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*Taxicab Owner v Requirement
for Snow Tires*

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

Snow tires, should they be required or should they not be required? This has been a hotly contested subject that has been debated for decades. What must be questioned as far as the Toronto taxicab industry is concerned, is does the City have the legal right to mandate only taxicabs, limousines and Private Transportation Company vehicles to have snow tires installed during the winter months, when all other vehicles operating within the City’s boundaries are not required to have them?

It is especially disconcerting since snow tires are not mandated by the Province under the Ontario Highway Traffic Act, R.R.O. 1990, Reg. 625, Tire Standards and Specifications making myself and other industry members to wonder “*why us and no one else?*”

It is not the purpose of this report to enter into this discussion, but to bring to the attention of members of government and all of the City’s taxicab industry membership some points that are not known or have not been considered.

From 1962 through early 1973, I was involved in policing and during those years, investigated dozens of accidents during the winter season where some of the vehicles involved were equipped with snow tires and some were not. The accidents were 99% caused “*by driver error and not the lack of or in having snow tires,*” but for the following listed reasons.

- Lack of winter driving experience. How many of you have heard someone say they would not take their vehicle out on a particular day during winter because of the road and weather conditions, but on the rare occasion they had to, an accident could be, and in many cases was. the end result;
- Failing to drive with consideration for the road, weather and traffic conditions; and
- Remaining tread on the tires, whether winter or summer tires, was well below any manufacture’s recommendation for road worthiness.

I and most of my fellow colleagues of that time came to the same conclusion, which was unless government allowed the snow tires to have spikes or the vehicle owner was allowed to put chains on the tires during the winter, snow tires would not greatly enhance a person’s

ability to drive during the winter months, create a safer driving environment or reduce accidents during the winter season. This assessment was supported by the following:

Ontario Highway Traffic Act, R.R.O. 1990, Reg. 625 – Tire Standards and Specifications

This regulation covers all vehicles operating in Ontario and nowhere in this legislation, does it say that snow tires are mandated for any vehicle in the Province. In a Global News article by Mr. James Armstrong dated December 15, 2014, the then Ontario Minister of Transportation, the Hon. Stephen Del Duca when asked if it is time for all vehicles in Ontario to require snow tires, he responded by saying:

“No. I drove through the snow from Vaughan Thursday morning without winter tires and says the decision should be left to drivers.”

The Minister went on further to say, *“So people are aware, they have the opportunity to make in many cases alternative arrangements, driving according to the conditions of the road, and they have that opportunity as they’ve always had to make that decision as to what fits within their own means.”* In an Ottawa CBC article dated December 13, 2017, Del Duca again reaffirmed his and his government’s position on the non-requirement for snow tires in Ontario.

“Toronto Municipal Code, Chapter 546, Licensing Vehicles-for-Hire (“VFH”)

Article 5 – Taxicab Owners – 546-49 – Condition of Vehicles

No owner shall permit his or her taxicab to be operated unless it is:

(6) – Equipped with four snow tires or all-weather tires from December 1 to April 30.

Article 7 – Limousine Owners – 546-74 – Condition of Vehicles

B. – No owner shall permit any limousine to be operated unless it is:

(6) – Equipped with snow tires or all-weather tires from December 1 to April 30.

Article 10 – Private Transportation Companies – 546-113 – PTC Vehicle Requirements

A. – No PTC or PTC driver shall operate or permit the operation of a PTC vehicle unless that vehicle:

(5) – Is equipped with snow tires or all-weather tires from December 1 to April 30.”

I did notice something peculiar in these sections and that was that Limousine Owners are required to have snow tires or all-weather tires yet taxicabs and PTC vehicles are required to have **“four” snow tires or all-weather tires.**

I would also like to know other than a different tread design, what is the difference between an all-weather tire being allowed yet an all-season tire is not, or is it the position of the City that winter is not a season?

My research has not uncovered any other municipality or jurisdiction in Ontario that mandates any vehicle to require snow tires and since the Province has no mandate, then I would like Toronto to explain to me the following:

“It is estimated that during every 24-hour period the streets in Toronto and the highways and expressways that operate within its boundaries see an estimated 400,000 vehicles, so why does the City feel that only less than 10% of those vehicles require snow tires?”

That less than 10% by the way are all included in one singular City by-law, which is Chapter 546. Perhaps the thinking is that these vehicles drive consumers for remuneration and they want the best of safety for them during their rides. If that is the case, then I again would like an explanation as to why the following vehicles do not require snow tires?

- *School buses;*
- *Commercial passenger buses;*
- *Toronto Transit Commission (“TTC”) regular buses;*
- *TTC wheel trans buses;*
- *Tour guide sedan vehicles and buses; and*
- *The approximately 850 Greater Toronto Airport Authority (“GTAA”) taxis and limousines.*

If winter driving safety is of paramount importance to the City, then why don't City owned and controlled vehicles including their fleets, require snow tires?

- *Police service vehicles;*
- *Fire department vehicles;*
- *Ambulances;*
- *City works department vehicles; and*
- *Any other vehicle working under the authority of Toronto City Hall.*

The real truth behind the City, the L&S Committee and the ML&S wanting vehicles-for-hire to have snow tires, amounts to nothing more than a public relation ploy to give the appearance that the powers to be at City Hall really care about consumer safety, but the

proof is in the pudding. If that was the truth they would protect all consumers by mandating all vehicles under their privity to require snow tires and include private cars as well.

But of course, if they did that, they would have to purchase thousands of snow tires for all of the City's fleets costing them millions of dollars that would greatly increase their vehicle operational costs and they would have the general public down their throats as the cost of living is presently incredibly high and to add a few hundred dollars onto their living expenses by requiring an additional set of tires is something they would not tolerate.

Now that you have been made aware of all the circumstances on the City limiting the mandate of having snow tires to just a few, does this not prove the City is abusing its licensing authorities and in violation of the following:

"City of Toronto Act, 2006

City of Toronto Act, 2006, Part II, General Powers, Powers, Broad Authority, City By-laws, 8. – (2), 11. Business Licensing, 2006, c. 11, Sched. A, s. 8. – (2); 2006, c.32, Sched. B., 3 – 3. (1&2), 2, 2017, c. 10, Sched. 2, s. 1; and

Canadian Charter of Rights and Freedoms

Equality Rights – Equality Before and Under Law and Equal Protection and Benefit of Law

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."

If the Province of Ontario does not require any vehicle owner to have snow tires on their vehicle during the winter months, why does the City of Toronto require them especially when you consider that requirement is for less than 10% of the vehicles that are driven within their boundaries?

The City needs to come back in line with the Province on this issue and "leave whether snow tires are required or not up to the owner of the vehicle, not the City government" and return to fair and equal licensing practises for all, which will then bring them back under the umbrella of the Charter of Rights and Freedoms, Equality Rights, where all of the legislation coming out of City Hall is mandated to abide by.

I remain,



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