Date: February 21, 2020
Submitted by: Planning and Development Department – Building, Bylaw, and Licensing Division
Subject: Intermunicipal Business Licence for Ride Hailing Companies

Purpose
To present Council with a bylaw to enter into an Intermunicipal Business Licence Agreement with 25 municipalities in the Lower Mainland.

Recommended Resolution(s)

THAT Port Moody participate in the Inter-Municipal Business Licence (IMBL) for Ride-hailing as described in the report dated February 21, 2020 from the Planning and Development Department – Building, Bylaw, and Licensing Division regarding Intermunicipal Business Licence for Ride Hailing Companies;

AND THAT City of Port Moody Intermunicipal Transportation Network Services Business Licence Agreement Bylaw, 2020, No. 3236 and City of Port Moody Intermunicipal Transportation Network Services Business Licence Bylaw, 2020, No. 3237 be read a first, second, and third time;

AND THAT the Mayor and Corporate Officer be authorized to execute the Intermunicipal Transportation Network Services Agreement on behalf of the City.

Executive Summary
This report recommends that Port Moody participate in an Inter-Municipal Business Licence (IMBL) for ride-hailing companies (Transportation Network Services) based on the terms noted in this report, effective on April 1, 2020. The IMBL will streamline the licensing process across the region and allow ride-hailing companies to operate in all participating municipalities (Attachment 1) with a single business licence.

The terms of the IMBL were developed collectively by the participating municipalities in a fast-tracked process convened by TransLink at the direction of the Mayors’ Council December 12, 2019. The proposed ride-hailing IMBL establishes the Licensing Authority, Licence Fee, and Licence Conditions as set out below.
Licensing Authority
The City of Vancouver will be the licensing authority for the IMBL, which means that ride-hailing companies will need to purchase the licence from the City of Vancouver. The licence will allow companies to operate in all participating Region 1 municipalities.

Licence Fee
The annual IMBL fee will be $155 per company plus vehicle fees of:

- $150 per standard vehicle
- $30 per zero-emission vehicle
- $0 per wheelchair accessible vehicle.

The proposed fees are set to be program-cost recoverable and not to be prohibitive for companies.

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. The information on pick-ups and drop-offs occurring in each municipality will be provided by the licensees.

Licence Conditions
Companies will be required to comply with the municipal bylaws and regulations of each participating municipality. Each municipality retains authority to enforce its own bylaws, (e.g. street and traffic regulations), and 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 within the group of participating municipalities prior to any municipality considering suspension or cancellation of a licence.

Because the terms of the proposed ride-hailing IMBL were developed on a compressed timeline, they should be considered as interim. Staff of participating municipalities will continue to collaborate over the coming months on opportunities for future refinement. For example, there may be additional opportunities to encourage wheelchair accessible or zero emission vehicles, and to adjust the licence fee structure. As more companies are licensed and staff better understand the true costs for licensing and for monitoring industry impacts, such changes can be considered.

Background
Provincial legislation in force since September 2019 has reduced the municipal authority to regulate Passenger Directed Vehicles (PDV) such as taxis, limousines, ride-hailing vehicles. The Province now has sole authority to regulate company fleet size and 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;
- set business licence requirements; and
regulate business activities, such as street and curb use and pick-up and drop-off locations, through bylaws.

The Province regulates Passenger Directed Vehicles through the *Passenger Transportation Act*, the *Motor Vehicle Act*, and the *Commercial Transportation Act*. Companies that operate passenger directed transportation services are licensed by the independent, provincially appointed BC Passenger Transportation Board (PTB). Municipalities may issue business licences to companies once those companies have been licensed by the PTB.

The PTB has the authority to determine operating boundaries, and has established a regional approach to ride hailing that allows companies to operate across municipal boundaries. Port Moody is part of Region 1 (*Whistler-Lower Mainland*) comprising 32 municipalities.

An IMBL is a business licence that allows mobile businesses to operate across participating municipalities with the purchase of one licence. An IMBL is formed through common bylaws enacted by each participating municipality. The IMBL Agreement Bylaw (Attachment 2) allows municipalities to enter into agreement with the partner municipalities. It addresses terms such as the licence fee, revenue sharing formula and distribution, and overall administration of the licence. The second bylaw, the IMBL bylaw (Attachment 3), 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.

When implementing an IMBL participating municipalities work together to determine:

- the types of businesses eligible to be covered under the particular IMBL (e.g. trades/construction);
- how much to charge for an IMBL;
- the model for collecting and sharing revenue from the sales of the IMBL (e.g. seller retains revenue from sales or cost sharing among jurisdictions); and
- the terms of the bylaw to be enacted by each participating municipality.

In Region 1, there are four existing sub-regional IMBL groups: Fraser Valley, Metro West, North Shore, and Tri-Cities that cover mobile businesses such as trades, construction, and catering. None of these existing IMBLs apply to vehicles for hire or any other transport services.

The process of developing an IMBL generally takes six months to a year. For ride-hailing, a year-long process carried the risk that a patchwork of municipal licensing frameworks would emerge and have a potentially negative impact on the regional roll-out of the industry. 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.

Region 1 municipalities commenced work in late December 2019. An IMBL Working Group was established and met weekly throughout the month of January 2020 to develop the proposal for an IMBL for ride-hailing. The proposed IMBL bylaws establish licensing authority; licence fee and structure; licence conditions; and licence fee revenue sharing among participating municipalities. They represent the outcome of two-thirds majority based voting undertaken by the IMBL Working Group members.
Participating municipalities will bring reports to their Councils in February and March 2020 recommending approval of the bylaws as presented. If approved, the IMBL will take effect on April 1, 2020. For any participating municipalities that enact the bylaw after April 1, 2020, the licence will take effect in that municipality on the day of enactment.

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

As of February 13, 2020, the PTB has authorized five ride-hailing companies to operate in Region 1. Uber is the only company operating in Port Moody. They are operating without a Port Moody business licence at this time. The other four companies are not known to be operating in Port Moody at the time of this report. Should the IMBL be approved, all Region 1 PTB authorized companies will be able to apply to operate under that licence.

Discussion
The draft IMBL bylaws establish the Licensing Authority; Licence Fee and Structure; Licence Fee and Revenue Sharing; and Licence Requirements as set out below.

Licensing Authority
The City of Vancouver will be the licensing authority for the IMBL, which means that ride-hailing companies will need to purchase the licence from the City of Vancouver. The licence will allow companies to operate in all participating Region 1 municipalities. Given the expedited timeframe to develop a licencing scheme, the working group agreed that the City of Vancouver is well positioned for this role as it has developed an infrastructure to support tracking and issuing TNS business licences.

Licence Fee and Structure
The annual licence fee will be 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.

The discounted fee for zero emission vehicles provides a meaningful incentive while acknowledging that these vehicles do 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.

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.

The per vehicle fee structure was agreed upon as it can be implemented immediately; enables incentives for specific vehicle types; and is equitable among companies of all fleet sizes.
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 comparable to licensing fees in other Canadian jurisdictions such as the City of Calgary.

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.

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 account of costs, and revenue to be shared.

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 (e.g. 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 include communicating with the Provincial Registrar and Passenger Transportation Branch about on-going concerns with a company or vehicle.

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. At this time, the number of provincial enforcement staff that will be assigned to address potential issues in Port Moody is not available.

Monitoring Industry Impacts – Access to 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 system-wide level it will assist in identifying changes in travel mode share like transit use, cycling and walking. At the street level, it can be used to establish solutions to mitigate safety concerns and congestion impacts such as identification of ride-hailing pick-up and drop-off zones. It can also highlight locations that may require enforcement attention.

The BC Passenger Transportation Branch requires comprehensive vehicle and trip data from companies. In early February, the Province confirmed that municipalities will be able to access these data on a regular, on-going basis through a Partnership Agreement with the Passenger Transportation Branch. Consequently, detailed trip data will not be a requirement of the IMBL. Municipalities will benefit from access to provincial data, and companies will benefit from not having to duplicate data submission efforts.
As a condition of the IMBL, licenced ride-hailing companies will still be required to report the total number of pick-ups and drop-offs occurring in each participating municipality so as to enable the City of Vancouver to calculate the share of revenue owed to each participating municipality.

Next Steps
Should the proposed IMBL bylaws be approved by Council and by other participating municipalities, City of Vancouver staff are prepared to issue IMBL licences on April 1, 2020; prepare invoices; and set-up revenue distribution.

The IMBL terms were developed on an expedited time frame; staff will work with participating municipalities to monitor its effectiveness and consider refinement of terms. For example, there may be opportunities to further encourage wheelchair accessible or zero emission vehicles. Industry representatives requested a fee structure that more accurately reflects their business model such as a monthly fee based on active vehicles. As more companies are licensed and staff come to better understand the costs for licensing and for monitoring industry impacts, such changes may be considered.

In considering adjustments to the ride-hailing IMBL, staff will consider opportunities to include limousines as they are also authorized by the PTB to operate across municipal boundaries. The PTB has announced that it will review its regulations with regard to taxi operating areas, but taxis cannot be considered for an IMBL at this time as the PTB restricts their operations to be within municipal boundaries.

Other Option(s)
THAT Port Moody not participate in the Intermunicipal Business Licence for Ride Hailing and the report dated February 21, 2020 from the Planning and Development Department – Building, Bylaw, and Licensing Division regarding Intermunicipal Business Licence for Ride Hailing Companies be received for information.

Financial Implications
The expected revenue to be distributed to Port Moody is unknown at this time. Year one (2020) set up and administration of the proposed Inter-Municipal Business Licence is estimated to cost the City of Vancouver $140,000. It is anticipated that these costs will be recovered through licence fee revenue. Should year one licence fee revenue be insufficient for cost recovery, the City of Vancouver will seek to recover outstanding costs from future year IMBL revenues.

The City of Vancouver will obtain a share of the licence fee revenue that remains once administrative program costs have been recovered. That share will be based on Vancouver’s proportion of regional pick-ups and drop-offs and will be used to offset costs related to monitoring industry impacts in the municipality.

Communications and Civic Engagement Initiatives
The working group held an industry information session on January 22, 2020, inviting the 17 TNS operators who had applied to the PTB to operate in Region 1 at that time. Participants were informed about the proposed IMBL framework, including specifics, such as fee structure and data requirements. At the time of the consultation, the proposed IMBL included data submission requirements that have since been removed. Fifteen of the applicants invited sent
The TNS industry representatives were generally appreciative of the expedited IMBL process, particularly as two of the applicants received PTB approval during the process and had a more urgent need for an IMBL.

The key concerns heard by the working group were:

1. Fee structure and smaller operators: The working group heard concerns that the fee structure disadvantaged smaller operators who are less able to absorb the per-vehicle charges compared to larger operators.

2. Fee structure and TNS fluidity: The working group heard concerns that the way that fees are charged – based on vehicles that sign on with the company rather than number of vehicles in operation – do not match the fluid nature of the ride-hailing industry which tends to have high driver turnover.

3. Data requirements and granularity: The working group also heard concerns about the level of granularity required for data submissions, with respect to customer privacy.

The working group will take key concerns 1 and 2 under advisement and consider options to address these concerns as part of the ongoing development of a permanent IMBL. The concerns are significant enough and industry perspectives varying enough that further work and consultation is required, and was not possible prior to the January 31 deadline for the interim IMBL.

Regarding data requirement concerns, the working group has since determined that detailed data submission will not be required as part of the IMBL. Municipalities will access provincially collected data through a Partnership Agreement with the Provincial Transportation Branch.

Council Strategic Plan Objectives
The recommendations in this report align with the Council Strategic Plan Objective of providing people with a variety of options to move through and around Port Moody safely and efficiently.

Attachment(s)
1. List of Participating Municipalities.

Report Author
Robyn MacLeod, RBO, CRBO
Manager of Building, Bylaw, and Licensing
Considered at March 10, 2020 Regular Council Meeting

Report Approval Details

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<tr>
<th>Document Title:</th>
<th>Intermunicipal Business Licence Bylaw for Ride Hailing Companies.docx</th>
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<tr>
<td>Attachments:</td>
<td>- Attachment 1 - Intermunicipal TNS Business Licence Participating Municipalities.pdf</td>
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<td>- Attachment 2 - Draft City of Port Moody Intermunicipal TNS Business Licence Agreement Bylaw, 2020, No. 3236.pdf</td>
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<td>- Attachment 3 - Draft City of Port Moody Intermunicipal TNS Business Licence Bylaw, 2020, No. 3237.pdf</td>
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This report and all of its attachments were approved and signed as outlined below:

Dorothy Shermer, Corporate Officer - Mar 2, 2020 - 9:09 AM

Natasha Vander Wal for Rosemary Lodge, Manager of Communications and Engagement – Mar 2, 2020 - 9:32 AM

Paul Rockwood, General Manager of Finance and Technology - Mar 2, 2020 - 10:41 AM

André Boel, General Manager of Planning and Development - Mar 2, 2020 - 11:46 AM

Tim Savoie, City Manager - Mar 3, 2020 - 10:13 AM
Intermunicipal TNS Business Licence – Participating Municipalities

1. Bowen Island Municipality
2. City of Abbotsford
3. City of Burnaby
4. City of Chilliwack
5. City of Coquitlam
6. City of Delta
7. City of Maple Ridge
8. City of Richmond
9. City of Surrey
10. City of Vancouver
11. District of Squamish
12. Resort Municipality of Whistler
13. The City of Pitt Meadows
14. The City of Vancouver
15. The Corporation of the City of Langley
16. The Corporation of the City of New Westminster
17. The Corporation of the City of North Vancouver
18. The Corporation of the City of Port Coquitlam
19. The Corporation of the City of White Rock
20. The Corporation of the District of North Vancouver
21. The Corporation of the District of West Vancouver
22. The Corporation of the Township of Langley
23. Village of Anmore
24. Village of Harrison Hot Springs
25. Village of Lions Bay
Bylaw No. 3236

A Bylaw to enter into an agreement among the Participating Municipalities regarding an Intermunicipal Transportation Network Services Business Licence Scheme.

The Council of the City of Port Moody enacts as follows:

1. Citation

   1.1 This Bylaw may be cited as "City of Port Moody Intermunicipal Transportation Network Services Business Licence Agreement Bylaw, 2020, No. 3236".

2. Authorization

   2.1 The City of Port Moody is hereby authorized to enter into an Agreement with the Participating Municipalities in substantially the form and substance of the Agreement attached to and forming part of this Bylaw.

   2.2 The Mayor and Corporate Officer are hereby authorized to execute the Agreement on behalf of the City and to deliver it to the Participating Municipalities on such terms and conditions as deemed appropriate.

3. Effective Date

   3.1 This Bylaw is to come into force and take effect on the date of its enactment.

4. Attachments and Schedules

   4.1 Schedule A – Intermunicipal Transportation Network Services (TNS) Agreement.

5. Severability

   5.1 If a portion of this Bylaw is found invalid by a court, it will be severed and the remainder of the Bylaw will remain in effect.

Read a first time this ___ day of ____, 2020.

Read a second time this ___ day of ____, 2020.

Read a third time this ___ day of ____, 2020.

Adopted this ___ day of ____, 2020.
Considered at March 10, 2020 Regular Council Meeting

R. Vagramov
Mayor

D. Shermer
Corporate Officer

I hereby certify that the above is a true copy of Bylaw No. 3236 of the City of Port Moody.

D. Shermer
Corporate Officer
Schedule A

Intermunicipal Transportation Network Services (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 Intermunicipal 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 Bylaw to implement an Intermunicipal TNS Business Licence scheme effective April 1, 2020 if this Agreement is ratified and a Bylaw is enacted prior to or on April 1, 2020, or upon the date of enactment if this Agreement is ratified and a Bylaw 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 Intermunicipal 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;

   “Intermunicipal TNS Business” means a TNS Business that has been licensed to operate in the Region 1 operating area by the Passenger Transportation Board;

   “Intermunicipal TNS Business Licence” means a business licence which authorizes an Intermunicipal TNS Business to be carried on within the jurisdictional boundaries of any or all of the Participating Municipalities;
“Intermunicipal TNS Business Licence Bylaw” means the Bylaw adopted by the Council of each Participating Municipality to implement the Intermunicipal 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 Intermunicipal 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 Intermunicipal TNS Business Licence Bylaw, each Participating Municipality will permit a TNS Business that has obtained an Intermunicipal TNS Business Licence to carry on the Business of providing Transportation Network Services within that Participating Municipality for the term authorized by the Intermunicipal TNS Business Licence without obtaining a Municipal Business Licence for the TNS Business in that Participating Municipality.

5. All Intermunicipal TNS Business Licences will be issued by the City of Vancouver.

6. The City of Vancouver may issue an Intermunicipal TNS Business Licence to a TNS Business if the TNS Business is an Intermunicipal TNS Business and meets the requirements of the Intermunicipal TNS Business Licence Bylaw, in addition to the requirements of the City of Vancouver’s License Bylaw No. 4450.

7. Notwithstanding that a TNS Business may hold an Intermunicipal 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 Bylaw in addition to those under any other Bylaw s, 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 Intermunicipal 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 Intermunicipal TNS Business Licence fee is $155, plus $150 for each vehicle operating under the authority of the Intermunicipal 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 Intermunicipal TNS Business Licence that are not refunded by that Participating Municipality will be credited against the initial Intermunicipal TNS Business Licence fee owing under this section 9.

10. The fee for any additional vehicles that begin operating under the authority of an Intermunicipal 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 Intermunicipal 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. If the revenue generated from Intermunicipal 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 Intermunicipal 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.

13. 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 Intermunicipal 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.

14. The revenue generated from Intermunicipal 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.
15. The length of term of an *Intermunicipal TNS Business Licence* is 12 months, except that the length of term of the initial *Intermunicipal TNS Business Licence* issued to an *Intermunicipal 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.

16. An *Intermunicipal TNS Business Licence* will be valid within the jurisdictional boundaries of all of the *Participating Municipalities* until its term expires, unless the *Intermunicipal TNS Business Licence* is suspended or cancelled. If a *Participating Municipality* withdraws from the *Intermunicipal TNS Business Licence* scheme among the *Participating Municipalities* in accordance with the *Intermunicipal TNS Business Licence Bylaw*, then the *Intermunicipal TNS Business Licence* will cease to be valid within the jurisdictional boundary of that former *Participating Municipality*.

17. A *Participating Municipality* may exercise the authority of the City of Vancouver as the issuing municipality and suspend an *Intermunicipal 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 Bylaw 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 *Intermunicipal TNS Business Licence* in any *Participating Municipality* for the period of the suspension.

18. A *Participating Municipality* may exercise the authority of the of the City of Vancouver as the issuing municipality and cancel an *Intermunicipal 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 Bylaw of the *Participating Municipality*. The cancellation will be in effect throughout all of the *Participating Municipalities*.

19. The suspension or cancellation of an *Intermunicipal 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 *Intermunicipal TNS Business Licence*, to the holder of the suspended or cancelled *Intermunicipal TNS Business Licence*.

20. 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*. 
21. A Participating Municipality may, by notice in writing to each of the other Participating Municipalities, withdraw from the Intermunicipal 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 Intermunicipal 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 Bylaw authorizing the municipality’s withdrawal from the Intermunicipal 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, Bylaws, 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 Intermunicipal TNS Business Licence granted in accordance with the Intermunicipal 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 Intermunicipal 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 Intermunicipal 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 Bylaw, ratified this Agreement and authorized their signatories to sign on behalf of the respective Councils, on the dates indicated below.

City of Abbotsford
Mayor
_________________________________
Corporate Officer
_________________________________
Date
_______________________________

Village of Anmore
Mayor
_________________________________
Corporate Officer
_________________________________
Date
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Bowen Island Municipality
Mayor
_________________________________
Corporate Officer
_________________________________
Date
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City of Burnaby
City Clerk
_________________________________
Date
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City of Chilliwack
Mayor
_________________________________
Corporate Officer
_________________________________
Date
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City of Coquitlam
Mayor
_________________________________
City Clerk
_________________________________
Date
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Considered at March 10, 2020 Regular Council Meeting

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Considered at March 10, 2020 Regular Council Meeting

City of Delta
Mayor
_________________________________
City Clerk
_________________________________
Date
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Village of Harrison Hot Springs
Mayor
_________________________________
Corporate Officer
_________________________________
Date
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Corporation of the City of Langley
Mayor
_________________________________
Corporate Officer
_________________________________
Date
_________________________________

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
_________________________________

Corporation of the City of New Westminster
Mayor
_________________________________
City Clerk
_________________________________
Date
_________________________________
Considered at March 10, 2020 Regular Council Meeting

Corporation of the City of North Vancouver
Mayor
City Clerk
Date

Corporation of the District of North Vancouver
Mayor
Municipal Clerk
Date

City of Pitt Meadows
Mayor
Corporate Officer
Date

Corporation of the City of Port Coquitlam
Mayor
Corporate Officer
Date

City of Port Moody
Mayor
Corporate Officer
Date

City of Richmond
Chief Administrative Officer
General Manager Corporate and Financial Services
Date

District of Squamish
Mayor
Corporate Officer
Date
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<th>Location</th>
<th>Position</th>
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<td>City of Surrey</td>
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<td>City of Vancouver</td>
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<td>Corporation of the District of West Vancouver</td>
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<td>Resort Municipality of Whistler</td>
<td>Mayor</td>
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<td>Corporation of the City of White Rock</td>
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Bylaw No. 3237

A Bylaw to enter into an Intermunicipal Transportation Network Services (TNS) Business Licence scheme.

WHEREAS the municipalities that have entered or will enter into the Intermunicipal Transportation Network Services Business Licence Agreement wish to permit licensed Transportation Network Services 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 Bylaw to implement the Intermunicipal Transportation Network Services Business Licence scheme;

NOW THEREFORE, the Council of the City of Port Moody enacts as follows:

1. Citation

1.1 This Bylaw may be cited as “City of Port Moody Intermunicipal Transportation Network Services Business Licence Bylaw, 2020, No. 3237”.

2. Establishment

2.1 There is hereby established an Intermunicipal Transportation Network Services (TNS) Business Licence scheme among the Participating Municipalities, pursuant to section 14 of the Community Charter and section 192.1 of the Vancouver Charter.

3. Definitions

3.1 In this Bylaw:

“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;

“Intermunicipal TNS Business” means a TNS Business that has been licensed to operate in the Region 1 operating area by the Passenger Transportation Board;

“Intermunicipal TNS Business Licence” means a business licence which authorizes an Intermunicipal 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 *Intermunicipal 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.


4.1 Subject to the provisions of this Bylaw, each Participating Municipality will permit a TNS Business that has obtained an *Intermunicipal TNS Business Licence* to carry on the Business of providing Transportation Network Services within that Participating Municipality for the term authorized by the *Intermunicipal TNS Business Licence* without obtaining a Municipal Business Licence for the TNS Business in that Participating Municipality.

4.2 All *Intermunicipal TNS Business Licences* will be issued by the City of Vancouver.

4.3 The City of Vancouver may issue an *Intermunicipal TNS Business Licence* to a TNS Business if the TNS Business is an *Intermunicipal TNS Business* and meets the requirements of this Bylaw, in addition to the requirements of the City of Vancouver’s Licence Bylaw, No. 4450.

4.4 Notwithstanding that a TNS Business may hold an *Intermunicipal 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 Bylaw in addition to those under any other Bylaws, regulations, or provincial or federal laws that may apply within any jurisdiction in which the TNS Business carries on Business.

4.5 Any Participating Municipality may require that the holder of an *Intermunicipal 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.
4.6 The annual *Intermunicipal TNS Business Licence* fee is $155, plus $150 for each vehicle operating under the authority of the *Intermunicipal 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 *Intermunicipal TNS Business Licence* that are not refunded by that *Participating Municipality* will be credited against the initial *Intermunicipal TNS Business Licence* fee owing under this section 4.6.

4.7 The fee for any additional vehicles that begin operating under the authority of an *Intermunicipal TNS Business License* holder after the annual license fee is paid will be the per vehicle fee set out in section 4.6, 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.

4.8 The length of term of an *Intermunicipal TNS Business Licence* is 12 months, except that the length of term of the initial *Intermunicipal TNS Business Licence* issued to an *Intermunicipal TNS Business* by the City of Vancouver may be less than 12 months in order to harmonize the expiry date of the *Intermunicipal 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.

4.9 An *Intermunicipal TNS Business Licence* will be valid within the jurisdictional boundaries of all of the *Participating Municipalities* until its term expires, unless the *Intermunicipal TNS Business Licence* is suspended or cancelled. If a *Participating Municipality* withdraws from the *Intermunicipal TNS Business Licence* scheme among the *Participating Municipalities* in accordance with this Bylaw, then the *Intermunicipal TNS Business Licence* will cease to be valid within the jurisdictional boundary of that former *Participating Municipality*.

4.10 A *Participating Municipality* may exercise the authority of the City of Vancouver as the issuing municipality and suspend an *Intermunicipal 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 Bylaw 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 *Intermunicipal TNS Business Licence* in any *Participating Municipality* for the period of the suspension.

4.11 A *Participating Municipality* may exercise the authority of the City of Vancouver as the issuing municipality and cancel an *Intermunicipal 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 Bylaw of the *Participating
4.12 The suspension or cancellation of an *Intermunicipal TNS Business Licence* under section 4.10 or section 4.11 will not affect the authority of a *Participating Municipality* to issue a *Municipal Business Licence*, other than an *Intermunicipal TNS Business Licence*, to the holder of the suspended or cancelled *Intermunicipal TNS Business Licence*.

4.13 Nothing in this Bylaw 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*.

4.14 A *Participating Municipality* may, by notice in writing to each of the other *Participating Municipalities*, withdraw from the *Intermunicipal 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 *Intermunicipal TNS Business Licences*, which date must be at least six (6) months from the date of the notice; and

   b) include a certified copy of the municipal Council resolution or Bylaw authorizing the municipality’s withdrawal from the *Intermunicipal TNS Business Licence* scheme.

4.15 A business licence granted under any other *Intermunicipal TNS Business licence scheme* is deemed not to exist for the purposes of this Bylaw, even if a *Participating Municipality* is a participating member of the other *Intermunicipal TNS Business licence scheme*.

5. **Severability**

5.1 The invalidity or unenforceability of any provision of this Bylaw shall not affect the validity or enforceability of any other provisions of this Bylaw and any such invalid or unenforceable provision shall be deemed to be severable.

5.2 Despite any other provision of this Bylaw, an *Intermunicipal TNS Business Licence* granted in accordance with this Bylaw does not grant the holder a licence to operate in any jurisdiction other than within the jurisdictional boundaries of the *Participating Municipalities*.

**Read a first time** this ___ day of ______, 2020.

**Read a second time** this ___ day of ______, 2020.

**Read a third time** this ___ day of ______, 2020.

**Adopted** this ___ day of ______, 2020.
Considered at March 10, 2020 Regular Council Meeting

R. Vagramov
Mayor

D. Shermer
Corporate Officer

I hereby certify that the above is a true copy of Bylaw No. 3237 of the City of Port Moody.

D. Shermer
Corporate Officer