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**TO:** CITY MANAGER **DATE:** 2020 February 27

**FROM:** DIRECTOR PUBLIC SAFETY AND  
COMMUNITY SERVICES

**SUBJECT: PROPOSED INTER-MUNICIPAL BUSINESS LICENCE BYLAWS  
RELATED TO TRANSPORTATION NETWORK SERVICES (AKA  
RIDE-HAILING)**

**PURPOSE:** To recommend that Council approve bylaws that authorize the City to participate in an Inter-Municipal Business Licence scheme for Transportation Network Services.

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#### RECOMMENDATIONS:

1. **THAT** Council approve the City of Burnaby's participation in an Inter-Municipal Business Licence scheme for Transportation Network Services as described in this report.
2. **THAT** Council authorize the City Solicitor to bring forward the *Inter-Municipal TNS Business Licence Agreement Bylaw*, substantially in the form set out in Attachment 1 of this report.
3. **THAT** Council authorize the City Solicitor to bring forward the *Inter-Municipal TNS Business Licence Bylaw*, substantially in the form set out in Attachment 2 of this report.

### REPORT

#### 1.0 INTRODUCTION

This report recommends that Burnaby participate in an Inter-Municipal Business Licence for Transportation Network Services (TNS) companies (also known as ride-hailing or ride-sharing companies). The proposed Inter-Municipal Business Licence (IMBL) will streamline the licensing process across the region and allow TNS companies to operate in all participating municipalities under a single business licence. The IMBL will provide consistency for the TNS companies and also reduce administrative costs for each participating municipality.

An IMBL is a business licence that allows mobile businesses to operate across participating municipalities with the purchase of one licence. Pursuant to section 14 of the

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*Community Charter*, an IMBL is formed through common bylaws enacted by each participating municipality. In order for Burnaby to participate in the proposed IMBL, two bylaws will require enactment. The first bylaw is the *Inter-Municipal TNS Business Licence Agreement Bylaw* which allows municipalities to enter into an agreement with the participating municipalities (*Attachment 1*). It addresses terms such as the licence fee, revenue sharing formula and distribution, and overall administration of the IMBL. The second bylaw, the *Inter-Municipal TNS Business Licence Bylaw*, is the formal mechanism through which the IMBL is implemented in each municipality and sets out the various terms and conditions that apply to the IMBL scheme across the participating municipalities. (*Attachment 2*).

## **2.0 POLICY SECTION**

The recommended actions align with the City of Burnaby's Corporate Strategic Plan by supporting the following goals and sub-goals of the plan:

- A Connected Community
  - Partnership - Work collaboratively with businesses, educational institutions, associations, other communities and governments
  - Geographic connection - Ensure that people can move easily through all areas of Burnaby, using any form of transportation

## **3.0 BACKGROUND**

### **3.1 Recent Changes to the *Passenger Transportation Act***

In 2019 September, Provincial amendments to the *Passenger Transportation Act* came into effect to permit TNS operations in British Columbia. At the same time, Provincial legislation took effect that greatly reduced municipal authority to regulate Passenger Directed Vehicle (PDV) businesses, including the new ride-share operations.

The Province regulates PDVs (a class of vehicles that includes taxis, limousines, and ride-hailing vehicles) through the *Passenger Transportation Act*, the *Motor Vehicle Act*, and the *Commercial Transportation Act*. Companies that operate PDVs are licensed by the independent, provincially appointed BC Passenger Transportation Board (PTB).

The PTB now has sole authority to regulate company fleet size and composition, operational boundaries, to set vehicle standards, and to issue driver Chauffeur Permits. While the province's new regulations surrounding PDV activities limit the role of municipalities in establishing local regulations, municipalities retain authority to:

- Issue business licences (after companies have been licensed by the PTB);
- Set business licence requirements; and,

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- Regulate business activities, such as street and curb use and pick-up and drop-off locations, through bylaws.

Provincially the PTB has established a cross-municipal approach to TNS operational areas and has created five provincial regional operating boundaries (*Attachment 3*). Burnaby falls within Region 1 (Lower Mainland, Whistler) which is comprised of 31 municipalities in total, together with the UBC Endowment Lands and Vancouver International Airport.

### **3.2 IMBL Working Group**

At their 2019 December 12 meeting, the Mayors' Council on Regional Transportation requested that TransLink act as facilitator for discussions with Region 1 municipalities in an effort to develop a TNS IMBL for the region by 2020 January 31.

In late 2019 December, a Region 1 IMBL Working Group was struck and has met weekly to develop an IMBL for ride-hailing since that time. In addition to municipal representatives, these meetings have also been attended by other non-municipal organizations such as the Ministry of Transportation and Infrastructure, UBC, and Vancouver International Airport Authority.

Culminating from this work, 25 of the 31 municipalities within the PTB Region 1 area, have now reached agreement on the proposed IMBL framework (list of participating and non-participating municipalities included as *Attachment 4*).

The necessary IMBL bylaws have been drafted and each of the participating municipalities will present the bylaws to their respective Councils in February and March, recommending approval. If approved, the IMBL will take effect in 2020 April.

Given the expedited process for development, the terms of the IMBL should be understood as interim. Participating municipalities will assess the effectiveness of the IMBL over the coming months, as more TNS companies are licensed and begin operating. Once a full assessment has been completed staff will provide Council with an update and further bylaw amendments may be recommended.

### **4.0 IMBL BYLAW PROVISIONS**

As described below, the provisions in the IMBL Agreement Bylaw and the IMBL Bylaw include:

#### **4.1 Licensing Authority**

The City of Vancouver will be the sole issuer for the Region 1 TNS IMBL. All ride-hailing companies wanting to operate in multiple municipalities under a single licence will need to purchase the IMBL licence from Vancouver.

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However, should a TNS business choose to only operate within the geographical boundaries of Burnaby they would not require an IMBL. Under this scenario the company would only be required to purchase a Burnaby business licence. All Burnaby business licences will be issued and sold by the Burnaby Licence Office.

#### **4.2 Licence Fees and Reporting Structure**

TNS operators that purchase the IMBL will be required to pay \$155 for the company and a per vehicle fee of \$150 for each vehicle operating under the company. Incentives are provided for zero emission vehicles (reduced to \$30 per vehicle) and wheelchair accessible vehicles (reduced to \$0). The discounted fee for zero emission vehicles provides a meaningful incentive while acknowledging that they have an administrative cost and physical impact on streets. Wheelchair accessible vehicles are understood to be more expensive to purchase and maintain than non-accessible vehicles, and municipalities want to encourage their participation in ride-hailing as much as possible, therefore, a \$0 per vehicle fee is proposed.

The per vehicle fee structure was agreed upon as it can be implemented immediately; it enables incentives for specific vehicle types; and it is equitable among companies of all fleet sizes.

The IMBL fees will be pro-rated on a monthly basis to align with the City of Vancouver's calendar licensing structure. Companies will self-report monthly all new vehicles operating under their licence, and whether they are standard, zero emission, or wheelchair accessible. Once a vehicle has been reported and the associated fee paid, the vehicle may operate for the remainder of the calendar year. Participating municipalities will be advised monthly of new vehicle additions, for the purposes of street use management.

The per vehicle fee of \$150 was set with the aim of achieving administrative program cost recovery and recovery of costs to participating municipalities associated with monitoring business activity and impacts in their communities. Because ride-hailing is a new business type the full costs of licensing and monitoring are not yet known. The licence fee is an estimate based on comparable licensing fees in other Canadian jurisdictions such as the City of Calgary. Future adjustments may be required.

#### **4.3 Licence Fee Revenue Sharing**

As the issuing authority, the City of Vancouver will collect all licence fees and will retain funds sufficient to recover the costs of IMBL set up and on-going licence administration (a description of the services and fees are included in *Attachment 5*). Any remaining funds will be distributed among participating municipalities based on the percent of total regional pick-ups and drop-offs that occur within each of their boundaries. The Province will make the data available to all municipalities (see section 5.3 of this report).

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Year 1 of the IMBL program includes set-up costs that are expected to fall in subsequent years as the program is regularized. At the end of each licence year, the City of Vancouver will provide participating municipalities with a year-end accounting of costs, and revenue to be shared.

#### **4.4 Licence Requirements**

Companies will be required to comply with the municipal bylaws and regulations of each participating municipality. Each participating municipality will retain authority to enforce its own bylaws, for example street and traffic regulations, and also to suspend or cancel an IMBL. Because suspension or cancellation of a licence would affect all participating municipalities, staff in participating municipalities will establish a shared protocol for escalating enforcement prior to any municipality considering suspension or cancellation. This protocol will typically include communicating with the Provincial Registrar and Passenger Transportation Branch about on-going concerns with a company or vehicle.

### **5.0 PROVINCIAL TNS RESPONSIBILITIES**

#### **5.1 Provincial Responsibilities for Enforcement**

The Province will be responsible for enforcing compliance with provincial regulations and licence conditions. Field investigations will be carried out by the Commercial Vehicle Safety and Enforcement (CVSE) Branch; the Registrar of the Passenger Transportation Branch is authorized to investigate and audit companies for issues including compliance with licence conditions and public safety. At this time, the number of provincial enforcement staff that will be assigned to address potential issues is not available.

#### **5.2 TNS Accessible Vehicle Service Fee and Potential Uses for the Fee**

Accessible taxi vehicles have become an essential transportation link for many vulnerable citizens experiencing mobility issues. Historically, when determining how many vehicles within a given taxi fleet must be accessible, the PTB considers a number of factors. There are, however, no objective regulations (for example a flat requirement of 20%) that govern accessible vehicle numbers and vehicle counts vary across municipal boundaries and taxi businesses. Within Burnaby, Bonny's Taxi Ltd. has been provided PTB licences to operate 187 taxi vehicles of which 30 (approximately 16%) are required to be accessible. In order to ensure that the needs of Burnaby citizens that require accessible services were being met, the *Burnaby Cab Regulation Bylaw 2009* included requirements that 15% of a taxi business fleet must be accessible vehicles.

As previously mentioned, the PTB now has the sole authority over the size and composition of PDVs, including TNS operations. At this time, unlike taxi operators, TNS companies are not required to offer accessible vehicles within their respective fleets. Instead Provincial regulations require TNS companies to submit a \$.30 fee for each

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vehicle trip. The per trip fee is intended to support transportation options for the accessible community.

The Province has advised that they have completed a jurisdictional scan in other areas/cities that have also instituted an accessibility per trip fee. In some cases these fees have been used to support the existing taxi industry to ensure that wheelchair accessible vehicles are viable and support the community they serve. Consultations have begun with the taxi industry and will continue with other stakeholders over the coming months, to assist in guiding government decisions for ways that the revenue from the per trip fee can be used to continue to support accessibility.

It has been reported that many jurisdictions have taken upwards of two years post TNS implementation to fund programs to support accessibility as it takes time for TNS to fully penetrate the market and for revenue projections to stabilize. In recognition of this, the Province has advised that it is exploring both short term and long term options for the per trip fee.

### **5.3 Municipal Access to Provincial TNS Data**

Access to detailed trip data is critical for municipalities in understanding the impact of ride-hailing in their communities at both the system-wide and street levels. At the street level it can be used to establish solutions to mitigate safety concerns and congestion impacts. For example, identification of locations for supportive infrastructure like street parking repurposed into ride-hailing pick-up and drop-off zones. It can also highlight locations that may require enforcement attention.

Prior to the establishment of the IMBL working group, the PTB had advised municipalities that it intended to collect comprehensive vehicle and trip data from all TNS companies. During the initial IMBL discussions, it was proposed that licensed TNS operators would be required to provide similar monthly data to Vancouver in order to qualify for an IMBL. Vancouver would then filter the data to only include the respective data for each individual IMBL participant, and then send it to the participating community.

In early February, the Province announced that municipalities will now be able to access the data on a regular, on-going basis through a Partnership Agreement with the Province. As a result Vancouver will not be required to distribute the data directly to other municipalities. Consequently, detailed trip data will not be a requirement of the IMBL. Instead municipalities will benefit from access to provincial data, and companies will benefit from not having to duplicate data submission efforts. In addition, municipalities will have access to the provincial data regardless of whether they are IMBL participants or not.

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## 6.0 FUTURE BYLAW AMENDMENTS

In the coming months staff will continue to review the TNS data. Should the data indicate congestion or other issues as a result of TNS operations, staff may recommend that Council amend the City's *Burnaby Street and Traffic Bylaw* to add a pick-up or drop-off fee for TNS vehicles at various locations throughout the City. The City of Vancouver has implemented a congestion fee for some parts of Vancouver under its *Street and Traffic Bylaw*.

Also, the City's *Burnaby Cab Regulation Bylaw* will require repeal and/or amendments in order to ensure the bylaw regulations are compatible with the decreased municipal authority under the *Passenger Transportation Act*. Further, staff will bring forward a report to a future Council meeting to recommend aligning the business licence fees currently charged to taxi operators with the TNS IMBL fees so that TNS companies and taxi companies pay the same licence fees. This will require amendments to the *Burnaby Business Licence Fee Bylaw*.

## 7.0 RECOMMENDATION

There is strong public support for ride-hailing in the Lower Mainland. To date the PTB has authorized five companies to operate in Region 1, with additional companies expected to be provided approval in the near future. The proposed IMBL for ride-hailing will support the regional rollout of the industry as companies will be able to operate in participating municipalities with only one business licence.

In accordance with this report, staff recommend that Council authorize the City Solicitor to bring forward the following bylaws:

- (a) *Inter-Municipal TNS Business Licence Agreement Bylaw*; and,
- (b) *Inter-Municipal TNS Business Licence Bylaw*,

Substantially in the form set out in Attachment 1 and Attachment 2 of this report. The bylaws appear elsewhere on this Council agenda for consideration for 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> readings.

The *Community Charter* requires that before adopting a bylaw in regards to business regulation, Council must give notice of its intention and provide an opportunity for persons who consider they are affected by the bylaw to make representations to Council. In order to ensure all interested parties are provided sufficient notification, notice of the proposed *Inter-municipal TNS Business Licence Agreement Bylaw* and *Inter-municipal TNS Business Licence Bylaw* will be advertised in the local newspaper for two consecutive weeks after first readings of the above bylaws. The notice will provide a deadline of noon, 2020 March 25 to make written submissions. All responses will be collected and provided to Council prior to final adoption of the bylaws.

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Should Council approve the recommendation to participate in the IMBL scheme and adopt the related bylaws for TNS companies under the terms described in this report, the IMBL scheme will be effective in Burnaby on the date of adoption of the bylaws (anticipated to be 2020 April 06).



Dave Critchley  
Director Public Safety and Community Services

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Attachments:           1 – IMBL Agreement Bylaw  
                              2 – IMBL Bylaw  
                              3 – PTB Regional Operating Areas  
                              4 – IMBL Participants and Non-Participants  
                              5 – City of Vancouver Administration Costs

Copied to:               Director Finance  
                              Director Planning and Building  
                              Director Engineering  
                              Director Corporate Services  
                              City Solicitor



**Attachment #1 Continued**

Schedule A

Inter-municipal TNS Business Licence Agreement

WHEREAS the City of Abbotsford, the Village of Anmore, the Bowen Island Municipality, the City of Burnaby, the City of Chilliwack, the City of Coquitlam, the City of Delta, the Village of Harrison Hot Springs, the Corporation of the City of Langley, the Corporation of the Township of Langley, the Village of Lions Bay, the City of Maple Ridge, the Corporation of the City of New Westminster, the Corporation of the City of North Vancouver, the Corporation of the District of North Vancouver, the City of Pitt Meadows, the Corporation of the City of Port Coquitlam, the City of Port Moody, the City of Richmond, the District of Squamish, the City of Surrey, the City of Vancouver, the Corporation of the District of West Vancouver, the Resort Municipality of Whistler, and the Corporation of the City of White Rock (the "*Participating Municipalities*"), wish to permit transportation network services ("*TNS*") businesses to operate across their jurisdictional boundaries thereby eliminating the need to obtain a separate municipal business licence in each jurisdiction;

NOW THEREFORE the *Participating Municipalities* agree as follows:

1. The *Participating Municipalities* agree to establish an *Inter-municipal TNS Business Licence* scheme among the *Participating Municipalities*, pursuant to section 14 of the *Community Charter* and section 192.1 of the *Vancouver Charter*.
2. The *Participating Municipalities* will request their respective municipal Councils to each ratify this Agreement and enact a by-law to implement an *Inter-municipal TNS Business Licence* scheme effective April 1, 2020 if this Agreement is ratified and a by-law is enacted prior to or on April 1, 2020, or upon the date of enactment if this Agreement is ratified and a by-law is enacted after April 1, 2020.

3. In this Agreement:

"*Accessible Vehicle*" means a motor vehicle designed and manufactured, or converted, for the purpose of transporting persons who use mobility aids;

"*Administrative Costs*" means the direct and indirect costs and investments attributable to setting up and administering the *Inter-municipal TNS Business Licence* scheme, including wages, materials, corporate overhead and rent;

"*Business*" has the same meaning as in the *Community Charter*;

"*Community Charter*" means the *Community Charter*, S.B.C. 2003, c. 26, as may be amended or replaced from time to time;

"*Inter-municipal TNS Business*" means a *TNS Business* that has been licensed to operate in the Region 1 operating area by the Passenger Transportation Board;

"*Inter-municipal TNS Business Licence*" means a business licence which authorizes an *Inter-municipal TNS Business* to be carried on within the jurisdictional boundaries of any or all of the *Participating Municipalities*; Atta

**Attachment #1 Continued**

*"Inter-municipal TNS Business Licence By-law"* means the by-law adopted by the Council of each *Participating Municipality* to implement the *Inter-municipal TNS Business Licence* scheme contemplated by this Agreement;

*"Mobility Aid"* has the same meaning as in the *Passenger Transportation Act*, S.B.C 2004, c. 39, as may be amended or replaced from time to time;

*"Municipal Business Licence"* means a licence or permit, other than an *Inter-municipal TNS Business Licence*, issued by a *Participating Municipality* that authorizes a *Business* to be carried on within the jurisdictional boundaries of that *Participating Municipality*;

*"Participating Municipality"* means any one of the *Participating Municipalities*;

*"Premises"* means one or more fixed or permanent locations where the *TNS Business* ordinarily carries on *Business*;

*"TNS Business"* means a person carrying on the business of providing *Transportation Network Services*;

*"Transportation Network Services"* has the same meaning as in the *Passenger Transportation Act*, S.B.C 2004, c. 39, as may be amended or replaced from time to time;

*"Vancouver Charter"* means the *Vancouver Charter*, S.B.C. 1953, c. 55, as may be amended or replaced from time to time; and

*"Zero Emission Vehicle"* means a motor vehicle that is exclusively propelled by electricity or hydrogen from an external source.

4. Subject to the provisions of the *Inter-municipal TNS Business Licence By-law*, each *Participating Municipality* will permit a *TNS Business* that has obtained an *Inter-municipal TNS Business Licence* to carry on the *Business* of providing *Transportation Network Services* within that *Participating Municipality* for the term authorized by the *Inter-municipal TNS Business Licence* without obtaining a *Municipal Business Licence* for the *TNS Business* in that *Participating Municipality*.
5. All *Inter-municipal TNS Business Licences* will be issued by the City of Vancouver.
6. The City of Vancouver may issue an *Inter-municipal TNS Business Licence* to a *TNS Business* if the *TNS Business* is an *Inter-municipal TNS Business* and meets the requirements of the *Inter-municipal TNS Business Licence By-law*, in addition to the requirements of the City of Vancouver's License By-law No. 4450.
7. Notwithstanding that a *TNS Business* may hold an *Inter-municipal TNS Business Licence* that would make it unnecessary to obtain a *Municipal Business Licence* for the *TNS Business* in the *Participating Municipalities*, the *TNS Business* must still comply with all orders and regulations under any municipal business licence by-law in addition to those under any other by-laws,

**Attachment #1 Continued**

8. regulations, or provincial or federal laws that may apply within any jurisdiction in which the *TNS Business* carries on *Business*.
9. Any *Participating Municipality* may require that the holder of an *Inter-municipal TNS Business Licence* also obtain a *Municipal Business Licence* for any *Premises* that are maintained by the licence holder within the jurisdiction of the *Participating Municipality*.
10. The annual *Inter-municipal TNS Business Licence* fee is \$155, plus \$150 for each vehicle operating under the authority of the *Inter-municipal TNS Business*, except that the per vehicle fee for *Zero Emission Vehicles* will be \$30, and there will be no per vehicle fee charged for *Accessible Vehicles*. Any fees paid by an applicant to any *Participating Municipality* for a *Municipal Business Licence* for the *TNS Business* prior to the availability of the *Inter-municipal TNS Business Licence* that are not refunded by that *Participating Municipality* will be credited against the initial *Inter-municipal TNS Business Licence* fee owing under this section 9.
11. The fee for any additional vehicles that begin operating under the authority of an *Inter-municipal TNS Business License* holder after the annual license fee is paid will be the per vehicle fee set out in section 9, pro-rated by dividing the applicable annual per vehicle fee by 12 and multiplying the resulting number by the number of months remaining in that calendar year, including any partial months which will be counted as whole months.
12. The City of Vancouver will distribute the revenue generated from *Inter-municipal TNS Business Licence* fees amongst all *Participating Municipalities* based on the City of Vancouver retaining an amount to cover its *Administrative Costs*, with the remaining fees to be distributed proportionally to the *Participating Municipalities*, including the City of Vancouver, based on the number of pick-ups and drop-offs in that *Participating Municipality*. The City of Vancouver will provide the other *Participating Municipalities* with an itemized accounting of the fees collected and disbursed, including an accounting of its *Administrative Costs*, at the time it distributes the remaining fees to those *Participating Municipalities*.
13. If the revenue generated from *Inter-municipal TNS Business Licence* fees in the initial year is insufficient to cover the *Administrative Costs* relating to the initial set up of the scheme, then the City of Vancouver may retain such portion of the *Inter-municipal TNS Business Licence* fees collected in the subsequent year or years as is necessary to reimburse the City of Vancouver for such initial *Administrative Costs*, until the full amount has been recovered.
14. Any revenue payable to a *Participating Municipality* in the initial year will be offset by any fees collected and not refunded by that *Participating Municipality* for a *Municipal Business License* for the *TNS Business* prior to the availability of the *Inter-municipal TNS Business Licence*, and if the fees collected by the *Participating Municipality* exceed the amount owing to that *Participating Municipality*, then that *Participating Municipality* shall remit the difference to the City of Vancouver for inclusion in the revenue distribution set out above.

**Attachment #1 Continued**

15. The revenue generated from *Inter-municipal TNS Business Licence* fees collected from January 1 to December 31 inclusive that is to be distributed to the *Participating Municipalities* in accordance with section 11, including the fees collected for any additional vehicles under section 10, will be distributed by the City of Vancouver by February 28 of the year following the year in which fees were collected.
16. The length of term of an *Inter-municipal TNS Business Licence* is 12 months, except that the length of term of the initial *Inter-municipal TNS Business Licence* issued to an *Inter-municipal TNS Business* by the City of Vancouver may be less than 12 months in order to harmonize the expiry date of the *Inter-municipal TNS Business Licence* with the calendar year, in which case the annual fee will be pro-rated by dividing the applicable annual license fee by 12 and multiplying the resulting number by the number of months remaining in that calendar year, including any partial months which will be counted as whole months.
17. An *Inter-municipal TNS Business Licence* will be valid within the jurisdictional boundaries of all of the *Participating Municipalities* until its term expires, unless the *Inter-municipal TNS Business Licence* is suspended or cancelled. If a *Participating Municipality* withdraws from the *Inter-municipal TNS Business Licence* scheme among the *Participating Municipalities* in accordance with the *Inter-municipal TNS Business Licence By-law*, then the *Inter-municipal TNS Business Licence* will cease to be valid within the jurisdictional boundary of that former *Participating Municipality*.
18. A *Participating Municipality* may exercise the authority of the City of Vancouver as the issuing municipality and suspend an *Inter-municipal TNS Business Licence* in relation to conduct by the holder within the *Participating Municipality* which would give rise to the power to suspend a business licence under the *Community Charter* or *Vancouver Charter* or under the business licence by-law of the *Participating Municipality*. The suspension will be in effect throughout all of the *Participating Municipalities* and it will be unlawful for the holder to carry on the *Business* authorized by the *Inter-municipal TNS Business Licence* in any *Participating Municipality* for the period of the suspension.
19. A *Participating Municipality* may exercise the authority of the of the City of Vancouver as the issuing municipality and cancel an *Inter-municipal TNS Business Licence* in relation to conduct by the holder within the *Participating Municipality* which would give rise to the power to cancel a business licence under the *Community Charter* or *Vancouver Charter* or the business licence by-law of the *Participating Municipality*. The cancellation will be in effect throughout all of the *Participating Municipalities*.
20. The suspension or cancellation of an *Inter-municipal TNS Business Licence* under section 17 or 18 will not affect the authority of a *Participating Municipality* to issue a *Municipal Business Licence*, other than an *Inter-municipal TNS Business Licence*, to the holder of the suspended or cancelled *Inter-municipal TNS Business Licence*.
21. Nothing in this Agreement affects the authority of a *Participating Municipality* to suspend or cancel any *Municipal Business Licence* issued by that municipality or to enact regulations in respect of any category of *Business* under section 15 of the *Community Charter* or sections 272, 273, 279A, 279A.1, 279B, and 279C of the *Vancouver Charter*.

**Attachment #1 Continued**

22. A *Participating Municipality* may, by notice in writing to each of the other *Participating Municipalities*, withdraw from the *Inter-municipal TNS Business Licence* scheme among the *Participating Municipalities*, and the notice must:
- (a) set out the date on which the withdrawing municipality will no longer recognize the validity within its boundaries of *Inter-municipal TNS Business Licences*, which date must be at least 6 months from the date of the notice; and
  - (b) include a certified copy of the municipal Council resolution or by-law authorizing the municipality's withdrawal from the *Inter-municipal TNS Business Licence* scheme.
22. Nothing contained or implied in this Agreement shall fetter in any way the discretion of the Councils of the *Participating Municipalities*. Further, nothing contained or implied in this Agreement shall prejudice or affect the *Participating Municipalities'* rights, powers, duties or obligations in the exercise of their functions pursuant to the *Community Charter, Vancouver Charter*, or the *Local Government Act*, as amended or replaced from time to time, or act to fetter or otherwise affect the *Participating Municipalities'* discretion, and the rights, powers, duties and obligations under all public and private statutes, by-laws, orders and regulations, which may be, if each *Participating Municipality* so elects, as fully and effectively exercised as if this Agreement had not been executed and delivered by the *Participating Municipalities*.
23. Despite any other provision of this Agreement, an *Inter-municipal TNS Business Licence* granted in accordance with the *Inter-municipal TNS Business Licence Bylaw* does not grant the holder a licence to operate in any jurisdiction other than within the jurisdictional boundaries of the *Participating Municipalities*. Furthermore, a business licence granted under any other inter-municipal *TNS Business* licence scheme is deemed not to exist for the purposes of this Agreement even if a *Participating Municipality* is a participating member of the other inter-municipal *TNS Business* licence scheme.
24. This Agreement may be executed in several counterparts, each of which shall be deemed to be an original, and may be delivered by email or facsimile transmission, and each such counterpart, howsoever delivered, shall be deemed to be an original. Such counterparts together shall constitute one and the same instrument, notwithstanding that all of the *Participating Municipalities* are not signatories to the original or the same counterpart.
25. In the event that the municipal Council of a *Participating Municipality* other than the City of Vancouver does not ratify this Agreement, then that municipality will not be considered a *Participating Municipality* for the purposes of this Agreement, and the terms and conditions of this Agreement shall be effective as among the other *Participating Municipalities*.

Signed and delivered on behalf of the *Participating Municipalities*, the Councils of each of which have, by By-law, ratified this Agreement and authorized their signatories to sign on behalf of the respective Councils, on the dates indicated below.

**Attachment #1 Continued**

**The City of Abbotsford**

**Mayor**

\_\_\_\_\_

**Corporate Officer**

\_\_\_\_\_

**Date**

\_\_\_\_\_

**Village of Anmore**

**Mayor**

\_\_\_\_\_

**Corporate Officer**

\_\_\_\_\_

**Date**

\_\_\_\_\_

**Bowen Island Municipality**

**Mayor**

\_\_\_\_\_

**Corporate Officer**

\_\_\_\_\_

**Date**

\_\_\_\_\_

**City of Burnaby**

**Mayor**

\_\_\_\_\_

**City Clerk**

\_\_\_\_\_

**Date**

\_\_\_\_\_

**City of Chilliwack**

**Mayor**

\_\_\_\_\_

**Corporate Officer**

\_\_\_\_\_

**Date**

\_\_\_\_\_

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**City of Coquitlam**

**Mayor**

\_\_\_\_\_

**City Clerk**

\_\_\_\_\_

**Date**

\_\_\_\_\_

**City of Delta**

**Mayor**

\_\_\_\_\_

**City Clerk**

\_\_\_\_\_

**Date**

\_\_\_\_\_

**Village of Harrison Hot Springs**

**Mayor**

\_\_\_\_\_

**Corporate Officer**

\_\_\_\_\_

**Date**

\_\_\_\_\_

**The Corporation of the City of Langley**

**Mayor**

\_\_\_\_\_

**Corporate Officer**

\_\_\_\_\_

**Date**

\_\_\_\_\_

**The Corporation of the Township of Langley**

**Mayor**

\_\_\_\_\_

**Township Clerk**

\_\_\_\_\_

**Date**

\_\_\_\_\_

**Attachment #1 Continued**

**Village of Lions Bay**

**Mayor**

\_\_\_\_\_

**Corporate Officer**

\_\_\_\_\_

**Date**

\_\_\_\_\_

**City of Maple Ridge**

**Presiding Member**

\_\_\_\_\_

**Corporate Officer**

\_\_\_\_\_

**Date**

\_\_\_\_\_

**The Corporation of the City of New Westminster**

**Mayor**

\_\_\_\_\_

**City Clerk**

\_\_\_\_\_

**Date**

\_\_\_\_\_

**The Corporation of the City of North Vancouver**

**Mayor**

\_\_\_\_\_

**City Clerk**

\_\_\_\_\_

**Date**

\_\_\_\_\_

**The Corporation of the District of North Vancouver**

**Mayor**

\_\_\_\_\_

**Municipal Clerk**

\_\_\_\_\_

**Date**

\_\_\_\_\_

**Attachment #1 Continued**

**The City of Pitt Meadows**

**Mayor**

\_\_\_\_\_

**Corporate Officer**

\_\_\_\_\_

**Date**

\_\_\_\_\_

**The Corporation of the City of Port Coquitlam**

**Mayor**

\_\_\_\_\_

**Corporate Officer**

\_\_\_\_\_

**Date**

\_\_\_\_\_

**City of Port Moody**

**Mayor**

\_\_\_\_\_

**Corporate Officer**

\_\_\_\_\_

**Date**

\_\_\_\_\_

**The City of Richmond**

**Chief Administrative Officer**

\_\_\_\_\_

**General Manager**

\_\_\_\_\_

**Corporate and Financial Services**

\_\_\_\_\_

**Date**

\_\_\_\_\_

**District of Squamish**

**Mayor**

\_\_\_\_\_

**Corporate Officer**

\_\_\_\_\_

**Date**

\_\_\_\_\_

**Attachment #1 Continued**

City of Surrey

Mayor \_\_\_\_\_

City Clerk \_\_\_\_\_

Date \_\_\_\_\_

The City of Vancouver

Mayor \_\_\_\_\_

Director of Legal Services \_\_\_\_\_

Date \_\_\_\_\_

The Corporation of the District of West Vancouver

Mayor \_\_\_\_\_

Corporate Officer \_\_\_\_\_

Date \_\_\_\_\_

Resort Municipality of Whistler

Mayor \_\_\_\_\_

Municipal Clerk \_\_\_\_\_

Date \_\_\_\_\_

The Corporation of the City of White Rock

Mayor \_\_\_\_\_

Director of Corporate Administration \_\_\_\_\_

Date \_\_\_\_\_

**Attachment #2 IMBL Bylaw**

**BY-LAW NO. \_\_\_\_\_**

WHEREAS the municipalities that have entered or will enter into the *Inter-municipal TNS Business Licence Agreement* (the "*Participating Municipalities*") wish to permit licensed transportation network services ("*TNS*") businesses to operate across their jurisdictional boundaries thereby eliminating the need to obtain a separate municipal business licence in each jurisdiction;

AND WHEREAS each of the *Participating Municipalities* has or will adopt a similar by-law to implement the *Inter-municipal TNS Business Licence* scheme;

NOW THEREFORE THE COUNCIL OF THE CITY OF BURNABY, in public meeting, enacts as follows:

1. There is hereby established an *Inter-municipal TNS Business Licence* scheme among the *Participating Municipalities*, pursuant to section 14 of the *Community Charter* and section 192.1 of the *Vancouver Charter*.

2. In this By-law:

"*Accessible Vehicle*" means a motor vehicle designed and manufactured, or converted, for the purpose of transporting persons who use mobility aids;

"*Business*" has the same meaning as in the *Community Charter*;

"*Community Charter*" means the *Community Charter*, S.B.C. 2003, c. 26, as may be amended or replaced from time to time;

"*Inter-municipal TNS Business*" means a *TNS Business* that has been licensed to operate in the Region 1 operating area by the Passenger Transportation Board;

"*Inter-municipal TNS Business Licence*" means a business licence which authorizes an *Inter-municipal TNS Business* to be carried on within the jurisdictional boundaries of any or all of the *Participating Municipalities*;

"*Mobility Aid*" has the same meaning as in the *Passenger Transportation Act*, S.B.C 2004, c. 39. as may be amended or replaced from time to time;

"*Municipal Business Licence*" means a licence or permit, other than an *Inter-municipal TNS Business Licence*, issued by a *Participating Municipality* that authorizes a *Business* to be carried on within the jurisdictional boundaries of that *Participating Municipality*;

"*Participating Municipality*" means any one of the *Participating Municipalities*;

"*Premises*" means one or more fixed or permanent locations where the *TNS Business* ordinarily carries on *Business*;

"*TNS Business*" means a person carrying on the business of providing *Transportation Network Services*;

## Attachment #2 Continued

“*Transportation Network Services*” has the same meaning as in the *Passenger Transportation Act*, S.B.C 2004, c. 39, as may be amended or replaced from time to time;

“*Vancouver Charter*” means the *Vancouver Charter*, S.B.C. 1953, c. 55, as may be amended or replaced from time to time; and

“*Zero Emission Vehicle*” means a motor vehicle that is exclusively propelled by electricity or hydrogen from an external source.

3. Subject to the provisions of this By-law, each *Participating Municipality* will permit a *TNS Business* that has obtained an *Inter-municipal TNS Business Licence* to carry on the *Business* of providing *Transportation Network Services* within that *Participating Municipality* for the term authorized by the *Inter-municipal TNS Business Licence* without obtaining a *Municipal Business Licence* for the *TNS Business* in that *Participating Municipality*.
4. All *Inter-municipal TNS Business Licences* will be issued by the City of Vancouver.
5. The City of Vancouver may issue an *Inter-municipal TNS Business Licence* to a *TNS Business* if the *TNS Business* is an *Inter-municipal TNS Business* and meets the requirements of this By-law, in addition to the requirements of the City of Vancouver’s License By-law No. 4450.
6. Notwithstanding that a *TNS Business* may hold an *Inter-municipal TNS Business Licence* that would make it unnecessary to obtain a *Municipal Business Licence* for the *TNS Business* in the *Participating Municipalities*, the *TNS Business* must still comply with all orders and regulations under any municipal business licence by-law in addition to those under any other by-laws, regulations, or provincial or federal laws that may apply within any jurisdiction in which the *TNS Business* carries on *Business*.
7. Any *Participating Municipality* may require that the holder of an *Inter-municipal TNS Business Licence* also obtain a *Municipal Business Licence* for any *Premises* that are maintained by the licence holder within the jurisdiction of the *Participating Municipality*.
8. The annual *Inter-municipal TNS Business Licence* fee is \$155, plus \$150 for each vehicle operating under the authority of the *Inter-municipal TNS Business*, except that the per vehicle fee for *Zero Emission Vehicles* will be \$30, and there will be no per vehicle fee charged for *Accessible Vehicles*. Any fees paid by an applicant to any *Participating Municipality* for a *Municipal Business Licence* for the *TNS Business* prior to the availability of the *Inter-municipal TNS Business Licence* that are not refunded by that *Participating Municipality* will be credited against the initial *Inter-municipal TNS Business Licence* fee owing under this section 8.
9. The fee for any additional vehicles that begin operating under the authority of an *Inter-municipal TNS Business License* holder after the annual license fee is paid will be the per vehicle fee set out in section 8, pro-rated by dividing the applicable annual per vehicle fee by 12 and multiplying the resulting number by the number of months remaining in that calendar year, including any partial months which will be counted as whole months.

## Attachment #2 Continued

10. The length of term of an *Inter-municipal TNS Business Licence* is 12 months, except that the length of term of the initial *Inter-municipal TNS Business Licence* issued to an *Inter-municipal TNS Business* by the City of Vancouver may be less than 12 months in order to harmonize the expiry date of the *Inter-municipal TNS Business Licence* with the calendar year, in which case the annual fee will be pro-
11. rated by dividing the applicable annual license fee by 12 and multiplying the resulting number by the number of months remaining in that calendar year, including any partial months which will be counted as whole months.
12. An *Inter-municipal TNS Business Licence* will be valid within the jurisdictional boundaries of all of the *Participating Municipalities* until its term expires, unless the *Inter-municipal TNS Business Licence* is suspended or cancelled. If a *Participating Municipality* withdraws from the *Inter-municipal TNS Business Licence* scheme among the *Participating Municipalities* in accordance with this By-law, then the *Inter-municipal TNS Business Licence* will cease to be valid within the jurisdictional boundary of that former *Participating Municipality*.
13. A *Participating Municipality* may exercise the authority of the City of Vancouver as the issuing municipality and suspend an *Inter-municipal TNS Business Licence* in relation to conduct by the holder within the *Participating Municipality* which would give rise to the power to suspend a business licence under the *Community Charter* or *Vancouver Charter* or under the business licence by-law of the *Participating Municipality*. The suspension will be in effect throughout all of the *Participating Municipalities* and it will be unlawful for the holder to carry on the *Business* authorized by the *Inter-municipal TNS Business Licence* in any *Participating Municipality* for the period of the suspension.
14. A *Participating Municipality* may exercise the authority of the City of Vancouver as the issuing municipality and cancel an *Inter-municipal TNS Business Licence* in relation to conduct by the holder within the *Participating Municipality* which would give rise to the power to cancel a business licence under the *Community Charter* or *Vancouver Charter* or the business licence by-law of the *Participating Municipality*. The cancellation will be in effect throughout all of the *Participating Municipalities*.
15. The suspension or cancellation of an *Inter-municipal TNS Business Licence* under section 12 or 13 will not affect the authority of a *Participating Municipality* to issue a *Municipal Business Licence*, other than an *Inter-municipal TNS Business Licence*, to the holder of the suspended or cancelled *Inter-municipal TNS Business Licence*.
16. Nothing in this By-law affects the authority of a *Participating Municipality* to suspend or cancel any *Municipal Business Licence* issued by that municipality or to enact regulations in respect of any category of *Business* under section 15 of the *Community Charter* or sections 272, 273, 279A, 279A.1, 279B, and 279C of the *Vancouver Charter*.
17. A *Participating Municipality* may, by notice in writing to each of the other *Participating Municipalities*, withdraw from the *Inter-municipal TNS Business Licence* scheme among the *Participating Municipalities*, and the notice must:

**Attachment #2 Continued**

- (a) set out the date on which the withdrawing municipality will no longer recognize the validity within its boundaries of *Inter-municipal TNS Business Licences*, which date must be at least 6 months from the date of the notice; and
  - (b) include a certified copy of the municipal Council resolution or by-law authorizing the municipality's withdrawal from the *Inter-municipal TNS Business Licence* scheme.
18. The invalidity or unenforceability of any provision of this By-law shall not affect the validity or enforceability of any other provisions of this By-law and any such invalid or unenforceable provision shall be deemed to be severable.
19. Despite any other provision of this By-law, an *Inter-municipal TNS Business Licence* granted in accordance with this By-law does not grant the holder a licence to operate in any jurisdiction other than within the jurisdictional boundaries of the *Participating Municipalities*.
20. A business licence granted under any other inter-municipal *TNS Business* licence scheme is deemed not to exist for the purposes of this By-law, even if a *Participating Municipality* is a participating member of the other inter-municipal *TNS Business* licence scheme.
21. This By-law is to be cited as the **"Inter-municipal TNS Business Licence Bylaw 2020"**.

FIRST READING	day of _____, 2020
SECOND READING	day of ___, 2020
THIRD READING	day of ___, 2020
ADOPTION	day of ___, 2020

MAYOR

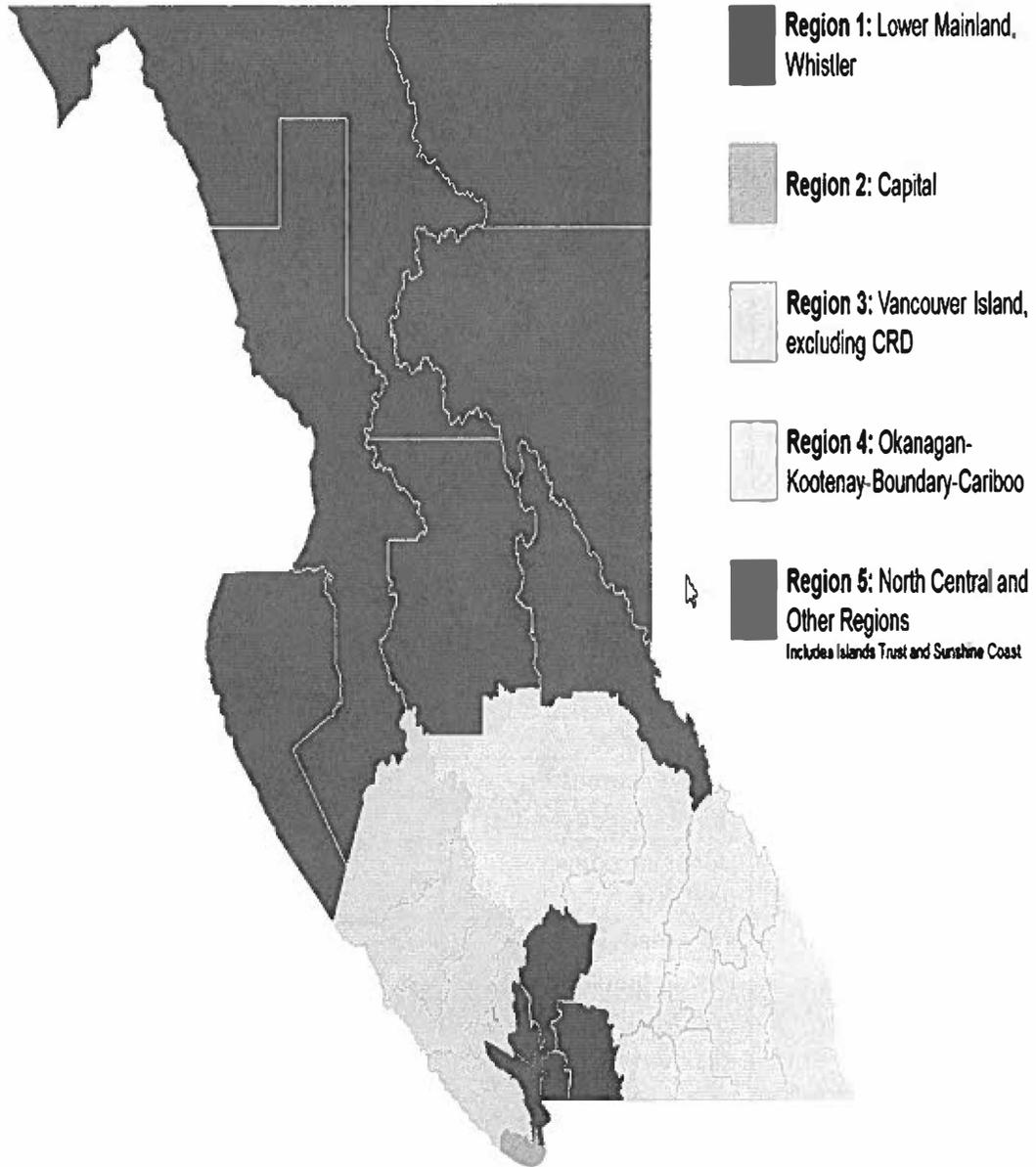
CITY CLERK

**Attachment #3 PTB Regional Operating Areas**

**PTB Established Operational Regions for TNS operators**

<p><b>Region 1: (Lower Mainland, Whistler)</b></p> <ul style="list-style-type: none"> <li>• Metro Vancouver</li> <li>• Fraser Valley</li> <li>• Squamish-Lillooet</li> </ul>	<p><b>Region 2(Capital)</b></p> <ul style="list-style-type: none"> <li>• Capital Regional District</li> </ul>	<p><b>Region 3 (Vancouver Island, excluding CRD)</b></p> <ul style="list-style-type: none"> <li>• Cowichan Valley</li> <li>• Nanaimo</li> <li>• Comox Valley</li> <li>• Alberni-Clayoquot</li> <li>• Strathcona</li> <li>• Mt. Waddington</li> <li>• Qathet (Powell River)</li> </ul>
<p><b>Region 4 (Okanagan-Kootenay Boundary-Cariboo )</b></p> <ul style="list-style-type: none"> <li>• Okanagan-Similkameen</li> <li>• Central Okanagan</li> <li>• North Okanagan</li> <li>• Kootenay Boundary</li> <li>• Shuswap Cariboo</li> <li>• Thompson-Nicola</li> <li>• Columbia</li> </ul>	<p><b>Region 5 (BC North Central &amp; other regions of BC)</b></p> <ul style="list-style-type: none"> <li>• Fraser-Fort George</li> <li>• Bulkey Nechako</li> <li>• Kitimat-Stikine</li> <li>• Peace River</li> <li>• Northern Rockies</li> <li>• North Coast</li> <li>• Island Trust</li> <li>• Sunshine Coast</li> </ul>	

**Attachment #3 Continued**



**Attachment #4 List Region 1 IMBL Participants and Non-Participants**

<b>Region 1 Municipality</b>	<b>Participant in IMBL</b>
Belcarra	No
District of Lillooet	No
Hope	No
Kent	No
Mission	No
Pemberton	No
Abbotsford	Yes
Anmore	Yes
Bowen Island	Yes
Burnaby	Yes
Chilliwack	Yes
Coquitlam	Yes
Delta	Yes
Harrison Hot Springs	Yes
Langley (City)	Yes
Langley (Township)	Yes
Lions Bay	Yes
Maple Ridge	Yes
New Westminister	Yes
North Vancouver (City)	Yes
North Vancouver (District)	Yes
Pitt Meadows	Yes
Port Coquitlam	Yes
Port Moody	Yes
Richmond	Yes
Squamish	Yes
Surrey	Yes
Vancouver	Yes
West Vancouver District	Yes
Whistler	Yes
White Rock	Yes

**Attachment #5 City of Vancouver Admin Costs**

**City of Vancouver IMBL Administrative Program Cost – Year One**

The City of Vancouver will retain licence fee revenue sufficient to recover IMBL administrative program costs. Any remaining funds will be distributed among participating municipalities based on the percent of total regional pick-ups and drop-offs that occur within each of their boundaries.

Estimated Year 1 Total Cost: \$140,000

Includes:

- Privacy Management
- Legal Services
- Policy Development
- Corporate Overhead, Materials and Rent
- Licence processing including fee administration and reconciliation