



City of Richmond

Report to Committee

To: General Purposes Committee

TO General Purposes - Jul 21, 2008

Date: July 2, 2008

From: Amarjeet S. Rattan
Chief Licence Inspector

File: 12-8060-20-7360/8407

Re: BUSINESS LICENSING OF CLASS A AND CLASS N TAXICABS IN RICHMOND

Staff Recommendation

That Business Licence Bylaw 7360, Amendment Bylaw No.8407, to increase the number of vehicles permitted to operate under Class A and Class N, be introduced and given first, second and third readings

Amarjeet S. Rattan
Chief Licence Inspector, Business & Financial Services
(4686)

FOR ORIGINATING DEPARTMENT USE ONLY					
ROUTED TO:		CONCURRENCE		 GENERAL MANAGER	
Law.....	Y <input checked="" type="checkbox"/> N <input type="checkbox"/>				
Transportation.....	Y <input checked="" type="checkbox"/> N <input type="checkbox"/>				
REVIEWED BY TAG		YES	NO	REVIEWED BY CAO	
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Staff Report

Origin

On June 13, 2008, staff received correspondence from Garden City Cabs of Richmond Ltd. advising that the company had been successful in obtaining a permit from the Passenger Transportation Board (PTB) to operate a fleet of vehicles in the City of Richmond for the purpose of providing a taxi service. The company is now requesting a Business Licence to operate the newly permitted vehicles (Attachment 1).

Although taxis are permitted and regulated under the provincial Passenger Transportation Act, the number of taxis licenced to operate in the City is regulated under the Business Licence Bylaw. As the maximum number of taxis permitted to operate under the Business Licence Bylaw has been reached, this report is to provide Council with the information necessary to enable a decision on the above request.

Findings Of Fact

The Bylaw currently limits the number of taxis permitted to operate as a vehicle for hire to 75 Class A (non-accessible taxis) and 20 Class N (accessible vehicles). These licences are currently held by 3 companies; Richmond Taxi Co. Ltd., Coral Cabs Ltd. and Kimber Cabs Ltd. The last increase in taxi numbers was in November of 2006 when Richmond Taxi Co. Ltd. was successful in obtaining four permits from the Passenger Transportation Board.

Analysis

Garden City Cabs

Garden City Cabs of Richmond Ltd. applied to the Passenger Transportation Board in July of 2007 for a permit to operate a fleet of 30 vehicles for the purpose of providing a taxi service in Richmond. The PTB application was amended in October of 2007 to reflect that 20 of the vehicles would be Class A and 10 would be Class N. On June 12, 2008, the PTB approved the application with a number of terms and conditions, including:

- maximum fleet size of 30 vehicles of which 18 are Class A and 12 are Class N
- at all times there is to be a minimum ratio of 3 Class A taxis to 1 Class N taxi
- a minimum of 2 Class N (wheel chair accessible) vehicles must be available to service passengers originating in the City of Richmond 24 hours a day, 7 days a week
- Class N vehicles must be operated in accordance with the Motor Vehicle Act regulations including Division 10 (motor carriers) and Division 44 (mobility aid accessible taxi standards) and in accordance with any other applicable equipment regulations and standards
- transportation of passengers may only originate from points within the City of Richmond excluding the Vancouver International Airport

- a copy of the 'Taxi Bill of Rights' issued by the Ministry of Transportation must be affixed to an interior rear-seat side window of each taxicab operated under the licence
- for a period of five years no share or shares of Garden City Cabs of Richmond Ltd. can be transferred without the prior written consent of the PTB.

Passenger Transportation Board Decision Process

The PTB held public hearings in December 2007, January 2008, February 2008 and March 2008 and various delegations appeared before the Board to comment on the impact another taxi service may have on existing taxi companies or to comment on existing taxi service in Richmond. City staff monitored a majority of the public hearings for information purposes. Some of these delegations included:

- Richmond Committee on Disability (RCD)
- Richmond Taxi Co Ltd.
- Coral Cabs Ltd.
- Kimber Cabs Ltd.
- Tourism Richmond
- Richmond Chamber of Commerce.

In making their decision with respect to the Garden City Cabs of Richmond Ltd application, the PTB noted the following information received:

- that there was consistent evidence of long wait times and unsatisfactory service levels from the current Richmond taxi companies
- that the evidence presented of the rate of growth of business and tourism in Richmond has been strong and is forecasted to grow over the next couple of years and there was concern that the existing taxi companies may not be able to service the increased demand brought on by the growth
- increased YVR traffic and hotel room growth in Richmond
- a October 9, 2007 letter received from the Council of the City of Richmond supporting an increase in the number of taxis licensed to operate in the City and more specifically an increase in Class N accessible vehicles (Attachment 2).

The PTB decision in its entirety has been attached to this report (Attachment 3).

City of Richmond Taxi History

The current City bylaw to limit the number of Class A taxicabs was originally adopted in 1958 in response to taxicab disputes that had resulted in confrontations between drivers over fare issues. Prior to that time, there was no limit to the number of business licences issued and this resulted in more taxicabs operating than what local demand could support.

The Class N taxicabs were established in 1986 in response to a request for a taxicab service that would meet the needs of the physically disabled community.

In November of 2006 Council approved an amendment to the bylaw to increase the number of licences permitted under Class A and Class N when Richmond Taxi Co Ltd. was granted four additional permits (2 Class A and 2 Class N) by PTB.

Taxi Cab Service

Recent correspondence received (Attachment 4 and Attachment 5) indicates that a sector of the community is of the view that they are not being adequately served by the existing taxi companies. The RCD has also appeared before Council to express frustration with the existing companies providing inadequate or sporadic service to the disabled community. As per a previous Council referral, staff are working on revisions to the Vehicle For Hire Bylaw that would require further enhancements to the service levels provided by taxi companies.

Financial Impact

Increased licence fees via a higher number of licences being issued may be realized.

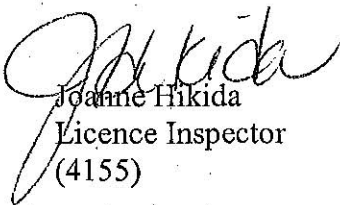
Conclusion

As part of the process of granting 30 new taxi permits to Garden City Cabs of Richmond Ltd., PTB considered many issues, including:

- if the operator was a fit and proper person capable of providing the service
- would the new permit promote sound economic conditions in the passenger transportation business
- whether there was a public need for the additional service
- the concerns raised by the existing companies on the potential impact to their business.

Some of the community benefits that could result from a decision to increase the number of taxis licensed to operate under the Business Licence Bylaw include:

- making more Class N accessible vehicles available
- potentially decreasing wait times for all users
- taxi service will be able to keep up with the pace of current and projected growth in the city.


Joanne Hikida
Licence Inspector
(4155)



City of Richmond

Bylaw 8407

Business Licence Bylaw 7360, Amendment Bylaw 8407

The Council of the City of Richmond enacts as follows:

1. That Business Licence Bylaw 7360, Section 2.1.27.3 (a) is amended by increasing the number of Class A taxicabs to 93.
2. That Business Licence Bylaw 7360, Section 2.1.27.3 (b) is amended by increasing the number of Class N taxicabs to 32.
3. This Bylaw is cited as "**Business Licence Bylaw 7360 and Amendment Bylaw 8407**".

FIRST READING

SECOND READING

THIRD READING

ADOPTED

CITY OF RICHMOND
APPROVED
for content by originating dept.
APPROVED for legality

Di

MAYOR

CORPORATE OFFICER

Garden City Cabs of Richmond
12186 Woodhead Rd Richmond; BC V6V 1G3

June 13, 2008

Joanne Hikida
Business License Inspector
6911 No. 3 Rd
Richmond, BC V6Y 2C1

*Rec'd
June 3/08*

Ms Hikida:

My name is Sam Hundal, I am Secretary Director for Garden City Cabs of Richmond.


As you may know the Passenger Transportation Board yesterday granted licenses to Garden City Cabs to operate a new taxi company in the city of Richmond. This decision was part of a lengthy public hearing that started in December and completed in March. The board heard from numerous stakeholders including a letter from Mayor Brodic asking the board to grant additional licenses. I understand a copy of the decision was forwarded to you and you can get the details of the hearings in the decision.

I would like to request authorization for business licenses to operate 30 taxicabs of which 12 would be accessible, as per the PTB decision.

If there is any further information that you require please do not hesitate to contact me on my cell number at 778 846-3199 or Parmjit Randhawa director of Garden City Cabs at 604 728-0123.

Thanking you in advance for your assistance.

Sincerely,


S. Hundal



City of RICHMOND

6911 No. 3 Road
Richmond, B.C. V6Y 2C1
Telephone: (604) 276-4123
Fax No: (604) 276-4332

Attachment 2

MALCOLM BRODIE
MAYOR

October 9, 2007

Mr. Dennis Day
Chair of the Passenger Transportation Board
P.O. Box 9850 STN PROV GOVT
Victoria, BC V8W 9T5

Dear Mr. Day:

Re: City of Richmond Report on Taxi Service Issues

At the regular City of Richmond Council meeting of September 24, 2007, Council considered a report on taxicab service issues in Richmond and passed the following resolution:

- (2) *That staff bring forth amendments to Vehicle for Hire Bylaw 6900 to:*
 - (a) *add a Standard of Service section for all Class A and Class N taxicabs, including a provision that Class N taxicabs must give priority of service to people with disabilities;*
 - (b) *require that all taxicabs display an enhanced tariff decal that includes information regarding the process for customers to register comments about the service they receive;*
 - (c) *require that all taxicab drivers must complete a suitable disability awareness training course offered by the Justice Institute of BC and approved by Council;*
 - (d) *strengthen provisions that Class N taxicabs must have adequate equipment for transporting people with mobility aids with such equipment to be maintained in proper working order; and*
 - (e) *add a Chauffeur Permit requirement section that specifically addresses application and appeal procedures.*
- (3) *That staff bring forward a report to add specific fines for violations made under the Vehicle for Hire Bylaw 6900.*
- (4) *That a letter be sent to the Passenger Transportation Board requesting that any future taxi licences issued for Richmond-based taxicab operators provide for an increase in the number of accessible taxis available to serve Richmond.*
- (5) *That the City request Commercial Vehicle Safety and Enforcement to jointly participate with City staff and Richmond RCMP in annual vehicle inspections of Richmond taxi operators with this inspection to coincide with one of the City's semi-annual inspections.*

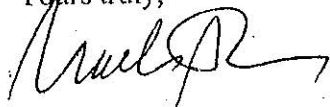
RICHMOND
Island City, by Nature

- (6) *That the curriculum of the disability awareness and sensitivity training course offered by the Disability Resource Centre be forwarded to the Justice Institute of BC for its consideration in the development of a new disability awareness course for taxicab drivers.*
- (7) *That a copy of this report be forwarded to the Passenger Transportation Board for information.*

As you will note in the above resolution, the general intent of the proposed amendments to Richmond's Vehicle for Hire Bylaw is to ensure that the public consistently receives reliable, safe and high quality taxi service regardless of the specific needs of the customer. With respect to Resolution 4, our local community of people with disabilities has expressed to City staff and Council that there is a need for greater service levels of accessible taxis in the city, particularly during the evening hours. With respect to Resolution 7, please find attached a copy of the report.

Thank you for your consideration of these issues regarding taxicab service in Richmond, both at present and in the future. Should you have any questions or wish to discuss any aspect of the report, please contact Victor Wei, Director, Transportation at 604-276-4131 or vwei@richmond.ca.

Yours truly,



Malcolm D. Brodie
Mayor

cc: Jan Broocke, Director and Secretary, Passenger Transportation Board
Victor Wei, Director, Transportation, City of Richmond
Amarjeet S. Rattan, Manager, Business Liaison, City of Richmond



TRANSPORTATION BOARD 202-940 BLANSHARD STREET • PO BOX 9950 STN PROV GOVT • VICTORIA BC V8W 9T5

Application Decision

Application: 1623-07
Applicant: Garden City Cabs of Richmond Ltd.

Trade Name: Garden City Cabs
Address: Harley J. Harris, Counsel
Owen Bird
29th Floor – Three Bentall Centre
595 Burrard Street, PO Box 49110
Vancouver BC V7X 1J5

Principals: PUREWAL, Amrik S. RANDHAWA, Paramjit S.
HUNDAL, Surinderjit S. WAHLLA, Joginder S.

Special Authorization: None

Summary: **New Special Authorization (PDV)**
(Section 26 of the Passenger Transportation Act)
Proposed new special authorization to operate passenger directed vehicles in Richmond with a maximum fleet size of 30 taxis that accommodate a driver and not less than 2 and not more than 7 passengers.

Publication: PT Bulletin – July 18, 2007
(October 11, 2007 – fleet amended to reflect 20 non-accessible and 10 accessible taxis).

- Submissions:**
- ♦ Richmond Cabs Ltd.
 - ♦ Represented by:
 - ♦ Barry Dong, Harris & Company
 - ♦ Coral Cabs Ltd.
 - ♦ Represented by:
 - ♦ Barry Dong, Harris & Company
 - ♦ Richmond Committee on Disability
 - ♦ Vancouver Taxi Ltd.
 - ♦ BHULLAR, Balkar Singh
 - ♦ AWAN, Mahmood
 - ♦ BC Taxi Association
 - ♦ Represented by:
 - ♦ Mohan Kang, President
 - ♦ Kimber Cabs Ltd.
 - ♦ Represented by:
 - ♦ Mohan Kang, President, BC Taxi Association
 - ♦ Black Top Cabs Ltd.
 - ♦ Yellow Cab Company Ltd.
 - ♦ MacLure's Cabs (1984) Ltd.
 - ♦ Black Top Cabs Ltd.

Hearing Dates and Location: December 11 to 14, 2007; Jan. 28-30, 2008; Feb. 6-8, 2008 and Mar. 26-28, 2008 in Richmond, BC

Board Members: Dennis Day, Chair; Kabel Atwall, Member

Board Considerations:

The Board may approve an application forwarded to it under section 26(1) of the *Passenger Transportation Act* if the Board considers that, as set out in section 28(1) of the Act:

- (a) there is a public need for the service the applicant proposed to provide under any special authorization.
- (b) the applicant is a fit and proper person to provide that service and is capable of providing that service, and
- (c) the application, if granted, would promote sound economic conditions in the passenger transportation business in British Columbia.

The Board may approve a special authorization if all three provisions are answered in the affirmative. The Board may refuse a licence if any one provision is answered in the negative.

Application Matters:

The Board views taxicabs as complementary to the public transportation system used by many people in their daily life. For these types of applications, the Board is looking for supporting documentation from potential users as well as business plans and financial statements when considering public need, applicant fitness and economic conditions.

The length and complexity of the business plan and financial information as well as the volume of letters or statements from potential users should reflect the following factors: the type, size, and complexity of the proposed transportation business; and the degree of comparable competition in the operating area.

Regardless of how much supporting material is provided, it is up to the applicant to guide the Board as to what conclusion it should reach based on the supporting data and information that it submits with its application.

The Application Handbook, a companion to the application package and forms, contains information on application requirements and Board considerations.

Board Determination:

The special authorization sought by the applicant is approved.

The terms and conditions of licence are as set out in this decision.

The rates approved are those set out in the Board's "Rule Respecting Lower Mainland Taxicab Rates", effective January 5, 2008.

Background:

This application was initially for a Special Authorization Licence to operate 30 vehicles as taxis, 5 of which were to be accessible vehicles, originating in the City of Richmond. The application was subsequently amended to operate 30 vehicles, 10 of which would be accessible vehicles. The background events, between the publication date and the commencement of the hearing, are adequately covered elsewhere in this decision under the heading "Procedural Matters".

The hearing took place in the City of Richmond, and included a total of 12 days of testimony commencing on December 11, 2007 and ending on March 28, 2008. The panel heard evidence from 12 witnesses, perhaps reasonably described as taxi user support witnesses, on behalf of the applicant. We also heard from two witnesses, one representing Tourism Richmond and one representing Richmond Chamber of Commerce, who had been subpoenaed at the request of Garden City Cabs of Richmond Ltd. (GCCRL) to

appear at the hearing. Further testimony called in support of the application was heard from the accountant who had prepared the pro-forma financial statements on behalf of the applicant and from three of the four principals and Directors of GCCRL.

The panel also heard a presentation from a group of five people representing the Richmond Committee on Disabilities (RCD) that is recognized as a submitter to these proceedings. The RCD representatives outlined issues of concern to the 356 members of that organization. The applicant, submitters and Board panel had the opportunity to ask questions of the RCD panel.

BC Taxi Association (BCTA) called one witness.

Kimber Cabs Ltd. (KCL) is authorized to operate 18 vehicles, all accessible, in the City of Richmond. KCL called 4 witnesses, including the Manager, who is also a Director and Shareholder of KCL, two KCL drivers and a dispatcher.

Richmond Cabs Ltd. and Coral Cabs Ltd. (together, RCL) hold authorization to operate 79 vehicles, 4 of which are accessible, in the City of Richmond. RCL called its Secretary, who is also a Director and Shareholder of the company, as a witness. RCL also called two drivers, neither of whom are shareholders in the company. In addition, RCL called Professor Garland Chow as an expert witness with respect to his report on taxis, and as a non-expert witness with respect to his analysis of dispatch data at RCL.

The applicant was permitted to call a rebuttal witness regarding the dispatch data.

In total, the panel heard from 33 witnesses (including the five members of RCD who appeared as a panel) and examined some 42 exhibits that ran to several thousand pages of evidence. The 12 days of hearing time is unprecedented since the inception of the Board in June 2004. While the application itself is not unusually complex in nature, the sheer volume of material before the panel warrants comment.

Procedural Matters

There were a number of procedural matters associated with this hearing. The Board has the power to control its own processes pursuant to section 12(1) of the PTA and, in the course of the hearing we made various procedural rulings respecting such things as questioning of witnesses and admission of documents.

We have outlined the significant procedural matters by topic below.

1. Representation of Garden City Cabs of Richmond Ltd. – Application to Dismiss

Notice of the application of Garden City Cabs of Richmond Ltd. (GCCRL) was published in the Passenger Transportation Board's "Bulletin" on July 18, 2007. The notice stated that Tobin Robbins of Heenan Blaikie was the applicant's representative.

On July 31, 2007, the corporately related companies of Richmond Cabs Ltd. and Coral Cabs Ltd. (collectively referred to as RCL) made submissions to the Board opposing the application. At that time, Barry Dong, of Harris and Company, representing both companies, objected to Mr. Robbins' representation of GCCRL on the grounds that Mr. Robbins had previously acted for RCL on an application before the Board and, thus, would have been privy to confidential information. Mr. Dong requested that the application be dismissed or adjourned generally. On August 28, 2007, we ruled that the grounds for dismissal were not supported by either the *Passenger Transportation Act* or the *Administrative Tribunals Act*. As well, the Board was not prepared to adjourn the application or place it on hold.

In late August, RCL launched a civil action against Tobin Robbins and Heenan Blaikie. The Board was not a party to this action. RCL sought a declaration that Tobin Robbins and Heenan Blaikie were in a conflict of interest as between RCL and GCCRL and an interim and permanent injunction restraining the defendants from acting for or on behalf of GCCRL in any application before the Board. The Supreme Court of British Columbia ruled, among other things, that RCL was entitled to an interim injunction restraining the defendants from acting for or on behalf of GCCRL in connection with this application before the Board.

On November 21, 2007, Harley Harris of Owen Bird notified the Board and hearing participants that he was now representing GCCRL and that the applicant was prepared to commence the hearing as scheduled. Mr. Dong responded to this communication requesting that the application be dismissed or adjourned generally pending a final disposition by the Court. He argued that the application was "tainted". Other submitters also made similar requests.

On December 3, 2007, the Board ruled that that the application would not be dismissed or adjourned and that the hearing would proceed as scheduled on December 10, 2007.

Upon receipt of the Board's decision, RCL sought a court order to stay, pending a decision of the Court on a judicial review petition, the Board's decision to proceed with the hearing into the application of GCCRL. The Court dismissed this application on December 10, 2008. The hearing proceeded on December 11, 2008.

GCCRL sought to enter the decision of the court as an exhibit in this hearing. We refused this request on the grounds the decision of the court is not relevant to the substantive matter before the Board.

2. Submitters

By the deadline of Sept. 26, 2007, 12 persons gave notice to the Board that they wished to participate in the hearing as submitters. Four of the submitters met the requirement to provide notice to the applicant and eight did not. The Board provided the eight undelivered submission notices to the applicant on or before Oct. 1st. Seven submitters provided the \$50 fee within the specified timelines.

At the pre-hearing conference, the applicant argued that submitters who did not meet the filing requirements should be disqualified. The submitters present argued against disqualification for technical reasons.

The Board ruled that the submitters would be qualified because the applicant had received ample notice of the potential submitters, disqualifying them may result in the Board not receiving information relevant to the application and the applicant had not demonstrated that it would be unduly prejudiced by the acceptance of these submitters.

The Board also put all participants on notice that it expected all correspondence to the Board, or to any other party to the hearing, to be copied to all other parties to the hearing and that Board timelines must be followed.

The BCTA, KCL, RCL, and RCD met Board requirements for pre-hearing disclosure. Prior to the start of the hearing, the Board ruled that only these submitters may provide oral and documentary evidence at the hearing. All other submitters could question the applicant's witnesses. They would not be permitted to give evidence to the Board. On December 7, 2007 Royal City Taxi withdrew as a submitter to the application.

The Richmond Committee on Disability provided a panel presentation to the Board on the morning of December 11, 2007. The applicant, those submitters present, and the panel asked questions of the Richmond Committee on Disability following the presentation. The Committee did not participate in the

, remainder of the hearing. Submitters Bhullar, Awan, Yellow Cab Company Ltd., Vancouver Taxi Ltd., MacLure's Cabs Ltd. and Black Top Cabs Ltd. did not appear at the hearing in December. On January 8, 2008, the Board provided notice to these submitters, including the RCD, that if they wished to participate in the hearing process further, they must advise the Board. Only the RCD responded, indicating that they wished to be copied on communications among the Board and participants.

The BCTA, KCL and RCL were the active submitters at the hearing in that they attended all hearings, presented oral and documentary evidence and cross-examined witnesses. At the conclusion of the oral portion of the hearing, the Board ruled that it would accept final submissions from the applicant and these active submitters.

In summary, the Board received 12 written submissions after publication of the hearing. These are on the record. We received further documentary and oral evidence from the RCD. We received documentary and oral evidence and final written submissions from the BCTA, KCL and RCL.

3. Application Amendment

The application summary published on July 18, 2007 stated that the application was for 30 taxis to operate in the City of Richmond. Twenty-five (25) would be non-accessible taxis and 5 would be accessible. Prior to the pre-hearing conference, the applicant asked for the "mix" of vehicles to be changed to 20 non-accessible taxis and 10 accessible taxis.

The Board considered this request and on September 28, 2007 ruled that the Board would only accept the amendment if the application were re-published. The applicant then withdrew its request, but re-iterated it at the pre-hearing conference on Oct. 2, 2007.

Upon further review, the Board allowed the amendment requested by the applicant as that would be consistent with previous Board practice, and because the publication in the Bulletin adequately gave notice of the fact and substance of the application - i.e. a new taxi company in Richmond, which will operate some non-accessible vehicles and some accessible taxis. Further, the Board was of the view that since the amendment was not a request for more vehicles or additional vehicles, it was merely a request for a more restrictive mix of vehicles and restrictions in the terms and conditions that would apply to the license, republication would not serve any purpose in this instance.

4. Expert Evidence

RCL called Garland Chow as an expert witness. Dr. Chow is an Associate Professor in the Operations and Logistics Division and Director of the Bureau of Intelligent Transportation Systems and Freight Security within the Sauder School of Business at the University of British Columbia. At the hearing he was called as an expert witness with regard to transportation matters including taxis. His statement "Re: Licensing of New Taxis in the City of Richmond, October 2007" was entered as exhibit #42. RCL provided the appropriate notice with respect to this expert witness and his report. We, pursuant to Rule 25 of the Board's Rules of Practice and Procedure, accepted Dr. Chow as an expert witness with regard to his report and his opinions arising from that report.

Dr. Chow also undertook some analysis of the RCL dispatch records and provided oral testimony with regard to this analysis. He was not put forward as, or accepted by the panel as, an expert witness for this portion of his testimony.

5. *Orders to Attend*

Pursuant to a request from Harley Harris on behalf of the applicant, the Board issued Orders to Attend the hearing to Craig Jones of the Richmond Chamber of Commerce and Tracey Lakeman, Tourism Richmond. We refused to issue an Order to Attend to Michael Hryb of DDS, as we were not persuaded that testimony with regard to the operation of the dispatch system was relevant to the considerations of the Board as outlined in section 28(1) of the Passenger Transportation Act. As well, some information about the proposed dispatch system was included in the applicant's materials.

As the hearing progressed, dispatch records became a point of discussion and GCCRL was permitted to call a representative of Piccolo Software Inc. as a rebuttal witness.

6. *Statements of Support Usage, "Amended Statements of Support Usage" and "Validation Forms"*

(a) Statements of Support Usage

The applicant and submitters were directed to provide to the Board and to each other by November 23, 2007 copies of any written or media presentations they would be introducing in evidence at the hearing as well as witness lists. (This direction did not apply to expert evidence.) As part of its materials, the applicant provided copies of over 250 letters and Statements of Support Usage (collectively referred to as "SSUs") as evidence of public need for a new taxi service. These were documents purportedly completed by individuals or representatives of businesses regarding the taxi situation in Richmond. The SSUs were entered as exhibits at the outset of the hearing.

(b) "Amended SSUs"

At the hearing in December, RCL made application to enter 29 "amended SSUs" as evidence. These were SSUs that were followed up on by RCL and where the authors of the SSUs purportedly recanted or changed their original SSUs. RCL argued that the "amended SSUs" raised concerns about the accuracy and reliability of all the SSUs, especially where no witnesses were called to provide oral testimony on their contents. GCCRL argued against the introduction of these documents, citing Rule 24 of the Board's Rules of Practice and Procedure. The applicant also argued that accepting the "amended SSUs" would set a dangerous precedent for future hearings. The applicant noted that there may be issues with the veracity and reliability of the "amended SSUs".

We reviewed the 29 "amended SSUs" and admitted 7 as exhibit #31. We would determine what weight, if any, would ultimately be accorded to the documents. We advised RCL that we expected that it would present witnesses who were able to provide direct testimony regarding the manner in which the "amended" documents were obtained. The remainder of the "amended SSUs" were not admitted as evidence as they would provide no assistance to us in our deliberations. For the most part, these were not "amended SSUs" but rather appeared to be new evidence. In some instances, comments were provided by persons other than those who originally completed the SSU, or a comment was not initialed by the original author. At times, the comment was simply "he/she doesn't work here anymore". Representatives from RCL made notations on at least one of the forms.

(c) Original SSUs

RCL requested permission to review the original SSUs. It also requested that the Board order the principals of the applicant to provide RCL with handwriting samples. RCL implied that it believed principals of GCCRL completed some of the original SSUs. The request for handwriting samples was denied, as RCL had not persuaded us that such an intrusive action was warranted or relevant to the matter at hand.

On December 13, 2007, we ruled that counsel for RCL may take possession of original SSUs submitted by the applicant subject to certain conditions and an undertaking by Mr. Dong. Subsequently, RCL made application to have these SSUs examined by Mr. Blueschke, a handwriting specialist. We allowed this application, subject to specified conditions. Mr. Blueschke provided a written report of his analysis of 4 of the SSUs and this was entered as exhibit #42.

(d) Validation Forms

The applicant sought to enter documents obtained by the principals of GCCRL that purportedly validated the SSUs previously entered as exhibits. We accepted 17 forms as evidence. The remainder were excluded as evidence as they would provide no assistance to us in our deliberations. Forms completed by principals of Garden City were not accepted. Forms completed by persons other than those who signed the original SSU were not accepted. Where it was not clear to the panel that the same person had signed both the validation form and the original form, the validation form was not accepted. Unsigned forms were not accepted. The panel employed substantially the same criteria in assessing the "validation forms" as was used in assessing the "amended SSUs".

7. Dispatch Records, Summaries and Trip Logs

(a) Dispatch Records

At the pre-hearing conference the applicant requested that the Board require information from submitters similar to that which the Board requested in the public hearing into application # 1935-05 (Green Valley Taxi Ltd.). This information requested related to fleet utilization, passenger wait times and ridership for submitters who were taxi companies. RCL objected to this request arguing that this put a "reverse onus" on submitters.

The Board's ruling was given in the Pre-Hearing Conference Outcomes:

Applicants must prove public need for the service proposed, demonstrate that they are fit and proper and capable of providing the service and show that approval of an application will promote sound economic conditions in the passenger transportation industry.

The Board, however, expects submitters to substantiate their assertions. The Board's "Policy Guideline No. 1" states"

The Board will consider all evidence presented by a submitter and give appropriate weight to such evidence in arriving at a decision. The onus is upon the submitter to state its case. The Board will not speculate as to the submitter's case.

The Board will give more weight to submissions that relate to the Board's considerations. The Board will be looking for factual information from submitters to support or substantiate any statements made. The Board may give little weight to unsubstantiated statements.

The Panel reaffirms that evidence that is relevant and reliable is helpful to Board deliberation and decision making. This is the case whether evidence is received from an applicant or submitter. Within applicable requirements and rules, the parties are generally free to determine what evidence and how much to present at a hearing.

Despite the example of the Green Valley hearing, each case is considered on its own merits. The panel that heard the GVT application, after reviewing the materials on file, requested specific information. This panel has not initiated a similar request for information with respect to the Garden City Cabs application. The applicant, when making a request for the information, did not

sufficiently demonstrate the reason why such materials are relevant. Therefore, the panel is not ordering submitters to produce certain information. However, all participants are alerted to the Panel expectation that any evidence provided will be factual and that any assertions made will be substantiated.

(b) Dispatch Summaries

Neither RCL nor Kimber Cabs Ltd. (KCL) provided dispatch information as part of its pre-hearing disclosure. However, when Mr. Dong was cross-examining GCCRL support witnesses, he would put questions to witnesses regarding what RCL's dispatch records showed about its service to the witness. Mr. Dong acknowledged that RCL had asked Dr. Chow to review RCL dispatch data pertinent to the support witnesses that GCCRL was proposing to call. The applicant objected to the use of this information. We ruled that the summaries being used by Mr. Dong must be entered into evidence, as they may be relevant to the Board's decision. We further ordered that the actual dispatch data must be made available to the applicant. At the applicant's request, some of the information in the summaries was redacted, as it was opinion rather than data. These redacted summaries were entered as Exhibit #26.

(c) Trip Logs/Trip Sheets

Prior to RCL providing testimony on its analysis of the dispatch records, the applicant requested that the Board order RCL to provide daily logs and trip sheets, for a 2 week period, in order that GCCRL can verify the dispatch records. We declined this request. At the time it was made, we had not heard any testimony regarding the dispatch system and the applicant had not convinced us that trip logs were necessary or helpful to the panel in making a determination.

8. Information & Victim Impact Statement

Immediately prior to the start of the last few days of the hearing, RCL sought to introduce an information and victim impact statement pertaining to one of the principals of GCCRL. The information was court certified on March 25, 2008. RCL was not seeking to have the Board rule on the charges. It submitted that the documents were relevant with regard to applicant fitness. Moreover, RCL would be barred from raising this matter at the conclusion of the hearing. The applicant argued against entering the documents. GCCRL maintained that they were not relevant to fitness as they are unproven allegations. The allegations are prejudicial and go against the constitutionally entrenched presumption of innocence. We ruled that, in light of the presumption of innocence, we would not allow the documents to be entered as exhibits. We did not see the value in entering documents if we were not to make any rulings on the substance of the documents.

Evidence & Findings

1. Expert Evidence

RCL called Professor Garland Chow, Associate Professor in the Operations and Logistics Division and Director of the Bureau of Intelligent Transportation Systems and Freight Security within the Sauder School of Business at the University of British Columbia, as an expert witness to provide opinions with respect to the field of transportation economics. He provided expert testimony specifically regarding his report: "Statement of Garland Chow Re: Licensing of New Taxi Licenses in the City of Richmond October 19, 2007" (Exhibit 42) hereafter referred to as the Chow report. Further discussion of the process surrounding Professor Chow's qualification as an expert witness is found above in Procedural Matters.

Professor Chow testified, under direct examination, that he had been asked in 2006 by Yellow Cabs of Vancouver to do a "think piece" on entry into taxi markets. When asked to provide a report for Richmond, he said he "changed Vancouver to Richmond" and submitted it. Under cross-examination, Professor Chow

modified this statement to say that: "I took a report that had already been written and adapted it to Richmond."

The Chow report contains errors that indicate, in the view of the panel, that some very basic levels of research were not undertaken prior to submission of the report. For example, at page 4 of the report, Professor Chow states: "Since the two taxi companies in Richmond are fully computerized dispatched..." Again, at page 5 he states: "As noted above, the two Richmond taxi companies are fully computerized dispatched..." In fact, under cross-examination, Professor Chow admitted that he was "misinformed" about KCL's manual dispatch system and was unaware that another taxi company operates within "fringe areas" of Richmond. He stated that he had no contact with KCL at any time before issuing the report. At page 8 of the report, Professor Chow states: "The current taxi to resident population ratio is well below the Richmond by-law criteria..." To the best of the knowledge of the panel, no such by-law exists in the City of Richmond. There is no evidence before the panel of any such by-law.

Aside from these errors, the report draws on situations in other jurisdictions that are of little value in assessing the situation in Richmond. Professor Chow's report puts forward the examples of San Francisco and Seattle to demonstrate the potential problems of fragmentation within taxi markets. In San Francisco in 2000, the report states: "There are nine dispatch firms compared to 33 taxi firms." And: "Seattle has 217 taxi operators: 210 independents and 7 companies." The panel believes that these examples are of no value in assessing Richmond where, at the time the report was submitted, there were two companies based in Richmond, each with its own dispatch, and one other company operating only in a "fringe" area.

Professor Chow testified that his report was intended to be more general in nature rather than specific to Richmond. The report offers advice and opinions about a methodology for determining incremental addition of taxi capacity using computerized dispatch information supplied by existing operators within a given jurisdiction, in this case Richmond. The panel found this approach to licensing additional capacity to be more theoretical than practical, given the Board's mandate and the circumstances of this application. The methodology proposed in the Chow report would: appear to require a taxi market where meaningful competition exists, which is not the case in Richmond; require fully computerized dispatch by existing operators, which is not so in the case at hand; and, by Professor Chow's testimony, strongly favour existing operators who could provide dispatch information, as compared to new entrants. As well, the approach seems to go beyond the jurisdiction of the Board, as it would require the Board to continually monitor taxi dispatch records to determine the need for additional taxi capacity. Under the Passenger Transportation Act, the Board can require information from applicants in the course of reviewing an application. It does not have an ongoing monitoring role.

In general the panel finds Professor Chow's report, and his testimony with respect to that report, to be of little assistance in reaching any conclusions regarding fitness, public need or sound economic conditions, and accords the report very little weight in our deliberations.

2. Taxi User Support Witnesses

The panel heard testimony from 12 support witnesses who use taxis and/or whose companies call taxis on behalf of customers or others. Each of these witnesses had filled out and signed a statement of service usage themselves, or was familiar with the use of taxis by their company and had discussed the statements with the employee of their company who had filled out and signed the statements.

Ms. C. Kovacs of Helijet filled out a statement of service usage on July 12, 2007. During testimony she stated that the majority of taxis used by Helijet are pre-booked approximately 35 minutes in advance of the helicopter's arrival at the facility. She stated that Helijet would usually book 1 or 2 taxis per arrival and there were usually 4 to 6 arrivals per day. Waits ranged from 0 to 35 minutes and a 5 to 10 minute wait was not unusual. She expressed her view that a five minute wait was excessive when a taxi had been pre-booked. Ms. Kovacs testified that five men from RCL visited her at her workplace, and they had a copy of her support statement. They stated: "you didn't write this." She said the RCL representatives were "in my

face" and she felt intimidated. She was asked to fill in a form letter in support of RCL but did not. In cross-examination she stated she was aware of KCL and had called them a few times

Mr. M. Luttrell of Harbour Air testified that the company uses taxis about 3 times per day for corporate use to move staff or parts between the Richmond base and the downtown Vancouver Harbour Air location. He said the company also calls about 20 taxis per day for customers. These calls are made about 10 minutes before each flight arrival. He noted that staff making these calls between 8:30 - 9:00 a.m. and 2:00 - 4:00 p.m. can wait up to 15 minutes to get through to dispatch. Average wait time to get dispatch is estimated at four minutes and the time for the cab to arrive after contact was made was estimated at 10 minutes. He noted that the statement of service usage filled out by Meghan Jackman on July 12, 2007 should have stated an average of 10 minutes, not 30 minutes wait time. Under cross-examination Mr. Luttrell agreed that the average wait times might be seven minutes but stated this was unacceptable for a pre-book. He also stated that Harbour Air has used KCL on a few occasions when staff can't get through to RCL.

Mr. T. Mahler of Ritchie Brothers Auctioneers testified that his company uses taxis 3 or 4 times daily for staff and to deliver packages. He said customers also use taxis to and from hotels and YVR. He spoke with Chris Ferris who filled out a statement of service usage on November 5, 2007 on behalf of Ritchie Brothers, and agreed generally with the information contained on that statement. He provided details of his personal experience of at least twice having had to drive to YVR because he could not wait any longer for a cab, and also having driven another person for the same reason. He stated the consensus of his staff was that they were dissatisfied with RCL service. Mr. Dong put to Mr. Mahler that the analysis of RCL dispatch data for the 90 day period between mid-August and mid-November showed the average time for the 140 calls from Ritchie Brothers to RCL was 11 minutes 50 seconds from the time the call was placed until the taxi arrived for pick up. Mr. Mahler said the period from spring through September would be more representative of Ritchie Brothers experience. Mr. Mahler said Ritchie Brothers does not use KCL.

Ms. G. Schunter of Novadaq completed a statement of service usage on November 5, 2007. She stated that she no longer calls taxis because she can't rely on them. She gave specific examples of late taxis, "no shows" and incidents where she had called repeatedly. She cited examples ranging from 35 minutes to 2 hours wait time. She testified she now drives people herself rather than using taxis.

Ms. M. Keatley of Courtyard Gardens provided a statement of service usage dated July 8, 2007. She estimated taxi use by residents at Courtyard Gardens as about 10 times per day on average. She said that those residents who are independent may call taxis for themselves, and that staff also call taxis upon request from residents or for medical appointments. She stated that when placing a call, the taxi company usually took 30 seconds to 2 minutes to answer, although this can take up to 7 minutes. Wait time for the taxi to arrive averages about 10 minutes, and can be up to 45 minutes or 1 hour during peak periods. She described an incident when KCL was pre-booked to take a resident to a hospital appointment. The taxi was over 1 hour late and the doctor had left the hospital by the time the resident arrived. Upon re-booking for the same resident, with 6 days advance notice, the taxi was 30 minutes late. Ms. Keatley also stated she had supported RCL in an earlier application for more taxis. She had subsequently complained about a service incident to the General Manager on his voice mail and did not receive a reply.

Mr. MacDonald of Adesa Auctions signed a statement of service usage on November 21, 2007. He testified that taxis used by Adesa are not usually pre-booked and that wait times average over 30 minutes and have been up to 90 minutes. On a few occasions, employees of Adesa have driven a customer due to a lack of taxis. Mr. MacDonald acknowledged that the average travel time for a taxi to get from central Richmond to his location would be about 15 minutes. He has not used KCL. He estimates his company and customers use taxis 6 to 12 times per week.

Mr. Deo of Tugboat Annie's completed a statement of service usage November 13, 2007. He estimated that customers of his facility use taxis about 20 times per week, divided about equally between RCL and Royal City Taxi. He stated that he and his staff have waited 30 to 45 minutes on hold for RCL dispatch on Saturday nights. Once the call is taken, the wait can be 20 minutes to 1 hour, but since he filled out the

statement of support for GCCRL the longest wait has been 30 minutes. Mr. Deo stated that he had been contacted by the General Manager of RCL the day before his testimony and asked to change information on his statement of service usage. Mr. Dong stated that an analysis of RCL dispatch data for the 90 day period was 2 minutes wait for RCL to pick up the call and 14 minutes for the taxi to arrive. Mr. Deo said he would "stick with" his estimate of a 30 to 60 minute wait.

Ms. C. Morimoto of Seabreeze Adventures testified about that company's use of taxis. Her husband had completed a statement of service usage on July 5, 2007 but she stated that she, as office manager, was more familiar with the taxi usage. She stated that Seabreeze Adventures operates whale watching tours and fishing charters from June through October. During this period Ms. Morimoto estimates that she calls 1 to 5 taxis per day. She testified that the average wait time is 30 minutes and gave examples of three occasions when she had to personally drive customers after 45 minute waits. Mr. Dong stated that RCL records for the 90 day period showed approximately 14 minutes from the time of the call to the arrival of the taxi, and 17 calls during that period. Ms. Morimoto disagreed with both the wait time and the number of calls, saying there were "many more calls than that." In response to a question from Mr. Kang, Ms. Morimoto said she never thought of calling KCL for her taxi needs.

Mr. B. Bedi of Best Tandoori Chicken and Meats completed a statement of service usage on July 6, 2007. He stated that he, or his employees, call taxis for customers 2 or 3 times per week. He stated he had used RCL previously, but had switched 2 or 3 months ago to KCL for Richmond trips or Yellow Cabs if the trip was to Vancouver. He said his experience with RCL was that he had to wait 5 to 7 minutes for RCL to answer the phone and then wait 20 to 30 minutes on average for a taxi, sometimes up to 45 minutes. Mr. Bedi said he had received "harassing phone calls" that he had reason to believe were from people associated with RCL in relation to his statement of support for GCCRL, and had sent a letter of complaint to the Board. Upon cross-examination, Mr. Bedi said he had not filled out other statements of service usage for other people. He stated that he had assisted a person from "Fruiticana" with his statement, but had not signed the statement or suggested wait times for it.

Mr. R. Hutton of Shelter Island Marina completed his statement of service usage on November 13, 2007. He stated that customers frequently bring boats to the Marina by water for maintenance, and then request taxis to get them to YVR or other destinations. He estimated that during the busy season from March through September customers would use taxis 5 to 10 times per week and from late fall through early spring, 1 or 2 times per week. He said the Marina is located approximately 15 minutes from the center of Richmond. He stated that RCL has a courtesy phone at the site. He estimated wait times as 20 to 30 minutes between 10 a.m. and 2:30 p.m. and 35 to 55 minutes between 2:30 and 4:30 p.m. He also outlined his personal experience with using taxis to get to and from work, noting that with a pre-booked taxi in the morning he was usually within 10 minutes of being on time, but waits were longer in the afternoon. Mr. Dong suggested that RCL dispatch data analysis showed a total response time of 17 minutes 35 seconds. Mr. Hutton stated: "in general, it is more like 20 to 40 minutes." Answering a question from Mr. Kang, Mr. Hutton said he didn't know KCL was based in Richmond.

Ms. A. Tercero testified as to her personal use of taxis. Ms. Tercero acknowledged that she and her parents are tenants of Mr. Randhawa. She stated that she uses taxis 3 or 4 times per week for work and school. She described excessive times for RCL dispatch to pick up calls and estimated 25 minutes for these delays. She stated it then took 30 to 40 minutes for a taxi to arrive. Mr. Dong pointed out that the review of dispatch data records by RCL did not identify any phone calls from the number listed on Ms. Tercero's statement of service usage that she filled out May 26, 2007. She stated she frequently uses her brother's or a friend's cell phone to make calls and also calls from school or work.

Mr. T. Shearcroft, owner of Kingswood Pub, completed a statement of service usage on June 5, 2007. His estimate of taxi use was about 8 times daily. He said he, his staff or patrons all call taxis. He stated that his experience with RCL in the last 3 weeks had improved, but prior to that he was often put on hold for 5 to 10 minutes and then had to wait 20 to 30 minutes for a taxi. He usually called back after 15 minutes to

enquire about the arrival of the taxi. In the last 3 weeks the response time was more like 10 minutes but there were 2 occasions when the wait was around 40 minutes or more. Mr. Dong said the RCL dispatch data analysis showed that the Kingswood Pub waited 3 minutes 55 seconds on the phone and 7 minutes 30 seconds for the taxi to arrive, a total of less than 12 minutes. He said the records showed that the Kingswood Pub had averaged 1.5 calls per day in the 90 day period. Mr. Shearcroft disagreed with both these figures. He stated that one of his employees uses taxis 4 days per week and one of his regular customers uses a taxi every day, seven days per week. He said that Kingswood staff and customers use several different phones to call taxis and there are several different pick up spots. In response to a question from Mr. Kang, Mr. Shearcroft said he was not aware of KCL being available to serve Richmond.

3. Witnesses Ordered to Attend

At the request of GCCRL, the Board issued "orders to appear" to 2 witnesses. Ms. T. Lakeman, Executive Director of Tourism Richmond and Mr. C. Jones, Executive Director of the Richmond Chamber of Commerce. Each provided important testimony about the business climate, historical growth and forecast future growth of tourism and business in the City of Richmond.

Ms. Lakeman testified that Tourism Richmond is a non-profit organization with 230 members and the goal of the organization is to "increase the number of visitors, the length of their stay and their spending while in Richmond." She noted that Richmond's location, close to YVR and the City of Vancouver, made it attractive to business travelers who rely heavily on taxis. She outlined various existing tourist attractions and the addition of the Olympic skating oval and new hotels. She testified as to the historical growth in hotel rooms and overnight visitors in Richmond and the projections for the next few years. Ms. Lakeman said that the City of Richmond is attempting to market itself as an "Accessible Tourism" destination, with sports events for people with disabilities. She provided specific examples of two such international events that are currently in the bid process. Ms. Lakeman spoke about the influx of visitors expected before, during and following the 2010 Olympics. She described City of Richmond plans for increasing density, decreasing parking availability and developing "villages" around the rapid transit Canada Line stations. Her view is that the cumulative impact of this will be to increase use of taxis and transit and decrease personal automobile usage. The panel notes that Exhibit 7 Tab 13 contains detailed information and statistics from the Economic Impact of Tourism in Richmond study that was undertaken by Tourism Richmond. Ms. Lakeman testified that, in November of 2006, Tourism Richmond was approached by staff of the City of Richmond to look into taxi service from the perspective of its members. The findings were included in a staff report dated September 4, 2007 to Richmond City Council and can be found at Exhibit 7, Tab 2, Page 7, 2.6 "Tourism Richmond/Hotels in Richmond". This report identifies a number of issues with respect to accessible vehicles in particular as well as with taxi service in general. Ms. Lakeman testified she believed the issues remain outstanding at the time of her testimony. Ms. Lakeman provided GCCRL with a letter of support dated June 11, 2007 at Exhibit 6, Tab 2, Page 5. She noted that, for many visitors to Richmond, a taxi is the first and last thing they see and that "it is important to exceed visitor expectations."

Mr. C. Jones testified that the Chamber of Commerce is the "voice of business in Richmond" and has about 1200 corporate members. He noted that there is a vibrant business community in Richmond with a high ratio of business licenses to population. He stated that there are approximately 13,000 business licenses in Richmond and 1.5 jobs per person; resulting in an "inflow" of workers to Richmond. He described the wide variety of business types, from agriculture and fishing to tourism, manufacturing and high tech. He also outlined the various business centers, the main transportation routes, corridors and hubs. Exhibit 7, Tabs 5,6,7,8,12 and 21 describe various facts, statistics and articles pertaining to business history, growth and forecasts. Mr. Jones stated that the TransLink bus service to business parks in Richmond is generally "poor" and, as a result, businesses are highly dependent on private auto or other forms of transportation. He also testified that he expected the Canada Line rapid transit project to result in a positive impact on taxis in so far as people would ride transit to a station and then use a taxi to their final destination. Mr. Jones stated that his organization receives "a number of comments per month related to wait times and taxi availability" and that members have commented that, in their experience, "it takes longer to have a taxi arrive than it

does in other centers where they are doing business." The Richmond Chamber of Commerce provided a letter of support to GCCRL (Exhibit 6, Tab 2, Page 64) dated June 11, 2007 signed by the Chair, Ms. B. Tinson. Mr. Jones said he had discussed the letter with Ms. Tinson and that the Chamber of Commerce "supports increased taxi service generally in Richmond."

4. *Richmond Committee on Disabilities (RCD)*

The Board panel granted the request of the submitter RCD to appear at the hearing as a panel to provide testimony on behalf of their members and to answer questions from the Board panel, the applicant and the other submitters.

Appearing at the hearing were: Frances Clark, Chair, Disability Resource Centre and Secretary of RCD; Vincent Miele, President, RCD; Eillean Kalshoven, Executive Assistant, Disability Resource Centre; Tom Parker, Board Member, RCD; and Ellen Huang, Executive Director, Disability Resource Centre.

The RCD panel expressed a variety of concerns about the availability and quality of taxi service to persons with disabilities in Richmond. Each RCD panel member cited specific examples where they, and/or other RCD members, had experienced problems with accessible taxis. These included: a general lack of availability of accessible vehicles, especially during evenings; excessive waits, even when the service is pre-booked; problems with tie-downs, ramps and other equipment on accessible vehicles; drivers who were either untrained or unwilling to take proper measures in handling and securing mobility devices; unclean or substandard taxis; and, rudeness of drivers.

The RCD panel expressed the view that all taxis should be accessible vehicles so that the disabled community would have the same access to taxis as anyone else. Mr. Miele pointed out that all transit buses are accessible, and building codes incorporate "universal design" so the taxi industry should follow suit. Mr. Parker cited London Taxis and "Blue Line" taxis in Ottawa as examples of vehicles that were highly accessible. Currently, disabled persons cannot be sure of getting an accessible vehicle at all if they request one, especially on short notice in the evening.

Ms. Clark outlined the process for obtaining service from Handy Dart. She pointed out that it requires pre-booking, doesn't offer evening service and, when busy, "farms out" its overload to RCL who may, in turn, "farm out" to KCL.

Ms. Clark outlined RCD's interaction with each of GCCRL, RCL and KCL. She said that when the RCD had a meeting with KCL about some specific issues, the RCD did not receive any follow-up communication and no specific action was taken. RCD specifically opposed the most recent KCL application for 10 additional vehicles because, in their view, KCL was not meeting the disabled community's needs. When RCD had a similar meeting with RCL, RCL representatives were "friendly and positive but there was no progress." She testified that when RCD met with GCCRL, the representative "came back within a few days with feedback on different types of accessible vehicles." She said RCD is encouraged by GCCRL's stated intent to pay accessible drivers more than drivers of conventional vehicles. Ms. Clark stated that her concerns are that "there are not enough wheelchair accessible vehicles licensed and available and there is not a commitment to meet the disabled community's needs."

5. *Statements of Service Usage (SSUs)*

The Passenger Transportation Act, at Section 15, states: "15(1) Subject to this section, the board may receive and accept evidence and information, on oath, by affidavit or otherwise, that the board considers relevant, necessary and appropriate to a proceeding, whether or not the evidence or information would be admissible in a court of law, but the board may exclude anything it considers unduly repetitious."

One of the challenges faced by applicants for a special authorization under the Act is demonstrating public need. This is particularly the case for applicants seeking a new license as opposed to those seeking to expand an existing fleet. An incumbent licensee seeking to expand a fleet may be able to demonstrate, through its fleet usage, dispatch records, financial statements, signed contracts and other records, that it

cannot meet a growing public need with its existing fleet. These records are not available to an applicant seeking new entry into a market. The Application Handbook, at page 12, states: "User Support Statements - include written materials prepared by people who would either use the proposed service or who would make referrals and bookings on behalf of passengers. Any written support materials needs to explain the nature and extent of the author's transportation usage. Materials should contain contact information for the authors (e.g. address, phone# or e-mail) and applicants should inform their supporters that they may be contacted by the Board or Branch and that their information may be shared with others. Pre-completed forms, form letters or petitions may not be considered by the Board as informative or reliable as a detailed letter written by an actual or prospective passenger or booking agent." Appendix G of the Application Handbook states: "Applicants wanting to establish a new taxicab business (or to extend an existing service to a new area) should provide evidence of an "unmet" public need in that area. Mostly, the Board looks for detailed information that the applicant collects directly from passengers who would use the proposed taxicab service." Letters and emails written by these passengers should contain the following details:

- Why, when and how often the writer needs the proposed service
- Whether they use any other services and why they would use the proposed service instead
- Relevant price details, especially if prices are different from the competition in the area
- The writer's name and contact information

Applicants should advise each letter writer that their letter may be treated as a public document as part of the Passenger Transportation Board's licence application process."

The Board routinely receives SSUs, individually written letters, form letters, e-mails provided in hard-copy form and petitions, as indications of public need for a service. In each case, the Board determines whether the information is relevant, necessary and appropriate to the application at hand. If the determination is in the affirmative, the Board then determines what weight it will give under all of the circumstances. In this instance, the panel finds the SSUs to be relevant, necessary and appropriate to application 1623-07.

The applicant submitted 139 SSUs from Individuals, all of which contained legible names and contact information. All were from residents of Richmond. Many contained several written comments in addition to the estimated wait times. These comments may be characterized as follows: 125 of the statements described excessive wait times; 48 specifically mentioned having to call more than once, receiving a busy signal, or being put on hold; 18 mentioned unfriendly or rude drivers; 12 complained of the poor condition of taxis (all of these referred specifically to KCL); 8 complained of having been taken on a long route to their destination; and, 5 specifically mentioned a need for more vans generally.

The applicant submitted 121 SSUs from businesses or medical facilities, all of which contained legible names and contact information. As a result of RCL approaching some of the people who filled out SSUs, the panel accepted 7 "amended" SSUs brought about by that process. All 7 of these reflected a reduction in wait time. Two of these still, after having been amended, reflect wait times of 15 minutes or more, and one simply states: "45 minutes not written by me" in reference to the wait time on the original form. The author does not suggest what the appropriate wait time should be. Interestingly, on the original form, this document also stated: "overcharge sometimes" and, on the amended document, this statement is not rescinded. The panel accepted the 7 "amended" SSUs in place of those originally submitted by those individuals, and also considered 114 "original" SSUs from businesses. Of these remaining 114 SSUs, 105 specifically mentioned excessive wait times, 6 mentioned having received a busy signal or having had to call back, and 4 complain of rude drivers or similar issues.

RCL engaged Mr. A. Blueschke, a retired police officer with extensive experience in handwriting analysis, to perform an analysis of the handwriting on the SSUs. The original of each document was provided to counsel for RCL for this purpose. Mr. Blueschke's report (Exhibit 43) outlined his views that three SSUs, all from Individuals as opposed to businesses, were filled out but not signed by Mr. Randhawa. Under

examination, Mr. Randhawa testified that he had filled out the forms on behalf of each of the three people who signed these forms, as well as one more on behalf of a business owner. He testified as to the specific reasons in each case that he filled out these forms, and stated that he did not suggest what information should be put on the forms, nor did he sign any of them. The panel found Mr. Randhawa's testimony on this matter to be credible. However, even if the panel set these forms aside, the impact on the evidence would have been minimal and would not have altered the panel's ultimate decision on public need. There is no evidence that any other forms were filled out in a manner that ought to negatively affect the weight given to them by the panel.

At least partly in response to the "amended" SSUs filed by RCL, the applicant submitted 119 "validation forms" with respect to the SSUs. These were forms that sought to validate the information provided by the persons who signed the original SSUs. Upon review by the panel, and applying substantially the same standards as were applied to the "amended" SSUs that were accepted, 37 of these were permitted as evidence. The panel found these forms to be unnecessary in the decision-making process.

RCL submitted approximately 360 "Letters of Recommendation" that stated: "We have been taking Richmond Taxi for all our transportation needs. We have experienced great service and never had any problem as well as the highest level of professionalism from Richmond Taxi. As a concerned citizen we support Richmond Taxi for their great services." An analysis of these form letters by the panel showed the following: all appeared to be signed by individuals as opposed to businesses, although two were identified as employees of Canada Post; at least 60 had insufficient or illegible contact information to be verifiable; less than 10% contained any comments at all, and three of these complained about wait times and one complained about the driver; at least 21 of the forms were signed by persons providing addresses or phone numbers from outside the lower mainland area. In addition, under cross-examination of Mr. Sohi, it was noted that forms were signed by each of the wife and son of Mr. Bassi, President of RCL, and a driver of RCL signed another. RCL did not call non-company witnesses in support of the level of service it provides to any of its customers.

6. Taxis at Vancouver International Airport Authority

The Vancouver International Airport (YVR) is located in Richmond. Ms. Lakeman of Tourism Richmond spoke to the growth of passenger traffic at YVR and its forecast impact on tourism in Richmond. Exhibit 7 Tab 14 Page 7 speaks to the further addition of five gates, including accommodation of larger aircraft in super body gates, scheduled to open in summer 2009. The Tourism Board cited specific enplanement/deplanement statistics showing growth of 65% between 1992 and 2005, to a total of 6.5 million passengers (Exhibit 8 Tab 10 Page 4). Ms. Lakeman stated that Richmond, with its proximity to YVR and continued growth in hotel rooms, would expect to share in this growth.

The Vancouver International Airport Authority (YVRAA), through a contracting process, licenses taxis to line up at the airport for passenger pick-ups. No one from YVRAA was called as a witness at the hearing. The panel heard testimony that both RCL and KCL have a certain number of their fleets also licensed by YVRAA to provide airport service. GCCRL witnesses indicated that it was not their intent to pursue an airport contract. Companies are not required by the YVRAA to have vehicles stationed at the airport on a 24/7 basis.

The "Taxi Service Group/YVRAA" meeting minutes (Exhibit 8 Tabs 1 and 3; Exhibit 27 Tabs 1 and 3) show that, in each of the months of August, October, November and December of 2007, there were significant year-over-year (2007/2006) increases in taxi shortages at YVR. The arithmetic averages for the four months for term taxi shortage incidents was 340% higher, for hours of shortages 502% higher, and outside taxi use was 242% higher. As a result, YVR increased the number of taxis licensed to pick up at the main terminal by 109 vehicles. As of March 1, 2008, YVRAA increased its taxi licences from 416 to 525. KCL airport vehicles increased from 9 vehicles to 18, and RCL increased from 71 vehicles to 74 airport vehicles.

(a) KCL Airport Service

The testimony of Mr. P. Stamm, shareholder, Director and Manager of KCL, confirmed that KCL had recently entered into an agreement to have all 18 of its vehicles provide service at YVR effective March 1, 2008. Previously, nine vehicles (50% of the KCL fleet) were under such a contract. Mr. Stamm said that the "airport vehicles" spent about 95% of their time on airport trips and that all nine of these vehicles worked 24 hours, seven days per week. Of the nine "city cars", five work 24/7 and four work Monday to Friday on dayshift only. Mr. Stamm testified that "airport vehicles" were leased on a "long lease" for \$1000 per month plus dispatch fees, insurance, repairs, maintenance and YVR fees. He stated that "city cars" were leased for \$400 per month plus the above fees, excluding YVR fees. Mr. Stamm testified that all lease rates would be the "airport" rate plus YVR fees of \$3100 per year starting March 1, 2008. Mr. Stamm stated that, in his experience, a vehicle could meet the new monthly obligations of the YVR contract in about 3 days, leaving 27 days to cover the City of Richmond. Mr. Stamm offered the view that drivers would still continue to serve Richmond much of the time. The panel notes that the minutes of the Taxi Service Group/YVRAA meetings for August, October, November and December referred to above show that KCL averaged 55% more trips than the average supplier of taxi services to YVR over that time.

In the past few years, according to the testimony of Mr. Stamm, KCL has operated nine vehicles, 95% of the time, at YVR. The remaining nine vehicles in the fleet have operated within the City of Richmond. Five of these remaining vehicles have operated both shifts, seven days per week and the other four have operated Monday to Friday dayshift, 12 hours per day. Mr. Stamm testified that the shareholder or the long-term lessee decides what hours to operate the vehicles. Mr. Stamm's testimony was that "city" taxis operate on the basis of flags, direct calls to the taxi driver's cellular phone and a total, for all taxis, of about 35 dispatched trips per day.

Effective March 1, 2008, the nine "city" taxis in the KCL fleet will have authority to operate at YVR. In exchange for this, these nine vehicle shareholder/owners will be required to pay \$3100 annually in YVR fees, to upgrade to newer vehicles and to install GPS systems in each vehicle. Lessees of these vehicles will be required to pay \$1000 per month lease costs, up from the \$400 per month lease rates for "city" taxis at present. The \$3100 annual YVR fee will be passed on to the lessee. In response to a question from the panel with respect to how KCL would be assured of continuing to provide service to the City of Richmond, Mr. Stamm stated that this would be accomplished by: "designating a minimum number of trips for Richmond." The implication of this statement is that KCL drivers would prefer to operate at YVR, and would have to be directed to take trips in Richmond. Since KCL does not exercise control over which shifts its shareholders and lessees choose to operate, it seems improbable to the panel that they will have a great deal of success in designating and attaining a minimum number of trips in Richmond.

(b) RCL Airport Service

According to the testimony of Mr. Sohi, shareholder, Director and Secretary of RCL, that company sought to increase its number of vehicles licensed at YVR from 71 to 79, or 100% of its fleet. RCL was granted three additional licenses by YVR. Mr. Sohi stated that the granting of additional licenses was performance-based and RCL had fewer trips per vehicle than some other companies, so was not granted all the licenses it sought. In addition, RCL entered into an agreement with YVR to provide guaranteed coverage at the South Terminal. Mr. Sohi testified that RCL has provided service at the South Terminal for the last five years. Now RCL will be required to have four cars available within a minimum of seven minutes at the South Terminal.

Mr. Sohi testified that RCL and its "B" class shareholders, also known as "airport only" cars, had reached an agreement on January 25, 2008 to permit these 19 vehicles to access trips in the City of Richmond. Previously, these 19 vehicles spent virtually 100% of their time at YVR and were not dispatched by RCL. The "B" shareholders hold non-voting shares in RCL. The matter of rights for "B" shareholders to pick up trips within the City of Richmond has been in dispute for approximately 20 years and has been the subject

of litigation in the past. The "B" shareholders opposed RCL's application AV1622-05, published September 21, 2005, for additional vehicles. At the time of Mr. Sohi's testimony, 16 of 19 "B" shareholders had signed the "Metro Dispatch Agreement" (Exhibit 30) and, upon payment of a lump sum and full monthly dispatch fees of \$1250, would be eligible to access dispatched trips and flag trips in the same manner as other RCL shareholder's vehicles.

The "B" shareholders who enter into the "Metro Dispatch Agreement" will be required to pay full monthly dispatch fees, as well as the significantly increased airport fees. Mr. Sohi expressed the view that the addition of these "airport only" cars to the City of Richmond service area would result in a reduction of business for other vehicles in the RCL fleet.

7. City of Richmond

The Passenger Transportation Board is a provincial body with jurisdiction to, among other matters, grant operating authority to taxis within municipalities across the province. The Board values the views of municipal government with regard to levels of passenger transportation service to be provided within any particular municipality. The panel did not hear directly from anyone representing the City of Richmond at the hearing. However, several documents from City of Richmond Council and staff are to be found among the exhibits.

On October 9, 2007 the Mayor of Richmond wrote a letter to the Chair of the Board (Exhibit 17) that made reference to a resolution passed by Council. This letter requested that the Board, if it granted further vehicles to be operated as taxis in the City of Richmond, provide for an increase in the number of accessible vehicles. The minutes of a General Purposes Committee of the City of Richmond (Exhibit 18) include a discussion about taxi demand and business licensing. Page 5 of these minutes includes the following: "During the discussion, with respect to the number of taxicab licences which the City could support, advice was given that staff did not have the expertise to provide specific figures. However, information was provided that based on a regional average, the City was short 40 licences, and it was felt that this figure would be the most appropriate number to be considered." A motion was carried in these minutes that stated: "That a letter be written to the Provincial (sic) Transportation Board indicating Council's opinion that more taxicab licences for Richmond would be justified." This same motion was then passed at the December 10, 2007 Regular Council Meeting (Exhibit 19). Subsequently, Mayor Brodie wrote a letter to the Chair of the Board (Exhibit 28) that reiterated the above motion. The letter also stated: "Currently, the number of taxis available to serve Richmond is below the regional per capita average and local hoteliers have indicated a need for more taxis due to long wait times. Our local community of people with disabilities has also expressed to City staff and Council that there is a need for greater service levels of accessible taxis in the city, particularly during the evening hours. Moreover, we are endeavouring to build a city which is less dependent on the automobile and are succeeding as evidenced by the construction of the Canada Line and increased densification in the City Centre including transit-oriented development around the Canada Line stations. We therefore believe that the demand for taxi service will only increase in the future."

8. Population Ratios

The subject of taxi to population ratios received considerable attention throughout the hearing. The City of Richmond staff report, included in Exhibit 18, states: "Currently, Richmond has 0.52 taxicabs per 1000 capita compared to a regional average of 0.72. Applying the regional average to Richmond indicates that approximately 40 additional taxicabs would need to be licensed to operate in the city." In another earlier staff report dated September 25, 2006 (Exhibit 7 Tab 1 Page 5) a table was produced comparing "Taxicabs per 1000 Population" for various Lower Mainland municipalities. At that time, Richmond was stated as having a 0.40 taxi per 1000 population ratio against a Regional Average of 0.71 taxis to 1000 population. The panel notes that these ratios were developed by using the number of taxis licensed for a particular area, and population data. Many taxis are licensed in a manner that overlaps municipal boundaries. For example, within the municipalities of Surrey, Delta, Langley and White Rock, a number of companies serve

parts, but not all, of different municipalities, and one company also serves Abbotsford. Three Abbotsford companies serve part of Langley. In Richmond, Royal City Taxi of New Westminster can serve a portion of Richmond. Further, the study made no allowance for the number of vehicles authorized to serve YVR. Some companies dedicate vehicles full time to fulfill the contractual commitments at YVR, others divide a vehicle's time between YVR and its home municipality. In the City of Richmond in 2007, with nine KCL vehicles spending 95% of their time at YVR, the 19 "B" shareholders of RCL full time at YVR, and 52 of RCL's vehicles spending some of their time at YVR, the actual ratio serving the City of Richmond was much lower than 0.52.

Further evidence on this issue can be found at Exhibit 8 Tab 5 page iii in the Hara and Associates report. This evidence provides a table of "Taxis per 10,000 Population" for a variety of Canadian Cities in 2007. The lowest ratio noted is for Winnipeg with a ratio of 6.8 taxis per 10,000 population, and the highest is Montreal with 28.2 taxis per 10,000 population, or four times as many taxis per 10,000 people.

9. RCL Share Prices & Lease Rates

The panel heard evidence with respect to RCL share prices and lease rates. Mr. Randhawa gave uncontested evidence that he bought his 1/2 share in RCL in 2000 for \$84,500 and sold the same 1/2 share in 2007 for \$215,000. Mr. Sohi testified that the most recent transaction for 1/2 share in RCL was for cab #56 for \$197,500 in 2007. Mr. Sohi testified that there had been recent offers to sell 1/2 shares for the equivalent of \$165,000 but no transactions have been completed at that level.

There are many forms of leases associated with RCL vehicles. There are full monthly long-term leases, weekly leases, dayshift leases and nightshift leases. In each case, a lessee acquires the rights to operate the taxi for a specified time within the terms and conditions of licence for that taxi. Depending on the particular lease, the lessee may pay various costs associated with operating the vehicle. In the case of shorter-term leases, this is usually only fuel costs. In the case of longer-term leases, maintenance, dispatch, YVR licenses, repairs and insurance may also be included. For clarity, the panel is focusing on the long-term lease rates, which seem to be quite common based on the evidence. Long-term lease rates, according to the testimony of Mr. Randhawa, were \$1200 per month plus GST in 2003. RCL's posted long-term lease rates (Exhibit 29) for June, 2006 to March, 2008 were \$1600 plus GST. There was uncorroborated testimony that some shareholders had private arrangements at higher lease rates. As of March 4, 2008 RCL set long-term lease rates (Exhibit 39) at \$1550 plus GST. It was Mr. Sohi's testimony that February and March, along with November, are the slowest months for RCL's business. The impact of any re-distribution of business between the "B" shareholders and the rest of the RCL fleet commenced soon after the "Metro Dispatch Agreement" was reached on January 25, 2008.

The panel notes that the recent reduction in lease rates, whether justified or not, comes at a critical time in the proceedings pertaining to this application. Moreover, the new rates were effective only as of March 2008, during what Mr. Sohi described as one of the "slow months" and in the midst of the integration of "B" shareholder vehicles into the City. As a result, the panel bases its assessment of lease rates on the \$1600 per month plus GST that was in effect for two years until March 2008.

10. Analysis of Dispatch Records

During the hearing, certain evidence was called with respect to RCL dispatch information. RCL engaged Professor Chow to conduct an analysis of 91 days of dispatch data from August 11 through November 11 of 2007. The analysis was actually performed by a graduate student under the supervision of Professor Chow. GCCRL engaged Mr. J. Lindgren to conduct an analysis of this same data. Neither Chow nor Lindgren were put forward or qualified as experts with regard to this evidence. The panel is of the view that neither analysis could accurately be described as being neutral or completely objective in nature. Each analysis seemed to be undertaken with the preferred outcome of the respective clients in mind.

With regard to his analysis of dispatch records for support witnesses, Professor Chow stated that he looked up telephone numbers on 'myTELUS' to match witnesses, or their businesses, with dispatch records. Several witnesses testified to the use of cell phones for calling taxis, and these numbers are not available through 'myTELUS'. Also, Mr. Lindgren of Piccolo Software described means by which data could have been manipulated without detection, eliminating data for specific phone numbers or customers.

The RCL data included dispatched trips but, for reasons that were never adequately explained to the panel, did not include any data on "flag" trips. All trips from taxi stands and from YVR are non-dispatched, or "flag", trips. Professor Chow estimated, based on discussions with principals of RCL and a technician from DDS, that flag trips would account for about 40% of all trips. RCL did not enter any trip sheets or other evidence that might substantiate this estimate. Professor Chow stated he had reviewed dispatch data at another taxi company in the past and was generally familiar with the system at RCL. Professor Chow offered the view that the dispatch data could not be easily manipulated.

Professor Chow used the dispatch trip data and the 40% flag trip estimate to extrapolate an estimate that RCL taxis were engaged with the meter on 29 to 30% of the time. Upon questioning from the panel, Professor Chow could not state whether or not the 19 "shareholder's vehicles, which were assigned to YVR 100% of the time that dispatch data were analyzed, were included in the estimate of 40% flag trips. This is fully 24% of the fleet. The estimates of "meter by" provided by Professor Chow are of no value to the panel in its assessment as the accuracy of the estimates cannot be confirmed. According to Mr. Lindgren, complete data, including flag trips, were available from the dispatch system if requested. Complete data were not used in the analysis. The panel will not speculate upon the reason for this.

Professor Chow's analysis of the dispatch data was unable to, or did not, capture such information as how often a caller to RCL received a busy signal or how often a person was put on "hold" and subsequently hung up the phone. These are both noted as common complaints in the individual statements of service usage. Professor Chow's analysis did not focus specifically on RCL "zones" rather, it focused on general statistics for wait times and, to some extent, a comparison between the statements of service usage of witnesses called in support of GCCRL. As noted elsewhere, in some cases the time period analyzed corresponded closely to the time when the witness filled out the statement of service usage, but in other cases it was not a relevant time period for comparison. Professor Chow's analysis also included wait times within certain peak periods, particularly afternoons.

Mr. Lindgren described his basis for knowledge of the DDS dispatch system employed by RCL. He has been involved with developing, selling and installing a variety of dispatch systems for the past 20 years, and is a former employee of DDS. With respect to the integrity of the dispatch data, Mr. Lindgren testified that it would be easy to change the data. He pointed out that information can be deleted, trip records can be altered and data for a specific address could be eliminated. He stated that it would be "very difficult to detect if data has been manipulated." Mr. Lindgren stated that the data he was provided with for analysis did not include history logs that would have included flag trips.

Mr. Lindgren undertook the analysis himself. There were small, statistically irrelevant, discrepancies between the numbers of calls analyzed by Mr. Lindgren and Professor Chow. The panel found Mr. Lindgren to be very knowledgeable and credible in his explanation of how the system worked, the data available, the data he was provided and his analysis and classification of data.

Mr. Lindgren noted that 37.7% of all trips were "rejected" at least once by a driver, and stated that multiple rejections of the same trip would not show up in the data. Mr. Lindgren's analysis included the percentage of trips not serviced within 10 minutes (36.1%) and within 15 minutes (13.5%) as well as cancelled trips. He described "problem trips" as those where a trip was not completed as well as those completed, but with a wait time outside the acceptable limit. For 10 minutes, problem trips were 45.3% and for 15 minutes they were 26%. He also analyzed trips by various zones, by certain days of the week and by times of day. The analysis of zone data revealed some very high "problem trip" and wait time figures. He also reviewed

comments from the dispatch system data and noted surcharges for vans and fixed rates for trips to YVR. If true, these would appear to be outside the approved rates for RCL.

Mr. Lindgren used Professor Chow's assumptions with respect to the "meter on" time of 29% per shift and, making an assumption about average speed traveled of 50 km/hr and using actual meter rates in effect, calculated average estimated shift revenue of \$334.95 excluding tips. When asked by the panel what the shift revenue would be for 40km/hr, Mr. Lindgren provided the figure of \$268.00. While the figures quoted by Mr. Lindgren are based on Professor Chow's assumptions, this calculation was not discredited during cross-examination or submission.

Reasons:

- I. *Is there a public need for the service that the applicant proposes to provide under special authorization?*

Applicants wanting to establish a new taxicab business should provide to the Board evidence of unmet need for the service that they are proposing to provide in the area.

For each application, the applicant bears the onus of demonstrating to the Board's satisfaction that a public need exists. Each application stands on its own merits and is approved, approved in part, or refused by the Board based solely upon the evidence before the Board with respect to that particular application. The submitters, in written submissions, question whether a public need can now exist when RCL's application AV1622-5 for seven additional vehicles was only granted in part and KCL's application AV704-07 for 10 additional vehicles was refused. In each case, the reasons given in these decisions with respect to public need outline the panelist's views on the evidence before the Board at that time. The evidence before the Board in application 1623-07 is unique to this application. The analysis and decisions of the panel are based on the merits and specifics of this particular application.

The testimony of the taxi user support witnesses was consistent in stating the experience of unsatisfactory wait periods for taxis from RCL in particular. All of the witnesses, with the exception of Ms. Tercero, represented businesses that used taxis in support of their business activities. The testimony of Ms. Tercero, because of her relationship to Mr. Randhawa and because she did not represent a significant use of taxis, was given no weight in our deliberations. Of the 11 remaining witnesses, 6 specifically cited excessive waits for RCL dispatch or call takers to accept their calls.

Six of these witnesses were either unaware of KCL as a Richmond taxi company or did not consider them as an alternative to RCL. Four of the witnesses said they, or their staff, had used their personal or corporate vehicles to drive themselves or others as a result of being unable to get a taxi in a timely fashion.

This testimony points to a pattern of unsatisfactory service levels and persistent shortages of taxis at times that are critical to taxi users.

Five of the witnesses strongly disagreed with the analysis of dispatch data as put to them by Mr. Dong, on behalf of RCL. This may be partly attributable to the period of time that the analysis covered as compared to the date the support statements were completed. It may also be, in part, due to the methodology used to analyze the data.

The dispatch data analysis undertaken by Professor Chow could raise some questions as to the absolute accuracy of some of the witnesses' recollection of taxi usage that was, generally, an estimate. On balance, it seems likely that the strong views held by the witnesses that the analysis is inaccurate, together with the concerns about the methodology used and the possibility of data manipulation, is sufficient to cast doubt on the completeness and accuracy of that analysis. The panel believes that the witnesses experienced some long wait times and with some regularity.

The panel found the evidence of Ms. Lakeman and Mr. Jones to be helpful in gaining an understanding that the rate of growth of business and tourism in Richmond has been strong and that the forecast for the next

couple of years supports a similar growth pattern. The documents entered into evidence in conjunction with the testimony of these two witnesses provided a wealth of information in support of this historical and forecast growth. Both witnesses were consistent in representing that their constituents had concerns about the service levels of the current taxi companies, particularly with respect to wait times. The evidence of these two witnesses is consistent with the pattern of evidence provided by the "Taxi User Support Witnesses" in expressing concerns about wait times. Both supported additional taxis to serve Richmond, and both had provided letters of support to GCCRL. Both provided the view that the nature of the growth in Richmond would be likely to increase the use of taxis.

The panel found the testimony of the RCD to be very helpful in understanding the situation in Richmond as it relates to the condition and availability of accessible taxis. The RCD represents a significant constituency in Richmond and the panel respects the views expressed by this group. The testimony is consistent with that of Ms. Keatley and some of the experience she related with respect to residents of Courtyard Gardens. Clearly, based on the evidence, there is a need for additional accessible vehicles in Richmond.

The panel notes a consistent theme between the testimony of the various witnesses and the individual and business SSUs. The panel places less weight on the individual SSUs than on those representing businesses, largely because of the frequency of taxi usage noted on the forms by businesses as compared to individuals. The SSUs carry less weight than the direct testimony of taxi user witnesses, the RCD and the evidence associated with Tourism Richmond and Richmond Chamber of Commerce. Nonetheless, the panel accepts that the SSUs lend credibility to the need for additional taxis in Richmond. The letters of recommendation forms submitted by RCL were of little value in assessing current service levels and were given little weight.

The panel is of the view that the impact of continued growth of traffic at YVR and increased hotel rooms in the City of Richmond are positive indications of a trend to further public need for taxis in Richmond.

It is clear to the panel that the Council of the City of Richmond supports an increase in the number of taxis licensed to operate there and, more specifically, an increase in accessible vehicles. The panel places considerable weight on the position of Richmond Council.

The table in the Hara and Associates report shows the danger of relying too heavily on taxi to population ratios alone as indicators of need, absent other factors. There are certainly a number of factors that would explain the differences between the ratios found in Winnipeg and Montreal. The use of taxi to population ratios may be helpful in supporting other data that are indices of public need, and providing some background against which to assess trends. Certainly, in the case of Richmond, the panel is of the view that taxi to population ratios are generally lower than nearly all other jurisdictions reviewed. Further, the panel finds that various other indices of public need seem to strongly indicate that there is currently a need for additional taxis and that taxi use is likely to experience continued growth in Richmond. The panel places some weight on the taxi to population ratios to the extent that they support other data that an increase in taxis is warranted.

The panel is of the view that the decision of KCL to focus its attention on airport service, as evidenced by asking for and obtaining nine new YVR licences, will create some additional service demands in the City of Richmond.

The effect of three additional vehicles at YVR and a contractual obligation at the South Terminal will, in the view of the panel, result in some decrease in the availability of RCL's fleet to service the City of Richmond. It is the view of the panel that the agreement that RCL reached with its shareholders will have little impact on the taxi supply in the City of Richmond. Mr. Sohi's testimony indicated that RCL would prefer that all of its vehicles were licensed for pick up at YVR. The "airport only" cars will undoubtedly take some trips within the City of Richmond however, it remains to be seen what the net effect will be. It seems likely that, to maintain an average number of trips per vehicle that would be sufficient to enable RCL to receive YVR licensing for its full fleet, it will have to maintain or increase the trips per vehicle for the 74 vehicles now

licensed to serve YVR. There will be some redistribution of City and YVR trips among the RCL fleet, but the net effect on service in the City of Richmond would seem likely to be negligible.

In general, the dispatch data, because it lacks any data on flag trips and because it is not supported by trip sheets, is of limited value in our assessment of public need. To the extent the panel relies on the dispatch data for its determination of public need, we find Mr. Lindgren to be more familiar with and knowledgeable about the system and his analysis to be the more credible and helpful of the two. The fact that 26% of dispatched trips are either not completed or take more than 15 minutes for a RCL taxi to arrive is of some assistance in establishing that more taxis are required. The panel notes that Mr. Sohi of RCL testified that RCL considered waits of more than 10 minutes unacceptable.

The Board's mandate does not include governing, maintaining, or monitoring share prices or lease rates of individual transportation providers in the province. The panel's only interest in this matter is with respect to how, if at all, this information might be of assistance in determining whether or not a public need exists for more taxis in Richmond. While share price and lease rate trends are unlikely to provide sufficient stand-alone evidence of public need, do they support or contradict other indicators of public need? The panel is of the view that we can assess plate values based only on actual completed transactions. The facts are that 1/2 share in RCL grew from \$84,500 to \$197,500 or \$215,000 in about seven years. This is indicative that, absent other factors during that period, there was a general scarcity of RCL shares, which reflects a scarcity of taxis. This is supported by evidence in the Hara Report (Exhibit 8 Tab 5 Page 1-3) and the testimony of Professor Chow, who stated: "if there is a need for taxi service now and in the future the share value will be higher." The continuous upward trend in lease rates supports the view that lessees, like potential shareholders, were optimistic about the taxi business in Richmond. The panel places some weight on the evidence with respect to share prices and lease rates in that it is another general indication that is supportive of a trend toward increasing public need for taxis in the City of Richmond.

On balance, having considered the evidence with respect to public need for additional taxis to serve the City of Richmond, the panel finds that there is a public need for 30 more taxis. The panel finds that there is a need for additional accessible vehicles at present, and that this need is exacerbated by the virtual abandonment of the City of Richmond by KCL in favour of YVR. KCL vehicles are all accessible.

The panel finds that 12 of the 30 vehicles should be accessible, and that there is a need for certainty of availability of some of these vehicles to the disabled community at all times. Terms and conditions of license will reflect this.

In addition, the applicant clearly and repeatedly stated its intent to operate within, and to serve, the City of Richmond, to the exclusion of YVR. The panel's determination of public need in consideration of this application is based on this operating configuration, and the terms and conditions of licence will reflect such a restriction.

II. Is the applicant a fit and proper person to provide that service and is the applicant capable of providing that service?

The Board considers "applicant fitness" from two perspectives, or in two steps: (a) is the applicant a "fit and proper person" to provide the proposed service; and (b) is the applicant capable of providing that service?

The panel heard testimony from three of the four principals of GCCRL. These are the three Directors and shareholders of the applicant who would be most directly involved in the operation of the company if a license is granted under this application.

Mr. S. Hundal is a Director and Secretary of GCCRL, and he is to be the General Manager of the company if it is successful in its application. Mr. Hundal has almost no experience specifically in the passenger transportation business. At the time of his testimony, he had completed the National Safety Code Training and spent a day of familiarization at the Delta Sunshine Taxi office. He outlined his plans to complete Taxi

Host 1 and 2, a Tourism Richmond "World Host" program and to obtain his chauffeur's permit. Mr. Hundal has extensive management experience with Canada Post, including industrial engineering and project management. He stated he would rely heavily on the taxi industry experience of Mr. Wahlla and Mr. Randhawa in the initial stages of establishing the operation, but was confident that he would be able to manage the operation on an ongoing basis. He did a considerable amount of the work in preparing the business plan for the application with input from Mr. Wahlla and Mr. Randhawa.

Mr. Hundal testified as to how he came to be involved in GCCRL through Mr. Randhawa.

The panel found Mr. Hundal's testimony to be straightforward and credible.

Mr. P. Randhawa is a Director of GCCRL and a former shareholder of RCL from 2000 to 2007, including terms as President, Vice-President and CEO of RCL. In addition, he drove his own taxi, primarily on night shift in the City of Richmond, between 2000 and 2003. Mr. Randhawa also has other business interests and experience, including property development, real estate sales and mortgage brokering.

Mr. Randhawa testified as to his specific experience as a driver, as a shareholder and as a Director of RCL. He also outlined the basis for, and timing of, his initial involvement in GCCRL. He expressed his views on the operation of GCCRL if it is granted a license, including start-up issues, hiring, training, dispatch, shift changes, revenue and expense projections, marketing and various other aspects of the day-to-day business of the company.

Mr. Randhawa testified that he sold his share in RCL for \$215,000 because he felt he "could make more money off the capital by selling the share and investing the money elsewhere." He stated that, at the time of the sale, he was leasing the vehicle out for \$800 per month (+GST) for the one shift represented by a single share. This is, the panel notes, an effective return of slightly less than 4.5% on a value of \$215,000.

On the whole, the panel found Mr. Randhawa to be knowledgeable about the taxi business, particularly in the City of Richmond. His testimony was forthright, consistent and credible.

Mr. J. Wahlla, President and Director of GCCRL, has extensive experience in the taxi industry in British Columbia. He currently owns two shares in Delta Sunshine Taxi and has been active in a variety of capacities with that company since 1982. He currently owns 100% of Duncan Taxi, which operates 15 vehicles, and has been in an ownership position with that company since 1990. Mr. Wahlla also owns 43% of Swiftsure Taxi in Nanaimo, which operates 17 taxis, and has been in an ownership position there since 1992. In addition, Mr. Wahlla described his ownership involvement over several years with each of MacLure's Taxi and Black Top Cabs in Vancouver as well as Courtesy Cabs in Penticton. In each case, Mr. Wahlla outlined his business dealings, the reasons for his purchase and sale of various shares in these companies, and some of the challenges faced by the companies in a variety of economic and competitive conditions. He was forthright in providing details of prices paid and received for shares in the various companies.

Mr. Wahlla spoke of his experience in dealing with both a "shareholder" model with owner/operators as in the majority of vehicles within Delta Sunshine Taxi and other companies he has experience with, versus a "company owned/employee driver" model, as he is familiar with in Duncan Taxi, Swiftsure Taxi and other companies. He expressed his views that the "company owned/employee driver" model provided a greater degree of care and control and better service to the public. He stated that this was the model the Directors of GCCRL intended to use for that company if it became licensed.

Mr. Wahlla described the process and timing of his idea to start a new taxi company in Richmond. He outlined his discussions with various people, including his son Pushpinder Wahlla, Mr. Sanghera and the current shareholders in GCCRL. He also provided testimony with respect to his views on the start-up of the company operations if it is successful in obtaining a license, hiring, training, dispatch, revenue and cost projections and general day-to-day operation of the company.

The panel is of the view that Mr. Wahlla was a credible witness and was candid in his testimony.

Mr. N. Kassam, the accountant who prepared the financial statements and forecasts for GCCRL, testified about these documents and the assumptions that were used in their preparation. He stated that the principals of GCCRL had provided the details of most of the assumptions used in the forecasts.

The revenue projections used in the forecasts were the subject of some testimony, and were raised in the submissions of the applicant and submitters. Mr. Randhawa testified that, in 2003 when the taxi industry had been adversely impacted as a result of the 9/11 crisis, it was his experience that revenues for taxis in Richmond averaged about \$240 per night shift and \$260 per day shift. Mr. Wahlla testified that two RCL shareholder drivers had told him that revenues were recently in the range of \$300-350 for day shift and \$250-300 for night shift. Mr. Sohl's evidence was that the two RCL shareholder drivers named by Mr. Wahlla had denied speaking to Mr. Wahlla about shift revenues. Neither of these two shareholder drivers was called as a witness. The panel gives no weight to this hearsay evidence. Mr. Sohl testified that revenues averaged \$200-240 per day shift and \$160-190 per night shift and that once in a while, with a long trip, revenues might reach \$325. Mr. Prashar, day shift driver for RCL, testified that his daily average revenue was \$220-225 per shift over the past year. Mr. Karim, night shift driver for RCL, testified that his daily revenue for the past six months was \$190 per shift including tips, netting him \$70-\$75 for an average of a little over 10 hours per shift. Unfortunately, no trip sheets or other verifiable information that might substantiate any of these estimates was entered into evidence.

RCL has access to all revenue information in the form of trip sheets. The omission of any such information in support of its revenue claims raises a question as to the veracity of the various estimates.

The panel notes that the revenue forecast (Exhibit 5 Tab 5) used by the applicant starts at \$100 per shift for the first month and increases gradually to a maximum \$220 per shift in the third year. Given all of the information and the circumstances of the proposed start up of the operation, the panel believes these forecasts to be within a reasonable range.

Upon examination and cross-examination Mr. Kassam noted some errors and omissions in the forecasts. While these errors and omissions resulted in lower profitability and delayed the break-even point for the company, they were not of sufficient magnitude, in the view of the panel, to detract significantly from the viability of the venture as proposed in the application.

Mr. Dong, on behalf of RCL, submits that Mr. Randhawa, in becoming a shareholder and Director in GCCRL "while still a shareholder, Director and CEO of RCL or within days or a week or two of occupying those positions" has been in conflict of interest and has breached his fiduciary duties. Mr. Dong lays out a chronology of events from September 21, 2005 when RCL applied for 15 "licenses" (Identifiers) to January 25, 2008 when RCL reached agreement with RCL "Airport" Class B shareholders. Mr. Dong asserts that the testimony of Mr. Randhawa and Mr. Wahlla in connection with the selling of Mr. Randhawa's share in RCL and his involvement in GCCRL is not to be believed. The panel listened carefully, and reviewed in detail, the testimony of Mr. Randhawa, Mr. Wahlla and Mr. Hundal with respect to the events surrounding the formation of GCCRL and, in particular, Mr. Randhawa's decision to sell his share and to become involved with GCCRL. It is certainly within the realm of possibility that Mr. Randhawa had some knowledge of, or involvement in, the formation of GCCRL prior to his resignation from RCL's Board. However, there is absolutely no evidence before this panel to support that proposition. The testimony of Mr. Randhawa, Mr. Wahlla and Mr. Hundal was consistent on these matters. No other witnesses, nor any documents, were introduced that might support such a supposition as fact. It is purely speculation on the part of Mr. Dong. Further, there is no evidence that Mr. Randhawa, even if he had knowledge or involvement in the development of GCCRL while still a Director of RCL, used any confidential knowledge, document or information that was not available to any shareholder of RCL or, for that matter, to the general public, in his dealings regarding GCCRL. In spite of the assertions in the closing submissions of counsel for RCL, there is no evidence before the panel that Mr. Randhawa breached any fiduciary duty. The panel cannot speculate on what any alleged breach of fiduciary duties might have been and what, if any, impact that

might have on Mr. Randhawa's fitness with respect to this application. Further, a finding as serious as breach of fiduciary duty is a matter for the courts to decide, and beyond the jurisdiction of the Board.

The Board was provided with confidential personal financial information with respect to each of the four principals of GCCRL. This information indicates that the shareholders have access to sufficient capital to enter into the business that is the subject of this application and to sustain it through the expected start-up period, even if this period is an extended one.

In summary, the applicant has two Directors with broad taxi industry knowledge, one of whom has specific knowledge of the Richmond area. These two Directors will provide advice and support to a third Director, who has management experience, and who will be employed as the full time General Manager of the company. The business plan and financial forecasts for the company appear to be realistic and attainable. The company has shown it has the financial capacity to endure a reasonable start-up period. The panel's assessment of fitness of the applicant company is based on the specific experience, financial capacity and involvement of the current company principals in the guidance and operation of the company. Further, the testimony of Mr. Wahlla with respect to the advantages of a "company owned/employee driver" operating model as compared to a "shareholder" owner/operator model was a factor in the panel's determination that this application would best serve the needs of the public. The applicant voluntarily offered to accept terms that would restrict share transfers. Therefore, the terms and conditions of licence will reflect that the current shareholders may not sell shares in the company for a period of five years from the date it puts its first vehicle into service without the express written consent of the Board in advance of any such sale of shares.

We find the applicant to be a fit and proper person to provide the service applied for and to be capable of providing that service.

III. Would the application, if granted, promote sound economic conditions in the passenger transportation business in British Columbia?

The Board approaches the "economic conditions" issue from a broad perspective. The economic conditions of the "transportation business in British Columbia" are considered ahead of the economic and financial interests of an individual applicant or operator. The Board supports healthy competition within passenger transportation markets. As well, the Board discourages destructive forms of competition that could unduly harm existing service providers.

There are presently 97 vehicles authorized to operate as taxis within all of the City of Richmond (excluding YVR): 79 under the Richmond Cabs/Coral Cabs licenses and 18 under the KCL license. Within the RCL fleet, four vehicles are accessible and, within the KCL fleet, all 18 are accessible. In addition, Royal City Taxi operates within a very small portion - 2 kilometres - of the easternmost area of Richmond, quite distant from the central business and residential area of the city.

Several of the witnesses called by GCCRL were either unaware that KCL was authorized to operate in Richmond or simply did not consider KCL as an alternative. The RCD expressed strong dissatisfaction with KCL service levels and lack of follow-up to complaints, to the point where the RCD opposed KCL's application AV704-07 for additional vehicles.

It is the panel's view that KCL has been providing inadequate levels of service within the City of Richmond. KCL has chosen to focus on providing service to YVR and has been rewarded by having all of its vehicles licensed to operate there. The panel believes that, with the increase in YVR fees, lease costs and capital costs, the entire fleet of KCL will focus heavily on YVR, maintaining only a minimum level of service to the City of Richmond at its own convenience. In effect, KCL has vacated the City market. Given this business direction by KCL, the impact of additional taxis in the City of Richmond on KCL's ridership or revenues should be minimal.

As a result of recent internal shareholder agreements, 74 of 79 RCL vehicles can now choose to operate freely within the City of Richmond and at YVR. These agreements, in the view of the panel, will result in some re-distribution of trips within the City of Richmond and at YVR amongst the total RCL fleet. The addition of three vehicles authorized to serve at YVR and the service agreement for the South Terminal will require a greater presence outside the City of Richmond. The panel believes, based on history and the testimony of Mr. Sohi, that it is likely that RCL will continue to maintain a similar, or slightly higher, number of trips per vehicle at YVR in order to meet the service levels required to maintain or increase the number of vehicles in its fleet licensed to operate at YVR. The net result will likely be a slightly improved fleet utilization for RCL and slightly lower service levels in the City of Richmond. At the very least, RCL has the opportunity, with all but five of its vehicles, to mitigate any impact of additional vehicles in the City of Richmond by increasing its activity at YVR. The applicant has clearly stated that it does not intend to seek authority to operate at YVR.

It is clear from the testimony of the taxi user support witnesses, from the number of incomplete trips identified in the dispatch data analyses and, to some extent, from comments on the statements of service usage, that there is some erosion of confidence within that portion of the population who use taxis. The testimony of Mr. Mahler, Ms. Schunter, Mr. MacDonald and Ms. Morimoto all included specific examples of their respective businesses using private or company vehicles to replace taxis as a result of frustration with being unable to obtain timely service. Based on this evidence, the panel is of the view that an increase in taxis in Richmond would result in an increase in the use of taxis. As timely, efficient service and reliability improve, it is likely that more people will use taxis and some current taxi users will use taxis more frequently. It is important, in the view of the panel, to improve public confidence in the reliability and availability of taxi service in Richmond.

Professor Chow expressed concerns about fragmentation within the taxi market in Richmond. The panel has the opposite concern: that RCL has effectively become a monopoly. As stated above, the panel is of the view that KCL has been providing inadequate service within the City of Richmond. With KCL now likely to focus its attention even more on YVR, there is no real competition for RCL in Richmond. The panel finds that, in a city the size of Richmond, given the demonstrated public need for a significant number of additional vehicles, the public would be well-served by having some reasonable level of competition among taxi service providers. Such competition, in an environment of regulated rates, would have a healthy and positive effect on service levels in Richmond.

Neither KCL nor RCL entered any financial documents into evidence to support their contention that the granting of this application would be harmful to either company. Neither entered any trip sheets or other documents that would corroborate the testimony of any drivers called as witnesses or that would corroborate the dispatch data or revenues. In fact, dispatch records were only provided when ordered by the Board. All participants were given adequate notice that the Board expected assertions to be substantiated and submitters were directed to Board policy with regard to submissions.

Professor Chow's report (Exhibit 42 page 5) quotes the Mundy 2005 report: "(what taxi drivers want more cabs on the streets)" (parentheses in original). When asked if he agreed with this statement, Professor Chow said that he did. We heard testimony from two of the 28 KCL full time drivers and none of the 10 KCL part time drivers. We heard testimony from two of RCL's 158 full time drivers and none of the 55 part time and 25 casual RCL drivers. The two RCL drivers, if the numbers quoted are accurate, are earning less than minimum wage. While the panel received no indication that these witnesses were being untruthful, the panel is not willing to accept that this testimony is representative for the entire fleet of the company. It seems unlikely that, in times of a tight labour market, the majority of drivers in RCL would be earning less than minimum wage while lease rates have been trending upwards. Absent corroboration, and given the conflicting testimony of Mr. Randhawa based on his first-hand experience at RCL, Mr. Wahlla's experience with other taxi companies and Mr. Lindgren's estimates, there is at least some doubt as to whether or not the estimates provided reflect a balanced view of revenues.

Professor Chow testified that he had made some calculations showing the potential impact on RCL of 30 additional taxis in Richmond. He concluded that, based on his original analysis of dispatch data, RCL revenues would suffer by about 30%. Upon review and questioning of Professor Chow, the panel notes that the calculations are based on questionable data that include only an estimate of flag trips and Professor Chow's uncertainty as to whether or not the 19 "airport only" cars were included in the flag trip estimate. Further, Professor Chow made no allowances for: the nine KCL vehicles that will be spending the significant part of their time at YVR as of March 1, 2008; the three additional RCL vehicles licensed to service YVR as of March 1, 2008; the contractual service obligations of RCL at the South Terminal effective March 1, 2008; and, the probability that there will be some increase in taxi ridership in the City of Richmond as service improves. The panel does not rely on Professor Chow's calculations in considering the potential impact of 30 additional vehicles licensed in the City of Richmond.

The panel finds that granting this application may result in some short-term negative impact on the revenues of RCL in particular and, perhaps to some lesser extent, on KCL. Given the lack of reliable financial data to analyze the severity of such an impact, the panel finds that it is unlikely to have a serious or lasting deleterious effect on either company. KCL has chosen to substantially withdraw from the City taxi market and RCL has the ability to mitigate some of the impact of a new entrant by increasing activity at YVR and the South Terminal. Any potential impact on the share prices or lease rates of either company is outside the mandate of the Board.

The panel notes that on September 26, 2007 the Passenger Transportation Branch received RCL's application AV2633-07 for 15 additional accessible vehicles. Mr. Sohi's contention that RCL applied for these additional vehicles, even though there is no need, is disingenuous at best. The facts are that RCL applied for these additional vehicles well after application 1623-07 had been set down for hearing and before RCL could have known the outcome of the YVR license allocations for itself and KCL. Mr. Sohi knows, or ought to know as a Director and Secretary of RCL, that one of the Board's considerations under the Act is a determination of public need. Mr. Sohi's position that there is no public need for additional vehicles appears inconsistent with RCL's position in the filing of application 2633-07.

Under cross-examination, Mr. Stamm stated that there was a need for five more vehicles for KCL. In response to Mr. Harris' question, Mr. Stamm agreed that "there is a need for more cabs as long as you give them to Kimber."

On balance, the panel finds that the benefits that will accrue to the public by having a viable competitor to RCL in the City of Richmond will outweigh any disruptions to the affairs of RCL and KCL. The taxi market in the City of Richmond is sufficiently robust at this time to absorb the addition of 30 more vehicles.

It is important to reiterate that the Board considers the "sound economic conditions of the passenger transportation business in British Columbia" ahead of those of any particular applicant or operator. This broad perspective is important in encouraging a robust and competitive industry and in assessing and responding to the passenger transportation needs of the public in the subject area.

This decision will specifically preclude the applicant from originating trips at YVR.

Activation of licence:

A Passenger Transportation Licence must be issued by the Registrar of Passenger Transportation under section 29(1) of the Passenger Transportation Act before the special authorization may be exercised.

Unless otherwise specified by the Board, this approval of the application expires if the applicant has not received a licence issued by the Registrar within one year of the date this decision is published by the Board.

Activation of certificates:

The Registrar is directed to issue vehicle certificates in accordance with the vehicle mix ratio outlined below. For every 3 non-accessible vehicles for which identifiers are sought, there must also be at least 1 identifier sought for an accessible taxi. At no time during the existence of the licence, can the ratio of non-accessible taxis to accessible taxis go below 3:1. It can be higher than 3:1.

Special Authorization:

Passenger Directed Vehicle (PDM)

Terms & Conditions:

Vehicles:

Maximum Fleet Size: 30 passenger directed vehicles, of which 18 are non-accessible

Vehicle Mix Requirements: At all times, the licensee must operate a fleet of vehicles with where the mix of vehicles is at a minimum ratio of 3 to 1 non-accessible taxis to accessible taxis.

Minimum Operating Requirement: A minimum of two wheel chair accessible vehicles in the fleet must be available to serve passengers originating in the City of Richmond 24 hours a day, 7 days a week.

Specialty Vehicles: The **accessible taxis** must be operated in accordance with the *Motor Vehicle Act Regulations* including Division 10 (*motor carriers*) and Division 44 (*mobility aid accessible taxi standards*), as amended from time to time, and in accordance with any other applicable equipment regulations and standards.

Eco-Friendly Taxis: Any additional non-accessible vehicles approved for this licence on or after May 16, 2007 and for which a passenger transportation identifier is issued, must be operated as 'eco-friendly taxis' as defined by Board Policy Guidelines in effect at the time the vehicle is issued a passenger transportation identifier.

Vehicle Capacity: A driver and not less than 2 and not more than 7 passengers.

Service 1: *The following terms and conditions apply to Service 1.*

Originating Area: Transportation of passengers may only originate from points within the City of Richmond, excluding the Vancouver International Airport.

Destination Area: Transportation of passengers may terminate at any point in British Columbia and beyond the British Columbia border when engaged in an extra-provincial undertaking.

Return Trips: The same passengers may be returned from where their *return trip* terminates in the *destination area* to any point within the *originating area* when the *return trip* is arranged by the time the originating trip terminates.

Reverse Trips: Transportation of passengers may originate from the *destination area* when the transportation terminates within the *originating area* and the cost of the *reverse trip* is billed to an active account held by the licence holder that was established before the trip was arranged.

- Express Authorizations:**
- (i) Vehicles may be equipped with a meter that calculates fares on a time and distance basis.
 - (ii) Vehicles may be equipped with a top light.
 - (iii) The operator of the vehicle may, from within the originating area only, pick up passengers who hail or flag the motor vehicle from the street.

Taxi Bill of Rights:

- a) A Taxi Bill of Rights issued by the Ministry of Transportation ("Taxi Bill of Rights") must be affixed to an interior rear-seat, side window of each taxicab operated under the licence.
- b) The Taxi Bill of Rights must at all times be displayed in an upright position with the complete text intact and visible to passengers.
- c) Licensees may only display a current Taxi Bill of Rights.

Taxi Cameras: Taxi camera equipment may only be installed and operated in vehicles when the licensee is in compliance with applicable taxi camera rules, standards and orders of the Passenger Transportation Board.

Share Restriction:

1. For a period of five years following the initial licence issuance, no share or shares of Garden City Cabs of Richmond Ltd. can be transferred without the prior written consent of the Passenger Transportation Board.
2. For a period of four years following the initial licence issuance Garden City Cabs of Richmond Ltd. must, at the time of licence renewal, submit a notarized list of all its current shareholders and officers to the Registrar of Passenger Transportation.

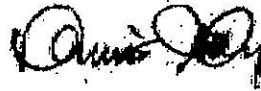
Transfer of a licence: This special authorization may not be assigned or transferred except with the approval of the Board pursuant to section 30 of the Passenger Transportation Act.

Rates: The approved rates and rules are those set out in the Board's "Rule Respecting Lower Mainland Taxicab Rates", effective January 5, 2008. Garden City Cabs of Richmond Ltd. is to be added to the list of licensees in Appendix A.

Board Panel Chair:

Dennis J. Day

Signature of Panel Chair:



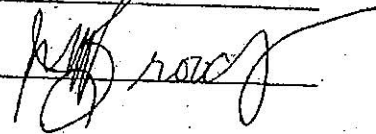
Panel Member Concurring:

Kabel Atwall

Determination Date:

June 12, 2008

Entered by the Director and Secretary to the Board:





Board Rule Respecting Lower Mainland Taxicab Rates

I. Background

- ◆ All taxicab companies in the Lower Mainland operate under common rates and rules.
- ◆ The Passenger Transportation Act empowers the Board to set rates for the purpose of establishing just and uniform charges and to make rules governing how companies may apply or charge rates.
- ◆ In November 2007, the Board announced its Taxi Cost Index 2008 (TCI 2008), an objective measurement for assessing rate increases for taxicabs. Based on its analysis of costs in the areas of fuel, insurance, wages and consumer prices, the Board allowed taxicab companies to request a rate increase of up to 2.27% on taxi rates.
- ◆ Further to the "Taxi Cost Index 2008" Rule of November 16, 2007, more than 51% of Lower Mainland taxicab companies have requested a TCI 2008 increase of 2.27%. The TCI 2008 increase is added to the rates without federal Goods and Services Tax (GST), and applicable GST is added after.
- ◆ A GST rate of 5% is reflected in the formula that must be programmed into each taxi meter. This rate is being applied further to the announcement on October 30, 2007, by the Government of Canada that it will reduce GST from 6% to 5% effective January 1, 2008.
- ◆ The New Years period is one of the busiest times of the year for taxicabs. It is impractical for taxicabs to reprogram their taxi meters at that time. The effective date for the meter change for all taxicabs in the Lower Mainland is **January 5, 2008**.
- ◆ Rates and rules for Lower Mainland taxicab companies are set out below.

II. Rates for Lower Mainland Taxicab Companies

The following rates and taxi meter formula apply to taxicab companies listed in Appendix "A" effective **January 5, 2008**:

Type of Rates	Rate without GST	Rate plus 5% GST	Taxi meter formula with 5% GST included
Flag	2.6394	2.7713	\$2.75 for the first 62.51 metres
Distance (per km)	1.5236	1.5998	\$0.10 for each additional 62.51 metres
Waiting Time (hourly)	27.2591	28.6220	\$0.10 for each consecutive 12.58 seconds

Time or Mileage Rates (5% GST included)
 \$28.62 for the first hour or fraction thereof or \$1.60 for each loaded kilometre, whichever is greater, and \$7.16 for each succeeding quarter hour or fraction thereof or \$1.60 for each loaded kilometre, whichever is greater.

Lower Mainland Taxicab Rates and Rules

III. Rule Governing Taxicab Rates for Lower Mainland Taxicab Companies

All taxi cab companies listed in Appendix "A" must apply the following rules respecting their rates.

Rule No. 1 – Baggage

- a) No charge shall be made for hand baggage carried by passengers such as luggage and parcels.
- b) Baggage will be handled at the passenger's risk. The operator does not assume any responsibility for baggage or property transported on or in the chartered vehicle.

Rule No. 2 – Dismissal Fee

If any person orders a taxi and changes his or her mind when the driver appears at the given address, then that person must pay the mileage rate from the carrier's stand or base to point of dismissal. The minimum dismissal fee is \$2.00.

Rule No. 3 – Overnight Stay En Route

If during a charter trip, a passenger decides to continue the charter the following day, thereby necessitating an overnight stay, any additional charge will be assessed for the night's lodging and breakfast for the driver.

Rule No. 4 – Rates

- a) Rates contained herein apply for services of driver and vehicle with a vehicle carrying capacity as listed in the terms and conditions of the operator's licence.
- b) Mileage rates contained herein apply only while passengers are being transported in chartered vehicle.

Rule No. 5 – Refuse Service

- a) Licensees may refuse to pick up or deliver passengers on account of conditions of streets, alleys, highway or road, or because of riots, or strikes, where it is impractical to operate.
- b) Licensees may refuse service to any persons using profane language, or who, in the reasonable opinion of the driver, may be offensive or dangerous to the persons or property of the other passengers and/or the driver.

Rule No. 6 – Route Change

If during a trip the passenger desires to change route, make extra side trips or extend the trip, thereby increasing the service over that contracted for, charges for additional service will be at the rates set out above.

Lower Mainland Taxicab Rates and Rules

Rule No. 7 – Tolls

All ferry, bridge, or tunnel tolls applicable to the vehicle and its occupant must be paid by the passenger.

IV DATE OF RULE

December 4, 2007

V. EFFECTIVE DATE

January 5, 2008

Lower Mainland Taxicab Rates and Rules

APPENDIX "A"

This Rule applies to the following Lower Mainland taxi cab companies.

Company Name	Address
Alouette Transit Systems Ltd.	2121 Hartley Avenue Coquitlam, BC V3K 6Z3
Bel-Air Taxi (1982) Limited	2121 Hartley Avenue Coquitlam, BC V3K 6Z3
Black Top Cabs Ltd.	777 Pacific Street Vancouver, BC V6Z 2R7
Bonny's Taxi Ltd.	5525 Imperial Street Burnaby, BC V5J 1E8
Burnaby Select Taxi Ltd.	4049 Ledger Avenue Burnaby, BC V5G 3T2
Coquitlam Taxi (1977) Ltd.	2121 Hartley Avenue Coquitlam, BC V3K 6Z3
Coral Cabs Ltd.	260 - 11180 Voyageur Way Richmond, BC V6X 3N8
Delta Sunshine Taxi (1972) Ltd.	203 - 12837 76 Avenue Surrey, BC V3W 2V3
Guildford Cab (1993) Ltd.	101 - 8299 129 St Surrey, BC V3W 0A6
Kimber Cabs Ltd.	160 - 5671 Minoru Blvd Richmond, BC V6X 2B1
MacLure's Cabs (1984) Ltd.	1510 - 3 rd Avenue West Vancouver, BC V6J 1L7
Meadow Ridge Taxi Ltd.	20542 Dewdney Trunk Rd Maple Ridge, BC V2X 3E3
Newton Whalley Hi Way Taxi Ltd.	107 - 13119 84 th Avenue Surrey, BC V3W 1B3
North Shore Taxi (1966) Ltd.	264 Pemberton Avenue North Vancouver, BC V7P 2R5
Port Coquitlam Taxi Ltd.	2121 Hartley Avenue Coquitlam, BC V3K 6Z3
Queen City Taxi Ltd.	5525 Imperial Street Burnaby, BC V5J 1E8
Richmond Cabs Ltd.	260 - 11180 Voyageur Way Richmond, BC V6X 3N8
Royal City Taxi Ltd.	436 Rousseau Street New Westminster, BC V3L 3R3
Sunshine Cabs Ltd.	260 Riverside Drive North Vancouver, BC V7H 2M2

Lower Mainland Taxicab Rates and Rules

Surdell Kennedy Taxi Ltd.	103 - 12975 84 th Avenue Surrey, BC V3W 1B3
Syd's Taxi (1984) Ltd.	20542 Dewdney Trunk Rd Maple Ridge, BC V2X 3E3
Tarantino, Gary Albert	7778 227 th Street Langley, BC V3A 4P9
Tsawwassen Taxi Ltd.	203 - 12837 76 Avenue Surrey, BC V3W 2V3
Vancouver Taxi Ltd.	302 Industrial Avenue Vancouver, BC V6A 2P3
Vancouver Taxi Ltd. dba Handicapped Cab	302 Industrial Avenue Vancouver, BC V6A 2P3
White Rock South Surrey Taxi Ltd.	Unit 3 - 17921 55 th Avenue Surrey, BC V3S 6C4
Yellow Cab Co. Ltd.	1441 Clark Drive Vancouver, BC V5L 3K9

PASSENGER

TRANSPORTATION BOARD

202-940 BLANSHARD STREET • PO BOX 9850 STN PROV GOVT • VICTORIA BC V8W 9T5

June 12, 2008

Harley J. Harris
(counsel for Garden City Cabs
of Richmond Ltd.)

Owen Bird
29th Floor, Three Bentall Centre
595 Burrard Street
PO Box 49130
Vancouver BC V7X 1J5

By Facsimile & Mail: 604-632-4456

Dear Harley Harris:

Re: Passenger Transportation Application

You have applied on behalf of the above named client to the Registrar, Passenger Transportation ("Registrar") to obtain a Passenger Transportation Licence. Under the Passenger Transportation Act, you require special authorization approval from the Passenger Transportation Board ("Board") and the Registrar has forwarded your application to the Board.

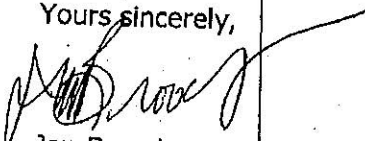
You have applied to the Registrar, Passenger Transportation ("Registrar") to obtain a Passenger Transportation Licence. Under the Passenger Transportation Act, you require special authorization approval from the Passenger Transportation Board ("Board") and the Registrar has forwarded your application to the Board.

Following the public hearing into the matter, the Board has approved a special authorization under the Passenger Transportation Act as well as licence terms and conditions established by the Board.

The Passenger Transportation Branch will be contacting you regarding the issuance requirement (if any) of identifiers related to this application.

You may also wish to contact the municipalities in which you will be operating regarding municipal by-laws relevant to passenger carriers.

Yours sincerely,



Jan Broocke
Director

pc: Tom Greene
Registrar, Passenger Transportation

Barry Dong
Harris & Company
(for Richmond Cabs Ltd. & Coral Cabs Ltd.)
(by facsimile - 604-684-6632)

Frances Clark
Richmond Committee on Disability
(by facsimile - 604-233-2415)

Mohan Kang
BCTA
(for BCTA & Kimber Cabs)
(by facsimile - 727-2585)

Black Top Cabs Ltd.
777 Pacific Street
Vancouver BC V6Z 2R7

Yellow Cab Co Ltd.
1441 Clark Drive
Vancouver BC V5L 3K9

MacLure's Cabs (1984) Ltd.
1510 W 3rd Avenue
Vancouver BC V6J 1J7

Vancouver Taxi Ltd.
302 Industrial Avenue
Vancouver BC V6A 2P3

Balker Singh Bhullar
6660 Sidaway
Richmond BC V6W 1B1

Mahmood Awan
7240 Anvil Cres.
Richmond BC V7C 4E8

Attachments

TO: MAYOR & EACH COUNCILLOR
FROM: CITY CLERK'S OFFICE

May 29, 2008

Re: Joanne Hikida, License Inspector

		INT
✓	DW	
✓	GJ	gjs
	KY	
	DB	
	WB	

City Council,
City of Richmond
6911 No.3 Road
Richmond BC V6Y 2F1

PHOTOCOPIED & DISTRIBUTED
DATE: Jun 1st 08

8275-02

Dear Councilors:

As family members who help to care for our people who are residents of Minoru "Extended Care" Residence; and who meet regularly as a "Family Council" for the third floor, we wish to appeal to the City for your consideration and support regarding difficulties we are having in obtaining needed transportation of our people in wheelchairs.

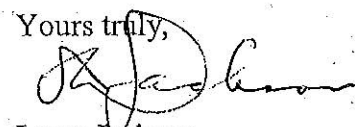
Several have reported difficulty arranging for wheelchair cabs (both Kimber Cabs and Richmond Cabs). As for Handidart, although it is a useful service for many, it is not suitable for residents whose tolerance in a wheelchair is time-limited, and who need more direct delivery and within a specific time frame.

Although Kimber Cabs have 18 wheelchair accessible cabs, they are presently monopolized by the airport, making same-day requests virtually impossible (since March of this year). With the weather becoming more favourable for "outings" we are even more in need of better service.

We understand that Kimber Cabs will be applying for ten sedan licenses so that wheelchair cabs can be freed for their intended purpose. We would certainly appreciate any support that City Council can give to this, or any other means of improving the situation for people who are handicapped and need our help to enjoy some of the basic things the rest of us do.

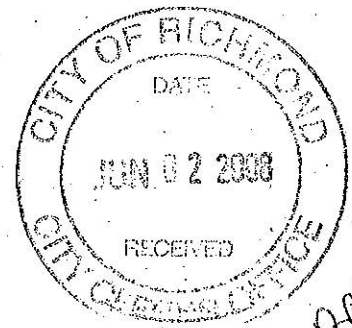
An estimate of the number of people who regularly use such a service, according to the desk clerk on our floor, is 4 or 5 a week or 20 per month for the third floor residents alone (multiplied by 5 for the whole residence is approximately 100 per month.) Then, there are the 8 to 10 other facilities in Richmond, plus handicapped people who live at home, representing quite an area of service indeed.

We thank you for your attention, and trust you will treat this mater with utmost expediency.

Yours truly,


Larry Jackson,
President, 3 West Family Council
Minoru Residence, 6111 Minoru Blvd.
Richmond BC V6Y 1X4

- cc: 1. Kimber Cabs Ltd. (Attention Jessie Gill)
- 2. Passenger Transportation Board
- 3. Richmond Committee on Disability
- 4. Coordinator of Diversity Services
- 5. Nina Brautigans



Handwritten notes: ACCD, 11/2/08

Hikida, Joanne

From: JOHN MIKULEC [jinvbilla@shaw.ca]**Sent:** June 27, 2008 3:20 PM**To:** Hikida, Joanne**Subject:** Re Taxi Service for Richmond.

I am writing to complain about the way the licensing is handled in regards to Kimber Cabs and the Richmond Taxi Cabs. I have had three occasions when I have not been able to get a taxi for my mother as the taxi's are too busy at the airport or with cruise ship passengers. The other day I had to push my mother (who is confined to a wheelchair) for three miles for shopping and appointments. Last month we pushed her over to the Richmond Inn for her 92 birthday meal and it started raining when it came time to return home. We phoned Kimber Cabs who informed us that they could not pick up my mother to return her to Minoru Care Facility as they were not allowed to do pick-ups from the Richmond Inn as this was Richmond Cabs territory. Richmond Cabs could not pick my mom up also as all of their wheelchair cabs were engaged at the airport and it would be a three hour wait. Something is wrong here as I have talked to other people who have parents in nursing homes in Richmond and on many days and on many occasions there is no service available for seniors, some quite severely physically disabled.

There should be no monopolies allowed at different hotels where one company has the only right to do pick-ups and deliveries. I also wonder why the airport and cruise ships should get preference over our seniors who value their outings which in most cases are quite infrequent.

Mr. John Mikulec
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