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Altering Taxi Tariffs

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**Province of Ontario (“Province”) and City of Toronto (“City”) Governments**

One of the biggest complaints that the Toronto’s taxi industry had against Uber when they were allowed to work for three years with impunity, outside of any City regulation and not accountable to either the municipality or the courts, was their ability to raise and lower the tariff at will, which we could not do as we were controlled by Chapter 545’s tariff schedule.

When the new Chapter 546 came along to include by-law regulations for Uber and like companies, the City addressed this issue, but in reality, was it really addressed in a fair and equal manner? After reading this report, I’ll let you make up your own mind on that.

**“Toronto Municipal Code – Chapter 546 – Licensing of Vehicles-for-Hire (“VFH”)**

**Article 3 – Taxicab Rates and Fares**

**546-21 – Rates lower than the tariff**

A. – A taxicab broker may offer, and the vehicle-for-hire driver that agrees to provide the trip shall accept, a rate lower than the tariff for a taxicab trip if:

- (1) – The trip is booked directly with the taxicab broker;
- (2) – The broker has set and posted the discounted rate; and
- (3) – The trip meter in the taxicab can calculate and display the discounted to be charged to the passenger.

**546-22 – Rates higher than the tariff**

A. – A taxicab broker may offer, and the vehicle-for-hire driver that agrees to provide the trip, may receive a rate higher than the tariff for taxicab trip if:

- (1) – The trip is booked using a software application;
- (2) – The broker clearly and transparently communicates the rate to be charged before the passenger commences the trip;

(3) – The broker maintains an electronic record that a higher rate than the tariff was accepted before the trip commenced, which receipt shall be kept for 12 months following the trip; and

(4) – The broker ensures that a print or electronic receipt is provided to the passenger at the conclusion of the trip that sets out the:

(a) – Rate charged and any other fee levied or charge made for the trip;

(b) – Total duration and distance of the trip;

(c) – Total amount paid for the trip;

(d) – Date and time the trip ended;

(e) – Location at which the trip started;

(f) – Location at which the trip ended; and

(g) – Driver’s name and taxicab plate number.”

The first thing to notice is that the lowering or raising of a taxicab tariff can only be done if the taxicab is a member of a taxicab brokerage, so seeing as I am an independent taxicab owner/operator/driver that works outside of a taxicab brokerage, legally I could never lower or raise a taxicab tariff for anyone.

Secondly, there is a difference in the conditions surrounding lowering the rates as there is in raising the rates. In lowering the rates, you do not see anything to do with the trip having to be booked using an electronic platform, which is required if you are raising the rates and the mandates contained in the raising of the tariff are considerably more than if you are lowering the tariff.

I noticed that the following section from Chapter 545 was removed from Chapter 546:

**“Toronto Municipal Code – Chapter 545 – Licensing**

**545-150. – Rates and Fares**

A. – Subject to the provisions of Subsection E (3), (4) and (4.1) of this section, the rates or fares to be charged by the owners or drivers of taxicabs shall be exactly as shown in Appendix C, Tariff A, at the end of this chapter, and no greater or lesser amount shall be demanded or received, provided that the owners or drivers may charge a lesser amount to passengers who are 65 years of age or are persons with disabilities. (Amended 2003-04-16 by By-law No. 214-2013.”

This was a rather significant omission as with 545-150, without brokerage permission, if I actually worked either in or outside of a taxicab brokerage, could lower a fare for seniors or persons with disabilities, but if I am to go by the letter of the law as contained in Chapter 546, I no longer have that right as the lowering of taxicab fares for seniors or persons with disabilities can only be done if I am a member of a taxicab brokerage.

### **Conclusions**

With taxicab brokerage owners, taxicab vehicle owners and drivers, Private Transportation Companies (“PTC’s”), their vehicle owners and drivers all being described as operating a taxi business by the federal Excise Tax Act, Definitions, 123 (1), how can there be such a disparity in how the tariffs and their applications for one category are so completely different than another category?

Without sounding like a broken record does this again not violate the:

#### “Canadian Charter of Rights and Freedoms – Equality Rights

15. (1) – Every individual is equal before and under the law and has the right to equal protection and equal benefit of the law without discrimination.”

Within a few short weeks after this by-law came into effect, which was July 15, 2016, I emailed the Executive Director of Municipal Licensing and Standards (“ML&S”) Ms. Tracey Cook pointing out the unfairness surrounding this section, especially the point that an independent taxicab owner/operator/driver cannot legally raise or lower any taxicab tariff due to the restraints of the section, to which she replied she would look into my enquiry and complaint. As of this report, I am still waiting for that response.

Until the lowering or raising of tariffs is available to everyone working in a taxi business as defined in the Excise Tax Act, the by-law sections relating to the lowering or raising of a tariff are ultra vires, redundant, a moot point and therefore without effect.

I remain,



Gerald H. Manley