

# Licence

## Chapter 639 Special Transportation Services

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WHEREAS Part IV of the *Municipal Act, 2001*, c. 25 provides that a local municipality may provide for a system of licences with respect to a business without limiting sections 9, 10, and 11 of the Act;

AND WHEREAS subsection 11 (2) of the *Municipal Act, 2001*, c. 25 provides a lower-tier municipality with the authority to pass by-laws for the health, safety and well-being of persons and the protection of persons and property, including consumer protection;

AND WHEREAS the Scope of Powers conferred under subsection 8

(3) Of the *Municipal Act, 2001*, c. 25 permit that by-laws passed under sections 10 and 11 may provide for a system of licences regulating or requiring persons to do things respecting the matter;

AND WHEREAS the Council of the City of Woodstock considers it desirable and necessary to licence, regulate and govern drivers and owners in order to enhance and encourage safe maintenance and operational practices, to ensure that services are provided by qualified drivers, to promote consumer protection, and to enhance the accountability of drivers and owners.

## **Article 1 - Short Title**

### **639.1.1 Citation**

This Chapter may be cited as the "Special Transportation Services Licensing By-law."

## **Article 2 - Interpretation**

### **639.2.1 Accessible vehicle - defined**

"accessible vehicle" shall mean a motor vehicle originally constructed or subsequently modified to permit the loading, transportation and off loading of those individuals confined to a wheelchair, or similar device used to assist the disabled, without transfer and such motor vehicle shall comply with the federal and provincial legislation applicable to the transportation of a disabled passenger. Accessible vehicles shall be equipped with a non skid ramp and sufficient wheelchair "tie downs" to accommodate the number of disabled persons the vehicle is capable of carrying.

### **639.2.2 City - defined**

"City" means the City of Woodstock.

### **639.2.3 Clerk - defined**

"Clerk" means the City Clerk or designate for the Corporation.

### **639.2.4 Corporation - defined**

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

### **639.2.5 Council - defined**

"Council" shall mean the Council of the Corporation.

### **639.2.6 Driver - defined**

"driver" means a driver who is licensed as a driver of a special transportation service vehicle under this Chapter.

### **639.2.7 Fare - defined**

"fare" means the amount of money required for payment of the service.

### **639.2.8 Licence - defined**

"licence" means a licence granted by the Corporation under the provisions of this Chapter to own or operate any special transportation service vehicle.

### **639.2.9 Law enforcement officer - defined**

"law enforcement officer" means a person appointed by the Council of the Corporation to enforce the by-laws of the municipality or a police officer employed by the Woodstock Police Services Board.

**639.2.10 Owner - defined**

“owner” means the registered owner of a special transportation service vehicle.

**639.2.11 Passenger - defined**

“passenger” means any person who is a senior citizen or a physically or mentally challenged person that is paying to use the services of a special transportation service.

**639.2.12 Person - defined**

“person” includes an individual, corporation, partnership, firm, association, other legal entity or agent thereof. By-law 8659-11, February 3, 2011.

**639.2.13 Police Security Clearance Record Check – defined**

“Police Security Clearance Record Check” means a certificate of criminal records check search issued by the Woodstock Police Service or the applicant’s local policing agency. By-law 8659-11, February 3, 2011; By-law 8748-12, April 5, 2012.

**639.2.14 Senior citizen - defined**

“senior citizen” means a person 65 years of age or older.

**639.2.15 Special transportation service - defined**

“special transportation service” means a service that conveys senior citizens or physically or mentally challenged persons by motor vehicle to specific destinations such as grocery shopping, professional appointments, banking or other similar type destinations. The service shall include assisting passenger(s) with the conduct of the activity for which the service was hired.

**639.2.16 Special transportation service vehicle – defined**

“special transportation service vehicle” means a vehicle, or accessible vehicle, accommodating no more than five passengers, hired to convey passengers to destinations in accordance with the provisions of this Chapter.

**Article 3 - General Provisions**

**639.3.1 Exemption - non profit agencies**

This Chapter shall not apply to non-profit agencies that provide transportation at cost through their agency.

**639.3.2 Exemptions - written contracts**

This Chapter shall not apply in the following circumstances:

- a) in respect of trips conducted pursuant to a written contract with a business to carry passengers when the trip is conducted to or

from the premises of a business; thus special transportation service owners may negotiate a contract for fares with corporate entities at a rate mutually agreed upon;

- b) in respect of trips conducted for persons that require medical treatment to and from a hospital, medical clinic or private doctor's office exclusively. This exemption is only applicable if the trip originates from a hospital, medical clinic or private doctor's office and the passenger must have been transported from outside the City to such hospital, medical clinic or private doctor's office.

### **639.3.3 Operation - without licence - prohibited**

No owner or driver shall operate as such who has not obtained a licence thereto pursuant to this Chapter.

### **639.3.4 Licence - number - non transferable**

The licence issued by the City shall be non transferable.

### **639.3.5 Licence - issue - requirements**

The Clerk shall not issue a licence unless the following have been provided:

- a) all information requested by the Corporation has been supplied;
- b) the application has been completed, signed and filed with the Clerk;
- c) the licence fee has been paid.

### **639.3.6 Licence - expiry - February 15 - exception**

Each licence granted under this Chapter shall be for one year from February 15th in the current year and expire on the 15th of February one year after issue, unless sooner revoked.

### **639.3.7 Licence - displayed - visible**

Every licence issued under the provisions of this Chapter shall be prominently displayed where it is visible to the public and the passenger(s).

### **639.3.8 Licence - revocation - circumstances**

Every licence shall be subject to revocation should any of the provisions of this Chapter be contravened.

### **639.3.9 Information changed - notification - seven days**

The holder of a licence issued under the provisions of this Chapter shall notify the Clerk of any subsequent change of information which has been supplied to the City within seven days of the change being made.

**639.3.10 Non-compliance - disputed - referral - Appeal Tribunal**

Where an inaccuracy, non-compliance or contravention is disputed in writing by the licence holder, the disputed matter shall be referred forthwith by the Clerk to the Appeal Tribunal which shall hear representations in accordance with the provisions of Article 6.

**639.3.11 Information - inaccurate - notice to licensee**

The Clerk shall notify the holder of a licence under the provisions of this Chapter by registered mail, when he/she has cause to believe on reasonable grounds that any of the information which an applicant or holder of a licence is obliged to supply is inaccurate and that, unless the inaccuracy, non-compliance or contravention is corrected within thirty days, the licence shall be revoked.

**639.3.12 Requirements - non compliance - notice to licensee**

The Clerk shall notify the holder of a licence under the provisions of this Chapter by registered mail, when he/she is advised by a law enforcement officer or official that the licensee is not complying with all applicable requirements under a statute, regulation or this Chapter that unless the inaccuracy, non-compliance or contravention is corrected within thirty days, the licence shall be revoked.

**639.3.13 Non-compliance - licence revoked - notice**

Unless the matter giving rise to the notice has been corrected within the time allowed, the Clerk shall forthwith revoke the licence and notify the licence holder of same by registered mail at the licence holder's last address of record.

**639.3.14 Licence fees**

The licence fee shall be as follows:

- a) per vehicle per year \$140;
- b) per driver per year \$90 (includes licence photo fee).

**639.3.15 Fares - minimum - within City**

No person operating a special transportation service vehicle shall charge a fare less than twice the applicable fares listed in Schedule 'A' of Municipal Code Chapter 643 - Taxi-Limousine.

**639.3.16 Fares - minimum - outside City**

Further the minimum fare for trips outside the City limits shall be \$30 per hour.

## **Article 4 – Owner’s Licence – Requirements**

### **639.4.1 Vehicle permit - in good standing**

Every applicant for or holder of a special transportation services owner’s licence shall hold a current passenger motor vehicle permit which is in good standing and issued in the applicant’s name by the Ministry of Transportation for the motor vehicle of which he/she is the owner or for which he/she has proof that he/she has the authority to operate the vehicle as part of his/her business from the owner of the vehicle.

### **639.4.2 Vehicle safety standards certificate - annually**

Every applicant for or holder of a special transportation services owner’s licence shall provide a safety standards certificate for each motor vehicle issued under the *Highway Traffic Act* for each motor vehicle to be licensed under this Chapter annually prior to licensing.

### **639.4.3 Service - fair - equitable**

Every applicant for or holder of a special transportation services owner’s licence shall provide the service in a fair and equitable manner.

### **639.4.4 Insurance – minimum requirement**

No person shall operate a special transportation services vehicle in the City of Woodstock without first having produced a certificate of insurance confirming that a general liability policy in the amount of \$2,000,000 is in force. By-law 9234-18 – August 9, 2018

### **639.4.5 Application - complete - signed - information**

Every applicant for or holder of a special transportation services owner’s licence shall complete and sign the City’s special transportation services owner’s application form on the prescribed form.

### **639.4.6 Call records - dispatch - kept - open to inspection**

Every applicant for or holder of a special transportation services owner’s licence shall keep a record of all calls received or dispatched giving date, time, origin, and driver’s name. Records shall be retained in an orderly manner, filed by date, for twelve months, and shall be open to inspection by the Clerk or his/her designate.

### **639.4.7 Replacement vehicle - notification**

Every applicant for or holder of a special transportation services owner’s licence shall, upon disposing of a vehicle, within forty-eight hours advise the City of the replacement vehicle or surrender the licence in respect of such vehicle.

## **Article 5 – Driver’s Licence – Requirements**

**639.5.1 Age - citizenship - work permit - required**

Every applicant for or holder of a driver's licence must be at least 18 years of age and a citizen of Canada, a landed immigrant or produce a valid work permit to work as a driver, issued by the Government of Canada.

**639.5.2 Licence - valid - in good standing**

Every applicant for or holder of a driver's licence shall hold a current valid Class "G" driver's licence issued by the Province of Ontario which is in good standing according to the records of the Ministry of Transportation.

**639.5.3 Letter of potential employment - required**

Every applicant for or holder of a driver's licence shall provide a letter of potential employment from a licenced owner for whom he/she will be driving. By-law 8659-11, February 3, 2011.

**639.5.4 Criminal records check - required**

Every applicant for or holder of a driver's licence shall provide a criminal records check or any other documentation deemed appropriate by the Clerk or designate. By-law 8659-11, February 3, 2011; By-law 8748-12, April 5, 2012.

**639.5.5 Photographs**

Every applicant for or holder of a driver's licence shall be required to have their picture taken at City Hall to have inserted in the licence provided to the applicant.

**639.5.6 Application complete - signed - information**

Every applicant for or holder of a driver's licence shall complete and sign the City of Woodstock driver's application on the prescribed form.

**Article 6 – Inspections**

**639.6.1 Right of inspection of licensed vehicles**

The Clerk or a law enforcement officer, at any reasonable time and after providing proper identification, may enter upon and inspect any licensed vehicle to ensure that the provisions of this Chapter have been complied with.

**639.6.2 Inspection - access to documents**

The Clerk or a law enforcement officer may request the licensed owner of the vehicle or driver to produce all relevant licences and to provide access to the invoices, vouchers, appointment books or trip sheets or other like documents of the person being inspected, provided that such documents are relevant to the provisions of this Chapter. The person inspecting may remove any of the aforementioned documents for the purpose of photocopying, provided a receipt is given to the licensee and the

documents are returned within two business days.

### **639.6.3 Mandatory vehicle inspection**

Every licensee shall submit their vehicle (s) for a safety and mechanical inspection at an appointed time and place when required by a law enforcement officer.

### **639.6.4 Vehicle and driver inspection - while in operation**

Where a law enforcement officer believes a violation of the provisions of this Chapter has occurred and the vehicle is currently in operation, the officer may contact the licensee and direct that the vehicle attend a specific location to allow the officer to conduct an immediate inspection of the vehicle and the driver. By-law 8659-11, February 3, 2011.

## **Article 7 - Vehicle Standards**

### **639.7.1 Vehicle standards - set out**

Every broker or driver of a licenced taxicab or limousine vehicle shall adhere to the following vehicle standards:

- a) vehicle must meet the standards required for the issuance of an acceptance under an Ontario Ministry of Transportation and Communications Vehicle Inspection Report or meets the standards for the issuance of a Safety Standard Certificate of mechanical fitness;
- b) vehicle must have usable trunk capacity such that the vehicle is capable of being able to accommodate a wheelchair, walker or similar device used to assist the disabled;
- c) vehicle must have operating environmental controls sufficient to maintain an ambient interior temperature of 20 degrees Celsius;
- d) vehicle must have tint free driver and front passenger windows unless the vehicle is equipped with manufacturer installed glass that is tinted within the glass itself;
- e) the interior of the vehicle must be clean dry and in good repair;
- f) the exterior of the vehicle must be clean and in good repair free from exterior body damage with well maintained exterior paint finish; and
- g) a vehicle maintenance log shall be kept in the vehicle at all times. By-law 8659-11, February 3, 2011.

## **Article 8 - Refusal - Revocation - Suspension of a Licence**

### **639.8.1 Notice - issued - conditions set out**

The Clerk shall provide a notice of refusal to issue a licence to an applicant if the conditions for issuance have not been met, the Clerk determines that, the information on the licensee's application for a licence is inaccurate, the applicant has contravened a Section of this Chapter or if the applicant, or any of its directors, officers or managers have been convicted of an offence under the Criminal Code of Canada. The Clerk shall provide the applicant with the written notice of refusal to issue a licence setting out the reasons for refusal, when the right to review will expire and how to apply for a review.

### **639.8.2 Notice - how served**

The notice shall be served personally or by registered mail to the applicant at the address shown on the application.

### **639.8.3 Application - not filed - expired without notice**

If an application for review has not been filed within fourteen days of the Clerk having effected service of the notice, the applicant's right to a review will expire without further notice.

### **639.8.4 Licence fee returned - not granted - review expired**

The Clerk shall return the licence fee paid at the time of the application if the licence is not granted and the applicant's right to a review has expired.

### **639.8.5 Revocation or suspension of a licence**

The Clerk shall provide a notice to revoke or suspend a licence if the licensee no longer complies with the conditions for issuance after the licence is issued, the Clerk determines that, the information on the licensee's application for the licence is inaccurate, the licensee has contravened a Section of this Chapter or if the licensee or any of its directors, officers or managers have been convicted of an offence under the Criminal Code of Canada. The Clerk shall give the licensee notice of the revocation or suspension in writing setting out the reasons for revocation or suspension, when the right to a review will expire and how to apply for a review. The notice shall be served personally or by registered mail to the licensee's address last on file with the Clerk.

### **639.8.6 Application for review - expiry**

If an application for review has not been filed within fourteen days of the Clerk having effected service of the notice, the applicant's right to review will expire without further notice.

### **639.8.7 Licence - fee - refund - pro-rated**

The Clerk shall return a pro-rated portion of the licence fee (based on the length of time the licence was in effect) of a revoked or suspended licence.

### **639.8.8 Application for review - procedure - deadline**

An applicant or licensee in receipt of a notice to refuse, revoke or suspend a licence, may, within fourteen days after service of notice apply in writing for a review of notice to refuse, revoke or suspend a licence by filing the application for review with the Clerk and the provisions of Sections 639.8.10 to 639.8.21, inclusive shall apply.

### **639.8.9 Report for a review of status of licensee**

The Clerk may report to the Review Tribunal any reasons for the issuance of notice of refusal, revocation or suspension including any breaches by the licensee of this Chapter or other relevant considerations.

### **639.8.10 Review hearing - date of**

Upon receipt of the application to review, the Clerk shall determine a date for the review hearing with the Review Tribunal chairperson which shall be at least fourteen days after the receipt of the application for review.

### **639.8.11 Review hearing - notice of**

Upon determination of the review hearing date, the Clerk shall give notice in writing to the applicant or licensee, said notice to:

- a) include a statement,
  - (i) as to the time, date, place and purpose of the review hearing, and
  - (ii) that, if the applicant or licensee does not attend the review hearing, the Review Tribunal shall proceed in the absence of the applicant or licensee and the applicant or licensee will not be entitled to any further notice;
- b) be served personally or by registered mail to the applicant or licensee at the address last on file with the Clerk; and
- c) where the good character, propriety of conduct or competence of an applicant or licensee is an issue, contain reasonable information of any allegation with respect thereto.

### **639.8.12 Review hearing - by Review Tribunal – procedure**

The Review Tribunal shall hold the review hearing at the time, place and date set out in the notice. The applicant or licensee may be represented at the review hearing by counsel, and the applicant or licensee or their counsel shall have the right to adduce evidence, submit argument on their behalf and cross-examine witnesses adverse in interest.

**639.8.13 Review hearing - City - represented**

The City shall be represented at the review hearing by either the Clerk or the City Solicitor, who is entitled to adduce evidence and submit arguments in reply to evidence and arguments on behalf of the applicant or licensee.

**639.8.14 Review hearing - onus upon applicant**

At the review hearing, the onus shall be upon the applicant or licensee to show cause why:

- a) the licence should be granted;
- b) the licence should not be suspended or revoked; or
- c) conditions should not be imposed on the licence.
- d)

**639.8.15 Review hearing - open to public - exception**

All review hearings shall be public hearings unless the applicant or licensee requests that the hearing be held in closed session and the Review Tribunal may approve the request by a simple majority.

**639.8.16 Review hearing - applicant absent - decision rendered**

Where notice of the review hearing has been served on the applicant or licensee and the applicant or licensee does not attend the hearing, the Review Tribunal may proceed with the review hearing and render a decision in the absence of the applicant or licensee.

**639.8.17 Review hearing - completion - decision rendered**

Upon completion of the review hearing, the Review Tribunal shall render a decision which shall:

- a) confirm the Clerk's decision to refuse, revoke or suspend the licence;
- b) reject the Clerk's decision and order the Clerk to issue a licence; or
- c) reject the Clerk's decision to revoke or suspend the licence.
- d)

**639.8.18 Licence - conditions - imposed**

Where the Review Tribunal rejects the Clerk's decision, the Review Tribunal may impose conditions, including special conditions, on the applicant or licensee as a requirement to hold a licence on such terms as are deemed just.

**639.8.19 Review Tribunal - decision final - binding**

The Review Tribunal's decision shall be final and binding.

**639.8.20 Review Tribunal - decision in writing**

The Review Tribunal shall give its decision in writing to the Clerk within seven days of the date of the completion of the review hearing.

### **639.8.21 Waiver of hearing**

Despite any of the provisions of this Chapter, a proceeding may be disposed of by a decision of the Review Tribunal given:

- a) without a hearing; or
- b) without compliance with any other requirements of the *Statutory Powers Procedure Act*, as amended, or of this Chapter, where the applicant or licensee has waived such hearing or compliance.

### **639.8.22 Review Tribunal - decision - notification procedure**

The Clerk shall notify the applicant or licensee of the decision by serving a copy personally or by registered mail to:

- a) the applicant or licensee at the address shown on the application, or last on file with the Clerk; or
- b) the counsel or agent of the applicant or licensee, if any, at the address as stated to the Review Tribunal.
- c)

### **639.8.23 Licence - continued until expired**

If the decision rendered is to reject the Clerk's decision, the licence shall be issued or in the case of a notice to suspend or revoke the licence shall continue until its expiry date.

### **639.8.24 Licence - suspended or revoked - authority**

If the decision is to confirm the Clerk's decision to suspend or revoke the licence, the licensee shall within twenty-four hours of service of notice by registered mail, or immediately if the notice is personally served, return the licence to the Clerk and the Clerk shall have access to any premises or other property of the licensee for the purpose of receiving or taking the same.

### **639.8.25 Conditions - imposed - acceptance confirmed**

If the decision is to confirm the Clerk's decision to impose conditions on the licence, the licensee shall within twenty-four hours of service of notice by registered mail or immediately if the notice is personally served, advise the Clerk as to his or her acceptance of the conditions.

### **639.8.26 Service of notice - by registered mail**

Service of a notice by registered mail is effective on the fifth day after the document is mailed. By-law 8777-12, June 7, 2012.

## **Article 9 – Enforcement**

### **639.9.1 Fine - for contravention**

Every person who contravenes any of the provisions of this Chapter is guilty of an offence and upon conviction is liable to a fine or penalty as provided for in the *Provincial Offences Act*.

## **Article 10 - Repeal - Enactment**

### **639.10.1 By-laws - previous**

All previous by-laws regarding special transportation licensing are hereby repealed.

### **639.10.2 Effective date**

This Chapter shall become effective as of third and final reading of the enabling by-law. By-law 8659-11, February 3, 2011.