

Cape Breton Regional Municipality

Council Meeting

AGENDA

TUESDAY, FEBRUARY 28TH, 2023

6:00 P.M.

Council Chambers
2nd Floor, City Hall
320 Esplanade, Sydney, NS

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Cape Breton Regional Municipality

Council Meeting

Tuesday, February 28th, 2023
6:00 p.m.

AGENDA ITEMS

Land Acknowledgement

6:00 p.m.

Roll Call

O' Canada

“Lift Every Voice and Sing” (Black National Anthem)

1. APPROVAL OF AGENDA: (Motion Required)

2. PROCLAMATIONS & RESOLUTIONS:

6:05 p.m.

2.1 International Women’s Day:

Councillor Earlene MacMullin (See page 5)

2.2 Canadian Blood Services

Councillor Steve Parsons (See page 6)

3. STREET CLOSING - PUBLIC HEARING:

6:10 p.m.

3.1 Request for Street Closure: Portion of PID 15751670 - Undeveloped Road Parcel, New Waterford (District 11): Sheila Kolanko, Property Manager (See page 7)

4. BY-LAWS & MOTIONS:

6:30 p.m.

4.1 By-laws:

a) Second / Final Reading – Public Hearing:

i) P-500: Passenger Vehicle for Hire By-law (and Repeal of Taxi By-law): Paul Burt, Manager of Building, Planning & Licensing Laws (See page 11)

b) First Reading: N/A

Continued...

**Council Meeting Agenda
February 28, 2023 (Cont'd)**

5. **DELEGATION:** **7:15 p.m.**
- 5.1 **Washbrook Greenway Coalition:** Spokesperson Stephanie Johnstone-Laurette
(See page 45)
6. **BUSINESS ARISING:** **7:45 p.m.**
- 6.1 **Nominating Committee - February 14th, 2023:**
Deborah Campbell Ryan, Municipal Clerk
- a) **Report on Call for Expressions of Interest - Citizen Representatives on
Committees:** (See page 56)
(See Confidential Matrix attached separately)
- b) **Diversity Committee – Future Direction:** (See page 58)
7. **COMMITTEE REPORTS:**
- N/A
8. **Review of Action Items from this Meeting:** **8:00 p.m.**
Mayor Amanda M. McDougall-Merrill

ADJOURNMENT



Proclamation
International Women's Day

Whereas: International Women's Day is celebrated globally on March 8th by those who believe in gender equality and who seek to improve the lives of all women and girls (trans and cis), two spirit, and gender peoples through cultural, legal, economic, and social change;

And Whereas: On the 112th International Women's Day, we celebrate and encourage everyone to take actions against gender bias and inequity in support of the 2023 theme of "**EmbraceEquity**";

And Whereas: Women and girls, in particular women with disabilities, racialized women, immigrant women, two spirit and gender diverse peoples experience many forms of oppression;

And Whereas: International Women's Day is a time to work toward a world where each woman and girl can exercise her choice, such as participating in politics, getting an education, having an income, and living in societies free from violence and discrimination;

And Whereas: Challenge gender stereotypes, call out discrimination, draw attention to bias, and seek out inclusion;

And Whereas: The Cape Breton Regional Municipality is committed to promoting equity and justice and will continue to work to address the systemic and structural oppressions that perpetuate inequity.

Be It Therefore Resolved

That CBRM Mayor Amanda M. McDougall-Merrill & Council proclaim March 8th, 2023, as "International Women's Day" in the Cape Breton Regional Municipality. We ask the residents of CBRM to stand as allies for women and show that together we can forge women's equality.

Councillor Earlene MacMullin - CBRM District #2

February 28th, 2023

CBRM RESOLUTION

CANADIAN BLOOD SERVICES

WHEREAS:

The Canadian Blood Services closed its Sydney clinic in May 2015 and since the organization has been encouraging donors to come forward to increase the blood supply as they are facing challenges in meeting Canada's blood supply.

AND WHEREAS:

Meanwhile, there are a number of residents, in CBRM who suffer from hemochromatosis. This is a genetic disorder in which the body absorbs too much iron from the food you eat. This excess iron is stored in your vital organs, especially the liver. Too much iron is toxic and will lead to life threatening conditions. The only treatment for this condition is bloodletting on a regular basis;

AND WHEREAS:

Without a blood donor clinic in the CBRM, the bloodletting must be done in the hospital, putting strain on an already overtaxed service. The most tragic outcome is that this blood is discarded. So, liters of iron rich blood are thrown away as there is no ability to process this blood at the hospital. The drive to the satellite blood donor clinic in Port Hawkesbury is not an option for many;

AND WHEREAS:

Returning a clinic to the CBRM would attract new and previous donors. The approximately 7,500 students attending CBU and NSCC could contribute immensely to our blood inventory. A clinic would allow local groups and organizations to participate in the Partners for Life program with Canadian Blood Services.

**BE IT THEREFORE
RESOLVED:**

That Mayor Amanda M. McDougall-Merrill and Council request staff write a letter to Premier Tim Houston and the Hon. Michelle Thompson, Minister of Health, and Wellness, on Council's behalf requesting Canadian Blood Services consider returning blood donation services to Sydney.

Councillor Steve Parsons - District #7 - CBRM

February 28, 2023

Request for Street Closure: Portion of PID 15751670 – Portion of Undeveloped Road Parcel, New Waterford (District 11)

Motion:

Moved by Councillor O’Quinn, seconded by Councillor Green, to direct the Legal Department to initiate a formal street closure pursuant to Section 315 of the *Municipal Government Act*, for that portion of PID 15751670 as outlined and crosshatched in red on the map included in the staff Issue Paper dated January 17, 2023 as Attachment “A”, with the intention of deeming it surplus and sold at market value.

Motion Carried.



CBRM

A Community of Communities

ISSUE PAPER

TO: Mayor and Council

FROM: Sheila Kolanko – Property Manager

SUBJECT: Public Hearing - Request for Street Closure –
Portion of PID 15751670- undeveloped Road Parcel
New Waterford (District 11)

DATE: February 28th, 2023

As presented to Council on January 17th, 2023, CBRM received a request on behalf of the residents, Marty and Darlene Wilson, of 235 Gordon Street, New Waterford (“the applicant”) seeking a formal street closing for a portion of the undeveloped road parcel lying adjacent to the applicant’s property. The subject area is outlined and crosshatched in red on the attached map (Attachment “A”).

At that time, council passed a motion directing staff to commence the procedure required for a closure of a public street.

Pursuant to the Municipal Government Act a public hearing is required at which time Council will hear those in favor and those opposed to the closing of the section of the undeveloped road parcel. Notice was advertised in the Cape Breton Post on February 25th, 2023. I confirm the legal department has not been contacted nor have we received any complaints or objections from the community.

RECOMMENDATION:

Recommendation to council is as follows:

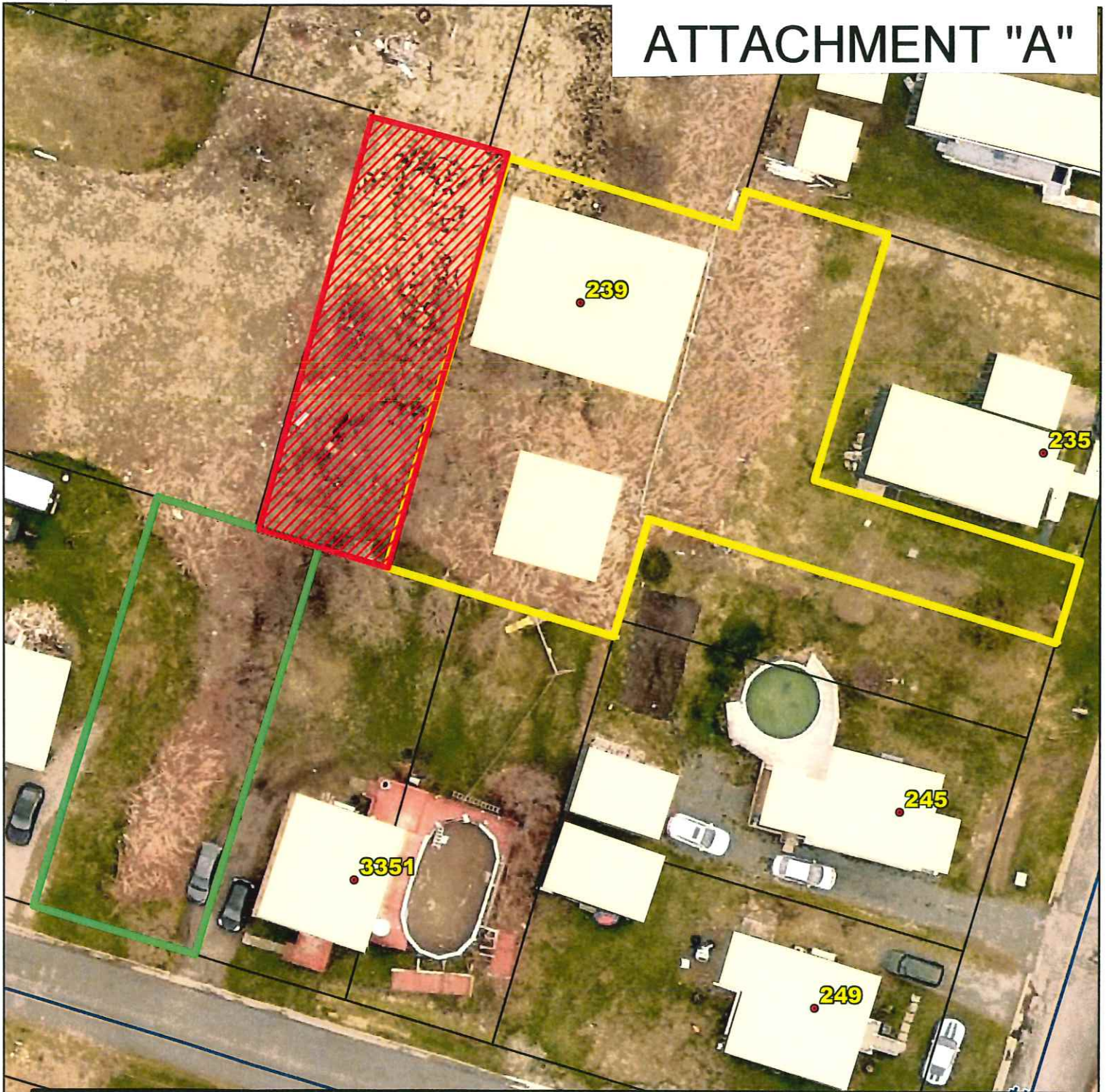
- To pass a motion approving the closure of that portion of the undeveloped road parcel (as identified herein in red on the attached map – Attachment “A”) pursuant to MGA;
- To deem that portion of the road parcel (as identified as the crosshatched area in red on the attached map- Attachment “A”) surplus and
- To sell the surplus property at market value.

Respectively Submitted,

Original signed by

Sheila Kolanko
Property Manager

ATTACHMENT "A"



**Portion of PID 15751670 - Undeveloped Road Reserve
Owner: CBRM**



PID 15902018 - Owner: Marty / Darlene Wilson



PID 15482532 - Owner: Marty / Darlene Wilson

Passenger Vehicle for Hire By-law (Formerly the Taxi By-law)

Motion:

Moved by Councillor Gordon MacDonald, seconded by Councillor MacMullin, to approve first reading of the proposed Passenger Vehicle for Hire By-law as outlined in the staff Issue Paper dated January 24th, 2023.

Motion Carried.



TO: CBRM Mayor & Council

FROM: Paul Burt

SUBJECT: Passenger Vehicle for Hire By-law (formerly the Taxi By-law)

DATE: January 23, 2023

On June 15, 2021, Council of the Cape Breton Regional Municipality (CBRM) directed staff to initiate a review of the Taxi By-law. A working group was struck, with the purpose of providing recommendations to Council to update and clarify the Taxi By-law. The working group consists of representatives of taxi company owners, taxi users, CBRM staff, Council, and Cape Breton Regional Police.

A series of recommendations from the working group was presented by Staff at the July 12th, 2022, Council Meeting. Based on these recommendations, Staff has prepared a draft By-law. To provide additional clarification due to the fact the current Taxi By-law applies to other modes of transporting passengers for compensation, it is being recommended a new title, Passenger Vehicle for Hire, be applied to this By-law. As a result, the current Taxi By-law will be repealed and replaced with the Passenger Vehicle for Hire By-law found in Attachment A. Proposed amendments include:

- Retention of recent rate increase
- Clarification of rate schedule
- Allow for alternative methods of dispatch
- Safety improvements, including clear insurance requirements, mandatory record keeping, and a signed code of conduct, and child abuse and vulnerable sector checks
- Revise By-law to include accessibility requirements upon completion of provincial review
- Improve and clarify application requirements
- Update dress code
- Increased authority to enforce the By-law

In addition to the proposed amendments identified above, it is being proposed that By-law be reformatted in compliance with recommendations from Portside Law's regulatory review of CBRM's By-laws.

Recommendation

Council give First Reading of the Passenger Vehicle for Hire By-law found in Attachment A and pass a motion to schedule a Public Hearing to consider adoption of the Passenger Vehicle for Hire By-law.

A draft of the Passenger Vehicle for Hire By-law can be found in Attachment A.

Respectfully submitted by:

Original signed by

Paul Burt
Manager, Building, Planning, and Licensing Laws

Cape Breton Regional Municipality
By-Law Number P-500
Passenger Vehicle for Hire By-law

A BY-LAW TO LICENSE AND REGULATE PERSONS TRANSPORTING PASSENGERS FOR HIRE BY MEANS OF ANY VEHICLE

NOW THEREFORE the Municipal Council of the Cape Breton Regional Municipality (CBRM), under the authority of Section 305 of the *Motor Vehicle Act*, Chapter 293, R.S.N.S. 1989 and amendments thereto, hereby adopts the following By-law:

This Bylaw shall be known as the “Passenger Vehicle for Hire By-law” and may be cited as the “Passenger Vehicle for Hire By-law, No. P-500, 2023”.

WHEREAS the *Motor Vehicle Act* of the Province of Nova Scotia enables a municipality to adopt a by-law regulating and licencing persons transporting passengers for hire by means of any vehicle; and

WHEREAS the Cape Breton Regional Municipality intends to regulate the transporting passengers for hire by means of any vehicle in the Regional Municipality to ensure:

- vehicles are adequately maintained;
- vehicles and operators are adequately insured;
- vehicles are easily identifiable;
- operators are legitimately qualified to operate a vehicle;
- the high profile business becomes an exemplary ambassador for the Regional Municipality;
- passengers receive a high degree of service; and
- a fair and equitable schedule of rates is imposed.

Where a provision of this By-law conflicts with the provisions of another By-law in force within the Municipality, the more stringent provision prevails.

1 Definitions

By-law Enforcement Officer means an employee of the Cape Breton Regional Municipality under the direction of the Manager responsible for this By-law who is sworn in under the *Police Act* as a Special Constable with authority to administer and enforce this By-law.

Bus for the purposes of this By-law means a motor vehicle used to transport up to 14 passengers.

Business Operator’s Licence mean the licence issued to the person operating a Passenger Vehicle for Hire Business in the Cape Breton Regional Municipality.

Driver’s Licence means a license issued by the Province of Nova Scotia to a person permitting that person to operate a vehicle in the Province of Nova Scotia.

Local Shuttle Service means a van, Luxury Vehicle, or bus used to transport individuals or organizational groups of people collected at a given point, such as the Port of Sydney Wharf, and dropped off at pre-determined destinations within CBRM. If a fee is charged to the individual being transported, then the owner of the service will require a licence; otherwise, the service provided will be a courtesy service.

Local Tour Service means a predetermined service commencing in CBRM with designated locations along the route. Fees applicable within CBRM.

Local Tours Vehicles shall include vans, Luxury Vehicles, and Taxis.

Luxury Car means a vehicle that has high-end features that provides increased levels of comfort, equipment, amenities, quality, and performance that go above and beyond the average necessities of a moderate vehicle.

Municipality means the Cape Breton Regional Municipality, in the County of Cape Breton, Province of Nova Scotia.

Passenger Vehicle for Hire means a motor vehicle that is used by a person to offer, facilitate or operate a transportation service of a passenger for compensation, and may include a Taxi, Luxury Vehicle, Local Shuttle Vehicle or Local Tour Vehicle.

Passenger Vehicle for Hire Business means a business or corporation offering Vehicles for Hire which can include a Taxi Business, Ridesharing Business, Luxury Vehicle Business, Local Shuttle Vehicle Business, or Local Tour Vehicle Business.

Peace Officer as defined in the Criminal Code of Canada, R.S.C. 1985, Chapter C-46.

Ridesharing Business is a business or corporation that offers passenger vehicles for hire (ie Uber/Lyft type operation) via a website or mobile app.

Smoke means smoke, inhale or exhale smoke from, burn, carry, hold or otherwise have control over a lit or heated cigarette, cigar, pipe, waterpipe, electronic cigarette or other device that burns or heats tobacco, cannabis or another substance that is intended to be smoked or inhaled;

Taxi means a motor vehicle this is operated or intended to be operated for the purposes of transporting passengers for compensation, which includes vehicles used by a Ridesharing Business, and

- a. is available for on demand service by members of the general public to travel to a destination requested by a customer;
- b. measures its fare or charge to its customers on the basis of distance traveled, or the amount of time for which the vehicle is hired, or a combination of the same; and
- c. does not include a vehicle whose manufactured seating capacity exceeds 6 adults, including the driver.

Taxi Depot means an established place of a transportation business utilized by Taxi Owners and Taxi Operators which may include a business office, 24 hours dispatching services, and off-street parking from which request for Vehicles for Hire are received and dispatched.

Traffic Authority means the Chief of the Regional Police and/or the representative of the office of the Manager responsible for the By-Law delegated by the Chief of the Regional Police to administer and enforce this By-law, pursuant to Section 305 of the Motor Vehicle Act, Chapter 293 of the Revised Statutes of Nova Scotia, 1989.

Van for the purposes of this By-law means a motor vehicle used to transport 7 to 14 passengers.

Vehicle means a motor vehicle as defined in the interpretation provisions of the Motor Vehicle Act SNS 1989, c. 293;.

Vehicle Operator's Licence means the licence issued to a person pursuant to the By-law authorizing the person to drive a vehicle such as a Taxi, Luxury, Local Shuttle or Local Tour vehicle in the Cape Breton Regional Municipality

Vehicle Owner's Licence means a licence for a vehicle such as a Taxi, Luxury Vehicles, Local Shuttle or Local Tour issued pursuant to this By-law.

2 Licencing Control

- (1) The Manager responsible for this By-law shall be responsible for the administration and enforcement of this By-law.
- (2) By-law Enforcement Officers under the direction of the Manager responsible for this By-law and any Peace Officer shall have authority to enforce any and all provisions of this By-law.
- (3) Any By-law Enforcement Officers under the direction of the Manager responsible for this By-law and any Peace Officer shall have authority to stop any Licensed Passenger Vehicle for Hire or any unlicensed Vehicle that appears to be operating for hire, for the purpose of compliance with this By-law.

3 Areas of Jurisdiction

- (1) The jurisdiction of the Passenger Vehicle for Hire By-law is the Cape Breton Regional Municipality.
- (2) Within the Municipality there shall be five service areas.
- (3) A Vehicle Operator's Licence is valid throughout the Municipality, but a Taxi Owner's Licence is only valid for one service area unless all other requirements of the By-law are met for additional service areas.
- (4) The boundaries of the service areas are as described in Schedule "A" of this By-law.
- (5) No Taxi Operator's Licence and/or Taxi Owner's Licence shall be issued unless the business address of the taxi business to be hiring the applicant, or owning the Taxi, is in the service area intended to be served by the Operator or Taxi.

4 Requirements to Operate a Passenger Vehicle for Hire Business

- (1) Every person engaged in the business of operating a Passenger Vehicle for Hire Business, must have a Business Operator's Licence issued under this By-law.
- (2) Individuals making an application for a Business Operator's Licence for a Passenger Vehicle for Hire Business shall:
 - a. provide the name of the business and phone number of business

- b. be registered in good standing with the Nova Scotia Registry of Joint Stock companies
 - c. must have a fee schedule on file, if applicable
 - d. must have a route schedule available, if applicable
 - e. if associated with transporting cruise ship passengers, provide confirmation of the completion of the general information course requirement for operators or written confirmation of approval by the Port of Sydney;
 - f. if the applicant is a Corporation, a copy of the incorporating document and a copy of the last annual information return which has been filed with the appropriate government department;
 - g. if the applicant is a Corporation, any of the directors, shareholders, or officers of the Corporation are obliged to comply with Subsection 9(g) and Subsection 9(i) this By-law.
- (3) In addition to Subsection (2), individuals making an application for a Business Operator's Licence for a Passenger Vehicle for Hire Business Hiring who intend on hiring out Taxis must:
- a. have a Development Permit for a Taxi Depot(s) which is in compliance with the provisions of the Land Use By-law of the Regional Municipality in effect for the property on which the Taxi Depot is located on unless the Taxi Depot existed at the site prior to the coming into effect of this By-law;
 - b. operate a 24 hour service,
 - c. operate a dispatch-to-taxi communication system, which can be accessed by the By-law Enforcement Officer for compliance checks.
 - d. have a primarily operating a fleet of Taxis providing passengers with a one call - one direct route to the point of destination service. Specialized services such as a shuttle service within the Municipality may be permitted as a subsidiary use to the primary operation.
- (4) Incomplete applications refunded after seven days

5 Vehicle Owner's Licence Requirements

5.1 Requirements for a Vehicle Owner's Licence – Taxi Vehicle Owners

- (1) No person shall own and operate a Taxi for the purpose of transporting persons for hire in the Cape Breton Regional Municipality unless that person is in the employ of a Passenger Vehicle for Hire Business and has a valid Taxi Vehicle Owner's Licence and Taxi Operator's Licence in respect of the vehicle issued pursuant to this By-law.
- (2) A valid Taxi Vehicle Owner's Licence is required with respect to each Vehicle used as a Taxi in the Cape Breton Regional Municipality and to be presented on demand of a Peace Officer or By-law Enforcement Officer.
- (3) Every application for a Taxi Vehicle Owner's Licence shall be made in writing to the By-law Enforcement Office or Traffic Authority by the owner. An application for a Taxi Vehicle Owner's Licence shall contain:
- a. the name, address and telephone number of the applicant;
 - b. the business address, business mailing address (if different from the business address) and business telephone number of the taxi business to be hiring, or owned by, the applicant;
 - c. a description of the Vehicle sufficient to identify it;
 - d. information regarding the insurance policy in effect for the vehicle to be used sufficient to ensure the vehicle is adequately insured in compliance with this By-law, and that the Cape

- Breton Regional Municipality will be notified by the insurance company if and when the insurance policy on the vehicle in effect with respect to the vehicle to be used has expired;
- e. proof the vehicle to be used has been inspected by the Motor Vehicle Branch of the Department of Public Works or someone delegated with the authority to inspect vehicles;
 - f. identification of the service area for which the licence is required (see Section 3); and
 - g. if the Taxi Vehicle Owner is not also applying for a Vehicle Operator's Licence, they are obliged to comply with Section 9 this By-law.
 - h. A letter of permission from a Taxi Business Owner granting vehicle owner permission to licence a vehicle with their company, signed and dated by approved agent.
- (4) After receiving a completed application for a Taxi Vehicle Owner's Licence, the By-law Enforcement Office or Traffic Authority shall refuse to issue a licence if:
- a. the amount of insurance required by this By-law is not in effect for the vehicle to be licenced;
 - b. the vehicle is not in good condition in accordance with Section 7 of this By-law;
 - c. the vehicle, if to be operated as a Taxi in the Sydney Service Area, is not equipped with a properly operating taximeter in accordance with Section 14 of this By-law;
 - d. the vehicle has not been issued a valid vehicle inspection certificate by, or on behalf of, the Motor Vehicle Branch of the Department of Public Works and the verification sticker issued by the Province is not displayed in the front windshield.
- (5) Notice of refusal by the By-law Enforcement Office or Traffic Authority to issue a Taxi Vehicle Owner's Licence shall be by letter sent by registered mail to the applicant. The letter shall state that the applicant has the right to appeal to the Appeals Standing Committee of the Municipality. The Appeals Standing Committee may confirm the decision of the By-law Enforcement Office or Traffic Authority or order that a licence be issued subject to compliance with the provisions of Subsection 5.1(4) of this By-law.
- (6) A Taxi Vehicle Owner's Licence issued under this By-law shall be valid until the last day of the Month of the following year, unless sooner revoked or suspended.
- (7) A Taxi Vehicle Owner's Licence shall be issued for one vehicle only and shall contain a description of the vehicle and signed by owner.
- (8) If a Taxi Vehicle Owner wishes to discontinue the use of a licensed vehicle and to substitute another, the By-law Enforcement Office or Traffic Authority may, authorize the use of a previously endorsed licence for another vehicle that complies with the By-law and endorse the licence accordingly.
- (9) A Taxi Vehicle Owner's Licence may be revoked at any time if it has been determined that the applicant has falsified any provision of the application by Peace Officer or By-law Enforcement Officer.
- (10) Incomplete application refunded after seven days.

5.2 Requirements for a Vehicle Owner's Licence – Excluding Taxi Vehicle Owners

- (1) No person shall own and operate a Passenger Vehicle for Hire in the Cape Breton Regional Municipality unless that person has a Vehicle Owner's Licence in respect of the vehicle issued pursuant to this By-law.

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- (2) A Vehicle Owner's Licence must be presented on demand of a Peace Officer or By-law Enforcement Officer.
- (3) A Vehicle Owner's Licence is required with respect to each vehicle used for the purpose of transporting persons for hire in the Cape Breton Regional Municipality.
- (4) Every application for a Vehicle Owner's Licence shall be made in writing to the By-law Enforcement Office or Traffic Authority by the owner. An application shall contain:
 - a. the name, address and telephone number of the applicant;
 - b. the business address, business mailing address (if different from the business address) and business telephone number of the shuttle business to be hiring, or owned by, the applicant;
 - c. a description of the Vehicle sufficient to identify it;
 - d. information regarding the insurance policy in effect for the vehicle to be used sufficient to ensure the vehicle is adequately insured in compliance with this By-law, and that the Cape Breton Regional Municipality will be notified by the insurance company if and when the insurance policy on the vehicle in effect with respect to the vehicle to be used has expired;
 - e. proof the vehicle to be used has been inspected by the Motor Vehicle Branch of the Department of Public Works or someone delegated with the authority to inspect vehicles;
 - f. if the Vehicle Owner is not also applying for an Operator's Licence, they are obliged to comply with Section 9 of this By-law.
- (5) After receiving a completed application for a Vehicle Owner's Licence, the By-law Enforcement Office or Traffic Authority shall refuse to issue a licence if:
 - a. the amount of insurance required by this By-law is not in effect for the vehicle to be licenced;
 - b. the vehicle is not in good condition in accordance with Section 7 of this By-law;
 - c. the vehicle has not been issued a valid vehicle inspection certificate by, or on behalf of, the Motor Vehicle Branch of the Department of Public Works and the verification sticker issued by the Province is not displayed in the front windshield.
- (6) Notice of refusal by the By-law Enforcement Office or Traffic Authority to issue a Vehicle Owner's Licence shall be by letter sent by certified mail to the applicant. The letter shall state that the applicant has the right to appeal to the Appeals Standing Committee of the Municipality. The Appeals Standing Committee may confirm the decision of the By-law Enforcement Office or Traffic Authority or order that a licence be issued subject to compliance with the provisions of Subsection 5.2 (5) of this By-law.
 - a. An Owner's Licence issued under this By-law shall be valid until the last day of April next following its issue, unless sooner revoked or suspended.
 - b. An Owner's Licence shall be issued for one vehicle only and shall contain a description of the vehicle.
 - c. If a Vehicle Owner wishes to discontinue the use of a licensed vehicle and to substitute another, the By-law Enforcement Office or Traffic Authority shall, authorize the use of a previously endorsed the licence for another vehicle that complies with the By-law and endorse the licence accordingly
 - d. A Vehicle Owner's Licence may be revoked at any time if it has been determined that the applicant has falsified any provision of the application.
- (7) Incomplete applications refunded after seven days.

6 Insurance

- (1) At all times, Licences Owners must have a valid insurance policy that entitles permission to carry passengers for compensation or some comparable form of insurance approved by the Insurance Bureau of Canada in force and providing minimum coverage including:
 1. public liability;
 2. property damage; and
 3. cargo or passenger hazard insurance

in the amount of \$2,000,000, including the Municipality as an additional named insured, without any limit on any particular claim up to the herein mentioned amount, regardless of the number of persons involved or the nature of the damage.

- (2) Upon expiration of the valid policy referenced in Subsection (1) a Licenced Owner must provide an updated copy of the their insurance policy to the By-law Enforcement Office upon request.

7 Condition of Vehicle and Inspections

- (1) Every vehicle licenced under this By-law shall be kept in a clean, sanitary condition and in good repair at all times when in use and has no visible body fillers, rust, primer paint, accidental damage or similar defects.
- (2) Every vehicle shall have affixed appropriate tires for the season not exceeding tread wear of 2/32nds and no visible bulges or other defect.
- (3) The owner of every vehicle in respect of which:
 - a. an application is being made; or
 - b. a licence has been issued;

shall, on demand by a By-law Enforcement Officer or Peace Officer, forthwith submit the vehicle for examination to determine compliance with Subsection 7(1) of this By-law and the *Motor Vehicle Act*.

- (4) Vehicle inspections conducted by, or on behalf of, the Motor Vehicle Branch of the Department of Public Works of the Province of Nova Scotia shall be required for each vehicle licenced under this By-law. The inspections shall be coordinated to ensure no vehicle licenced under this By-law is operating without a valid vehicle inspection certificate issued by, or on behalf of, the Motor Vehicle Branch of the Department of Public Works with an inspection date older than 12 months.
- (5) Vehicle Owners shall be permitted to choose a mechanic of their choice in their local area. Additional vehicle inspections to be carried out at a CBRM designated location at the vehicle owner's expense.
- (6) Should the vehicle not meet the requirements of Section 7.a. or fail an inspection conducted under the *Motor Vehicle Act*, the By-law Enforcement Office or Traffic Authority may notify the owner of the vehicle to cease operating the same as a vehicle licenced under the authority of this By-law, until such time as the same has been put in a clean, sanitary condition and/or in good repair.
- (7) Every vehicle to be used as a Taxi shall be:

- a. equipped with an engine of at least 4 cylinders, unless electric or hybrid;
- b. 4-door sedan or a 4-door station wagon including hatchbacks
- c. which has a height from the top of the floor to the underneath side of the roof of at least 44.5 inches; and
- d. an interior width where passengers are to be seated of at least 51 inches with a capacity, determined by the number of seat belts, of not more than 6 passengers.

8 Taxi Identification

- (1) Every Taxi licenced under this By-law shall have a sign affixed upon the roof of such vehicle which is illuminated at all times:
 - a. The roof light shall be removed or covered by opaque material when the vehicle is not in service as a Taxi.
 - b. If the word Taxi or Cab is painted or emblazed on the vehicle then it shall be deemed a Taxi.
 - c. Any vehicle displaying a taxi deck light illuminated or otherwise or displaying signage indicating a Passenger Vehicle for Hire shall be deemed a Taxi
- (2) The sign shall identify the name of the Taxi Business and the identification number of the vehicle.
- (3) The name of the Taxi Business shall be placed on the sign so that it can be read while standing to the front or rear of the vehicle.
- (4) The Identification number shall be affixed on the sign so that it can be viewed while standing to the front, rear and sides of the vehicle.
- (5) The sign shall be of such size, color, design, style and positioned in a manner which ensures the name of the Taxi Business and the identification number of the vehicle can be identified within 50 feet of the sign.
- (6) Deck light shall be kept in working and good repair

9 Vehicle Operator's Licence Requirements

- (1) No person shall drive a Passenger Vehicle for Hire in the Cape Breton Regional Municipality unless the person has a valid Vehicle Operator's Licence issued pursuant to this By-law.
- (2) Everyone operating a Passenger Vehicle for Hire shall on demand of a By-law Enforcement Officer or Peace Officer present a valid Nova Scotia Drivers Licence Class 4 or better as well as a valid CBRM issued Vehicle Operator's Licence.
- (3) No person issued a valid Vehicle Operator's Licence shall drive a vehicle in the Cape Breton Regional Municipality other than a vehicle with a licence to be used as a Passenger Vehicle for Hire in the Municipality.
- (4) Every persons requesting a Vehicle Operator's Licence must have a letter of permission from a Passenger Vehicle for Hire Business granting the applicant permission to apply for an Operator's Licence with their company, signed and dated by approved agent.
- (5) Every application for a Vehicle Operator's Licence shall be made in writing to the By-law Enforcement Office or Traffic Authority. An application for a Vehicle Operator's Licence shall contain:

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- a. the name, address and telephone number of the applicant;
 - b. the residence address, residence mailing address (if different from the residence address) and home telephone number of the applicant;
 - c. the business address, business mailing address (if different from the business address) and business telephone number of the taxi business to be hiring, or owned by, the applicant;
 - d. the age of the applicant;
 - e. the number and classification of the applicant's driver's licence then in force; and
 - f. for the first time applicant, a statement of record of any convictions against the applicant in the 5 years preceding the date of the application under the Criminal Code of Canada and the *Motor Vehicle Act*.
 - g. a Criminal Records Checks for the last five years will be reviewed and be in compliance with Schedule "D" of this By-law and must be:
 - i. conducted with new Operators and Vehicle Owners initially.
 - ii. conducted for any Licenced Operator upon the expiration of a Province of Nova Scotia driver's licence.
 - iii. conducted for any Licenced Operator if an Operator's Licence has been expired more than 90 days
 - iv. conducted at the request of a Peace Officer or By-law Enforcement Officer of this Bylaw
 - h. a Copy of completed Code of Conduct or Driver Training Checklist signed by both the applicant and Owner hiring Operator.
 - i. a Nova Scotia Child abuse registry check completed
 - j. a Nova Scotia Drivers Abstract Provided yearly
- (6) Incomplete applications will be refunded after seven days
- (7) After receiving a completed application for a Vehicle Operator's Licence, the By-law Enforcement Office or Traffic Authority shall refuse to issue a licence if:
- a. the applicant is not in possession of a Class 1, 2, 3, or 4 Drivers Licence issued by the Province of Nova Scotia;
 - b. the applicant does not hold a valid, current Motor Vehicle Licence from the Province of Nova Scotia required under the Motor Vehicle Act for a person operating a Passenger Vehicle for Hire;
 - c. in the judgment of the By-law Enforcement Office or Traffic Authority, the applicant is not a fit and proper person to hold such a licence.
- (8) Notice of refusal by the By-law Enforcement Office or Traffic Authority to issue an Operator's Licence shall be by letter sent by certified mail to the applicant. The letter shall state that the applicant has the right to appeal to the Appeals Standing Committee of the Municipality **within 30 days of the decision**. The Appeals Standing Committee may confirm the decision of the By-law Enforcement Office or Traffic Authority or order that a licence be issued subject to compliance with the provisions of Subsection 9(7) of this By-law.
- (9) A Vehicle Operator's Licence issued under this By-law shall be valid until the applicant's date of birth as indicated on their Nova Scotia Drivers Licence of the following year, unless sooner revoked or suspended.
- (10) No Operator's Licence under this By-law may be transferred from one person to another.

10 Vehicle Operator - Dress Code and Conduct

- (1) When engaged in the operation of a Passenger Vehicle for Hire licenced under this By-law, every Operator issued a Licence under this By-law shall:
 - a. have on footwear;
 - b. maintain clothing in a neat and tidy condition;.
 - c. conduct himself/herself in an orderly manner with no solicitation of any kind.
- (2) Every person licenced under this By-law shall notify the office of the Manager responsible for this By-law of a change of address within 7 days.
- (3) Shall keep a log of all fares for a period of six months and be made available to the By-law Officer upon request
- (4) Shall have their Operator's Licence on display at all times while operating any Passenger Vehicle for Hire covered in this bylaw.
- (5) No one is permitted to smoke or vape in a vehicle licensed under this By-law, evidence of smoking or vaping, will result in revocation of the Operator's Licence until remedied and shall be an offence under this By-law.

11 Customer Service

- (1) Every Licenced Operator shall proceed by the most direct route to the point of destination, unless otherwise directed by the passenger.
- (2) A Licenced Operator shall only convey the person or persons engaging his vehicle and shall not pick up other passengers, unless agreed to by the person or persons who engaged the Licenced Operator's services.
- (3) The Owner or Operator of a licenced vehicle shall not refuse or neglect to convey any orderly, fare paying, person, or persons upon request, unless previously engaged, or unable to or prohibited by the provisions of this By-law. A Licenced Operator may refuse to drive a person whose conduct is disorderly or when such person's conduct may cause the Operator to fear for his/her safety. An Operator may request payment upfront.
- (4) Every Licenced Operator may offer assistance to the passenger:
 - a. entering and exiting the taxi; and
 - b. carrying luggage or any goods to and from the taxi.

12 Taxi Fares

- (1) The rates as set out in the Resolution of the Council of the Municipality as per Schedule "C" (Schedule of Taxi Fares) attached to this By-law will be those established annually by Resolution of the General Committee or, from time to time, at any regularly scheduled meeting thereof. The rates shall be charged for conveyance in a licenced vehicle used for transporting passengers for hire, from point to point within the Municipality.

- (2) Copies of the Schedule of Taxi Fares shall be furnished by a By-law Enforcement Officer to every person issued a Taxi Operator's Licence or Taxi Owner's Licence and a copy of such schedule shall be displayed in a manner that it is easily viewed by passenger in all vehicles for which an Owner's Licence has been issued. The fare schedule established by Committee shall be affixed.
- (3) Every Taxi Owner or Taxi Operator who receives or demands a fare greater than or less than that required by the Schedule of Taxi Fares shall be guilty of an offence under this By-law. Unless a previous written agreement is arranged. Said agreement shall be made available to Bylaw officer on demand or as soon as reasonably possible. Written agreement will show terms of prearranged agreement, date and individuals covered under the agreement.

13. Exemptions

This By-law does not apply to:

- i. Outside Tours that originate outside of the municipality and
- ii. Charter Buses – 15 persons or more.

14. Taximeters - Sydney Service Area

- (1) Every owner of a vehicle used as a Taxi in the Sydney Service Area, as described in Schedule "A" of this By-law, shall provide such vehicle with a taximeter of a model approved by the Manager responsible for this By-law. Such taximeter shall:
 - a. be at all times in full view of the passengers;
 - b. be kept sealed and intact;
 - c. be operated from one of the front wheels of the motor vehicle or from the transmission; and
 - d. illuminated by a suitable light while in operation after dark.
 - e. affixed to the vehicle in a secure manner
- (2) A By-law Enforcement Officer or Peace Officer of the Municipality may at any time inspect any taximeter which is installed in a motor vehicle, and no Taxi Owner's Licence shall be issued or renewed unless the taximeter is in compliance with Subsection 14(1) of this By-law.
- (3) Every Owner or Operator of a Taxi Licenced in the Sydney Service Area who transports for hire passengers without causing the taximeter in such vehicle to operate shall be guilty of an offence against this By-law. Unless subject to written arrangement in compliance with Subsection 12(3).

15. Emergency Call Number

No Taxi Owner Licence shall be issued with the number 13. This number shall be available to all taxi operator's when calling dispatch to notify of an emergency situation requiring immediate police help.

16. Penalties

- (1) Every person who contravenes or fails to comply with any provisions of this By-law shall, for each offence, be liable to a penalty of not less than \$100.00 and not more than \$5,000.00; and, in default of payment, the Manager responsible for this By-law may cancel or suspend the licence of such person.

**Cape Breton Regional Municipality
Passenger Vehicle for Hire By-Law, No. P-500, 2023**

- (2) Every person who does not have a valid Owner’s Licence or Operator’s Licence in compliance with this By-law who contravenes or fails to comply with any provisions of this By-law shall, for each offence, be liable to a penalty of not less than \$200.00 and not more than \$5,000.00. Every proprietor of a Passenger Vehicle for Hire business who knowingly:
- a. hires an individual to operate a Passenger Vehicle for Hire who is not properly licenced in compliance with this By-law; and/or
 - b. allows an independent Taxi Owner to operate from their Taxi Depot using a vehicle which is not properly licenced in compliance with this By-law;
- shall also be liable to a penalty of not less than \$200.00 and not more than \$5,000.00 per individual offence.
- (3) Any person whose Licence has been canceled or suspended may appeal to the Appeals Standing Committee of the Municipality which may confirm or disallow the action of the Manager responsible for this By-law.
- (4) Repeated contraventions or non-compliance with this By-law may result in a License being revoked or suspended.

17. Previous By-laws Repealed

By-law No. T-100, cited as the Cape Breton Regional Municipality Taxi By-law and all amendments thereto are hereby repealed.

PASSED AND ADOPTED by a majority of the whole Council at a duly called meeting of the Cape Breton Regional Municipality held on _____.

Mayor Amanda M. McDougall-Merrill

Deborah Campbell Ryan, Municipal Clerk

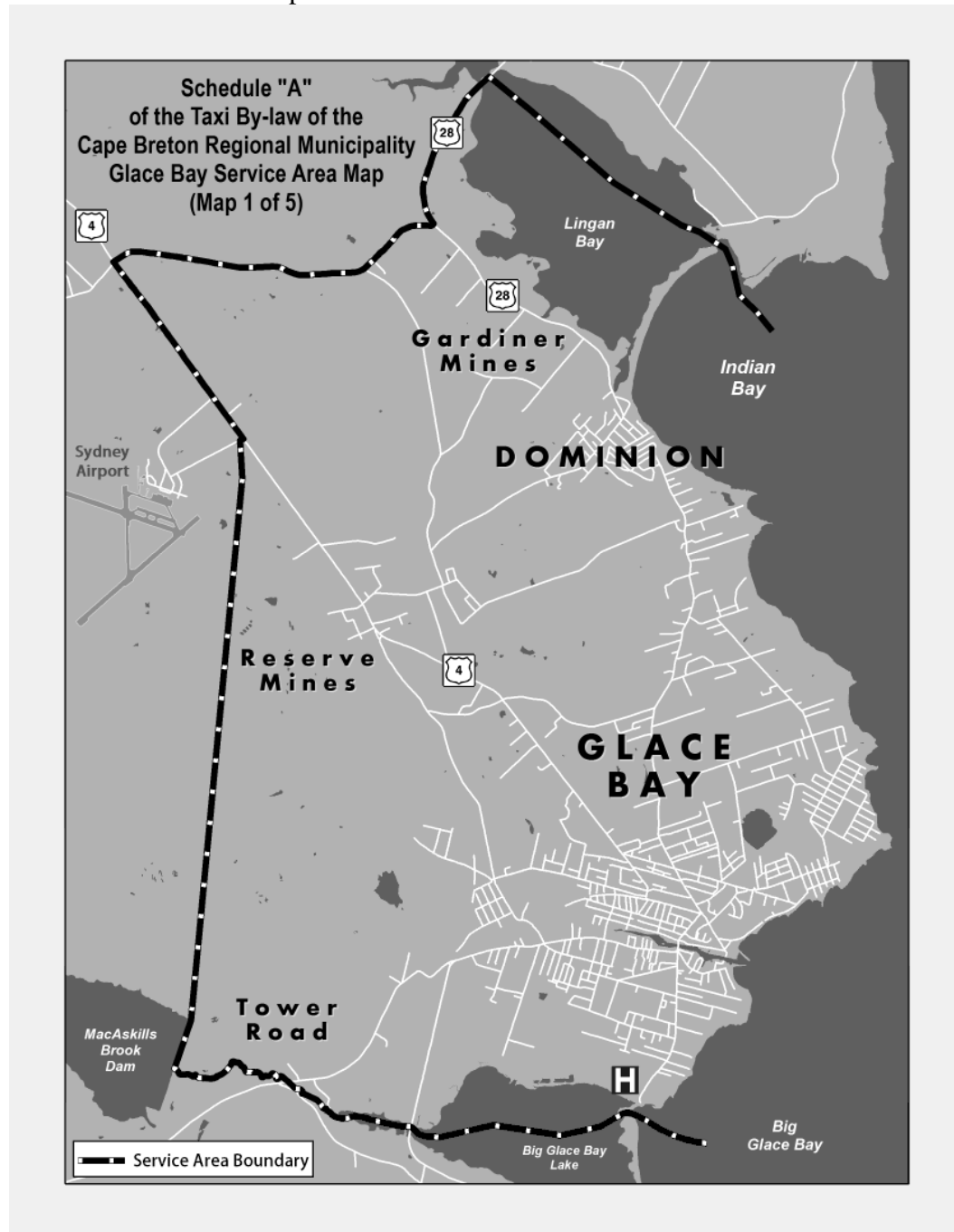
THIS IS TO CERTIFY that the attached is a true and correct copy of the Passenger Vehicle for Hire By-law of the Cape Breton Regional Municipality adopted on _____.

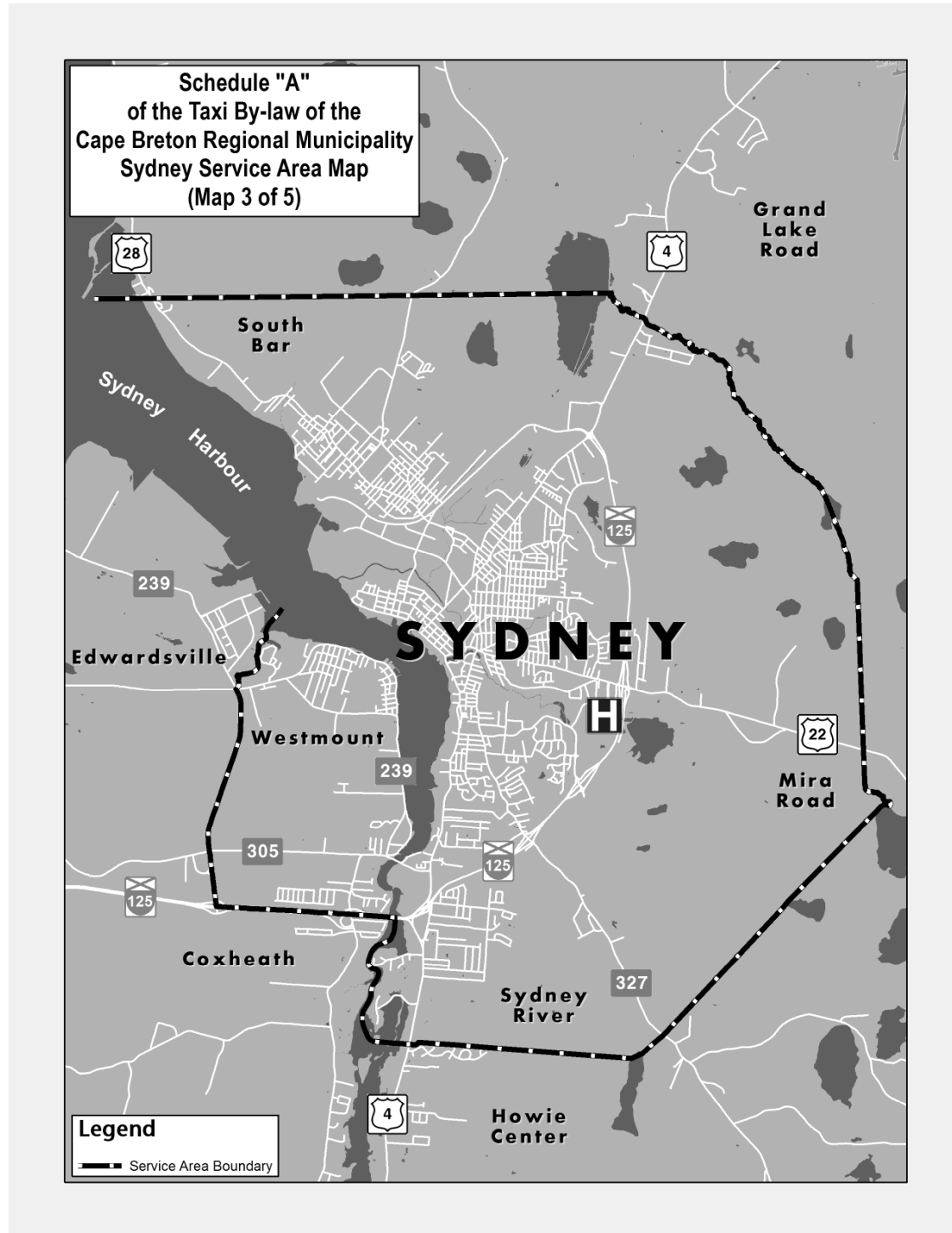
Deborah Campbell Ryan, Municipal Clerk

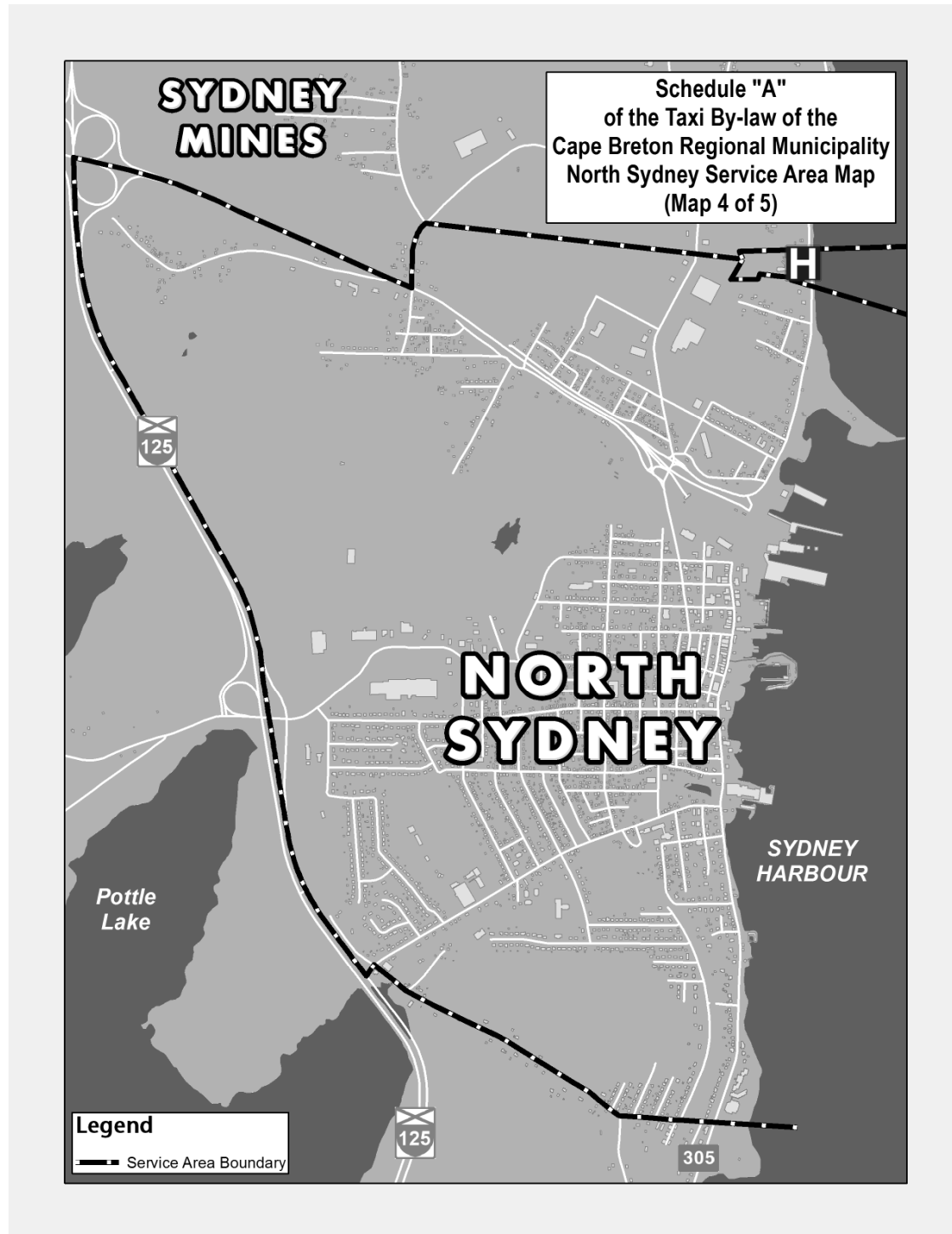
PUBLICATION DATE:

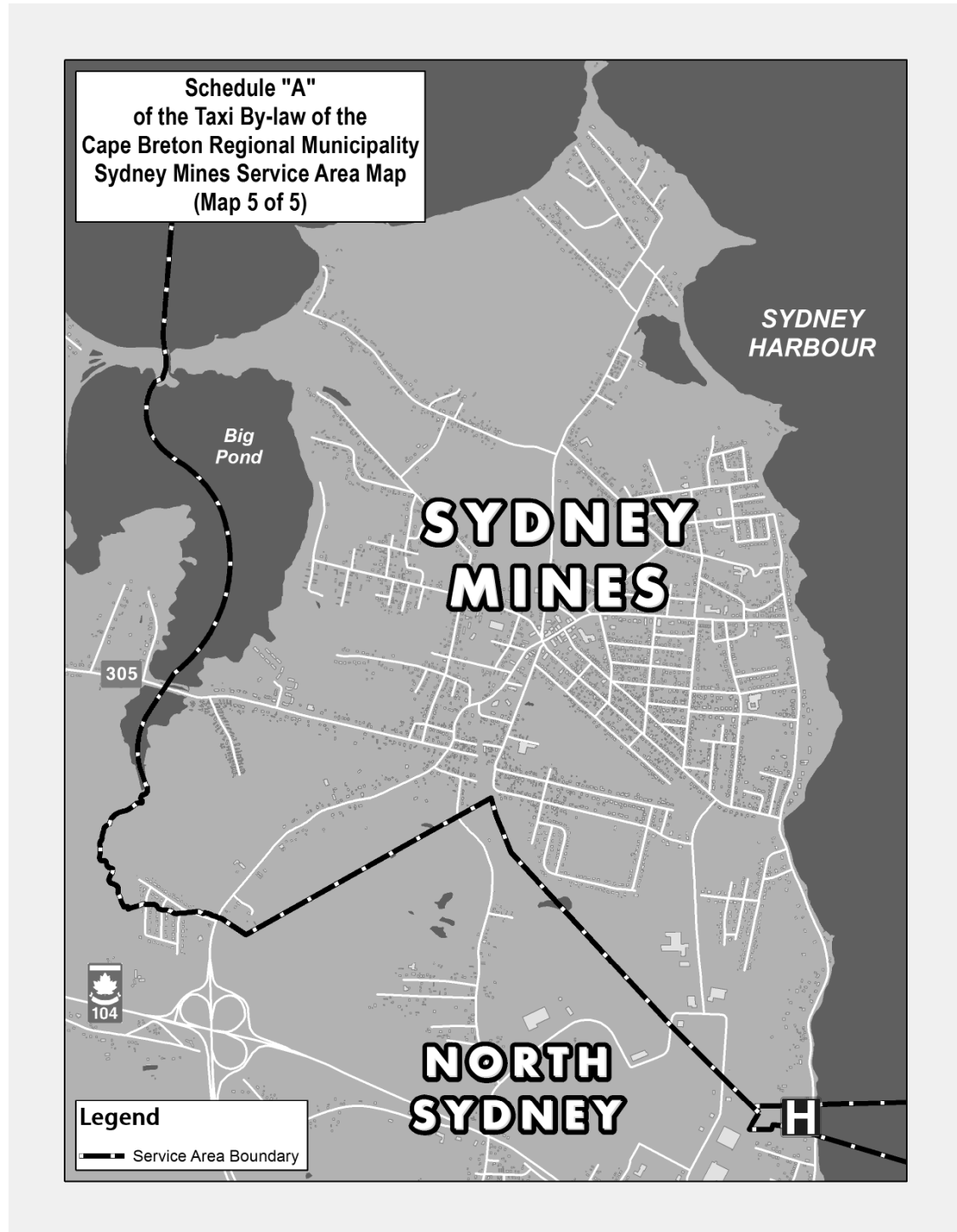
Schedule "A" Service Areas

Schedule "A" includes the Glace Bay, New Waterford, Sydney, North Sydney, and the Sydney Mines Service Areas Maps.









Schedule “B” Licencing Fees

ALL OPERATOR LICENCE FEES ARE PRO-RATED FOR CBRM FISCAL YEAR	
<u>Vehicle Operator’s Licence</u> - Annual Licence	\$45
Vehicle Owner's Licence (Taxi) - Annual Licence - Per Additional Service Area	\$45 \$15
Luxury Vehicle Operator’s Licence - Annual Licence	\$45
Luxury Vehicle Owner’s Licence - Annual Licence	\$45
Local Shuttle Licence (Owner) - Annual Licence - An add on (e.g. Luxury Vehicle & Local Shuttle Licence – same vehicle)	\$45 \$10
Local Tour Licence (Owner) - Annual Licence - An add on (e.g. Taxi & Local Tour Licence – same vehicle)	

1. When a licenced vehicle is transferred from one owner to another within the same licencing year. Fee = \$45
2. Any vehicle that is replaced will be subjected to a fee.
 Fee = \$15 outside a metered area - Taxi Fee = \$30 within a metered area – Taxi
3. Fees can be amended from time to time via the Council.
4. If an application is either rejected or withdrawn, an administrative processing fee of 30% will be applied as part of the Refund Policy.
5. There shall be a fee of \$10 for the replacement Licence

Schedule "C" Schedule of Taxi Fares

All Fares include H.S.T.	Sydney (metered)	Sydney Mines (non-metered)	North Sydney (non-metered)	New Water. (non-metered)	Glace Bay (non-metered)	Florence (non-metered)
Local Rate* Additional charge: \$1.30 per passenger for outside service area Tendered Rates & Special Rates for the conveyance of persons or groups may be made by private arrangement with the owner of the taxi business, owner of the vehicle, or operator of the vehicle in advance of call.	\$5.20 initial charge (\$2.28 per mile or \$1.50 per kilom.) no extra charge \$28.60 per hour on metered fares when meter is running.	\$9.10 flat rate \$0.65 cents (per 3rd person or more) \$1.30 per person for outside Service area.	\$9.10 flat rate \$0.65 cents (per 3rd person or more) \$1.30 per person for outside Service area.	\$9.10 flat rate \$0.65 cents for each additional person; \$1.30 per person for outside Service area.	\$9.10 flat rate within Glace Bay; within Dominion; or Reserve Mines as described below this table \$13.00 flat rate between any two of the above communities \$0.65 cents for each additional person \$1.30 per passenger for outside Service area	\$9.10 flat rate
Rate for Fares outside the service area	\$1.50 per kilom.	\$1.50 per kilom.	\$1.50 per kilom.	\$1.50 per kilom.	\$1.50 per kilom.	\$1.50 per kilom.
Waiting Time	\$39.00 per hour	\$39.00 per hour	\$39.00 per hour	\$39.00 per hour	\$39.00 per hour	\$39.00 per hour
Sydney		\$39.00	\$39.00	\$32.50	\$32.50	\$39.00
Glace Bay	\$32.50	\$71.50	\$71.50	\$26.00	\$ 9.10	\$71.50
New Waterford	\$32.50	\$71.50	\$71.50	\$ 9.10	\$26.00	\$71.50
North Syd.	\$39.00	\$13.00	\$ 9.10	\$71.50	\$71.50	\$ 13.00
Syd Mines	\$39.00	\$ 9.10	\$13.00	\$71.50	\$71.50	\$13.00
Florence	\$39.00	\$13.00	\$13.00	\$71.50	\$71.50	\$ 9.10

Rates are current based on travel within and between communities noted above. Glace Bay and New Waterford - additional charges for extra passengers .65 cents per person; North Sydney and Sydney Mines additional charges for 3rd passenger or more .65 cents per person. Request for a van extra \$6.50 only if requested through dispatch (not on regular fares).

Schedule “D” Licencing Standards

BASIC PRINCIPLES

THE FOLLOWING ARE GUIDELINES TO BE USED BY THE BY-LAW ENFORCEMENT OFFICER OR TRAFFIC AUTHORITY AND BY THE CAPE BRETON REGIONAL TAXI BY-LAW ENFORCEMENT OFFICERS WHILE EXERCISING THEIR AUTHORITY UNDER THE BY-LAW TO SUSPEND, REFUSE OR HEAR AN APPEAL REGARDING THE SUSPENSION, CANCELLATION OR REFUSAL OF A TAXI, LUXURY, LOCAL SHUTTLE, LOCAL TOUR OWNER’S OR OPERATOR’S LICENCE.

- **It is acknowledged that each case must be reviewed to determine whether the application of the guidelines is appropriate in all of the circumstances. The ultimate decision continues to rest with the By-law Enforcement Office or Traffic Authority, subject to the applicant’s right of appeal to the Appeals Standing Committee of the Municipality.**
- **Repeated offences may result in greater suspension lengths, at the discretion of the Enforcement Officer. However, steps voluntarily taken by the individual to correct or improve his conduct (for example, completion of the Driver Education Course, regular attendance at Alcoholic Anonymous meetings, completion of a recognized defensive driving course) may result in a shorter suspension.**
- **In the case of criminal or ordinance charges, provided there is no potential risk to the public safety, suspensions are to commence upon conviction for the offence, regardless of the filing of an appeal.**
- **Where there has been a suspension prior to conviction, such suspension shall be reviewed by the Enforcement Officer upon a “not guilty” finding by the Courts.**
- **Where applicable, the suspension is to commence at the completion of any sentence or penalty, including probation, parole or the carrying out of a period of community service.**
- **In cases where no charges are laid, the suspension shall commence upon the Enforcement Officer notifying the operator or owner that he is satisfied that acts have been committed which render the operator or owner an unfit and improper person to hold a taxi license.**
- **Offences, which occur while a person is engaged in the operation of a taxi or limousine, may be treated with greater severity than other offences.**
- **The Enforcement Officer may, at his discretion and where circumstances warrant, suspend the operation of a suspension pending the outcome of an appeal before the Appeals Standing Committee of the Municipality.**

REFUSED OR SUSPENSION WITHOUT RENEWAL

The following offences may result in the immediate refusal to grant or suspension of both the operator and owner's licenses. A license will not be renewed or issued where these offences have occurred. The operator's license will be suspended upon the operator being charged. The owner's license will be suspended upon conviction.

- **ABDUCTION**
- **ACTS OF TERRORISM (i.e., hijacking, hostage taking, pirating)**
- **ATTEMPTED MURDER**
- **MURDER**
- **IMPAIRED DRIVING (second offence)**
- **LIVING OFF THE AVAILS OF PROSTITUTION**
- **MANSLAUGHTER**
- **SEXUAL OFFENCES (i.e., sexual assault, child molestation)**
- **DRUG TRAFFICKING/ALCOHOL – BOOTLEGGING**
-
- **ORGANIZE CRIME**
- **OUTSTANDING CBRM RELATED MONIES \ FEES \ FINE**

10 YEAR SUSPENSION

The following offences shall result in the suspension of the operator and owner's license for a period of ten (10) years or refusal to grant a licence for a (10) year period from the completion of any sentence or suspended sentence, including parole, probation, time spent performing community service, or the payment of any time.

Unless otherwise stated, the suspension of the operator's license is to commence upon the charge, the suspension of the owner's license upon conviction.

- **ASSAULT CAUSING BODILY HARM**
- **ROBBERY**

5 YEAR SUSPENSION

The following offences shall result in the suspension of the owner's and operator's license for a period of five (5) years or refusal to grant a licence for (5) years from the completion of any sentence or suspended sentence, including parole, probation, time spent performing community service, or the payment of any fine.

Unless otherwise stated, the suspension shall take place upon conviction.

- **BREAK AND ENTER**
- **CRIMINAL NEGLIGENCE CAUSING DEATH**
(Motor vehicle-related)
- **POSSESSION OF FIREARMS**

2 YEAR SUSPENSION

The following offences shall result in the suspension of the operator's license for a period of two (2) years or refusal to grant a licence for a period of (2) years from the completion of any sentence or suspended sentence, including parole, probation, time spent performing community service, or the payment of any fine.

Unless otherwise stated, the suspension shall take place upon conviction.

- INDECENT EXPOSURE
- POSSESSION OF WEAPONS (other than firearms)
- FRAUD

1 YEAR SUSPENSION

The following offences shall result in the suspension of the operator's license for a period of one (1) year or refusal to grant a licence for a period of (1) year from the completion of any sentence or suspended sentence, including parole, probation, time spent performing community service, or the payment of any fine.

Unless otherwise stated, the suspension shall take place upon conviction.

- CARELESS AND IMPRUDENT DRIVING
- DANGEROUS DRIVING (Criminal Code Charges)
- IMPAIRED DRIVING (first offence)
- POSSESSION OF DRUGS
- THEFT UNDER \$1,000
- POSSESSION OF STOLEN GOODS
- PROSTITUTION

4 WEEK SUSPENSION

The following offences shall result in the suspension of the operator and/or owner's licenses for a period of four (4) weeks or refusal to grant a licence for a (4) week period from the completion of any sentence or suspended sentence, including parole, probation, time spent performing community service or the payment of any fine.

- **DRIVING WITHOUT INSURANCE AS REQUIRED IN THE BY-LAW** (suspension is to continue for four weeks Following proof of reinstatement of insurance)
- **DRIVING WHILE TAXI OPERATOR'S LICENSE IS SUSPENDED or EXPIRED** (suspension is to continue for four weeks after reinstatement of license)

APPEALS STANDING COMMITTEE

There will be an Appeals Standing Committee set up to review the by-law from time to time and to hear disputes between operators/ owners and enforcement officers.

This committee will have authority to rule on issues regarding suspensions and refusals.

APPEAL PROCESS

All appeals to actions of the Enforcement Officer shall be in writing. Forms are to be made available at the office of the manager responsible for this by-law. Prescribed written form will be as developed by the Appeals Standing Committee from time to time and must be signed by both the Complainant and the Enforcement Officer.

A fee of \$25.00 will accompany all applications for appeal. No appeal will be heard with out both the prescribed form and fee submitted. Fees submitted with applications for appeal will be refunded should the applicants appeal be upheld.

The Appeals Standing Committee will develop a guideline for setting up and hearing such disputes that may arise and attached as Appendix A of the taxi by-law.

Andrew Skinner-Ryan



February 15, 2023

By Email

Cape Breton Regional Municipality
320 Esplanade
Sydney NS B1P7B9

**Attention: Mayor Amanda McDougall;
Councillor Earlene MacMullin;
Councillor Gordon MacDonald**

Dear Mayor McDougall and Councillors MacMullin and MacDonald:

Re: Proposed Passenger Vehicle for Hire By-law (P-400)

I am writing to express my concern about the proposed replacement to the *Taxi By-law* (T-100)—the *Passenger Vehicle for Hire By-law* (P-400), introduced at the Cape Breton Regional Municipal Council meeting on January 31, 2023. While it is positive to see that the Municipality is taking steps to regulate, and allow the operation of ride sharing companies in the Cape Breton Regional Municipality (“CBRM”), I fear that the new By-law will stifle innovation and competition in the industry, and reduce transportation options for residents and visitors.

In my view, the proposed By-law attempts to regulate ride sharing companies as if they were traditional taxi companies. This is a mistake, as ride sharing is a fundamentally different business model that offers unique benefits to consumers. Ride sharing services such as Uber and Lyft are already being used across Canada and the world, and have proven to be a popular and reliable alternative to traditional taxi services. In my view, attempting to regulate ride sharing companies in a nearly identical fashion to traditional taxi companies may actually have the effect of dissuading ride sharing companies from entering the CBRM market at all.

One notable example of a successful regulatory framework is the Halifax Regional Municipality's (“HRM”) By-law T-1000 (Taxi, Limousine and Transportation Network Companies) (“T-1000”), which sets out specific regulations for ride sharing companies (referred to in the By-law as “Transportation Network Companies”) that take into account their unique business model. The regulations include driver licensing requirements, vehicle inspections, and insurance requirements, but do not impose identical licensing and permit requirements as traditional taxi companies. This has allowed ride sharing companies to operate more efficiently and offer more affordable services to consumers, while still ensuring important safety and quality standards.

In contrast, the proposed CBRM By-law seems to require ride sharing companies to adhere to the same licensing and permit requirements as traditional taxi companies—including the use of taxi meters. This is an approach that is likely to stifle innovation and competition in the industry, and could ultimately limit the benefits of ride sharing for CBRM residents and visitors.

While it is important to ensure that ride sharing services are held to appropriate safety and quality standards, it is equally important to recognize that ride sharing is a different business model from traditional taxi services. By regulating ride sharing companies as taxi companies, the CBRM risks missing out on the unique benefits that ride sharing can offer residents and visitors.

For riders, ride sharing provides a more convenient, affordable, and often faster means of transportation. The app-based system allows for easy and flexible booking, payment, and tracking of rides, with features such as driver rating systems and real-time GPS tracking. Ride sharing companies also offer various safety measures, such as background checks, driver reviews, and insurance coverage for both riders and drivers. For drivers, ride sharing provides an opportunity for flexibility and self-employment, with the potential to earn additional income. This is especially important for students, who may earn additional income as drivers during their free time between classes.

Other cities in Canada, such as Halifax with By-law T-1000, have successfully implemented regulations specifically for ride sharing companies. By acknowledging the unique nature of ride sharing, these regulations have helped to foster competition, improve service quality and safety, and provide transportation options to communities that may have previously been underserved by traditional taxi services.

It is important to recognize that ride sharing is a fact of life in 2023 and beyond. The use of these services has become widespread not just in Canada, but around the world. By failing to acknowledge the benefits that ride sharing can bring to the CBRM, and regulating ride sharing in a manner which recognizes its unique nature, we risk falling behind other areas and deterring potential residents and visitors who are accustomed to having access to these services.

Therefore, I urge you to reconsider the recently proposed *Passenger Vehicle for Hire By-law* (P-400) and take a closer look at HRM By-law T-1000 as a more appropriate model for regulating ride sharing in the CBRM. By adopting a more innovative and flexible approach, the CBRM can promote competition and innovation in the industry, while still ensuring important safety and quality standards in the public interest.

Thank you for your attention to this important matter.

Sincerely,

Original Signed By

Andrew Skinner-Ryan

Angela C. Ross

From: Paul Burt
Sent: February 22, 2023 12:10 PM
To: Gordon D. MacDonald
Cc: All Council; Marie J. Walsh; Amanda M. McDougall; ClerksOffice; Michael E. Ruus; Karen M. Neville
Subject: RE: Proposed Passenger Vehicle for Hire By-law (P-400)

Good Morning Councillor et Al,

I was away last week and just getting to this email today for a response. Mr. Skinner-Ryan has provided his opinion to the proposed bylaw as he has a right to. I will forward a copy of his letter to the Clerks office for inclusion in this file.

During our review of the existing Taxi bylaw there was much discussion on Ridesharing apps, particularly the illegal and underground ride sharing that is currently originating out at CBU. Staff are currently investigating and gathering information on this situation and are working with the police, CBU and some of the legitimate taxi companies to educate and curb this situation. It is causing issues on social media, with passengers and with the Taxi companies that must comply with the bylaw.

Further to some of the points in Mr. Skinner-Ryan's letter and the HRM bylaw we do intend to regulate these companies the same as Taxi companies because they are indeed passenger vehicles for hire and should be subject to the same rules as Taxi companies and other providers of these services. This will ensure they are adequately maintained, insured and that drivers are properly licensed and have standards to follow.

During the deliberations of the temporary taxi rates that the local Taxi industry was lobbying for council made it clear that they wanted a specific rate charged, not a minimum or a maximum. There were concerns raised about undercutting and the impact of limited revenue would have on the safety and professionalism of the local industry. Rideshare companies want to charge various rates, sometimes cheaper and sometimes more expensive, depending on demand.

Rideshare companies do not want to be subject to service areas, as the committee and the owners were adamant be maintained.

Ride share companies do not operate a dispatch as the bylaw requires and that the companies are required to adhere to.

The review and recommendations for the new Passenger Vehicle for Hire bylaw considered all the factors and took the lightest regulatory touch to ensure that the industry is properly regulated and meets the intent of the bylaw to provide professional and safe taxi industry for CBRM. We did not make any recommendations or requirements to dictate any particular business model and there is nothing in the proposed Bylaw that would prevent a ridesharing company from operating in CBRM provided they meet the same, consistent standards of any other Passenger vehicle for Hire must.

Finally it is council's decision whether to pass the current proposed bylaw at the public hearing scheduled for February 28th, 2023 or not. They could also make a motion to send it back to staff and the committee for review further and/or to make any specific changes they may want.

Please do not hesitate to reach out to me directly if you have any additional questions or concerns regarding the proposed bylaw.

Paul Burt, QBO2

Manager Building Planning & Licensing Laws
Cape Breton Regional Municipality
(902)-563-5175
pdburt@cbrm.ns.ca

From: Gordon D. MacDonald <gdmacdonald@cbrm.ns.ca>

Sent: February-15-23 9:10 PM

To: Paul Burt <pburt@cbrm.ns.ca>

Cc: All Council <AllCouncillors@cbrm.ns.ca>; Marie J. Walsh <mjwalsh@cbrm.ns.ca>; Amanda M. McDougall <ammcdougall@cbrm.ns.ca>

Subject: Fwd: Proposed Passenger Vehicle for Hire By-law (P-400)

Hi Paul, fellow council members.

This has been sent to me, Councilor MacMullin and Mayor McDougall-Merrill.

I'm just wondering what your thoughts are on the comparison to the HRM T-1000 model, Mr. Ryan refers to.

I have some other questions on the new bylaw as well, but I'm interested in hearing your opinion on this for now.

Regards,

Gordon MacDonald
CBRM Councillor District 1

Get [Outlook for iOS](#)

From: Andrew Skinner-Ryan <[REDACTED]>

Sent: Wednesday, February 15, 2023 4:50:31 PM

To: Mayor's Office <mayor@cbrm.ns.ca>; Earlene D. MacMullin <edmacmullin@cbrm.ns.ca>; Gordon D. MacDonald <gdmacdonald@cbrm.ns.ca>

Subject: Proposed Passenger Vehicle for Hire By-law (P-400)

Dear Mayor McDougall and Councillors MacMullin and MacDonald:

Please find attached my comments with regard to the proposed *Passenger Vehicle for Hire By-law (P-400)*.

Feel free to share my comments with other Councillors as you deem appropriate. Thank you for your attention to this matter.

Yours sincerely,
Andrew Skinner-Ryan

The Washbrook Greenway Coalition

Shared Principles, Vision and Mission

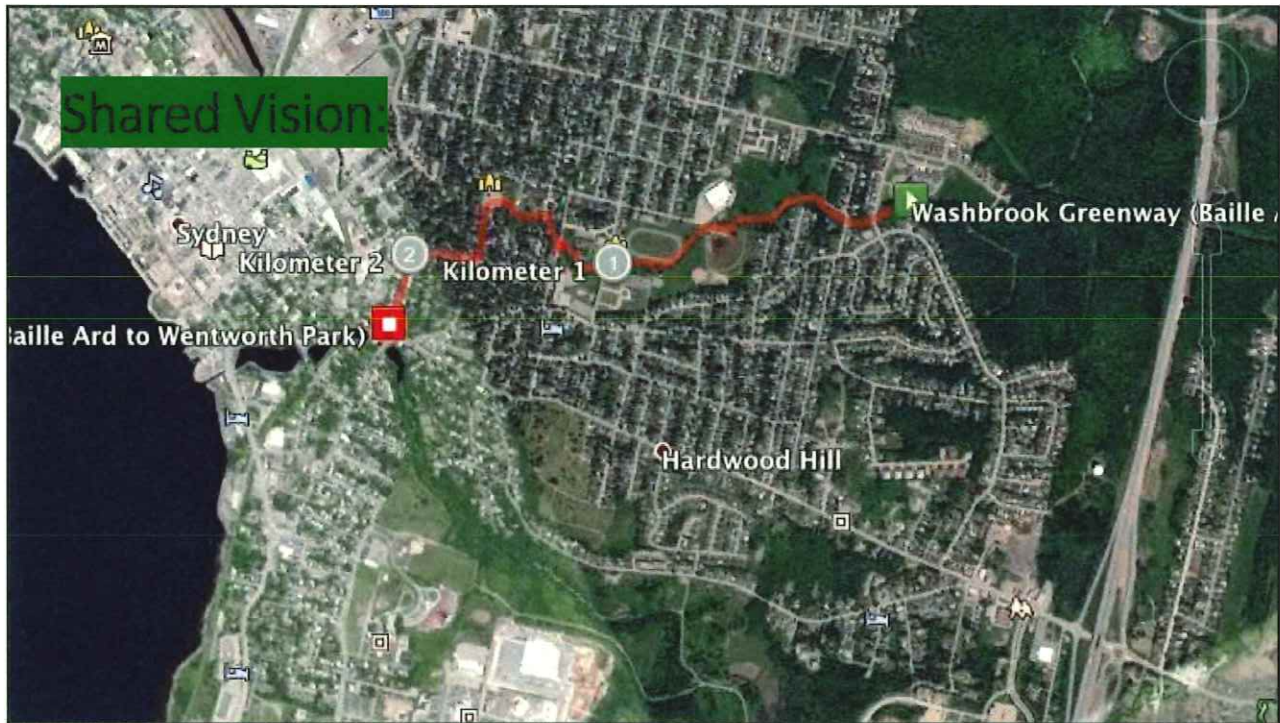


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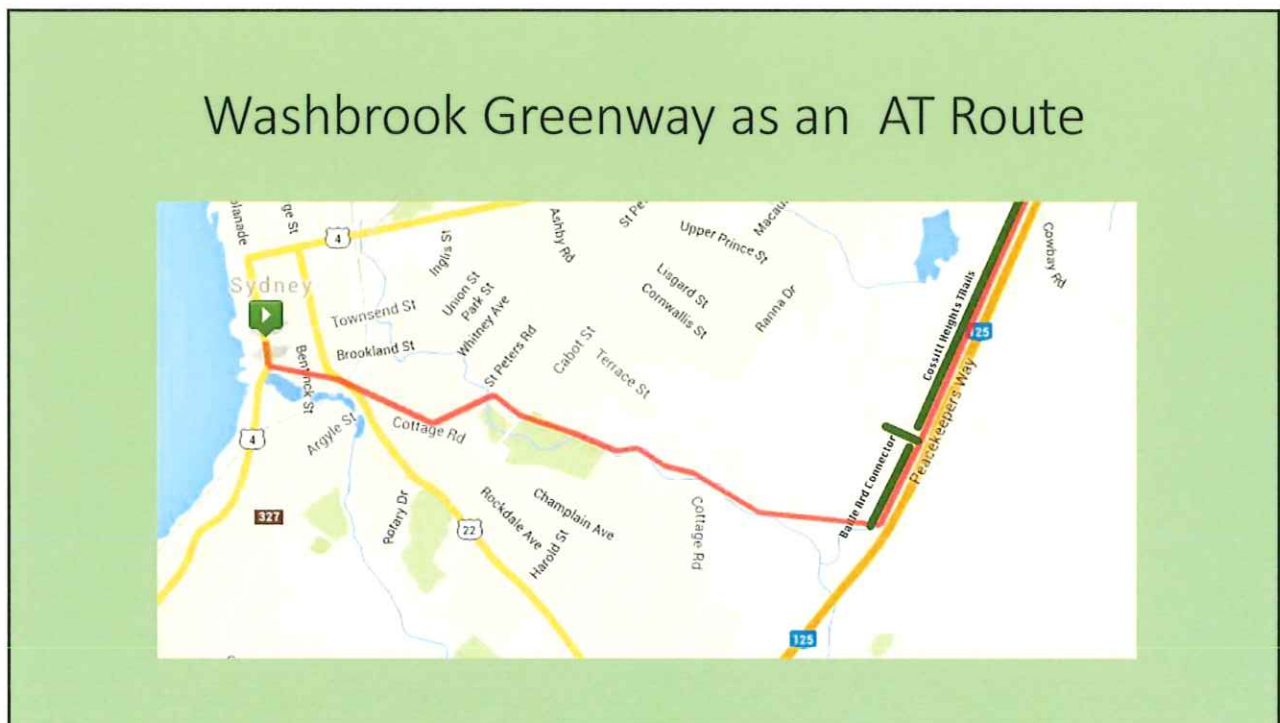
Picture this...



2



3



4

The Greenway Guiding Principles:

- **Environmental Stewardship:**

Ensure that the area is developed with environmental stewardship in mind. Opportunities for stewardship would be fostered through educational and recreational opportunities.

- **Natural Flood Abatement:**

Ensure that any work to minimize future flooding utilizes natural solutions and strives to maintain the natural appearance of the Greenway.

- **Active Living and Transportation:**

Trail development will maximize opportunities for active transportation within the Greenway and beyond through the Baille Ard Nature Trails to the Greenlinks and Cossitt Heights with a specific focus on encouraging active travel to schools and recreation areas.



7

The Greenway Guiding Principles:

- **Educational Opportunities:**

Connections will be made with schools to take advantage of the educational opportunities that are available in the outdoor environment along the Greenway.

- **Unstructured Outdoor Play:**

Opportunities for unstructured outdoor physical activity will be developed along the Greenway.



8

The Greenway Guiding Principles:

- **Recreational Opportunities:**

Recreational opportunities will be encouraged along the trail through partnerships with local recreation departments and community groups.



- **Future Tourism Potential:**

Development of linkages to Wentworth Park and the Sydney Boardwalk will lead to future opportunities to support tourism in the Sydney area.

- **Cultural Connections:**

The development of the Greenway will lead to opportunities for art and culture, including opportunities for visual and performing arts and cultural activities related to the diverse cultures of Sydney and Membertou.



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The Greenway Guiding Principles:

- **Health:**

The Greenway will provide opportunities for improved physical and mental health through access to nature, increased active transportation and outdoor physical activities.

- **Community Connectedness:**

Networks of trails help to connect areas of the community to each other. They enlarge and enhance our sense of our community. They provide a physical connection between people, their community and their natural surroundings.

- **Community Development:**

The Greenway development brings together various community groups and government partners to develop a positive asset in the community. This project will help to build capacity in these groups and to foster leadership and volunteer development. This will result in new program opportunities in the community.



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Connections to Municipal, Provincial and Federal Strategies:

- **Federal:**
 - Let's Get Moving Strategy
- **Provincial:**
 - Accessibility Act
 - Shared Strategy for Trails
 - Shared Strategy for Recreation
 - Culture Action Plan
 - Shift Strategy
 - Provincial Active Transportation Framework
 - Let's Get Moving NS
 - Environmental Goals and Sustainable Prosperity (EGSPA)
- **Municipal:**
 - CBRM Active Transportation Plan
 - Physical Activity Strategy
 - Recreation Master Plan
 - Integrated Community Sustainability Plan
 - Future Accessibility Plan
- **Mi'kmaw Community:**
 - Membertou Physical Activity Strategy

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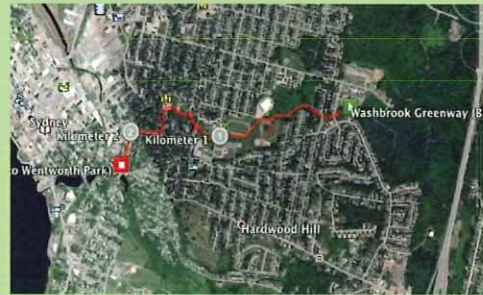
Our Vision :

An active, healthy and engaged community based on our guiding principles that is inspired and enabled by the green corridor that runs from the Baille Ard Nature Trail system along the Washbrook to St. Peter's Road, Wentworth Park and beyond.

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Our Mission

- Create and maintain green corridor that runs from the Baille Ard Nature Trail system along the Washbrook to Whitney Avenue.
- Participate in a shared effort for the betterment of our community.
- Support the development of a network of trails linking Baille Ard Nature Trails, the Washbrook Greenway, Wentworth Park, Sydney Boardwalk, Open Hearth Park and the Whitney Pier Heritage Trail and to Rotary Park via the Greenlink Trail system (Brooks Loop).



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Our Initial Action Plan

- Work with our coalition of partners to:
- Secure funding to hire a consultant to develop a Washbrook Greenway Plan
- Hold stakeholder and public consultation on the plan

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Plan Development

Funding Partners:

- NS Communities, Culture and Heritage
- ACAP Cape Breton
- Kiwanis Club
- Golden K Club
- Baille Ard Recreation Association
- Southend Public Gardens Society

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Uplands

- Hired to produce our plan for the Washbrook Greenway

Plan includes:

- Accessible trail development
- Establishment of wetlands
- Possibility of combining with Nick Hill's Flood Mitigation Report

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Stakeholder Consultation

Held at Brookland School in January 2020

27 people attended, representing the following:



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Stakeholder Consultation

- CBRM council and staff
- MP Jaime Battiste's staff
- Velo Cape Breton
- ACAP Cape Breton
- The Kiwanis Club
- Kiwanis Golden K Club
- CBRCE
- Baille Ard Trail Recreation Association
- Ecology Action Centre

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Stakeholder Consultation

- Cape Breton Partnership
- Moosebait Trail Group
- Southend Public Gardens
- Brookland School
- CBU
- Ally Centre of Cape Breton
- Parents
- Community Members

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Stakeholder Consultation

There was unanimous support for the Washbrook Greenway vision



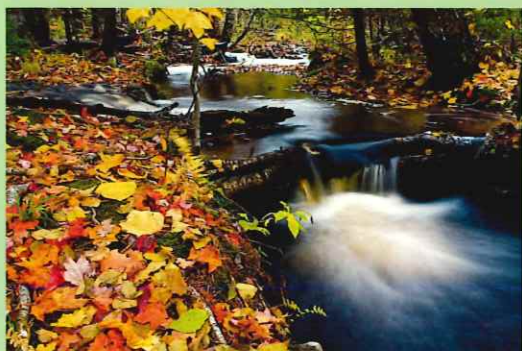
20

Next Steps

- Continue engagement with CBCL/CBRM to develop flood mitigation that best protects the forest and trail bed.
- CBRM Council support for Washbrook Greenway vision (Thanks Ken!)
- We have received funding from NS Connect 2 for the Design Phase, starting in January 2021
- Secure land use permission and, with CBRM support, apply for capital funding for construction
- Further engagement with public
- Engagement of children and youth

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Thank you!



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M·E·M·O

320 Esplanade

Sydney, Nova Scotia, B1P 7B9

902-563-5010

To: Mayor Amanda M. McDougall-Merrill & Council
From: Deborah Campbell Ryan, Municipal Clerk
Date: February 21, 2023
Subject: Report on Call for Expressions of Interest
– Citizen Representatives on Committees

At the February 14, 2023 meeting of the CBRM Nominating Committee, I presented the Report on the Call for Expressions of Interest for citizens to serve on various CBRM Committees and External Agencies. The recommendations from the Nominating Committee are attached for Council's consideration.

In terms of process, it would be in order for Council to pass a generic motion approving the nominations by candidate number. The names of the successful candidates will be publicly released at a future Council meeting once the citizens have accepted the positions and any required background checks have been completed.

I would point out that Council is well within its right to nominate alternate candidates for any of the Committees, noting the outline of the confidential matrix of applicants that is attached separately in the agenda. If alternate candidates are nominated, they should be referenced by number only and an election would be required.

Thank you.

Original signed by:

**Deborah Campbell Ryan,
Municipal Clerk**

Attachments

Report on Call for Expressions of Interest - Citizen Representatives on Committees:

Motion:

Moved by Councillor Eldon Macdonald, seconded by Councillor Paruch, that a recommendation be made to Council to appoint the following Citizens to the various Committees:

• **CBRM Board of Police Commissioners:**

- Candidate # P-2
- Candidate # P-3
- Candidate # P-5

• **Audit Committee:**

- Candidate #A-1

• **Heritage Advisory Committee:**

- Candidate # H-1
- Candidate # H-2
- Candidate # H-3
- Candidate # H-4
- Candidate # H-5
- Candidate # H-6
- Candidate # H-7

• **Cape Breton Regional Library Board:**

- Candidate # L-4
- Candidate # L-5

Motion Carried.

M·E·M·O

320 Esplanade

Sydney, Nova Scotia, B1P 7B9

902-563-5010

To: Mayor Amanda M. McDougall-Merrill & Council
From: Deborah Campbell Ryan, Municipal Clerk
Date: February 21, 2023
Subject: Diversity Committee – Future Direction

At the February 14th, 2023 meeting of the Nominating Committee, it was reported that 4 citizen applications were received for the 12 positions on the CBRM Diversity Committee. Given the ongoing challenges with recruiting citizen volunteers for the Diversity Committee, the Nominating Committee passed the attached motion with a recommendation to Council regarding the future direction of the Diversity Committee.

Thank you.

Original signed by:

**Deborah Campbell Ryan,
Municipal Clerk**

Excerpt: Draft Nominating Committee Minutes– February 14, 2023

Diversity Committee – Future Direction:

Motion:

Moved by Councillor Parsons, seconded by Councillor Eldon MacDonald, that a recommendation be made to Council to request the Director of Human Resources to explore revisions to the existing CBRM Diversity Committee Governance Policy, committee structure, and mandate, and report back to Council with recommendations. It was also suggested that the Director of Human Resources may want to contact the four citizens who applied to serve on the Diversity Committee for any required input.

Motion Carried.

