of other jurisdictions with TNS and suggested that there is no need to regulate prices in an open and competitive market because TNCs set prices in response to demand. They explained that this responsiveness will encourage the development of innovative services such as shared trips.

Other submissions highlighted the link between lower fares and drivers' wages. The Village of Pemberton specified that prices should be determined by the market in a way that allows workers to be adequately compensated. Mr. Hill and the City of Vancouver emphasized the importance of allowing drivers the opportunity to earn a living wage. Dr. Perl explained that considering 'reasonable rates of return' must also take drivers into account and suggested regulation to ensure that drivers are making a minimum wage. Dr. Chow also recommended setting a rate that ensures a livable, or at least minimum, wage for drivers. Dr. Chow pointed to high turnover rates of TNS drivers and attempts that drivers have made to unionize or be defined as employees in other jurisdictions as evidence that current rates do not cover drivers' costs or provide an equitable return on their time.

Uber Canada contested the claim that a minimum fare would be necessary to protect drivers, citing a study indicating that Uber drivers earn on average the same hourly wage as taxi drivers.

Others recommended a minimum trip price that encourages public transit use. The City of Vancouver suggested that integrated trip planning and payment across all shared modes would also serve to incentivize public transit use. TransLink expressed concerns that TNS could erode investments the province has made in public transit and suggested a minimum price that incentivizes public transit use in areas where regular or rapid transit service is available. Uber Canada agreed and suggested a minimum fare set slightly above the price of public transit to encourage continued ridership. They referenced several Canadian cities where this is the case and noted that setting prices to exceed the cost of a two-zone fare in Metro Vancouver would be reasonable.

Some witnesses focused on setting fares at a rate that covers TNS operating costs. Mr. Hill explained that TNS fares in other jurisdictions are currently too low to cover the cost of operating a TNC. He contended that large companies are subsidizing the cost of rides and operating at a loss of over a billion dollars a year. He argued that TNS could undermine the existing transportation system by undercutting taxi and public transit fares and expressed concerns that the TNS model is unsustainable. Dr. Chow also questioned the sustainability of current TNS prices and both Mr. Hill and Dr. Chow recommended setting a minimum rate that covers operating costs in order to maintain a stable transportation sector.

## Dynamic Pricing

Dynamic pricing, including surge pricing, is a key feature of the TNS industry in other jurisdictions. Hara Associates explained that the TNS business model is based on dynamic pricing and Lyft explained that dynamic pricing allows TNS to meet demand when it is most pressing, particularly late at night. They emphasized that restricting dynamic pricing prevents companies from incentivizing drivers to offer service at peak times. The Vancouver Airport Authority, Victoria Transport Policy Institute, and TransLink all recommended allowing dynamic pricing, and the Victoria Transport Policy Institute added that dynamic pricing offers a lower cost to passengers who can shift trips from peak to off-peak periods when roads are less congested.

A number of expert witnesses supported allowing dynamic pricing for both taxis and TNS. Hara Associates, the City of Kelowna, the Regional District of Central Okanagan, the Sustainable Transportation Partnership of the Central Okanagan, Dr. Chow, Mr. Proctor, and the B.C. Taxi Association all recommended that taxis be allowed to adjust prices in order to compete with the TNS industry. Hara Associates specified that fixed



meter rates should be maintained for street hails and other witnesses stated that taxis should only be able to implement dynamic pricing for rides booked through an app.

Several witnesses indicated support for surge pricing but suggested that fares be capped in the case of a disaster. Ryde Today, the Greater Vancouver Board of Trade, Hara Associates, and the Metro Vancouver Regional District all suggested capping surge pricing during emergencies in order to prevent price gouging or exploitation of people who are victims of circumstance. Others were opposed to surge pricing; the City of Vancouver suggested minimizing surge pricing to ensure affordable and predictable fares across all vehicle-for-hire services. GoKabu recommended setting a price cap or requiring TNS to refund customers if fares rise above a certain level to prevent excessive prices. ReRyde suggested banning surge pricing altogether, arguing that it would decrease affordability and result in an uneven playing field with the taxi industry.

## Transparency

Dynamic pricing and the possibility of variable per-trip fees means that TNS fares could fluctuate based on location, time of day, or other factors. Several submissions touched on transparency and the need to clearly communicate prices to customers ahead of time. TransLink referenced a review that they conducted of their own fare regime and indicated that transparent, upfront pricing was important to customers. They received feedback from passengers who would like to understand how the cost of a trip is calculated and recommended predictable and transparent pricing regimes.

The Greater Vancouver Board of Trade also stressed that pricing should be transparent so that consumers are able to make decisions with perfect market knowledge. Hara Associates, Lyft, Mr. Proctor, and the Vancouver Airport Authority all recommended clearly communicating the cost of a ride to passengers before the trip begins.

## Consistent Regulations

A number of submissions focused on the importance of creating a level playing field for the taxi industry. The B.C. Taxi Association expressed that TNS fares should be set at the same rate as taxi fares. They argued that lower fares will result in a 'race to the bottom' whereby operators undercut each other until it is impossible to profit. Squamish Taxi also recommended that regulations for TNS be consistent with taxi regulations, indicating that lower TNS prices could damage the taxi industry.

The City of Chilliwack and the City of Colwood both highlighted the opportunities for innovation and suggested implementing a consistent regulatory framework for all passenger directed vehicles that allows both taxi companies and TNS to offer competitive rates and new features such as apps.

The B.C. Taxi Association echoed support for new features such as allowing taxis to book trips and accept "cashless" payment through an app. A taxi operator, 1060358 B.C. Ltd., recommended allowing the market to set fares as long as the cost of operating a ride-hailing vehicle is equal to the cost of operating a taxi. They suggested applying consistent regulations to both industries to ensure that operating costs including insurance, inspections, and other requirements are equal. The City of Victoria emphasized the importance of ensuring a level playing field with both taxis and other transportation providers including public transit.

## Equity

Ensuring equitable access to TNS was a priority for many expert witnesses who emphasized the importance of ensuring that those who would benefit the most from TNS are able to access them. The Office of the Seniors Advocate explained that seniors and other vulnerable groups would benefit immensely from TNS, but could face affordability barriers. Because of this, they recommended either implementing a voucher program or encouraging drivers to offer 'frequent user' benefits to customers through a loyalty plan. This system would allow seniors to see a familiar face and save money, while helping individual drivers build a consistent base of clients.

The Village of Pemberton cited similar concerns to the Office of the Seniors Advocate and suggested requiring reduced fares for seniors, students, and those with accessibility issues to ensure that the benefits of TNS are available to everyone.

The Village of Radium Hot Springs focused on ensuring benefits in remote areas with limited transportation options. They suggested considering fare regimes that take into account the often greater distances traveled, particularly when it is necessary to cover large distances to access services such as healthcare located in other communities or municipalities.

Other submissions focused on accessibility, and the Greater Vancouver Board of Trade suggested requiring that accessible vehicles do not charge more than non-accessible vehicles. GoKabu also emphasized that TNS should not charge more for accessible trips; however, they argued that drivers should be compensated for the additional cost.

## Committee Deliberations

The Committee was in agreement regarding the importance of ensuring that all British Columbians benefit from the increased mobility options that TNS offer. Members pointed to the Committee's 2018 report and re-affirmed their support for the conclusions drawn on ensuring accessibility. To this end, the Committee is in favour of requiring that prices for trips in accessible vehicles do not exceed prices for non-accessible vehicles.

Members examined the potentially negative impact of TNS on public transit ridership, looking to other jurisdictions where ridership has declined or stagnated. Members called attention to recent increases in public transit ridership in BC, particularly in the Lower Mainland. In order to balance the benefits of TNS with the potential decrease in public transit use, Members supported implementing a minimum fee to ensure that TNS do not undercut transit fares. Members contemplated a minimum fee based on either the provincial average cost of transit, or on the local cost of transit in the area that the TNS is operating.

Recognizing its prominent role in the TNS business model, Members emphasized the importance of dynamic pricing to the operation of TNS and noted that drivers must have an incentive to meet demand. While Committee Members agreed that dynamic pricing should be encouraged, they held varying opinions as to whether surge pricing should be subject to limitations. Some suggested that surge pricing be allowed with a cap in place to protect consumers and prevent extreme increases in price. Others were of the view that surge pricing should be permitted with no caps, provided that prices are clearly communicated ahead of time and passengers are able to make informed decisions about the cost of a ride. To that end, Members agreed that the cost of a trip must be disclosed in advance.



Members also discussed limiting surge pricing during emergencies. Committee Members felt that monitoring data to determine whether a cap on surge pricing would benefit consumers is an appropriate step at this point.

## RECOMMENDATIONS

The Committee recommends to the Legislative Assembly that the provincial government:

7. Ensure that the cost of a trip in an accessible vehicle does not exceed the cost of a trip in a non-accessible vehicle.
8. Set a minimum per-trip price that is not less than the cost of public transit.
9. Require transportation network companies to disclose the cost of a proposed trip on the app prior to the customer engaging the service. (Recommendation #9 from the Committee's 2018 report)
10. Monitor data to determine if there is a need for the implementation of a base rate or a cap on surge or primetime pricing and to inform regulatory decisions in regard to service boundaries, vehicle caps, or lack thereof. (Recommendation #10 from the Committee's 2018 report)



# Driver's Licences

The Terms of Reference stipulated that the Committee make recommendations on appropriate classes of driver's licences, including but not limited to ensuring a robust safety regime without creating an undue barrier for drivers. Currently, a Class 4 licence is required to drive a passenger directed vehicle in BC.

The Committee learned about the differences between a commercial Class 4 licence and a standard Class 5 licence then heard conflicting opinions on which should be required for TNS drivers. Some witnesses highlighted that the TNS model requires a large number of part-time drivers in order to meet demand. They suggested that a commercial licence is appropriate for full-time drivers operating commercial vehicles, but unnecessary for casual drivers operating their own vehicles. In contrast, other witnesses pointed to the responsibility to regulate businesses and expressed support for the high safety standards offered through the Class 4 licence. Some witnesses proposed a middle ground and suggested adding requirements that could increase safety such as background checks, in-app rating systems, medical exams, and vehicle inspections to a Class 5 licence through a chauffeur permit.

## Expert Witness Input

### Class 4 vs Class 5 Driver's Licences

The Insurance Corporation of BC (ICBC) discussed the difference between a Class 4 commercial licence and a Class 5 standard licence. They explained that regulations under the *Motor Vehicle Act* currently require a TNS driver to hold a restricted Class 4 driver's licence and added that a Class 4 driver's licence is a fairly consistent requirement for taxi drivers across Canada, with the exception of Ontario. They emphasized differences between the Class 4 and the Class 5 licensing processes and explained that if regulations were changed to allow TNS drivers to operate with a Class 5 licence, TNS drivers would no longer be required to:

- Undergo pre-screening to determine if they have an acceptable driving record;
- Complete a driver fitness medical examination (both at application and routinely thereafter);
- Successfully complete an additional knowledge test and road test; and,
- Complete a vehicle safety pre-trip test.

### Class 4

A Class 4 licence is currently required to operate a taxi in BC and to work as a TNS driver in Nova Scotia, Alberta, and Quebec. The Vancouver Police Department (VPD) recommended requiring TNS drivers to hold a Class 4 licence and highlighted the importance of the driving record check, which requires drivers to have fewer than four offences resulting in penalty points over the past three years. They indicated that penalty points are often attached to moving violations, which are more likely to cause accidents, and so are a good indicator of unsafe driving. The VPD explained that the Class 4 road test would help ensure that drivers are experienced, and the associated medical exam would ensure that any potentially dangerous medical

conditions are discovered. The VPD believes that the steps that have been taken to ensure safety should not be eroded for the sake of convenience and efficiency.

The City of Victoria, the Village of Radium Hot Springs, Cowichan Valley Regional District, the Office of the Seniors Advocate, 1060358 B.C. Ltd., the City of Chilliwack, Skeena Taxi Ltd., and the Village of Pemberton all suggested that a Class 4 licence would ensure public safety.

The District of Squamish explained that TNS provide a similar service to taxis and suggested that a Class 4 licence is not an overly onerous requirement. They recognized that it may pose a barrier to potential drivers, but argued that on balance, they believe the benefits outweigh the costs. Several other witnesses noted potential barriers, and BC Transit recognized that requiring TNS drivers to hold a Class 4 licence may restrict the number of drivers that are able to operate TNS vehicles; however, BC Transit explained that they welcome any measures to ensure the utmost safety of transportation users.

Dr. Chow noted potential barriers but recommended maintaining the requirement for a Class 4 licence to ensure safety. He suggested an evaluation be undertaken after two years to compare with other jurisdictions where a Class 5 or equivalent licence is required to determine whether a Class 4 licence reduces accidents. The Greater Vancouver Board of Trade also recommended looking to the experience of other jurisdictions to determine which class of licence should be required.

Several witnesses discussed the potential for a Class 4 requirement to reduce the number of TNS drivers, and Star Taxi proposed using the licensing process as a mechanism to manage supply. They also recommended streamlining the licensing process to allow drivers with one year of BC driving experience to take the Class 4 test. CCPA suggested that a limited number of TNS drivers could reduce the negative impacts of TNS. They added that fewer drivers would pose a smaller burden on ICBC with only a small increase in wait times for licences.

Squamish Taxi, the Taxi Drivers' Association of Southern BC, WestCabs, Dr. Perl, and the B.C. Taxi Association pointed to the high safety standards in the taxi industry and recommended applying these standards to TNS drivers. WestCabs indicated that this should include other requirements such as vehicle inspections and chauffeur permits. Mr. Lim recommended expanding on these safety standards and requiring a Class 4 licence including a road test that takes the skills needed for driving for a TNC into account. He explained that safety and participation must be balanced, but argued that the onus should be on TNCs to provide incentives to attract an adequate supply of skilled drivers. Mr. Lim indicated that a common unsafe situation for TNS drivers is exiting and entering into traffic flow, where there is the potential for numerous interactions with vehicles, cyclists, and pedestrians. Because these maneuvers occur more frequently than for a typical driver commuting to work, there must be an additional emphasis on these skills in the road test.

## Class 5

A Class 5 licence is required in Ontario, Saskatchewan, Manitoba, and many American jurisdictions to drive for a TNS. ReRyde, GoKabu, Mr. Proctor, the City of Campbell River, and the City of Enderby recommended requiring a Class 5 licence, and explained that many TNS drivers only operate for ten hours a week, making a commercial licence unnecessary for TNS.

The City of Kelowna, the Regional District of Central Okanagan, and the Sustainable Transportation Partnership of the Central Okanagan explained that a Class 4 licence includes the requirement of having been a driver in BC for two years, which creates a barrier for young people and new immigrants from countries



that don't qualify for reciprocal licence exchange. They referenced the recommendations made by Hara Associates and re-iterated the opinion that a Class 5 is sufficient. They recommended that a Class 5 licence be required with the option to layer additional non-licence requirements for drivers if deemed necessary.

Uber Canada also highlighted barriers posed by the Class 4 licensing process and argued that it creates an unnecessary barrier for women, who are less likely to hold or obtain a commercial licence, and for the hard of hearing, who are subject to additional medical screening.

Ryde Today explained that it is not clear whether the Class 4 licensing process results in safer drivers than the Class 5 process. They recommended requiring a Class 5 licence with additional requirements. Lyft pointed to safety features such as driving record checks and driver rating systems that they and other companies require and explained that a good driving record is indicative of safe driving and that an in-app rating system will identify unsafe drivers. They argued that the requirements of a Class 4 licence with no demonstrated safety benefit will only serve as a barrier to entry. Dr. Gulati and Local Ride Network by OyeOne also recommended a Class 5 licence for both TNS and taxis.

## Additional Requirements

### Background Checks

A number of witnesses identified additional training, permits, or other safety features that they feel should be incorporated into the licensing process, including particular aspects of the Class 4 licence such as a medical exam or driving record check. The Office of the Seniors Advocate, the District of Kent, the Vancouver Airport Authority, and the City of Enderby all suggested requiring criminal record checks for all TNS drivers to ensure passengers have confidence that they will be entering a safe environment. Alternatively, the City of Kelowna explained that the *Criminal Records Review Act* doesn't require taxi drivers to complete a criminal record check. They recommend allowing municipalities to decide whether a criminal record check is necessary for TNS drivers, as is the case with taxis.

Recognizing that a clear driving record is often an indicator of safe driving, a number of expert witnesses recommended a driving record check. Ryde Today recommended requiring a good driving record with no major accidents over a certain time period and no Driving Under the Influence (DUI) convictions. Uber Canada suggested requiring two years of driving experience and no more than 12 demerits in the past three years. They explained that annual driver checks would ensure that only drivers with safe records are allowed to drive a passenger directed vehicle, and suggested that a good driving record is more likely to ensure public safety than an additional test. Lyft, the Vancouver Airport Authority, and the City of Campbell River also recommended a driving history check. Another proposed mechanism to ensure that drivers are experienced is setting a minimum age. Star Taxi recommended requiring that TNS drivers be over the age of 19, the Taxi Drivers' Association of Southern BC and Ryde Today suggested age 21, and the City of Colwood suggested a required age of 25, stating that the insurance industry uses age 25 as a risk management threshold.

### Medical Exams

WestCabs, Star Taxi, and the City of Enderby suggested requiring a full medical exam, and the City of Enderby explained that these additional requirements could be carried out in conjunction with insurance providers. The Canadian Hearing Society, a non-profit that advocates for the Deaf and hard of hearing, focused on barriers for those who are Deaf or hard of hearing and explained that the Class 4 medical exam requires an audiometric assessment for anyone with hearing loss. The process could require drivers to



incorporate commercial accommodation devices that are not relevant to their taxi or TNS vehicle creating additional steps and costs. They recommended removing the required medical assessment for Deaf and hard of hearing drivers to allow them to participate fully in the TNS industry.

### *Vehicle Inspections*

Given that taxis are subject to regular vehicle inspections, some witnesses suggested requiring inspections of vehicles used for TNS. WestCabs, the Office of the Seniors Advocate, 1060358 B.C. Ltd., and Squamish Taxi all suggested requiring regular vehicle inspections, with WestCabs explaining that passenger safety needs to go beyond driver training to requiring safe and dependable vehicles. Squamish Taxi stressed the importance of applying the same regulations to both industries, and 1060358 B.C. Ltd. explained that requiring vehicle inspections would help ensure that TNS operating costs are equal to the cost of operating a taxi.

### *Training*

A number of submissions focused on driver training. The Justice Institute of British Columbia (JIBC) is a post-secondary educator that offers training to the taxi and limousine industry through TaxiHost Pro courses. They emphasized that taxi drivers face increased rates of assault and that conflict resolution and other training can help reduce this risk. JIBC explained that they are in the process of developing a curriculum for an online course designed for drivers seeking work in the TNS industry. This course could be completed in four hours and would include training on driver safety protocols, strategies for enhancing occupational safety, customer service, universal access, and a road skills refresh. They recommended requiring this training for all TNS drivers in BC. ReRyde also recommended training based on the TaxiHost program.

The District of Kent and the City of Colwood supported driver training in general and suggested requiring some form of commercial training. The Vancouver Airport Authority recommended customer service training focused on inclusion and accessibility in line with World Host. They also indicated that a requirement for driver training could be prompted as a result of negative reviews, particularly in relation to public safety and accessibility needs. The City of Vancouver and Uber Canada also highlighted training to ensure accessibility, and Uber Canada suggested that operators should be required to have a system in place to ensure that their drivers are trained in how to serve those with assistance animals or other accessibility needs. They emphasized that this training should be managed by operators with the opportunity to provide the training online.

Local Ride Network by Oye.One recognized that requiring drivers to complete a course before they begin driving delays employment and creates an additional barrier. Instead they suggested requiring drivers to complete a taxi course from an accredited driving school within 30 days of beginning employment in order to streamline the licensing process. Alternatively, the City of Kelowna argued that the existing graduated licensing system and onboard GPS systems are sufficient to ensure public safety and recommended requiring no additional training.

### *Other Requirements*

In addition to safety regulations that the taxi industry is subject to, a number of witnesses proposed safety features adopted by TNS in other jurisdictions. Lyft recommended requiring that rides are GPS tracked, cashless, and that passengers receive information such as the driver's picture and name, the make and model of the vehicle, and the licence plate number before they enter the vehicle. They expressed support for regulations that enhance safety by requiring companies to utilize technology to provide consumers with new transparency and accountability features.

The City of Campbell River also supported providing passengers with information on the driver and vehicle before a ride. They recommended that TNCs provide a 24/7 customer service team and that drivers display both an identifying decal and their permit licence in the vehicle. ReRyde expressed concerns about drivers who set their own schedules working long hours and recommended establishing a system to prevent driver fatigue.

Lyft, the Vancouver Airport Authority, and Dr. Gulati recommended requiring a real-time rating system for drivers and passengers. Dr. Gulati cited research showing that real-time ratings are more effective at ensuring ride quality than one-time certification or licensing and recommended requiring a Class 5 licence for both TNS and taxis.

Several witnesses offered suggestions for implementing additional requirements as part of driver licensing. WestCabs and the City of Campbell River suggested implementing these additional requirements through a chauffeur permit.

The Office of the Seniors Advocate emphasized that licensing and record checks should be monitored by government agencies rather than left to TNCs. They suggested a special class of driver's licence for TNS drivers, similar to the Transportation Network Driver's Licence required to operate as a TNS driver within the City of Calgary. The City of Campbell River was also in favour of a provincial, centrally-managed licensing program and GoKabu added that a province-wide mechanism should be put in place to ensure that all drivers meet any standards that are set.

### Consistent Regulations

As with previous topics, several witnesses emphasized the importance of a level playing field and suggested requiring similar regulations for taxi companies and TNS. The City of Vancouver suggested that all drivers operating passenger directed vehicles should be required to hold the same class of driver's licence to ensure that passengers experience the same standard of safe travel. They, along with the District of Kent and the B.C. Taxi Association, emphasized the importance of a competitive passenger directed vehicle market. The Competition Bureau re-iterated the importance of a level playing field and explained that differential treatment of taxi and TNS drivers could have negative effects on the marketplace by creating competitive imbalance. They recommended similar licensing requirements regardless of business model to foster competition.

### Committee Deliberations

The medical exam required as part of a Class 4 licence was a focus in deliberations and Committee Members expressed various opinions. Some Members emphasized that medical exam failure rates are below one percent and suggested that the exam would only prevent a small number of drivers from working for a TNS. Other Members asserted that the process would still increase road safety. They suggested that medical issues may go unreported without a required medical test because many people are unable to visit a doctor regularly. Members also highlighted the four to seventeen week wait time for medical assessments and argued that requiring a medical exam for TNS drivers would increase wait times for other drivers who are required to take the exam. The large number of TNS drivers that would require medical exams could also place a burden on the healthcare system. Members agreed that the wait time for a medical review must be reduced and that medical exams should not exclude those who are Deaf or hard of hearing from becoming TNS drivers.

While examining the differences between a standard Class 5 licence and a commercial Class 4 licence, Members contemplated the extent to which driving for a TNC differs from driving a taxi. The Committee was of two views; some Members argued that driving for a TNS resembles casual driving more closely than commercial driving, while others expressed the view that all paid drivers are commercial drivers. Many TNS drivers are part-time and all use their own vehicles. Some Members emphasized that casual drivers holding a Class 5 licence already drive passengers in their vehicles and may offer rides to strangers through Operation Red Nose<sup>5</sup>. These Members believe that TNS are distinct from the taxi industry and require new regulations. They emphasized that a majority of other jurisdictions require a standard licence and suggested that a standard Class 5 licence is most appropriate for TNS drivers in BC.

Other Members highlighted the exchange of money between TNS drivers and passengers. As such, they suggested that TNS drivers are more similar to taxi drivers than casual drivers and therefore must be treated as commercial drivers. These Members argued that government has a responsibility to regulate businesses such as TNS to ensure that consumers feel safe when entering a car driven by a stranger. Members expressed that safety standards must be higher for businesses and that a commercial licence should be required for TNS drivers.

Members also discussed the extent to which the two licensing processes serve to improve public safety, contending that regulations must produce a demonstrable increase in safety. Some Members suggested that there is no evidence to indicate that requiring TNS drivers to hold a Class 4 licence improves safety. Potential TNS drivers are already operating the vehicles that they would drive for TNS. Other Members raised concerns about the need to ensure a basic standard of road safety. ICBC reports a 60 percent failure rate on the knowledge test, 20 percent failure rate on the pre-trip test, and 40 percent failure rate for the first attempt at the road test for Class 4 licences and Members argued that these rates of failure indicate that the Class 4 licensing process produces safer drivers.

Some Members emphasized different types of safety and suggested that a commercial licence poses a barrier to women, pointing to Alberta where a commercial licence is required and women make up only five percent of TNS drivers.

Members also discussed other mechanisms to ensure safety such as the monitoring of drivers through in-app rating systems. Some Members explained that driver rating systems would identify poor or unsafe driving quickly, while unsafe drivers may pass road tests then go unobserved without ongoing monitoring. Other Members expressed doubt, explaining that drivers can switch between TNCs if they receive negative reviews and that responsive safety features do not replace the need for proactive measures.

Some Members expressed concerns that requiring a Class 4 licence for TNS drivers would result in the TNS model becoming unviable in BC. They asserted that the additional cost and wait time could serve as a disincentive for the casual part-time drivers that the industry requires.

Members discussed the aspects of the Class 4 licensing process that they felt are the most valuable, and some Members proposed adding these requirements to a Class 5 licence through a provincial chauffeur permit. This would streamline the licensing process to reduce barriers and maintain aspects of the Class 4 exam that improve road safety. These Members expressed concerns for safety and emphasized the importance of driving record checks, background checks, and medical exams. Other Members suggested requiring a Class 5 licence

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<sup>5</sup> Operation Red Nose is a volunteer service that offers free and confidential rides home to reduce instances of impaired driving.



for TNS drivers now and re-evaluating in three years based on data to determine whether a commercial licence is necessary. While the Committee could not come to a consensus on the appropriate Class of driver's licence to require, a majority of Committee Members had the view that a Class 5 licence is most appropriate.

## **RECOMMENDATION**

The Committee recommends to the Legislative Assembly that the provincial government:

11. Require TNS drivers to hold a Class 5 driver's licence.

# Summary of Recommendations

The Committee recommends to the Legislative Assembly that the provincial government:

## Overall Themes

1. Require transportation network companies to provide data to government for monitoring purposes, including but not limited to: wait times; trip lengths; trip start and end locations; trip start and end times; accessible vehicle trip statistics; trip refusals; trip fares; drivers' hours and earnings; driver and passenger demographics; and consider extending this requirement to the taxi industry. (Recommendation #13 from the [Committee's 2018 report](#))
2. Make anonymized data provided by TNCs available to the broadest extent possible while maintaining privacy.
3. Do not begin the "review by special committee" process stipulated in Section 42.1 of the *Passenger Transportation Amendment Act, 2018* earlier than 2023.

## Boundaries

4. Not implement boundaries for TNS.

## Supply

5. Require a maximum vehicle age of ten years for vehicles used in delivering TNS.
6. Not implement caps on TNC fleet sizes.

## Fare Regimes

7. Ensure that the cost of a trip in an accessible vehicle does not exceed the cost of a trip in a non-accessible vehicle.
8. Set a minimum per-trip price that is not less than the cost of public transit.
9. Require transportation network companies to disclose the cost of a proposed trip on the app prior to the customer engaging the service. (Recommendation #9 from the [Committee's 2018 report](#))
10. Monitor data to determine if there is a need for the implementation of a base rate or a cap on surge or primetime pricing and to inform regulatory decisions in regard to service boundaries, vehicle caps, or lack thereof. (Recommendation #10 from the [Committee's 2018 report](#))

## Driver's Licences

11. Require TNS drivers to hold a Class 5 driver's licence.



# Appendix A: Public Hearing Witnesses

BC Federation of Labour, Laird Cronk, Denise Moffatt (31-Jan-19)

Canadian Centre for Policy Alternatives, Alex Hemmingway (30-Jan-19)

Dr. Garland Chow, Associate Professor Emeritus in the Operations and Logistics Division at the University of British Columbia Sauder School of Business (31-Jan-19)

Hara Associates, Dr. Dan Hara (30-Jan-19)

Dr. Alejandro Henao, mobility researcher and Deputy Director for Mobility Choice at the University of Colorado Denver (31-Jan-19)

Steven Hill, journalist, lecturer and political professor (31-Jan-19)

Justice Institute of British Columbia, Driver Education Centre, Harry Randhawa, Joan Glover (31-Jan-19)

Clark Lim, guest lecturer on transportation engineering and planning at the University of British Columbia (31-Jan-19)

Lyft, Joseph Okpaku (31-Jan-19)

Ministry of Transportation and Infrastructure, Deborah Bowman, Katherine Kirby, Jeremy Wood, Steven Haywood (30-Jan-19)

Dr. Anthony Perl, Director of Urban Studies at Simon Fraser University (30-Jan-19)

Benn Proctor, independent Vancouver taxi expert (30-Jan-19)

San Francisco County Transportation Authority, Joe Castiglione (31-Jan-19)

TransLink, Kevin Desmond and Geoff Cross (30-Jan-19)

Uber Canada, Michael Van Hemmen (30-Jan-19)

Vancouver Police Department, Sgt. Jeff Rice (31-Jan-19)



# Appendix B: Written Submissions

1060358 B.C. Ltd., Jacques Sages	Local Ride Network by Oye.One, Clayton Balabnov
B.C. Taxi Association, Mohan Kang	Kelly Mann
BC Transit, Greg Hill	Metro Vancouver Regional District, Neal Carley
Canadian Hearing Society, Gary Malkowski	Jake Nemec
City of Campbell River, Mayor Andy Adams	Office of the Seniors Advocate, Isobel Mackenzie
City of Chilliwack, Mayor Ken Popove	Passenger Transportation Board, Catherine Read
City of Colwood, Mayor Rob Martin	Regional District of Central Okanagan, Gail Given
City of Dawson Creek, Mayor Dale Bumstead	ReRyde, Reban Nouri
City of Enderby, Mayor Greg McCune	Resort Municipality of Whistler, Brooke Browning
City of Kelowna, Mayor Colin Basran	Ryde Today, Shreyans Jain
City of Vancouver, Mayor Kennedy Stewart	SBDS Enterprises Ltd. "Star Taxi", Gurpreet Manj
City of Victoria, Mayor Lisa Helps	Skeena Taxi Ltd., William Langthorne
Competition Bureau, Greg Lang	South Island Prosperity Project, Emilie de Rosenroll
Cowichan Valley Regional District, Brian Carruthers	Squamish Taxi, Garwindar Sodhi
Nathan Davidowicz	Squamish-Lillooet Regional District, Tony Rainbow
Daniel Dent	Sustainable Transportation Partnership of the Central Okanagan, James Baker, Colin Basran, Cindy Fortin, Gail Given, Chief Roxanne Lindley, and Gord Milsom
District of Kent, Sylvia Pranger	Taxi Drivers' Association of Southern BC, Opinder Singh
District of Sechelt, Matt McLean	Vancouver Airport Authority, Scott Norris
District of Squamish, Mayor Karen Elliott	Victoria Transport Policy Institute, Todd Litman
GoKabu, Hill Huang	Village of Pemberton, Sheena Fraser
Greater Vancouver Board of Trade, Iain Black	Village of Radium Hot Springs, Mark Read
Dr. Sumeet Gulati, Associate Professor of Environmental and Resource Economics at the University of British Columbia	Village of Tahsis, Sarah Fowler
Insurance Corporation of British Columbia, Lindsay Matthews	WestCabs, Bhupinder Aulakh
Insurance Bureau of Canada, Aaron Sutherland	