
Taxi Industry – Cleaning Fees

Recommendation

That a report be forwarded to City Council recommending:

1. That a cleaning fee of \$100 be added to a taxi fare if the following conditions are met:
 - a. bodily fluids to be defined in *The Taxi Bylaw, 2014* as vomit, urine or feces are left in a taxi by a passenger during a taxi trip;
 - b. the cleaning fee must be added to the fare and paid immediately at the end of a taxi trip;
 - c. the cleaning fee must be clearly identified to the passenger at the end of a taxi trip; and
 - d. the cleaning fee shall be waived when the passenger is unable to make payment at the end of a taxi trip.
2. That the following reporting requirements and appeal process be included in *The Taxi Bylaw, 2014* related to the application of a cleaning fee:
 - a. taxi drivers shall report and provide video footage to the City in each instance of a cleaning fee being charged; and
 - b. a formal appeal process be included in *The Taxi Bylaw, 2014* for passengers disputing the imposition of a cleaning fee.
3. That new offences be created in *The Taxi Bylaw, 2014* for improperly charging a cleaning fee and failing to report the charging of a cleaning fee.
4. That the City Solicitor be instructed to draft the appropriate amendments to *The Taxi Bylaw, 2014*.

Topic and Purpose

The purpose of this report is to provide additional information to Committee respecting the potential introduction of a cleaning fee into *The Taxi Bylaw, 2014*.

Report Highlights

1. The addition of a cleaning fee to *The Taxi Bylaw, 2014* (the “Bylaw”) may be possible but requires further consideration and clarification of several issues.
2. Discretionary changes require strict conditions or are not lawful. The Bylaw does not currently allow for any discretionary charges to be added to a fare.
3. In considering the imposition of a discretionary charge it would be beneficial to consider certain procedural and legal safeguards.

Strategic Goal

Taxi regulation supports the long-term strategy of optimizing the flow of people and goods in and around the city under the strategic goal of moving around.

Background

On May 8, 2017, the Standing Policy Committee on Transportation received a report from the General Manager, Asset and Financial Management Department, dated May 8, 2017. The Committee unanimously accepted the recommendations of the Administration but resolved that the cleaning fee be fixed at \$100, as opposed to a flexible amount of up to \$100, which was originally proposed.

On May 23, 2017, at its Regular Business Meeting, City Council received the May 8, 2017 report, recommending, among other recommendations, that the Bylaw be amended to include a “cleaning fee” of \$100 which taxi drivers could optionally impose on passengers when necessary. City Council resolved:

- “1. That the matter be referred back to the Standing Policy Committee on Transportation; and
2. That the Administration and City Solicitor be requested to report further to the same meeting.”

This report is in furtherance of City Council’s second resolution.

Report

In order to properly address the possible inclusion of a cleaning fee into the Bylaw, the Administration will require further direction on the following issues:

- 1. Authority to Set a Discretionary Cleaning Fee in the Bylaw**
 - Allowing a taxi driver the discretion to increase a fare beyond the metered rate, as set under the Bylaw, through the imposition of the cleaning fee could be considered an unlawful delegation of City Council’s authority. In order to avoid such an issue, clear and unambiguous conditions around the imposition of the cleaning fee are required. The fee would be considered an addition to the fare which is imposed in the event that certain conditions are present.
- 2. Conditions Imposed to Apply Cleaning Fee**
 - It is recommended that if a cleaning fee is implemented, it would only apply to bodily fluids which would be clearly defined under the Bylaw as vomit, urine or feces. This would help avoid overuse of the fee, for muddy boots for example, and help ensure consistent application.
 - Also, it is recommended that the cleaning fee would be added immediately at the termination of a taxi trip and that it be clearly identified to the passenger.
- 3. Passengers Unable to Pay an Additional \$100 Taxi Fare**
 - A passenger’s inability to pay a fee requires consideration as not all individuals will have access to an additional \$100 at the end of a trip. It is recommended that a condition be included that should a passenger be unable to pay the cleaning fee at the end of a taxi trip, the cleaning fee be waived.

4. Reporting Requirements

- In the event the cleaning fee is implemented, it is recommended that drivers be required to report to the City in every instance which the charge is applied. The City would then retain the reports for a set period of time to be used in the event that a passenger disputes the fee.

5. Video Evidence

- In the event the cleaning fee is implemented, it is recommended that drivers be required to provide video footage along with every report submitted to the City.

6. Recourse for a Passenger Disputing the Cleaning Fee

- In the event the cleaning fee is implemented, it is recommended that a formal appeal process be included in the Bylaw concurrently to allow passengers recourse in the event the fee is imposed improperly.

7. Offence for Improperly Charging the Cleaning Fee or Failing to Report to the City the Imposition of a Cleaning Fee

- In the event the cleaning fee is implemented, it is recommended that new offences be created concurrently under the Bylaw for improper charging of a cleaning fee and failing to report to the City after imposition of a cleaning fee. It is recommended that the fine amount for these infractions begin at \$250 along with temporary suspension of an offender's taxi license.

Options to Recommendation

Committee could decide to decline all recommendations, rescind the motion and leave the Bylaw unaltered.

Financial Implications

The new provisions would increase workload for City Administration, this would be absorbed within current budgets.

Also, a digital reporting system could be established to minimize staffing requirements for intake of reports and video documentation. Establishment of such a reporting system would require IT support. Should such a system be established, financial implications would be evaluated and reported on further as required.

Public Notice

Public Notice pursuant to Section 3 of Policy No. C01-021, Public Notice Policy, is not required.

Report Approval

Written by: Derek Kowalski, Solicitor, Director of Land & Development Law
Reviewed by: Kerry Tarasoff, General Manager, Asset & Financial Management
Mike Voth, Director of Corporate Revenue,
Asset & Financial Management
Jo-Anne Richter, A/Director, Community Standards,
Community Services
William Kuchapski, Taxi Bylaw Manager,
Asset & Financial Management
Approved by: Patricia Warwick, City Solicitor

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