



The Corporation of the Town of LaSalle

Date	December 5, 2017	Report No:	
Directed To:	Mayor and Members of Council	Attachments:	Correspondence from Town Solicitor
Department:		Policy References:	
Prepared By:	Christine A. Riley, Town Solicitor		
Subject:	Taxi Service in the Town of LaSalle		

RECOMMENDATION:

That Council pass a By-law to de-regulate taxi cabs, taxi cab drivers and taxi cab brokers within the Town of LaSalle, and that Council allow any taxi cab driver who holds a valid taxi driver's licence in another municipality within the County of Essex be permitted to service the residents of the Town of LaSalle.

REPORT:

The Town presently licenses one taxicab broker, LaSalle Taxi Ltd., which is owned and operated by Mr. Sam Nizzer. There are currently five taxicab plates issued and seventeen licensed drivers.

In 2016 numerous complaints were received by the Town regarding LaSalle Taxi Ltd. In May 2016 correspondence was sent by the Town Solicitor to the broker of LaSalle Taxi Ltd. (attached as Appendix "A") outlining the concerns brought forward by a number of users of the taxi service.

The nature of the complaints were as follows:

- filthy condition of the taxi cabs both inside and out;
- delayed pick-up times and "no shows";
- drivers using cell phones to receive and make calls without a hands-free device;
- Mr. Nizzer (Broker) dispatching calls from cell phones while driving;
- taxi cab driver's licence and taxi cab licence were not displayed;
- the Passenger Bill of Rights was not being provided to the passengers. By-law 5974, Section 27 states:
 - o *"Every owner of a licensed taxi cab and of a taxi cab driver's license shall display and maintain in a position inside that taxicab visible to all passengers:*
 - a) *The taxi cab driver's licence and the taxi cab licence which identify the owner and the driver of the licensed taxi cab;*

- b) *The tariff rate being charged for services;*
- c) *A map outlining the Town of LaSalle; and*
- d) *The Passenger Bill of Rights (attached as Schedule C) to remain in the taxi cab at all times and provided to the passenger for viewing upon entry into the vehicle."*

Complaints continue to be received by the Town regarding the operation of the taxi service. In particular, a number of the complaints are specifically regarding Mr. Nizzer continuing to dispatch calls by a hand-held cell phone while driving a taxi cab. By-law 5974, Section 2(2) requires the broker for LaSalle Taxi Ltd. to have a land-based dispatch office, and *all* calls received for the hiring for any taxicab must be received at and dispatched through the land-based dispatch office. The use of hand-held cell phones and other devices while driving is also a violation of Provincial laws.

The use of a cell phone while operating a taxi cab is a serious safety concern.

Calls about delayed pick-ups and "no shows" have declined, but were prevalent in 2016. One reason for this may be the use of Uber by the public. The availability of taxi cabs during peak times and special occasions continues to be problematic, as five taxi cabs cannot be expected to adequately service the LaSalle population during periods of high demand. It has become necessary to allow City-licensed taxi cabs access to LaSalle residents during the holiday periods and other Town-sponsored special events to ensure adequate service is available.

In addition, in accordance with By-law 5974, Mr. Nizzer was required to produce to the Licence Commissioner, no later than May 25, 2016, a copy of all dispatch logs from January 1, 2015 to April 30, 2016 showing the date and time of the dispatch, the place of pick up and the identity of the taxi cab involved. Unfortunately Mr. Nizzer made no attempt to comply with By-law 5974 and the Town Solicitor's letter of May 25, 2016.

The Town Solicitor then issued a second letter to LaSalle Taxi Ltd. dated October 31, 2017 (attached as Appendix B) advising that the required remedial steps outlined in the May 2016 correspondence have not been complied with. A deadline date of November 24, 2017 was given to Mr. Nizzer to bring all violations of By-law 5974 into compliance.

On November 20, 2017, the Town Solicitor, the Director of Council Services/Clerk and the Deputy-Clerk met with Mr. Nizzer to discuss the continuing complaints that have been received by the Town over the years, especially during the past 2 years. Some of the topics that were discussed include the use of hand held cell phones while driving, the length of time between the request for a taxi and attendance by the taxi to pick up that caller, failure by the taxis to pick up the client at all, the failure to provide passengers the Passenger Bill of Rights, the attitude of the person answering the phone towards the potential customer and inoperable debit machines.

Mr. Nizzer denied any of the complaints received by the Town had any validity. Mr. Nizzer also brought 3 boxes of daily trip sheets and spiral bound books that contained his dispatch records. A very brief review of some of the documents in 2015 found a pick up had occurred on "Lincoln Road" in May 2015, and a trip sheet for taxi number 23 on January 1, 2015, but no entries in the dispatch log for taxi 23.

The Town Solicitor and Administration have given serious consideration to this difficult issue. The Town has received numerous complaints that continued over a number of years about the quality and level of service of LaSalle Taxi Ltd., which complaints heightened in the years leading up to 2016. In spite of various attempts over the years to get LaSalle Taxi Ltd. to comply with the requirements of By-law 5974, Mr. Nizzer has made very few attempts to do so on any regular or permanent basis. The revenue stream from licencing taxis in the Town has fallen far short of the amount of time and effort required by the Administration in issuing licences, inspecting the taxi cabs, and trying to enforce the provisions of the By-law.

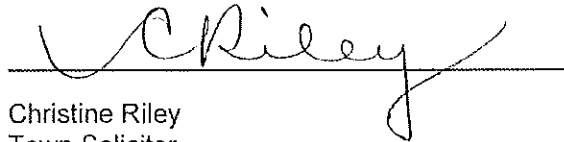
The issue is to determine what is the best way to ensure the residents of the Town receive adequate, quality and safe taxi service. There are two possible options Council may wish to consider.

The first option would involve issuing a Request for Proposal for a new broker. This would continue to provide the Town with a revenue stream from licensing. This option is not recommended however, as it is doubtful that a new broker would have a sufficient amount of taxi cabs or drivers to service the resident demand at the peak holiday times that will be upon us soon.

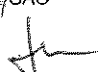


The second and the recommended option is to de-regulate taxi cabs within the Town of LaSalle, and authorize any taxi cab driver who holds a valid taxi cab driver's licence and who is driving a licenced taxi cab to service any resident within the Town of LaSalle. This option may include entering into discussions with existing brokers in the City of Windsor. There are currently four (4) brokers licensed by the City of Windsor. Veteran's Cab is by far the largest operation, but does not have accessible taxi cabs. For this reason, discussions would have to include a broker that has accessible vehicles to ensure compliance with the *Accessibility for Ontarians with Disabilities Act*.

It is therefore my recommendation that Council pass a By-law repealing By-law 5974, and allow other local taxi cab companies the opportunity to provide adequate, quality and safe service to the residents of the Town.

All of which is respectfully submitted.



Christine Riley
Town Solicitor

Reviewed by:							
CAO	Finance	Council Services	Public Works	DSI	Culture & Rec	Fire	
							

**BONDY
RILEY
KOSKI_{LLP}**

Barristers, Solicitors & Notaries

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October 31, 2017

**DELIVERED and
BY REGULAR MAIL**

LASALLE TAXI LTD.
6495 Malden Road
LaSalle, ON N9H 1T4

Attention: Mr. Sam Nizzer

Dear Sir:

**Re: LaSalle Taxi-Service in the Town of LaSalle
Our File No.: 188-721**

As the solicitor for the Town of LaSalle, I have been advised that you have failed to comply with the required remedial steps set out in my letter to you dated May 10, 2016 (copy attached). In fact, I have been advised by Ms. Armstrong that you have made no attempt to contact her with regard to providing a copy of your dispatch logs from January 1, 2015 to April 30, 2016, which logs were required to be provided to Ms. Armstrong no later than May 25, 2016.

Since May of 2016, the complaints continue to be filed with the Town with regard to your operation of the taxi service. In particular, a number of complaints have been made with regard to you in particular, as it appears you continue to use your cell phone, while you are driving your taxi, to dispatch other taxi drivers. Further complaints have been made with regard to the lack of cleanliness in both the interior and exterior of your taxi cab, and the state of repair of either the cab or the meter being used to calculate the taxi fare.

In addition, a number of users of your service have advised that they have never seen a Customer Bill of Rights, which is required to be provided by your drivers to the passengers upon their entry into the taxi cab.

By-law 5974 requires in Section 2(2) that you, as the broker for LaSalle Taxi Ltd., must have a land-based dispatch office, and that all calls received for the hiring for any taxi cab must be received at and dispatched through the land-based dispatch office. Your use of your cell phone to dispatch taxi cabs to other locations is not only a violation of By-law 5974, it is also a violation of Provincial laws preventing the use of handheld cell phones and other devices while driving.

LaSalle Taxi Service
October 31, 2017
Our File: 188-721
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In addition, you have failed to comply with the requirement to provide a copy of your dispatch logs showing the date and time of the dispatch, the place of pick up and the identity of the taxi cab involved. Again this is in violation of Section 2 of By-law 5974, which By-law also requires you to provide a copy of those records to the Licence Commissioner, upon request.

You are therefore hereby required to deliver to the Licence Commissioner, namely Ms. Armstrong, the Deputy-Clerk of the Town, a copy your dispatch logs from **January 1, 2015 to October 31, 2017**. These dispatch logs must be provided to Ms. Armstrong **no later than November 24, 2017**.

As I indicated to you in my letter dated May 10, 2016, failure by you to comply with these requirements, including all other requirements set out in By-law 5974, may result in serious remedial steps being taken by the Town.

Yours truly,

BONDY RILEY KOSKI LLP

CHRISTINE A. RILEY

CAR/dm
Encl.

CC: B. Andreatta and A. Armstrong, Town of LaSalle via e-mail

**BONDY
RILEY
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Barristers, Solicitors & Notaries

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May 10, 2016

LASALLE TAXI
6495 Malden Road
LaSalle, ON N9H 1T4

Attention: Mr. Sam Nizzer

Dear Sir:

**Re: LaSalle Taxi-Service in the Town of LaSalle
Our File No.: 188-721**

As the solicitor for the Town of LaSalle, I have been instructed to contact you with regard to various complaints the Town has received with regard to the level of service currently provided by LaSalle Taxi. A summary of those complaints is as follows:

- The taxi cabs are dirty on both the inside and the outside, to the point that the clothing of your customers, as well as other items they bring in to the taxi, also become dirty.
- On many occasions it takes more than one hour after a call is placed by a customer for a taxi cab to arrive. Apparently this time delay has occurred for customers who wait to be picked up either at their home, or in public places in the Town.
- Some customers have placed calls for taxi service and a taxi cab never arrives at all, resulting in those customers being unable to attend the meeting, function or other event that was planned.
- Taxi drivers have been using cell phones to place or receive calls while driving, but do so without using hands-free devices.
- Specific complaints have been received regarding your personal use of one or more cell phones to receive calls from other customers who wish to arrange for taxi service, after which you then call other drivers, again not using hands-free technology, to arrange for those drivers to pick up new customers. Some complaints have referred to you personally using two hand held cell phones and switching from one to the other while driving.
- There is no display in the cabs providing identification information and a photograph of the driver, or showing the licences for the driver and the cab.

It is my understanding that you have six licenced drivers now working for LaSalle Taxi. As the sole licenced broker for LaSalle Taxi, you are ultimately responsible for ensuring all of the Provincial and Municipal laws are followed, not only by you personally but also by all of your drivers.

It is clear from the complaints referred to above that the service provided by LaSalle Taxi is seriously lacking. In addition, these complaints reveal that LaSalle Taxi is in violation of a number of provisions of Town of LaSalle By-law No. 5974.

As the holder of the broker's licence for LaSalle Taxi, you personally are in violation of Section 2(2) of By-law 5974, as it appears that you are operating your dispatch office from within the taxi cab, and that you appear to be doing so on cell phones while driving, which is also contrary to Provincial law.

This illegal activity and extreme lack of customer service can no longer continue, and will not be tolerated by the Town of LaSalle. In an effort to address this situation, the following steps will be implemented:

1. Random spot checks of all taxi cabs will begin immediately. I wish to remind you that pursuant to the provisions of Section 16 of By-law 5974, no owner or driver of a licenced taxi cab shall refuse, prevent, or hinder the inspection of the cab by any person authorized by the Licence Commissioner to perform that inspection, nor shall an owner or driver refuse entry of that inspector into any garage or any building for the purpose of performing that inspection.
2. A Customer Bill of Rights will be created by the Town, which will include the requirement for every taxi cab to prominently display contact information and a phone number for the customers to contact the Town of LaSalle in the event any customer has any complaint or compliment they wish to provide regarding the taxi service. This display, which will be provided to you by the Town, must be maintained in a visible location at all times.
3. Every taxi cab driver must prominently display at all times their driver's licence and taxi cab licence, which must provide the identity of the owner and driver of the taxi cab, with a photograph of the driver. The tariff rate being charged for services and a map of the Town of LaSalle must also be displayed, all of which is required by Section 27 of By-law 5974.
4. You, as the holder of the broker's licence, must ensure that enough taxi cabs are made available to service the residents of the Town, especially in peak times.
5. You, as the broker, must deliver to Ms. Armstrong, the Deputy-Clerk of the Town, a copy of your dispatch logs from **January 1, 2015 to April 30, 2016** showing the date and time of the dispatch, the place of pick up and the identity of the taxi cab involved. These dispatch logs must be provided to Ms. Armstrong **no later than May 25, 2016**.

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May 10 2016
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I wish to advise that the Town will review the status of these matters in early September 2016 to determine if sufficient changes have occurred to address all of the complaints the Town has received. At that time the Town will determine whether additional steps may need to be taken, which steps may include revoking taxi cab licences and, if appropriate, revoking your broker's licence. I therefore urge you to take these remedial steps seriously, as the consequences for failing to do so are potentially severe.

Yours truly,

BONDY RILEY KOSKI LLP

CHRISTINE A. RILEY

CAR/dm

CC: B. Andreatta and A. Armstrong, Town of LaSalle