



City of Richmond

Report to Committee

To: General Purposes Committee
From: Victor Wei, P. Eng.
Director, Transportation
Amarjeet Rattan
Manager, Business Liaison

To General Purposes - Oct 16, 2006
Date: September 25, 2006
File: 12-8060-20-8139

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

Staff Recommendation

1. That Bylaw 8139, which amends Business Licence Bylaw 7360 by deleting the section that limits the maximum number of Class A and Class N taxicabs permitted to be issued a business licence, be forwarded to Council and given first, second and third readings.
2. That per Section 2.1.27.1(a) of Bylaw 7360, every vehicle for hire applicant must continue to submit to the City Licence Inspector evidence of a provincial Passenger Transportation Licence.
3. That staff be directed to review and report back to Council on the licence fees levied for Class A and Class N taxicabs to ensure that the licence fees are collected on a cost-recovery basis.

Victor Wei, P. Eng.
Director, Transportation
(4131)

Amarjeet Rattan
Manager, Business Liaison
(4686)

Att. 7

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ROUTED TO:	CONCURRENCE		CONCURRENCE OF GENERAL MANAGER		
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Staff Report

Origin

In 2005, the City received requests from existing and potential taxicab operators regarding the provision of additional Class A taxicab services in Richmond. The City limits the number of Class A taxicabs that are issued business licences and all of these licences have been issued. Staff prepared a report on this issue that was presented at the August 31, 2005 meeting of the Public Works and Transportation Committee. At that meeting, following discussion of the report, the following referral was carried:

That the report (dated August 15th, 2005, from the Acting Director, Transportation) be referred back to staff to further clarify and report on:

- (a) the comparison of municipalities - maximum number of taxicabs per capita;*
- (b) mechanisms for limiting future licenses to Richmond enterprises; and*
- (c) legal opinion on the restriction of taxicabs and where they work.*

In September 2005, Richmond Taxi applied to the provincial Passenger Transportation Board (PT Board), which regulates taxicab services in the province, for an additional 15 taxi licences. In July 2006, the PT Board granted Richmond Taxi an additional four taxicab licences, two of which must be accessible taxis¹ (see **Attachment 1** for the PT Board's decision). Richmond Taxi is now seeking additional vehicle licences from the City to enable operation of the additional vehicles. In August 2006, Kimber Cabs notified the City that it intends to apply to the PT Board for an additional 10 taxi licences. This report responds to the referral and provides a recommendation with respect to the need to amend the existing regulation of the number of business and vehicle licences issued for additional taxicab operations in the city.

Analysis

1. Licences and Permits Required by Taxicab Operators in Richmond

Taxicab operators must obtain the following licences and permits to operate taxis in Richmond:

- *Provincial Taxi Licence*: issued by the provincial PT Board per the provincial *Passenger Transportation Act* as described in Section 2;
- *City Business and Vehicle Licences*: per the requirements of the City's Business Licence Bylaw No. 7360 and Vehicle for Hire Regulation Bylaw No. 6900, the City issues both a business licence for the operator as well as a vehicle licence for each taxicab operated as described in Section 3; and
- *Chauffeur's Permit*: issued by Richmond RCMP per Section 36 of the provincial *Motor Vehicle Act* and required by the City's Business Licence and Vehicle for Hire Bylaws.

2. Provincial Taxi Licence to Operate a Commercial Passenger Vehicle

Commercial passenger vehicles are licensed and regulated in British Columbia under the *Passenger Transportation Act* (PTA). The PT Board and the Registrar of Passenger Transportation are separate entities with distinct responsibilities under the PTA. The Registrar

¹ An accessible taxi is defined as a vehicle that is specifically designed and manufactured or converted for the purpose of transporting persons who use mobility aids.

accepts applications to operate commercial passenger vehicles. Applications requiring special authorization (e.g., taxi and limousine services) are forwarded to the PT Board for a decision, and if approved by the Board, a licence may be issued by the Registrar. The PTA requires the PT Board to consider applications in light of the following considerations:

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

Applications for a licence require a business plan with financial statements and supporting documentation, including evidence of public need for the service. Potential taxicab operators must meet both economic entry criteria as well as safety requirements. The number of taxis currently licensed in a geographic area is a factor that the PT Board would consider when reviewing an application.

When making its decision with respect to the application by Richmond Taxi to operate additional taxis in Richmond, the PT Board was aware that the City had a limit on the maximum number of taxicabs that can be issued a business licence and that the limit had already been reached. The PT Board advises that the decision of a municipality to amend its bylaws regarding the number of taxicabs licensed within its jurisdiction would not affect the Board's decision-making processes or considerations (see **Attachment 2**). At one time, taxicabs operating exclusively within a municipality were not required to have provincial licensing, which may have been a cause of the oversupply of taxis experienced in Richmond in the late 1950s as discussed in Section 4. However, since 2000, all taxicabs must have provincial licensing.

3. Current City Regulation of Taxi Operators

Section 657(2)(c) of the *Local Government Act* provides municipalities with the authority to regulate the number of vehicles that may be licensed within a class of commercial carrier. As well, the provincial *Passenger Transportation Act*, under which commercial passenger vehicles are licensed and regulated in British Columbia, does not preclude municipal regulation.

The City's Business Licence Bylaw No. 7360 limits the number of vehicles licensed by the City to operate as taxicabs in Richmond as detailed in the table below.

Class of Taxicab	Definition	Maximum # of Vehicles Licensed
A	A vehicle having not less than 4 doors and a seating capacity of not less than 4 and not more than 6 passengers.	73
N	A taxicab of a type and design which is used primarily for transporting a person with disabilities, and which is equipped with a hydraulic lift or ramp, or other equipment for loading or unloading persons who use wheelchairs for mobility.	18

Currently, all of the Class A and N vehicle licences have been issued. Richmond Taxi/Coral Cabs holds all of the Class A vehicle licences and two of the Class N vehicle licences with

Kimber Cabs holding the remaining 16 Class N vehicle licences. The bylaw would need to be amended to allow the operation of more Class A or Class N taxicabs in Richmond from the current number. An additional 416 Class D taxicabs, which operate from the Vancouver International Airport, are licensed by the City. Within Richmond, licensed Class D taxicabs are permitted to pick up passengers at the airport only and drop off only in the city. The City does not limit the number of vehicle licences issued for Class D taxicabs.

The conditions of the provincial taxi licences held by Kimber Cabs specify that all vehicles must be operated as accessible taxis. These conditions do not specify that Kimber Cabs can only transport passengers who use mobility aids although this is a requirement of the Class N vehicle licences issued by the City per Section 7.1 of the Vehicle For Hire Regulation Bylaw No. 6900.

With respect to fees, the City levies an annual office licence fee of \$108 and an annual per vehicle licence fee of \$99, up to a combined annual licence fee maximum of \$3,158 for any vehicle for hire business.

Committee Referral – Part (b): Limiting Business Licences to Richmond Enterprises

The City's Bylaw requires that business licence applicants operating Class A and Class N taxicabs must maintain a vehicle for hire business office in Richmond with the exceptions that the business office may be that of another licensee.

Committee Referral – Part (c): Restriction of Area of Operation of Taxicabs

The conditions of the provincial taxi licences held by Richmond Taxi/Coral Cabs allow the pick up of passengers anywhere in Richmond, including the airport. However, internal policies within the company appear to restrict the operation of 19 of its vehicles to pick up at the airport only. These cabs are therefore not available to provide service to the community as allowed under the conditions of the taxi licence. While the restriction may not comply with the intent of the City's business licence (i.e., to provide service within the entirety of Richmond), it is not inconsistent with the Business Licence Bylaw. The PT Board considered this contractual arrangement in its decision to grant a further four taxi licences to Richmond Taxi. However, while noting that "not all of the applicant's 56 vehicles are being used consistently or regularly effectively to deal with peak business periods," the Board made no specific finding with respect to the arrangements or the rights of the parties involved. The PT Board decision does note that Richmond Taxi states that it "will not sell the new licenses" (e.g., perhaps as restricted airport service taxis), as the new vehicles will be operated as company vehicles.

4. Limits on the Number of Class A and Class N Taxicabs Licensed

The City policy to limit the number of Class A taxicabs was originally adopted in 1958 in response to a taxicab war 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 the number of taxicabs operating was greater than what local demand could support. The present Class A limit was established in 1969 and has remained unchanged since that time.

The last staff report on the need to limit the number of Class A taxicabs was presented to Council in 1986 and was prompted by a request of the GVRD for the City to review the GVRD's recommendations regarding the regulation of taxi operations in the Lower Mainland. One of the GVRD recommendations was that municipalities "consider the need for their current by-laws limiting the number of municipally licensed taxis." At that time, staff recommended that the

City maintain the current bylaw limiting the number of Class A taxis licensed by the City, which was approved by Council.

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. A maximum number of 18 Class N taxicabs licensed by the City was established in the late 1990s.

5. Comparison of Municipalities – Number of Class A Taxicabs Licensed

Committee Referral – Part (a): Taxicabs per Capita across Municipalities

Staff contacted other Lower Mainland municipalities to obtain the number of similar Class A taxicabs each municipality licences to operate within its boundaries. The table below compares all GVRD municipalities with Richmond and calculates the number of taxicabs per 1,000 population assuming that all taxicabs licensed by a municipality are available to operate within that municipality. Note that some taxicab companies may choose to assign a number of their taxicabs to operate solely to/from the airport, which would decrease the number of taxis available to serve the community.

As indicated in the table, only five municipalities impose a maximum limit of business licences issued for Class A type taxi operations. These municipalities generally comprise the most populous in the region.

Municipality	Maximum # of Class A Taxicabs	No. of Taxicab Companies	No. of Class A Taxis Licensed	Taxicabs per 1,000 Population
Delta	No Maximum	8	200	1.95
New Westminster	58	1	58	1.01
Coquitlam	No Maximum	3	117	0.96
Vancouver	1.2 per 1,000 population	4	480	0.82
Port Coquitlam	No Maximum	3	45	0.78
Surrey	282	3	282	0.72
North Shore ¹	No Maximum	2	121	0.68
Burnaby	107	1	107	0.52
White Rock	No Maximum	1	8	0.41
Richmond	73	1	73	0.40
Maple Ridge	No Maximum	1	15	0.20
Langley City	No Maximum	1	2	0.08
Langley Township	No Maximum	3	Not Tracked	-
Regional Average				0.71

¹ Taxicabs serving the North Shore municipalities (City of North Vancouver, District of North Vancouver, West Vancouver) have an inter-municipal licence issued by the District of North Vancouver.

Based on the City's current Business Licence Bylaw regulation of a maximum number of 73 Class A taxicabs, there are approximately 0.40 taxicabs per 1,000 population in Richmond, which is lower than the overall regional average of 0.71, based on the available data. The 1986 staff report on taxi operations recommended establishing a ratio to population to determine the maximum number of taxis to be licensed. A ratio of one taxicab per 1,450 population was suggested, based on the existing 73 Class A taxis and the city's population at that time. This ratio translates to 0.69 taxicabs per 1,000 population, which is essentially the same as the

regional average. An average per 1,000 capita ratio of 0.70 translates to a total of 128 Class A taxicabs (as opposed to the existing 73) based on Richmond's current population.

6. Demand for Additional Taxicab Service in Richmond

Staff have not received any complaints from taxi users regarding a lack of or increased need for Class A taxicab service in Richmond. However, the Richmond Committee on Disability (RCD) has reported an inadequate level of Class N taxicab service (i.e., taxis primarily serving passengers with disabilities), often in the evenings, as described further in Section 8.6. In addition, the interest in establishing new taxicab services in Richmond would indicate a perceived demand adequate to support a viable business. Finally, the Canada Line and the City's acceleration of transit-oriented development in the City Centre, both of which may encourage lower car ownership, plus growing tourism suggests that a higher number of taxicabs available would be beneficial for the community as alternative transportation choices increase.

The PT Board decision also summarizes the submissions from Richmond Taxi to support its application for additional taxis to operate in Richmond and concludes that population growth as well as the statements of support from hoteliers and operators of seniors' residences and/or intermediate care facilities indicate a public need for additional taxicab service in Richmond, both conventional and accessible.

In discussions with staff, Richmond Taxi noted that demand is typically seasonal, with the higher demand periods occurring May through September and during December. In high demand periods, customers may have to wait up to 15 to 20 minutes for a taxi. During the low demand months, the company operates at one-half of its capacity, with drivers working every other day. The company has implemented this policy for the last four years.

Kimber Cabs advises that its number of Class N licences is adequate for existing demand for accessible taxis, but it does receive calls from able-bodied customers who specifically want to use a van. Despite competition from hotel shuttle buses, limousines and public transit, the company believes there is sufficient demand for Class A taxi services to support revisions to its operations to allow the transport of regular passengers as well (see Section 8.3 for further discussion of this scenario).

7. Options regarding Taxicab Operations in Richmond

Option 1: Status Quo

The PT Board has determined that there is a need for increased taxicab service in Richmond and has issued an additional four taxicab licences to Richmond Taxi. While maintaining the status quo would conflict with the ruling of this provincial government agency, the City's business licence limit can be seen as concurrent legislation (i.e., another condition that an applicant must meet) and, given the provisions of the *Local Government Act*, the City is not required to issue additional vehicle licences despite the decision of the PT Board.

Option 2: Increase Maximum Number of Class A and N Taxicab Vehicle Licences to Match PT Board Decision

The City could amend the relevant bylaws to accommodate the recent decision of the PT Board, which would entail raising the maximum number of Class A and Class N vehicle licences issued to 75 and 20, respectively, with these new licences being issued to Richmond Taxi. Should Kimber Cabs be successful in its application for additional provincial taxi licences from the PT Board, the City would need to amend again the relevant bylaws.

Option 3: Increase Maximum Number of Class A and N Taxicab Vehicle Licences to Match per 1,000 Capita Target

As noted in Section 3, the number of Class A taxicabs per 1,000 capita for Richmond appears relatively low compared to other municipalities in the region, which suggests that the maximum number of Class A and Class N taxicab vehicle licences could be increased. The estimated regional per 1,000 capita average is 0.71 while the 1986 staff report suggested a ratio of one taxicab per 1,450 population, which translates to a per 1,000 capita average is 0.69. Using an average of 0.70 per 1,000 capita, a total of 128 taxicabs would be licensed based on Richmond's current population or an increase of 55 taxicabs from the current number of Class A taxis.

To respond to the concerns of the RCD regarding taxi service for the disabled community, the increase in the number of taxi licensed could be proportioned across Class A and Class N taxicabs. Based on the existing proportions, an increase of 55 taxis would translate to 44 more Class A taxis and 11 more Class N taxis. Should the number of Class A and N taxicab vehicle licences be increased, the allocation of these new licences would be on a first-come, first-served basis.

Option 4: Eliminate Maximum Number of Class A and N Taxicab Vehicle Licences Issued (Recommended)

The original impetus to establish a maximum number of Class A taxicabs that would be licensed by the City was apparently prompted by an oversupply of licensed taxicabs operating in the municipality, which may have been due to the lack of a provincial licensing requirement for companies operating within a municipality at that time and/or that economic entry criteria may not have been fully considered at that time by the provincial agency responsible for issuing taxi licences. As of 2000, all taxi operators require provincial licensing and the PTA became effective in June 2004 and specifically created the PT Board, which is responsible for, among other matters, determining whether applications for passenger directed vehicles (i.e., taxicabs) meet an economic test.

As the PT Board has the specific mandate, power, expertise, and resources to regulate taxicab operators in BC and must explicitly consider economic entry criteria, the City's need to impose an upper limit on the number of taxicabs that operate in Richmond is debatable. The PT Board considers all issues and consequences related to the issuance of additional taxi licences within a municipality; thus, additional oversight by the City is redundant and a duplication of effort. Under this option, an applicant would receive a vehicle and business licence provided he/she has received taxi license from the PT Board. The proposed bylaw amendment is shown in **Attachment 3**.

Given that undertaking Option 4 may result in an increased number of business and vehicle licences issued, there is a need to review the current fee structure for taxicab operators in Richmond to ensure that the monies are collected on a cost-recovery basis. Per the Vehicle For Hire Regulation Bylaw No. 6900, staff currently undertake bi-annual inspections of all Class A and N taxicabs with regard to vehicle construction, type and fitness as well as mechanical or electronic equipment used in the vehicles, such as taximeters. Class D taxicabs are not inspected, as these vehicles are inspected by the operator's home municipality, but the business licence fee charged to all three classes of taxicab is the same. Staff therefore recommend that the fee structure be reviewed to ensure that the monies collected adequately cover the City's costs associated with regulating the service.

8. Consultation with Other Municipalities and Stakeholders

8.1 Municipalities

As noted in Section 3, staff contacted various municipalities in the Lower Mainland to determine the number of taxicabs operating in each jurisdiction and solicit feedback regarding how each municipality regulates taxi operations within its jurisdiction. The adjacent table summarizes whether or not a municipality has a maximum limit on the number of business licences issued for taxi operations.

Burnaby is considering the removal of its maximum limit and anticipates that the PT Board will issue additional taxi licences as the 2010 Olympics approach regardless of any municipal business licence limits. The remaining municipalities are not considering any amendments to their existing bylaws. Several municipalities that do not impose a maximum advised that their policy is to issue a business and vehicle licence if a taxi company is successful in obtaining a provincial taxi licence from the PT Board.

Municipality	Maximum?
Burnaby	Yes
Vancouver	Yes
Surrey	Yes
New Westminster	Yes
Langley City	No
Langley Township	No
Coquitlam	No
Port Coquitlam	No
Maple Ridge	No
White Rock	No
West Vancouver	No

8.2 Richmond Taxi

Richmond Taxi supports an increase in the number of vehicle licences issued for Class A and N taxicab services but does not support the elimination of a maximum number to be issued, as the company believes the effect would be detrimental to the taxi industry in Richmond (see **Attachment 4**). The company believes that the increase in the maximum number of Class A and Class N vehicle licenses to match the PT Board allocation (i.e., from 73 to 75 Class A licences and from 18 to 20 Class N licences), is sufficient at this time to meet seasonal peak demand.

As noted above, Richmond Taxi currently has 19 taxis that, per internal company restrictions, operate at the airport only and cannot pick up passengers in Richmond (the "Airport Cabs"). The shareholders with interests in these vehicles have requested that the company structure be changed such that these vehicles can also work in Richmond (see **Attachment 5**). At this time, it is staff's understanding that this internal policy within the company remains effective. The affected shareholders of the 19 taxis have requested the PT Board to reconsider its decision to award four additional taxi licences to Richmond Taxi and instead require Richmond Taxi to

permit the Airport Cabs to operate in Richmond (see **Attachment 6**). Richmond Taxi has indicated to the PT Board that the additional four vehicles would be operated as company cars and the licences would not be sold (i.e., possibly as airport only restricted licences).

8.3 Kimber Cabs

Kimber Cabs also supports an increase in the number of vehicle licences issued for Class A and Class N taxicab services but does not support the elimination of a maximum number to be issued. In September 2005, the company indicated to staff that it would be applying to the PT Board to amend the terms and conditions of its existing taxi licences, which currently specify that its fleet must be specialty vehicles that can transport passengers who use mobility aids, to operate regular vehicles in order to transport all passengers. This scenario would require amendments to City bylaws to convert Kimber Cabs' 16 Class N vehicle licences to Class A vehicle licences and monitoring of its operations would likely be necessary to ensure that service to the disabled community does not decline. In August 2006, Kimber Cabs advised the City that it would be applying to the PT Board for an additional 10 provincial Class A taxi licences.

8.4 BC Taxi Association

The B.C. Taxi Association, which represents the majority of BC's taxi industry (current membership of 140 companies), supports a "reasonable increase" in the current maximum limit of taxicab licensed by the City but does not support the removal of a limit on the number of taxis licensed in Richmond (see **Attachment 7**). The Association cites concern regarding the financial viability of existing companies if the current limit was removed. This opinion appears to assume that the PT Board would approve all applications for additional taxicab service in Richmond after the removal of the limit.

8.5 Potential Taxicab Operators in Richmond

Over the past year, staff have met with individuals interested in establishing new taxicab services in Richmond. Potential features of these services include fleets comprised of solely hybrid vehicles or distinctive vehicles such as London-style black cabs, uniformed drivers, and up-to-date dispatch systems. The individuals expressed concerns that the City's current business licence limit prevents the potential for new taxicab services in the city.

8.6 Richmond Committee on Disability

The RCD is supportive of an increased number of Class N taxicabs serving Richmond as the existing level of service is not satisfactory and further indicated several areas of concern with respect to the existing provision of Class N taxicab service in Richmond:

- existing taxicab companies in Richmond frequently are unable to operate their full complement of accessible taxis (e.g., due to malfunction of tie-down straps), which impacts service availability and reliability;
- provision of service in the evenings (e.g., after 7:00 pm) is not reliable;
- some recently acquired vehicles are not accessible-friendly (e.g., new minivans are not accessible); and

- perception that drivers are reluctant to transport wheelchair users as the service is more time-consuming than for able-bodied passengers.

The RCD further notes that it offers disability awareness training sessions for the taxicab and hotel industries and suggests that all drivers should take this course.

As noted in the PT Board's decision regarding Richmond Taxi's application, the RCD was instrumental in ensuring that a portion of the new taxi licences issued would be for accessible taxis. The revised terms and conditions of Richmond Taxi's licences also specify that a minimum of one accessible taxi must be operated and available for hire 24 hours each day every day of the week.

8.7 Tourism Richmond

Tourism Richmond supports a removal of the upper limit on the number of taxicabs licensed by the City and further suggests that all taxicab operators in Richmond be required to complete the SuperHost for Taxicab Drivers Program, which is a series of workshops developed by Tourism BC originally for Expo 86 that provide customer service training. This program is a module of the TaxiHost Level 1 Program. A bylaw requirement of taxicab operators to complete the TaxiHost Program is the subject of a separate staff report.

Financial Impact

The City may realize increased revenue via the issuance of a higher number of business and vehicle licences for taxicabs.

Conclusion

The City's current maximum of 73 Class A and 18 Class N taxicabs licensed to operate in Richmond has been reached and the City has received requests to increase the number of these vehicles licensed. Upon carrying out a comprehensive review of this issue, staff recommend that Council amend the relevant bylaw to remove the existing limit on the number of vehicles licensed by the City to operate as Class A or Class N taxicabs based on the following rationale:

- Reduce Bureaucracy: the provincial Passenger Transportation Board explicitly considers public need and economic entry criteria when independently assessing and granting applications for provincial taxicab licences;
- Meet Regional Average: the city's per 1,000 capita ratio of taxis to residents is significantly lower than the estimated regional average; and
- Promote Sustainability: the increase in taxicabs would allow greater opportunities for the community to access automobile passenger transport without driving or owning a vehicle, thereby potentially reducing the amount of parking spaces at both trip ends in the long term.

Staff further recommend that the business licence fee structure for taxicab operators be reviewed to ensure that the monies are collected on a cost-recovery basis.



Joan Caravan

Transportation Planner (4035)



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

Application Decision

- Application:** AV1622-05
- Applicant:** Richmond Cabs Ltd.
- Address:** 260 – 11180 Voyageur Way, Richmond BC V6X 3N8
- Principals:** BASSI, Makham JHUTTY, Arminster S.
SANDHU, Gurjant KANG, Gurvinder S.
SOHI, Indermohan S. RANDHAWA, Paramjit S.
WARRIACH, Naveed R.
- Special Authorization:** The applicant has special authorization to operate passenger directed vehicles. This can be viewed in the *PT Board Bulletin* of January 5, 2005 at www.ptboard.bc.ca/ptb/bulletins.htm.
- Summary:** **Addition of Motor Vehicles (PDV)**
(Section 32 of the *Passenger Transportation Act*)
- Proposed addition of motor vehicles to increase the maximum fleet size for passenger directed vehicles from 56 vehicles of which a maximum of 54 may be non-accessible taxis, to 71 vehicles of which a maximum of 69 may be non-accessible.
- Publication:** The application was published in the *PT Board Bulletin* on September 21, 2005.
- Submissions:**
- Yellow Cab Company Ltd.
 - 19 holders of non-voting redeemable non-participating shareholders of Richmond Cabs Ltd. (the "airport cars")
- 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.

Board Determinations: The Board approves 4 additional vehicles for Richmond Cabs Ltd.
Two of the 4 vehicles must be accessible taxis.

Background:

Application AV1622-05

The applicant, Richmond Cabs Ltd. (RCL), currently operates a taxi service based in the City of Richmond. Richmond Cabs has 56 vehicles, 2 of which are accessible taxis. At time of publication of the application in the PT "Bulletin", the applicant was requesting an additional 15 vehicles. If granted, the additional vehicles would be phased in over a 15-month period. The applicant subsequently amended its application to request 7 identifiers and then, at a later date, further specified that of the 7 identifiers, 2 were to be accessible taxis and 5 were to be for conventional taxis, i.e. 5 passenger sedans. The reason for the decrease in identifiers is that RCL thought it more prudent to apply only for the number of additional vehicles it is prepared to place on the street immediately.

Mr. Tobin Robbins, of Heenan Blaikie, represented the applicant.

1. Submissions:

Yellow Cab Company Ltd., a Vancouver based taxi operator, was late by several days in sending its submissions. Yellow Cab expressed concerns that RCL may use additional vehicles to pick up in the City of Vancouver, for which they are not authorized. According to the submitter, this was a matter of discussion with the Registrar's office as there was a pending complaint.

Rule 11 of the Boards Rules of Practice and Procedure gives a Board panel the right to accept a late submission if, in the opinion of the Board, the person's submission is considered necessary to make a determination on the application. I determined that the submission from Yellow Cab might be of relevance in making a decision and accepted the late submission from this company.

Nineteen holders of non-voting redeemable non-participating shareholders of Richmond Cabs Ltd also made a collective submission. The substantive matter of their submissions relates to issues between these shareholders, who operate "airport cars" and the company. These are the only shareholders in the company that appear to have this issue. As this is a unique situation where there is a "subset" of shareholders that are contractually bound to serve the Vancouver International Airport, I take the view that they are represented as one submitter and need only to submit one fee of \$50.

Mr. William H. McLachlan of McLachlan Brown Anderson represents the 19 shareholders of the airport cars.

The applicant was afforded an opportunity to respond to all information from submitters that that Board considered.

2. Company structure

Richmond Taxi Co. Holdings Ltd. is the parent company of the Richmond Taxi Companies. Included in this company are RCL with 54 conventional (sedan) taxis and 2 accessible taxis. Coral Cabs Ltd., with passenger transportation licence 70597, has 19 conventional (sedan) taxis. Both companies use the services of RCL's dispatch system. Thirty-five of the RCL conventional taxis, the 2 RCL accessible taxis and the 19 Coral Cab conventional taxis operate principally as city cars. Nineteen of the RCL taxis are contractually bound, through an internal agreement, to operate as cars stationed at the Vancouver International Airport (YVR).

Under their passenger transportation licences, both RCL and Coral Cabs Ltd. are able to pick up passengers at YVR. The applicant has indicated that YVR permits all of the Coral Cab vehicles and 31 RCL city vehicles to pick up at the airport. This is in addition to the 19 "airport only" vehicles.

3. *Airport only cars*

○ *Historical context*

There was considerable correspondence regarding the 19 airport cars. From this, I find that the 19 shareholders with the "airport only" cars have no participating or voting rights in the company, no equity in the overall value of the taxi operation and are required, by agreement with the Company, to operate the taxi as an "airport taxi carrying on Richmond's business at the Vancouver International Airport". Only in limited circumstances and at the discretion of Richmond Cabs Ltd. dispatch are the 19 airport cabs allowed to service Richmond. This situation, with the 19 airport cars, stems from a 1987 arrangement in which a former owner of Richmond Cabs advertised the sale of "airport taxis". The aim of the sale was to transfer beneficial ownership of the airport taxis together with such rights as would enable the purchasers to continue to operate these taxis as owners. The agreement of purchase included a contract that required the purchaser to sign a dispatch agreement that set out the rights and obligations of the purchaser and the applicant.

At a later date, the terms of these agreements were disputed in Court by the shareholders and both a trial judge and a court of appeal judge upheld the agreements- i.e. the 19 airport cabs had no participatory rights in the company and were not entitled to share dividends.

○ *Issues*

On behalf of the airport only cars, Mr. McLachlan writes that his clients have issues on both the public need aspect of the application and the fitness of the equity shareholders of the company. He states that the pool of 19 taxis in the Richmond fleet can more than serve the public need suggested by the applicant while continuing to serve the airport if they are allowed to move to full dispatching rights. He notes that the Passenger Transportation Licence does not contain restrictions particular to 19 airport cabs. He indicates that neither the City of Richmond nor the Board may have been aware of the airport cabs matter. He also notes that shares in airport cabs have a market value in the \$220K range while shares in full dispatch cabs have a market value in the \$300K range. His comments on fitness relate to information allegedly provided by the company to the City of Richmond and actions of the corporate solicitor with respect to how the additional shares would be made available. He submits that the applicant wishes to secure the 15 requested certificates to sell as restricted airport cabs while the remaining full dispatch cabs can continue to operate in Richmond with no reduction in business.

In a subsequent submission, Mr. McLachlan noted that with the significant reduction in additional vehicles, there is all the more reason to conclude that the airport cabs can provide service for the demand that RCL is suggesting in the City of Richmond. He continues that if the applicant is concerned with serving the increased demand in the City of Richmond, the Dispatch Agreement with the airport cabs already permits that process. A copy of a Dispatch Agreement dated April 2, 2003 between Gurdeep Singh and RCL was enclosed with the subsequent submission. This agreement includes a clause that allows RCL, at their discretion, to dispatch the airport cabs to the City of Richmond at such times when taxi service demand exceeds fleet capability. Mr. McLachlan concludes that the airport cabs stand ready, willing and able to serve the City of Richmond when demand exceeds fleet capability of the city cabs.

The dispatch agreement raised concerns on two components of the three prong test that is in section 28 of the Act and noted above under "Board Considerations". The first concern relates to the applicant's fleet strategy and the impact on public need and the second concern is the care and control of the licence as it relates to fitness of the applicant. I am mindful of Section 6 and 7 of the Board's Regulations that discuss licensees' obligations of care and control of the licence. For these reasons I accepted the further submission with the enclosed dispatch agreement as relevant in making a decision on this application. I did not, however, accept a third submission from the shareholders.

Mr. Robbins wrote that since the mid to late 1980's virtually all suburban cab companies in the Lower Mainland have divided their fleets into distinct city and airport cars. In the case of the applicant, RCL, the division occurred in 1987. He submits that the Board and the former Motor Carrier Commission were well aware of this fact.

Mr. Robbins further submits that his clients believe that they have neither a legal or moral need to re-open the contract with the "airport taxis" and that the Board's role is to determine whether there is a public need, the applicant is fit and the promotion of sound economics in the transportation industry. Mr. Robbins noted that, if granted, the applicant "will not sell the new licenses" as the cars will be operated as company vehicles.

4. Registrar's Investigation

The Registrar of the Passenger Transportation Branch was contacted to undergo an investigation of the application based on a series of questions I had prepared for the applicant, submitter and others, including supporters of the application. When I received the investigation report, I noticed that there were still some outstanding matters and I requested follow up on these matters.

5. Accessible Taxis

During the review of this application, the Richmond Committee on Disability became aware of the application and wrote a letter to the Board expressing concerns of unresolved past promises by the applicant. The Secretary for the group, Frances Clark, asked by letter on March 24, 2006, for an extension of allotted time for submissions.

At this time, the completed investigation report was received by the applicant and due to some supporters not responding to the investigation, the applicant contacted these people. The end result of further communication with these supporters coupled with the strong opinions of the Committee on Disability was that the applicant revised their application to include 2 accessible vehicles and 5 conventional vehicles, instead of 7 conventional vehicles. As well, the applicant included a letter of support from the Committee that refers to an agreement with the applicant on accessible taxi service and vehicles. This letter is dated April 7, 2006.

Reasons:

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

When it submitted its application, the applicant provided a very brief business plan, a community plan indicating the diversified development within Richmond, local population statistics from 1986-2004, a list of Richmond hotels and financial statements for the applicant and associated companies. As well, there is a letter dated May 30, 2005 from Robin Pollard, general manager for the applicant. Mr. Pollard wrote this letter "to verify increased waiting times and increased customer volume" that RCL was experiencing. In this letter, the manager states that overall, the company is experiencing increases in several areas, such as, wait times, customer volumes, flag trips, traffic congestion and customer complaints regarding service levels. Further, wait times of over 25 minutes during the busy periods, i.e., 8:00 a.m. to 10:00 a.m. and 15:00 p.m. to 18:00 p.m. are being experienced every day. Customer calls for taxi service

increased over 10% between 2003 and 2004 and that 2005 appears to be similar. These statements were not substantiated by any records from the company.

When Mr. Robbins assumed this file, he advised the Board of this and noted that there has been a 55% increase in Richmond's population growth from 1986 to 2004 and a dramatic passenger airport traffic that has culminated in the construction of a number of local hotels and the support offered by this group. He discusses 2 other supporters who have noticed a need for more vehicles due to increased need and longer wait times. Mr. Robbins concluded that the need for additional vehicles to service the growing taxi business in Richmond has been clearly established in the support material accompanying the application.

On file are a number of support statements. There are various categories of letters. Eighteen support letters are identical in that the authors give support for the applicant and state that they would benefit by having an increased amount of available taxis. Sixteen other support statements are from various organizations, such as local hotels, aviation businesses and intermediate care societies. These are more informative. The authors are current RCL users and comments, on the whole, are very favorable about the applicant's level of service. There is no indication of frustration over lengthy wait times or client dissatisfaction. The majority of this group supports the applicant's endeavour in requesting additional vehicles to offer even better service and more taxis.

I give little weight to the above 34 support letters in proving need for additional vehicles. I find that, on the whole, the authors of these support letters are generally pleased with the applicant's level of service and appear not to have any outstanding complaints regarding current service.

From the remaining support statements, I asked for a small sampling of support authors to be contacted by the Branch for verification and further comments on the application. Several of the people did not respond to the Branch's investigation. Once the applicant had a chance to review the results of the investigation report, it contacted these supporters and provided follow-up letters from the supporters to the Board on April 7th, 2006. After completion of the investigation, it is customary for the applicant to have an opportunity to respond to the report.

Three of the authors work with residents of seniors' residences and/or intermediate care facilities. All three clearly write of a need for more taxis, especially wheelchair accessible vehicles. These statements of support coupled with the strong opinions from the Richmond Committee on Disability alerted RCL to the pressing need for wheelchair accessible vehicles and the applicant subsequently revised its application to include 2 accessible taxis and indicated that it is prepared to provide accessible service on a "24/7 basis". I accept that there is a need for additional accessible taxis to service the people in Richmond.

The remaining contacted support authors unanimously support the application for additional vehicles for an enhanced local service within the City and not better service to the airport.

These people are users of the applicant's current service and generally are from the local hotel industry. Several comment on concerns regarding pick up times and wait times. Mr. Duff, from the River Rock Casino, explained that he has concerns of wait times of 10-15 minutes on busy times, such as, Fridays and Saturdays. He said that his organization gives full support for the extra cab service if it can provide better service to the casino and its clients. Ms. Mann, of the Hilton Airport Hotel, supports the application for its clients to receive better service as wait times currently are 20-25 minutes. Ms. Donici, from Hampton Inn, said that wait times are currently 5 to 20 minutes and they support the application for better service for the hotel.

The applicant has not had a fleet increase over the last 20 years, in which time the community has experienced a dramatic increase in population and hotel growth.

I accept the support given by the contacted support writers as well as population growth as indicating a public need for some additional vehicles to provide service within the City of Richmond. However, what

is not clear to me or, has been explained sufficiently by the applicant, is how the applicant determined that it required 5 additional conventional vehicles to meet this need.

Documented information that relates to the fleet's working activity over periods of time, such as, wait times, ridership numbers, and cancelled trips, should be provided with an explanation at how all of this translates into the requested number of vehicles. The information should be clearly defined, presented and substantiated.

As part of the investigation, RCL was asked to explain the request for the seven additional vehicles. I asked for documentation to substantiate Mr. Pollard's statements in his May 30, 2005 letter.

Mr. Robbins wrote on March 21, 2006, that, with regard to the additional vehicles, his client's reasoning was the same as stated in his November 9, 2005 letter to the Board. He wrote that upon reflection, his client concluded it would be more prudent to apply only for the number of additional vehicles it would be prepared to put on the street immediately.

I do not find that this is a satisfactory answer explaining how the applicant arrived at 7 identifiers. There needs to be some logical reasoning at how the applicant arrived at this number which must meet the demands of Section 28(1).

In the March 21, 2006 response to my question regarding Mr. Pollard's May 30, 2005 letter, RCL provided a computer print out showing the total number of trips dispatched by the company's dispatch system between May 2003 and December 2005. These numbers include the related company Coral Cabs trips. The applicant stated that it would be difficult to ascertain just the applicant's trip numbers. It would have been more helpful if the applicant could have provided data that pertained to its fleet only. However, the numbers do indicate overall growth in the taxi business.

The applicant provided computer-generated messages indicating cab shortage problems for June, July, and August 2003, June/July 2004, and March and December 2005.

It appears that there were taxi cab shortages during these months. In review, one can see that some clients are having to wait in local zones, some clients are having to phone back for service, a few clients are having to wait unusually long times, such as 45 minutes, and that there can be shortages during times, particularly during peak hours as discussed by the general manager. However, by looking at these shortages, it is not possible to know the duration of the majority of waits, such as, 5, 15 or 20 minutes. Only excessively long waits are tagged. As well, I note that wait times appear not to be every day as indicated by Mr. Pollard.

I appreciate that the applicant presented this information; however, it would have benefited the applicant if they had taken the one step further in analyzing this information by breaking down the wait times into actual lengths of times. Averages of wait times then could have been submitted as well. This is important information that must be provided to substantiate the claims of the applicant that wait times of 25 minutes are being experienced every day during busy, peak times. This information then could have been utilized with other documentation to help analyze the numbers of vehicles needed.

Counsel for the applicant argues that the company has no moral or legal obligation to re-open negotiations on the contract and that for many years, all suburban taxi companies in the Lower Mainland have separated their fleets into distinct city and airport fleets. Mr. Robbins continues that the Board's only obligation is to consider public need, applicant fitness and sound economic conditions.

Mr. Robbins is correct when he states what is required of the Board in making a decision on this application. The Board has no wish to interfere in contractual arrangements. However, the applicant's utilization of its fleet has a bearing on the Board's consideration of public need for the additional vehicles.

In this case, the applicant's Passenger Transportation Licence states that RCL is authorized to operate 56 vehicles and it is the Board's role to determine how the 56 vehicles are being utilized by the applicant for serving the public and how this relates to public need for additional vehicles.

I asked RCL to explain its fleet strategy on serving the public of Richmond. Further, since the applicant is stating there is an increased need for more vehicles, it was important to know if the applicant is using its entire fleet of 56 vehicles to help out in times of excessive demand. I therefore asked the applicant and submitters for more information on the use of airport cars, specifically on the frequency with which they were dispatched to assist with service to the City of Richmond.

The applicant replied that the 19 airport vehicles are regularly called to assist with pick-up of fares in the City. The applicant provided dispatch sheets that demonstrate the 19 airport cars were called approximately 10 times over a three year period with only 1 airport car responding. The applicant also stated that peak taxi demand times on weekdays overlap in both the City and at the airport.

Mr. McLachlan, on behalf of the submitters, responded on May 29, 2006 and June 16, 2006 in regards to the dispatched calls to his clients. The thrust of Mr. McLachlan's argument is that over the past three years his clients have been rarely dispatched for city trips and categorically deny that they were unable or did not respond. He further describes his clients' view of how RCL dispatches the airport cars and how different scenarios can be painted. Mr. McLachlan goes on to write that the problem with the dispatch agreement is one of economics as there is no increased fee for the 19 airport cars when they are dispatched for city work under section 7(c).

I find that the applicant's own evidence indicates that airport cars are not used on a regular basis to supplement city calls. In fact, I find this use rather sporadic. I do not find approximately 10 dispatched calls over a 3 year period to the 19 airport cars for city trips a regular pattern of assistance.

The applicant has decided to manage its utilization of vehicles in a particular fashion. That is the decision of the company, not the Board's. Mr. Robbins had stated that approximately 20 years ago, all suburban fleets separated their vehicles into city and airport services. I accept that other Lower Mainland companies have airport specific cars. I think in this situation, however, the existence of a contract for the airport cars and the difference in shareholder status is unique. At least, the applicant did not identify other companies with a similar arrangement.

The question that the Board must ask itself is the entire fleet being used to service the public of Richmond and is there a need for 7 additional vehicles.

I find that the applicant has demonstrated that there is a public need for two accessible vehicles.

I do not find that the applicant has explained or demonstrated that there is a public need for 5 additional conventional vehicles. Dispatched calls demonstrate that there is some public demand for service, especially at specific hours but this demand does not occur consistently as outlined by RCL, nor did RCL explain all of the details contained in its report sufficiently. The applicant did not give a satisfactory reason for seeking 7 additional vehicles. I find that not all of the applicant's 56 vehicles are being used consistently or regularly effectively to deal with peak business periods. Other than noting that there is a long-standing contractual arrangement in place, I make no finding on any aspect of the contractual arrangements or the rights of each party.

The applicant has proven that there is public need for two additional conventional vehicles. I find support for two conventional vehicles from the local growth in population and the hotel industry, coupled with support from hotel representatives for service in the City. As well, I take into account that the applicant has not had a fleet increase during the last 20 years that has seen major increases in population and hotel construction. Dispatched calls sheets indicate that there are some cab shortages, especially at peak times.

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

The applicant has been providing taxi service in the City of Richmond and Vancouver International Airport for over 40 years. Support authors who are current users of the applicant's services attest to the quality of service provided by the applicant. On file is a letter from the Vancouver International Airport Authority which points out the applicant's provision of safe and reliable transportation. There are very few complaints or appearance of frustration with the type of service undertaken by RCL.

I specifically asked the Passenger Transportation Branch about any pending complaints concerning the applicant and was informed that the Branch did not have on file any complaints against the applicant in 2005 or 2006.

The company's financial statements indicate that the company has an understanding of the taxi business and it is a viable operation.

One of the questions I had for the applicant revolved around the care and control of the licence, especially in regards to the 19 airport cars. The applicant provided a lengthy answer as to how care and control is maintained for the airport cars and drivers.

I find that the applicant is a fit and proper person to provide service and is capable of providing service for which it applied.

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

There are two other licensed taxi operators in Richmond. One is corporately related to RCL and, in fact, its 19 cars are dispatched by RCL. The other licensee operates accessible vehicles only. The applicant has provided documentation to show an increase in population as well as an increase in hotels over the last twenty years. The fleet size of the Richmond companies has been relatively stable over the last few years. Therefore, the marketplace should have the capacity to absorb the introduction of additional vehicles. Moreover, the applicant's immediate competitor did not make a submission to this application. For these reasons I find the granting of 4 additional vehicles will promote sound economic conditions in the transportation industry in B.C.

Activation:

A Passenger Transportation Licence must be issued by the Registrar of Passenger Transportation under section 29 or renewed under section 34 of the Passenger Transportation Act before the special authorization approved in this decision may be exercised.

Special Authorization: Passenger Directed Vehicle (PDV)

Terms & Conditions:

Maximum Fleet Size: 60 vehicles of which a maximum of 56 may be non-accessible taxis.

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.

Vehicle Capacity: Vehicles can accommodate a driver and not more than 5 passengers.

-
- Express authorizations:
- (i) Vehicles must 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 areas only, pick up passengers who hail or flag the motor vehicle from the street.

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

Originating Area: Transportation of passengers may originate from any point in the City of Richmond, including the Vancouver International Airport.

Destination Area: Transportation of passengers may terminate at any point in British Columbia.

Return Trips: The same passengers may be returned from where their trip terminates in the *destination area* to the City of Richmond, excluding the Vancouver International Airport, if the return trip is arranged by the time the originating trip terminates.

Reverse Trips: Transportation of passengers may originate in the *destination area* if the transportation terminates in the City of Richmond, excluding the Vancouver International Airport, and the cost of the trip is billed to an active account held by the licence holder that was established before the trip was arranged.

Service Limitation: A minimum of 1 accessible taxi must be operated and available for hire 24 hours each day every day of the week.

Service 2: *The following terms and conditions apply to Service 2:*

Originating Area: Transportation of passengers may originate from any point in the City of Richmond including the Vancouver International Airport.

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

Taxi Camera Equipment: A digital taxi camera must, no later than February 28, 2005, be installed and operated in each of the licence holder's vehicles in accordance with applicable rules and orders of the Passenger Transportation Board.

Board Panel Chair: Ranjiet Bhimji

Determination Date: July 18, 2006



TRANSPORTATION BOARD 202-340 BLANSHARD STREET • PO BOX 9850 STN PROV GOVT • VICTORIA BC V8W 9T5

October 24, 2005

Victor Wei, P. Eng.
Acting Director, Transportation
City of Richmond
6911 No. 3 Road
Richmond, BC V6Y 2C1

Via Facsimile: (604) 276-4052

Dear Victor Wei:

I am writing regarding your letter of September 14, 2005 addressed to Dennis Day, Chair, Passenger Transportation Board. I apologize for the delay in responding.

I understand that the City of Richmond is reviewing its by-law regarding taxicabs and the maximum number that may operate in the City. The City is considering removing the maximum limit on the number of taxi cabs and is seeking comment from the Board.

I will provide you with a brief overview Passenger Transportation Act, the mandate of the Passenger Transportation Board and its processes and procedures. I will also discuss the issue of wheelchair accessible vehicles.

The Passenger Transportation Act

The Passenger Transportation Act creates a regulatory structure for licensing commercial passenger carriers. The Act identifies three types of commercial passenger vehicles: general passenger vehicles, inter-city buses and passenger directed vehicles (e.g. taxis and limousines).

General passenger vehicles include large charter buses, tour buses and sightseeing buses. Operators of these vehicles must obtain a licence with a general authorization. Licensing is based on safety considerations. Applicants do not have to prove public need. General passenger vehicle applications are reviewed by the Registrar of Passenger Transportation.

Under a general authorization, operators may carry on business anywhere in the province, charge whatever rates they choose and use as many vehicles as they choose. Licensees operating under a general authorization may not operate as taxis or inter-city buses.

Persons wishing to operate as inter-city buses or passenger directed vehicles must have a licence with a special authorization. These types of applications are approved by the Passenger Transportation Board before any licence is issued by the Registrar of Passenger Transportation.

Role of the Registrar and the Board

The Registrar, Passenger Transportation Branch accepts all applications, verifies safety requirements and issues licences. The Registrar also initiates enforcement and compliance actions, such as issuing Violation Tickets for offences established by the Act, as well as levying other sanctions, including licence suspensions & cancellations consistent with the Registrar's Administrative Penalties Framework.

The Passenger Transportation Board determines whether applications for inter-city buses or passenger directed vehicles should be approved for licensing. The Board also adjudicates appeals from penalties imposed by the Registrar. The Board does not initiate monitoring or compliance measures. These are within the purview of the Registrar as described above.

Mandate of the Passenger Transportation Board

The Board reviews applications for special authorizations, including applications to operate taxis. Types of applications include new applications, amendment of licences and addition of motor vehicles.

When reviewing applications, the Board is required by the Passenger Transportation Act to consider whether:

- there is a public need for the services for which the applicant has applied,
- the applicant is a fit and proper person to provide that service and is capable of providing that service, and
- granting of the application would promote sound economic conditions in the passenger transportation business in BC.

If the Board approves an application, it generally imposes terms and conditions on the licence. For taxis, the Board attaches terms and conditions pertaining to the area of operation (originating and destination areas) and maximum fleet size. Originating areas may be stated in a variety of ways. For example, some licensees may originate in a single municipality, such as the City of Richmond. Some may originate in a municipality and a certain number of kilometers (e.g. City of Y and 14 kilometers from the boundary of the City of Y) and some may originate in more than one municipality.

Taxi operators cannot exceed the maximum fleet size specified by the Board. To increase its maximum fleet size, taxi operators must make an application to the Registrar and the application must be approved by the Board. As well, the Board may reduce fleet sizes if a licensee has "consistently failed to operate the full number of vehicles authorized" by the license.

The Board approves or sets taxi rates as well as rules governing rates.

Board Processes and Procedures

Unless the Board processes an application on the basis of "urgent public need", the Board publishes notice of applications in its "Bulletin" and accepts submissions for 15 days. A submission must be accompanied by a \$50 fee. The Bulletin is posted every Wednesday on the Board's website at: <http://www.ptboard.bc.ca>

After the notice and submission period, the Board may:

- make an immediate decision,
- conduct an investigation or direct the Registrar to conduct an investigation, or
- convene and conduct a hearing.

If the Board approves an application, the Registrar issues the licence, with any terms and conditions imposed by the Board, once he has verified that safety requirements have been fulfilled.

The Board considers each application individually. It bases its decision on the information filed by the applicant as well as information provided by submitters and any investigations conducted. The number of taxis currently licensed in a geographic area is a factor that the Board would consider.

To provide you with a concrete example of the Board's approach to additional taxicabs, I have attached three decisions of the Board, including one granting Kimber Cabs Ltd. 4 additional vehicles in December 2004.

I am also attaching a recent application from Richmond Taxi Cabs Ltd. to increase its maximum fleet size from 56 vehicles to 71 vehicles.

I have attached the licences for Richmond Cabs Ltd., Coral Cabs Ltd. and Kimber Cabs Ltd.

As you can see, under its Passenger Transportation Licence, all vehicles of Kimber Cabs Ltd. must be "accessible taxis" as defined in the Motor Vehicle Act Regulations. To change this requirement, Kimber Cabs would need to make application to amend its licence.


In summary, under the Passenger Transportation Act, the economic regulation of taxicabs is continued. The Passenger Transportation Board must approve any applications for a taxi company to increase its maximum fleet size. In reviewing applications, the Board must consider whether there is a public need for the additional vehicles and the effect of the application on the transportation industry as well as the fitness of the applicant.

A decision of a municipality to change its by-law will not affect the Board's decision making processes or considerations. Some years ago, taxicabs operating exclusively within a municipality were not required to have provincial licensing. Therefore, if a municipality did not place limits on the number of taxi licences, over-supply could have been an issue. However, since 2000, all taxicabs must have provincial licensing and this is continued under the *Passenger Transportation Act*.

I hope this assists the City of Richmond in its by-law deliberations. Please contact me if you have any further questions.

Yours sincerely,



 Jan Broocke
Director and Secretary
to the Board

Attachments

pc: Dennis J. Day
Chair
Passenger Transportation Board

Tom Greene
Registrar and Director
Passenger Transportation Branch

Application Decision

Application:	AV2128-04
Type of Application:	Amendment of Licence <i>(Section 31 of the Passenger Transportation Act)</i>
Summary of Application:	Expand taxi <i>fleet size</i> from 6 to 11 vehicles to originate from any point in the City of Langley, the Township of Langley and the City of Abbotsford
Publication of Application:	Published in the <i>PT Bulletin</i> on November 17, 2004
Applicant:	Aldergrove-Langley Taxi Ltd.
Address:	207 – 31265 Wheel Avenue, Abbotsford BC V2T 6H1
Principals:	JOHAL, Amarjit JOHAL, Narinder
Current Authorization:	Motor Carrier Licence 58759
Submissions Considered:	Central Valley Taxi Ltd.
Board Determination:	Approval of this application for special authorization is granted in part.
Reasons:	<p><i>I. Is there a public need for the service that the applicant proposes to provide under special authorization?</i></p> <p>The applicant is seeking to expand its current fleet size of 6 vehicles to 11 vehicles. Four of the six vehicles are accessible vehicles. Area of origination is from any point in the City of Langley, the Township of Langley and the City of Abbotsford.</p> <p>To demonstrate public need, the applicant has supplied a business plan, various schedules which include population projections, labour employment statistics, distance calculations, and building permit values. Ninety-seven support statements from the public are attached.</p> <p>Upon reading all of the information on file, I requested clarification on numerous issues. The applicant submitted answers to all of the questions. Further, the applicant supplied 47 more support statements from the public. The prime focus of these support statements list wait times during peak and non-peak times. The applicant also supplied notarized letters from 4 dispatch personnel. These focus on unreasonable response time.</p> <p>I find the business plan comprehensive in explaining the operations and needs of the company. From the business plan, I note that the applicant discusses the areas east of the City and Township of Langley as the areas in dire need of additional sedan service. Further questions that arose from the business plan were answered in detail and I am prepared to give weight to these explanations. I accept the statistical information as</p>

proving growth and future growth in the applicant's originating area. Of the ninety-seven support statements, approximately two thirds do not have any complaints or concerns about current transportation services. Of the remaining one third, complaints about wait times and slow service appear to be the major concern. The additional 47 support statements list average wait times during peak hours between 35 to 50 minutes whereas non-peak times average between 15 to 20 minutes. All of the support statements are from businesses or individuals. All of the support statements are from the City or township of Langley. Not one support author is from Abbotsford. I find the support statements demonstrate some need for additional service, primarily at peak times, and from the City and Township of Langley.

The applicant has proven need for some additional vehicles.

The applicant is requesting 5 additional vehicles. However, the applicant has not demonstrated a need for all of the vehicles requested. All of the information provided by the applicant points to need required at peak times, to cover out of service time, and reduce lengthy deadhead time due to the large geographical area.

Central Valley Taxi, the submitter, states that the Abbotsford/Langley area is adequately served by 3 existing companies. I have found that Langley is not adequately served.

Based on all of the information on file, I am prepared to grant 2 vehicles. This should enable the company to enhance its service in the Langley area.

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

The current directors and the company have been in the taxi service for a number of years. The business plan is comprehensive and shows that the applicants have knowledge of providing service. The applicant is a fit and experienced transportation provider capable of providing taxi service.

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

Central Valley Taxi, the submitter, states that diluting the available customer base in the Central Fraser Valley with additional vehicles will put an additional economic burden on the existing taxi operators.

I would agree that an additional 5 vehicles in this area is not warranted. I find that the applicant has established a need for additional vehicles, primarily to serve the Langley area.

I find that the granting of this application in part should promote sound economic conditions in the passenger transportation business in B.C.

Approval of an Amendment of a Licence with Special Authorization

A Passenger Transportation Licence must be issued by the Registrar of Passenger Transportation under section 29 or renewed under section 34 of the Passenger Transportation Act before the special authorization may be exercised.

Activation:

A. Terms & Conditions: The terms and conditions set out below apply to any Passenger Transportation Licence that is issued to the applicant by the Registrar of Passenger Transportation.

Vehicle Type: Passenger directed vehicle

Maximum Fleet Size: 8 vehicles of which a maximum of 4 may be non-accessible taxis.

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.

Vehicle Capacity: Vehicles can accommodate a driver and not more than 5 passengers.

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 vehicles may, from within the originating area only, pick up passengers who hail or flag the motor vehicle from the street.

Services:

Originating Area: Transportation of passengers may originate from any point in the City of Langley, the Township of Langley and the City of Abbotsford.

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

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

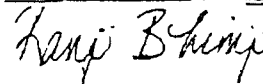
Reverse Trips: Transportation of passengers may originate in the *destination area* if the transportation terminates in the *originating area* and the cost of the trip is billed to an active account held by the licence holder that was established before the trip was arranged.

B. Rates: Rates remain as approved by the Board on November 8, 2004 pursuant to decision 1661-04

Board Panel Chair:

Ranjiet Bhimji

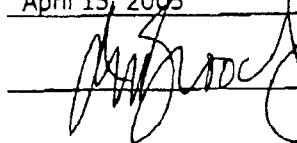
Signature of Panel Chair:



Determination Date:

April 15, 2005

Entered by Director and Secretary to the Board:



Part 1: Applications Received

Applications in which special authorization is sought are published in Part 1 of the *PT Board Bulletin*. To see a more detailed summary of the application, click on the application number.

Application	Applicant	Brief Summary of Application	Deadline for Submissions
<u>1504-05</u>	COWDERY, Kenneth Brent Victoria BC (transferor)	Transfer of Licence (PDV) Proposed transfer of passenger transportation licence 70508 from Kenneth Brent COWDERY to Joginder Singh GILL	October 6, 2005
<u>1505-05</u>	GILL, Joginder Singh Victoria BC (transferee) dba Bluebird Taxi		
<u>1502-05</u>	GHORANI, Saeid Victoria BC (transferor) dba Bluebird Taxi	Transfer of Licence (PDV) Proposed transfer of passenger transportation licence 70502 from Saeid GHORANI to Gurbhupinder Singh BHELA	October 6, 2005
<u>1503-05</u>	BHELA, Gurbhupinder S. Victoria BC (transferee)	70542	
<u>1507-05</u>	Allstar Taxi Inc. Victoria BC (transferor) dba Victoria Taxi	Transfer of Licence (PDV) Proposed transfer of passenger transportation licence 70411 from Allstar Taxi Inc. to Action Taxi Ltd.	October 6, 2005
<u>1506-05</u>	Action Taxi Ltd. Victoria BC (transferee) dba Victoria Taxi		
<u>AV1522-05</u>	Richmond Cabs Ltd. Richmond BC	Addition of Motor Vehicles (PDV) Proposed addition of motor vehicles to increase the maximum fleet size for passenger directed vehicles from 56 vehicles of which a maximum of 54 may be non-accessible taxis, to 71 vehicles of which a maximum of 69 may be non-accessible.	October 6, 2005

Submissions:

Any person may make a submission on an application to the Passenger Transportation Board. Submissions should relate to the following matters that the Board must consider (see section 28 of the Passenger Transportation Act):

- (a) whether there is a public need for the service the applicant proposes to provide under any special authorization;
- (b) whether the applicant is a fit and proper person to provide that service and is capable of providing that service; and

Application Summary For Publication

Application: AV1622-05

Applicant: Richmond Cabs Ltd.

Address: 260 – 11180 Voyageur Way, Richmond BC V6X 3N8

Principals: BASSI, Makham JHUTTY, Arminder S.
SANDHU, Gurjant KANG, Gurvinder S.
SOHI, Indermohan S. RANDHAWA, Paramjit S.
WARRIACH, Naveed R.

Special Authorization: The applicant has special authorization to operate passenger directed vehicles. This can be viewed in the *PT Board Bulletin* of January 5, 2005 at www.ptboard.bc.ca/ptb/bulletins.htm.

Summary: **Addition of Motor Vehicles (PDV)**
(Section 32 of the Passenger Transportation Act)

- Proposed addition of motor vehicles to increase the maximum fleet size for passenger directed vehicles from 56 vehicles of which a maximum of 54 may be non-accessible taxis, to 71 vehicles of which a maximum of 69 may be non-accessible.

Special Authorization Sought: **Passenger Directed Vehicle (PDV)**

The terms and conditions proposed below are in addition to the terms and conditions that were previously approved by the Board.

Proposed Terms & Conditions:

Vehicles:

Maximum Fleet Size: 71 vehicles of which a maximum of 69 may be non-accessible.

Vehicle Capacity: A driver and not more than 5 passengers.

Express Authorizations:

- Vehicles may be equipped with a meter that calculates fares on a time and distance basis.
- Vehicles may be equipped with a top light.
- 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.

Publication of Application: September 21, 2005

Deadline for Submissions: October 6, 2005

Application Decision

Application:

AV 2076-04

Type of Application:

Amendment of Licence
(Section 31 of the Passenger Transportation Act)

Summary of Application:

This is an application to expand taxi fleet size from 49 to 54 vehicles. White Rock South Surrey Taxi Ltd. serves the areas of White Rock, Langley and a portion of Surrey as well as the Vancouver International Airport.

Publication of Application:

Published in the *PT Bulletin* on November 24, 2004.

Applicant:

White Rock South Surrey Taxi Ltd.

Trade Names:

Pacific Cabs

Address:

3 - 17921 55th Avenue, Surrey BC V3S 6C4

Principals:

DHALIWAL, Harchand Singh	RANDHAWA, Gurmeet
JOHAL, Hakam	RANDHAWA, Jasmail
ADAR, Mangat	SIDHU, Akkattar
MANN, Surinder	

Current Authorization:

Passenger Transportation Licence 70404

Submissions Considered:

- Central Valley Taxi Ltd
- Aldergrove-Taxi Ltd.

Board Determination:

Approval of this application for special authorization is refused.

Reasons:

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

The applicant has been in the taxi transportation business for nearly three decades. The applicant serves White Rock, Surrey and Langley. It is a fleet that consists of 49 vehicles. The present core group of shareholders has operated the company since 1990.

In January 2004, the company was authorized to increase its pick up service at YVR by 5 cars, bring the total from this company to 22. Further, on file, there is a Canada Post contract, effective February 2004. Both contracts are time limited.

According to the applicant's business plan, the purpose of this application is to add 5 additional non-airport vehicles to provide a continuing level of community service to the rapidly growing population of the licensed area. On file is a letter dated December 16, 2004 from the applicant's counsel, which summarizes that the level of service is suffering in Langley and White Rock, even with the return of the airport cars. Further, 2 of the airport designated cars did not complete their minimum quota for airport trips for one month. The letter concludes that it is the increased level of business driving this application, not the diversion of vehicles to YVR.

The applicant has provided a business plan, financial statements, and statistical information on municipal matters, such as, housing starts and population growth.

The applicant has provided 17 statements of support, all from users of the company's services. Many of the authors comment on the good service provided by the applicant which range from convenient, quick, and timely. Only one author writes that they support the applicants' request for additional vehicles, even though he comments on the "good on time service" of the applicant.

For clarification, I requested the applicant provide any documentation to indicate that the level of service was suffering in Langley and White Rock. As well, any 3 month snapshot within 2004 to indicate increased level of service in Langley and White Rock.

The applicant did not present any material indicating that service was suffering, but did provide a tally of trip summaries for the last 4 months of 2004 and the first 3 months of 2005. The 2005 figure is considerably higher.

I find the business plan succinct, financial statements realistic and accept the statistical information in regards to local population growth.

I find that the support statements contradict the applicant's argument that the level of service has suffered. Instead, the statements compliment the applicant on timely service. I give no weight to the support statements in demonstrating public need for additional vehicles. As well, the applicant was unable to provide further documentation to support the argument that its service was suffering.

Although the trip summary numbers do point to increased trips, it is difficult for me to gauge if the increased trips are within White Rock and Langley, or if the total includes the YVR trips and/or post office trips. The letters that accompanied the dispatched trips by method report dated April 4 and 5, 2005 did not contain any explanation of where the trips originate.

As I am unsure where the trips originate, I am unable to make a finding that the increased trip counts are indicative of public need, especially in White Rock or Langley. This is an important component because the applicant has stated that it is the level of increased business within the local community that is the driving force of this application and not the diversion of vehicles to YVR.

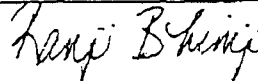
Based on the information before me, I find that a public need has not been demonstrated.

As the applicant has not demonstrated that there is a public need for the additional vehicles, I will not consider applicant fitness nor the effect of the application on the transportation industry in the Province.

Board Panel Chair:

Ranjiet Bhimji

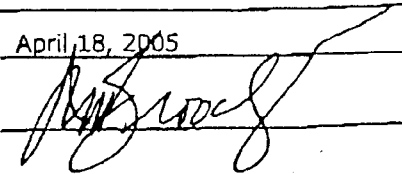
Signature of Panel Chair:



Determination Date:

April 18, 2005

Entered by Director and Secretary to the Board:





PASSENGER TRANSPORTATION BRANCH
MINISTRY OF TRANSPORTATION

LICENCE

Passenger Transportation Licence

PASSENGER TRANSPORTATION ACT
MOTOR VEHICLE TRANSPORT ACT, 1987 (CANADA)

Licence Holder: **CORAL CABS LTD.**
RICHMOND BC

Licence Number: **70363**

Trade Name(s): **N/A**

Licence Expires: **FEBRUARY 15, 2006**

NOTICE TO LICENCE HOLDER

1. The Licence Holder is authorized to provide service only as outlined below.
2. A copy of this document must be carried on the vehicle and be available at all times for inspection.
3. This licence cancels all previous licences.

TERMS AND CONDITIONS OF LICENCE

Vehicle Type: **Passenger directed vehicle**

Maximum Fleet Size: **19 vehicles**

Vehicle Capacity: **Vehicles can accommodate a driver and not more than 5 passengers.**

- 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 areas only, pick up passengers who hail or flag the motor vehicle from the street.

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COL/703/70363
/mcy

Issued at Burnaby, British Columbia

Registrar, Passenger Transportation Branch

Date: **February 16, 2005**

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PAGE . 12

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

- Originating Area:** Transportation of passengers may originate from any point in the City of Richmond or at the Vancouver International Airport.
- Destination Area:** Transportation of passengers may terminate at any point in British Columbia.
- Return Trips:** The same passengers may be returned from where their trip terminates in the *destination area* to any point in Richmond, excluding the Vancouver International Airport, if the return trip is arranged by the time the originating trip terminates.
- Reverse Trips:** Transportation of passengers may originate in the *destination area* if the transportation terminates at any point in Richmond, excluding the Vancouver International Airport, and the cost of the trip is billed to an active account held by the licence holder that was established before the trip was arranged.

Service 2: *The following terms and conditions apply to Service 2:*

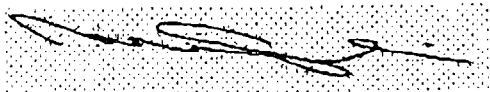
- Originating Area:** Transportation of passengers may originate from any point in the City of Richmond, including the Vancouver International Airport.
- Destination Area:** Transportation of passengers may terminate at any point beyond the British Columbia/United States border when engaged in an extra-provincial undertaking.

Taxi Camera Equipment:

A digital taxi camera must, no later than February 28, 2005, be installed and operated in each of the licence holder's vehicles in accordance with applicable rules and orders of the Passenger Transportation Board.

COL/703/70363
/mcy

Issued at Burnaby, British Columbia



Registrar, Passenger Transportation Branch

Date: February 16, 2005



PASSENGER TRANSPORTATION BRANCH
MINISTRY OF TRANSPORTATION

LICENCE

Passenger Transportation Licence

PASSENGER TRANSPORTATION ACT
MOTOR VEHICLE TRANSPORT ACT, 1987 (CANADA)

Licence Holder: RICHMOND CABS LTD.

Licence Number: 70391

RICHMOND BC

Trade Name(s): RICHMOND CABS

Licence Expires: FEBRUARY 21, 2006

NOTICE TO LICENCE HOLDER

1. The Licence Holder is authorized to provide service only as outlined below.
2. A copy of this document must be carried on the vehicle and be available at all times for inspection.
3. This licence cancels all previous licences.

TERMS AND CONDITIONS OF LICENCE

Vehicle Type: Passenger directed vehicle

Maximum Fleet Size: 56 vehicles of which a maximum of 54 may be non-accessible taxis.

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.

Continued on page 2
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/mcy

Issued at Burnaby, British Columbia

Registrar, Passenger Transportation Branch

Vehicle Capacity: Vehicles can accommodate a driver and not more than 5 passengers.

- Express authorizations:
- (i) Vehicles must 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 areas only, pick up passengers who hail or flag the motor vehicle from the street.

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

Originating Area: Transportation of passengers may originate from any point in the City of Richmond, including the Vancouver International Airport.

Destination Area: Transportation of passengers may terminate at any point in British Columbia.

Return Trips: The same passengers may be returned from where their trip terminates in the *destination area* to the City of Richmond, excluding the Vancouver International Airport, if the return trip is arranged by the time the originating trip terminates.

Reverse Trips: Transportation of passengers may originate in the *destination area* if the transportation terminates in the City of Richmond, excluding the Vancouver International Airport, and the cost of the trip is billed to an active account held by the licence holder that was established before the trip was arranged.

Service 2: *The following terms and conditions apply to Service 2:*

Originating Area: Transportation of passengers may originate from any point in the City of Richmond including the Vancouver International Airport.

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

Taxi Camera Equipment: A digital taxi camera must, no later than February 28, 2005, be installed and operated in each of the licence holder's vehicles in accordance with applicable rules and orders of the Passenger Transportation Board.

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PASSENGER TRANSPORTATION BRANCH
MINISTRY OF TRANSPORTATION

LICENCE

Passenger Transportation Licence

PASSENGER TRANSPORTATION ACT
MOTOR VEHICLE TRANSPORT ACT, 1987 (CANADA)

Licence Holder: **KIMBER CABS LTD.**
RICHMOND BC

Licence Number: **70458**

Trade Name(s): **KIMBER CABS**

Licence Expires: **MARCH 8, 2006**

NOTICE TO LICENCE HOLDER

1. The Licence Holder is authorized to provide service only as outlined below.
2. A copy of this document must be carried on the vehicle and be available at all times for inspection.
3. This licence cancels all previous licences.

TERMS AND CONDITIONS OF LICENCE

Vehicle Type: Passenger directed vehicle

Maximum Fleet Size: 14 vehicles

Specialty Vehicles: All vehicles must be operated as an *accessible taxi* 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.

Vehicle Capacity: Vehicles can accommodate a driver and not more than 5 passengers.

Continued on page 2

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Issued at Burnaby, British Columbia

Registrar, Passenger Transportation Branch

Services:

Originating Area: Transportation of passengers may originate from any point in the City of Richmond.

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

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

Reverse Trips: Transportation of passengers may originate in the destination area if the transportation terminates in the originating area and the cost of the 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) Vehicles may, from within the originating area only, pick up passengers who hail or flag the motor vehicle from the street.

Taxi Camera Equipment:

A digital taxi camera must, no later than February 28, 2005, be installed and operated in each of the licence holder's vehicles in accordance with applicable rules and orders of the Passenger Transportation Board.

COL/704/70458
/mcy

Issued at Burnaby, British Columbia

Date: March 9, 2005



Registrar, Passenger Transportation Branch



City of Richmond

Bylaw 8139

Business Licence Bylaw 7360, Amendment Bylaw 8139

The Council of the City of Richmond enacts as follows:

- 1. Business Licence Bylaw 7360 is amended by deleting section 2.1.27.3 in its entirety and re-numbering the remaining bylaw sections accordingly.
- 2. This Bylaw is cited as **“Business Licence Bylaw 7360 and Amendment Bylaw 8139”**.

FIRST READING

SECOND READING

THIRD READING

ADOPTED

CITY OF RICHMOND
APPROVED
for content by originating dept.
APPROVED

MAYOR

CORPORATE OFFICER

JANG CHEUNG LEE CHU
LAW CORPORATION

Shirley Chu
Kenneth H. Jang Law Corporation
Peter W.K. Cheung Law Corporation
John V. Lee
Natalie S.F. Ng Associate Counsel
Jantzen C.M. Chu Associate Counsel

Schedule 1 to the minutes of Public
Works & Transportation Committee
Meeting held on Wednesday,
August 31st, 2005.

7th Floor, London Plaza
700 - 5951 No. 3 Road
Richmond, B.C. V6X 2E3
CANADA
Tel: (1) (604) 276-8300
Fax: (1) (604) 276-8309

August 31, 2005

File No. G040991-KJ

City of Richmond
Public Works and Transportation Committee

Dear Sirs:

Re: Business Licensing of Class A and Class N Taxicabs in Richmond

We are the corporate counsel for the Richmond Taxi Group of Companies ("Richmond Taxi") which include Richmond Cabs Ltd. (holder of 54 Class A and 2 Class N taxicabs) and Coral Cabs Ltd. (holder of 19 Class A taxicabs).

Richmond Taxi wishes to make the following submissions with regard to the Report to Committee dated August 15, 2005:

1. **Increasing the limit on the maximum number of Class A and Class N taxicabs is reasonable and necessary, however the complete removal of the limit on the maximum number of Class A and Class N taxicabs would be extremely detrimental to the taxi industry in the City of Richmond (Richmond Taxi submits that a maximum limit of 88 Class A and 18 Class N taxicabs be established at this time);**
 2. **Requiring taxicab operators to complete Level 1 of the TaxiHost Training Program is acceptable (over 95% of Richmond Taxi operators have already completed Level 1 and over 70% have completed Level 2); and**
 3. **Any final determination by the City of Richmond with respect to the limit on the maximum number of Class A and Class N taxicabs or any other issues related to the taxicab industry should be carried out only after consultation with the stakeholders in the taxicab industry, including Richmond Taxi.**
-

There are many compelling reasons why the complete removal of the limit on the maximum number of Class A and Class N taxicabs would be extremely detrimental to the taxi industry in the City of Richmond:

1. **Every major municipality in the Lower Mainland has a limit on the maximum number of taxicabs for each jurisdiction.** Richmond would be the first municipality to eliminate the limit. By doing so, Richmond would give up all control over the number of taxicabs in the City to the provincial Public Transportation Board. Once this power has been relinquished, it will be impossible to recover. The City of Richmond should retain its right to determine the number of taxicabs operating within its boundaries. Richmond should continue to exercise some control over its own local taxicab industry in the future.
2. **History and experience has shown that too many taxicabs will result in conflict and confrontation between drivers.** The current City policy was adopted in 1958 precisely for this reason. In about 1993, after the provincial government forced the City of Richmond to create and to add the Class N taxicabs, the sudden influx of these additional taxicabs caused disputes between the existing and new taxi operators. Furthermore, in the past, when the level of business at the Vancouver International Airport was insufficient to sustain the hundreds of airport taxi operators, arguments and problems arose.
3. **The City of Richmond should not set its maximum limit based solely upon the per capita figures of other municipalities.** This is in direct response to Paragraph 3 of the August 15, 2005 Report to Committee. With all due respect to the authors of the said Report, the per capita figures are somewhat misleading. For example, approximately 106 of Surrey's 282 taxicabs are stationed at Vancouver International Airport; this means that only 176 taxicabs provide full-time service within Surrey which translates to a more realistic per capita figure of 0.44 taxicabs per 1,000 population in Surrey. 50 of the 107 Burnaby taxicabs also operate substantially at the Vancouver International Airport and not within their own municipality resulting in an adjusted per capita figure of 0.29 taxicabs per 1,000 population in Burnaby. In fact, 19 of Richmond Taxi's 73 taxicabs operate exclusively at the Airport. In New Westminster, because of the current shortage of local taxicab business, many of their local taxicabs operate only on a part-time basis. It is submitted that the limit on the maximum number of taxicabs in Richmond should be based upon the reasonable demands of the community which can only be established through consultation with the local taxicab industry stakeholders.
4. **Kimber Cabs' 18 Class N taxicabs have been providing taxicab service in the City of Richmond in addition to the Class A taxicab service provided by Richmond Taxi.** In the past, when the supply of taxicabs exceeded customer demand in the City of Richmond, there were often confrontations, sometimes violent, between Kimber and Richmond Taxi drivers. If a reasonable limit on the number of future taxicabs is not established, there will be insufficient revenue for all of the taxicab operators.

5. **The cost of operating each taxicab is rising and if less revenue is available as a result of an oversupply of taxicabs, taxicab operators will suffer financial hardship.** Fuel, insurance and repair costs for taxicabs have been rising astronomically. Meanwhile, fare rates are fixed by the provincial authority. Currently, an individual taxicab operator earns approximately \$80-\$90 per day, net after expenses. If this modest income is eroded due to an oversupply of taxicabs, operators will not be able to support their families, many of whom are residents of the City of Richmond. Consequently, driver morale and customer service will suffer. Business and tourism will be affected.

 6. **The RAV line will have a long-term negative impact on the taxicab industry in the City of Richmond.** As the transit system improves in the future, there will be less reliance on taxicab services. Richmond Taxi experienced an immediate decrease in business upon the implementation of the B-Line bus service. After the completion of the Millennium Skytrain Line, Royal City Taxi of New Westminster lost a substantial amount of business forcing their taxicabs to operate on a part-time basis. In addition to the competing service by the Transit Authority, hotels have also increased their shuttle services. Therefore, if the number of taxicabs in Richmond is allowed to increase unchecked, the taxicab industry in Richmond will suffer long-term harm.

 7. **During the slow periods in the fall or spring, Richmond Taxi will run their taxicabs on a part-time basis so that drivers can get a decent chance to earn a living.** Richmond Taxi will run one half of the taxicab fleet on even-days and the other half of the fleet on odd-days. This gives all the taxicab operators a fair chance to earn a reasonable income. If the number of taxicabs were substantially larger, this would create a bigger problem during the slow seasons.

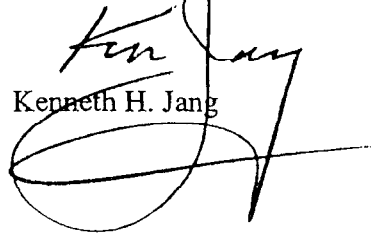
 8. **Richmond Taxi has been operating for over 40 years and is acting in the best interests of the taxicab industry in the City of Richmond.** Richmond Taxi recognizes that there is an immediate need for an increase in the taxicab service in the City of Richmond in order to serve the community during peak seasons and recently applied to the Passenger Transportation Board for an additional 15 taxicab licences; Richmond Taxi plans to introduce the 15 new taxicabs over a period time so as not to cause any problems with the existing operators. Based upon its intimate knowledge and experience, Richmond Taxi is of the opinion that the addition of 15 taxicab licences will meet the current and future peak demands for customer service without creating the problems of an oversupply. Richmond Taxi is prepared to share its expertise and knowledge with the City council and staff in reaching a reasonable and balanced determination of this issue.
-

Conclusion

The City of Richmond needs to increase its limit on the maximum number of taxicabs; however, the complete removal of the limit would be extremely harmful to the local taxicab industry. Richmond should not give up its right to set reasonable limits on the maximum number of taxicabs in its jurisdiction. If there is an oversupply of taxicabs in the City of Richmond, serious social and economic problems will arise. It is submitted that an increase of the maximum number of Class A taxicabs from 73 to 88 is sufficient at this time. Richmond Taxi looks forward to discussing this matter further with the City of Richmond.

Yours truly,

JANG CHEUNG LEE CHU
LAW CORPORATION



Kenneth H. Jang

September 21st, 2005

Public Works & Transportation Committee
City of Richmond,
 6911 No. 3 Road,
 Richmond, BC, V6Y 2C1

Dear Sir:

RE: Business Licensing of Class A and Class N Taxicabs in Richmond

On August 31, 2005, a meeting held in the City Hall of Richmond by the Public Works & Transportation Committee of Richmond City Council to discuss the above said issue.

Richmond Taxi has applied for 15 more **Class A licences** for the company that will increase the maximum number of Class A taxicabs from 73 to 88.

We are the shareholders of 19 **A Class Licences** taxicabs of Richmond Cabs Ltd, a division of Richmond Taxi Group of Companies ("Richmond Taxi") which include Richmond Cabs Ltd. (holder of 54 Class A and 2 Class N taxicabs) & Coral Cabs Ltd. (holder of 19 Class A taxicabs).

We would like to bring the following issues to your notice before you consider issuing any further licences to Richmond Taxi:

1. That out of 73 **class A licences** taxicabs to Richmond Taxi, only 54 taxicabs are working in the city of Richmond. Whereas, the other 19 **class A licences** taxicabs are not allowed to work in the City of Richmond (*due to so-called "Shortage of work / Lack of Business"*) by Richmond Taxi (*i.e. by the shareholders of 53 taxicabs*).
2. This restriction on 19 **Class A Licences** cabs is the result of an illegal Dispatch Agreement (*contrary to the **Terms & Conditions of Licence***) executed by the company (*i.e. by the shareholders having hold on the company*), from the said 19 shareholders, "*without Choice*", who were in search of work for their livelihood at the time of their buying / selling of these shares. A copy of this "*Dispatch Agreement*" is hereby attached for your review.
3. By prohibiting the said 19 taxicabs from work in the city, the company has **violated** the **Terms & Conditions of Licence** issued by Passenger Transportation branch, Ministry of Transportation, BC, to Richmond Cabs Ltd which allows the cabs to provide service to the community living in the municipality of Richmond. The details are as under:
 Motor Vehicle Transport Act, 1987 (Canada), **Licence Number: 70391**
 Licence Holder: Richmond Cabs Ltd.
 Notice to Licence Holder: 1. *The Licence Holder is authorized to provide service only as outlined below.*

Terms and Conditions of Licence: *Page 2, Service 1 and 2*

- **Originating Area:** *Transportation of passengers may originate from any point in the City of Richmond, including the Vancouver International Airport.*
- **Express Authorizations:** *(iii) The operator of the vehicle may, from within the originating areas only, pickup passengers who hail or flag the motor vehicle from the street.*

4. Despite of repeated requests by shareholders of the 19 taxicabs to allow them to work in the city; Richmond Taxi has shown no interest in responding, because of the personal economic benefits to the other 53 shareholders who have internal hold on the company.
5. That the lawyer of Richmond Taxi is protecting only the interests of 53 (majority) shareholders having hold in the company. Being a corporate counsel, representing all the companies of Richmond Taxi as a whole, he should have protected the interests of all 73 shareholders, and Right and Fair advice to be given to the company management, Board of Directors and all their shareholders to remove the restriction on working (*in the city of Richmond*) of these 19 taxicabs before making an application for more licences. A copy of letter to him from 19 shareholders dated September 15, 2005 is hereby attached for your review.
6. Instead of removing the restriction on 19 cabs to work in city of Richmond, he presented a report dated August 31, 2005 to the Public Works & Transport Committee by supporting the demand of 15 more licences to be issued to the company.
7. His report is misleading and creates confusion. He explained on page 2, point 3 that *"lot of taxicabs of other companies in Vancouver & lower mainland are stationed at Vancouver International Airport; this means that only fewer taxicabs provide full time service in their own municipalities. In fact, 19 out of Richmond Taxi's 73 taxicabs operate exclusively at the airport"*.
8. The reality is that no other company has restricted or prohibited (*got such illegal Dispatch Agreement signed from*) their taxicabs or any group of shareholders, not to work in their own municipalities as this company does. The mentioned taxicabs of all other companies can work in the city or at the airport is solely their own discretion. In fact, they are working at the Airport and in their own municipalities as well, like other 54 Class A, and 2 Class N taxicabs of Richmond Taxi.
9. For example, it is a tradition in the taxi industry that a taxicab operator / shareholder has option to work only at Airport by paying less dispatch fee, or, at any time they can work both at Airport and in their municipalities by paying the full Dispatch fee without any restriction, *i.e.* North Shore Taxi Ltd.
10. The Airport authorities do not demand Richmond Taxi to provide these particular 19 taxicabs to operate exclusively at the Airport as he mentioned in his report. They issued 450 to 500 licence plates to almost all taxi companies of Vancouver and lower mainland (*including the other 54 taxicabs of Richmond Taxi, who are working in the city as well as at the Airport*) to provide service at the airport. The Authorities at Airport have their own rules of minimum 40 trips per month for each taxicab holding their plates (*privileges to pickup passengers*), and can loose this plate by failing to comply with it. Whereas, the Airport does not bind any one to work exclusively at the Airport at any time.
11. We are ready and willing to work or to provide services to the community living in the City of Richmond by paying the full Dispatch fee as other 54 taxicabs do. Then why do Richmond Taxi and its Lawyer not removing the restriction on working of these cabs instead of demanding for more licences?
12. The reality is that for the sake of applying for more licences (*not to meet the demand in the city, but to make profit by selling or leasing them for the company; i.e. for 53 shareholders*), the company and its lawyer played an unfair game with the 19 cabs and wrote a letter inviting them to remove the restriction in exchange of payment of lot of money to the company (*i.e. to the other shareholders of 53 taxicabs*). But when the

shareholders of 19 cabs showed their interest to know the details, the company did not respond to them. A copy of lawyer's letter and its correspondence is hereby attached for your review.

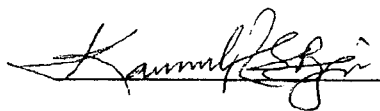
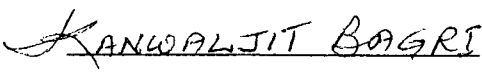

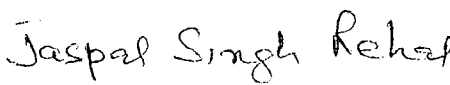
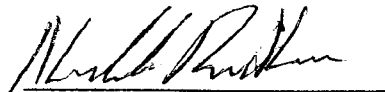

13. If the City of Richmond and Passenger Transportation authorities issue 15 more licences to Richmond Taxi to serve the community living in the municipality of Richmond, there is no guarantee that Richmond Taxi will allow these new licences to work in the city, and will not restrict them to the Airport only as already done with 19 cabs, and sell them to individual owners / shareholders (*with their limited or no rights in the company*) to make profits for Company (*for their 53 shareholders*)?
14. As the City of Richmond and PT authorities issue these licences to Richmond Taxi with terms and conditions attached, then these authorities should direct Richmond Taxi to remove the Restrictions of work (*which violate the condition of Licence*), thrust on its existing 19 Class A Licences taxicabs, and allow them to provide service to the community living in city of Richmond, before applying for more licences.

We the shareholders of 19 Class A licences taxicabs request the authorities to look into this matter, and please do not issue any more licences to Richmond Taxi Co, Richmond Cabs Ltd, Coral Cabs Ltd, or any other company affiliated with this company until they allow its own / existing 19 cabs to work in the city. Furthermore, we request the authorities of City of Richmond to please update its by-laws to make it clear that any taxicabs licence issued to any company in the city of Richmond should not be prohibited to work (*defeating the purpose of issuing of licences*) in its own municipality, so that no one should suffer in future the way we are being treated "step-motherly" in our own company.

Please note that taxicab is our job and livelihood. Our families are depending and surviving on this business. Any further allotment of more licences to Richmond Taxi without resolving this matter will damage economically the future of 19 cabs shareholders and will lead the way to legal action.

Cc: 1. Registrar of Passenger Transportation branch, Ministry of Transportation, BC

Sincerely,

	CAB # 20 	PH # 604-325-6001 1038 E. 63 RD AVE, VANCOUVER B.C., V5X-2L1
		PH # 604 725-7086 7388-122-AST SURREY BC V3W 9Y2
	#44 	14265-66 th AVE SURREY

Jasvir Dhalwal

#19A
JASVIR DHALWAL

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BILLU SINGH DOD 604 852 1333
31585 Ridgeway DR Abbotsford

PUBLIC WORKS AND TRANSPORTATION COMMITTEE

1. McLachlan Brown Anderson represents the shareholders of 19 taxi cabs in the Richmond Taxi group of companies. These 19 taxi cabs have been described as the "Airport cabs".
2. Richmond Cabs Ltd. is currently the holder of 54 Class A and 2 Class N taxi cabs. Coral Cabs Ltd. is the holder of 19 Class A taxi cabs.
3. Richmond Cabs Ltd. has an application pending with the Passenger Transportation Board, Application AV1622-05 to increase their fleet from 54 Class A to 69 Class A, with 2 Class N taxi cabs, for a total of 71 vehicles, up 15 vehicles from the present 56 vehicles.
4. Richmond Cabs Ltd. at 54 Class A licences and Coral Cabs Ltd. at 19 Class A licences total the City of Richmond's current maximum 73 Class A taxi cabs licensed to operate in Richmond. Corporate counsel for the Richmond Taxi group of companies proposes that the City of Richmond adopt a maximum limit of 88 Class A, and 18 Class N taxi cabs. The 88 Class A maximum is simply the current 73 Class A total, with the 15 additional licences pending under Application AV1622-05 for 15 further certificates.
5. Of the 18 Class N licences, Richmond Cabs holds 2 of the Class N licences while Kimber Cabs holds 16.
6. In the City of Richmond, there are an additional 340 Class D taxi cabs which operate solely from the Vancouver International Airport.
7. The 19 taxis in the Richmond Cab fleet are equivalent in operation to the 340 Class D taxi cabs. Despite having Passenger Transportation authority to operate in the City of Richmond, like the rest of the Richmond Cab fleet, and despite having an unrestricted Class A licence from the City of Richmond, these 19 taxi cabs are precluded by their own company from picking up passengers in Richmond.

8. The Agenda from the Public Works and Transportation Committee meeting of August 31, 2005 indicates a staff recommendation that the Chief Licence Inspector remove the limit on the maximum number of Class A and Class N taxi cabs. There are Municipal jurisdictions in the Lower Mainland that have a maximum number of taxi cab licences and there are other jurisdictions that have no maximum number.
9. In the staff report of August 15, 2005 it is noted that Richmond has received two separate requests from an existing and a potential taxi cab operator regarding additional Class A taxi services in Richmond. The request from the existing taxi operator is clearly Richmond Cabs.
10. The submission from corporate counsel of Richmond Cabs wishes to have the best of both worlds. Avoiding the evidence of public need at the City of Richmond level, Richmond Cabs wishes to have you add 15 certificates for Class A taxis, all of which Richmond Cabs would use.
11. The process to obtain a licence for a passenger directed vehicle, i.e., a taxi, is regulated in British Columbia under the *Passenger Transportation Act*. There is specific licensing criteria that is outlined including public need, fitness, and maintaining sound economic conditions.
12. If the City of Richmond is inclined to remove the limits on the number of taxi certificates, it is respectfully submitted that the City of Richmond should not endorse any particular application or the concept for an increased number of taxi cabs. In the August 15, 2005 report, there is a comment that growing tourism and development in the city centre might require a higher number of taxi cabs.
13. These 19 owners in the Richmond Cabs fleet will be opposing their own company's application for authority, on the grounds that there is no substantive public need.
14. In January 2005 the corporate lawyer for the Richmond Taxi group sent an information letter to the 19 owners of the Airport cabs, suggesting that the Airport cabs could be converted into City cabs with full dispatching rights.

15. In other words, the City of Richmond must understand that 19 of the Class A Richmond Cabs are unable to operate in the City of Richmond. The Richmond Taxi group has controlled this process by requiring the 19 owners to sign a dispatch agreement requiring operation of these 19 vehicles from Vancouver International Airport.
16. The proposal in January 2005 suggested that the Airport taxis could pay the difference in the market value price between City cabs and Airport cabs, to acquire full dispatch rights. The 19 owners advised Richmond Cabs that they wished to enter into discussions to achieve that aim of having full dispatch privileges. The corporate solicitors for Richmond Taxi simply ignored the approach and proceeded to make this application.
17. The market value of a taxi is very significant, in the range of \$270,000.00 to \$300,000.00 for City cabs, while the Airport cabs are trading at a lesser value in the \$210,000.00 to \$220,000.00 range.
18. If the Passenger Transportation Branch and the City of Richmond do not control the process of requiring that any further Richmond Taxi certificates be unrestricted in their dispatch operation, then there is every prospect that any further certificates will be relegated to airport operations only.
19. This is not so much about serving the public need as profiting from 15 further Airport taxis at \$220,000.00 each for a total of \$3,300,000.00, with no benefit to the City of Richmond.
20. If the City of Richmond is going to maintain a cap on the number of licences, that decision should only be made after the decision of the Passenger Transportation Board in Application AV1622-05. If the cap is to be removed, then there should be no endorsement or approval or comment on the merit of further taxi licences, since that can only be determined by the Passenger Transportation Board after a full inquiry or as is more likely in this case, a full public hearing.

August 23, 2006

Passenger Transportation Board
202 – 940 Blanchard Street,
PO Box 9850, Stn. Prov. Govt.,
Victoria, BC, V8W 9T5

Attention: Ms. Jan Broocke
Secretary and Director

Dear Sirs/ Madames:

RE: Application for Reconsideration of Decision
On Application AV1622-05 Richmond Cabs Ltd. ("RCL")

We the shareholders of Richmond Cabs Ltd, the "Airport Cars" hereby request the PT Board to reconsider the decision in application AV1622-05. We strongly feel that this decision is incorrect and self-contradictory, based on information which is not true. The findings are mentioned in our council's submission/application to the PTB dated August 22, 2006 for "Reconsideration of Decision". A public hearing should be setup to give a chance to all parties to provide the reality to the PTB before the decision.

In spite of repeated calls and written requests by our lawyer Mr. McLachlan, PT Board failed to set up a meeting to listen to our concerns. During the process of above application, Richmond Cabs Company council "*Mr. Tobin S. Robbins of Heenan Blaikie*" had submitted a Document to PT Board dated November 09, 2005. This submission was misleading and full of incorrect information which lead the PT Board to make this **wrong decision**. Because most part of the decision has been derived from this document; our comments about this letter and about this matter are as under:

1. In 1991, Mr. Robbins was working with a legal firm named "Owen Bird". In a legal matter between Richmond Cabs Ltd **Company** ("RCL") and Richmond Cabs **Airport Operators** ("Airport Cars"), he provided his services as a legal council to protect the interests of Richmond Cabs Airport (20) Cars. A substantial amount of legal fees was paid to him for his services rendered to them. Enclosed please see some copies of his bills to the Airport Cabs representatives.

Now he starts working against Airport Cabs by representing the Richmond Cabs **Company** in this legal matter. It is ethically and morally wrong, and against the law practice. By doing this he is creating a "**Conflict of Interest**". We are afraid he might have disclosed our confidential information to RCL Company. Therefore, we request The Law Society of BC to please review his past and present conduct in this case.

2. That only Passenger Transportation Board (*former Motor Carrier Commission*), a government body in BC, has the authority to issue and amend any licence(s), (*under a set procedure and public demand*), to any taxicab company(s), with "*Terms and Conditions of Licence*" to operate the vehicle(s) accordingly. No taxicab company can, or has authority under any circumstances, to violate, or alter / modify / change these "*Terms and Conditions of Licence*" for their own interests, or for the interests of a group of shareholders within the company, by any means / *Agreements / contracts / documents*.

In the case of Richmond Cabs Ltd, these "*Terms and Conditions of Licence*" are being violated, by the company, since 1987, by changing the operating area of its 20 (*19 at present*) cabs with an "illegitimate document".

3. Pursuant to Part 6, Sec. 46 (1) of the PTA, the Registrar is **responsible** for initiating enforcement and compliance actions against licenced operators who failed to comply with this Act, the regulations, or the terms and conditions of the licensee's licence, through administrative penalties, including licence suspension/cancellation and refusal to issue a licence, as well as through administrative fines.

A separate document "*Administrative Penalty Framework, implementation date: March 07, 2006*" also provide more information for non compliance of terms and conditions of Licence.

Moreover, The Registrar or a person authorized by the registrar may conduct Audit investigations pursuant to Part 2, Section 5 (3) of the PTA that a "licensee operating within the area of service as described in licence".

4. Mr. Robbins, in his above said letter, on page 3, Paragraph two, states that:
*"It was during the mid to late 1980's that Lower Mainland taxi companies that had been awarded Airport taxi licences began to **divide their fleets into city cars** that operated within the territorial licence areas established by local municipalities and the Motor Carrier Commission (e.g. Surrey, Delta, Burnaby, Richmond, etc.) and fleets that while having the same taxi company names (e.g. Surdell Cabs, Delta Sunshine Cabs, Bonny's Taxi, Richmond Cabs, etc.), operated from **the Airport**".*

This statement of Mr. Robbins is untrue. Not a single Taxi Company in Vancouver, Lower Mainland or in other municipalities of BC divided their fleets into city cars and airport cars. The cabs of these taxi companies voluntarily elected to have airport plates had worked, and, are working (*like other 51 cabs of RCL Company*) both in the city and/or at the airport solely at their own discretion. It was the only Richmond Cabs Company which divided its fleet into City cars and Airport Cars, by restricting its 20 cabs at the "Airport only" by signing an "illegitimate binding Dispatch Agreement". As per his above statement, can Mr. Robbins explain why then other 51 cabs of RCL Company (who were also awarded with airport plates) are not restricted at the airport or in the city only and why these cabs are allowed to work in the city of Richmond and/or at the airport. Can Mr. Robbins produce a copy of such "Binding unlawful Agreement" as a proof, of any other Taxicab Company restricting their cabs or part of their fleet at the "Airport only", as he is claiming in his statement.

Moreover, the Airport authorities did not require such type of "Agreements" to be signed in the companies for any particular group of cabs to remain at the Airport only.

5. On page 3, Paragraph 3, he states that;

"One of the companies that decided to divide its fleet in two was RCL. In August 1987, the principal RCL shareholder at that time, Gordon Maclean, advertised in local news papers that RCL had 20 airport taxis for sale. On September 24, 1987, 13 individuals entered into contracts with RCL to purchase the 20 airport taxis on one of 2 bases:

- a) *RCL sold the purchaser for \$36,000.00:*
 - i) *Two non voting redeemable common shares of RCL;*
 - ii) *An automobile;*
 - iii) *Use of a taxi meter, top light, radio and computer dispatch terminal; and*
 - iv) *the right to use an MCC, Airport Authority and City of Richmond taxi licence in order to operate a taxi as per of RCL's fleet at the Airport and nowhere else in Richmond; or*
- b) *RCL sold the purchaser items i), iii), and iv) above (i.e. no car) for a price of \$28,500.00.*

In both cases, the contract included the requirement that the purchaser sign a dispatch agreement that set out the rights and obligations of the purchaser and RCL".

The fact is that in early 1987 Motor Carrier Commission (*Licences issuing and monitoring Authority*) issued a circular order to all the Taxi Companies to put all the licences issued to them in service, and/or return any unused licences back to MCC to expedite their monitoring system. Due to lack of business in the city of Richmond, lots of RCL cabs were not providing the services and were sitting at the lot, and/or company had 20 unused licences.

Due to fear of losing these licences, then principal share holder Mr. Gordon MacLean sold its 20 cabs licences to individual shareholders with a "wrongful and Binding" Dispatch Agreement to restrict their working at the Airport only. This dispatch agreement was signed by all parties with an understanding that in future when demand in city will exceed its fleet capability (*and then it will make an economic sense*), Richmond Cabs Ltd will call these Airport cars in the city before any application for more licences. This was one of the reasons that RCL never applied for more licences since 1987. It is also confirmed in the Dispatch Agreement as;

In section 7(c) that The Company covenants and agrees with the shareholder, to render its dispatching service to the shareholder for his use and operation of the Motor Vehicle, At any time such service is required, and in areas other than the Vancouver International Airport at such times as may arise when taxi service demand exceeds fleet capability, at company's absolute discretion, and further that, under such circumstances, no extra dispatch or administration fee will be charged.

It was also confirmed in 1992 when "Kimber Cabs Ltd" applied with MCC for more licences to provide service in the city of Richmond. In its hearing for more licences, then principal shareholder/owner of RCL Mr. Gordon MacLean speaking against issuing of more licences to Kimber Cabs, gave his statement (*It is in the records of MCC, now PT Board*), that due to lack of business our company's 20 cars are stationed exclusively at the Airport. And if there will be enough business in the city we

will call these cabs in the city before any application for more licences in the city of Richmond.

Similar statements were also given by Mr. MacLean at the hearing of an application for union by RCL Airport drivers' with the Labour Relation Board in 1992.

6. On page 4, Paragraph first Mr. Robbins states that;

"In or about 1992, the entire group of RCL non-voting shareholders who held the right to operate the RCL Airport cars (collectively the "Plaintiffs") commenced a lawsuit against RCL. The primary issues in the lawsuit were whether RCL shares that had been acquired in September 1987 described as "non-voting redeemable common shares" entitled the plaintiff to a) participate in the profits and distributions of capital of RCL and b) pickup and dispatch rights anywhere in the city of Richmond or only at the Airport. The Plaintiffs also asked for damages for deceit."

The fact is that in 1992, the RCL Airport Cabs shareholders commenced a lawsuit against RCL Company. The primary issue was whether RCL shares that had been acquired in September 1987 described as "non-voting redeemable common shares" entitled the plaintiff to participate in the profits and distributions of capital of RCL. **And they never had a court case about their working rights, and that is not under the court jurisdictions.** The working rights and boundaries of these cabs are already determined in the Terms and Conditions of their Licence which are under the jurisdictions of PTB (former MCC), and cannot be changed by RCL. Therefore there was no need of judgement for this purpose. This line has been twisted by Mr. Robbins and in no way was it stated/means as such in the actual judgement issued by the BC Courts. Mr. Robbins had used this line to make it appear as though it was stated in the final judgement, to show to the PT Board that there was a dispatch agreement issue and Judges "authenticated" the alteration in the "Terms and Conditions of Licence" by RCL.

Mr. Robbins quoted some comments from judge's decision, and his views on page 4 & 5 of his report. He failed to produce / prove a single event where the Judge looking into the matter of legality of Dispatch Agreement, gave permission to RCL to violate the "Terms and Conditions of Licence" issued by MCC (now PTB), to change the working territory of these 19 cars. The whole case, trial and judge's decision was regarding the shares, their values, rights and their structure, which is irrelevant to the application for more licences, and dispatch Agreement.

Therefore, judge in his decision, is giving comments related to shares, whereas Mr. Robbins has manipulated these comments and is trying to fit them in his Views, to restrict these 20 cabs, forever, at the Airport only.

7. On page 5, point II: "*Specific Comments on the McLachlan Submission*", and on page 6, first Paragraph, he states that;

It is important to note that while Mr. McLachlan at page 2 of his submission refers to the RCL Court of Appeal case; his characterization of the decision in the case is incomplete. He stated: "This case made it clear that these 19 shareholders have no participation in the profits and distributions of capital of the respondent".

As shown above in the extracts from the judgement of Mr. Justice Goldie, the Court of Appeal decision made it clear that Mr. McLachlan's clients contracted with RCL for 1 right and 1 right only – the right to operate a taxi at the Airport. These contracts have now been in place for over 19 years.

Again here, Mr. Robbins tried to use this statement and interpreted the meanings for his benefits only. The statements only states that the shareholders cannot share in the profits and distribution of Capital, not where one can or cannot operate their cabs, i.e. at the Airport only.

8. On Page 6, Paragraph 2, he states further that;

“The reality of Mr. McLachlan’s submission, as indicated in a number of the documents that accompany the submission, including a letter from his clients to the Registrar of PT on June 27, 2005, and a letter from his clients to the city of Richmond Public Works and Transportation Committee (the “Richmond Transportation Committee”) on September 21, 2005 is that, after 19 years, his clients are still not prepared to acknowledge or accept the bargain they made with RCL in 1987. Their goal and intention is to now draw the PTB into what is a long settled contractual dispute. This motivation is improper and should be resisted by the Board.

What the PT Board is obligated by statute to do with the Application is to determine whether there is need for 7 additional taxi licences in Richmond, whether my client is fit and whether the application would foster second economic conditions in the transportation business in BC.

My client believes very strongly that it has neither a legal nor a moral obligation to reopen the contract with the operators of the RCL Airport Cars and has no intention of doing so”.

The reality is that this unreasonable Agreement between RCL Company and Airport Cars (imposed by Company) was a troublesome Agreement. It has never been able to establish good relationships between Company and Airport Cabs. They are on a rollercoaster since this partition in the Company in 1987. The Company treated the Airport Cabs as second class shareholders. Their rights & interests were not protected in this Company under the setup of contract, because they have no participation in the management and decision making authority. These circumstances drew the Airport cabs into dispute with Company on numerous times. Some of the cases are as under;

- I. In 1991 and 1992 in a matter of Acquisition of Richmond Cabs Ltd, Mr. Robbins represented the interests of RCL Airport Cabs shareholders.
- II. In 1993 and 1994 an effort was made to form a Union of RCL employees and Airport cabs shareholders to protect their interests.
- III. From 1991 to 1995 RCL Company and Airport cabs shareholders fought a long and costly legal fight in the court on the basis of “common shares, their rights, etc...” in the Company.
- IV. Mr. Ranjit Ahluwalia, shareholder of Airport Cabs 8 and 9 is still fighting a long legal battle against Company since 1991. The trial of his case against the Company is schedule to start in 2007.
- V. In 2005, in this case of application for more Licences, Company has totally ignored the rights of Airport Cabs under 7(c) of (*breached the*) Dispatch Agreement and started another legal dispute.

VI. Lots of Airport cabs shareholders sold their shares and left Richmond Cabs quietly due to poor treatment and injustice of the Company towards them.

We do not understand how Mr. Robbins concluded that this contractual dispute was long settled.

The Passenger Transportation Board is the only governing authority who issues Licences to the Companies under the Terms & Conditions. They have the authority to conduct an investigation and enforce the Companies to meet those requirements set out in their licences. We are sure that the PT Board does not need to have Mr. Robbins tell it how to proceed in this case or how to do its' job.

We can well imagine and understand that due to personal economic benefits and greed, RCL Company has no intention to remove the restriction on working of Airport Cars in the city. However, it does have a moral and legal obligation to reopen the contract (remove the restriction) with the operators of the RCL Airport Cars.

9. On page 6, point 2, Paragraph 3, he states that;

"As indicated previously, the division of operations of taxi fleets at virtually all suburban cab companies in the Lower Mainland into distinct city and airport fleets has been in existence since the mid to late 1980s. In the case of RCL, the division occurred in 1987. The PT Board and the former MCC are well aware of this fact."

As explained earlier, Mr. Robbins has misled the PT Board again by providing false statements. No taxi company in Greater Vancouver, Lower Mainland, or in any other suburban area, split its fleet into City cars and Airport cars with these types of restrictions. Only RCL Company has put a Ban on its 19 cabs not to work in their own municipality by signing the wrongful so-called "Dispatch Agreement". No other Company put such a type of permanent restriction on its own cabs not to work in their own municipalities (*not allowed to work in their own working boundaries under the Terms and Conditions of Licence*). Cabs in other companies having Airport plates are voluntarily working at the Airport, and can provide service at the Airport and in their own cities/towns, without restrictions, like other 50 city cars (19 Coral and 31 RCL) of Richmond Taxi Company.

Why did Mr. Robbins not provide copies of such Agreements of other taxi companies with his submission to support his views, when he has attached so much other irrelevant material?

It is our understanding that PT Board and the former MCC were not aware of this mess created by RCL, as claimed by MR. Robbins. Writing such Agreement by RCL (alterations in the "Terms and Conditions of Licence") by changing the working boundaries of its taxicabs is unlawful and not acceptable by PT Board / the Registrar of PT. There is a procedure, set by PT Board to revise the "Terms and Conditions of Licence" (*working*) of any vehicle(s), and only the PT Board has authority to do that, not the Richmond Cabs Company.

We hereby request that the PT Board / the Registrar of PT please confirm awareness about this "unauthorized Agreement" made by RCL Company with its shareholders (as claimed by Mr. Robbins).

If, for a moment, we accept Mr. Robbins's argument that it is a legal/legitimate Dispatch Agreement (alteration of Licence to Company) made by RCL Company, then tomorrow, RCL Company will restrict some other Cabs to other parts of town. Yellow Cab will restrict some of its cabs on Granville Island only or UBC only, Bonny's Taxi will restrict some of its Cabs on Brentwood Mall only, Delta Sunshine will restrict some of its cabs on BC Ferry terminal only, and so on... A precedent set by RCL will be followed by other companies. After getting the licences from PTB, any Taxi company shareholders having in majority will be deciding which cars should be allowed to work and where to work by getting these types of Dispatch Agreements signed. Thus, the minority group of shareholders within those companies will suffer. It will be a **direct challenge** to the law (PTA) & authorities, and there will be no need for PT Board to control and regulate the licences. The board will not set terms and conditions based on public need and other factors, the taxicab companies will make their own decisions based on internal company politics & greed, and the public demand will not be served at all.

Of course the truth is that the PT Board and the Registrar cannot sit aside quietly. It has the responsibility to implement all the terms and conditions set into the licences issued by it. They also are able to discipline those companies who try to alter these.

By knowing all the above information in this matter, and still issuing more Licences to RCL, and letting them decide to restrict their 19 cabs (*by any means*) to not work in the city and provide service needed to the public, will be a **negligence and a Historical mistake** on the part of PTB. This will have negative repercussions further in the future.

10. On page 6, in last Paragraph, he states that;

"RCL has made no secret that it operates a split taxi fleet, one part serving the City of Richmond proper and the other serving the Airport. This can be observed on the streets of Richmond and at the Airport every day. Further the 1995 Court of Appeal decision is a public document readily available on the internet."

This statement of Mr. Robbins is also untrue. A group of shareholders having a hold on the company are enjoying all the rights and benefits in the Company, and driving their cabs in the city as well as at the Airport. Majority of these so-called city cars work every day at the Airport. During the slow periods of the year, these cars work exclusively at the Airport term by term (*First half fleet in first week and second half in the next week*). Airport authorities send trips count sheets of every car to their companies every month, and it can be confirmed from those sheets. Moreover these city cars have to work at the Airport in order to maintain their Airport Plates. Whereas, the other split part of company cars (*Airport Cars*) are restricted to work at the Airport only.

Further the said "1995 Court of Appeal decision" document is irrelevant to this issue.

11. On page 7, again, Mr. Robbins tried to twist the truth, and repeated his false statements and some quotes with regard to the knowledge of officials at the City of Richmond about RCL's split fleet operation. By doing that he himself misleads PTB in his letter dated November 09, 2005.

In fact, the city official had no previous knowledge about RCL's split fleet operation. It came into their notice during the process of RCL's application for more licences in their meeting on August 31, 2005. The city officials prepared a document Study Report with recommendations to amend their bi-law for more licences to be issued. In that report it is clearly indicated that Richmond taxi's 75 cabs (56 RCL and 19 Coral) are working in the city (*not 56 cabs*). When it came to their knowledge that 19 cabs out of 75 are not working in the city and are restricted on the Airport only by the Company (that the Company was trying to grab more licences) they were shocked and withdrew their recommendations.

Mr. Kenneth Jang, Corporate counsel for the Richmond Taxi Group of Companies was also playing in the hands of a group of shareholders having hold on the Company (RCL). Instead of protecting the interests of all shareholders equally, and recommendations to the Company to remove the restriction on the Airport cabs and allow them to work in the city, he presented a report dated August 31, 2005 to the city counsel meeting favouring issuance of more licences. Enclosed please see attached a letter to Kenneth Jang from Airport cabs shareholders dated September 15, 2005.

12. On page 8 of his letter, Mr Robbins mentioned that the population of Richmond has increased by 55% from 113,781 in Dec 1986 to 175,145 in Dec 2004.

Why was this gradual growth in 18 years, in the City of Richmond, suddenly the reason for application of more licences in year 2005? Why did RCL Company not pay attention and increase its fleet "gradually" (*allowed its Airport Cabs to work in the city*) in all those years if it was really concerned about the service to the community?

RCL Company also presented a drama of "support letters" from different Hotels, Casino, Canada Post, local retail landlords, etc... to support its application.

The truth is that RCL is the only company in the City of Richmond to provide service to these businesses. Of course they would not mind giving support letters to RCL to expand its fleet. These businesses do not know the reality that RCL Company has restricted its own 19 cabs at the Airport only, and is not allowing them to work in the City to provide services to these businesses. By doing that RCL lets these businesses suffer by providing delayed service during peak demand periods. The 19 'Airport Only' Cabs are ready to work in the City without any further upgrades or expenses. Therefore there was no need to beg for "support letters" from these businesses to show and put pressure on PTB to issue more licences to the Company.

We can provide more than double the support letters from community and businesses in Richmond to support our case if this is how PTB determines its decisions.

13. Mr. Robbins further wrote that:

"Further, my client does not intend to sell the new licences. The additional vehicles will be operated as company vehicles".

In reality, Mr. Robbins cannot provide guarantee of the future decisions of Company, its Board of Directors and Shareholders. Recently, Company has sold even its two accessible wheelchair licences to the private individual shareholders, which clearly proved the intention of his clients what they will do with these licences in the future. Moreover, a short while ago, RCL Company has purchased shares of one and half Airport cabs. The attention is to convert these 1 ½ Airport Cabs into City Cabs with "A Shares" and to sell them to private shareholders with a big profit to the Company (*to the shareholders having hold on the Company*).

14. At the end of page 8, he wrote that:

"Finally, Mr. McLachlan appears to not understand the taxi licensing regime at the Airport when he asserts that my client intends to sell the additional vehicle licences that are the subject of this application to operate strictly at the Airport in a similar fashion to the 19 RCL Airport Cabs. Even if my client had this intention, which it does not, it would be prevented from doing so because the Airport authority has capped the number of Airport taxi licences and when granted, none of the additional vehicles being applied for will hold a complimentary Airport taxi licence".

The above statement of Mr Robbins is not true. Time to time the airport authorities expanded the number of cabs working at the Airport. In recent years it has issued a number of licences to the different cab companies. It is likely that it will issue more licences in the future according to the increasing demand at the Airport, and RCL Company along with other companies will obviously get some licences. Moreover, the city-cars owner operators of RCL who do not have Airport IDs (*or lost their privileges to work at the Airport by any means*), and others who are unable to or do not want to fulfil the strict requirements of Airport, and willing to give-up Airport plates from their city cars, can be transferred (*with the permission of Airport*) to these new 7 applied for licences. This practice is going on in RCL Company and other companies in the past and at present. Thereby these 7 new licences can be restricted at the Airport only.

15. On page 9, number iii, Mr. Robbins amended the original application from 15 to 7 licences. It clearly proved that Mr. Robbins and his client RCL Company are not sure how many licences they actually need to serve the city. They are simply playing with the numbers without any research of demand and capacity they can manage. There is no need for the preparations of new licences and to invest in their vehicles, when 19 Cabs of the Company are ready to work in the city at any time without any cost.
16. It came to our notice that RCL Company adopted a different approach by seeking the wheelchair accessible Licences from PTB. The reality is that there are already 18 accessible Licences (16 Kimber Cabs and 2 RCL) providing service in the city of Richmond, which is 20% of total 91 licences (73 non accessible + 18 accessible) issued in the city of Richmond. If we take out 19 Airport Cabs from these numbers then it would be 25% of total taxicabs working in the city, which is the highest number

of accessible licences vehicles working in the city of Richmond. This is higher than any other municipality.

The truth is that there is not enough calls/business for all those wheelchair accessible vehicles in the city and the vehicles having Airport plates on them are working full time 24/7 at Airport on daily basis. It can be confirmed from their record of trips and timing from the Airport Report. If the demand for accessible vehicles is so strong then why are these taxicabs not working and providing services in the city? Instead they are working at the Airport all of the time. The problem comes during the peak times when these wheel-chair accessible vehicles prefer to provide service to the regular waiting customers than those specific people who need their services because of economic and time consuming reasons. This problem will remain regardless of how many licences PTB will issue in Richmond until the Company addresses these real issues.

Actually the whole purpose behind this demand to the PTB is to grab any type of Licences, not to provide better service in the city of Richmond. If the Company is serious about service, it can convert its existing company cabs into accessible vehicles without any application or delay, and can call Airport Cabs to fill the gap/demand.

17. Finally, it is only Richmond Cabs Ltd Company who split its fleet in City cabs and Airport cabs and violated the "Terms and Conditions of Licence" issued to the Company by PT Board by altering the working boundaries of its 19 cabs and restricted them at the Airport only. At present, RCL Company is trying to get more licences instead of allowing these 19 cars to work in the city of Richmond in spite of demand and rules under Section 7c of the said Agreement.

The Airport is under private authorities, and is not bound to keep its plates on these RCL 19 cabs. Will PT Board address the following concerns about these cabs?

- a. Tomorrow, if Airport decides to contract out its Plates/Licences then what will happen with (future of) these 19 Airport Cabs?
- b. How will this Company follow this Agreement at that time when there will be no demand in the city or that the demand would be satisfied by issuing more and more licences?
- c. How will RCL follow the same dispatch Agreement and allow Airport Only cars to work in the city in the future if it is not willing to follow the same Agreement at this time as the demand is clearly there?
- d. Who will be responsible for all this mess?
- e. Why have the regulating authorities showed laxity and allowed this company to breach the Terms and Conditions of Licence issued to it, and screwed up the working territories of its own 19 cabs?
- f. At the bottom of page 6 of the Decision, Ms. Bhimji determined that "it is the Board's role to determine how the 56 vehicles are being utilized by the Applicant for serving the public and how this relates to public need for additional vehicles", Ms. Bhimji then proceeds at page 7 to state "the Applicant has decided to manage its utilization of vehicles in a particular fashion. That is the decision of Company,

not the Board's". In this case why did not Ms. Bhimji take corrective measures to fix this serious irregularity, and instead awarded more licences to the company?


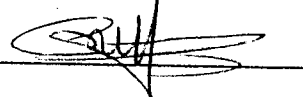
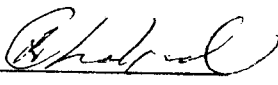
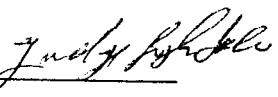
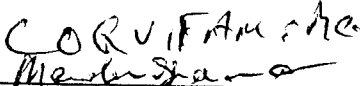
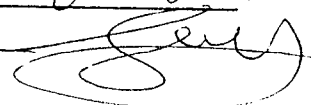
We the shareholders of RCL Airport Cabs request the PT Board to review the Decision on the said application for additional 4 licences issued to RCL. Since the PTB Licence is not restricted to Airport operation versus city operation, nor is the city of Richmond business licence. If a company has been granted sufficient licences by PTB to service all its customers, the fact that RCL Company has chosen to restrict certain taxis, should be a consideration before any further licences are issued.

An order should be issued to remove the "unreasonable and unjustified restriction" on the working of its 19 Airport Cabs, so that these cabs can satisfy the demand in the City as well as at the Airport like all other RCL Company cabs holding the same licence, terms and conditions issued by PTB, City of Richmond, Airport Authorities, and paying the same fee.

We look forward to having a public hearing on the reconsideration of this application / submission as we feel an injustice was done to the Airport Only cabs.

Yours truly,
Richmond Cabs Ltd.
 Airport Cabs shareholders

- Cc: 1. Honourable Kevin Falcon, Minister of Transportation, Victoria, BC.
 2. Registrar of Passenger Transportation Branch, Burnaby, BC.
 3. Public Works and Transportation Committee, City of Richmond, BC.
 4. The Law Society of British Columbia, Vancouver, BC.

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20	<u>RAVINDER BAGRI</u>	<u>1038 E. 63RD AVE, VANCOUVER, BC</u>	<u>604.325.6001</u> <u>V5X-2L4</u>	
20	<u>GURDEEP SINGH</u>	<u>596 E 61ST AVE VAN.</u>	<u>604-324-9733</u>	
52	<u>BALWANT SINGH</u>	<u>14028-114TH AVE</u> <u>3RD FLOOR</u>	<u>604-720-0220</u>	
14	<u>Gurdeep S. Sohi</u>	<u>12235-69 AVE SW.</u>	<u>604-590-8900</u>	
38	<u>Modan Shema</u>	<u>965 CARLAND AVE</u>	<u>CORVU FARM</u>	
34	<u>GURPREET RANDHAWA</u>	<u>14265-66 AVE</u>	<u>SURREY, BC</u>	<u>604-649-0611</u> 

CAB #	NAME	ADDRESS	PHONE	SIGNATURE
#35	HARJINDER S.	14572-60th Surrey B.C. V3S 1K3	604 807 3023	
#10	VIKRAM SINGH GILL	12835-105 Ave Surrey	604 783 0051	
#2	SACHI ANANDA	1284 49 ST Delta, B.C. Terasse	(604) 710-4267	
#504	Iqbal Sidhu	7943-127 ST	(604) 897-0618	
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	BILL S. DOD	31585 Ridgeway Dr Abbotsford	779-552-5431	
#10	Jaspreet S Rehl	7388-122-A Street Surrey	V3W 9Y8	
#19B	Anandeep Sidhu	6890-1234 St Surrey	604-723-0412	
#25B	SATPAL SINGH	14887-75 AVE	604-721-5046	

September 15th, 2005

Mr. Kenneth H. Jang
Barrister and Solicitor
Jang Cheung Lee Chu Law Corporation
700 – 5951 No.3 Road
Richmond, BC, V6X 2E3

Dear Mr. Jang:

RE: Business Licensing of Class A and Class N Taxicabs in Richmond

On August 31, 2005, a meeting was held in the City Hall of Richmond by the Public Works & Transportation Committee of Richmond City Council to discuss the above said issue.

You attended the meeting as **The Corporate Counsel** for Richmond Taxi Group of Companies ("Richmond Taxi") which include Richmond Cabs Ltd. (holder of 54 Class A and 2 Class N taxicabs) and Coral Cabs Ltd. (holder of 19 Class A taxicab). You have made a very strong representation and a 4 page report with submissions in favour of issuing the 15 more **Class A licences** to Richmond Taxi that will increase the maximum number of Class A taxicabs from 73 to 88.

As you are well aware that out of 73 **class A licences** taxicabs only 54 taxicabs are working in the city of Richmond. Whereas, the other 19 **class A licences** taxicabs are not allowed to work in the City of Richmond by Richmond Taxi (*i.e. by the shareholders of 53 taxicabs*). In fact, this restriction on 19 **Class A** cabs is the result of a illegal Dispatch Agreement (*contrary to the **Condition of Licence***) executed by the company (*i.e. by the shareholders having hold on the company*), from the said 19 shareholders "*without choice*" who were in search of work for their livelihood at the time of their buying / selling of these shares.

In spite of repeated requests by shareholders of 19 taxicabs to allow them to work in the city; Richmond Taxi has shown no interest in responding, because of the personal economic benefits to the shareholders having internal hold on the company.

You being a corporate counsel, representing all the companies of Richmond Taxi as a whole, are legally bound to protect the interests of all 73 shareholders of the company. You are morally, legally and ethically bound to give the **RIGHT** and **FAIR** Advice to the company management, board of Directors and all their shareholders to remove the restriction on working (*in the city of Richmond*) of these 19 taxicabs before making an application for more licences.

As explained in your report, page 2, point 3 that "*lot of taxicabs of other companies in Vancouver & lower mainland are stationed at Vancouver International Airport; this means that only fewer taxicabs provide full time service in their own municipalities. In fact, 19 out of Richmond Taxi's 73 taxicabs operate exclusively at the airport*".

Whereas, the reality is that no other cab company has restricted or prohibited their taxicabs or any group of shareholders, not to work in their own municipalities as this company does. The mentioned taxicabs of all other companies can work in the city or at the airport is solely at their own discretion. And, in fact, they are working at the Airport and in their own municipalities as

well like other 54 **Class A**, and 2 **Class N** taxicabs of Richmond Taxi. Therefore your report is misleading and creates confusion.

Your presentation for the demand of 15 more licences and submissions to the council without resolving this matter shows that you are not protecting the interests of 19 taxicabs and their shareholders. This action creates a **conflict of interest**, partiality and favouritism on your part especially towards 54 shareholders within the company; for reasons best known to you.

We the shareholders of 19 **Class A Licences** Taxicabs request you to please refrain from such actions of injustice within the company in future.

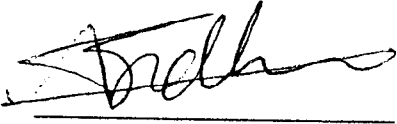
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- Cc: 1. Law Society of British Columbia, Vancouver, BC.
2. Public Works & Transportation Committee, City of Richmond, BC.
3. Registrar of Passenger Transportation branch, Ministry of Transportation, BC.
4. William Mclachlan, Barrister & Solicitor, Vancouver, BC.

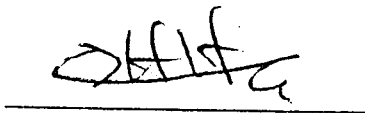
Sincerely,



CAB # 20 PH # 604-325-6001
KANWALJIT BAGRI 1038-E.63 AVE, VANCOUVER
BC, V5X-2L1



191 # 19 PH # 604-723-0412.
Amandeep Sidhu 6890-123A ST- SURREY BC.



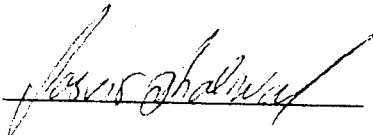
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6500 Palmer R.D 604 7793727



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Richmond 2149255




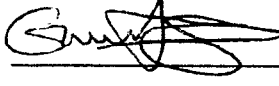

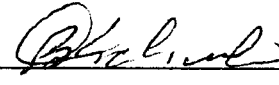


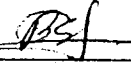
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AKKATTAL SIDHU 604-586-5200
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12481-66 AVE SURREY B.C. V5L 2



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<u></u>	#20A <u>GURDEEP SINGH</u>	604-324 9733 <u>896 E 61st AVE VANCOUVER</u>
<u></u>	#2 <u>SACHI ANANDA</u>	604-710-4567 <u>5426 48th Custer</u>
<u></u>	#52 <u>PNL WATS-DHAWAR</u>	14208-112th St Surrey 604 720-0220.
<u></u>	#44 <u>NIRBHAI S. RANJHAWA</u>	14265-66th AVE
<u>Harjinder Brar</u>	<u>HARJINDER BRAR</u>	14572-60th AVE Surrey, BC
<u>Amrinder Gill</u>	<u>AMRINDER GILL</u>	6674-141st Surrey BC
<u>Karam Gill</u>	Cab No 10. <u>VIKRAM S. GILL</u>	604 581-8234 12835-105 Ave Surrey 53T.54L
<u></u>	Cab #10 <u>JASPAL SINGH RATHA</u>	604 725-7086 7388 122A STV SURREY BC 732948
<u></u>	Cab #25 <u>BILL S. DOD</u>	778 552 5431 <u>31585 Ridgeway Dr Abbotsford</u>
<u> </u>	<u> </u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>

ATTACHMENT 7

B.C. Taxi Association
983 Leveret Place
Victoria, B.C. V8X-

Tel/Fax (250)727-2580
email: kangmohan@telus.net
www.bctaxiassociation

August 31-2005

To: Public Works & Transportation Committee of Richmond

Reg: Proposed Amendment to Remove Limit on the Maximum number of Class A and Class N Taxi Cab Licenses in Richmond (The" Proposed Amendment")

I am the President of the B.C. Taxi Association (the "BCTA") for last seven terms.

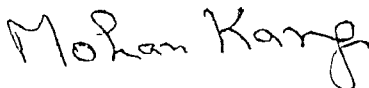
The BCTA is a non-profit association representing 136 taxi companies in B.C. with eleven directors duly elected every year representing all the regions of B.C. Our members own and operate taxi companies in Richmond, Surrey, N. Vancouver, Burnaby, Quilliam, Maple ridge and New Westminster. (in Lower Mainland itself we represent 725 taxis and we represent 1721 taxis B.C, wide). The BCTA respectfully want to bring in the notice of the Public Works & Transportation Committee in the City of Richmond to oppose the proposed Amendments.

The BCTA is of the opinion that the complete removal of the maximum limit of Taxi cab Licenses in the City of Richmond will be harmful to the taxi industry in Richmond and will set a dangerous precedent for other Municipalities. The taxi business is very difficult as it is with increased costs for fuel, insurance and maintenance. If the number of taxi cabs in Richmond is permitted to grow unfettered, it will put the financial viability of the present operators in jeopardy. It is a fact that by merely increasing the number of cabs above survival limit the first and the foremost casualty is the " SAFETY"

The BCTA supports any reasonable increase in the current maximum limit of taxi cab licenses in Richmond, provided that there is prior consultation with the current operators in the city.

I would be happy to appear before the committee anytime to answer their question and concerns.

Yours truly,



(MOHAN KANG)
PRESIDENT, BC TAXI ASSOCIATION



City of Richmond

Bylaw 8139

Business Licence Bylaw 7360, Amendment Bylaw 8139

The Council of the City of Richmond enacts as follows:

1. Business Licence Bylaw 7360 is amended by deleting section 2.1.27.3 in its entirety and re-numbering the remaining bylaw sections accordingly.
2. This Bylaw is cited as “**Business Licence Bylaw 7360 and Amendment Bylaw 8139**”.

FIRST READING

SECOND READING

THIRD READING

ADOPTED

CITY OF RICHMOND
APPROVED
for content by originating dept.
APPROVED

MAYOR

CORPORATE OFFICER