



City Of Kingston

Ontario

By-Law Number 2022-6

**A By-Law to Regulate and License Transportation
Network Companies in the City of Kingston**

(Short Title “Transportation Network Company By-Law”)

Passed: January 11, 2022

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A By-Law to Regulate and License Transportation Network

Companies in the City of Kingston

Passed: January 11, 2022

Whereas pursuant to paragraphs 6, 8, and 11 of subsection 10(2) of the *Municipal Act*, a municipality may pass by-laws respecting: (a) health, safety and well-being of persons; (b) protection of persons and property, including consumer protection; and (c) business licensing; and

Whereas pursuant to subsection 8(3) of the *Municipal Act*, a by-law passed under section 10 respecting a matter may: (a) regulate or prohibit respecting the matter; (b) require a person to do certain things respecting the matter; and (c) provide for a system of licences respecting the matter; and

Whereas subsection 151(1) of the *Municipal Act* confers broad authority on a municipality to provide for a system of licences with respect to a business; and

Whereas the Council of the City considers it necessary and desirable to regulate Transportation Network Companies for the purposes of ensuring the health, safety and well-being of passengers and drivers, and for the protection of persons and property, including consumers;

Therefore be it resolved that the Council of The Corporation of the City of Kingston hereby enacts as follows:

1.0 Interpretation

1.1 In this by-law:

“Administrative Penalty” means an administrative penalty administered pursuant to the Administrative Process Penalty By-Law;

“Administrative Process Penalty By-Law” means City of Kingston By-Law Number 2020-69, “A By-Law to Establish a Process for Administrative Penalties”;

“Appeals Committee” means the appeals committee established by City of Kingston By-Law Number 2010-205, “A By-Law to Define the Mandate and Meeting Procedures for Committees Established by The Corporation of the City of Kingston”, and includes any successor committee designated by Council to carry out the Appeals Committee’s responsibilities;

“App” means a software application residing on a digital electronic device, or other telecommunications platform or digital network, which performs or is intended to perform one or more of the following functions:

- (a) enables a Person to identify the locations of available TNC Vehicles and allows TNC Drivers to identify the location of a Passenger;
- (b) enables a Person to request a TNC Vehicle for TNC Services using a digital electronic device or other telecommunications platform or digital network; or
- (c) enables a TNC Vehicle to receive a request for TNC Services from a Passenger;

“Applicant” means a Person applying for a Licence or for the renewal of a Licence;

“City” means The Corporation of the City of Kingston;

“City Solicitor” means the City’s Director of Legal Services and City Solicitor, or the City Solicitor’s designate;

“Clerk” means the person appointed by the City as clerk, or the Clerk’s designate;

“Council” means the Council of the City;

“Director” means the City’s Director of Building and Enforcement, the Director’s designate, or, in the event of organizational changes, the director of the appropriately titled department;

“Fees and Charges By-Law” means City of Kingston By-Law Number 2005-10, “A By-Law to Establish Fees and Charges to be Collected by The Corporation of the City of Kingston”;

“Highway Traffic Act” means the *Highway Traffic Act*, R.S.O. 1990, c, H.8;

“Licence” means a licence granted pursuant to this by-law;

“Licensee” means any Person to which the City has granted a valid Licence;

“Licensing and Enforcement Division” means the Licensing and Enforcement Division of the City’s Building and Enforcement Department or in the event of organizational changes, the appropriately titled division;

“Motor Vehicle” has the meaning given to it in the *Highway Traffic Act*;

“**Municipal Act**” means the *Municipal Act, 2001*, S.O. 2001, c.25;

“**Passenger**” means a Person who is receiving or has requested TNC Services;

“**Penalty Notice**” means a notice given pursuant to subsections 2.2 and 2.4 of the Administrative Process Penalty By-Law;

“**Person**” includes an individual, a corporation, a partnership, and an association;

“**Provincial Offences Act**” means the *Provincial Offences Act*, R.S.O. 1990, c. P.33;

“**Provincial Offences Officer**” has the meaning given to it in the *Provincial Offences Act*;

“**Transportation Network Company**” means any Person that, in any manner:

- (a) transmits requests from Passengers to TNC Drivers, and transmits responses from TNC Drivers to Passengers for transportation for compensation of one or more Passengers in a Motor Vehicle, from any place in the City of Kingston to any destination in or outside of the City of Kingston; or
- (b) facilitates, brokers, solicits, offers or advertises transportation for compensation of one or more Passengers in a Motor Vehicle from any place in the City of Kingston to any destination in or outside of the City of Kingston,

but does not include a Person that accepts or receives requests for, or facilitates, brokers, solicits, offers or advertises, transportation for compensation in the following Motor Vehicles:

- (i) a Motor Vehicle with a seating capacity of 11 or more individuals, including the driver;
- (ii) a Taxicab;
- (iii) a bus used to transport pupils, including a bus owned and operated by, or operated under a contract with, a school board, private school or charitable organization;
- (iv) a Motor Vehicle used as part of a passenger transportation system established, operated or maintained by the City;
- (v) a Motor Vehicle used as part of a specialized transportation service, as defined in the *Accessibility for Ontarians with Disabilities Act, 2005*, S.O. 2005, c. 11;
- (vi) an ambulance or funeral hearse;
- (vii) a limousine; or

- (viii) a Motor Vehicle being operated as a car pool vehicle pursuant to the *Public Vehicles Act*, R.S.O. 1990, c. P.54;

“TNC Driver” means an individual who is providing TNC Services or is logged into, accessing or using a Transportation Network Company’s App to offer TNC Services;

“TNC Services” means transportation for compensation of one or more Passengers in a Motor Vehicle with a seating capacity of not more than 10 individuals, from any place in the City of Kingston to any destination in or outside of the City of Kingston, requested, brokered, facilitated, solicited, offered or advertised through a Transportation Network Company;

“TNC Vehicle” means a Motor Vehicle being used or driven by a TNC Driver; and

“Taxicab” has the meaning given to it in Taxi Licensing Commission By-Law Number 2, being “A By-Law Respecting the Taxi Licensing Commission of The Corporation of the City of Kingston and the Corporation of the Township of Loyalist”.

1.2 For the purposes of interpreting this by-law:

- (a) a reference to any legislation, regulation, or by-law or to a provision thereof includes a reference to any legislation, regulation or by-law enacted, made or passed in substitution thereof or amendment thereof;
- (b) any reference to legislation includes all of the regulations made thereunder;
- (c) “include”, “includes” and “including” indicate that the subsequent list is not exhaustive; and
- (d) “to provide” includes to furnish, to offer, to perform, and to solicit, and “providing” and “provision” have corresponding meanings.

1.3 This by-law will not be interpreted as exempting any Person from the requirement to comply with any other City by-law or federal or provincial legislation. In the event of conflict between the provisions of this by-law and any other City by-law, the provision that establishes the higher standard of health, safety and well-being of persons and protection of persons will apply.

2.0 Prohibitions

2.1 No Person shall:

- (a) carry on or engage in the business of a Transportation Network Company without a Licence;
- (b) advertise, publish, or cause to be advertised or published, or make any representation, that the Person carries on or is engaged in the business of a Transportation Network Company without a Licence; or
- (c) own or operate a TNC Vehicle without being licensed or registered with a Transportation Network Company under this by-law.

3.0 Obtaining or Renewing a Licence

3.1 A Person may apply to have a Licence granted or renewed by submitting an application to the Licensing and Enforcement Division in the form prescribed by the Director. Every Applicant shall:

- (a) complete the prescribed forms;
- (b) if the Applicant is an individual, provide proof that the Applicant is at least 18 years of age;
- (c) if the Applicant is a corporation, provide a copy of its articles of incorporation or other incorporating document, duly certified by the proper government official or department, together with an annual return which contains a list of all directors of the corporation;
- (d) if the Applicant is a partnership, provide the name and address of each member of the partnership as well as the name under which they carry on or intend to carry on or engage in business;
- (e) provide certificates of insurance, in a form satisfactory to the City, confirming that the insurance required to be maintained by the Applicant pursuant to subsection 6.1 of this by-law is in full force and effect;
- (f) provide an indemnity in favour of the City from and against claims, demands, losses, costs, damages, actions, suits, or proceedings that arise out of, or are attributable to, the grant of a Licence or the performance or non-performance of the Applicant under this by-law, in a form satisfactory to the City Solicitor;

- (g) provide a sworn declaration from the Applicant, or, if the Applicant is a corporation, a sworn declaration from an officer or director of the Applicant, confirming that each TNC Driver who provides TNC Services through the Applicant has provided the following to the Applicant, in compliance with the terms of this by-law:
 - (i) proof of the insurance required to be maintained by the TNC Driver pursuant to subsection 7.1 of this by-law;
 - (ii) proof of the matters described in clauses 11.1(a) and (c) of this by-law;
 - (iii) the Police Criminal Records and Judicial Matters Check required pursuant to clause 13.1(a) of this by-law; and
 - (iv) the Three-Year Statement of Driving Record required pursuant to clause 13.1(b) of this by-law;
 - (h) pay the applicable Licence fee set out in the Fees and Charges By-Law;
 - (i) provide documentation demonstrating the number of TNC Vehicles in the Transportation Network Company's fleet for purposes of determining the amount of the applicable Licence fee; and
 - (j) furnish to the City such other information as the Director may require.
- 3.2 No Person shall submit false or deceptive information or make a false or deceptive statement in an application made to the City or in any other document submitted to the City.

4.0 Licence Grant & Renewal

- 4.1 The Director shall grant or renew a Licence to an Applicant who meets the requirements of this by-law, except that the Director may refuse to grant or renew a Licence on the following grounds:
- (a) the conduct of any Person, including the officers, directors, employees or agents of a corporation or any TNC Driver who provides TNC Services through the Transportation Network Company, affords the Director reasonable cause to believe that the Applicant will not carry on or engage in the business authorized by the Licence in accordance with the law or with honesty and integrity;

- (b) the Director has reasonable cause to believe that the Applicant will carry on or engage in the business authorized by the Licence in a way that will adversely affect the well-being or interests of the public or the City;
 - (c) the Applicant is in default of fines imposed under the *Provincial Offences Act*;
 - (d) the Applicant is in arrears of the per trip fee described in subsection 13.6 of this by-law; or
 - (e) if the Applicant is an individual, the Director has reasonable cause to believe that the Applicant is less than 18 years old.
- 4.2 If the Director refuses to grant or renew a Licence, the Director shall give the Applicant notice of the refusal to grant or renew the Licence, which notice may be served personally or by registered mail to the Applicant at the address shown on the application.
- 4.3 The Director may, when granting or renewing a Licence, or at any time the Director considers appropriate, impose such conditions as the Director considers appropriate as a requirement of obtaining, continuing to hold or renewing a Licence.
- 4.4 If the Director grants or renews a Licence to two or more Persons who carry on or engage in a Transportation Network Company as a partnership, each Person shall be jointly and severally responsible for observing and performing the Licensee's obligations under the Licence and this by-law.
- 4.5 If the Director grants or renews a Licence to an Applicant, the Director may deliver the Licence to the Applicant personally or by sending it by ordinary mail to the Applicant at the address shown on the application.
- 4.6 A Licence is valid for one year from the date it is granted or renewed, unless suspended or revoked earlier.
- 4.7 Every Licensee shall notify the Director in writing within seven days of a change in the Licensee's address, e-mail address or telephone number, or a sale, transfer or termination of the Licensee's Transportation Network Company business.
- 4.8 No Licensee shall assign or transfer its Licence.

5.0 Insurance Generally

- 5.1 Every Transportation Network Company shall ensure that every policy of insurance required by this by-law is kept in force for the entire term of its Licence.
- 5.2 In addition to any other remedy in this by-law, in accordance with clause 14.1(c) of this by-law, the Director may suspend a Licence if the Director has reasonable cause to believe that any TNC Vehicle or TNC Driver who provides TNC Services through the Transportation Network Company is not insured in accordance with this by-law.

6.0 Transportation Network Company Insurance

- 6.1 Every Transportation Network Company shall obtain and maintain the following minimum insurance:
- (a) commercial general liability insurance of not less than \$5,000,000 per occurrence; and
 - (b) non-owned automobile insurance with limits of not less than \$2,000,000 per occurrence providing coverage for loss or damage resulting from bodily injury to or the death of one or more persons; loss or damage to property resulting from an accident; and third-party liability.
- 6.2 Every Transportation Network Company shall ensure that the insurance required by subsection 6.1 of this by-law:
- (a) is endorsed to give the City at least 30 days' written notice of any cancellation, expiration or material change to the policy; and
 - (b) includes the City as an additional named insured with respect to liability arising out of or attributable to the grant of a Licence, the renewal of a Licence or the performance or non-performance of the Transportation Network Company under this by-law.

7.0 TNC Driver Insurance

- 7.1 Every Transportation Network Company shall ensure that every TNC Driver who provides TNC Services through the Transportation Network Company obtains and maintains, at all times:

- (a) while logged into, accessing or using the Transportation Network Company’s App and available to accept requests for transportation, automobile liability insurance for owned vehicles with limits of not less than \$1,000,000 inclusive per occurrence for bodily injury, death and damage to property; and
- (b) while travelling to pick up a Passenger and while transporting a Passenger, automobile liability insurance for owned vehicles with limits of not less than \$2,000,000 inclusive per occurrence for bodily injury, death and damage to property.

7.2 The automobile liability insurance required by subsection 7.1 must include the NPCF 6TN – Permission to Carry Paying Passengers for Transportation Network Company endorsement, or an equivalent endorsement or insurance acceptable to the City Solicitor, and the insurance coverage may be obtained by the TNC Driver, the Transportation Network Company, or any combination of the two acceptable to the City Solicitor, provided that if the TNC Driver fails to obtain the required coverage, or the coverage lapses, the Transportation Network Company shall maintain such coverage.

7.3 Every Transportation Network Company shall obtain proof of insurance from every TNC Driver who provides TNC Services through the Transportation Network Company to evidence compliance with the requirements of this section 7.0.0 prior to the TNC Driver providing such TNC Services and annually thereafter. The Transportation Network Company shall provide copies of such proof of such insurance to the Director promptly upon request.

7.4 Every Transportation Network Company shall maintain proof of the insurance required pursuant to this section 7.0.0 for a period of not less than three years after the TNC Driver ceases to provide TNC Services through the Transportation Network Company.

8.0 App Requirements

8.1 Every Transportation Network Company shall use an App which:

- (a) produces a record of the date and time when every TNC Driver is logged into, accessing or using the App, accepts or receives a Passenger’s request for TNC Services, or is transporting a Passenger;
- (b) discloses the following to the Passenger at the time the transportation is arranged:

- (i) the first name and photograph of the TNC Driver who will provide the transportation;
 - (ii) a description of the make, model, colour and licence plate of the TNC Vehicle that will provide the transportation;
 - (iii) the applicable rate being charged for the transportation; and
 - (iv) an estimate of the total cost of the transportation, including any surcharges;
- (c) allows the Passenger to track the location and route of the TNC Vehicle;
- (d) allows the Passenger to rate the TNC Driver and TNC Vehicle;
- (e) includes a process by which the Passenger accepts or refuses the transportation prior to commencement and keeps a record of such acceptance or refusal;
- (f) provides a secure payment mechanism for the transportation; and
- (g) provides a print or electronic receipt to the Passenger at the end of the transportation that includes the following information:
 - (i) the rate and surcharge, if any, charged for the transportation;
 - (ii) the total amount paid for the transportation;
 - (iii) the date and time of the transportation;
 - (iv) the origin and final destination(s) of the transportation;
 - (v) the total time and distance of the transportation;
 - (vi) the first name of the TNC Driver who provided the transportation;
and
 - (vii) the make, model and colour of the TNC Vehicle that provided the transportation.

8.2 Every Transportation Network Company shall make the following information readily available to the public on its App or its website:

- (a) the insurance coverage required to be maintained by the Transportation Network Company and by TNC Drivers under this by-law, including the amount and type of the insurance coverage;
- (b) information about the TNC Services offered by TNC Drivers through the Transportation Network Company;
- (c) the applicable screening process for TNC Drivers and TNC Vehicles, as required pursuant to subsection 13.1 of this by-law; and
- (d) a notification that TNC Drivers are prohibited from soliciting or accepting requests for transportation services that are not prearranged using the App, including accepting street hails or picking up fares at taxi stands.

8.3 No Transportation Network Company shall accept or offer or facilitate TNC Services using any App that does not meet the requirements of this by-law.

9.0 Records Requirements

9.1 Every Transportation Network Company shall create and maintain records containing the following information:

- (a) the total number of trips requested and fulfilled, as well as the total number of trips requested and not fulfilled, in each year;
- (b) for each trip provided by a TNC Driver, the date and time of the trip requested, accepted and fulfilled with its origin and destination identified, within 10 metres;
- (c) the records required to be produced by an App under clause 8.1(a) of this by-law; and
- (d) the TNC Driver and TNC Vehicle information corresponding with each requested trip, including:
 - (i) the full name of the TNC Driver;
 - (ii) the licence plate number of the TNC Vehicle;
 - (iii) the date, time and duration of the trip; and
 - (iv) the length of time elapsing between the Passenger’s request and the start of the trip.

The Transportation Network Company shall maintain the records described in this subsection 9.1 for a period of not less than three years.

- 9.2 Every Transportation Network Company shall make available to the Director, within 48 hours after request, all records and information required pursuant to subsection 9.1.
- 9.3 Every Transportation Network Company shall provide to the Director immediate and direct access to those portions of its App or Apps that are necessary for the Director to inspect and investigate, in real time, compliance with this by-law and to determine the location of any TNC Vehicle providing TNC Services through the Transportation Network Company. Alternatively, the Transportation Network Company shall create and maintain a law enforcement response team that is available on a 24 hours per day, seven days per week basis to provide information and records to the Director for purposes of determining, in real time, compliance with this by-law and the location of any TNC Vehicle providing TNC Services through the Transportation Network Company.
- 9.4 No Transportation Network Company shall interfere with or hamper the Director’s inspection or investigation pursuant to subsection 9.3 of this by-law.

10.0 TNC Driver Identification

- 10.1 Every Transportation Network Company shall issue to every TNC Driver who provides TNC Services through the Transportation Network Company a current and up-to-date identification card in written or accessible electronic form bearing the following information:
- (a) the first and last name and photograph of the TNC Driver;
 - (b) the make, model, colour, and licence plate number of the TNC Vehicle driven or used by the TNC Driver; and
 - (c) the name and contact information of the Transportation Network Company through which the TNC Driver provides TNC Services.
- 10.2 Every Transportation Network Company shall ensure that every TNC Driver who provides TNC Services through the Transportation Network Company complies with the following requirements in respect of the identification card required pursuant to subsection 10.1 above:

- (a) the identification card must remain in the TNC Vehicle at all times when TNC Services are provided by a TNC Driver; and
- (b) the TNC Driver must immediately produce its identification card upon the request of a Provincial Offences Officer.

10.3 Every Transportation Network Company shall provide to the Director, every three months following the issuance of its Licence, or as frequently as otherwise determined by the Director, an up-to-date list, in an accessible format, of every TNC Driver who provides TNC Services through the Transportation Network Company, including:

- (a) the full name and address of every TNC Driver; and
- (b) the make, model, colour and licence plate of every TNC Vehicle.

11.0 TNC Driver Requirements

11.1 Every Transportation Network Company shall ensure that every TNC Driver who provides TNC Services through the Transportation Network Company:

- (a) is at least 21 years of age;
- (b) holds a valid and current unrestricted Class G driver's licence issued by the Province of Ontario pursuant to the *Highway Traffic Act*;
- (c) has at least three years of driving history; and
- (d) meets or exceeds the screening criteria established by the Transportation Network Company under subsection 13.1 of this by-law.

11.2 Every Transportation Network Company shall keep copies of the documents and records required under subsection 11.1 at all times while the TNC Driver provides TNC Services through the Transportation Network Company and for a period of not less than three years after the TNC Driver ceases to provide TNC Services through the Transportation Network Company.

11.3 Every Transportation Network Company shall make available to the Director, within 48 hours after request, all documents and records required pursuant to this section 12.0.

12.0 TNC Vehicle Requirements

12.1 Every Transportation Network Company shall ensure that every TNC Vehicle meets the following requirements at all times when providing TNC Services:

- (a) the TNC Vehicle has a valid and current Ontario Ministry of Transportation Safety Standards Certificate, which must be delivered to the Transportation Network Company prior to commencement of use as a TNC Vehicle and annually thereafter;
- (b) the TNC Vehicle has a valid Motor Vehicle permit issued pursuant to the *Highway Traffic Act*, which must be delivered to the Transportation Network Company prior to commencement of use as a TNC Vehicle;
- (c) the TNC Vehicle is less than 10 model years old (not including the year of the TNC Vehicle);
- (d) the TNC Vehicle complies with all requirements of the *Highway Traffic Act* and is considered mechanically safe, as determined by a mechanic designated by the Director, and does not have any body damage with sharp edges, holes in the floor boards, unserviceable tires, doors that do not close properly, wire protruding from any seat, or any other mechanical defect that would render the TNC Vehicle unsafe;
- (e) if the TNC Vehicle is leased, the lease agreement for the TNC Vehicle is valid and in full force and effect; and
- (f) the TNC Vehicle is equipped with four winter tires or all-weather tires from December 1 to April 30.

12.2 Every Transportation Network Company shall keep copies of the documents and records required pursuant to subsection 12.1 at all times while the TNC Vehicle is used as a TNC Vehicle and for a period of not less than three years after the TNC Vehicle ceases to be used as a TNC Vehicle.

12.3 Every Transportation Network Company shall make available to the Director, within 48 hours after request, all documents and records required pursuant to this section 12.0.

13.0 General Requirements

13.1 Every Transportation Network Company shall establish screening criteria that every TNC Driver providing TNC Services through the Transportation Network

Company must meet or exceed at all times while providing TNC Services. The screening criteria must be approved by the Director and include, at a minimum:

- (a) an original Police Criminal Records and Judicial Matters Check or equivalent dated less than 90 days prior to the date of submission to the Transportation Network Company and updated annually thereafter; and
- (b) a Three-Year Statement of Driving Record issued by the Ontario Ministry of Transportation dated within 30 days prior to the date of submission to the Transportation Network Company and updated annually thereafter.

- 13.2 Every Transportation Network Company shall make available to the Director, within 48 hours after request, a copy of its screening criteria or any other documents or records required pursuant to subsection 13.1.
- 13.3 Every Transportation Network Company shall ensure that all TNC Services provided through the Transportation Network Company are prearranged through the Transportation Network Company's App or Apps, and that no TNC Driver solicits or accepts requests for TNC Services by any means other than such App, including by accepting street hails or picking up Passengers at taxi stands.
- 13.4 No Transportation Network Company shall receive, accept or permit payment for TNC Services with cash, electronic funds transfer, or any other form of payment outside of the App.
- 13.5 Every Transportation Network Company shall ensure that no TNC Driver receives, accepts or permits payment for TNC Services with cash, electronic funds transfer, or any other form of payment outside of the App.
- 13.6 Every Transportation Network Company shall remit to the City the per trip fee referenced in the Fees and Charges By-Law on a monthly basis. Such remittance shall be made to the City by the 15th of the month following the month to which the remittance relates, and upon request, the Transportation Network Company shall provide the Director with the record establishing the basis of the calculation of the per trip fee.
- 13.7 In accordance with the Fees and Charges By-Law, any portion of the per trip fee that remains unpaid beyond the date fixed for payment shall bear interest at the rate of 1.25% (15% per annum) after 30 days and each month thereafter under the fee is paid in full.

13.8 Every Transportation Network Company shall provide the Director with notice when the number of TNC Vehicles in the Transportation Network Company's fleet increases to 51 and/or 101 TNC Vehicles, and the Transportation Network Company shall pay the full difference in the amount of the Licence fee within five days of providing notice.

13.9 If a Transportation Network Company's fleet decreases during the term of the Licence, the City will not provide a refund or pro-rated amount of the Licence fee to the Transportation Network Company.

14.0 Licence Suspension or Revocation

14.1 The Director may:

- (a) suspend or revoke a Licence if the Director has reasonable grounds to believe that a Licensee is not complying with the requirements of this by-law;
- (b) suspend or revoke a Licence on the grounds specified in subsection 4.1 of this by-law; or
- (c) suspend a Licence if the Director is satisfied that the continuation of the Licensee's Transportation Network Company business poses an immediate danger to the health or safety of any person or to any property, subject to the following:
 - (i) before suspending the Licence, the Director shall provide the Licensee with the reasons for the suspension, either orally or in writing, and an opportunity to respond to them; and
 - (ii) the suspension must not exceed 14 days.

14.2 In a real or perceived emergency, or if the Director is unavailable, a Provincial Offences Officer may exercise the powers of the Director under clause 14.1(c) of this by-law, subject to the following:

- (a) the Provincial Offences Officer shall, as soon as practicable, notify the Director and provide the Director with the reasons for the suspension; and
- (b) the Director may confirm or rescind the suspension, either orally or in writing.

15.0 Appeals

- 15.1 A Person whose application for the grant or renewal of a Licence has been refused, a Licensee on whose Licence the Director has imposed conditions, or a Person whose Licence has been suspended or revoked, may, within 15 days of being notified of the refusal, suspension or revocation, as the case may be, serve a notice of appeal in the form prescribed by the Director on the Clerk in accordance with City of Kingston By-Law Number 2015-159 and the Fees and Charges By-Law.
- 15.2 On an appeal, the Appeals Committee may confirm, modify or rescind the Director’s decision, and has the same powers and functions as the Director.
- 15.3 Decisions made by the Appeals Committee are final.

16.0 Administration and Enforcement

- 16.1 The Director is responsible for the administration of this by-law.
- 16.2 This by-law may be enforced by a Provincial Offences Officer, or other authorized employee or agent of the City.
- 16.3 No Person shall obstruct or hinder or attempt to obstruct or hinder the Director, a Provincial Offences Officer or other authorized employee or agent of the City in the exercise of a power or the performance of a duty under this by-law.
- 16.4 The Director is authorized to rectify minor administrative oversights in respect of a Licence or Licence application.

17.0 Inspection Powers

- 17.1 The Director and every Provincial Offences Officer shall, in accordance with the provisions of the *Municipal Act*, have the right to enter on land to conduct an inspection to determine whether the provisions of this by-law are being complied with.
- 17.2 For the purposes of an inspection, the Director or Provincial Offences Officer may:
- (a) require the production for inspection of documents or things relevant to the inspection, including a TNC Vehicle;

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

18.0 Offences and Orders

- 18.1 Every Person who contravenes any provision of this by-law is guilty of an offence as provided for in the *Provincial Offences Act*.
- 18.2 Every officer or director of a corporation who knowingly concurs in the contravention of any provision of this by-law is guilty of an offence as provided for in the *Provincial Offences Act*.
- 18.3 Every Person who contravenes any provision of this by-law shall, upon issuance of a Penalty Notice, be liable to pay to the City an Administrative Penalty, and the Administrative Process Penalty By-Law applies to each Administrative Penalty issued pursuant to this by-law.
- 18.4 If a Person is required to pay an Administrative Penalty under subsection 18.3 in respect of a contravention of this by-law, the Person will not be charged with an offence in respect of the same contravention.
- 18.5 Every Person who is convicted of an offence under this by-law is liable to a minimum fine of \$500 and to a maximum fine of \$100,000, pursuant to subsections 429(1) and (3) of the *Municipal Act*.
- 18.6 A Person who is convicted of an offence under this by-law is liable, for each day or part of a day that the offence continues, to a minimum fine of \$500 and a maximum fine of \$10,000, and the total of all daily fines for the offence is not limited to \$100,000 as provided for in section 429 of the *Municipal Act*.
- 18.7 When a Person has been convicted of an offence under this by-law, the Ontario Court of Justice or any court of competent jurisdiction may, in addition to any other penalty imposed on the Person convicted, make an order:
- (a) prohibiting the continuation or repetition of the offence by the Person convicted; and

- (b) requiring the Person convicted to correct the contravention in the manner and within the period that the Court considers appropriate.

19.0 Miscellaneous

- 19.1 If a court of competent jurisdiction declares any provision, or any part of a provision, of this by-law to be invalid, or to be of no force and effect, it is the intention of Council in enacting this by-law that each and every provision of this by-law authorized by law be applied and enforced in accordance with its terms to the extent possible according to law.
- 19.2 This by-law may be referred to as the "**Transportation Network Company By-Law.**"
- 19.3 This by-law will come into force and take effect on June 1, 2022.

Given Third Reading and Passed: January 11, 2022
