

Memo



Date: May 18, 2010
To: City Manager
From: City Clerk
Subject: Liquor Control Review

Further to Council's request, please find attached the following:

1. May 11, 2010 UBCM Member Notice with respect to changes to the Liquor Licensing Policy;
2. A list of the Liquor Primary and Food Primary Establishments within the City of Kelowna; and
3. A copy of the March 7, 2008 letter from the Passenger Transportation Branch in response to the City's previous inquiry regarding taxi licenses.

With respect to the letter from the Passenger Transportation Branch, Mr. Greene has confirmed that the information contained in the March 7, 2008 letter has not changed. Should there be specific questions from Council with regard to this response, both Mr. Greene and Jan Broocke would be available via phone/email. They would also be available during the research stage of the Liquor Control Review.


S. Fleming, City Clerk

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Att.





MEMBER NOTICE

**TO: Mayor and Council
Chair and Regional District Board
Administrator**

FROM: UBCM Secretariat

DATE: May 11, 2010

RE: CHANGES TO LIQUOR LICENSING POLICY

The province on April 29, 2010 introduced Bill 20: The Miscellaneous Statutes Amendment Act No. 3. The legislation contains amendments to the Liquor Control and Licensing Act which may affect local government. UBCM is writing to make you aware that changes are being proposed to provincial liquor licensing policy and to get your feedback on the issues identified in the legislation. We look forward to your comments and will be forwarding this information to the province.

A number of the legislative changes introduced appear to place limitations on the need to consult with local government over certain types of liquor licensing provisions. The potential impact of the changes and how it might limit local government input into the liquor licensing process is not known as UBCM was not consulted about any of the changes. We have written the province setting out our concerns regarding the failure to consult with local government on the legislative changes.

The Community Charter outlines the principles of municipal-provincial relations and states that consultation is needed on matters of mutual interest and that local government be provided an opportunity to comment on the changes that are being proposed. In the case of the legislative amendments to the Liquor Control and Licensing Act the consultation requirements outlined in the Charter were not met.

Outlined below is a summary of some of the changes proposed to the Liquor Control and Licensing Act in Bill 20:

Major public safety initiatives:

- Clarify statutory authority to assess the personal suitability of anyone involved in the control or management of a licensed establishment to minimize risk of criminal/gang infiltration – currently in place through branch policy
- Allow the LCLB general manager to temporarily suspend liquor licences for up to 14 days without a hearing in extraordinary circumstances
- Allow the LCLB and police to hire minors to help monitor whether licensees are complying with ID checking rules – minors would be under supervision and not allowed to consume alcohol
- Clarify that it is illegal to have open liquor in public
- Provisions for greater control over who may obtain a special occasion licence and where the event may be held, and for holding special occasion licence holders accountable for infractions such as intoxication and service to minors.
- Provision to licence rural agency, manufacturer and private wine stores and hold them to the same compliance and enforcement rules as other private liquor retail outlets

Streamlining, good governance and deregulation initiatives:

- Allow for seniors' care homes to serve liquor to residents and their guests – liquor service is currently restricted to residents
- Provision to simplify the process for local government/First Nation input on low risk liquor-primary licence applications (e.g., small capacity lounges)
- Allow the LCLB general manager to reinstate a licence if it is renewed after the expiry date
- Provision to permit financial relationships between liquor manufacturers and licensees (except for UBrews/UVins)
- Provision to modernize trade practice relationships between liquor manufacturers and licensees
- Transfer the club licence provisions from the Act to the Regulations
- Consolidate all gaming regulations within the Gaming Act, to be regulated by the Gaming Policy and Enforcement Branch
- Provision to allow liquor manufacturers and agents to donate liquor to charity special occasion licence events
- Allow all licensees to support and sponsor community activities and events – currently only liquor manufacturers may sponsor events
- Add herbal remedies containing alcohol to the list of products that may be exempted from the Liquor Control and Licensing Act
- Allow licensees to pre-mix drinks
- Provision to amend the process for bringing in small amounts of alcohol into BC from elsewhere in Canada for personal use

- Clarify that agents may not sell to the public or to licensees, but may sell to Liquor Distribution Branch (LDB)
- Allow the LDB general manager (rather than minister) to decide how forfeited liquor will be disposed
- Repeal redundant provisions about reporting the value of seized liquor to the Minister of Finance
- Eliminate the requirement that police notify the LCLB general manager in writing whenever they seize liquor
- Provision to allow certain rural agency stores in remote areas to sell to licensees as is presently permitted under their appointment

The two changes that would affect local government directly are proposed in:

Section 120: [Liquor Control and Licensing Act, section 11.3] deletes the requirement for consultation with local governments or first nations on renewal of a prescribed class or category of licence.

Section 120: [Liquor Control and Licensing Act, section 11.31] allows regulations to exempt certain classes of licences, establishments or licensed establishments from requirements to consult with local governments and first nations and allows for regulations to provide an alternative process for consultation in that case.

UBCM has written the province outlining our concerns regarding their failure to consult on the proposed changes to the Liquor Control and Licensing Act. We would appreciate any comments your community may have on the legislative changes.

UBCM is looking to sharing your concerns about this matter with the Minister. We are also considering re-establishing a Liquor Licensing Working Group to discuss these changes and other liquor licensing issues of concern to local government with the Liquor Control and Licensing Branch.

Please contact Ken Vance, Senior Policy Advisor if you have any questions (Ph: 604-270-8226 Ex.114; e-mail: kvance@ubcm.ca).

City of Kelowna - Liquor Control Review 2010
LIQUOR PRIMARY ESTABLISHMENTS

Establishment Name	Establishment Type	Address	Capacity	Saturday Close
SKYWAY RESTAURANT & LOUNGE	Airport	9 - 5533 Kelowna Airport	148	12:00 Midnight
O.K. Corral Cabaret	Cabaret	1978 Kirschner Road	291	2:00 AM
North Forty Saloon	Cabaret	150 Highway 33 West	306	2:00 AM
CHEETAH'S	Cabaret	220 LAWRENCE AVE	232	2:00 AM
Club Mediterranean Cabaret	Cabaret	274 Lawrence Avenue	301	2:00 AM
Level	Cabaret	275 LEON AVE	464	2:00 AM
The Blue Gator	Cabaret	441 Lawrence Avenue	102	2:00 AM
FLASHBACK'S	Cabaret	1268 ELLIS ST	490	2:00 AM
Gotcha	Cabaret	238 Leon Ave	473	2:00 AM
Royal Canadian Legion, Branch #26	Club - Private	1380 BERTRAM ST	125	1:00 AM
KELOWNA CURLING CLUB	Club - Private	551 RECREATION AVE	521	1:00 AM
KELOWNA CLUB	Club - Private	554 LEON AVE	192	1:00 AM
KELOWNA GOLF & COUNTRY CLUB	Club - Private	1297 GLENMORE DR	486	12:00 Midnight
KELOWNA YACHT CLUB	Club - Private	1414 WATER ST	375	1:00 AM
KELOWNA ELKS CLUB	Club - Private (LP)	2040 SPRINGFIELD RD	500	1:00 AM
GERMAN CANADIAN HARMONIE HOUSE	Club - Private (LP)	1696 CARY RD	259	1:00 AM
Army, Navy and Air Force Veterans #376	Club - Private (LP)	270 Dougall Road North	252	1:00 AM
KELOWNA CANADIAN-ITALIAN CLUB	Club - Private (LP)	770 LAWRENCE AVE	85	1:00 AM
Kelowna Community Theatre	Concert	1375 Water Street	1144	1:00 AM
Chances Gaming Entertainment	Gaming Facility - Bingo	1585 Springfield Rd	1064	11:59 PM
Lake City Casinos	Gaming Facility - Casino	1310 Water Street	600	1:00 AM
Aberdeen's	Golf Course	1855 Tower Ranch Blvd	49	2:00 AM
Black Mountain Golf Club	Golf Course	575 Black Mountain Drive	2	9:00 PM
ROYAL ANNE HOTEL	Hotel	348 BERNARD AVE	148	1:30 AM
Coast Capri Hotel	Hotel	1171 Harvey Ave	259	2:00 AM
Coast Capri Hotel	Hotel	1171 Harvey Ave	225	2:00 AM
Prestige Inn (Kelowna)	Hotel	1675 Abbott St	86	1:00 AM
BEST WESTERN INN - KELOWNA	Hotel	2402 HWY 97 NORTH	200	2:00 AM
Hotel Eldorado	Hotel	500 COOK RD	155	1:00 AM
MANTEO RESORT HOTEL	Hotel	3766 LAKESHORE RD	35	1:00 AM
Sandman Hotel	Hotel	2130 Harvey Ave	100	1:00 AM
RAMADA LODGE HOTEL	Hotel	2170 HARVEY AVE	270	1:00 AM
Delta Grand Okanagan Resort	Hotel	1310 Water Street	93	1:00 AM
The Grateful Fed Pub	Lounge	509 Bernard Avenue	90	1:00 AM
BC Dragoons (Junior Ranks Mess) Kelowna	Military Mess	720 Lawrence Avenue	93	2:00 AM
BC Dragoons (Composite Mess) Kelowna	Military Mess	720 Lawrence Avenue	87	2:00 AM
Tonics	Neighbourhood Pub	1654 Ellis Street	163	2:00 AM
Waterfront Wines	Neighbourhood Pub	104 - 1180 Sunset Dr	51	12:00 Midnight
CARLOS O'BRYAN PUB	Neighbourhood Pub	262 BERNARD AVE	60	1:00 AM
MCCULLOCH STATION PUB	Neighbourhood Pub	2789 K L O RD	157	12:00 Midnight
Rose's Waterfront Pub.	Neighbourhood Pub	1352 Water St.	321	2:00 AM
PHEASANT AND QUAIL PUB	Neighbourhood Pub	3110 LAKESHORE RD	169	1:00 AM
Kelowna Liquor Barn Pub & Liquor Store.	Neighbourhood Pub	19 590 Highway 33	34	1:00 AM
Creekside Pub	Neighbourhood Pub	3929 LAKESHORE RD	207	1:00 AM
Dave's Sports Bar	Neighbourhood Pub	155 Rutland Road South	172	1:00 AM
Doc Willoughby's Downtown Pub	Neighbourhood Pub	353 Bernard Avenue	180	2:00 AM
Packing House	Neighbourhood Pub	663 Finns Road	211	1:00 AM
Tom Colin's Pub	Neighbourhood Pub	1992 Dilworth Drive	230	2:00 AM
Brandt's Creek Neighbourhood Pub	Neighbourhood Pub	435 Glenmore Road	160	1:00 AM
Post Haus Pub	Neighbourhood Pub	230 Highway 33 East	99	12:00 Midnight
OKANAGAN GOLF CLUB	Recreation Facility	3200 VIA CENTRALE	76	12:00 Midnight
Gallagher's Canyon Golf Club	Recreation Facility	4320 Gallaghers Dr W	63	12:00 Midnight
Lake City Bowl and Billiards	Recreation Facility	2789 Hwy North	30	1:00 AM
Mission Creek Golf & Country Club	Recreation Facility	1959 K L O RD	72	12:00 Midnight
Dakoda's	Recreation Facility	1574 Harvey Ave	147	1:00 AM
Kelowna Springs Golf Club	Recreation Facility	480 PENNO RD	84	12:00 Midnight
Michaelbrook Ranch Golf Club	Recreation Facility	1085 LEXINGTON DR	72	12:00 Midnight
Kelowna Breakers Billiards & Bistro	Recreation Facility	1 - 1525 Dilworth Drive	120	2:00 AM
Shadow Ridge Golf Club	Recreation Facility	3770 Bulman Road	48	12:00 Midnight
McCurdy Corner Bowling Centre	Recreation Facility	124 - 948 McCurdy Rd	100	1:00 AM
HARVEST GOLF CLUB	Recreation Facility	2725 K L O RD	72	12:00 Midnight
Baxters Bar & Grill	Recreation Facility	2 - 1745 SPALL RD	35	1:00 AM
Boomers Bar & Grill	Recreation Facility	4105 Gordon Drive	82	2:00 AM
VALLEY LANES	Recreation Facility	200 RUTLAND RD S	128	12:00 Midnight
McCulloch Orchard Greens Golf Club	Recreation Facility	2777 K L O RD	92	12:00 Midnight
Apple Bowl Stadium	Stadium	1557 Burtch Rd	2300	12:00 Midnight
Prospera Place	Stadium	1223 Water Street	8046	1:00 AM
Kinsmen Softball Complex	Stadium	3925 Gordon Drive	700	11:00 PM
Elks Stadium	Stadium	663 Recreation Ave	1190	12:00 Midnight
Kings Stadium	Stadium	552 Gaston Ave	1600	12:00 Midnight
UBC Okanagan	University	Student Services Centre	100	11:30 PM
the well	University	University Service Centre	171	1:00 AM

City of Kelowna - Liquor Control Review 2010

FOOD PRIMARY ESTABLISHMENTS

Establishment Name	Establishment Type	Capacity	Saturday Close
ABC Country Restaurant	Dining Establishment	122	12:00 Midnight
Aberdeen's	Dining Establishment	215	12:00 Midnight
Asian Food	Dining Establishment	40	1:00 AM
Asuka Japanese Restaurant	Dining Establishment	25	12:00 Midnight
Bai Tong Thai Food Restaurant	Dining Establishment	80	1:00 AM
Baxters Bar & Grill	Recreation Facility	91	1:00 AM
Beano's	Dining Establishment	115	12:00 Midnight
Best Western Inn	Hotel	1043	1:00 AM
Black Mountain Golf Club	Dining Establishment	185	12:00 Midnight
Blue Dog Cafe	Dining Establishment	45	12:00 Midnight
Bohemian Cafe and Catering Co.	Dining Establishment	90	12:00 Midnight
Boomers Bar & Grill	Dining Establishment	379	2:00 AM
Boston Pizza (Dilworth Centre)	Dining Establishment	288	1:00 AM
Boston Pizza (Harvey Ave)	Dining Establishment	201	1:00 AM
Bouchons Bistro	Dining Establishment	97	12:00 Midnight
Buffet King	Dining Establishment	253	1:00 AM
C - Lovers Fish and Chips	Dining Establishment	45	1:00 AM
Cabana Bar and Grille	Dining Establishment	246	12:00 Midnight
Cactus Club Cafe	Dining Establishment	232	1:30 AM
Cedars Family Restaurant	Dining Establishment	110	2:00 AM
Christopher's Restaurant	Dining Establishment	148	1:00 AM
Chutney Restaurant	Dining Establishment	89	1:00 AM
Coast Capri Hotel	Hotel	797	1:00 AM
Cornerstone Cafe	Dining Establishment	30	11:00 PM
Creekside Pub	Neighbourhood Pub	128	12:00 Midnight
Da Tandoor Restaurant	Dining Establishment	63	1:00 AM
Dakoda's	Recreation Facility	253	1:00 AM
Dawett Restaurant	Dining Establishment	101	1:00 AM
Deli City Café & Bunches Bistro	Dining Establishment	186	12:00 Midnight
Delta Grand Okanagan Resort	Hotel	2040	1:00 AM
DJ's Restaurant	Dining Establishment	182	1:00 AM
Dragon King Restaurant	Dining Establishment	80	1:00 AM
Earls on Top Restaurant	Dining Establishment	226	1:30 AM
East Side Mario's	Dining Establishment	239	12:00 Midnight
Everest East Asian Restaurant	Dining Establishment	50	12:00 Midnight
Fatburger Capri Centre	Dining Establishment	60	12:00 Midnight
Fi Bistro	Dining Establishment	44	12:00 Midnight
Fixx Cafe & Pasta Bar	Dining Establishment	55	1:00 AM
Gallaghers Canyon Golf Club	Recreation Facility	328	12:00 Midnight
Genjie Japanese Restaurant	Dining Establishment	160	12:00 Midnight
Georgio's Bistro	Dining Establishment	34	12:00 Midnight
Ginza Japanese Restaurant	Dining Establishment	79	12:00 Midnight
Globe, Cafe & Tapas Bar	Dining Establishment	42	12:00 Midnight
Greenroom	Dining Establishment	90	12:00 Midnight
Guischian House Restaurant	Dining Establishment	134	12:00 Midnight
Hanna's Lounge & Grill	Dining Establishment	216	1:00 AM
Harvest Golf Club	Recreation Facility	308	12:00 Midnight
Hector's Casa	Dining Establishment	96	1:00 AM
Hotel Eldorado	Hotel	584	1:00 AM
Imperial Banquet Restaurant	Dining Establishment	59	1:00 AM
International House of Pancakes	Dining Establishment	120	12:00 Midnight

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FOOD PRIMARY ESTABLISHMENTS

Establishment Name	Establishment Type	Capacity	Saturday Close
Itto Japanese Restaurant	Dining Establishment	42	12:00 Midnight
Jimmy Ho's	Dining Establishment	10	12:00 Midnight
JJ's Cafe	Dining Establishment	95	12:00 Midnight
Joe's Garden Restaurant	Dining Establishment	50	12:00 Midnight
Joey's Global Grill & Lounge	Dining Establishment	264	1:00 AM
Kelly O Bryans	Neighbourhood Pub	152	12:00 Midnight
Kelowna Actors Studio	Dining Establishment	170	12:00 Midnight
Kelowna Breakers Billiards and Bistro	Dining Establishment	102	1:00 AM
Kelowna Golf & Country Club	Club - Private	218	12:00 Midnight
Kelowna Princess II	Dining Establishment	75	12:00 Midnight
Kelowna Springs Golf Club	Recreation Facility	161	12:00 Midnight
Kelsey's Restaurant	Dining Establishment	202	1:00 AM
Ken's Dim Sum Restaurant	Dining Establishment	76	12:00 Midnight
Kettle Valley Tapas Bar & Grill Inc.	Dining Establishment	150	1:00 AM
Kreative Kookery Cafe & Catering	Dining Establishment	65	12:00 Midnight
La Bussola Italian Restaurant	Dining Establishment	120	1:00 AM
La Casa Cantina	Dining Establishment	127	12:00 Midnight
Lake City Bowl and Billiards	Recreation Facility	50	1:00 AM
Lord Chumley's Halibut & Chips	Dining Establishment	50	12:00 Midnight
M.V. The Boardroom	Dining Establishment	90	12:00 Midnight
Mabui Sushi-Izakaya	Dining Establishment	40	12:00 Midnight
Mamma Rosa Restaurant	Dining Establishment	60	1:00 AM
Manteo Resort Hotel	Hotel	786	1:00 AM
McCullough Orchard Greens Golf	Recreation Facility	101	12:00 Midnight
Mekong Restaurant	Dining Establishment	283	12:00 Midnight
Memphis Blues BBQ	Dining Establishment	49	12:00 Midnight
Michaelbrook Ranch Golf Club	Recreation Facility	237	12:00 Midnight
Milestone's Restaurant (Kelowna)	Dining Establishment	285	1:00 AM
Minstrel Cafe and Bar	Dining Establishment	190	1:00 AM
Mission Creek Golf Club	Recreation Facility	315	12:00 Midnight
Mission Villas	Dining Establishment	66	11:00 PM
Momo Sushi Japanese Restaurant	Dining Establishment	58	12:00 Midnight
Mon Thong Thai Restaurant	Dining Establishment	90	12:00 Midnight
Montana's Cookhouse & Bar	Dining Establishment	230	12:00 Midnight
Monthong Thai Restaurant	Dining Establishment	60	12:00 Midnight
Moxie's Classic Grill	Dining Establishment	302	1:00 AM
Mug'A Java Beans & Bistro	Dining Establishment	92	12:00 Midnight
Nagano Sushi	Dining Establishment	34	1:00 AM
Nari Sushi	Dining Establishment	24	12:00 Midnight
New Empress Restaurant	Dining Establishment	100	1:00 AM
Oh Sushi Kelowna	Dining Establishment	22	12:00 Midnight
O-KA Japanese Restaurant	Dining Establishment	58	1:00 AM
Okanagan College	Dining Establishment	390	1:00 AM
Okanagan Golf Club	Recreation Facility	720	12:00 Midnight
Okanagan Princess	Motor Vessel		12:00 Midnight
Olympia Taverna	Dining Establishment	163	1:00 AM
Opa Souvlaki of Greece	Dining Establishment	20	9:00 PM
Orient Family Restaurant	Dining Establishment	120	12:00 Midnight
O-Zeki Japanese Restaurant	Dining Establishment	98	1:00 AM
Perc's	Dining Establishment	110	11:30 PM
Pioneer Country Market	Dining Establishment	84	12:00 Midnight

City of Kelowna - Liquor Control Review 2010

FOOD PRIMARY ESTABLISHMENTS

Establishment Name	Establishment Type	Capacity	Saturday Close
Pizza Hut (Harvey Ave)	Dining Establishment	134	1:00 AM
Pizza Hut (Rutland)	Dining Establishment	93	1:00 AM
Prestige Inn	Hotel	380	1:00 AM
Prospera Place	Stadium	271	1:00 AM
Quail's Gate Vineyard Estate Winery	Dining Establishment	297	12:00 Midnight
Ramada Lodge Hotel	Hotel	848	1:00 AM
Raudz Regional Table	Dining Establishment	86	1:00 AM
Red Lotus Vietnamese Restaurant	Dining Establishment	80	1:00 AM
Red Robin Restaurant	Dining Establishment	222	12:00 Midnight
Ricardo's Mediterranean Kitchen	Dining Establishment	104	1:00 AM
Ricky's All Day Grill	Dining Establishment	190	12:00 Midnight
Ric's Grill	Dining Establishment	256	1:00 AM
Rotten Grape Restaurant	Dining Establishment	80	1:00 AM
Royal Anne Hotel	Hotel	299	1:00 AM
Ruby Family Restaurant	Dining Establishment	208	1:00 AM
Sai-Gon Restaurant	Dining Establishment	60	1:30 AM
Sal's Prime Steakhouse	Dining Establishment	126	12:00 Midnight
Samosas	Dining Establishment	39	11:00 PM
Sandman Hotel	Hotel	477	1:00 AM
Seven Six Four Restaurant	Dining Establishment	61	12:00 Midnight
Shadow Ridge Golf Club	Recreation Facility	234	12:00 Midnight
Siam Orchid Restaurant	Dining Establishment	64	12:00 Midnight
Staccatos Gelateria and Bistro	Dining Establishment	72	1:00 AM
Sturgeon Hall & Bordello's Pizzeria	Dining Establishment	127	1:00 AM
Sunrise Family Bar & Grill	Dining Establishment	144	12:00 Midnight
Swiss Chalet	Dining Establishment	230	1:00 AM
Taco Time Cantina	Dining Establishment	71	12:00 Midnight
Taj Cafe	Dining Establishment	32	12:00 Midnight
Taki Japanese Grill	Dining Establishment	50	12:00 Midnight
The Bike Shop Cafe	Dining Establishment	46	12:00 Midnight
The Bread Company	Dining Establishment	42	12:00 Midnight
The Chopped Leaf	Dining Establishment	50	12:00 Midnight
The Habitat	Dining Establishment	133	12:00 Midnight
The Jammery	Dining Establishment	80	12:00 Midnight
The Keg Steakhouse & Bar	Dining Establishment	312	1:00 AM
The Lodge	Dining Establishment	450	12:00 Midnight
The Ridge Restaurant	Dining Establishment	75	1:00 AM
The Underground	Dining Establishment	33	12:00 Midnight
Tokyo Sushi	Dining Establishment	46	12:00 Midnight
Tsunami Japanese Restaurant Ltd.	Dining Establishment	45	12:00 Midnight
Valley Lanes	Recreation Facility	162	12:00 Midnight
Vietnam Village Restaurant	Dining Establishment	40	1:00 AM
Wasabi Izakaya	Dining Establishment	46	12:00 Midnight
White Spot	Dining Establishment	208	1:00 AM
White Spot	Dining Establishment	92	12:00 Midnight
Wok Inn Restaurant	Dining Establishment	54	1:00 AM
Yamas Taverna	Dining Establishment	150	1:00 AM
Yamato	Dining Establishment	28	12:00 Midnight
Yellow House Restaurant	Dining Establishment	111	12:00 Midnight
Zaru Sushi	Dining Establishment	30	12:00 Midnight

March 7, 2008

Stephen Fleming
Deputy City Clerk
City of Kelowna
1435 Water Street
Kelowna, British Columbia
V1Y 1J4

Dear Stephen Fleming:

I am writing with regard to your e-mail of February 26, 2008 to the Passenger Transportation Branch and our subsequent phone call on March 6, 2008.

The City of Kelowna is seeking information on (a) how is the number of taxi licences for a particular area derived; and (b) can the City request an increase in the number of licences issued for the City. This inquiry stems from concerns regarding taxi availability during the evening "bar flush".

I will provide you a brief overview of taxi licensing under the *Passenger Transportation Act* and then I will discuss a recent decision of the Board with respect to "Star Taxi's" request for additional vehicles. Finally, I will update you on the status of a current application from another Kelowna cab company.

Taxi Licensing under the *Passenger Transportation Act*

Operators who want to provide a new taxi service, or increase their maximum fleet size, must submit an application to the Passenger Transportation Branch of the Ministry of Transportation and have the application approved by the Passenger Transportation Board, an independent tribunal.

The Board reviews the applications and considers whether:

- there is a public need for the service,
- 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.

The Board publishes notice of most applications and accepts submissions for 15 days.

After the notice and submission period, the Board may:

- make an immediate decision,
- conduct an investigation or

- convene and conduct a hearing.

If the Board approves an application, it may impose terms and conditions on the licence. For taxi operators, the Board specifies the maximum number of vehicles that may be operated and the areas of operation. Most taxi operators have authorization to use top lights, meters and accept passengers who hail from the street. (Limousine and shuttle operators would not have such an authorization.) The Board approves rates and rules for taxi operators as well as limousine operators.

The Board cannot unilaterally increase the supply of taxis in an area. It makes its decisions based upon the applications it receives and according to its mandate as outlined above. Existing taxicab operators who apply for additional vehicles are expected to supply evidence of a *growing public need that exceeds taxicab capacity in the area*. It is important for the applicant to demonstrate first that the existing fleet is operating at full capacity, and second that there is a need in the area to expand its fleet capacity. If other taxicab capacity exists in the area, the applicant should be able to explain why the unused capacity is not being used to meet the public need.

Under the *Passenger Transportation Act*, the Board has a limited power to amend licence on its own motion. It may amend licences to correct errors, to standardize terms and conditions of licences, to make a licence comply with the Act or to reflect changes to the licence required as a result of an appeal. The Board can reduce a licensee's maximum fleet size if the operator has "consistently failed to operate the number of vehicles authorized".

On February 27, 2008, the Board adopted the attached accessible taxi policy guideline to encourage improved availability of accessible taxis in urban communities in British Columbia. This policy goal will affect taxi companies that apply for a new taxi licence or for additional vehicles under an existing licence.

The Star Taxi Decision

In October, 2007, the Board held a public hearing into the application of Trendtham Group Enterprises Inc. dba "Star Taxi" to, among other things, add 5 taxis to their fleet. This application was refused as the applicant did not establish public need for the requested vehicles.

The Board found that the company was not fully utilizing its current fleet of vehicles. *"...it is apparent [to the panel] that the company provides service to the public on a limited basis when compared to the company's total operating capacity. Generally, the information concerning public need was anecdotal and contradictory; it did not substantiate a need for an increased need for taxi capacity."*

This situation during bar closing and event weekends was raised at the hearing and the panel noted in its decision:

(C) Weekends and Special Events

Newspaper articles introduced as exhibits attributed incidents of aggressive behaviour at bar closing on weekend nights as being the result of too few taxis available in Kelowna. There was consensus among participants that taxi demand increases at bar closing time between 2 a.m. and 3 a.m. in general, and in particular, on long weekends and during special events. Witnesses stated that the City of Kelowna has established a task force to look into the issues arising out of a common bar closing time in a compact area. Council apparently cited both a lack of taxi capacity and the presence of late-night hot dog vendors as possible reasons for the unruly behaviour that occurs after bar closing and before bar patrons are cleared from the area. Witnesses testified that drivers had been assaulted and cabs vandalized during these times. The submitters stated that "a hundred cabs" could not handle the business during that "critical crunch time" of people wanting transportation from that area. The general layout and characteristic of the problematic zone contribute to the problems as there are several bars located within a small radius. The general manager of Kelowna Cabs indicated that she initiated her company's participation on the city's task force looking into the issue of violence at bar closing time. To date, the issue at large has not been addressed. It appears to the panel to be a broader social and municipal issue than one of just taxi availability.

The panel noted that the Board has the authority to issue temporary operating permits when there is an application demonstrating an "urgent and temporary" need for a company to increase its fleet size. To date, the Board has not received any such applications from taxi companies to serve special events in Kelowna.

Further:

The Board is not convinced by the applicant's documentation or testimony that the granting of additional vehicles would alleviate the issues brought forth during this hearing with regard to bar closing time or event weekends, nor does the Board find that there is a need in general for additional vehicles. By the applicant's own admission, it cannot force its drivers to work and it does not currently fully utilize its fleet at these times. Therefore, there is no guarantee that additional vehicles would be available should this application for additional vehicles be approved.

The Board's scope of regulation of taxis and limousines is limited to vehicles with a seating capacity of a driver and 11 passengers or less. Vehicles with a seating capacity of greater than 11 passengers only require a General Authorization licence. To obtain a General Authorization licence an operator must meet specified safety requirements. However, there is no requirement to prove public need.

I have attached the recent "Star Taxi" decision as well as a powerpoint presentation that outlines licensing under the *Passenger Transportation Act*.

Current Applications

The Board has an application from Kelowna Cabs to add 5 accessible taxis to its fleet. This application was published in the Passenger Transportation Board "Bulletin" on February 13, 2008 and is being prepared by staff for transmittal to the Board.

As I indicated on the phone, Tom Greene, Registrar of Passenger Transportation and I are available to make a presentation to Council, should this be requested.

In the meantime, if you have any additional questions, please do not hesitate to write or call me. My e-mail address is: jan.broocke@gov.bc.ca.

Yours sincerely,

Jan Broocke
Director and Secretary
to the Board

copy: Dennis J. Day
Chair
Passenger Transportation Board

Tom Greene
Registrar and Director
Passenger Transportation Branch