



REPORT

Report Date: January 28, 2020
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VanRIMS No.: 08-2000-20
Meeting Date: February 25, 2020
[Submit comments to Council](#)

TO: Vancouver City Council
FROM: Chief Licence Inspector
SUBJECT: By-laws for an Inter-Municipal Ride-hailing Business Licence

RECOMMENDATION

- A. THAT Council approve, in principle, the City of Vancouver's participation in the Inter-Municipal Business Licence (IMBL) for Ride-hailing as described in this report.
- B. THAT Council instruct the Director of Legal Services to prepare and bring forward for enactment the by-laws necessary to implement the IMBL for Ride-hailing, generally as outlined in Appendix A and Appendix B.
- C. THAT, subject to approval of Recommendation B, Council instruct the Director of Legal Services to prepare and bring forward the consequential amendments to the Licence By-law, generally as outlined in Appendix C.

REPORT SUMMARY

This report recommends that Vancouver participate in an Inter-Municipal Business Licence (IMBL) for ride-hailing companies (Transportation Network Services) on the basis of the terms noted in this report, effective on April 1, 2020. The IMBL will streamline the licensing process across the region and allow ride-hailing companies to operate in all participating municipalities (Appendix D) with a single business licence.

The terms of the IMBL were developed collectively by the participating municipalities in a fast-tracked process convened by TransLink at the direction of the Mayors' Council on Regional Transportation December 12, 2019. The proposed ride-hailing IMBL establishes the following:

Licensing Authority: The City of Vancouver will be the licensing authority for the IMBL which means that ride-hailing companies will need to purchase the licence from the City of Vancouver. The licence will allow companies to operate in all participating Region 1 municipalities.

Licence Fee: The annual IMBL fee will be \$155 per company plus vehicle fees of

- \$150 per standard vehicle
- \$30 per zero emission vehicle
- \$0 per wheelchair accessible vehicle.

The proposed fees are set to be program cost recoverable and not to be prohibitive for companies.

Licence fee revenue will be shared among participating municipalities. The City of Vancouver will first retain funds sufficient to recover costs for set-up and administration of the licence program (Appendix E) and remaining revenues will be shared based on the percent of total regional pick-ups and drop-offs that occur within each municipality. The information on pick-ups and drop-offs occurring in each municipality will be provided by the licensees.

Licence Conditions: Companies will be required to comply with the municipal by-laws and regulations of each participating municipality. Each municipality retains authority to enforce its own by-laws, for example street and traffic regulations, and also to suspend or cancel an IMBL. Staff in participating municipalities have established a shared protocol for escalating enforcement and have agreed to communicate enforcement actions between each other prior to any municipality considering suspension or cancellation of a licence.

Because the terms of the proposed ride-hailing IMBL were developed on a compressed timeline, they should be considered as interim. Staff of participating municipalities will continue to collaborate over the coming months on opportunities for refinement of a permanent ride-hailing IMBL. There may be additional opportunities to encourage wheelchair accessible or zero emission vehicles, and to adjust the licence fee structure. As more companies are licensed and staff better understand the true costs for licensing and for monitoring industry impacts, such changes can be considered.

The proposed IMBL for ride-hailing supports the City of Vancouver's ride-hailing principles, and its commitment to regionally coordinated transportation.

COUNCIL AUTHORITY/PREVIOUS DECISIONS

Council is authorized under section 192.1 of the Vancouver Charter to enter into agreements with other municipalities to exercise powers conferred on the City, including the power to issue business licences.

In 2015 Council agreed to urge the Ministry of Transportation, the Passenger Transportation Board, YVR, the taxi industry, TransLink and other stakeholders to establish a renewed regional policy direction.

On December 5, 2018, Council directed staff to report back with analysis and options for ride-hailing in Vancouver, including proposed by-laws to allow for ride-hailing and discussion on the City's ability to regulate ride-hailing, the impact removing boundaries may have, especially on persons with disabilities, potential for extending the lifespan of accessible vehicles, the ability of

the City to limit traffic congestion related to ride-hailing, and the possibility of a municipally-owned ride-hailing organization.

On January 15, 2019, Council endorsed a set of seven regulatory principles to guide feedback and input related to Provincial consultations on ride-hailing and taxi modernization and directed staff to report back on: ride-hailing impacts on transportation mode share and on the City's emission reduction goals; and key stakeholder consultation.

On October 2, 2019, Council approved by-laws to enable ride-hailing in Vancouver, and to adjust taxi and limousine licence fees and conditions, such that taxis, limousines and ride-hailing companies (Transportation Network Services) would operate under a standard municipal licensing framework. Council also directed staff to work with Metro Vancouver municipalities and TransLink to develop a region-wide business licence for ride-hailing companies authorized by the Passenger Transportation Board to operate across municipal boundaries.

CITY MANAGER'S/GENERAL MANAGER'S COMMENTS

The City Manager recommends approval of the foregoing.

REPORT

Background/Context

Provincial legislation in force since September 2019 has reduced the municipal authority to regulate Passenger Directed Vehicles (PDV) (taxis, limousines, ride-hailing vehicles). The Province now has sole authority to regulate company fleet size and operational boundaries, to set vehicle standards, and to issue driver Chauffeur Permits; however, municipalities retain the ability to issue business licences and to regulate street use and traffic.

The Province regulates Passenger Directed Vehicles through the *Passenger Transportation Act*, the *Motor Vehicle Act*, and the *Commercial Transportation Act*. Companies that operate passenger directed transportation services are licensed by the independent, provincially appointed BC Passenger Transportation Board (PTB). Municipalities may issue business licences to companies once those companies have been licensed by the PTB.

In October 2019 Council adopted by-laws to enable ride-hailing in Vancouver that established business licence terms and conditions, and require ride-hailing companies to purchase a Congestion and Curbside Management Permit (CCMP) to allow vehicles to access any curb side in the Metro Core for pick-up and drop off between 7:00 a.m. and 7:00 p.m. The by-laws were enacted in anticipation of PTB authorization of ride-hailing companies, and to ensure the City could issue business licences as soon as companies received their Provincial authorizations and services could be available in Vancouver without delay.

The PTB has the authority to determine operating boundaries, and has established a regional approach to ride hailing that allows companies to operate across municipal boundaries. Vancouver is part of Region 1 (*Whistler-Lower Mainland*) comprised of 32 municipalities. In October 2019 Council directed staff to work with other Region 1 municipalities and with TransLink to develop a region-wide inter-municipal business licence (IMBL) for ride-hailing that could replace or complement the Vancouver licence.

An IMBL is a business licence that allows mobile businesses to operate across participating municipalities with the purchase of one licence. An IMBL is formed through common by-laws enacted by each participating municipality. The IMBL Agreement By-law allows municipalities to enter into agreement with the partner municipalities. It addresses terms such as the fee, revenue sharing formula and distribution, and overall administration of the licence. The second by-law, the IMBL by-law, is the formal mechanism through which the IMBL is implemented in each municipality and sets out the various terms and conditions that apply to the IMBL across the participating municipalities.

When implementing an IMBL, participating municipalities work together to determine:

- the types of businesses eligible to be covered under the particular IMBL;
- how much to charge for an IMBL;
- the model for collecting and sharing revenue from the sales of the IMBL (e.g. seller retains revenue from sales or cost sharing among jurisdictions); and
- the terms of the by-law to be enacted by each participating municipality.

In Region 1, there are four existing sub-regional IMBL groups: Fraser Valley, Metro West, North Shore and Tri-cities that cover mobile businesses such as trades, construction, and catering. None of these existing IMBLs apply to vehicles for hire or any other transport services.

The process of developing an IMBL generally takes six months to a year. For ride-hailing, a year-long process carried the risk that a patchwork of municipal licensing frameworks would emerge and have a potentially negative impact on the regional roll-out of the industry. On December 12, 2019 the Mayors' Council on Regional Transportation directed TransLink to facilitate an expedited IMBL development process with Region 1 municipalities for agreement on by-law terms by January 31, 2020.

Region 1 municipalities commenced work in late December 2019. An IMBL Working Group was established and met weekly throughout the month of January 2020 to develop the proposal for an IMBL for ride-hailing. The proposed IMBL by-laws establish licensing authority; licence fee and structure; licence conditions; and licence fee revenue sharing among participating municipalities (Appendix A and Appendix B). They represent the outcome of two-thirds majority based voting undertaken by the IMBL Working Group members. Staff advocated and voted for licence terms and conditions that reflected the Council approved licensing framework from October 2019, which considered the City's Climate Emergency Response, Transportation 2040, and principles for ride-hailing regulation.

Participating municipalities will bring reports to their Councils in February and March 2020 recommending approval of the by-laws as presented. If approved, the IMBL will take effect on April 1, 2020. For any participating municipalities that enact the by-law after April 1, 2020, the licence will take effect in that municipality on the day of enactment.

Given the expedited process for development, the terms of the by-law should be understood as interim. Participating municipalities will assess the effectiveness of the licence over the coming months, as more companies are licensed and operating.

As of February 13, 2020, the PTB has authorized five ride-hailing companies to operate in Region 1. Two companies, Lyft and Uber have applied for and been issued a City of Vancouver business licence. They are both operating in the city. The other three companies, Whistle, Apt

and Kabu have not applied for City business licences and are not known to be operating in Vancouver. Should the IMBL be approved, all Region 1 PTB authorized companies will be able to apply to operate under that licence.

The City's participation in an IMBL for ride hailing will not affect its ability to regulate street use under the Street and Traffic By-law, which includes the issuance of Congestion and Curbside Management Permits (CCMP).

Strategic Analysis

The draft IMBL by-laws establish the following.

Licensing Authority

The City of Vancouver will be the licensing authority for the IMBL which means that ride-hailing companies will need to purchase the licence from the City of Vancouver. The licence will allow companies to operate in all participating Region 1 municipalities.

The City of Vancouver is well positioned for this role: it enacted a Licence by-law in October 2019 and is prepared to issue and administer licences with the terms and conditions as described below.

Licence Fee and Structure

The annual licence fee will be a company fee of \$155 plus per vehicle fees of

- \$150 for each vehicle
- \$30 for each zero emission vehicle
- \$0 for each wheelchair accessible.

The discounted fee for zero emission vehicles provides a meaningful incentive while acknowledging that these vehicles do have an administrative cost and physical impact on streets. Wheelchair accessible vehicles are understood to be more expensive to purchase and maintain than non-accessible vehicles, and municipalities want to encourage their participation in ride-hailing as much as possible. Therefore, a \$0 per vehicle fee is proposed.

Licence fees are to be pro-rated to align with the City of Vancouver's calendar licensing structure.

Companies will self-report monthly all new vehicles operating under their licence, and whether they are standard, zero emission or wheelchair accessible. Once a vehicle has been reported and the associated fee paid, the vehicle may operate for the remainder of the calendar year.

The per vehicle fee structure was agreed upon as it can be implemented immediately; it enables incentives for specific vehicle types; and it is equitable among companies of all fleet sizes.

The per vehicle fee of \$150 was set with the aim of achieving administrative program cost recovery (Appendix E), and recovery of costs to participating municipalities associated with monitoring business activity and impacts in their communities. Because ride-hailing is a new business the full costs of licensing and monitoring are not yet known. The licence fee is comparable to licensing fees in other Canadian jurisdictions such as the City of Calgary.

Licence Fee Revenue Sharing

As the issuing authority, the City of Vancouver will collect all licence fees. It will retain funds sufficient to recover all investments, direct and indirect costs of IMBL set up and on-going

licence administration (Appendix E) and remaining revenues will be shared based on the percent of total regional pick-ups and drop-offs that occur within each municipality.

Year 1 of the IMBL program includes set-up costs that are expected to fall in subsequent years as the program is regularized. At the end of each licence year, the City of Vancouver will provide participating municipalities with a year-end account of costs, and revenue to be shared.

Licence Requirements

Companies will be required to comply with the municipal by-laws and regulations of each participating municipality.

Each participating municipality will retain authority to enforce its own by-laws, for example street and traffic regulations, and also to suspend or cancel an IMBL. Because suspension or cancellation of a licence would affect all participating municipalities, staff in participating municipalities will establish a shared protocol for escalating enforcement prior to any municipality considering suspension or cancellation. This protocol will include communicating with the Provincial Registrar and Passenger Transportation Branch about on-going concerns with a company or vehicle.

Monitoring Industry Impacts – Access to Data

Access to detailed trip data is critical for municipalities in understanding the impact of ride-hailing in their communities at both the system-wide and street levels. At the system-wide level it will assist in identifying changes in travel mode share like transit use, cycling and walking. At the street level it can be used to establish solutions to mitigate safety concerns and congestion impacts such as identification of ride-hailing pick-up and drop-off zones. It can also highlight locations that may require enforcement attention.

The BC Passenger Transportation Branch requires comprehensive vehicle and trip data from companies. In early February, the Province confirmed that municipalities will be able to access these data on a regular, on-going basis through a Partnership Agreement with the Passenger Transportation Branch. Consequently, detailed trip data will not be a requirement of the IMBL; municipalities will benefit from access to provincial data, and companies will benefit from not having to duplicate data submission efforts.

As a condition of the IMBL, licenced ride-hailing companies will still be required to report the total number of pick-ups and drop-offs occurring in each participating municipality so as to enable the City of Vancouver to calculate the share of revenue owed to each participating municipality.

The proposed IMBL is modelled on the City of Vancouver's existing ride-hailing licence (Passenger Directed Vehicle Services Licence) as enacted by Council in October 2019. Table 1 compares the terms of the existing and proposed licences.

Table 1 Comparison of City of Vancouver Passenger Directed Vehicle Licence and Proposed IMBL

Licence Fee, Structure, Condition	City of Vancouver PDV Licence	Proposed IMBL	Same or Different
Operating Area	Vancouver	Participating Region 1 municipalities	Different
Annual Fee (pro-rated on calendar year)	\$155 company fee	\$155 company fee	Same
	\$100 fee per standard vehicle	\$150 fee per standard vehicle	Different
	\$0 fee per wheelchair accessible vehicle	\$0 fee per wheelchair accessible vehicle	Same
	\$0 fee per zero emission vehicles	\$30 fee per zero emission vehicles	Different
Data Submission	Monthly <ul style="list-style-type: none"> • Detailed data on trips in Vancouver • Number and type of vehicles 	Monthly <ul style="list-style-type: none"> • Total number of pick-ups & drop-offs in each participating municipality • Number and type of vehicles 	Different
Congestion and Curbside Management Permit	Required for ride-hailing companies in Metro Vancouver 7:00 a.m. – 7:00 p.m. seven days per week (Street and Traffic By-law)	Companies must comply with by-laws in all participating municipalities	Same

Note: The PDV Services licence remains in effect and is required for taxis and limousines, and any ride-hailing companies that wish to operate only in Vancouver.

Next Steps

Should the proposed IMBL by-laws be approved by Council and by other participating municipalities, staff are prepared to issue IMBL licences on April 1, 2020; to prepare fee invoices and set-up year-end revenue distribution.

The Province is finalizing the Partnership Agreement that will allow municipalities and other public entities to access the detailed trip data it collects on ride-hailing and other passenger directed vehicles. Staff are collaborating with the Province to ensure access for the purpose of on-going monitoring of industry impacts as described in this report.

The IMBL terms were developed on an expedited timeframe; staff will work with participating municipalities to monitor its effectiveness and consider refinement of terms. For example, there may be opportunities to further encourage wheelchair accessible or zero emission vehicles. Industry representatives requested a fee structure that more accurately reflects their business model such as a monthly fee based on active vehicles. As more companies are licensed and staff come to better understand the true costs for licensing and for monitoring industry impacts, such changes may be considered.

In considering adjustments to the ride-hailing IMBL, staff will consider opportunities to include limousines as they are also authorized by the PTB to operate across municipal boundaries. The PTB has announced that it will review its regulations with regard to taxi operating areas, but at this time taxis cannot be considered for an IMBL as the PTB restricts their operations to be within municipal boundaries.

Public/Civic Agency Input

The working group held an industry information session on January 22, 2020, inviting the 17 TNS operators who had applied to the PTB to operate in Region 1 at that time. Participants were informed about the proposed IMBL framework, including specifics, such as fee structure and data requirements. At the time of the consultation, the proposed IMBL included data submission requirements that have since been removed. Fifteen of the applicants invited sent representatives.

In addition to the comments given during the information session, three companies submitted written comments following the session. The working group reviewed and considered all comments submitted.

The TNS industry representatives were generally appreciative of the expedited IMBL process, particularly as two of the applicants received PTB approval during the process and had a more urgent need for an IMBL.

The key concerns heard by the working group were:

1. Fee structure and smaller operators: The working group heard concerns that the fee structure disadvantaged smaller operators who are less able to absorb the per-vehicle charges compared to larger operators.
2. Fee structure and TNS fluidity: The working group heard concerns that the way that fees are charged – based on vehicles that sign on with the company rather than number of vehicles in operation – do not match the fluid nature of the ride-hailing industry which tends to have high driver turnover.
3. Data requirements and granularity: The working group also heard concerns about the level of granularity required for data submissions, with respect to customer privacy.

The Working Group will take key concerns 1 and 2 under advisement and consider options to address these concerns as part of the ongoing development of a permanent IMBL.

Regarding data requirement concerns, the working group has since determined that detailed data submission will not be required as part of the IMBL. Municipalities are expected to have access to provincially collected data through a Partnership Agreement with the Passenger Transportation Branch.

Implications/Risk

IMBL Bylaws not supported by Council

The terms proposed in the Inter-Municipal Business Licence for ride-hailing have been developed and agreed to by staff from the municipalities that participated in the Working Group. Should Council seek to amend terms of the bylaws at this time, further consultation with all participating municipalities would be required. Consequently, the proposed effective date for implementation of the licence, April 1, 2020, would likely be delayed.

Financial

Year one (2020) set-up and administration of the proposed Inter-municipal business licence is estimated to cost the City of Vancouver \$140,000. It is anticipated that these costs will be recovered through year one licence fee revenue. Should year one licence fee revenue be insufficient for cost recovery, the City will seek to recover outstanding costs from future year IMBL revenues.

Included in the administrative costs is the addition of one half-time licence clerk at an approximate cost of \$33,000 per year, to process licence applications and monitor industry impact. The position is to be funded from IMBL fee revenue.

Human Resources/Labour Relations

Staff recommend that one 0.5 FTE temporary Clerk position be created to administer licences and monitor on-going industry impacts.

Environmental

Based on evidence from other jurisdictions, the introduction of ride-hailing (TNS) could adversely impact municipal streets and increase kilometers travelled by private vehicles. Other jurisdictions report the following impacts in their communities:

- While many trips taken with a TNS vehicle substitute trips that passengers would have otherwise driven themselves, travel surveys indicate that between 42% and 61% of urban TNS users would have taken transit, walked, biked, or not taken the trip at all if TNS services had not been available;
- Up to 50% of the vehicle kilometres travelled by TNS vehicles carry no passengers at all, resulting in “deadhead” kilometres TNS drivers travel while looking for patrons; this increases congestion and greenhouse gas emissions associated with transportation.
- In August 2019, Uber and Lyft shared some of their own data which indicated that ride-hailing accounted for 1.7% up to 13.4% of all vehicle kilometres travelled (VKT) in core urban areas and between 1.0% and 2.9% in suburban areas.

The impacts of the introduction of ride-hailing in Vancouver and the Lower Mainland will be better understood once the City and region have access to ride-hailing trip data.

Legal

Council is authorized under section 192.1 of the Vancouver Charter to enter into agreements with other municipalities to exercise powers conferred on the City, including the power to issue business licences.

CONCLUSION

There is strong public support for ride-hailing in the Lower Mainland and the Province has now authorized 5 companies to operate in Region 1 (Whistler - Lower Mainland). The proposed IMBL for ride-hailing in Region 1 will support the regional roll-out of the industry because companies will be able to operate in participating municipalities with only one business licence. Should

Council approve the staff recommendation to participate in an Inter-Municipal Business Licence (IMBL) for ride-hailing companies on the basis of the terms noted in this report the licence will be effective as of April 1, 2020.

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DRAFT By-law to enter into an agreement among the Participating Municipalities regarding an Inter-municipal Transportation Network Services Business Licence Scheme

Note: A By-law will be prepared generally in accordance with the provisions listed below, subject to change and refinement prior to posting.

1. Council hereby authorizes the City to enter into an Agreement with the Participating Municipalities in substantially the form and substance of the Agreement attached to this By-law as Schedule A, and also authorizes the Director of Legal Services to execute the Agreement on behalf of the City, and to deliver it to the Participating Municipalities on such terms and conditions as the Director of Legal Services deems fit.

Schedule A

Inter-municipal TNS Business Licence Agreement

WHEREAS the City of Abbotsford, the Village of Anmore, Bowen Island Municipality, the City of Burnaby, the City of Chilliwack, the City of Coquitlam, the Corporation of Delta, the Village of Harrison Hot Springs, the City of Langley, the Corporation of the Township of Langley, the Village of Lions Bay, the City of Maple Ridge, the Corporation of the City of New Westminster, the Corporation of the City of North Vancouver, the Corporation of the District of North Vancouver, the Corporation of the City of Pitt Meadows, the Corporation of the City of Port Coquitlam, the City of Port Moody, the City of Richmond, the District of Squamish, the City of Surrey, the City of Vancouver, the Corporation of the District of West Vancouver, the Resort Municipality of Whistler, and the City of White Rock (the "*Participating Municipalities*"), wish to permit transportation network services ("*TNS*") businesses to operate across their jurisdictional boundaries thereby eliminating the need to obtain a separate municipal business licence in each jurisdiction;

NOW THEREFORE the *Participating Municipalities* agree as follows:

1. The *Participating Municipalities* agree to establish an *Inter-municipal TNS Business Licence* scheme among the *Participating Municipalities*, pursuant to section 14 of the *Community Charter* and section 192.1 of the *Vancouver Charter*.

2. The *Participating Municipalities* will request their respective municipal Councils to each ratify this Agreement and enact a by-law to implement an *Inter-municipal TNS Business Licence* scheme effective April 1, 2020 if this Agreement is ratified and a by-law is enacted prior to or on April 1, 2020, or upon the date of enactment if this Agreement is ratified and a by-law is enacted after April 1, 2020.

3. In this Agreement:

"*Accessible Vehicle*" means a motor vehicle designed and manufactured, or converted, for the purpose of transporting persons who use mobility aids;

"*Administrative Costs*" means the direct and indirect costs and investments attributable to setting up and administering the *Inter-municipal TNS Business Licence* scheme, including wages, materials, corporate overhead and rent;

"*Business*" has the same meaning as in the *Community Charter*;

"*Community Charter*" means the *Community Charter*, S.B.C. 2003, c. 26, as may be amended or replaced from time to time;

"*Inter-municipal TNS Business*" means a *TNS Business* that has been licensed to operate in the Region 1 operating area by the Passenger Transportation Board;

"*Inter-municipal TNS Business Licence*" means a business licence which authorizes an *Inter-municipal TNS Business* to be carried on within the jurisdictional boundaries of any or all of the *Participating Municipalities*;

“Inter-municipal TNS Business Licence By-law” means the by-law adopted by the Council of each *Participating Municipality* to implement the *Inter-municipal TNS Business Licence* scheme contemplated by this Agreement;

“Mobility Aid” has the same meaning as in the *Passenger Transportation Act*, S.B.C 2004, c. 39, as may be amended or replaced from time to time;

“Municipal Business Licence” means a licence or permit, other than an *Inter-municipal TNS Business Licence*, issued by a *Participating Municipality* that authorizes a *Business* to be carried on within the jurisdictional boundaries of that *Participating Municipality*;

“Participating Municipality” means any one of the *Participating Municipalities*;

“Premises” means one or more fixed or permanent locations where the *TNS Business* ordinarily carries on *Business*;

“TNS Business” means a person carrying on the business of providing *Transportation Network Services*;

“Transportation Network Services” has the same meaning as in the *Passenger Transportation Act*, S.B.C 2004, c. 39, as may be amended or replaced from time to time;

“Vancouver Charter” means the *Vancouver Charter*, S.B.C. 1953, c. 55, as may be amended or replaced from time to time; and

“Zero Emission Vehicle” means a motor vehicle that is exclusively propelled by electricity or hydrogen from an external source.

4. Subject to the provisions of the *Inter-municipal TNS Business Licence By-law*, each *Participating Municipality* will permit a *TNS Business* that has obtained an *Inter-municipal TNS Business Licence* to carry on the *Business* of providing *Transportation Network Services* within that *Participating Municipality* for the term authorized by the *Inter-municipal TNS Business Licence* without obtaining a *Municipal Business Licence* for the *TNS Business* in that *Participating Municipality*.
5. All *Inter-municipal TNS Business Licences* will be issued by the City of Vancouver.
6. The City of Vancouver may issue an *Inter-municipal TNS Business Licence* to a *TNS Business* if the *TNS Business* is an *Inter-municipal TNS Business* and meets the requirements of the *Inter-municipal TNS Business Licence By-law*, in addition to the requirements of the City of Vancouver’s License By-law No. 4450.
7. Notwithstanding that a *TNS Business* may hold an *Inter-municipal TNS Business Licence* that would make it unnecessary to obtain a *Municipal Business Licence* for the *TNS Business* in the *Participating Municipalities*, the *TNS Business* must still comply with all orders and regulations under any municipal business licence by-law in addition to those under any

other by-laws, regulations, or provincial or federal laws that may apply within any jurisdiction in which the *TNS Business* carries on *Business*.

8. Any *Participating Municipality* may require that the holder of an *Inter-municipal TNS Business Licence* also obtain a *Municipal Business Licence* for any *Premises* that are maintained by the licence holder within the jurisdiction of the *Participating Municipality*.

9. The annual *Inter-municipal TNS Business Licence* fee is \$155, plus \$150 for each vehicle operating under the authority of the *Inter-municipal TNS Business*, except that the per vehicle fee for *Zero Emission Vehicles* will be \$30, and there will be no per vehicle fee charged for *Accessible Vehicles*. Any fees paid by an applicant to any *Participating Municipality* for a *Municipal Business Licence* for the *TNS Business* prior to the availability of the *Inter-municipal TNS Business Licence* that are not refunded by that *Participating Municipality* will be credited against the initial *Inter-municipal TNS Business Licence* fee owing under this section 9.

10. The fee for any additional vehicles that begin operating under the authority of an *Inter-municipal TNS Business Licence* holder after the annual license fee is paid will be the per vehicle fee set out in section 9, pro-rated by dividing the applicable annual per vehicle fee by 12 and multiplying the resulting number by the number of months remaining in that calendar year, including any partial months which will be counted as whole months.

11. The City of Vancouver will distribute the revenue generated from *Inter-municipal TNS Business Licence* fees amongst all *Participating Municipalities* based on the City of Vancouver retaining an amount to cover its *Administrative Costs*, with the remaining fees to be distributed proportionally to the *Participating Municipalities*, including the City of Vancouver, based on the number of pick-ups and drop-offs in that *Participating Municipality*. The City of Vancouver will provide the other *Participating Municipalities* with an itemized accounting of the fees collected and disbursed, including an accounting of its *Administrative Costs*, at the time it distributes the remaining fees to those *Participating Municipalities*.

12. If the revenue generated from *Inter-municipal TNS Business Licence* fees in the initial year is insufficient to cover the *Administrative Costs* relating to the initial set up of the scheme, then the City of Vancouver may retain such portion of the *Inter-municipal TNS Business Licence* fees collected in the subsequent year or years as is necessary to reimburse the City of Vancouver for such initial *Administrative Costs*, until the full amount has been recovered.

13. Any revenue payable to a *Participating Municipality* in the initial year will be offset by any fees collected and not refunded by that *Participating Municipality* for a *Municipal Business Licence* for the *TNS Business* prior to the availability of the *Inter-municipal TNS Business Licence*, and if the fees collected by the *Participating Municipality* exceed the amount owing to that *Participating Municipality*, then that *Participating Municipality* shall remit the difference to the City of Vancouver for inclusion in the revenue distribution set out above.

14. The revenue generated from *Inter-municipal TNS Business Licence* fees collected from January 1 to December 31 inclusive that is to be distributed to the *Participating Municipalities* in accordance with section 11, including the fees collected for any additional vehicles under section 10, will be distributed by the City of Vancouver by February 28 of the year following the year in which fees were collected.

15. The length of term of an *Inter-municipal TNS Business Licence* is 12 months, except that

the length of term of the initial *Inter-municipal TNS Business Licence* issued to an *Inter-municipal TNS Business* by the City of Vancouver may be less than 12 months in order to harmonize the expiry date of the *Inter-municipal TNS Business Licence* with the calendar year, in which case the annual fee will be pro-rated by dividing the applicable annual license fee by 12 and multiplying the resulting number by the number of months remaining in that calendar year, including any partial months which will be counted as whole months.

16. An *Inter-municipal TNS Business Licence* will be valid within the jurisdictional boundaries of all of the *Participating Municipalities* until its term expires, unless the *Inter-municipal TNS Business Licence* is suspended or cancelled. If a *Participating Municipality* withdraws from the *Inter-municipal TNS Business Licence* scheme among the *Participating Municipalities* in accordance with the *Inter-municipal TNS Business Licence By-law*, then the *Inter-municipal TNS Business Licence* will cease to be valid within the jurisdictional boundary of that former *Participating Municipality*.

17. A *Participating Municipality* may exercise the authority of the City of Vancouver as the issuing municipality and suspend an *Inter-municipal TNS Business Licence* in relation to conduct by the holder within the *Participating Municipality* which would give rise to the power to suspend a business licence under the *Community Charter* or *Vancouver Charter* or under the business licence by-law of the *Participating Municipality*. The suspension will be in effect throughout all of the *Participating Municipalities* and it will be unlawful for the holder to carry on the *Business* authorized by the *Inter-municipal TNS Business Licence* in any *Participating Municipality* for the period of the suspension.

18. A *Participating Municipality* may exercise the authority of the of the City of Vancouver as the issuing municipality and cancel an *Inter-municipal TNS Business Licence* in relation to conduct by the holder within the *Participating Municipality* which would give rise to the power to cancel a business licence under the *Community Charter* or *Vancouver Charter* or the business licence by-law of the *Participating Municipality*. The cancellation will be in effect throughout all of the *Participating Municipalities*.

19. The suspension or cancellation of an *Inter-municipal TNS Business Licence* under section 17 or 18 will not affect the authority of a *Participating Municipality* to issue a *Municipal Business Licence*, other than an *Inter-municipal TNS Business Licence*, to the holder of the suspended or cancelled *Inter-municipal TNS Business Licence*.

20. Nothing in this Agreement affects the authority of a *Participating Municipality* to suspend or cancel any *Municipal Business Licence* issued by that municipality or to enact regulations in respect of any category of *Business* under section 15 of the *Community Charter* or sections 272, 273, 279A, 279A.1, 279B, and 279C of the *Vancouver Charter*.

21. A *Participating Municipality* may, by notice in writing to each of the other *Participating Municipalities*, withdraw from the *Inter-municipal TNS Business Licence* scheme among the *Participating Municipalities*, and the notice must:

- (a) set out the date on which the withdrawing municipality will no longer recognize the validity within its boundaries of *Inter-municipal TNS Business Licences*, which date must be at least 6 months from the date of the notice; and
- (b) include a certified copy of the municipal Council resolution or by-law authorizing the

municipality's withdrawal from the *Inter-municipal TNS Business Licence* scheme.

22. Nothing contained or implied in this Agreement shall fetter in any way the discretion of the Councils of the *Participating Municipalities*. Further, nothing contained or implied in this Agreement shall prejudice or affect the *Participating Municipalities'* rights, powers, duties or obligations in the exercise of their functions pursuant to the *Community Charter, Vancouver Charter, or the Local Government Act*, as amended or replaced from time to time, or act to fetter or otherwise affect the *Participating Municipalities'* discretion, and the rights, powers, duties and obligations under all public and private statutes, by-laws, orders and regulations, which may be, if each *Participating Municipality* so elects, as fully and effectively exercised as if this Agreement had not been executed and delivered by the *Participating Municipalities*.

23. Despite any other provision of this Agreement, an *Inter-municipal TNS Business Licence* granted in accordance with the *Inter-municipal TNS Business Licence Bylaw* does not grant the holder a licence to operate in any jurisdiction other than within the jurisdictional boundaries of the *Participating Municipalities*. Furthermore, a business licence granted under any other inter-municipal *TNS Business* licence scheme is deemed not to exist for the purposes of this Agreement even if a *Participating Municipality* is a participating member of the other inter-municipal *TNS Business* licence scheme.

24. This Agreement may be executed in several counterparts, each of which shall be deemed to be an original, and may be delivered by email or facsimile transmission, and each such counterpart, howsoever delivered, shall be deemed to be an original. Such counterparts together shall constitute one and the same instrument, notwithstanding that all of the *Participating Municipalities* are not signatories to the original or the same counterpart.

25. In the event that the municipal Council of a *Participating Municipality* other than the City of Vancouver does not ratify this Agreement, then that municipality will not be considered a *Participating Municipality* for the purposes of this Agreement, and the terms and conditions of this Agreement shall be effective as among the other *Participating Municipalities*.

Signed and delivered on behalf of the *Participating Municipalities*, the Councils of each of which have, by By-law, ratified this Agreement and authorized their signatories to sign on behalf of the respective Councils, on the dates indicated below.

The City of Abbotsford

Mayor

Corporate Officer

Date

Village of Anmore

Mayor _____

Corporate Officer _____

Date _____

Bowen Island Municipality

Mayor _____

Corporate Officer _____

Date _____

City of Burnaby

City Clerk _____

Date _____

City of Chilliwack

Mayor _____

Corporate Officer _____

Date _____

City of Coquitlam

Mayor _____

City Clerk _____

Date _____

City of Delta

Mayor _____

City Clerk _____

Date _____

Village of Harrison Hot Springs

Mayor _____

Corporate Officer _____

Date _____

The Corporation of the City of Langley

Mayor _____

Corporate Officer _____

Date _____

The Corporation of the Township of Langley

Mayor _____

Township Clerk _____

Date _____

Village of Lions Bay

Mayor _____

Corporate Officer _____

Date _____

City of Maple Ridge

Presiding Member _____

Corporate Officer _____

Date _____

The Corporation of the City of New Westminster

Mayor _____

City Clerk _____

Date _____

The Corporation of the City of North Vancouver

Mayor _____

City Clerk _____

Date _____

The Corporation of the District of North Vancouver

Mayor _____

Municipal Clerk _____

Date _____

The City of Pitt Meadows

Mayor _____

Corporate Officer _____

Date _____

The Corporation of the City of Port Coquitlam

Mayor _____

Corporate Officer _____

Date _____

City of Port Moody

Mayor _____

Corporate Officer _____

Date _____

The City of Richmond

Chief Administrative Officer _____

General Manager
Corporate and Financial Services
Financial Services _____

Date _____

District of Squamish

Mayor _____

Corporate Officer _____

Date _____

City of Surrey

Mayor _____

City Clerk _____

Date _____

The City of Vancouver

Director of Legal Services _____

Date _____

The Corporation of the District of West Vancouver

Mayor _____

Corporate Officer _____

Date _____

Resort Municipality of Whistler

Mayor _____

Municipal Clerk _____

Date _____

The Corporation of the City of White Rock

Mayor _____

Director of Corporate Administration _____

Date _____

DRAFT By-law to enter into an Inter-municipal TNS Business Licence Scheme

Note: A By-law will be prepared generally in accordance with the provisions listed below, subject to change and refinement prior to posting.

WHEREAS the municipalities that have entered or will enter into the *Inter-municipal TNS Business Licence Agreement* (the "*Participating Municipalities*") wish to permit licensed transportation network services ("*TNS*") businesses to operate across their jurisdictional boundaries thereby eliminating the need to obtain a separate municipal business licence in each jurisdiction;

AND WHEREAS each of the *Participating Municipalities* has or will adopt a similar by-law to implement the *Inter-municipal TNS Business Licence* scheme;

NOW THEREFORE THE COUNCIL OF THE CITY OF VANCOUVER, in public meeting, enacts as follows:

1. There is hereby established an *Inter-municipal TNS Business Licence* scheme among the *Participating Municipalities*, pursuant to section 14 of the *Community Charter* and section 192.1 of the *Vancouver Charter*.

2. In this By-law:

"*Accessible Vehicle*" means a motor vehicle designed and manufactured, or converted, for the purpose of transporting persons who use mobility aids;

"*Business*" has the same meaning as in the *Community Charter*;

"*Community Charter*" means the *Community Charter*, S.B.C. 2003, c. 26, as may be amended or replaced from time to time;

"*Inter-municipal TNS Business*" means a *TNS Business* that has been licensed to operate in the Region 1 operating area by the Passenger Transportation Board;

"*Inter-municipal TNS Business Licence*" means a business licence which authorizes an *Inter-municipal TNS Business* to be carried on within the jurisdictional boundaries of any or all of the *Participating Municipalities*;

"*Mobility Aid*" has the same meaning as in the *Passenger Transportation Act*, S.B.C. 2004, c. 39, as may be amended or replaced from time to time;

"*Municipal Business Licence*" means a licence or permit, other than an *Inter-municipal TNS Business Licence*, issued by a *Participating Municipality* that authorizes a *Business* to be carried on within the jurisdictional boundaries of that *Participating Municipality*;

"*Participating Municipality*" means any one of the *Participating Municipalities*;

“*Premises*” means one or more fixed or permanent locations where the *TNS Business* ordinarily carries on *Business*;

“*TNS Business*” means a person carrying on the business of providing *Transportation Network Services*;

“*Transportation Network Services*” has the same meaning as in the *Passenger Transportation Act*, S.B.C 2004, c. 39, as may be amended or replaced from time to time;

“*Vancouver Charter*” means the *Vancouver Charter*, S.B.C. 1953, c. 55, as may be amended or replaced from time to time; and

“*Zero Emission Vehicle*” means a motor vehicle that is exclusively propelled by electricity or hydrogen from an external source.

3. Subject to the provisions of this By-law, each *Participating Municipality* will permit a *TNS Business* that has obtained an *Inter-municipal TNS Business Licence* to carry on the *Business* of providing *Transportation Network Services* within that *Participating Municipality* for the term authorized by the *Inter-municipal TNS Business Licence* without obtaining a *Municipal Business Licence* for the *TNS Business* in that *Participating Municipality*.

4. All *Inter-municipal TNS Business Licences* will be issued by the City of Vancouver.

5. The City of Vancouver may issue an *Inter-municipal TNS Business Licence* to a *TNS Business* if the *TNS Business* is an *Inter-municipal TNS Business* and meets the requirements of this By-law, in addition to the requirements of the City of Vancouver’s License By-law No. 4450.

6. Notwithstanding that a *TNS Business* may hold an *Inter-municipal TNS Business Licence* that would make it unnecessary to obtain a *Municipal Business Licence* for the *TNS Business* in the *Participating Municipalities*, the *TNS Business* must still comply with all orders and regulations under any municipal business licence by-law in addition to those under any other by-laws, regulations, or provincial or federal laws that may apply within any jurisdiction in which the *TNS Business* carries on *Business*.

7. Any *Participating Municipality* may require that the holder of an *Inter-municipal TNS Business Licence* also obtain a *Municipal Business Licence* for any *Premises* that are maintained by the licence holder within the jurisdiction of the *Participating Municipality*.

8. The annual *Inter-municipal TNS Business Licence* fee is \$155, plus \$150 for each vehicle operating under the authority of the *Inter-municipal TNS Business*, except that the per vehicle fee for *Zero Emission Vehicles* will be \$30, and there will be no per vehicle fee charged for *Accessible Vehicles*. Any fees paid by an applicant to any *Participating Municipality* for a *Municipal Business Licence* for the *TNS Business* prior to the availability of the *Inter-municipal TNS Business Licence* that are not refunded by that *Participating Municipality* will be credited against the initial *Inter-municipal TNS Business Licence* fee owing under this section 8.

9. The fee for any additional vehicles that begin operating under the authority of an *Inter-municipal TNS Business License* holder after the annual license fee is paid will be the per vehicle fee set out in section 8, pro-rated by dividing the applicable annual per vehicle fee by 12

and multiplying the resulting number by the number of months remaining in that calendar year, including any partial months which will be counted as whole months.

10. The length of term of an *Inter-municipal TNS Business Licence* is 12 months, except that the length of term of the initial *Inter-municipal TNS Business Licence* issued to an *Inter-municipal TNS Business* by the City of Vancouver may be less than 12 months in order to harmonize the expiry date of the *Inter-municipal TNS Business Licence* with the calendar year, in which case the annual fee will be pro-rated by dividing the applicable annual license fee by 12 and multiplying the resulting number by the number of months remaining in that calendar year, including any partial months which will be counted as whole months.

11. An *Inter-municipal TNS Business Licence* will be valid within the jurisdictional boundaries of all of the *Participating Municipalities* until its term expires, unless the *Inter-municipal TNS Business Licence* is suspended or cancelled. If a *Participating Municipality* withdraws from the *Inter-municipal TNS Business Licence* scheme among the *Participating Municipalities* in accordance with this By-law, then the *Inter-municipal TNS Business Licence* will cease to be valid within the jurisdictional boundary of that former *Participating Municipality*.

12. A *Participating Municipality* may exercise the authority of the City of Vancouver as the issuing municipality and suspend an *Inter-municipal TNS Business Licence* in relation to conduct by the holder within the *Participating Municipality* which would give rise to the power to suspend a business licence under the *Community Charter* or *Vancouver Charter* or under the business licence by-law of the *Participating Municipality*. The suspension will be in effect throughout all of the *Participating Municipalities* and it will be unlawful for the holder to carry on the *Business* authorized by the *Inter-municipal TNS Business Licence* in any *Participating Municipality* for the period of the suspension.

13. A *Participating Municipality* may exercise the authority of the City of Vancouver as the issuing municipality and cancel an *Inter-municipal TNS Business Licence* in relation to conduct by the holder within the *Participating Municipality* which would give rise to the power to cancel a business licence under the *Community Charter* or *Vancouver Charter* or the business licence by-law of the *Participating Municipality*. The cancellation will be in effect throughout all of the *Participating Municipalities*.

14. The suspension or cancellation of an *Inter-municipal TNS Business Licence* under section 12 or 13 will not affect the authority of a *Participating Municipality* to issue a *Municipal Business Licence*, other than an *Inter-municipal TNS Business Licence*, to the holder of the suspended or cancelled *Inter-municipal TNS Business Licence*.

15. Nothing in this By-law affects the authority of a *Participating Municipality* to suspend or cancel any *Municipal Business Licence* issued by that municipality or to enact regulations in respect of any category of *Business* under section 15 of the *Community Charter* or sections 272, 273, 279A, 279A.1, 279B, and 279C of the *Vancouver Charter*.

16. A *Participating Municipality* may, by notice in writing to each of the other *Participating Municipalities*, withdraw from the *Inter-municipal TNS Business Licence* scheme among the *Participating Municipalities*, and the notice must:

- (a) set out the date on which the withdrawing municipality will no longer recognize the validity within its boundaries of *Inter-municipal TNS Business Licences*, which date must be at least 6 months from the date of the notice; and

- (b) include a certified copy of the municipal Council resolution or by-law authorizing the municipality's withdrawal from the *Inter-municipal TNS Business Licence* scheme.

17. The invalidity or unenforceability of any provision of this By-law shall not affect the validity or enforceability of any other provisions of this By-law and any such invalid or unenforceable provision shall be deemed to be severable.

18. Despite any other provision of this By-law, an *Inter-municipal TNS Business Licence* granted in accordance with this By-law does not grant the holder a licence to operate in any jurisdiction other than within the jurisdictional boundaries of the *Participating Municipalities*.

19. A business licence granted under any other inter-municipal *TNS Business* licence scheme is deemed not to exist for the purposes of this By-law, even if a *Participating Municipality* is a participating member of the other inter-municipal *TNS Business* licence scheme.

**DRAFT By-law to amend License By-law No. 4450
regarding the Inter-municipal TNS Business Licence Scheme**

Note: A By-law will be prepared generally in accordance with the provisions listed below, subject to change and refinement prior to posting.

1. This By-law amends the indicated provisions of the License By-law.
2. In section 2, Council:
 - (a) amends the definition of “Inter-municipal Business Licence” by adding “, but does not include a business licence issued in accordance with an inter-municipal licensing scheme for transportation network services” after “in accordance with an inter-municipal licensing scheme”;
 - (b) inserts the following definition in the correct alphabetical order:

““Inter-municipal TNS Business License” means a business license issued in accordance with an inter-municipal licensing scheme for transportation network services.”; and
 - (c) amends the definition of “Zero emission Vehicle” by:
 - (i) striking out “Zero emission” and substituting “Zero Emission”, and
 - (ii) striking out “zero emission” and substituting “zero emission”.
3. In section 26.5, Council:
 - (a) strikes out subsection (2) and substitutes:

“(2) Every person providing passenger directed vehicle services must provide the Inspector with the number of passenger directed vehicles operating under the authority of that passenger directed vehicle services provider, including the number of accessible passenger directed vehicles and zero emission vehicles, as well as any supporting documentation that the Inspector may require.”;
 - (b) inserts a new subsection (3) as follows:

“(3) Every person providing transportation network services under an inter-municipal TNS business licence must provide the Inspector with the number of pick-ups and drop-offs made in each of the municipalities participating in the inter-municipal licensing scheme, as well as any supporting documentation that the Inspector may require.”;
 - (c) renumbers the remaining subsections (3) through (5) as (4) through (6); and
 - (d) in renumbered subsection (5)(a), striking out “zero emission” and substituting “zero emission”.

4. In Schedule A "Business License Fees", Council:

(a) adds the following in correct alphabetical order:

"Inter-municipal TNS Business Licence	Per annum, plus	\$155
	for each vehicle except for accessible passenger directed vehicles and zero emission vehicles, plus	\$150
	for each zero emission vehicle"; and	\$30

(b) adds ", excluding transportation network services providers providing transportation network services under an inter-municipal TNS business licence" in Column 1 after "Passenger Directed Vehicle Services".

The following list comprises municipalities that will be bringing the proposed IMBL to their Councils for decision. Those municipalities that approve and enact the by-laws will be participants of the IMBL.

1. City of Abbotsford
2. Village of Anmore
3. Bowen Island Municipality
4. City of Burnaby
5. City of Chilliwack
6. City of Coquitlam
7. City of Delta
8. Village of Harrison Hot Springs
9. The Corporation of the City of Langley
10. The Corporation of the Township of Langley
11. Village of Lions Bay
12. City of Maple Ridge
13. The Corporation of the City of New Westminster
14. The Corporation of the City of North Vancouver
15. The Corporation of the District of North Vancouver
16. The City of Pitt Meadows
17. The Corporation of the City of Port Coquitlam
18. City of Port Moody
19. City of Richmond
20. District of Squamish
21. City of Surrey
22. The City of Vancouver
23. The Corporation of the District of West Vancouver
24. Resort Municipality of Whistler
25. The Corporation of the City of White Rock

IMBL Administrative Program Cost

Estimated Year 1 Total Cost: \$140,000

Direct and indirect costs and investments Include:

- Privacy Management
- Legal Services
- Policy Development
- Corporate Overhead, Materials and Rent
- Licence processing including fee administration and reconciliation

The City of Vancouver will retain licence fee revenue sufficient to recover IMBL administrative program costs. Any remaining funds will be distributed among participating municipalities based on the percent of total regional pick-ups and drop-offs that occur within each of their boundaries.

Should year one licence fee revenue be insufficient for cost recovery, the City will seek to recover outstanding costs from future year IMBL revenue.