

NO: R057

COUNCIL DATE: May 1, 2023

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## REGULAR COUNCIL

TO: **Mayor & Council**

DATE: **April 25, 2023**

FROM: **General Manager, Corporate Services**

FILE: **3900-01**

SUBJECT: **Inter-municipal Business Licence for Transportation Network Services (“TNS”)**

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## RECOMMENDATION

The Corporate Services Department recommends that Council:

1. Receive this report for information;
2. Approve the proposed *Inter-municipal TNS Business Licence Agreement Bylaw, 2023, No. 20938*, as documented in Appendix “I” of this report;
3. Approve the proposed *Inter-municipal TNS Business Licence Scheme Bylaw, 2023, No. 20939*, as documented in Appendix “II” of this report;
4. Direct the City Clerk to give public notice on the City’s website at [www.surrey.ca](http://www.surrey.ca) from May 2, 2023 until May 15, 2023, of the *Inter-municipal TNS Business Licence Agreement Bylaw, 2023, No. 20938* and of the *Inter-municipal TNS Business Licence Scheme Bylaw, 2023, No. 20939* (the “Bylaws”) and to provide an opportunity to persons who consider they are affected by the proposed Bylaws to make written representations to Council; and
5. Authorize the City Clerk to bring forward the Bylaws for the required readings.

## INTENT

In order to allow three new Region 1 municipalities (the District of Hope, the District of Kent, and the City of Mission) to join the Inter-municipal Business Licence (the “IMBL”), each participating municipality must approve and enact two new bylaws (Appendices “I” and “II”). The addition of these three municipalities is the only material change to the IMBL from 2020. Council’s direction is also being sought to provide the public with notice and an opportunity to make representations on the Bylaws.

## BACKGROUND

Ride hailing companies are regulated by the Passenger Transportation Board, which established Region 1 to encompass Metro Vancouver, Fraser Valley, and Squamish-Lillooet (a total of 32 municipalities). The IMBL was established to allow TNS companies to purchase one business licence and operate across all participating municipalities; in 2020, 25 Region 1 municipalities became participants.

On February 24, 2020, Council approved the recommendations in Corporate Report No Ro26; 2020 Inter-Municipal TNS Business Licence Bylaw, 2020, No. 20031 and Amendments to Related Surrey Bylaws, attached as Appendix “III”. This started a pair of bylaws on the path to final adoption – (i) the Inter-Municipal TNS Business Licence Agreement Bylaw (the “Agreement Bylaw”); and (ii) the Inter-Municipal TNS Business Licence Scheme Bylaw (the “Licence Scheme Bylaw”).

## **DISCUSSION**

An IMBL is formed through common by-laws enacted by each participating municipality. The Agreement By-law enables municipalities to align on terms such as the fee, revenue sharing formula and distribution, and overall administration of the licence. A second by-law, the Licence Scheme 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 across the participating municipalities. A brief summary of the 2020 IMBL is included as Appendix “IV”.

A brief discussion of public notice requirements applicable to the Bylaws are set out in Appendix “V”.

### **Legal Services Review**

This report has been reviewed by Legal Services.

## **CONCLUSION**

Based on the above discussion, it is recommended that Council approve two new IMBL bylaws in order to maintain the TNS status quo within Surrey, and increase the number of IMBL participating municipalities within Region 1 from 25 to 28.

Rob Costanzo  
General Manager, Corporate Services

Appendix “I”: Inter-municipal TNS Business Licence Agreement Bylaw, 2023, No. 20938  
Appendix “II”: Inter-municipal TNS Business Licence Scheme Bylaw, 2023, No. 20939  
Appendix “III”: Corporate Report No. Ro26; 2020 Inter-Municipal TNS Business Licence Bylaw, 2020, No. 20031 and Amendments to Related Surrey Bylaws  
Appendix “IV”: Summary of 2020 IMBL  
Appendix “V”: Public Notice Requirements

CITY OF SURREY

BYLAW NO. 20938

A Bylaw to enter into an agreement among the Participating  
Municipalities regarding an Inter-municipal Transportation Network  
Services Business Licence Scheme

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The Council of the City of Surrey, ENACTS AS FOLLOWS:

1. The City is authorized to enter into an Agreement with the Participating Municipalities in substantially the form and substance of the Agreement attached to this Bylaw as Schedule 'A'.
2. The Mayor and the City Clerk are authorized on behalf of the Council to sign the Agreement.
3. Schedule 'A' forms a part of this Bylaw.
4. This Bylaw may be cited for all purposes as "Inter-municipal TNS Business Licence Agreement Bylaw, 2023, No. 20938".

This Bylaw comes into force and takes effect on the 1st day of June, 2023.

PASSED FIRST READING on the    th day of    , 2023.

PASSED SECOND READING on the    th day of    , 2023.

PASSED THIRD READING on the the    th day of    , 2023..

**PUBLIC NOTICE** posted on the City of Surrey website between the dates of \_\_\_\_\_, 2023 and \_\_\_\_\_, 2023.

RECONSIDERED AND FINALLY ADOPTED, signed by the Mayor and Clerk, and sealed with the Corporate Seal on the    th day of    , 2023.

\_\_\_\_\_MAYOR

\_\_\_\_\_CLERK

## 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 District of Hope, the District of Kent, 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 City of Mission, 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 June 1, 2023.

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 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 that authorizes an Inter-municipal TNS Business to be carried on within the jurisdictional boundaries of any or all of the Participating Municipalities;

“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, regulations, or provincial or federal laws that may apply within any jurisdiction in which the TNS Business carries on Business.

8. 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.
9. 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.
10. 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.
11. 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.
12. 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.
13. 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.
14. 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.

15. 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.
16. 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.
17. The suspension or cancellation of an Inter-municipal TNS Business Licence under section 15 or 16 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.
18. 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*.
19. 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.
20. 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.

21. 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.
22. 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.
23. This Agreement replaces and supercedes the Inter-municipal TNS Business Licence Agreement entered into by 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 in 2020.
24. 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.

The City of Abbotsford

Mayor

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Corporate Officer

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Date \_\_\_\_\_

Village of Anmore

Mayor \_\_\_\_\_

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

Date \_\_\_\_\_

Bowen Island Municipality

Mayor \_\_\_\_\_

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

Date \_\_\_\_\_

City of Burnaby

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

Date \_\_\_\_\_

City of Chilliwack

Mayor \_\_\_\_\_

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

Date \_\_\_\_\_

City of Coquitlam

Mayor \_\_\_\_\_

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

Date \_\_\_\_\_

City of Delta

Mayor \_\_\_\_\_

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

Date \_\_\_\_\_

Village of Harrison Hot Springs

Mayor \_\_\_\_\_

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

Date \_\_\_\_\_

The District of Hope

Mayor \_\_\_\_\_

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

Date \_\_\_\_\_

The District of Kent

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 \_\_\_\_\_

Village of Lions Bay

Mayor \_\_\_\_\_

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

Date \_\_\_\_\_

City of Maple Ridge

Presiding Member \_\_\_\_\_

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

Date \_\_\_\_\_

The City of Mission

Mayor \_\_\_\_\_

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 \_\_\_\_\_

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 \_\_\_\_\_

City of Surrey

Mayor \_\_\_\_\_

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

Date \_\_\_\_\_

The City of Vancouver

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 \_\_\_\_\_

CITY OF SURREY

BYLAW NO. 20939

A bylaw to permit certain categories of businesses to operate across the jurisdictional boundaries while minimizing the need to obtain a separate municipal business licence in each jurisdiction.

.....

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 Surrey 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;

“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.
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.



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-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.
11. 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.
12. 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.
13. 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.
14. 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.
15. 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*.
16. 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.
17. 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.
18. 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.
19. 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.
20. This Bylaw may be cited for all purposes as "Inter-municipal TNS Business Licence Scheme Bylaw, 2023, No. 20939".
21. "Inter-Municipal TNS Business Licence Bylaw, 2020, No. 20031" is hereby repealed.
22. This Bylaw shall come into force and take effect on the 1st day of June, 2023.

PASSED FIRST READING on the    th day of    , 2023.

PASSED SECOND READING on the    th day of    , 2023.

PASSED THIRD READING on the    th day of    , 2023.

PUBLIC NOTICE posted on the City of Surrey website between the dates of \_\_\_\_ , 2023 and \_\_\_\_ , 2023.

RECONSIDERED AND FINALLY ADOPTED, signed by the Mayor and Clerk, and sealed with the Corporate Seal on the    th day of    , 2023.

\_\_\_\_\_MAYOR

\_\_\_\_\_CLERK

CORPORATE REPORT

NO: R026

COUNCIL DATE: February 24, 2020

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**REGULAR COUNCIL**

TO: Mayor & Council DATE: February 20, 2020  
FROM: General Manager, Corporate Services FILE: 3900-01  
SUBJECT: Inter-Municipal TNS Business Licence Bylaw, 2020, No. 20031 and Amendments to Related Surrey Bylaws

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**RECOMMENDATION**

The Corporate Services Department recommends that Council:

1. Receive this report for information;
2. Approve the proposed *Inter-Municipal TNS Business Licence Agreement Bylaw, 2020, No. 20030*, as documented in Appendix "I" of this report;
3. Approve the proposed *Inter-Municipal TNS Business Licence Bylaw, 2020, No. 20031*, as documented in Appendix "II" of this report;
4. Approve amendments to the *City of Surrey Vehicle for Hire By-law, 1999, No. 13610*, as documented in Appendix "III" of this report;
5. Approve amendments to the *Business License By-law, 1999, No. 13680*, as documented in Appendix "V" of this report; and
6. Authorize the City Clerk to bring forward the above noted bylaws for the required readings.

**INTENT**

The purpose of this report is to obtain Council's approval to adopt the *Inter-Municipal TNS Business Licence Bylaw, 2020, No. 20031* ("IMBL Bylaw") which proposes to implement the necessary bylaw for the establishment of an interim Inter-Municipal Business Licence ("IMBL") for Transportation Network Services ("TNS") in Surrey; and to approve the *Inter-Municipal TNS Business Licence Agreement Bylaw, 2020, No. 20030* which commits Region 1 municipalities (Lower Mainland/Whistler: including Metro Vancouver, Fraser Valley and Squamish-Lillooet) to collectively implement the same IMBL across all participating municipalities.

It is also recommended that Council approve amendments to the *City of Surrey Vehicle for Hire By-law, No. 1999, No. 13610* (“Vehicle for Hire Bylaw”), a summary of proposed amendments is attached as Appendix “III” and the proposed amendments to the bylaw is attached as Appendix “IV”, and the *Business License By-law, 1999, No. 13680* (“Business License Bylaw”), a summary of proposed amendments is outlined in Appendix “V” of this report, to ensure a level playing field between TNS vehicles and taxicabs to the extent possible under the City’s authority and as detailed in this report.

## **BACKGROUND**

On December 12, 2019 the Mayors’ Council on Regional Transportation directed TransLink to facilitate an expedited IMBL development process with Region 1 municipalities with agreement on bylaw terms by January 31, 2020. An IMBL allows TNS companies to operate across participating municipalities with the purchase of one IMBL and is formed through a common bylaw enacted by each participating municipality.

Region 1 municipalities established an IMBL Working Group and met weekly throughout the month of January 2020 to develop the proposal for an IMBL for ride-hailing. The proposed IMBL Bylaw seeks to establish licensing authority; licence fee and structure; licence conditions; and licence fee revenue sharing among participating municipalities.

At the February 10, 2020 Council meeting, Council approved the recommendations of Corporate Report No. R024; 2020 (attached to this report as Appendix “VI”) instructing staff to work with neighbouring municipalities in Region 1 to create an IMBL related to TNS.

Participating Region 1 municipalities are required to bring the IMBL Bylaw forward to their respective Councils in February/March 2020 for approval. Subsequent to Council’s approval, the IMBL will take effect on April 1, 2020.

Given the expedited process for development, the terms of the IMBL Bylaw should be understood as interim. Participating municipalities will assess the effectiveness of the licence over the coming months, as more companies are licenced and operating.

## **DISCUSSION**

### **Licensing Authority**

As proposed by the IMBL Working Group and endorsed at the January 30, 2020 Mayors’ Council meeting, the City of Vancouver will be the licensing authority (sole issuer) for the IMBL and all TNS companies will need to obtain a licence from Vancouver in order to conduct ride hailing business in any of the participating Region 1 municipalities.

### **Licence Fee and Structure**

TNS companies will pay a company fee of \$155 plus a per vehicle fee of \$150 for each vehicle. Incentives are provided for zero emission vehicles (reduction to \$30 per vehicle) and wheelchair accessible vehicles (reduction to \$0). Accordingly, the discounted fee for zero emission vehicles and wheelchair accessible 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.

Licence fees are to be pro-rated to align with the City of Vancouver's calendar licencing structure.

TNS companies will self-report all new vehicles operating under their licence on a monthly basis, 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.

### **Licence Fee Revenue Sharing**

Licence fee revenue will be shared among participating municipalities. The City of Vancouver will first retain funds sufficient to recover costs for set-up and administration of the licence program and remaining revenues will be shared based on the percent of total regional pick-ups and drop-offs that occur within each municipality.

### **Licence Requirements**

TNS companies will be required to comply with the municipal bylaws and regulations of each participating municipality.

The Province will be 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.

### **Amendments to the Surrey Vehicle for Hire and Business Licence Bylaws**

This report also includes amendments to the City's Vehicle for Hire Bylaw and Business License Bylaw. The proposed amendments in this regard will ensure that the City's bylaws are up to date to reflect recent changes to the Passenger Transportation Branch regulations. In addition, and in an effort to level the playing field between taxicabs and TNS vehicles, the proposed amendments will ensure that all passenger directed vehicles (including taxicabs) reflect the same regulatory environment as provided in the IMBL to the extent possible under the City's jurisdiction. To this end, amendments will include but not be limited to:

#### Licencing fees per business and per vehicle:

Under the Surrey Business Licence Bylaw, taxicab companies in Surrey presently pay a \$161.75 annual business licence fee in addition to a \$441 annual fee per each taxicab. It is proposed that these fees will be reduced to match the IMBL fees. To this end, it is proposed that Surrey taxicab companies will pay a company fee of \$155 plus a per vehicle fee of \$150 for each vehicle. Incentives will also be provided for zero emission vehicles (reduction to \$30 per vehicle) and wheelchair accessible vehicles (reduction to \$0) to match the fee structure within the IMBL.

Maximum permitted vehicle age:

Under the current Vehicle for Hire Bylaw, the age of a taxicab vehicle cannot exceed 7 years. It is proposed that the maximum age of a taxicab vehicle be increased to 10 years to match PTB requirements.

Vehicle inspection requirements:

Under the existing bylaw, taxicabs are required to undergo an annual inspection performed by the City. While the City can continue to perform annual inspections, under the new PTB legislation, BC municipalities have the option of turning inspection responsibilities over to the PTB. The PTB will perform vehicle inspections on all passenger directed vehicles (taxicabs and TNS vehicles) annually for vehicles that travel more than 40,000 km per year and biannually for vehicles that travel less than 40,000 km per year. Accordingly, it is proposed that the City revise the Vehicle for Hire Bylaw to require that all taxicabs receive inspection via the PTB.

In addition to the above, staff will subsequently review and bring forward proposed amendments to the *Highway and Traffic By-law, 1997, No. 13007* that considers allowing taxicabs to travel in marked bus lanes as well as allowing wheelchair accessible taxicabs to park in handicapped parking spots while loading and/or unloading passengers within City-owned parking lots (the City has no parking enforcement jurisdiction within privately owned parking lots).

**Legal Services Review**

The City's Legal Services Division has reviewed this report and has no concerns.

**SUSTAINABILITY CONSIDERATIONS**

The introduction of the IMBL supports the objectives of the City's Sustainability Charter 2.0. In particular, ride-hailing relates to the Sustainability Charter 2.0 theme of Infrastructure. Specifically, the IMBL supports the following Desired Outcome ("DO"):

- Transportation DO11: An integrated and multi-modal transportation network offers affordable, convenient, accessible and safe transportation choices within the community and to regional destinations.

## CONCLUSION

The Province has authorized three companies to operate in Region 1 (Lower Mainland/Whistler: including Metro Vancouver, Fraser Valley and Squamish-Lillooet). The proposed IMBL for TNS (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. Subsequent to Council's approval of the recommendations of this report, the IMBL will be effective as of April 1, 2020. The proposed amendments to the City's Vehicle for Hire Bylaw and Business License Bylaw will ensure a level playing field between TNS vehicles and taxicabs to the extent possible under the City's authority as detailed in this report.



Rob Costanzo  
General Manager, Corporate Services

**Note: Appendices available upon request.**

Appendix "I": *Inter-Municipal TNS Business Licence Agreement Bylaw, 2020, No. 20030*

Appendix "II": *Inter-Municipal TNS Business Licence Bylaw, 2020, No. 20031*

Appendix "III": *Summary of Proposed Amendments to City of Surrey Vehicle for Hire Bylaw, 1999, No. 13610*

Appendix "IV": *Proposed Amendments to City of Surrey Vehicle for Hire Bylaw, 1999, No. 13610*

Appendix "V": *Summary of Proposed Amendments to Business License Bylaw, 1999, No. 13680*

Appendix "VI": *Corporate Report No. Ro24; 2020*

### Summary of 2020 IMBL

When participating municipalities ratified the IMBL bylaws for TNS in 2020, they agreed to the following:

- The City of Vancouver is the licensing authority, which means that it issues all TNS IMBLs. Vancouver will recover the administrative costs of issuing the IMBL and remaining revenue is shared based on the percent of total regional pick-ups and drop-offs that occur within each municipality.
- The annual licence fee is a company fee of \$155 plus per vehicle fees of \$150 for each vehicle; \$30 for each zero emission vehicle; and \$0 for each wheelchair accessible vehicle.
- Licence Conditions: Companies are required to comply with the municipal by-laws and regulations of each participating municipality. Each municipality retains authority to enforce its own by-laws, for example street and traffic regulations, and also to suspend or cancel an IMBL. Staff in participating municipalities have established a shared protocol for escalating enforcement and have agreed to communicate enforcement actions between each other prior to any municipality considering suspension or cancellation of a licence.



### **Public Notice Requirements**

The *Community Charter* requires that, before adopting bylaws regulating business matters, that Council must give notice of its intention and provide an opportunity for persons who consider they are affected by the bylaws to make representations to Council.

Staff recommends that this legislative notice requirement be satisfied by placing a formal notice on [www.surrey.ca](http://www.surrey.ca), with links to the proposed Bylaws and this Corporate Report. The notice will be posted on the City website on May 2, 2023 and will invite written comments.