

29. Re: Letter from E. Zimmerman and C.E. Anshelm  
4090 Gravelley Street, Burnaby  
Municipal Licensing and Taxi By-Laws

Appearing on the Agenda for the November 6, 1972 meeting of Council is a letter dated October 19, 1972, from Messrs. E. Zimmerman, Secretary-Treasurer of the International Brotherhood of Teamsters, and C.E. Anshelm, Executive Director of Transport Labour Relations. Their letter is a request to Council for more and stricter enforcement of By-Laws that govern the licensing and transport activities of cartage firms and taxis.

Following are replies from the Chief License Inspector and the Superintendent, Officer in Charge, Burnaby Detachment, R.C.M.P.:

A. Chief Licence Inspector

Reference correspondence dated October 19th, 1972, from Transport Labour Relations and General Truck Drivers and Helpers, local union No. 31.

The information contained in the above noted correspondence appears to deal with three situations. For purpose of clarification they have been separated as follows:

1. Delivery of parcels, mail, messages, etc., by taxi cabs in contravention of their conditions of licence.
2. Delivery and cartage companies operating without P.U.C. licences and without registration as companies.
3. Delivery and cartage companies operating without a local business licence.

Burnaby Cab and Commercial Vehicle By-law 1951, numbered 3102, provides the authority to licence and regulate the operation of taxi cabs. The operative section, together with the regulatory and defining sections describe use and conditions of operating a taxi cab for the transportation or conveyance of persons only.

While the by-laws provide only for the transportation or conveyance of persons, there exists a long standing practice of taxi cabs being used for the transporting of a great variety of goods and chattels. The information supplied in the letter of complaint suggests that taxi cabs are operating in direct competition with licenced delivery and express companies. Lacking specific information of such activity by taxi cab operators, I cannot, at this time, agree with the complainants.

The use of taxi cabs for transportation of goods or chattels appears to have developed in two areas. A type of parcel service is supplied to the business community, primarily for the transportation of goods which must be moved on an emergency or special order basis. This ranges from medical supplies and information, television news film, machinery and equipment parts to the airport or bus depot, delivery of forgotten papers or material required for a meeting, through to late floral orders for weddings or funerals. In my opinion, use of this type is very important to the business community and is necessitated by the fact that regular delivery operators are generally not in a position to undertake such direct deliveries on an immediate basis.

Cont. Item 1...

29. Re: Letter from E. Zimmerman and C.F. Anshelm (cont'd)

The other area of activity is of a personal nature to individual residents and normally deals with home delivery of such items as drug prescriptions, liquor and food orders, any form of personal or household goods to shut-ins, as well as gasoline to a stranded motorist. Such service is not, and in my opinion could not be supplied by the regular delivery operators. Taxi cabs supply a 24 hour service while delivery services normally limit their operations to the conventional hours of business.

It would appear, based on the known activity of the taxi cab operators and the information supplied by the complainants, that no serious or unfair competition exists. We are informed that this type of service is in contravention of the P.U.C. licence if the taxi cab crosses municipal boundaries.

The City of Vancouver resolved the problem by amending their by-law to provide for the transportation, without a passenger, of items of merchandise and other goods between the hours of 7:00 o'clock at night and 7:00 o'clock in the following morning, and at all other times for the transportation of chattels of a personal character which are usually considered to be of a portable nature. Applicable rate for such use must be the same as the rate charged for transporting passengers.

The Municipal Solicitor advises: "If it is desired that cabs be allowed to transport or convey chattels, the definition of cab would have to be amended, and also, a section added to the by-law permitting the transportation or conveyance of chattels."

On the matter of delivery and cartage companies operating without a licence from the Public Utilities Commission, this is an area over which we have no jurisdiction. It is my understanding the R.C.M.P. will be submitting a report on this aspect. Concerning the lack of company registration, it must be assumed they refer to the Registrar of Companies. Again we have no jurisdiction nor any authority to compel such registration.

The statement that companies are operating without a local business licence is of definite interest. It should be understood that while any commercial vehicle must display an inter-municipal plate, only those companies operating from locations within the municipality are required to obtain a business licence. Section 441 (a) of the Municipal Act provides an exemption for non-resident businesses as follows:-

"Owners or operators of carriers other than taxicabs who either pick up passengers or chattels within the municipality for discharging or delivery outside the municipality or discharge or deliver within the municipality passengers or chattels picked up outside the municipality, or both, unless the municipality forms part of a trading area designated for carriers under section 454a:"

Any specific information concerning unlicensed local operators would be appreciated and dealt with in a confidential manner.

#### RECOMMENDATIONS

1. As the services provided by taxi cabs appear to be desirable and necessary to the business and residential community, therefore, it is recommended that the by-law be amended as follows:

- i. To permit delivery of goods and chattels at any time without a passenger in the taxi cab.
- ii. Rates for such service to be the same as those applicable for the transportation of passengers.
- iii. The authority to transport goods and chattels shall be applicable within the boundaries of the Municipality only.

2. The authors of the letter of complaint be advised to contact the Public Utilities Commission concerning the operation of vehicles without the necessary licence or for those vehicles operating, in possible contravention of their conditions of licence; and

3. The authors of the letter of complaint be invited to cooperate with the Licence Department towards the apprehension of any unlicensed resident operators. "

29. Re: Letter from E. Zimmerman and C.E. Anshelm (cont'd)

B. Superintendent, Officer in Charge, Burnaby Detachment,  
R.C.M.P.

" With reference to your Municipal Clerk's letter dated October 25, 1972 and copy of correspondence from the Executive Director Transport Labour Relations regarding taxicabs and light delivery trucks in Burnaby, I can now advise as follows.

" The only discussion between Mr. Kenzie of your Trades Licence Department and our Traffic office regarding enforcement of the Motor Carrier Act has been a very brief one between Sgt. Cathcart and Mr. Kenzie concerning the above correspondence.

Our Traffic members are enforcing the Motor Carrier Act and Regulations, particularly Sections 5 and 56(g), dealing with licensing and operating vehicles contrary to conditions of licence. However, it would be most difficult to prove that a violation, such as delivery of a parcel or letter, contrary to conditions of a licence had taken place as the origin of the parcel or letter would have to be known since no offence is committed unless the delivery originated outside the municipality. The number of hours spent on such an investigation would have to be considered on a priority with other traffic law enforcement duties.

I understand that the Transport Labour Relations group has also communicated with the Public Utilities Commission and the Motor Carrier Branch. If the Transport Labour Relations group has any information on violators as indicated in their letter, we would be pleased to have it passed on; or alternately, they themselves may seek a private prosecution."

RECOMMENDATION:

THAT the recommendations of the Chief License Inspector as noted on the body of this report be adopted; and

THAT Transport Labour Relations be advised that we would be pleased to have its assistance on policing the Motor Carrier Act and the Bylaw; and

THAT a copy of this report be sent to Transport Labour Relations.