

21. Re: Taxicabs - Transportation of Chattels
(Item 13, Report No. 79, October 22, 1973)
(Original Communications, Item (1), November 5, 1973)

Letters from:

- (a) Burnaby Driver Owners Association, dated November 20, 1973
- (b) Hean, Wylie and Company, dated November 15, 1973
- (c) Automotive Transport Association of British Columbia, dated November 15, 1973
- (d) Hean, Wylie and Company, dated November 20, 1973

Council, at its meeting of October 22, 1973 received the above-noted report and took the following actions:

1. The existing ratio of one taxi-cab per 2,000 population is to be maintained.
2. Burnaby Cab and Commercial Vehicle By-law is to be amended to increase the taxi licence fee from \$40.00 to \$80.00 per vehicle effective January 1, 1974.
3. Authority was granted to issue two additional taxi licences immediately.
4. A decision on the question of amending the said By-law as it relates to the question of taxicabs carrying chattels was deferred until advice is received from the Motor Carrier Commission as to its decision on an application of the taxi operators in the Municipality for authority to increase the weight of chattels taxis can carry from 25 pounds to 75 pounds.

Council, at its meeting of November 5, 1973, received a letter dated October 26, 1973 from the Automotive Transport Association of British Columbia which referred further to the question of taxis carrying chattels. At that meeting a motion was advanced that taxis be restricted to carrying chattels weighing no more than 15 pounds, however, this proposal was deferred until representations can be made by the Association and by the Taxi Operators both of which have been asked to provide Council with their views on the proposal.

With the above-noted report of October 22, 1973, Council was advised that we did not know when the Motor Carrier Commission will make a decision on the application which the cab companies have before it, but we thought it may be within the next month. We have now been advised that the Commission is currently operating under a pro. tem. appointment which will expire on November 30, 1973. No information concerning possible extension of the pro. tem. appointment or as regards permanent appointment is available at this time. We are, therefore, unable to determine when the Commission's decision will be available.

For further information of Council, we are advised that the cab companies have amended their application to the Motor Carrier Commission by initially requesting approval to carry chattels up to 25 pounds, then requesting a 75 pound maximum, and presently requesting a 25 pound limit.

The Burnaby cab operators application to the Motor Carrier Commission is, in part, for the transporting of chattels whereby "No single shipment may exceed 25 pounds." Should the Commission find in favour of the applicants, it may be necessary for the Commission to rule as to whether the total weight of any single shipment shall not exceed 25 pounds or whether the total weight of any single parcel shall not exceed 25 pounds. Should the Commission ruling not be definitive with respect to multiple shipments, we are advised that several parcels could be transported, provided that no one parcel exceeds 25 pounds.

Although Council may now wish to regulate the weight and/or number of chattels transported by cab, the Chief Licence Inspector advises that required By-law amendments have application to cab operations within the Municipality only.

Further, Council is advised that, although enforcement as regards the number of parcels transported on any one trip may not be difficult, imposition of a weight limit on chattels will present administrative and enforcement problems in that to obtain acceptable evidence for court purposes, parcels would require weighing on a scale certified as accurate.

Appearing on the Agenda for the November 26, 1973 meeting of Council is a letter dated November 15, 1973 from Mr. Ray E. Hunt, Secretary-Manager, Automotive Transport Association of British Columbia, written in response to Council's invitation to all interested parties to submit by November 23, 1973 views regarding the matter of chattel transport by taxi.

Re: Taxicabs - Transportation of Chattels Cont'd.

With his letter of November 15, 1973, Mr. Hunt states that his Association cannot agree with the proposal that "taxicabs be permitted to deliver chattels to a maximum of fifteen pounds", however, Mr. Hunt suggests an amendment to the By-law to permit Burnaby cab operators to "carry chattels between 5:00 o'clock in the afternoon and 7:00 o'clock the following morning".

With Item 13, Report No. 79, October 22, 1973 your Manager referred to the matter of hours during which Vancouver City cab operators are permitted to transport personal items, as follows:

"We do not feel that the wording of the Vancouver By-law is considered to be such that is easy to administer or enforce. The Vancouver By-law permits the transportation of personal items, portable by nature, at any time and restricts others to being transported from 7:00 p.m. to 7:00 a.m. The question is, therefore, what is a 'personal item, portable by nature'? We do not recommend the adoption of the Vancouver wording."

For the information of Council, the following is the wording of Section 18, of the Vancouver "Vehicles for Hire By-law":

"Subject to the other provisions of this By-law, no license shall be issued to any person with respect to the operation of a vehicle for hire that is not exclusively used for the purpose for which the application for license is made; and any person who, for monetary consideration, employs his vehicle for hire for a purpose other than that for which it is licensed during the currency of the license shall subject his license to immediate cancellation at the discretion of the Council. Provided, however, that a taxicab may be hired at the same rates as apply for the carriage of passengers 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 the following morning, and at all other times for the carriage of chattels of a personal character and which are usually considered to be of a portable nature."

At the November 6, 1973 meeting of Council, the Burnaby By-law was amended to permit delivery of goods and chattels at any time without a passenger in the cab. The Chief License Inspector is of the opinion that nothing has changed since 1972 to warrant further amendments with respect to hours of operation and, in that cab companies do provide an immediate 24 hour service as regards chattel transport, it is still in the best interest of the private and business sectors of the community to not regulate such hours.

The Chief License Inspector is of the opinion that the Burnaby Cab and Commercial Vehicle By-law should not be amended at this time. The Municipal Manager concurs.

RECOMMENDATION:

THAT the Burnaby Cab and Commercial Vehicle By-law not be amended at this time to provide for regulation of weight or number of parcels transported or the hours that parcels may be transported by Burnaby taxicabs within the Municipality.