Uber and Transportation Network Companies

Thank you for your email regarding Uber and transportation network companies.

The Province of British Columbia recognizes that consumers have a strong interest in seeing greater choice in the availability and provision of passenger transportation. Transportation network companies such as Uber, Lyft, car2go and others present real opportunities in this regard, and have the potential to meet changing public expectations.

Consideration of any new service must be carefully assessed against the safety of the travelling public. Passenger safety is a priority of this government and transportation services within the province must be able to provide individuals with the confidence that they are accessing services that are safe, reliable and properly insured.

Thought must also be given as to how any new services are regulated, recognizing the need to be respectful of existing industry participants and at the same time be fair and equitable to any new entrants in this sector.

The *Passenger Transportation Act* requires a licence for any vehicle operated by a person who charges or collects remuneration for transporting passengers. In order to obtain a licence to operate in British Columbia, passenger-directed services, such as taxis and commercial ridesharing, must be approved by the Passenger Transportation Board, an independent tribunal. The operating area, fleet size, vehicle type and rates charged are determined by the Board and smart phone apps, used by any company, must reflect the terms and conditions of the licence assigned by the Board. The Passenger Transportation Registrar is responsible for compliance and enforcement activities in the industry and the Ministry of Transportation and Infrastructure's Commercial Vehicle Safety and Enforcement Branch and local police are also able to enforce the Act.

Over the coming months, it is my intention to continue to meet with a wide array of stakeholders, including representatives from the limousine and taxi industry, transportation network companies and locally elected officials. This process allows me to hear a diverse range of perspectives and to ensure that those with an interest in this dialogue are heard and included as part of government's exploration and careful study of this topic. It is important that any decisions are made with the best possible information.

As you are likely aware, other jurisdictions across Canada, North America and around the world are, like British Columbia, working to provide safe, accessible and sustainable passenger transportation options. We will continue to monitor their progress as part of our work to provide consumers with convenience and choice, while recognizing the role of existing operators in the industry and the importance of keeping the travelling public safe.

Thank you again for writing.

Sincerely,

Peter Fassbender
Minister of Community, Sport and Cultural Development
and Minister Responsible for TransLink

cc: Minister.Transportation@gov.bc.ca

Minister: file copy Branch: file copy Branch: pending copy
Date Typed: February 9, 2016 Prepared by: LG-TL:Jessica Brooks
Document Location: q:\briefingnotes\elizabeth's folder\cscd-2016-63784\foi folder ride sourcing\165990 min cls cpl uber_sharing economy template final051916.docx
ARCS/ORCS#: 0280-300280-30

******Uber/Sharing Economy Template******

Ref: 165990

cc: Minister.Transportation@gov.bc.ca

Dear :

Thank you for your letter/email received on _____, regarding _____.

The Province of British Columbia recognizes that consumers have a strong interest in seeing greater choice in the availability and provision of passenger transportation. Transportation network companies such as Uber, Lyft, car2go and others present real opportunities in this regard, and have the potential to meet changing public expectations.

Consideration of any new service must be carefully assessed against the safety of the travelling public. Passenger safety is a priority of this government and transportation services within the province must be able to provide individuals with the confidence that they are accessing services that are safe, reliable and properly insured.

Thought must also be given as to how any new services are regulated, recognizing the need to be respectful of existing industry participants and at the same time be fair and equitable to any new entrants in this sector.

The *Passenger Transportation Act* requires a licence for any vehicle operated by a person who charges or collects remuneration for transporting passengers. In order to obtain a licence to operate in British Columbia, passenger-directed services, such as taxis and commercial ridesharing, must be approved by the Passenger Transportation Board, an independent tribunal. The operating area, fleet size, vehicle type and rates charged are determined by the Board and smart phone apps, used by any company, must reflect the terms and conditions of the licence assigned by the Board. The Passenger Transportation Registrar is responsible for compliance and enforcement activities in the industry and the Ministry of Transportation and Infrastructure's Commercial Vehicle Safety and Enforcement Branch and local police are also able to enforce the Act.

Over the coming months, it is my intention to meet with a wide array of stakeholders, including representatives from the taxi industry, transportation network companies and locally elected officials. This process will allow me to hear a diverse range of perspectives and to ensure that those with an interest in this dialogue are heard and included as part of government's exploration and careful study of this topic. It is important that any decisions are made with the best possible information.

Ministry of Community, Sport and Cultural Development and Minister Responsible for TransLink

Office of the Minister

Mailing Address:
PO Box 9056 Stn Prov Govt
Victoria BC V8W 9E2
Phone: 250 387-2283
Fax: 250 387-4312

Location:
Room 310
Parliament Buildings
Victoria BC

www.gov.bc.ca/cscd

.../2

As you are likely aware, other jurisdictions across Canada, North America and around the world are, like British Columbia, working to provide safe, accessible and sustainable passenger transportation options. We will continue to monitor their progress as part of our work to provide consumers with convenience and choice, while recognizing the role of existing operators in the industry and the importance of keeping the travelling public safe.

Thank you again for writing.

Sincerely,

Peter Fassbender
Minister

Minister: file copy Branch: file copy Branch: pending copy
Date Typed: February 9, 2016 Prepared by: LG-TL:Jessica Brooks
Document Location: q:\briefingnotes\elizabeth's folder\cscd-2016-63784\foi folder ride sourcing\165990 min lg tl uber_sharing economy template draft020916.docx
ARCS/ORCS#: 0280-300280-30

From:	Dawes, Jacquie CSCD:EX
To:	Fassbender, Peter CSCD:EX
Cc:	Thomson, Lia CSCD:EX; Whitelock, Riley CSCD:EX; Dick, Joan L CSCD:EX; Volk, Kevin CSCD:EX; Gedney, Vanessa R CSCD:EX
Subject:	166814 MIN CSS TL Sharing Economy UBCM Exec Draft040616.docx
Date:	Thursday, April 7, 2016 7:26:30 PM
Attachments:	166814 MIN CSS TL Sharing Economy UBCM Exec Draft040616.docx ATT00001.txt

Attached is the proposed letter for Al Richmond. The parallel letter which could go out to LG's coming in next email. Let me know if you have any edits / suggestions and we will make as an immediate priority.

From:	Dawes, Jacquie CSCD:EX
To:	Fassbender, Peter CSCD:EX
Cc:	Thomson, Lia CSCD:EX; Whitelock, Riley CSCD:EX; Dick, Joan L CSCD:EX; Gedney, Vanessa R CSCD:EX; Volk, Kevin CSCD:EX
Subject:	166815 MIN CCS TL Sharing Economy LGs Draft040616.docx
Date:	Thursday, April 7, 2016 7:27:15 PM
Attachments:	166815 MIN CCS TL Sharing Economy LGs Draft040616.docx ATT00001.txt

---

And here is the letter proposed for LGs.
J.

From:	Ryan, Louise CSCD:EX
To:	Volk, Kevin CSCD:EX; Brooks, Jessica CSCD:EX
Subject:	FW: MPF MEETING MATERIALS REQUEST: Aerocar Services (167908)- DUE: July 12TH
Date:	Tuesday, June 14, 2016 10:39:41 AM
Attachments:	Re Schedule Meeting AeroCar Service.msg

Kevin – you will be attending this MPF meeting Thursday July 21 in Vancouver , _ s.22
s.22

Jessica – this will be coming to you in CLIFF and eapps shortly for assignment – Materials due to Kevin for July 12th please

See attachment for further info…

Regards,

Louise Ryan
Administrative Coordinator, Community & Legislative Services
Ministry of Community, Sport and Cultural Development
Louise.Ryan@gov.bc.ca
250-387-4042

From: Welgush, Lindsey CSCD:EX
Sent: Tuesday, June 14, 2016 10:20 AM
To: Ryan, Louise CSCD:EX
Cc: Gedney, Vanessa R CSCD:EX; Restall, Emma CSCD:EX
Subject: MPF MEETING MATERIALS REQUEST: Aerocar Services (167908)- DUE: July 14TH

Good morning, Louise:

An Aerocar Services Minister's meeting has been scheduled for Thursday, July 21st. Materials are **due to the DM by Thursday, July 14th.**

Note: There will be at least 11 attendees from AeroCar Services attending the meeting. Staff attendance in person would strongly be suggested if possible.

Aero Car Attendees: Liam Singh (Director of Operations), 11 more (names to come).

CLIFF #:	167908
Meeting Title/Group:	**Aerocar Services**
Meeting Purpose:	Ride Sourcing in BC – *see attached email* with details on company and meeting topics.
Meeting Date/Time:	Thursday, July 21st – 1:00pm
Meeting Location:	s.15
Duration:	45 minutes + 15 minute staff debrief
Materials:	**Requesting materials**
Other Notes:	**Requesting necessary staff to attend and/or call in**

Regards,

Lindsey Welgush | Documents Coordinator
Deputy Minister's Office
Ministry of Community, Sport and Cultural Development
Office: 250-387-4104

168706

CORRESPONDENCE SERVICES
Received: AUG 17 2016
Sent: AUG 17 2016
ASSIGN TO: CLS-CPL
☐ MINISTER'S RESPONSE
☐ DM RESPONSE
☒ DIRECT REPLY
☐ NECESSARY ACTION
☐ COMMENTS/ADVICE
☐ PREMIER'S RESPONSE
☐ INFO/FILE

Tubman, Tammy CSCD:EX

From: Fassbender.MLA, Peter <Peter.Fassbender.MLA@leg.bc.ca>
Sent: Wednesday, August 17, 2016 10:04 AM
To: Minister, CSCD CSCD:EX
Subject: 168706 - FW: Uber in ON, AB, but no BC?

Follow Up Flag: Follow up
Flag Status: Completed

Categories: Reply Direct

From: s.22
Sent: August 16, 2016 5:39 PM
To: Fassbender.MLA, Peter <Peter.Fassbender.MLA@leg.bc.ca>; Clark.MLA, Christy <Christy.Clark.MLA@leg.bc.ca>
Subject: Uber in ON, AB, but no BC?

Hello Minister Fassbender, Premier Clark,

After using UBER in cities such as San Diego, and Los Angeles, and most recently in Paris, France, I am more convinced than ever that BC should be setting an example for ride sharing, and the sharing economy in general. Vancouver in particular is purpose built for this sort of efficient utilization of our infrastructure.

By doing so we become leaders and set an example for Canada. We also to show high tech companies that we are indeed inclusive and open for business, ready for change, and demonstrate that we embrace technology and of the future benefits it brings for British Columbians. That we are not afraid of introducing competitive services for the betterment of our residents and that we do not shy away from decreasing transportation costs for consumers.

As a user of Taxi's in Vancouver, it is increasingly disappointing that we allow the taxicab lobby to hold back the number of licenses and charge higher than avg rates, try getting a cab on a rainy Saturday night downtown and you will see how difficult it is. I recently had to wait over 2 hours at a four seasons hotel to get a cab back to North Vancouver, in Paris it took me 5 minutes during a similar time of night.

So why is it now that AB only took 4 months to write new rules for companies like Uber, and ON has had Uber (and now new rules in place) for over a year. Why are we in BC falling behind? Why are we so beholden to bureaucracy and the Taxi lobby? Why is it taking more than 2 years to sort this out when. Why do we not pride ourselves in embracing new technology? Why are we one of, if not the only Major metropolitan city left in North America to not embrace Ride Sharing, and allow it to flourish (with certain rules in place)

In a city (and Province) that values alternate modes of transportation, builds new subway lines and favour's manufacturing car congestion in the name of more bike lanes, Uber just makes common sense, so I implore you to get it done, we shouldn't have to wait any longer to use our Uber app, there is no real justification left, just politics.

This is not a form letter, this is custom written just to Minister Fassbender and Premier Clark from a taxpayer and lover of competition for consumer's benefit to get something done.

As I spent time and effort writing this to you, I would love an equivalent effort in your response, not just a standard "it is something we are evaluating".

And yes Christy, I do vote LIberal, and voted for you and like many of your policies, but really dragging heels on this one (and BC Hydro and the Liquor laws)

Thank you.

s.22

Ref: 168706

s.22

Email: s.22

Dear s.22

Thank you for your e-mail of August 17, 2016 to Minister Fassbender and Premier Clerk with your recommendations on why British Columbia should allow ride sourcing companies to operate in the province. I am pleased to respond to your suggestions.

The Province recognizes that consumers have a strong interest in seeing greater choice in the availability and provision of passenger transportation. Transportation network companies such as Uber, Lyft, car2go and others present real opportunities in this regard, and have the potential to meet changing public expectations.

Consideration of any new service must be carefully assessed against the safety of the travelling public. Passenger safety is a priority of this government and transportation services within the province must be able to provide individuals with the confidence that they are accessing services that are safe, reliable and properly insured.

Thought must also be given as to how any new services are regulated, recognizing the need to be respectful of existing industry participants and at the same time be fair and equitable to any new entrants in this sector.

Government is committed to transparent and open consultations with British Columbians on issues that affect them. In January of this year, the Premier directed Minister of Community, Sport and Cultural Development, Peter Fassbender, to engage with stakeholders to gather feedback on the benefits and challenges from the potential entry of ride sourcing into B.C.

Since that date, the Minister has been meeting with and gathering information from a diverse group of stakeholders including representatives from the limousine and taxi industry, transportation network companies, locally elected officials and groups representing persons with disabilities. This process has allowed the Minister to hear a diverse range of perspectives to ensure that those with an interest in this dialogue are included in government's analysis and thorough study of this topic.

Similarly, every other jurisdiction in Canada, including the ones mentioned in your e-mail (Alberta and Toronto), also engaged in comprehensive and lengthy consultations with its citizens and stakeholders before it made any decisions on the entry of Transportation Network Companies like Uber, Lyft, etc.

Stakeholders across the province have provided valuable and thoughtful feedback in the issues and opportunities associated with ride sourcing. The Minister has committed to circulating his summary report on what he heard from stakeholders in the fall of this year. The information provided by stakeholders is an important part of government's deliberations of ride sourcing and the possible impact of allowing new entrants in the BC passenger transportation sector.

Like many other British Columbian I understand that you have concerns about the price of current vehicle-for-hire services and would like to see more competition in the provision of these services. Your feedback on these issues is valuable to the government in moving forward on this file.

I thank you again for your comments and feedback on ride sourcing.

Sincerely,

Jessica Brooks
Executive Director
Community and Legislative Services
Community, Sport and Cultural Development

Minister: file copy Branch: file copy Branch: pending copy
Date Typed: September 9, 2016 Prepared by: CPLS:ssall:
Document Location: q:\briefingnotes\elizabeth's folder\cscd-2016-63784\foi folder ride sourcing\168706 jb direct response to s.22 re rs sept. 9, 2016.docx
ARCS/ORCS#: 0280-30

168729

Tubman, Tammy CSCD:EX

CORRESPONDENCE SERVICES
Received
AUG 23 2016
Sent: AUG 23 2016
ASSIGN TO:
CLS-CPL
☐ MINISTER'S RESPONSE
☐ DM RESPONSE
☒ DIRECT REPLY
☐ NECESSARY ACTION
☐ COMMENTS/ADVICE
☐ PREMIER'S RESPONSE
☐ INFO/FILE

From: Fassbender.MLA, Peter <Peter.Fassbender.MLA@leg.bc.ca>
Sent: Friday, August 19, 2016 11:47 AM
To: Minister, CSCD CSCD:EX
Subject: 168729 - FW: Uber in Vancouver

Follow Up Flag: Follow up
Flag Status: Completed

Categories: Reply Direct

From: s.22
Sent: Friday, August 19, 2016 11:41 AM
To: Fassbender.MLA, Peter <Peter.Fassbender.MLA@leg.bc.ca>; gregor.robertson@vancouver.ca
Subject: Uber in Vancouver

Gentlemen, after having recently spent 3 weeks in Toronto, I got the Uber experience firsthand multiple times. I can tell you as a regular taxi user in Vancouver and other places (when I travel), the experience is dramatically better than any taxi experience I have ever had, at a vastly reduced cost. The drivers were more friendly; the cars were cleaner (and nicer, as a rule); they were easier to book (through the app); they arrived at my house faster and the billing process was significantly better. In short, an incredibly better overall customer experience. And all because it is a meritorious system. Those drivers that get the best customer reviews get more business than drivers who have less glowing reviews. What a novel idea (something our educators could look at - meritocracy). It's supply –side economics at work.

As a former Toronto resident (of 39 years – 22 more in Vancouver), I had been following the public fight between Uber and the city whereby the city refused to negotiate with Uber and some silly councilors attempted to legislate against progress through the courts, without very much success. As you're no doubt aware, they tried ticketing drivers; threatening Uber with lawsuits and even using FUD (fear, uncertainty and doubt) with users, implying dastardly things might happen to unsuspecting users if they used Uber before the services were eventually blessed by city council. What a nonsensical exercise. In the end, Uber arrived when the city understood that their constituents (who are made up of more people than just taxi drivers and their owners) wanted this service. I believe that the last numbers I saw in Vancouver were that 76% of Vancouver residents wanted ride sharing services.

I have been in the Information Technology world for nearly s.22 We invented disruptive technologies and I can tell you that while some of those made us uncomfortable and became fiscally harmful if left ignored, in the end we had to go along in order to get along. Think Cloud technology. s.21,s.22
s.21

s.21 You adapt or you go out of business. Our city, our province and the taxi industry is in exactly the same predicament. Ride sharing services are not going away any more than Airbnb is going away. People today (not just millennials) want to work and live in a way that is different than the way most of us have lived for decades. That doesn't make it wrong or evil. It does make it inevitable.

I am not immune or unsympathetic to the problems this presents to the taxi industry but frankly, you cannot legislate out progress in order to protect someone's investment. And let's face facts, the value of taxi licenses will never make it back to the levels they were at a mere few years ago whether Uber arrives today or 5 years from now. Nobody in their right mind would buy a taxi license today or at any point in the foreseeable future and certainly not for anywhere near

the price the licensee paid for it. I'm sure on some level the various government offices and officials feel guilty having sold the licenses which are now nearly worthless but trying to keep ride sharing out of our geography will never fix that. The ship has sailed.

So I respectfully implore you; negotiate with Uber today, before they just arrive (as they did in Toronto) and force you to deal with them after they have a foothold. At that point, you have very little negotiating room, as Toronto discovered. There's a bunch of models out there for you to look at – Toronto, San Francisco, Edmonton, etc. If you haven't seen this report (https://mowatcentre.ca/sharing-the-road/), please take a moment. Do not waste my tax dollars, provincial or municipal, doing anything else but negotiating. It would be a complete waste of time (and said tax dollars). And please don't suggest that after they've been in existence for more than 7 years, their model is a bait and switch. While some things may change along the way, the basic operating principles will not.

This is a service whose time has come. Please think progressively.

Regards

s.22

Ref: 168729

s.22

Dear s.22

Thank you for your e-mail of August 17, 2016 to Minister Fassbender regarding your thoughts on why British Columbia should allow ride sourcing companies to operate in the province. I am pleased to respond on the Minister's behalf.

The Province recognizes that consumers have a strong interest in seeing greater choice in the availability and provision of passenger transportation. Transportation network companies such as Uber, Lyft, car2go and others present real opportunities in this regard, and have the potential to meet changing public expectations.

Consideration of any new service must be carefully assessed against the safety of the travelling public. Passenger safety is a priority of this government and transportation services within the province must be able to provide individuals with the confidence that they are accessing services that are safe, reliable and properly insured.

Thought must also be given as to how any new services are regulated, recognizing the need to be respectful of existing industry participants and at the same time be fair and equitable to any new entrants in this sector.

Government is committed to transparent and open consultations with British Columbians on issues that affect them. In January of this year, the Premier directed Minister of Community, Sport and Cultural Development, Peter Fassbender, to engage with stakeholders to gather feedback on the benefits and challenges from the potential entry of ride sourcing into B.C.

Since that date, the Minister has been meeting with and gathering information from a diverse group of stakeholders including representatives from the limousine and taxi industry, transportation network companies, locally elected officials and groups representing persons with disabilities. This process has allowed the Minister to hear a diverse range of perspectives to ensure that those with an interest in this dialogue are included in government's analysis and thorough study of this topic.

Stakeholders across the province have provided valuable and thoughtful feedback in the issues and opportunities associated with ride sourcing. The Minister has committed to circulating his summary report on what he heard from stakeholders in the fall of this year. The information provided by stakeholders is an important part of government's deliberations of ride sourcing and the possible impact of allowing new entrants in the BC passenger transportation sector.

Like other British Columbians you have described your positive experience with ride sourcing companies in your travels. It is evident that, from your background of almost 35 years in the information technology sector, you have a firm grasp and appreciation for app based technologies that can provide opportunities for expanded and more nimble customer service in the passenger transportation industry.

Your feedback on these issues is valuable to the government in moving forward on this file. I thank you again for your comments and feedback on ride sourcing.

Sincerely,

Jessica Brooks
Executive Director
Community and Legislative Services
Community, Sport and Cultural Development

Minister: file copy Branch: file copy Branch: pending copy
Date Typed: September 9, 2016 Prepared by: CPLS:ssall:
Document Location: q:\briefingnotes\elizabeth's folder\cscd-2016-63784\foi folder ride sourcing\168729 direct reponse s.22 rs concerns sept. 9, 2016.docx
ARCS/ORCS#: 0280-30

165950

CITY OF PORT MOODY

OFFICE OF THE MAYOR

MINISTRY OF COMMUNITY,
SPORT AND CULTURAL DEVELOPMENT
MINISTER'S OFFICE
RECEIVED
JAN 29 2016
ROUTE TO:
CC:
DRAFT REPLY ☐ DM ☐ FYI/FILE ☒
REPLY DIRECT ☐ FNA ☐

January 27, 2016
Email: Minister.Transportation@gov.bc.ca

Honourable Todd Stone
Minister of Transportation and Infrastructure
PO BOX 9055 STN PROV GOVT
Victoria BC V8W 9E2

Re: Metro Vancouver Ride Sharing and Taxi Services

Dear Minister,

I write to you today on behalf of Port Moody City Council in regards to the introduction of Ride Sharing services, such as Uber, into British Columbia and specifically the Metro Vancouver area.

As a suburban municipality in Metro Vancouver, Port Moody has been suffering for many years with a lack of appropriate taxi service – particularly late night service from downtown Vancouver returning to Port Moody. Like every municipality in Metro Vancouver, our residents move about the region for their work, entertainment, and family related matters, and suffer from a disconnect in the taxi industry at the Vancouver city border. We hear frequently of taxi customers that are denied service in Vancouver when they tell the operator their destination is Port Moody – while at the same time, our local cab companies are prohibited from providing these services to their customers (our residents).

Our Council met recently with representatives from Uber, and with the President of the BC Taxi Association. It is interesting to see that we agree with both parties, although they are often thought to be in contradictory positions.

First, we are concerned about the lack of available options for our residents, particularly as described above, and that this would limit anyone's ability to move about and enjoy all that the region has to offer. Or worse, that it may lead to a decision by someone to drive their vehicle when they should not be behind the wheel. It feels and sounds like, in discussion with the BC Taxi Association, this is a result of the regulations and the separation of the Vancouver based cab companies from the others in the Province. We understand that these regulations are the authority of the Passenger Transportation Act and Board, and would welcome the opportunity to participate in a discussion about how this can be improved.

Additionally, our Council supports the concept of ride sharing services, such as Uber, and we encourage you and your Ministry to consider how these services can be introduced into the market, while ensuring that they are meeting all applicable laws and regulations. Passenger safety, we believe, is the highest

100 Newport Drive, Port Moody, B.C. V3H 3E1 Telephone: 604.469.4515 Fax: 604.469.4664

priority in the car service industry, and we share the concerns of the BC Taxi Association, and others, that ride sharing services are introduced into the market 'through the front door', with the same requirements as other commercial operators. We encourage you to examine the barriers as they apply to both the 'new' ride sharing services and the 'traditional' taxi services, to ensure there is a protection of passenger safety, safe working conditions for operators, and all are covered by appropriate insurance.

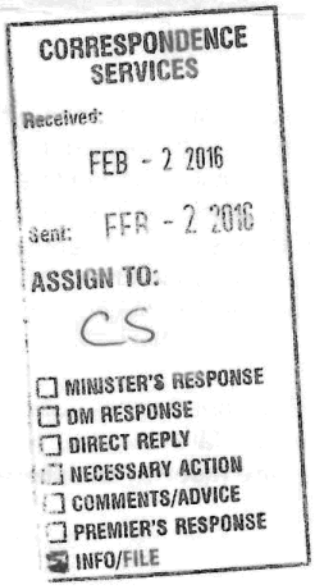
We feel there is the opportunity for both models in the market and, in fact, that the contrasts in service can provide complementary, not just competing, services.

On behalf of our Council, and our residents, I request that the Ministry of Transportation amend the existing regulations/legislation to allow for ride sharing in a manner that ensures passenger safety, operator safety and fairness with existing 'traditional' cab companies. We would ask further, that a review of existing policies restricting the suburban taxi companies' ability to serve the residents travelling from Vancouver to their homes outside of Vancouver be examined and modified, to provide safe and dependable options for all residents of our region.

Thank you for your consideration.

Mike Clay
Mayor, City of Port Moody

CC: Honourable Peter Fassbender, Minister of Community, Sport, Cultural Development
MLA Linda Reimer
Mayor Richard Stewart, City of Coquitlam
Mayor Greg Moore, City of Port Coquitlam
City of Port Moody Council
BC Taxi Association



166000

Holland, Jodie CSCD:EX

From:	Holland, Jodie CSCD:EX
Sent:	Friday, February 5, 2016 7:55 AM
To:	Minister, CSCD CSCD:EX
Subject:	FW: Redirect New Westminster Opposition to Uber (111921)
Attachments:	111921 Incoming.pdf
Follow Up Flag:	Follow up
Flag Status:	Completed
Categories:	Minister's Response, Uber/Sharing Economy Template

Redirected from JTST. For your review and action. Thank you.

Jodie Holland
A/Correspondence Coordinator
Correspondence Services
Ministry of Community, Sport and Cultural Development
PO Box 9810 Stn Prov Govt
Victoria, BC V8W 9N7
250 953-3704

From: Correspondence Services JTST:EX
Sent: Thursday, February 4, 2016 4:10 PM
To: Holland, Jodie CSCD:EX
Cc: Correspondence Services JTST:EX
Subject: Redirect New Westminster Opposition to Uber (111921)

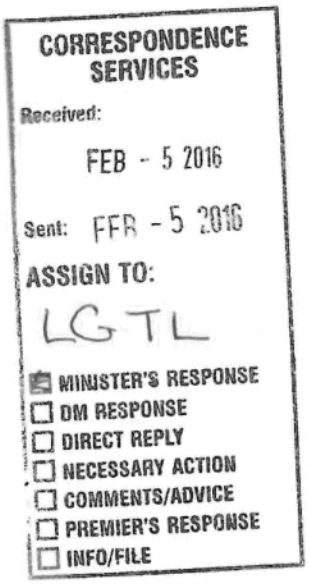
Hi Jodie,

Please confirm if CSCD can reply to the attached obo Minister Bond?

uber template

Thanks,

Arthi Reddy
Senior Correspondence Analyst / Team Lead
Deputy Minister's Office
Ministry of Jobs, Tourism and Skills Training
and **Minister Responsible for Labour**
Ministry of International Trade and **Minister Responsible for**
Asia Pacific Strategy and Multiculturalism
Ministry of Small Business and Red Tape Reduction
Ph: (250) 356-8970



Jonathan X. Coté
Mayor

Minister's Office of
111921
FEB 02 2016

January 25, 2016

Hon. Shirley Bond
Minister of Jobs, Tourism and Skills Training
Room 138, Parliament Buildings
Victoria, BC V8V 1X4

Dear Minister Bond,

Re: Opposition to the operations of Uber and similar ride-sharing services

At a meeting on Monday, January 11, 2016, New Westminster City Council approved the following resolutions:

> *THAT a letter be sent to the BC Ministry of Transportation and the BC Ministry of Jobs, Tourism and Skills Training expressing the City's opposition to the operations of Uber and similar services; and*
>
> *THAT the City request the Provincial Government to clarify the current laws and regulations with respect to taxi services and their applicability to Uber and similar services.*

Council supports the BC Taxi Association's call for a safe and transparent transportation system, including a transparent system of disclosure to be in place before Uber or other ride-sharing services are allowed to operate.

Council's opposition to such ride-sharing services arises from a variety of concerns which include:

- Inadequate training, and lack of transparency of training, which is inconsistent with Provincial requirements for safety;
- Chauffeur permit requirements not met by Uber drivers;
- Insufficient identification of Uber vehicles;
- No accessible vehicle inspection records;

Office of the Mayor
Corporation of the City of New Westminster
511 Royal Avenue, New Westminster, BC • Canada V3L 1H9 T (604) 527 4522 F (604) 527 4594
www.newwestcity.ca

- No mandatory requirements for Uber safety cameras;
- No ability for police to conduct criminal background checks on Uber drivers;
- Loss of tax revenue to offshore corporations;
- No mandatory number of Uber vehicles available;
- No mandatory accessible/handicapped service available; and
- Discrepancy between what is paid by the taxi industry for their vehicles and what is paid by Uber contractors.

Council requests that the Provincial Government clarify the current laws and regulations with respect to taxi services and their applicability to Uber and similar ride-sharing services.

We look forward to your response to these concerns.

Yours truly,

Jonathan X. Coté
Mayor

Cc: Hon. Todd Stone,
Ministry of Transportation and Infrastructure

Mohan Kang, President
BC Taxi Association

Office of the Mayor
Corporation of the City of New Westminster
511 Royal Avenue, New Westminster, BC • Canada V3L 1H9 T (604) 527 4522 F (604) 527 4594
www.newwestcity.ca

BRITISH COLUMBIA

March 8, 2016

Ref: 166000

His Worship Mayor Jonathan Coté
City of New Westminster
511 Royal Avenue
New Westminster, BC V3L 1H9

Dear Mayor Coté:

I am in receipt of your letter of January 25, 2016, addressed to the Honourable Shirley Bond, Minister of Jobs, Tourism and Skills Training, regarding Uber and similar ride-sharing services. As Minister of Community, Sport and Cultural Development, I am pleased to respond on behalf of Minister Bond.

The Province of British Columbia recognizes that consumers have a strong interest in seeing greater choice in the availability and provision of passenger transportation. Transportation network companies such as Uber, Lyft, car2go and others present real opportunities in this regard, and have the potential to meet changing public expectations.

Consideration of any new service must be carefully assessed against the safety of the travelling public. Passenger safety is a priority of this government and transportation services within the province must be able to provide individuals with the confidence that they are accessing services that are safe, reliable and properly insured.

Thought must also be given as to how any new services are regulated, recognizing the need to be respectful of existing industry participants and at the same time be fair and equitable to any new entrants in this sector.

The *Passenger Transportation Act* requires a licence for any vehicle operated by a person who charges or collects remuneration for transporting passengers. In order to obtain a licence to operate in British Columbia, passenger-directed services, such as taxis and commercial ridesharing, must be approved by the Passenger Transportation Board, an independent tribunal. The operating area, fleet size, vehicle type and rates charged are determined by the Board and smart phone apps, used by any company, must reflect the terms and conditions of the licence assigned by the Board. The Passenger Transportation Registrar is responsible for compliance and enforcement activities in the industry and the Ministry of Transportation and Infrastructure's Commercial Vehicle Safety and Enforcement Branch and local police are also able to enforce the Act.

.../2

Ministry of Community, Sport and Cultural Development and Minister Responsible for TransLink

Office of the Minister

Mailing Address:
PO Box 9056 Stn Prov Govt
Victoria BC V8W 9E2
Phone: 250 387-2283
Fax: 250 387-4312

Location:
Room 310
Parliament Buildings
Victoria BC

www.gov.bc.ca/cscd

Over the coming months, it is my intention to meet with a wide array of stakeholders, including representatives from the taxi industry, transportation network companies and locally elected officials. This process will allow me to hear a diverse range of perspectives and to ensure that those with an interest in this dialogue are heard and included as part of government's exploration and careful study of this topic. It is important that any decisions are made with the best possible information.

As you are likely aware, other jurisdictions across Canada, North America and around the world are, like British Columbia, working to provide safe, accessible and sustainable passenger transportation options. We will continue to monitor their progress as part of our work to provide consumers with convenience and choice, while recognizing the role of existing operators in the industry and the importance of keeping the travelling public safe.

Thank you again for writing.

Sincerely,

Peter Fassbender
Minister

pc: The Honourable Shirley Bond
Minister of Jobs, Tourism and Skills Training

The Honourable Todd Stone
Minister of Transportation and Infrastructure

From:	Phillips, Linda M CSCD:EX on behalf of Minister, CSCD CSCD:EX
To:	s.22
Cc:	"Premier@gov.bc.ca"; Transportation, Minister TRAN:EX
Subject:	Ref. 166298: Uber and Transportation Network Companies
Date:	Wednesday, March 9, 2016 4:09:00 PM

Thank you for your email regarding Uber and transportation network companies.

The Province of British Columbia recognizes that consumers have a strong interest in seeing greater choice in the availability and provision of passenger transportation. Transportation network companies such as Uber, Lyft, car2go and others present real opportunities in this regard, and have the potential to meet changing public expectations.

Consideration of any new service must be carefully assessed against the safety of the travelling public. Passenger safety is a priority of this government and transportation services within the province must be able to provide individuals with the confidence that they are accessing services that are safe, reliable and properly insured.

Thought must also be given as to how any new services are regulated, recognizing the need to be respectful of existing industry participants and at the same time be fair and equitable to any new entrants in this sector.

The *Passenger Transportation Act* requires a licence for any vehicle operated by a person who charges or collects remuneration for transporting passengers. In order to obtain a licence to operate in British Columbia, passenger-directed services, such as taxis and commercial ridesharing, must be approved by the Passenger Transportation Board, an independent tribunal. The operating area, fleet size, vehicle type and rates charged are determined by the Board and smart phone apps, used by any company, must reflect the terms and conditions of the licence assigned by the Board. The Passenger Transportation Registrar is responsible for compliance and enforcement activities in the industry and the Ministry of Transportation and Infrastructure's Commercial Vehicle Safety and Enforcement Branch and local police are also able to enforce the Act.

Over the coming months, it is my intention to meet with a wide array of stakeholders, including representatives from the taxi industry, transportation network companies and locally elected officials. This process will allow me to hear a diverse range of perspectives and to ensure that those with an interest in this dialogue are heard and included as part of government's exploration and careful study of this topic. It is important that any decisions are made with the best possible information.

As you are likely aware, other jurisdictions across Canada, North America and around the world are, like British Columbia, working to provide safe, accessible and sustainable passenger transportation options. We will continue to monitor their progress as part of our work to provide consumers with convenience and choice, while recognizing the role of existing operators in the industry and the importance of keeping the travelling public safe.

Thank you again for writing.

Sincerely,

Peter Fassbender

Minister of Community, Sport and Cultural Development

and Minister Responsible for TransLink

cc: Premier@gov.bc.ca

Minister.Transportation@gov.bc.ca

From: OfficeofthePremier, Office PREM:EX

Sent: Tuesday, January 26, 2016 3:13 PM
To: s.22
Cc: Minister, CSCD CSCD:EX; Transportation, Minister TRAN:EX
Subject: RE: Support for Taxi Associations

Thank you for your email, s.22

This is just a note to let you know that we've shared your correspondence with the Honourable Peter Fassbender, Minister of Community, Sport and Cultural Development, so that he, too, has an opportunity to review your concerns.

Again, thank you for taking the time to write.

From: s.22 [mailto s.22
Sent: Monday, January 25, 2016 7:27 PM
To: Transportation, Minister TRAN:EX; OfficeofthePremier, Office PREM:EX
Cc: s.22
Subject: Support for Taxi Associations

Honourable Premier Clark and Honourable Minister Stone,

We stand in strong support with the Taxi Associations to stop the entry of unregulated "taxi" services such as Uber, UberX, Sidecar and Lyft.

These foreign based companies operate beyond local and provincial jurisdiction. Their drivers use their private vehicles to provide rides without special licences or training, appropriate security screening or thorough insurance coverage. They do not have Passenger Transportation Board mandated safety equipment such as: GPS, security cameras, meter, regular mechanical inspections and third party liability insurance. They only accept credit cards with little if any fraud protection or privacy protection provisions and also do not accept Taxi Savers.

We are asking that provincial politicians protect public safety and corporate accountability by banning these foreign owned companies from entering the market. Provincial officials need to act swiftly and definitively to thwart this threat to passenger safety by responsible regulation.

We respectfully invite you to work with the taxi industry to support the continued regulation of passenger directed vehicles in British Columbia by banning these companies.

Yours truly,

s.22

From:	Phillips, Linda M CSCD:EX on behalf of Minister, CSCD CSCD:EX
To:	"yellowcabs@shawbiz.ca"
Cc:	"cc:"; Transportation, Minister TRAN:EX
Subject:	Ref. 166316: Uber and Transportation Network Companies
Date:	Wednesday, March 9, 2016 4:09:00 PM
Attachments:	Letter reguarding Uber Taxi in Canada - From Yellow Cabs (Kamloops) Ltd..msg

Thank you for your email regarding Uber and transportation network companies.

The Province of British Columbia recognizes that consumers have a strong interest in seeing greater choice in the availability and provision of passenger transportation. Transportation network companies such as Uber, Lyft, car2go and others present real opportunities in this regard, and have the potential to meet changing public expectations.

Consideration of any new service must be carefully assessed against the safety of the travelling public. Passenger safety is a priority of this government and transportation services within the province must be able to provide individuals with the confidence that they are accessing services that are safe, reliable and properly insured.

Thought must also be given as to how any new services are regulated, recognizing the need to be respectful of existing industry participants and at the same time be fair and equitable to any new entrants in this sector.

The *Passenger Transportation Act* requires a licence for any vehicle operated by a person who charges or collects remuneration for transporting passengers. In order to obtain a licence to operate in British Columbia, passenger-directed services, such as taxis and commercial ridesharing, must be approved by the Passenger Transportation Board, an independent tribunal. The operating area, fleet size, vehicle type and rates charged are determined by the Board and smart phone apps, used by any company, must reflect the terms and conditions of the licence assigned by the Board.

The Passenger Transportation Registrar is responsible for compliance and enforcement activities in the industry and the Ministry of Transportation and Infrastructure's Commercial Vehicle Safety and Enforcement Branch and local police are also able to enforce the Act.

Over the coming months, it is my intention to meet with a wide array of stakeholders, including representatives from the taxi industry, transportation network companies and locally elected officials. This process will allow me to hear a diverse range of perspectives and to ensure that those with an interest in this dialogue are heard and included as part of government's exploration and careful study of this topic. It is important that any decisions are made with the best possible information.

As you are likely aware, other jurisdictions across Canada, North America and around the world are, like British Columbia, working to provide safe, accessible and sustainable passenger transportation options. We will continue to monitor their progress as part of our work to provide consumers with convenience and choice, while recognizing the role of existing operators in the industry and the importance of keeping the travelling public safe.

Thank you again for writing.

Sincerely,

Peter Fassbender

Minister of Community, Sport and Cultural Development

and Minister Responsible for TransLink

cc: Premier@gov.bc.ca

Minister.Transportation@gov.bc.ca

From: OfficeofthePremier, Office PREM:EX
Sent: Friday, February 19, 2016 12:07 PM
To: 'Yellow Cabs (Kamloops) Ltd '
Cc: Minister, CSCD CSCD:EX
Subject: RE: Letter reguarding Uber Taxi in Canada - From Yellow Cabs (Kamloops) Ltd.

Thank you for your February 9th email and attachments regarding Uber and the taxicab industry,
s.22 We appreciate receiving your concerns.

On your behalf, we've shared your correspondence with the Honourable Peter Fassbender, Minister of Community, Sport and Cultural Development. Minister Fassbender will ensure that you are provided an update on the current situation.

Again, thank you for writing.

From: Yellow Cabs (Kamloops) Ltd [mailto:yellowcabs@shawbiz.ca]
Sent: Tuesday, February 9, 2016 5:54 PM
To: marc.garneau@parl.gc.ca; OfficeofthePremier, Office PREM:EX; todd.stone.MLA@leg.bc.ca; premier@gov.ab.ca
Subject: Letter reguarding Uber Taxi in Canada - From Yellow Cabs (Kamloops) Ltd.

Dear Honourable Marc Garneau, Honourable Christy Clark, Honourable Todd Stone & Honourable Rachel Notley,

Please find the attached letter from myself s.22 from Yellow Cabs (Kamloops) Ltd and also the supporting documents which are attachments of my letter.

Thank you very much for your time.

Sincere regards,

s.22

(P.S. Please disregard the earlier email from February 2,2016 sent to you from me. The attachments have been updated. Thank you.)

166533

Holland, Jodie CSCD:EX

Add to batch 165990

From: Fassbender.MLA, Peter <Peter.Fassbender.MLA@leg.bc.ca>
Sent: Wednesday, March 16, 2016 12:24 PM
To: Minister, CSCD CSCD:EX
Subject: 166533 FW: Uber in Vancouver

Uber Template Response

Follow Up Flag: Follow up
Flag Status: Completed

Categories: Uber/Sharing Economy Template, Reply Direct (ADM or ED)

CORRESPONDENCE SERVICES
Received
MAR 17 2016
Sent: MAR 17 2016
ASSIGN TO:
CCS
☒ MINISTER'S RESPONSE
☐ DM RESPONSE
☐ DIRECT REPLY
☐ NECESSARY ACTION
☐ COMMENTS/ADVICE
☐ PREMIER'S RESPONSE
☐ INFO/FILE

From: s.22 [mailto s.22
Sent: March 16, 2016 12:18 PM
To: Fassbender.MLA, Peter <Peter.Fassbender.MLA@leg.bc.ca>
Subject: Uber in Vancouver

Dear Peter Fassbender,

As someone who values choices in transportation, I urge you to welcome Uber in Vancouver and British Columbia.

The existing taxi market does not meet consumer needs in terms of reliability, safety or convenience.

Cities around the world are embracing ridesharing as a 21st century solution to problems of congestion, traffic and emissions, but the benefits of the Uber platform extend way beyond that. Consumers love Uber because its technology helps connect them to the safest and most reliable rides on the road. Drivers love Uber because the platform allows for increased earnings and total work flexibility. Cities love Uber because ridesharing provides entrepreneurial opportunities, decreased DUI fatalities, and better service in traditionally underserved neighborhoods.

The local taxi interests are fixated on finding ways to block the introduction of this new and desperately needed technological advancement in Vancouver and British Columbia — at the expense of consumer choice and safety.

I ask that you recognize the merits of new technological innovation and work with Uber to bring more transportation choices to Vancouver. We are people looking for entrepreneurship opportunities, people regularly underserved by current transportation options, and people simply looking for a safe ride home on a Saturday night; we ask that you please empower our right to choose!

Thank you.

Sincerely,

s.22

s.22

Porcher, Elizabeth CSCD:EX

From: Phillips, Linda M CSCD:EX on behalf of Minister, CSCD CSCD:EX
Sent: Friday, March 18, 2016 2:43 PM
To: s.22
Cc: Transportation, Minister TRAN:EX
Subject: Ref. 166533: Uber and Transportation Network Companies

Ref: 166533

s.22

Email: s.22

cc: Minister.Transportation@gov.bc.ca

Dear s.22

Thank you for your email regarding Uber and transportation network companies.

The Province of British Columbia recognizes that consumers have a strong interest in seeing greater choice in the availability and provision of passenger transportation. Transportation network companies such as Uber, Lyft, car2go and others present real opportunities in this regard, and have the potential to meet changing public expectations.

Consideration of any new service must be carefully assessed against the safety of the travelling public. Passenger safety is a priority of this government and transportation services within the province must be able to provide individuals with the confidence that they are accessing services that are safe, reliable and properly insured.

Thought must also be given as to how any new services are regulated, recognizing the need to be respectful of existing industry participants and at the same time be fair and equitable to any new entrants in this sector.

The *Passenger Transportation Act* requires a licence for any vehicle operated by a person who charges or collects remuneration for transporting passengers. In order to obtain a licence to operate in British Columbia, passenger-directed services, such as taxis and commercial ridesharing, must be approved by the Passenger Transportation Board, an independent tribunal. The operating area, fleet size, vehicle type and rates charged are determined by the Board and smart phone apps, used by any company, must reflect the terms and conditions of the licence assigned by the Board. The Passenger Transportation Registrar is responsible for compliance and enforcement activities in the industry and the Ministry of Transportation and Infrastructure's Commercial Vehicle Safety and Enforcement Branch and local police are also able to enforce the Act.

Over the coming months, it is my intention to meet with a wide array of stakeholders, including representatives from the taxi industry, transportation network companies and locally elected officials. This process will allow me to hear a diverse range of perspectives and to ensure that those with an interest in this dialogue are heard and included as part of government's exploration and careful study of this topic. It is important that any decisions are made with the best possible information.

As you are likely aware, other jurisdictions across Canada, North America and around the world are, like British Columbia, working to provide safe, accessible and sustainable passenger transportation options. We will continue to

monitor their progress as part of our work to provide consumers with convenience and choice, while recognizing the role of existing operators in the industry and the importance of keeping the travelling public safe.

Thank you again for writing.

Sincerely,

Peter Fassbender
Minister of Community, Sport and Cultural Development
and Minister Responsible for TransLink

From: s.22
Sent: March 16, 2016 12:18 PM
To: Fassbender.MLA, Peter <Peter.Fassbender.MLA@leg.bc.ca>
Subject: Uber in Vancouver

Dear Peter Fassbender,

As someone who values choices in transportation, I urge you to welcome Uber in Vancouver and British Columbia.

The existing taxi market does not meet consumer needs in terms of reliability, safety or convenience.

Cities around the world are embracing ridesharing as a 21st century solution to problems of congestion, traffic and emissions, but the benefits of the Uber platform extend way beyond that. Consumers love Uber because its technology helps connect them to the safest and most reliable rides on the road. Drivers love Uber because the platform allows for increased earnings and total work flexibility. Cities love Uber because ridesharing provides entrepreneurial opportunities, decreased DUI fatalities, and better service in traditionally underserved neighborhoods.

The local taxi interests are fixated on finding ways to block the introduction of this new and desperately needed technological advancement in Vancouver and British Columbia — at the expense of consumer choice and safety.

I ask that you recognize the merits of new technological innovation and work with Uber to bring more transportation choices to Vancouver. We are people looking for entrepreneurship opportunities, people regularly underserved by current transportation options, and people simply looking for a safe ride home on a Saturday night; we ask that you please empower our right to choose!

Thank you.

Sincerely,

s.22

From:	Phillips, Linda M CSCD:EX on behalf of Minister, CSCD CSCD:EX
To:	s.22
Cc:	"Premier@gov.bc.ca"; Transportation, Minister TRAN:EX
Subject:	Ref. 166525: Uber and Transportation Network Companies
Date:	Wednesday, March 16, 2016 2:22:00 PM

Ref: 166525

s.22

Email: s.22

cc: Premier@gov.bc.ca

Minister.Transportation@gov.bc.ca

Dear s.22

Your email to the Honourable Christy Clark, Premier, expressing your views regarding Uber and transportation network companies has been referred to me for reply.

The Province of British Columbia recognizes that consumers have a strong interest in seeing greater choice in the availability and provision of passenger transportation. Transportation network companies such as Uber, Lyft, car2go and others present real opportunities in this regard, and have the potential to meet changing public expectations.

Consideration of any new service must be carefully assessed against the safety of the travelling public. Passenger safety is a priority of this government and transportation services within the province must be able to provide individuals with the confidence that they are accessing services that are safe, reliable and properly insured.

Thought must also be given as to how any new services are regulated, recognizing the need to be respectful of existing industry participants and at the same time be fair and equitable to any new entrants in this sector.

The Passenger Transportation Act requires a licence for any vehicle operated by a person who charges or collects remuneration for transporting passengers. In order to obtain a licence to operate in British Columbia, passenger-directed services, such as taxis and commercial ridesharing, must be approved by the Passenger Transportation Board, an independent tribunal. The operating area, fleet size, vehicle type and rates charged are determined by the Board and smart phone apps, used by any company, must reflect the terms and conditions of the licence assigned by the Board. The Passenger Transportation Registrar is responsible for compliance and enforcement activities in the industry and the Ministry of Transportation and Infrastructure's Commercial Vehicle Safety and Enforcement Branch and local police are also able to enforce the Act.

Over the coming months, it is my intention to meet with a wide array of stakeholders, including representatives from the taxi industry, transportation network companies and locally elected officials. This process will allow me to hear a diverse range of perspectives and to ensure that those with an interest in this dialogue are heard and included as part of government's exploration and careful study of this topic. It is important that any decisions are made with the best possible information.

As you are likely aware, other jurisdictions across Canada, North America and around the world are, like British Columbia, working to provide safe, accessible and sustainable passenger transportation options. We will continue to monitor their progress as part of our work to provide consumers with convenience and choice, while recognizing the role of existing operators in the industry and the importance of keeping the travelling public safe.

Thank you again for writing.

Sincerely,

Peter Fassbender

Minister of Community, Sport and Cultural Development

and Minister Responsible for TransLink

-----Original Message-----
From: OfficeofthePremier, Office PREM:EX
Sent: Tuesday, March 15, 2016 3:08 PM
To: s.22
Cc: Minister, CSCD CSCD:EX
Subject: RE: Uber

Thank you for your email regarding Uber, s.22 . We've also noted your comments related to the taxi industry.

On your behalf, we've shared your comments with the Honourable Peter Fassbender, Minister of Community, Sport and Cultural Development, so that he, too, is aware of your views.

Thanks again for taking the time to write. It was good to hear from you.

-----Original Message-----

From: s.22

Sent: Monday, March 14, 2016 6:14 PM

To: OfficeofthePremier, Office PREM:EX

Subject: Uber

Dear Premier Clark,

I am a long-standing Member /supporter of Liberal Party of Canada/Liberal Party of British Columbia and yourself.

I'm really disappointed the governments inaction with regard to Uber coming to Vancouver.

It's a fantastic service that I've used in other cities like Los Angeles. Uber Pool could serve to reduce traffic and the environmental impact of transportation in the city of Vancouver. It will surely greatly improve things for passengers. I feel like BC and Vancouver is dragging it's feet in making way for a service the city greatly needs. I mean- if you want votes... It's a no-brainer.

I understand there are issues to consider. Please consider them- fix them and get us this service right away. Not having Uber is a competitive disadvantage. Uber represents free enterprise and innovation at its best. Further diversify this economy please. With the low dollar we will surely see a tourism boom in this province. Help us to make a decent impression.

I view insurance rates for taxi cabs - in addition to the high costs of inspections a tax grab as much as anything. Please do what it takes so the cabs can stay competitive. I believe that involves reducing the costs of driving a cab in this city. No wonder the service is shit- excuse my language. But you know it's true.

I appreciate your work on this. I love your work and the province we have the potential to become.

Sincerely,

s.22

Tediously thumb typed from my iPhone

Approvals:	Dir:		EL:	KV	DM:	JD

Ministry of Community, Sport and Cultural Development

BRIEFING NOTE FOR MINISTER

Ref #: 166535

FOR MEETING

Date: March 22, 2016

Title: Greater Vancouver Board of Trade (GVBOT).

Issue: GVBOT meeting with the Minister on March 29, 2016, to provide an update on GVBOT's Regional Economic Scorecard and other policy priorities including ridesharing, regional transportation and the province's role in sport hosting.

Background:
The GVBOT is a business association that engages with decision makers to develop Vancouver as a hub for commerce, trade, travel and free enterprise. The GVBOT advocates for and develops business leaders, connects businesses and hosts educational opportunities.

Mandate Considerations: N/A
Liquefied Natural Gas Considerations: N/A
Fiscal Considerations: N/A
First Nations Considerations: N/A
Communications: N/A

Discussion:

Regional Economic Scorecard

- The GVBOT is developing a Regional Economic Scorecard to review of how the Greater Vancouver region performs among 20 international regions (see Appendix A for full list of regions).
- The Scorecard was produced in partnership with the Conference Board of Canada and is expected to be released in mid-May.
- Economic indicators include after-tax income growth, labour productivity, real GDP per capita and unemployment rate.
- Social indicators include air quality, housing affordability and income inequality.
- The Scorecard will become the foundation document that the GVBOT will use to drive its public policy and advocacy initiatives on an annual basis for the next decade.
- The vision for the Scorecard is that it will also serve as the basis to craft a regional economic strategy in years two or three.
- The GVBOT may wish to share some of its preliminary findings at the Minister's meeting.

Ridesharing

- The GVBOT has a general concern with the impacts of congestion on the regional economy and has identified investments in public transportation and support for ridesharing as options for mitigating those impacts.
- The GVBOT submitted a paper to the province in February that broadly recommended the introduction of new regulations to support ridesharing, while also launching a review of the *Passenger*

Transportation Act and overhauling regulations to enable the traditional taxi industry to be more competitive.

- The *Passenger Transportation Act* requires any vehicle operated by a person who charges or collects compensation for transporting passengers in B.C. to have a passenger transportation licence.
- It is anticipated that over the coming months the Minister will be consulting with stakeholders to better understand challenges and opportunities associated with the sharing economy, including those associated with ride sharing services.

Regional Transportation

- The GVBOT supported a 'yes' vote in the Transportation and Transit Plebiscite and was one of the founding members of the Better Transit and Transportation Coalition.
- In January 2016, the GVBOT submitted a letter to the federal government as part of pre-budget consultations, calling for investments in Surrey and Vancouver rapid transit.
- The interest of the GVBOT in regional transportation is also reflected in its internal policy committee on Metro Vancouver Transportation and Infrastructure.
- The role of the committee is to study decision-making processes concerning the movement of goods, people, and services within Metro Vancouver and works to ensure unity among transportation stakeholders, to advocate for an appropriate balance between the movement of goods and the movement of people, and encourage that appropriate action is taken on a timely basis.
- It is anticipated the Board will be interested in discussing advancement of, and investment in, the Mayors' Council vision, with particular reference to Surrey and Vancouver rapid transit projects.

Province's Role in Sport Hosting

- Sport, Arts and Culture hosting program – a commitment to supporting communities and organizations in making B.C. the destination of choice for sport and cultural events.
- The province supports larger international and national events through the Major Events program, administered directly by the Ministry.
- The province also supports smaller international, national and provincial events through the Hosting BC program, administered by viaSport.
- $1 million was invested in sport event hosting in 2015/16.
- CSCD has recently launched a Sport, Arts and Culture Hosting website – a key component of the 2014 mandate letter to develop a hosting strategy with JTST.
- The website provides communities with toolkit resources and other information that will help B.C. secure sport, arts and culture events.
- CSCD also works with JTST and DBC on the Tourism Events Program which was launched Sept. 1, 2015, to help support the planning, marketing, and organization of events and celebrations with a high tourism value.
- The TEP program is open to all communities across B.C.

- According to the Canadian Sport Tourism Alliance:
    - sport tourism is a $3.6 billion segment of Canada's tourism industry and is the fastest growing segment of the tourism industry;
    - sport tourism in B.C. is valued at $300 million annually; and,
    - sport industry accounts for two per cent of all jobs and 1.2 per cent of B.C.'s overall GDP.

Economic and Transportation Contact: Kevin Volk, Executive Lead
Telephone: 250-387-3860

Sport Contact: Margo Ross, Executive Director
Telephone: 250-356-7168

i:\executive\administration\cls_admin\280 cliff\166535 pl vbot\166535 bn 1270664.docx \

Appendix A
List of Regions and Indicators included in the Regional Economic Scorecard

Regional Economic Scorecard Indicators:

Economic Indicators	Social Indicators
After-tax income growth	Air quality
After-tax income per capita	Average travel time to and from work
Employment growth	Climate
High-tech employment share	Homicide rate
Inbound airport cargo tonnage per $1 million of GDP	Housing affordability
Inbound airport seats per capita	Income inequality
International visitors	Non-car commuting
KPMG's total tax index	Proportion of population aged 25-34
Labour productivity	Proportion of population foreign born
Labour productivity growth	Proportion of population that is employed in cultural occupations
Marginal effective tax rate on capital investment	Proportion of the population with at least a bachelor's degree
Market size	
Number of cruise vessel calls	
Number of participants at international associations meetings	
Office rents (US$ per square foot)	
Port cargo tonnage per $1 million of GDP	
Port container traffic (TEUs) per $1 million of GDP	
Real GDP per capita	
Real GDP per capita growth	
Unemployment rate	
Venture capital investment per $1 million of GDP	

Regional Economic Scorecard Comparison Regions:

Barcelona	Portland
Calgary	Rotterdam
Copenhagen	San Francisco
Halifax	Seattle
Hong Kong	Seoul
Houston	Shanghai
Los Angeles	Singapore
Manchester	Sydney
Miami	Toronto
Montreal	Greater Vancouver

BRITISH COLUMBIA

April 8, 2016

Ref: 166814

Mr. Al Richmond
President
Union of British Columbia Municipalities
Suite 60 - 10551 Shellbridge Way
Richmond, BC V6X 2W9

Dear Mr. Richmond:

The Province of British Columbia knows that British Columbians have expressed an interest in seeing greater choice, convenience and competition in the availability and provision of transportation and accommodation services. Companies such as Uber, Lyft and Airbnb may present opportunities to meet changing public expectations.

In considering the opportunities that these services may provide, it is important that the Province understands any impacts that could result for consumers, host communities and existing service providers. The many people currently providing passenger and accommodation services in British Columbia have made investments, providing jobs and valuable contributions to the economy. Thought must be given as to how any new services are regulated, recognizing the need to be respectful of existing industry participants while at the same time being fair and equitable to any possible new entrants to these sectors.

As part of this process, I would like to hear thoughts and perspectives from the UBCM Executive and its membership on the sharing economy. This could include ideas on how existing traditional service models could be integrated with sharing services, on perceived challenges and opportunities, and on provincial and local government roles in regulating and facilitating any shifts to accommodate new entrants to our economy. Locally elected officials from both urban and rural regions will have important perspectives on these issues, and I am eager to draw these out as part of the consultation process.

I look forward to hearing from you on this issue.

Sincerely,

Peter Fassbender
Minister

Ministry of Community, Sport and Cultural Development and Minister Responsible for TransLink

Office of the Minister

Mailing Address:
PO Box 9056 Stn Prov Govt
Victoria BC V8W 9E2
Phone: 250 387-2283
Fax: 250 387-4312

Location:
Room 310
Parliament Buildings
Victoria BC

www.gov.bc.ca/cscd

April 8, 2016

Ref: 166815

«HONOURIFIC» «FIRST_NAME» «LAST_NAME»
«JURISDICTION»
«ADDRESS»
«CITY», «BC» «POSTALC»

Dear «TITLE» «LAST_NAME»:

The Province of British Columbia knows that British Columbians have expressed an interest in seeing greater choice, convenience and competition in the availability and provision of transportation and accommodation services. Companies such as Uber, Lyft and Airbnb may present opportunities to meet changing public expectations.

In considering the opportunities that these services may provide, it is important that the Province understands any impacts that could result for consumers, host communities and existing service providers. The many people currently providing passenger and accommodation services in British Columbia have made investments, providing jobs and valuable contributions to the economy. Thought must be given as to how any new services are regulated, recognizing the need to be respectful of existing industry participants while at the same time being fair and equitable to any possible new entrants to these sectors.

To this end, over the coming months, I will be meeting with a wide array of stakeholders to explore issues pertaining to the sharing economy and develop a better understanding of the opportunities and challenges that they provide for citizens and communities.

Locally elected officials from both urban and rural regions will have important perspectives on the issues and opportunities surrounding the sharing economy, and I am eager to draw these out as part of the consultation process. It is my hope that I will be able to engage with as many local governments as possible in person over the coming months. Regardless of whether we are able to undertake this discussion in person, I would also value the opportunity to review your thoughts on this matter via any written submission you may care to provide to me, and I encourage you to consider sending your thoughts to me directly by email at: CSCD.Minister@gov.bc.ca.

Your perspectives could include ideas on how sharing and existing service economies could be integrated, on perceived challenges and opportunities, and on provincial and local government roles in regulating and facilitating any changes we might contemplate.

.../2

Ministry of Community, Sport and Cultural Development and Minister Responsible for TransLink

Office of the Minister

Mailing Address:
PO Box 9056 Stn Prov Govt
Victoria BC V8W 9E2
Phone: 250 387-2283
Fax: 250 387-4312

Location:
Room 310
Parliament Buildings
Victoria BC

www.gov.bc.ca/cscd

I look forward to hearing from you.

Sincerely,

Peter Fassbender
Minister

Minister: file copy Branch: file copy Branch: pending copy
Date Typed: April 6, 2016 Prepared by: Jessica Brooks
Document Location: i:\executive\administration\cls_admin\292 foi\cscd-2016-63784\2016-04-08 1271618 166815 consultation letter.docx
ARCS/ORCS#: 0280-300280-30

SORTING	HONOURIFIC	FIRST NAME	LAST NAME	COUNCILLORS	MEMBERS OF COUNCIL	TITLE
100 Mile House	His Worship Mayor	Mitch	Campsall	and Councillors	and Members of Council	Mayor
Abbotsford - C	His Worship Mayor	Henry	Braun	and Councillors	and Members of Council	Mayor
Alert Bay	His Worship Mayor	Michael	Berry	and Councillors	and Members of Council	Mayor
Anmore	His Worship Mayor	John	McEwen	and Councillors	and Members of Council	Mayor
Armstrong	His Worship Mayor	Chris	Pieper	and Councillors	and Members of Council	Mayor
Ashcroft	His Worship Mayor	Jack	Jeyes	and Councillors	and Members of Council	Mayor
Barriere	Her Worship Mayor	Virginia	Smith	and Councillors	and Members of Council	Mayor
Belcarra	His Worship Mayor	Ralph	Drew	and Councillors	and Members of Council	Mayor
Bowen Island	His Worship Mayor	Murray	Skeels	and Councillors	and Members of Council	Mayor
Burnaby	His Worship Mayor	Derek	Corrigan	and Councillors	and Members of Council	Mayor
Burns Lake	His Worship Mayor	Luke	Strimbold	and Councillors	and Members of Council	Mayor
Cache Creek	His Worship Mayor	John	Ranta	and Councillors	and Members of Council	Mayor
Campbell River	His Worship Mayor	Andy	Adams	and Councillors	and Members of Council	Mayor
Canal Flats	Her Worship Mayor	Ute	Juras	and Councillors	and Members of Council	Mayor
Castlegar	His Worship Mayor	Lawrence	Chernoff	and Councillors	and Members of Council	Mayor
Central Saanich	His Worship Mayor	Ryan	Windsor	and Councillors	and Members of Council	Mayor
Chase	His Worship Mayor	Rick	Berrigan	and Councillors	and Members of Council	Mayor
Chetwynd	His Worship Mayor	Merlin	Nichols	and Councillors	and Members of Council	Mayor
Chilliwack	Her Worship Mayor	Sharon	Gaetz	and Councillors	and Members of Council	Mayor
Clearwater	His Worship Mayor	John	Harwood	and Councillors	and Members of Council	Mayor
Clinton	His Worship Mayor	Jim	Rivett	and Councillors	and Members of Council	Mayor
Coldstream	His Worship Mayor	Jim	Garlick	and Councillors	and Members of Council	Mayor
Colwood	Her Worship Mayor	Carol	Hamilton	and Councillors	and Members of Council	Mayor
Comox	His Worship Mayor	Paul	Ives	and Councillors	and Members of Council	Mayor
Coquitlam	His Worship Mayor	Richard	Stewart	and Councillors	and Members of Council	Mayor
Courtenay	His Worship Mayor	Larry	Jangula	and Councillors	and Members of Council	Mayor
Cranbrook	His Worship Mayor	Lee	Pratt	and Councillors	and Members of Council	Mayor
Creston	His Worship Mayor	Ron	Toyota	and Councillors	and Members of Council	Mayor
Cumberland	Her Worship Mayor	Leslie	Baird	and Councillors	and Members of Council	Mayor
Dawson Creek	His Worship Mayor	Dale	Bumstead	and Councillors	and Members of Council	Mayor
Delta	Her Worship Mayor	Lois	Jackson	and Councillors	and Members of Council	Mayor
Duncan	His Worship Mayor	Phil	Kent	and Councillors	and Members of Council	Mayor
Elkford	His Worship Mayor	Dean	McKerracher	and Councillors	and Members of Council	Mayor
Enderby	His Worship Mayor	Greg	McCune	and Councillors	and Members of Council	Mayor
Esquimalt	Her Worship Mayor	Barbara	Desjardins	and Councillors	and Members of Council	Mayor
Fernie	Her Worship Mayor	Mary	Giuliano	and Councillors	and Members of Council	Mayor
Fort St. James	His Worship Mayor	Rob	MacDougall	and Councillors	and Members of Council	Mayor
Fort St. John	Her Worship Mayor	Lori	Ackerman	and Councillors	and Members of Council	Mayor
Fraser Lake	His Worship Mayor	Dwayne	Lindstrom	and Councillors	and Members of Council	Mayor
Fruitvale	Her Worship Mayor	Patricia Lynn	Cecchini	and Councillors	and Members of Council	Mayor
Gibsons	His Worship Mayor	Wayne	Rowe	and Councillors	and Members of Council	Mayor
Gold River	His Worship Mayor	Brad	Unger	and Councillors	and Members of Council	Mayor
Golden	His Worship Mayor	Ron	Oszust	and Councillors	and Members of Council	Mayor
Grand Forks	His Worship Mayor	Frank	Konrad	and Councillors	and Members of Council	Mayor
Granisle	Her Worship Mayor	Linda	McGuire	and Councillors	and Members of Council	Mayor
Greenwood	His Worship Mayor	Ed I	Smith	and Councillors	and Members of Council	Mayor

SORTING	HONOURIFIC	FIRST NAME	LAST NAME	COUNCILLORS	MEMBERS OF COUNCIL	TITLE
Harrison Hot Springs	His Worship Mayor	Leo	Facio	and Councillors	and Members of Council	Mayor
Hazelton	Her Worship Mayor	Alice	Maitland	and Councillors	and Members of Council	Mayor
Highlands	His Worship Mayor	Ken	Williams	and Councillors	and Members of Council	Mayor
Hope	His Worship Mayor	Wilfred	Vicktor	and Councillors	and Members of Council	Mayor
Houston	His Worship Mayor	Shane	Brienen	and Councillors	and Members of Council	Mayor
Hudson's Hope	Her Worship Mayor	Gwen	Johannson	and Councillors	and Members of Council	Mayor
Invermere	His Worship Mayor	Gerry	Taft	and Councillors	and Members of Council	Mayor
Jumbo Glacier	His Worship Mayor	Greg	Deck	and Councillors	and Members of Council	Mayor
Kamloops	His Worship Mayor	Peter	Milobar	and Councillors	and Members of Council	Mayor
Kaslo	Her Worship Mayor	Suzan	Hewat	and Councillors	and Members of Council	Mayor
Kelowna	His Worship Mayor	Colin	Basran	and Councillors	and Members of Council	Mayor
Kent	His Worship Mayor	John	Van Laerhoven	and Councillors	and Members of Council	Mayor
Keremeos	His Worship Mayor	Manfred	Bauer	and Councillors	and Members of Council	Mayor
Kimberley	His Worship Mayor	Don	McCormick	and Councillors	and Members of Council	Mayor
Kitimat	His Worship Mayor	Phil	Germuth	and Councillors	and Members of Council	Mayor
Ladysmith	His Worship Mayor	Aaron	Stone	and Councillors	and Members of Council	Mayor
Lake Country	His Worship Mayor	James	Baker	and Councillors	and Members of Council	Mayor
Lake Cowichan	His Worship Mayor	Ross	Forrest	and Councillors	and Members of Council	Mayor
Langford	His Worship Mayor	Stewart	Young	and Councillors	and Members of Council	Mayor
Langley - C	His Worship Mayor	Ted	Schaffer	and Councillors	and Members of Council	Mayor
Langley - D	His Worship Mayor	Jack	Froese	and Councillors	and Members of Council	Mayor
Lantzville	His Worship Mayor	Colin Robert	Haime	and Councillors	and Members of Council	Mayor
Lillooet	Her Worship Mayor	Margaret	Lampman	and Councillors	and Members of Council	Mayor
Lions Bay	His Worship Mayor	Karl	Buhr	and Councillors	and Members of Council	Mayor
Logan Lake	Her Worship Mayor	Robin	Smith	and Councillors	and Members of Council	Mayor
Lumby	His Worship Mayor	Kevin	Acton	and Councillors	and Members of Council	Mayor
Lytton	Her Worship Mayor	Jessoa	Lightfoot	and Councillors	and Members of Council	Mayor
Mackenzie	His Worship Mayor	Pat	Crook	and Councillors	and Members of Council	Mayor
Maple Ridge	Her Worship Mayor	Nicole	Read	and Councillors	and Members of Council	Mayor
Masset	His Worship Mayor	Andrew	Merilees	and Councillors	and Members of Council	Mayor
McBride	Her Worship Mayor	Loranne	Martin	and Councillors	and Members of Council	Mayor
Merritt	His Worship Mayor	Neil Leonard	Menard	and Councillors	and Members of Council	Mayor
Metchosin	His Worship Mayor	John	Ranns	and Councillors	and Members of Council	Mayor
Midway	His Worship Mayor	Randy	Kappes	and Councillors	and Members of Council	Mayor
Mission	His Worship Mayor	Randy	Hawes	and Councillors	and Members of Council	Mayor
Montrose	His Worship Mayor	Joe	Danchuk	and Councillors	and Members of Council	Mayor
Nakusp	Her Worship Mayor	Karen	Hamling	and Councillors	and Members of Council	Mayor
Nanaimo - C	His Worship Mayor	Bill	McKay	and Councillors	and Members of Council	Mayor
Nelson	Her Worship Mayor	Debra	Kozak	and Councillors	and Members of Council	Mayor
New Denver	Her Worship Mayor	Ann	Bunka	and Councillors	and Members of Council	Mayor
New Hazelton	Her Worship Mayor	Gail	Lowry	and Councillors	and Members of Council	Mayor
New Westminster	His Worship Mayor	Jonathan	Cote	and Councillors	and Members of Council	Mayor
North Cowichan	His Worship Mayor	Jon	Lefebure	and Councillors	and Members of Council	Mayor
North Saanich	Her Worship Mayor	Alice	Finall	and Councillors	and Members of Council	Mayor
North Vancouver - C	His Worship Mayor	Darrell	Mussatto	and Councillors	and Members of Council	Mayor

FOI 2016-63784 Page 89 of 89

SORTING	HONOURIFIC	FIRST NAME	LAST NAME	COUNCILLORS	MEMBERS OF COUNCIL	TITLE
North Vancouver - D	His Worship Mayor	Richard	Walton	and Councillors	and Members of Council	Mayor
Northern Rockies - REGM	His Worship Mayor	Bill	Streeper	and Councillors	and Members of Council	Mayor
Oak Bay	His Worship Mayor	Nils	Jensen	and Councillors	and Members of Council	Mayor
Oliver	His Worship Mayor	Ronald	Hovanes	and Councillors	and Members of Council	Mayor
Osoyoos	Her Worship Mayor	Sue	McKortoff	and Councillors	and Members of Council	Mayor
Parksville	His Worship Mayor	Marc	Lefebvre	and Councillors	and Members of Council	Mayor
Peachland	Her Worship Mayor	Cindy	Fortin	and Councillors	and Members of Council	Mayor
Pemberton	His Worship Mayor	Mike	Richman	and Councillors	and Members of Council	Mayor
Penticton	His Worship Mayor	Andrew	Jakubeit	and Councillors	and Members of Council	Mayor
Pitt Meadows	His Worship Mayor	John	Becker	and Councillors	and Members of Council	Mayor
Port Alberni	His Worship Mayor	Mike	Ruttan	and Councillors	and Members of Council	Mayor
Port Alice	Her Worship Mayor	Jan	Allen	and Councillors	and Members of Council	Mayor
Port Clements	His Worship Mayor	Ian	Gould	and Councillors	and Members of Council	Mayor
Port Coquitlam	His Worship Mayor	Greg	Moore	and Councillors	and Members of Council	Mayor
Port Edward	His Worship Mayor	Dave	MacDonald	and Councillors	and Members of Council	Mayor
Port Hardy	His Worship Mayor	Hank	Bood	and Councillors	and Members of Council	Mayor
Port McNeill	Her Worship Mayor	Shirley	Ackland	and Councillors	and Members of Council	Mayor
Port Moody	His Worship Mayor	Mike	Clay	and Councillors	and Members of Council	Mayor
Pouce Coupe	His Worship Mayor	Andre	Lavoie	and Councillors	and Members of Council	Mayor
Powell River - C	His Worship Mayor	Dave	Formosa	and Councillors	and Members of Council	Mayor
Prince George	His Worship Mayor	Lyn	Hall	and Councillors	and Members of Council	Mayor
Prince Rupert	His Worship Mayor	Lee	Brain	and Councillors	and Members of Council	Mayor
Princeton	His Worship Mayor	Frank	Armitage	and Councillors	and Members of Council	Mayor
Qualicum Beach	His Worship Mayor	Teunis	Westbroek	and Councillors	and Members of Council	Mayor
Queen Charlotte	His Worship Mayor	Greg	Martin	and Councillors	and Members of Council	Mayor
Quesnel	His Worship Mayor	Bob	Simpson	and Councillors	and Members of Council	Mayor
Radium Hot Springs	Her Worship Mayor	Clara	Reinhardt	and Councillors	and Members of Council	Mayor
Revelstoke	His Worship Mayor	Mark	McKee	and Councillors	and Members of Council	Mayor
Richmond	His Worship Mayor	Malcolm	Brodie	and Councillors	and Members of Council	Mayor
Rossland	Her Worship Mayor	Kathy	Moore	and Councillors	and Members of Council	Mayor
Saanich	His Worship Mayor	Richard	Atwell	and Councillors	and Members of Council	Mayor
Salmo	His Worship Mayor	Stephen	White	and Councillors	and Members of Council	Mayor
Salmon Arm	Her Worship Mayor	Nancy	Cooper	and Councillors	and Members of Council	Mayor
Sayward	His Worship Mayor	John	MacDonald	and Councillors	and Members of Council	Mayor
Sechelt	His Worship Mayor	Bruce	Milne	and Councillors	and Members of Council	Mayor
Sechelt Indian Government	Chief	Calvin	Craigan	and Board Members	and Members of the Board	Chief
Sicamous	His Worship Mayor	Terry	Rysz	and Councillors	and Members of Council	Mayor
Sidney	His Worship Mayor	Steve	Price	and Councillors	and Members of Council	Mayor
Silverton	His Worship Mayor	Jason	Clarke	and Councillors	and Members of Council	Mayor
Slocan	Her Worship Mayor	Jessica	Lunn	and Councillors	and Members of Council	Mayor
Smithers	His Worship Mayor	Taylor	Bachrach	and Councillors	and Members of Council	Mayor
Sooke	Her Worship Mayor	Maja	Tait	and Councillors	and Members of Council	Mayor
Spallumcheen	Her Worship Mayor	Janice	Brown	and Councillors	and Members of Council	Mayor
Sparwood	His Worship Mayor	Cal	McDougall	and Councillors	and Members of Council	Mayor
Squamish	Her Worship Mayor	Patricia	Heintzman	and Councillors	and Members of Council	Mayor
Stewart	Her Worship Mayor	Galina	Durant	and Councillors	and Members of Council	Mayor

CSC-2016-63784

SORTING	HONOURIFIC	FIRST NAME	LAST NAME	COUNCILLORS	MEMBERS OF COUNCIL	TITLE
Summerland	His Worship Mayor	Peter	Waterman	and Councillors	and Members of Council	Mayor
Sun Peaks	His Worship Mayor	Al	Raine	and Councillors	and Members of Council	Mayor
Surrey	Her Worship Mayor	Linda	Hepner	and Councillors	and Members of Council	Mayor
Tahsis	Her Worship Mayor	Judith	Schooner	and Councillors	and Members of Council	Mayor
Taylor	His Worship Mayor	Rob	Fraser	and Councillors	and Members of Council	Mayor
Telkwa	His Worship Mayor	Darcy	Repen	and Councillors	and Members of Council	Mayor
Terrace	Her Worship Mayor	Carol	Leclerc	and Councillors	and Members of Council	Mayor
Tofino	Her Worship Mayor	Josie	Osborne	and Councillors	and Members of Council	Mayor
Trail	His Worship Mayor	Mike	Martin	and Councillors	and Members of Council	Mayor
Tumbler Ridge	His Worship Mayor	Don	McPherson	and Councillors	and Members of Council	Mayor
Ucluelet	Her Worship Mayor	Dianne	St. Jacques	and Councillors	and Members of Council	Mayor
Valemount	Her Worship Mayor	Jeannette	Townsend	and Councillors	and Members of Council	Mayor
Vancouver	His Worship Mayor	Gregor	Robertson	and Councillors	and Members of Council	Mayor
Vanderhoof	His Worship Mayor	Gerry	Thiessen	and Councillors	and Members of Council	Mayor
Vernon	His Worship Mayor	Akbal	Mund	and Councillors	and Members of Council	Mayor
Victoria	Her Worship Mayor	Lisa	Helps	and Councillors	and Members of Council	Mayor
View Royal	His Worship Mayor	David	Screech	and Councillors	and Members of Council	Mayor
Warfield	His Worship Mayor	Ted	Pahl	and Councillors	and Members of Council	Mayor
Wells	His Worship Mayor	Robin	Sharpe	and Councillors	and Members of Council	Mayor
West Kelowna	His Worship Mayor	Doug	Findlater	and Councillors	and Members of Council	Mayor
West Vancouver	His Worship Mayor	Michael	Smith	and Councillors	and Members of Council	Mayor
Whistler	Her Worship Mayor	Nancy	Wilhelm-Morden	and Councillors	and Members of Council	Mayor
White Rock	His Worship Mayor	Wayne	Baldwin	and Councillors	and Members of Council	Mayor
Williams Lake	His Worship Mayor	Walt Lloyd	Cobb	and Councillors	and Members of Council	Mayor
Zeballos	His Worship Mayor	Donnie	Cox	and Councillors	and Members of Council	Mayor
Alberni-Clayoquot	Her Worship Mayor	Josie	Osborne	and Board Members	and Members of the Board	Chair
Bulkley-Nechako	Mr.	Bill	Miller	and Board Members	and Members of the Board	Chair
Capital	Her Worship Mayor	Barbara	Desjardins	and Board Members	and Members of the Board	Chair
Cariboo	Mr.	Al	Richmond	and Board Members	and Members of the Board	Chair
Central Coast	Ms.	Alison	Sayers	and Board Members	and Members of the Board	Chair
Central Kootenay	Her Worship Mayor	Karen	Hamling	and Board Members	and Members of the Board	Chair
Central Okanagan	Ms.	Gail	Given	and Board Members	and Members of the Board	Chair
Columbia Shuswap	Ms.	Rhona	Martin	and Board Members	and Members of the Board	Chair
Comox Valley	Mr.	Bruce	Jolliffe	and Board Members	and Members of the Board	Chair
Cowichan Valley	His Worship Mayor	Jon	Lefebure	and Board Members	and Members of the Board	Chair
East Kootenay	Mr.	Robert	Gay	and Board Members	and Members of the Board	Chair
Fraser Valley	Her Worship Mayor	Sharon	Gaetz	and Board Members	and Members of the Board	Chair
Fraser-Fort George	Mr.	Art	Kaehn	and Board Members	and Members of the Board	Chair
Greater Vancouver	His Worship Mayor	Greg	Moore	and Board Members	and Members of the Board	Chair
Kitimat-Stikine	Ms.	Stacey	Tyers	and Board Members	and Members of the Board	Chair
Kootenay Boundary	Ms.	Grace	McGregor	and Board Members	and Members of the Board	Chair
Mount Waddington	Mr.	Dave	Rushton	and Board Members	and Members of the Board	Chair
Nanaimo - RD	Mr.	Joe	Stanhope	and Board Members	and Members of the Board	Chair
North Okanagan	Mr.	Rick	Fairbairn	and Board Members	and Members of the Board	Chair
Okanagan-Similkameen	Mr.	Mark	Pendergraft	and Board Members	and Members of the Board	Chair
Peace River	His Worship Mayor	Don	McPherson	and Board Members	and Members of the Board	Chair

SORTING	HONOURIFIC	FIRST NAME	LAST NAME	COUNCILLORS	MEMBERS OF COUNCIL	TITLE
Powell River - RD	Mr.	Patrick	Brabazon	and Board Members	and Members of the Board	Chair
Skeena-Queen Charlotte	Mr.	Barry	Pages	and Board Members	and Members of the Board	Chair
Squamish-Lillooet	Mr.	Jack	Crompton	and Board Members	and Members of the Board	Chair
Strathcona	His Worship Mayor	John	MacDonald	and Board Members	and Members of the Board	Chair
Sunshine Coast	Mr.	Garry	Nohr	and Board Members	and Members of the Board	Chair
Thompson-Nicola	His Worship Mayor	John	Ranta	and Board Members	and Members of the Board	Chair

JURISDICTION	ADDRESS	CITY	BC	POSTALC	MAYORS EMAIL	FAX
District of 100 Mile House	Box 340	100 Mile House	BC	V0K 2E0	district@dist100milehouse.bc.ca	250-395-3625
City of Abbotsford	32315 South Fraser Way	Abbotsford	BC	V2T 1W7	info@abbotsford.ca	604-853-1934
Village of Alert Bay	Bag Service 2800	Alert Bay	BC	V0N 1A0	officeclerk@alertbay.ca	250-974-5470
Village of Anmore	2697 Sunnyside Rd	Anmore	BC	V3H 5G9	village.hall@anmore.com	604-469-0537
City of Armstrong	PO Box 40	Armstrong	BC	V0E 1B0	info@cityofarmstrong.bc.ca	250-546-3710
Village of Ashcroft	Box 129	Ashcroft	BC	V0K 1A0	admin@ashcroftbc.ca	250-453-9664
District of Barriere	PO Box 219	Barriere	BC	V0E 1E0	inquiry@barriere.ca	250-672-9708
Village of Belcarra	4084 Bedwell Bay Rd	Belcarra	BC	V3H 4P8	belcarra@belcarra.ca	604-939-5034
Bowen Island Municipality	981 Artisan Lane	Bowen Island	BC	V0N 1G2	bim@bimbc.ca	604-947-0193
City of Burnaby	4949 Canada Way	Burnaby	BC	V5G 1M2	clerks@burnaby.ca	604-294-7537
Village of Burns Lake	Box 570	Burns Lake	BC	V0J 1E0	village@burnslake.ca	250-692-3059
Village of Cache Creek	Box 7	Cache Creek	BC	V0K 1H0	admin@cachecreek.info	250-457-9192
City of Campbell River	301 St. Ann's Rd	Campbell River	BC	V9W 4C7	info@campbellriver.ca	250-286-5760
Village of Canal Flats	PO Box 159	Canal Flats	BC	V0B 1B0	village@canalflats.ca	250-349-5460
City of Castlegar	460 Columbia Ave	Castlegar	BC	V1N 1G7	castlegar@castlegar.ca	250-365-4810
District of Central Saanich	1903 Mt. Newton Cross Rd	Saanichton	BC	V8M 2A9	municipalhall@csaanich.ca	250-652-0135
Village of Chase	Box 440	Chase	BC	V0E 1M0	chase@chasebc.ca	250-679-3070
District of Chetwynd	Box 357	Chetwynd	BC	V0C 1J0	d-chet@gochetwynd.com	250-401-4101
City of Chilliwack	8550 Young Rd	Chilliwack	BC	V2P 8A4	info@chilliwack.com	604-795-8443
District of Clearwater	PO Box 157	Clearwater	BC	V0E 1N0	admin@docbc.ca	250-674-2173
Village of Clinton	Box 309	Clinton	BC	V0K 1K0	admin@village.clinton.bc.ca	250-459-2227
District of Coldstream	9901 Kalamalka Rd	Coldstream	BC	V1B 1L6	info@coldstream.ca	250-545-4733
City of Colwood	3300 Wishart Rd	Victoria	BC	V9C 1R1	generalinquiry@colwood.ca	250-478-7516
Town of Comox	1809 Beaufort Ave	Comox	BC	V9M 1R9	town@comox.ca	250-339-7110
City of Coquitlam	3000 Guildford Way	Coquitlam	BC	V3B 7N2	feedback@coquitlam.ca	604-927-3015
City of Courtenay	830 Cliffe Ave	Courtenay	BC	V9N 2J7	info@courtenay.ca	250-334-4241
City of Cranbrook	40 - 10th Ave South	Cranbrook	BC	V1C 2M8	info@cranbrook.ca	250-426-7264
Town of Creston	PO Box 1339	Creston	BC	V0B 1G0	info@creston.ca	250-428-9164
Village of Cumberland	Box 340	Cumberland	BC	V0R 1S0	info@cumberland.ca	250-336-2321
City of Dawson Creek	Box 150	Dawson Creek	BC	V1G 4G4	admin@dawsoncreek.ca	250-782-3203
District of Delta	4500 Clarence Taylor Cres	Delta	BC	V4K 3E2	clerks@delta.ca	604-946-3390
City of Duncan	200 Craig St	Duncan	BC	V9L 1W3	duncan@duncan.ca	250-746-6129
District of Elkford	Box 340	Elkford	BC	V0B 1H0	info@elkford.ca	250-865-4001
City of Enderby	PO Box 400	Enderby	BC	V0E 1V0	info@cityofenderby.com	250-838-6007
Township of Esquimalt	1229 Esquimalt Rd	Victoria	BC	V9A 3P1	info@esquimalt.ca	250-414-7111
City of Fernie	Box 190	Fernie	BC	V0B 1M0	cityhall@fernie.ca	250-423-3034
District of Fort St. James	PO Box 640	Fort St. James	BC	V0J 1P0	district@fortstjames.ca	250-996-2248
City of Fort St. John	10631 - 100th St	Fort St. John	BC	V1J 3Z5	info@fortstjohn.ca	250-787-8181
Village of Fraser Lake	Box 430	Fraser Lake	BC	V0J 1S0	clinton.mauthe@fraserlake.ca	250-699-6469
Village of Fruitvale	Box 370	Fruitvale	BC	V0G 1L0	info@village.fruitvale.bc.ca	250-367-9267
Town of Gibsons	Box 340	Gibsons	BC	V0N 1V0	info@gibsons.ca	604-886-9735
Village of Gold River	Box 610	Gold River	BC	V0P 1G0	villageofgoldriver@cablerocket.com	250-283-7500
Town of Golden	Box 350	Golden	BC	V0A 1H0	enquiries@golden.ca	250-344-6577
City of Grand Forks	Box 220	Grand Forks	BC	V0H 1H0	info@grandforks.ca	250-442-8000
Village of Granisle	Box 128	Granisle	BC	V0J 1W0	general@villageofgranisle.ca	250-697-2306
City of Greenwood	PO Box 129	Greenwood	BC	V0H 1J0	info@greenwoodcity.com	250-445-6441

CSO-2016-63784

JURISDICTION	ADDRESS	CITY	BC	POSTALC	MAYORS EMAIL	FAX
Village of Harrison Hot Springs	Box 160	Harrison Hot Springs	BC	V0M 1K0	info@harrisonhotsprings.ca	604-796-2192
Village of Hazelton	Box 40	Hazelton	BC	V0J 1Y0	info@hazelton.ca	250-842-5152
District of Highlands	1980 Millstream Rd	Victoria	BC	V9B 6H1	lcondon@highlands.ca	250-474-3677
District of Hope	Box 609	Hope	BC	V0X 1L0	info@hope.ca	604-869-2275
District of Houston	Box 370	Houston	BC	V0J 1Z0	doh@houston.ca	250-845-3429
District of Hudson's Hope	Box 330	Hudson's Hope	BC	V0C 1V0	district@hudsonshope.ca	250-783-5741
District of Invermere	Box 339	Invermere	BC	V0A 1K0	info@invermere.net	250-342-2934
Jumbo Glacier Mountain Resort Municipality	PO Box 58 c/o Village of Radium Hot Springs	Radium Hot Springs	BC	V0A 1M0	jumboglaciermrm@gmail.com	250-347-9068
City of Kamloops	7 Victoria St West	Kamloops	BC	V2C 1A2	info@kamloops.ca	250-828-3578
Village of Kaslo	Box 576	Kaslo	BC	V0G 1M0	admin@kaslo.ca	250-353-7767
City of Kelowna	1435 Water St	Kelowna	BC	V1Y 1J4	ask@kelowna.ca	250-862-3399
District of Kent	Box 70	Agassiz	BC	V0M 1A0	clee@district.kent.bc.ca	604-796-9854
Village of Keremeos	Box 160	Keremeos	BC	V0X 1N0	cao@keremeos.ca	250-499-5477
City of Kimberley	340 Spokane St	Kimberley	BC	V1A 2E8	info@kimberley.ca	250-427-5252
District of Kitimat	270 City Centre	Kitimat	BC	V8C 2H7	districtofkitimat@kitimat.ca	250-632-4995
Town of Ladysmith	PO Box 220	Ladysmith	BC	V9G 1A2	info@ladysmith.ca	250-245-6411
District of Lake Country	10150 Bottom Wood Lake Rd	Lake Country	BC	V4V 2M1	admin@lakecountry.bc.ca	250-766-0116
Town of Lake Cowichan	PO Box 860	Lake Cowichan	BC	V0R 2G0	general@lakecowichan.ca	250-749-3900
City of Langford	877 Goldstream Ave 2nd Fl	Victoria	BC	V9B 2X8	lkaercher@cityoflangford.ca	250-391-3437
City of Langley	20399 Douglas Cres	Langley	BC	V3A 4B3	info@langleycity.ca	604-530-4371
Township of Langley	20338 - 65 Ave	Langley	BC	V2Y 3J1	info@tol.ca	604-533-6052
District of Lantzville	PO Box 100	Lantzville	BC	V0R 2H0	district@lantzville.ca	250-390-5188
District of Lillooet	Box 610	Lillooet	BC	V0K 1V0	cityhall@lillooetbc.ca	250-256-4288
Village of Lions Bay	Box 141	Lions Bay	BC	V0N 2E0	reception@lionsbay.ca	604-921-6643
District of Logan Lake	PO Box 190	Logan Lake	BC	V0K 1W0	districtofloganlake@loganlake.ca	250-523-6678
Village of Lumby	Box 430	Lumby	BC	V0E 2G0	info@lumby.ca	250-547-6894
Village of Lytton	Box 100	Lytton	BC	V0K 1Z0	hotspot@lytton.ca	250-455-2142
District of Mackenzie	Bag 340	Mackenzie	BC	V0J 2C0	info@district.mackenzie.bc.ca	250-997-5186
City of Maple Ridge	11995 Haney Place	Maple Ridge	BC	V2X 6A9	enquiries@mapleridge.ca	604-467-7329
Village of Masset	Box 68	Masset	BC	V0T 1M0	vom@mhtv.ca	250-626-3968
Village of McBride	Box 519	McBride	BC	V0J 2E0	mcbride@mcbride.ca	250-569-3276
City of Merritt	Box 189	Merritt	BC	V1K 1B8	info@merritt.ca	250-378-2600
District of Metchosin	4450 Happy Valley Rd	Victoria	BC	V9C 3Z3	info@metchosin.ca	250-474-6298
Village of Midway	PO Box 160	Midway	BC	V0H 1M0	midwaybc@shaw.ca	250-449-2258
District of Mission	Box 20	Mission	BC	V2V 4L9	info@mission.ca	604-826-1363
Village of Montrose	Box 510	Montrose	BC	V0G 1P0	admin@montrose.ca	250-367-7288
Village of Nakusp	PO Box 280	Nakusp	BC	V0G 1R0	info@nakusp.com	250-265-3788
City of Nanaimo	455 Wallace St	Nanaimo	BC	V9R 5J6	mayor.council@nanaimo.ca	250-755-4440
City of Nelson	101 - 310 Ward St	Nelson	BC	V1L 5S4	flong@nelson.ca	250-352-2131
Village of New Denver	Box 40	New Denver	BC	V0G 1S0	office@newdenver.ca	250-358-7251
District of New Hazelton	Box 340	New Hazelton	BC	V0J 2J0	info@newhazelton.ca	250-842-6077
City of New Westminster	511 Royal Ave	New Westminster	BC	V3L 1H9	postmaster@newwestcity.ca	604-521-3895
District of North Cowichan	Box 278	Duncan	BC	V9L 3X4	info@northcowichan.ca	250-746-3133
District of North Saanich	1620 Mills Rd	North Saanich	BC	V8L 5S9	admin@northsaanich.ca	250-656-3155
City of North Vancouver	141 West 14th St	North Vancouver	BC	V7M 1H9	info@cnv.org	604-985-9417

Doc #: 2016-637841

JURISDICTION	ADDRESS	CITY	BC	POSTALC	MAYORS EMAIL	FAX
District of North Vancouver	355 West Queens Rd	North Vancouver	BC	V7N 4N5	infoweb@dnv.org	604-990-2403
Northern Rockies Regional Municipality	Bag Service 399	Fort Nelson	BC	V0C 1R0	justask@northernrockies.ca	250-774-6794
District of Oak Bay	2167 Oak Bay Ave	Victoria	BC	V8R 1G2	lhilton@oakbay.ca	250-598-9108
Town of Oliver	PO Box 638	Oliver	BC	V0H 1T0	admin@oliver.ca	250-498-4466
Town of Osoyoos	Box 3010	Osoyoos	BC	V0H 1V0	info@osoyoos.ca	250-495-2400
City of Parksville	PO Box 1390	Parksville	BC	V9P 2H3	info@parksville.ca	250-248-6650
District of Peachland	5806 Beach Ave	Peachland	BC	V0H 1X7	ppalmer@peachland.ca	250-767-3433
Village of Pemberton	Box 100	Pemberton	BC	V0N 2L0	admin@pemberton.ca	604-894-6136
City of Penticton	171 Main St	Penticton	BC	V2A 5A9	ask@penticton.ca	250-490-2402
City of Pitt Meadows	12007 Harris Rd	Pitt Meadows	BC	V3Y 2B5	info@pittmeadows.bc.ca	604-465-2404
City of Port Alberni	4850 Argyle St	Port Alberni	BC	V9Y 1V8	citypa@portalberni.ca	250-723-1003
Village of Port Alice	Box 130	Port Alice	BC	V0N 2N0	info@portalice.ca	250-284-3416
Village of Port Clements	PO Box 198	Port Clements	BC	V0T 1R0	deputy@portclements.ca	250-557-4568
City of Port Coquitlam	2580 Shaughnessy St	Port Coquitlam	BC	V3C 2A8	info@portcoquitlam.ca	604-927-5360
District of Port Edward	PO Box 1100	Port Edward	BC	V0V 1G0	info@portedward.ca	250-628-9225
District of Port Hardy	PO Box 68	Port Hardy	BC	V0N 2P0	general@porthardy.ca	250-949-7433
Town of Port McNeill	Box 728	Port McNeill	BC	V0N 2R0	reception@portmcneill.ca	250-956-4300
City of Port Moody	100 Newport Dr	Port Moody	BC	V3H 5C3	info@portmoody.ca	604-469-4550
Village of Pouce Coupe	Box 190	Pouce Coupe	BC	V0C 2C0	SHaggerty@poucecoupe.ca	250-786-5257
City of Powell River	6910 Duncan St	Powell River	BC	V8A 1V4	info@cdpr.bc.ca	604-485-2913
City of Prince George	1100 Patricia Blvd	Prince George	BC	V2L 3V9	cityclerk@city.pg.bc.ca	250-561-0183
City of Prince Rupert	424 West Third Ave	Prince Rupert	BC	V8J 1L7	cityhall@princerupert.ca	250-627-0999
Town of Princeton	PO Box 670	Princeton	BC	V0X 1W0	admin@princeton.ca	250-295-3477
Town of Qualicum Beach	Box 130	Qualicum Beach	BC	V9K 1S7	qbtown@qualicumbeach.com	250-752-1243
Village of Queen Charlotte	PO Box 580	Queen Charlotte	BC	V0T 1S0	office@queencharlotte.ca	250-559-4742
City of Quesnel	410 Kinchant St	Quesnel	BC	V2J 7J5	cityhall@quesnel.ca	250-992-2206
Village of Radium Hot Springs	PO Box 340	Radium Hot Springs	BC	V0A 1M0	Mark.Read@radiumhotsprings.ca	250-347-9068
City of Revelstoke	Box 170	Revelstoke	BC	V0E 2S0	admin@revelstoke.ca	250-837-4930
City of Richmond	6911 No. 3 Rd	Richmond	BC	V6Y 2C1	cityclerk@richmond.ca	604-278-5139
City of Rossland	Box 1179	Rossland	BC	V0G 1Y0	cityhall@rossland.ca	250-362-5451
District of Saanich	770 Vernon Ave	Victoria	BC	V8X 2W7	clerksec@saanich.ca	250-475-5440
Village of Salmo	Box 1000	Salmo	BC	V0G 1Z0	cao@salmo.ca	250-357-9633
City of Salmon Arm	Box 40	Salmon Arm	BC	V1E 4N2	cityhall@salmonarm.ca	250-803-4041
Village of Sayward	Box 29	Sayward	BC	V0P 1R0	village@saywardvalley.net	250-282-5511
District of Sechelt	Box 129	Sechelt	BC	V0N 3A0	info@sechelt.ca	604-885-7591
Sechelt Indian Government District	PO Box 740	Sechelt	BC	V0N 3A0	dhill@secheltnation.net	604-885-4324
District of Sicamous	Box 219	Sicamous	BC	V0E 2V0	cityhall@sicamous.ca	250-836-4314
Town of Sidney	2440 Sidney Ave	Sidney	BC	V8L 1Y7	admin@sidney.ca	250-655-4508
Village of Silverton	Box 14	Silverton	BC	V0G 2B0	administration@silverton.ca	250-358-2321
Village of Slocan	Box 50	Slocan	BC	V0G 2C0	info@villageofslocan.ca	250-355-2666
Town of Smithers	Box 879	Smithers	BC	V0J 2N0	general@smithers.ca	250-847-1601
District of Sooke	2205 Otter Point Rd	Sooke	BC	V9Z 1J2	info@sooke.ca	250-642-0541
Township of Spallumcheen	4144 Spallumcheen Way	Spallumcheen	BC	V0E 1B6	mail@spallumcheentwp.bc.ca	250-546-8878
District of Sparwood	Box 520	Sparwood	BC	V0B 2G0	sparwood@sparwood.ca	250-425-7277
District of Squamish	Box 310	Squamish	BC	V8B 0A3	admdept@squamish.ca	604-892-1083
District of Stewart	Box 460	Stewart	BC	V0T 1W0	info@districtofstewart.com	250-636-2417

CSO-2016-63784

JURISDICTION	ADDRESS	CITY	BC	POSTALC	MAYORS EMAIL	FAX
District of Summerland	Box 159	Summerland	BC	V0H 1Z0	info@summerland.ca	250-494-1415
Sun Peaks Mountain Resort Municipality	PO Box 1002	Sun Peaks	BC	V0E 5N0	admin@sunpeaksmunicipality.ca	250-578-2023
City of Surrey	13450 - 104 Ave	Surrey	BC	V3T 1V8	clerks@surrey.ca	604-591-8731
Village of Tahsis	Box 219	Tahsis	BC	V0P 1X0	reception@villageoftahsis.com	250-934-6622
District of Taylor	Box 300	Taylor	BC	V0C 2K0	feedback@districtoftaylor.com	250-789-3543
Village of Telkwa	Box 220	Telkwa	BC	V0J 2X0	info@telkwa.ca	250-846-9572
City of Terrace	3215 Eby St	Terrace	BC	V8G 2X8	cityhall@terrace.ca	250-638-4777
District of Tofino	Box 9	Tofino	BC	V0R 2Z0	office@tofino.ca	250-725-3775
City of Trail	1394 Pine Ave	Trail	BC	V1R 4E6	info@trail.ca	250-364-0830
District of Tumbler Ridge	Box 100	Tumbler Ridge	BC	V0C 2W0	tradmin@dtr.ca	250-242-3993
District of Ucluelet	PO Box 999	Ucluelet	BC	V0R 3A0	info@ucluelet.ca	250-726-7335
Village of Valemount	Box 168	Valemount	BC	V0E 2Z0	office@valemount.ca	250-566-4249
City of Vancouver	453 West 12th Ave	Vancouver	BC	V5Y 1V4	info@vancouver.ca	604-873-7419
District of Vanderhoof	Box 900	Vanderhoof	BC	V0J 3A0	info@district.vanderhoof.ca	250-567-9169
City of Vernon	3400 - 30th St	Vernon	BC	V1T 5E6	admin@vernon.ca	250-545-7876
City of Victoria	1 Centennial Square	Victoria	BC	V8W 1P6	publicsrv@victoria.ca	250-361-0317
Town of View Royal	45 View Royal Ave	Victoria	BC	V9B 1A6	info@viewroyal.ca	250-727-9551
Village of Warfield	555 Schofield Hwy	Trail	BC	V1R 2G7	warfieldadmin@shawlink.ca	250-368-9354
District of Wells	Box 219	Wells	BC	V0K 2R0	office@wells.ca	250-994-3331
City of West Kelowna	2760 Cameron Rd	West Kelowna	BC	V1Z 2T6	info@westkelownacity.ca	778-797-1001
District of West Vancouver	750 - 17th St	West Vancouver	BC	V7V 3T3	info@westvancouver.ca	604-925-7006
Resort Municipality of Whistler	4325 Blackcomb Way	Whistler	BC	V0N 1B4	info@whistler.ca	604-935-8109
City of White Rock	15322 Buena Vista Ave	White Rock	BC	V4B 1Y6	webmaster@whiterockcity.ca	604-541-9348
City of Williams Lake	450 Mart St	Williams Lake	BC	V2G 1N3	cbouchard@williamslake.ca	250-392-4408
Village of Zeballos	Box 127	Zeballos	BC	V0P 2A0	adminzeb@recn.ca	250-761-4331
Regional District of Alberni-Clayoquot	3008 Fifth Ave	Port Alberni	BC	V9Y 2E3	mailbox@acrd.bc.ca	250-723-1327
Regional District of Bulkley-Nechako	Box 820	Burns Lake	BC	V0J 1E0	inquiries@rdbn.bc.ca	250-692-3305
Capital Regional District	PO Box 1000	Victoria	BC	V8W 2S6	breems@crd.bc.ca	250-360-3234
Cariboo Regional District	180 North 3rd Ave Suite D	Williams Lake	BC	V2G 2A4	mailbox@cariboord.ca	250-392-2812
Central Coast Regional District	PO Box 186	Bella Coola	BC	V0T 1C0	aa@ccrd-bc.ca	250-799-5750
Regional District of Central Kootenay	Box 590	Nelson	BC	V1L 5R4	info@rdck.bc.ca	250-352-9300
Regional District of Central Okanagan	1450 KLO Rd	Kelowna	BC	V1W 3Z4	info@cord.bc.ca	250-763-0606
Columbia Shuswap Regional District	PO Box 978	Salmon Arm	BC	V1E 4P1	inquiries@csrd.bc.ca	250-832-3375
Comox Valley Regional District	600 Comox Rd	Courtenay	BC	V9N 3P6	administration@comoxvalleyrd.ca	250-334-4358
Cowichan Valley Regional District	175 Ingram St	Duncan	BC	V9L 1N8	cvrd@cvrd.bc.ca	250-746-2513
Regional District of East Kootenay	19 - 24th Ave South	Cranbrook	BC	V1C 3H8	info@rdek.bc.ca	250-489-3498
Fraser Valley Regional District	1 - 45950 Cheam Ave	Chilliwack	BC	V2P 1N6	info@fvrd.ca	604-792-9684
Regional District of Fraser-Fort George	155 George St	Prince George	BC	V2L 1P8	district@rdffg.bc.ca	250-563-7520
Metro Vancouver	4330 Kingsway	Burnaby	BC	V5H 4G8	icentre@metrovancouver.org	604-436-6901
Regional District of Kitimat-Stikine	300 - 4545 Lazelle Ave	Terrace	BC	V8G 4E1	info@rdks.bc.ca	250-635-9222
Regional District of Kootenay Boundary	202 - 843 Rossland Ave	Trail	BC	V1R 4S8	admin@rdkb.com	250-368-3990
Regional District of Mount Waddington	Box 729	Port McNeill	BC	V0N 2R0	info@rdmw.bc.ca	250-956-3232
Regional District of Nanaimo	6300 Hammond Bay Rd	Nanaimo	BC	V9T 6N2	corpsrv@rdn.bc.ca	250-390-4163
Regional District of North Okanagan	9848 Aberdeen Rd	Coldstream	BC	V1B 2K9	info@rdno.ca	250-550-3701
Regional District of Okanagan-Similkameen	101 Martin St	Penticton	BC	V2A 5J9	info@rdos.bc.ca	250-492-0063
Peace River Regional District	Box 810	Dawson Creek	BC	V1G 4H8	prrd.dc@prrd.bc.ca	250-784-3201

Page 58 of 99 OSR-2016-63784

JURISDICTION	ADDRESS	CITY	BC	POSTALC	MAYORS EMAIL	FAX
Powell River Regional District	202 - 4675 Marine Ave	Powell River	BC	V8A 2L2	administration@powellriverrd.bc.ca	604-485-2216
Skeena-Queen Charlotte Regional District	14 - 342 3rd Ave W	Prince Rupert	BC	V8J 1L5	info@sqcrd.bc.ca	250-627-8493
Squamish-Lillooet Regional District	Box 219	Pemberton	BC	V0N 2L0	Info@slrd.bc.ca	604-894-6526
Strathcona Regional District	301 - 990 Cedar St	Campbell River	BC	V9W 7Z8	administration@strathconard.ca	250-830-6710
Sunshine Coast Regional District	1975 Field Rd	Sechelt	BC	V0N 3A1	info@scrd.ca	604-885-7909
Thompson-Nicola Regional District	300 - 465 Victoria St	Kamloops	BC	V2C 2A9	admin@tnrd.ca	250-372-5048

JURISDICTION	NAME	TITLE	CAOS EMAIL
100 Mile House	Roy Scott	Chief Administrative Officer	rscott@dist100milehouse.bc.ca
Abbotsford - C	George Murray	Chief Administrative Officer	gmurray@abbotsford.ca
Alert Bay	Justin Beadle	Chief Administrative Officer	cao@alertbay.ca
Anmore	Juli Kolby	Chief Administrative Officer	juli.kolby@anmore.com
Armstrong	Melinda Stickney	Chief Administrative Officer	mstickney@cityofarmstrong.bc.ca
Ashcroft	Michelle Allen	Chief Administrative Officer	michelle@ashcroftbc.ca
Barriere	Colleen Hannigan	Chief Administrative Officer	channigan@barriere.ca
Belcarra	Lorna Dysart	Chief Administrative Officer	ldysart@belcarra.ca
Bowen Island	Kathy Lalonde	Chief Administrative Officer	klalonde@bimbc.ca
Burnaby	Lambert Chu	Chief Administrative Officer	lambert.chu@burnaby.ca
Burns Lake	Sheryl Worthing	Chief Administrative Officer	sworthing@burnslake.ca
Cache Creek	Melany de Weerdt	Chief Administrative Officer	mdeweerdt@cachecreek.info
Campbell River	Deborah Sargent	Chief Administrative Officer	deborah.sargent@campbellriver.ca
Canal Flats	Sylvie Hoobanoff	Chief Administrative Officer	sylvie.hoobanoff@canalflats.ca
Castlegar	John Malcolm	Chief Administrative Officer	jmalcolm@castlegar.ca
Central Saanich	Patrick Robins	Chief Administrative Officer	patrick.robins@csaanich.ca
Chase	Joni Heinrich	Chief Administrative Officer	cao@chasebc.ca
Chetwynd	Doug Fleming	Chief Administrative Officer	dfleming@gochetwynd.com
Chilliwack	Peter Monteith	Chief Administrative Officer	monteith@chilliwack.com
Clearwater	Leslie Groulx	Chief Administrative Officer	lgroulx@docbc.ca
Clinton	Tom Dall	Chief Administrative Officer	tdall@village.clinton.bc.ca
Coldstream	Trevor Seibel	Chief Administrative Officer	tseibel@coldstream.ca
Colwood	Ian Howat	Chief Administrative Officer	ihowat@colwood.ca
Comox	Richard Kanigan	Chief Administrative Officer	rkanigan@comox.ca
Coquitlam	Peter Steblin	Chief Administrative Officer	managersoffice@coquitlam.ca
Courtenay	David Allen	Chief Administrative Officer	dallen@courtenay.ca
Cranbrook	Wayne Staudt	Chief Administrative Officer	staudt@cranbrook.ca
Creston	Lou Varela	Chief Administrative Officer	lou.varela@creston.ca
Cumberland	Sundance Topham	Chief Administrative Officer	stopham@cumberland.ca
Dawson Creek	Jim Chute	Chief Administrative Officer	jchute@dawsoncreek.ca
Delta	George Harvie	Chief Administrative Officer	cao@delta.ca
Duncan	Peter de Verteuil	Chief Administrative Officer	peter@duncan.ca
Elkford	Curtis Helgesen	Chief Administrative Officer	chelgesen@elkford.ca
Enderby	Tate Bengtson	Chief Administrative Officer	tbengtson@cityofenderby.com
Esquimalt	Laurie Hurst	Chief Administrative Officer	laurie.hurst@esquimalt.ca
Fernie	Jim Hendricks	Chief Administrative Officer	jim.hendricks@fernie.ca
Fort St. James	Kevin Crook	Chief Administrative Officer	cao@fortstjames.ca
Fort St. John	Dianne Hunter	Chief Administrative Officer	dhunter@fortstjohn.ca
Fraser Lake	Rodney J. Holland	Chief Administrative Officer	rjholland@fraserlake.ca
Fruitvale	Lila Cresswell	Chief Administrative Officer	cao@village.fruitvale.bc.ca
Gibsons	Emanuel Machado	Chief Administrative Officer	emachado@gibsons.ca
Gold River	Larry Plourde	Chief Administrative Officer	grlplourde@cablerocket.com
Golden	Jon Wilsgard	Chief Administrative Officer	cao@golden.ca
Grand Forks	Douglas Allin	Chief Administrative Officer	dallin@grandforks.ca
Granisle	Sharon Smith	Chief Administrative Officer	ssmith@villageofgranisle.ca
Greenwood	Wendy Higashi	Chief Administrative Officer	admin.greenwoodcity@shaw.ca

CSC-2016-63784

JURISDICTION	NAME	TITLE	CAOS EMAIL
Harrison Hot Springs	Madeline McDonald	Chief Administrative Officer	mmcdonald@harrisonhotsprings.ca
Hazelton	Tanalee Hesse	Chief Administrative Officer	thesse@hazelton.ca
Highlands	Loranne Hilton	Chief Administrative Officer	lhilton@highlands.ca
Hope	John Fortoloczky	Chief Administrative Officer	jfortoloczky@hope.ca
Houston	Michael D. Glavin	Chief Administrative Officer	cao@houston.ca
Hudson's Hope	Tom Matus	Chief Administrative Officer	cao@hudsonshope.ca
Invermere	Christopher Prosser	Chief Administrative Officer	cao@invermere.net
Jumbo Glacier	Mark Read	Chief Administrative Officer	Mark.Read@radiumhotsprings.ca
Kamloops	David Trawin	Chief Administrative Officer	dtrawin@kamloops.ca
Kaslo	Neil Smith	Chief Administrative Officer	cao@kaslo.ca
Kelowna	Ron Mattiussi	Chief Administrative Officer	rmattiussi@kelowna.ca
Kent	Wallace Mah	Chief Administrative Officer	wmah@district.kent.bc.ca
Keremeos	Marg Coulson	Chief Administrative Officer	cao@keremeos.ca
Kimberley	Scott Sommerville	Chief Administrative Officer	ssommerville@kimberley.ca
Kitimat	Warren Waycheshen	Chief Administrative Officer	wwaycheshen@kitimat.ca
Ladysmith	Ruth E. Malli	Chief Administrative Officer	rmalli@ladysmith.ca
Lake Country	Alberto De Feo	Chief Administrative Officer	adefeo@lakecountry.bc.ca
Lake Cowichan	Joseph A. Fernandez	Chief Administrative Officer	jfernandez@lakecowichan.ca
Langford	Jim Bowden	Chief Administrative Officer	jbowden@cityoflangford.ca
Langley - C	Francis Cheung	Chief Administrative Officer	fcheung@langleycity.ca
Langley - D	Mark Bakken	Chief Administrative Officer	mbakken@tol.ca
Lantzville	Brad McRae	Chief Administrative Officer	brad@lantzville.ca
Lillooet	Tom Day	Chief Administrative Officer	cao@lillooetbc.ca
Lions Bay	Peter DeJong	Chief Administrative Officer	cao@lionsbay.ca
Logan Lake	Randy Lambright	Chief Administrative Officer	cao@loganlake.ca
Lumby	Tom Kadla	Chief Administrative Officer	tomk@lumby.ca
Lytton	Keir Gervais	Chief Administrative Officer	cao@lytton.ca
Mackenzie	Peter Weeber	Chief Administrative Officer	pweeber@district.mackenzie.bc.ca
Maple Ridge	Ted Swabey	Chief Administrative Officer	tswabey@mapleridge.ca
Masset	Trevor Jarvis	Chief Administrative Officer	vom@mhtv.ca
McBride	Kelley Williams	Chief Administrative Officer	cao@mcbride.ca
Merritt	Shawn Boven	Chief Administrative Officer	sboven@merritt.ca
Metchosin	Lisa Urlacher	Chief Administrative Officer	lurlacher@metchosin.ca
Midway	Penny Feist	Chief Administrative Officer	midwaybc@shaw.ca
Mission	Ron Poole	Chief Administrative Officer	rpoole@mission.ca
Montrose	Bryan Teasdale	Chief Administrative Officer	cao@montrose.ca
Nakusp	Laurie Taylor	Chief Administrative Officer	cao@nakusp.com
Nanaimo - C	Tracy Samra	Chief Administrative Officer	tracy.samra@nanaimo.ca
Nelson	Kevin Cormack	Chief Administrative Officer	kcormack@nelson.ca
New Denver	Bruce Woodbury	Chief Administrative Officer	cao@newdenver.ca
New Hazelton	Wendy Hunt	Chief Administrative Officer	whunt@newhazelton.ca
New Westminster	Lisa Spitale	Chief Administrative Officer	lspitale@newwestcity.ca
North Cowichan	Dave Devana	Chief Administrative Officer	dave.devana@northcowichan.ca
North Saanich	Rob Buchan	Chief Administrative Officer	rbuchan@northsaanich.ca
North Vancouver - C	Ken Tollstam	Chief Administrative Officer	ktollstam@cnv.org

FOI 2016-63784 Page 58 of 59

JURISDICTION	NAME	TITLE	CAOS EMAIL
North Vancouver - D	David Stuart	Chief Administrative Officer	dstuart@dnv.org
Northern Rockies - REGM	Randy McLean	Chief Administrative Officer	rmclean@northernrockies.ca
Oak Bay	Helen Koning	Chief Administrative Officer	hkoning@oakbay.ca
Oliver	Cathy Cowan	Chief Administrative Officer	ccowan@oliver.ca
Osoyoos	Barry Romanko	Chief Administrative Officer	bromanko@osoyoos.ca
Parksville	Debbie Comis	Chief Administrative Officer	dcomis@parksville.ca
Peachland	Elsie Lemke	Chief Administrative Officer	elemke@peachland.ca
Pemberton	Nikki Gilmore	Chief Administrative Officer	ngilmore@pemberton.ca
Penticton	Eric Sorensen	Chief Administrative Officer	eric.sorensen@penticton.ca
Pitt Meadows	Mark Roberts	Chief Administrative Officer	mroberts@pittmeadows.bc.ca
Port Alberni	Tim Pley	Chief Administrative Officer	tim_pley@portalberni.ca
Port Alice	Bonnie Danyk	Chief Administrative Officer	treasurer@portalice.ca
Port Clements	Kim Mushynsky	Chief Administrative Officer	cao@portclements.ca
Port Coquitlam	John Leeburn	Chief Administrative Officer	leeburnj@portcoquitlam.ca
Port Edward	Bob Payette	Chief Administrative Officer	bpayette@portedward.ca
Port Hardy	Allison McCarrick	Chief Administrative Officer	alli@porthardy.ca
Port McNeill	Sue Harvey	Chief Administrative Officer	SueHarvey@portmcneill.ca
Port Moody	Kevin Ramsay	Chief Administrative Officer	kramsay@portmoody.ca
Pouce Coupe	Gordon Howie	Chief Administrative Officer	ghowie@poucecoupe.ca
Powell River - C	Mac Fraser	Chief Administrative Officer	mfraser@cdpr.bc.ca
Prince George	Kathleen Soltis	Chief Administrative Officer	kathleen.soltis@princegeorge.ca
Prince Rupert	Robert Long	Chief Administrative Officer	robert.long@princerupert.ca
Princeton	Rick Zerr	Chief Administrative Officer	rzerr@princeton.ca
Qualicum Beach	Daniel Sailland	Chief Administrative Officer	dsailland@qualicumbeach.com
Queen Charlotte	Lori Wiedeman	Chief Administrative Officer	cao@queencharlotte.ca
Quesnel	Byron Johnson	Chief Administrative Officer	bjohnson@quesnel.ca
Radium Hot Springs	Mark Read	Chief Administrative Officer	Mark.Read@radiumhotsprings.ca
Revelstoke	Allan Chabot	Chief Administrative Officer	achabot@revelstoke.ca
Richmond	George Duncan	Chief Administrative Officer	administratorsoffice@richmond.ca
Rossland	Lynne Burch	Chief Administrative Officer	cao@rossland.ca
Saanich	Paul Thorkelsson	Chief Administrative Officer	paul.thorkelsson@saanich.ca
Salmo	Diane Kalen-Sukra	Chief Administrative Officer	diane.kalensukra@salmo.ca
Salmon Arm	Carl Bannister	Chief Administrative Officer	cbannister@salmonarm.ca
Sayward	Darren Kiedyk	Chief Administrative Officer	cao@saywardvalley.net
Sechelt	Tim Palmer	Chief Administrative Officer	cao@sechelt.ca
Sechelt Indian Government	Nadine Hoehne	Chief Administrative Officer	dhill@secheltnation.net
Sicamous	Evan Parliament	Chief Administrative Officer	eparliament@sicamous.ca
Sidney	Randy Humble	Chief Administrative Officer	rhumble@sidney.ca
Silverton	Silverton Vacant	Chief Administrative Officer	administration@silverton.ca
Slocan	Michelle Gordon	Chief Administrative Officer	admin@villageofslocan.ca
Smithers	Anne Yanciw	Chief Administrative Officer	ayanciw@smithers.ca
Sooke	Teresa Sullivan	Chief Administrative Officer	tsullivan@sooke.ca
Spallumcheen	Corey Paiement	Chief Administrative Officer	corey.paiement@spallumcheentwp.bc.ca
Sparwood	Terry Melcer	Chief Administrative Officer	tmelcer@sparwood.ca
Squamish	Linda Glenday	Chief Administrative Officer	lglenday@squamish.ca
Stewart	Ralph Gillis	Chief Administrative Officer	cao@districtofstewart.com

CSC-2016-63784

JURISDICTION	NAME	TITLE	CAOS EMAIL
Summerland	Linda Tynan	Chief Administrative Officer	ltynan@summerland.ca
Sun Peaks	Rob Bremner	Chief Administrative Officer	cao@sunpeaksmunicipality.ca
Surrey	Vince Lalonde	Chief Administrative Officer	valalonde@surrey.ca
Tahsis	Mark Tatchell	Chief Administrative Officer	mtatchell@villageoftahsis.com
Taylor	Charlette McLeod	Chief Administrative Officer	cmcleod@districtoftaylor.com
Telkwa	Debbie Joujan	Chief Administrative Officer	debbiejoujan@telkwa.ca
Terrace	Heather Avison	Chief Administrative Officer	havison@terrace.ca
Tofino	Bob MacPherson	Chief Administrative Officer	bmacpherson@tofino.ca
Trail	David Perehudoff	Chief Administrative Officer	dperehudoff@trail.ca
Tumbler Ridge	Jordan Wall	Chief Administrative Officer	cao@dtr.ca
Ucluelet	Andrew Yeates	Chief Administrative Officer	ayeates@ucluelet.ca
Valemount	Mark McNeill	Chief Administrative Officer	cao@valemount.ca
Vancouver	Sadhu Johnston	Chief Administrative Officer	sadhu.johnston@vancouver.ca
Vanderhoof	Tom Clement	Chief Administrative Officer	community@district.vanderhoof.ca
Vernon	Will Pearce	Chief Administrative Officer	wpearce@vernon.ca
Victoria	Jason Johnson	Chief Administrative Officer	jjohnson@victoria.ca
View Royal	Kim Anema	Chief Administrative Officer	kanema@viewroyal.ca
Warfield	Jackie Patridge	Chief Administrative Officer	warfieldadmin@shawlink.ca
Wells	Gary Champagne	Chief Administrative Officer	administrator@wells.ca
West Kelowna	Jim Zaffino	Chief Administrative Officer	jim.zaffino@westkelownacity.ca
West Vancouver	Nina Lemhuis	Chief Administrative Officer	nleemhuis@westvancouver.ca
Whistler	Mike Furey	Chief Administrative Officer	mfurey@whistler.ca
White Rock	Dan Bottrill	Chief Administrative Officer	dbottrill@whiterockcity.ca
Williams Lake	Williams Lake Vacant	Chief Administrative Officer	cbouchard@williamslake.ca
Zeballos	Eileen Lovestrom	Chief Administrative Officer	zeballos@recn.ca
Alberni-Clayoquot	Russell Dyson	Chief Administrative Officer	rdyson@acrd.bc.ca
Bulkley-Nechako	Gail Chapman	Chief Administrative Officer	gail.chapman@rdbn.bc.ca
Capital	Bob Lapham	Chief Administrative Officer	rlapham@crd.bc.ca
Cariboo	Janis Bell	Chief Administrative Officer	jbell@cariboord.ca
Central Coast	Darla Blake	Chief Administrative Officer	cao@ccrd-bc.ca
Central Kootenay	Stuart Horn	Chief Administrative Officer	shorn@rdck.bc.ca
Central Okanagan	Brian Reardon	Chief Administrative Officer	breardon@cord.bc.ca
Columbia Shuswap	Charles Hamilton	Chief Administrative Officer	chamilton@csrd.bc.ca
Comox Valley	Debra Oakman	Chief Administrative Officer	djoakman@comoxvalleyrd.ca
Cowichan Valley	Brian Carruthers	Chief Administrative Officer	bcarruthers@cvrd.bc.ca
East Kootenay	Lee-Ann Crane	Chief Administrative Officer	lcrane@rdek.bc.ca
Fraser Valley	Paul Gipps	Chief Administrative Officer	pgipps@fvrd.ca
Fraser-Fort George	Jim Martin	Chief Administrative Officer	jmartin@rdffg.bc.ca
Greater Vancouver	Carol Mason	Chief Administrative Officer	Carol.Mason@metrovancouver.org
Kitimat-Stikine	Bob Marcellin	Chief Administrative Officer	info@rdks.bc.ca
Kootenay Boundary	John MacLean	Chief Administrative Officer	jmaclean@rdkb.com
Mount Waddington	Greg Fletcher	Chief Administrative Officer	gfletcher@rdmw.bc.ca
Nanaimo - RD	Dennis Trudeau	Chief Administrative Officer	dtrudeau@rdn.bc.ca
North Okanagan	David Sewell	Chief Administrative Officer	david.sewell@rdno.ca
Okanagan-Similkameen	Bill Newell	Chief Administrative Officer	bnewell@rdos.bc.ca
Peace River	Chris Cvik	Chief Administrative Officer	chris.cvik@prrd.bc.ca

Page 58 of 98 CSC-2016-63784

JURISDICTION	NAME	TITLE	CAOS EMAIL
Powell River - RD	Al Radke	Chief Administrative Officer	al.radke@powellriverrd.bc.ca
Skeena-Queen Charlotte	Doug Chapman	Chief Administrative Officer	cao@sqcrd.bc.ca
Squamish-Lillooet	Lynda Flynn	Chief Administrative Officer	lflynn@slrd.bc.ca
Strathcona	Dave Leitch	Chief Administrative Officer	dleitch@strathconard.ca
Sunshine Coast	Janette Loveys	Chief Administrative Officer	janette.loveys@scrd.ca
Thompson-Nicola	Sukhbinder Gill	Chief Administrative Officer	sgill@tnrd.ca

Holland, Jodie CSCD:EX

From: Whitelock, Riley CSCD:EX
Sent: Thursday, March 31, 2016 3:22 PM
To: De Wit, Antoinette PREM:EX
Cc: Minister, CSCD CSCD:EX; Dick, Joan L CSCD:EX; McGaw, Danna R PREM:EX
Subject: Re: Ian Black UBER letter

Follow Up Flag: Follow up
Flag Status: Completed

Categories: Add to file

No problem. Thank you!

Riley Whitelock
Executive Assistant to the Honourable Peter Fassbender
Minister of Community, Sport and Cultural Development
Minister Responsible for TransLink
Tel: (250) 387-2283

On Mar 31, 2016, at 3:08 PM, De Wit, Antoinette PREM:EX <Antoinette.DeWit@gov.bc.ca> wrote:

> Okay, Riley, will leave this one with you to move forward, with a cc to us ... thanks very much.
>
> **From:** Merrifield, Katy PREM:EX
> **Sent:** Thursday, March 31, 2016 2:49 PM
> **To:** De Wit, Antoinette PREM:EX; Whitelock, Riley CSCD:EX
> **Cc:** Dick, Joan L CSCD:EX
> **Subject:** RE: Ian Black UBER letter
>
> Yes let's have MPF take the lead. Thanks
>
> **From:** De Wit, Antoinette PREM:EX
> **Sent:** Thursday, March 31, 2016 8:32 AM
> **To:** Whitelock, Riley CSCD:EX
> **Cc:** Merrifield, Katy PREM:EX; Dick, Joan L CSCD:EX
> **Subject:** RE: Ian Black UBER letter
> **Importance:** High
>
> Yes, okay but wait for Katy to give the direction on this one ... thanks Riley.
>
> **From:** Whitelock, Riley CSCD:EX
> **Sent:** Thursday, March 31, 2016 8:27 AM
> **To:** De Wit, Antoinette PREM:EX; Merrifield, Katy PREM:EX
> **Cc:** McGaw, Danna R PREM:EX; Dick, Joan L CSCD:EX; Smart, Stephen PREM:EX; Sandur, Parveen CSCD:EX
> **Subject:** RE: Ian Black UBER letter

Hello Antoinette,

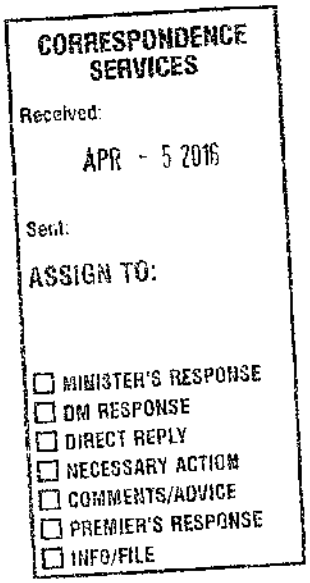
I would agree it would be best for MPF to respond. We can action a response (and ensure PCC is CC'd) if that's what's desired?

Thanks, -Riley.

From: De Wit, Antoinette PREM:EX
Sent: Thursday, March 31, 2016 8:10 AM
To: Merrifield, Katy PREM:EX
Cc: McGaw, Danna R PREM:EX; Dick, Joan L CSCD:EX; Whitelock, Riley CSCD:EX; Smart, Stephen PREM:EX
Subject: Ian Black UBER letter

It arrived here yesterday … I will remind staff to flag items like this to me upon receipt … would you agree the response should be from Minister Fassbender?

Add to 166733



Holland, Jodie CSCD:EX

From: Whitelock, Riley CSCD:EX
Sent: Thursday, March 31, 2016 3:26 PM
To: Lawrence, Raya CSCD:EX
Cc: Tubman, Tammy CSCD:EX; Holland, Jodie CSCD:EX; Sandur, Parveen CSCD:EX
Subject: Rush Minister's response: Ian Black UBER letter
Attachments: 1098410.pdf; ATT00001.htm

Raya,

Please cliff attached for Minister's RUSH response with CC to Premier.

Tammy/Jodie: as stated. For rush Minister's response with cc to PCC. We're responding on her behalf. Can we have this back to MO via eApprovals by Thursday April 7 please?

FYI. Can use template as a starting point but want to have this be customized accordingly by staff.

Thank you!

Riley Whitelock
Executive Assistant to the Honourable Peter Fassbender
Minister of Community, Sport and Cultural Development
Minister Responsible for TransLink
Tel: (250) 387-2283

RUSH!

166733

CORRESPONDENCE SERVICES
Received:
MAR 3 1 2016
MAR 3 1 2016
Sent:
ASSIGN TO:
CCS TL
☑ MINISTER'S RESPONSE
☐ DM RESPONSE
☐ DIRECT REPLY
☐ NECESSARY ACTION
☐ COMMENTS/ADVICE
☐ PREMIER'S RESPONSE
☐ INFO/FILE

cc PCC

cc Premier

UBER

UBER CANADA

Honourable Christy Clark
Premier, British Columbia
West Annex, Parliament Buildings
Victoria, BC
V8V 1X4

March 30, 2016

Premier Clark,

Today, Uber is launching "Future View" in Metro Vancouver, Greater Victoria, and Kelowna - a feature in the Uber app that offers a glimpse of what the future could look like if Uber were operating in BC.

This future is well within reach. That is why, on behalf of riders and drivers who want choice, we are asking the province to take action this spring to welcome ridesharing to BC.

British Columbians have made clear their overwhelming support for ushering in the benefits of the sharing economy; Almost 70% support the immediate introduction of ridesharing. It is time for the province to embrace the mantra as the party of yes when it comes to ridesharing.

Ridesharing is more than just a reliable and affordable ride at the tap of a button. It represents a more progressive British Columbia. With ridesharing, BC can:

- **Empower people to earn extra income** by driving their own car, on their own schedule
- **Enhance safety and reduce drunk driving** by increasing reliability of late-night transportation.
- **Combat congestion and reduce emissions**, by finally making widespread carpooling a reality with uberPOOL.
- **Improve accessible transportation** for the accessibility community and older adults with products like uberASSIST
- **Expand the reach of the transit network** by introducing affordable first/last mile options.
- **Encourage entrepreneurs** by sending a clear signal that innovations and new business models will not be overwhelmed by outdated regulations and vested interests.

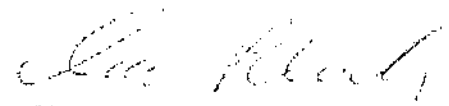
The time for action is now, here's why:

- **People want more choice.** In 2015, over 100,000 British Columbians and 125,000 tourists have opened the Uber app in BC looking for more transportation options, but finding none
- **British Columbia is falling behind**. Vancouver is the largest North American city without ridesharing, over 3 years after it was introduced in other top global cities.
- **A consensus regulatory model exists** for ridesharing is well-developed and implemented in over 70 jurisdictions globally;
- **Consultations in BC have already taken place** through the Vancouver Vehicle for Hire Roundtable last year. The issues are well-known, and have been discussed.
- **There is broad support for provincial action.** In fact 5 municipalities, including Vancouver and the Tricities, and the Greater Vancouver Board of Trade have asked the province to show leadership by creating ridesharing regulations

If the province opens up regulations to allow ridesharing, Uber and the ridesharing industry will commit to working in partnership to quickly launch ridesharing in BC's major cities, improving transportation, and creating thousands of net new jobs in the province.

On behalf of all the future riders and drivers in the province, we encourage the provincial government to embrace the future and act on ridesharing this spring.

Sincerely,



Ian Black
General Manager
Uber Canada

BRITISH COLUMBIA

April 13, 2016

Ref: 166733

Mr. Ian Black
General Manager
Uber Canada
2nd Floor
312 Adelaide Street West
Toronto, ON M5V 1R2

Dear Mr. Black:

I am in receipt of your letter of March 30, 2016, addressed to the Honourable Christy Clark, Premier, regarding the provision of Uber services within British Columbia. As Minister of Community, Sport and Cultural Development and Minister Responsible for TransLink, I am pleased to respond on behalf of Premier Clark.

The Province of British Columbia has said it wants to better understand how new approaches to the provision of passenger transportation services might work within the province. As you have outlined in your correspondence, transportation network companies such as Uber could offer a range of new services and have the potential to meet changing public expectations.

Consideration of any new service must be carefully assessed against the safety of the travelling public. Passenger safety is a priority of this government and transportation services within the province must be able to provide individuals with the confidence that they are accessing services that are safe, reliable and properly insured. Government has also been clear that it needs to understand the potential impact of any new services on existing industry participants, while ensuring equity for new entrants to the sector.

I appreciate that you would like ridesharing services to be enabled across British Columbia in the near-term, and recognize your commitment to working in partnership with the ridesharing industry to launch services across British Columbia's major cities. As you are aware the *Passenger Transportation Act* requires a licence for any vehicle operated by a person who charges or collects remuneration for transporting passengers. In order to obtain a licence to operate in British Columbia, the Passenger Transportation Board, an independent tribunal, must approve passenger-directed services, such as taxis and commercial ridesharing. Any future changes to this legislation will need to consider the factors I mentioned above, and be fully informed of the consultations we are carrying out across the province.

.../2

Ministry of Community, Sport and Cultural Development and Minister Responsible for TransLink

Office of the Minister

Mailing Address:
PO Box 9056 Stn Prov Govt
Victoria BC V8W 9E2
Phone: 250 387-2283
Fax: 250 387-4312

Location:
Room 310
Parliament Buildings
Victoria BC

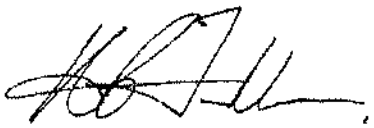
www.gov.bc.ca/cscd

To that end, it is my intention to continue to meet with a wide array of stakeholders, including representatives from the taxi industry, transportation network companies such as Uber, and locally elected officials. This process will allow me to hear a diverse range of perspectives and to ensure that those with an interest in this dialogue are heard and included as part of government's exploration and careful study of this topic.

As you have noted, other jurisdictions across North America and around the world, like British Columbia, are working to provide safe, accessible and sustainable passenger transportation options. We will continue to monitor their progress as part of our work to provide consumers with convenience and choice, while recognizing the role of existing operators in the industry and the importance of keeping the travelling public safe.

Thank you for writing.

Sincerely,



Peter Fassbender
Minister

pc: The Honourable Christy Clark
Premier

Approvals:	ED:	JB	EL:	KV	DM:	JD

Ministry of Community, Sport and Cultural Development
BRIEFING NOTE FOR MINISTER

Ref #: 166217

FOR MEETING

Date: April 13, 2016

Title: s.13 Related to Ride Sharing Services.

Issue: Meeting with the Canadian Finance and Leasing Association (CFLA) on April 18, 2016, to discuss s.13,s.21 should Uber or other ride sharing services begin operating in BC.

Background: The Minister will be meeting with David Powell (CEO & President), Brian MacKay (Partner, DLA Piper), and Paul Zalesky (CEO of Allwest Insurance Services).

The Canadian Finance & Leasing Association (CFLA) represents the asset-based financing, equipment and vehicle leasing industry in Canada. This industry is the largest provider of debt financing in this country after the traditional lenders (banks and credit unions). s.13,s.21
s.13,s.21

Mandate Considerations: N/A
Liquefied Natural Gas Considerations: N/A
Fiscal Considerations: N/A
First Nations Considerations: N/A
Communications: N/A

Discussion: s.13
s.13,s.21

s.13,s.21 in BC, the owner of a vehicle needs to declare a vehicle's intended use so that if used for commercial purposes, the insurance can be assigned a taxi or limousine rate class. If commercial insurance is not held, significant financial impacts could arise in the event of an accident, including potentially having to repay the full value of claims that arise and forfeiture of coverage for personal injuries and vehicle damage.

In Ontario, Aviva Canada has developed a policy specifically for ride sharing services by adding an 'endorsement' to a driver's existing personal policy for an additional fee. The policy covers drivers from when they initiate looking for passengers through to collecting and dropping them off and will be available to drivers licensed for at least six years who spend up to 20 hours a week ride-sharing. Similarly, Intact Financial has entered into a cooperative agreement to develop tailored insurance products with Uber. Work on this product is ongoing.

Recommended Response:

- The issue of passenger transportation is complex and I welcome your thinking and the recommendations you have put forward
- As you know, I will be consulting with a wide range of stakeholders over the coming months to explore issues and opportunities associated with the sharing economy
- No decisions will be made without ensuring we have adequate input from a variety of sources
- At the end of the day, the path government takes will balance the interests of all stakeholders, protect passenger and consumer safety, and address the public's desire for more choice, convenience and competition

s.13 you have given me a lot to consider.

- Your thoughts and recommendations will be factored into the feedback that I have been receiving as part of my consultation process.

Contact: Jessica Brooks
Telephone: 250-952-6596

i:\dep_min\briefing notes\2016 briefing notes\04-13-2016_166217_min mbn_canadian finance & leasing_ride sharing.docx \ Cliff #166217
Last update:13/04/2016 - Brooks, Jessica TRAN:EX

Approvals:		ED:	JB	ADM:	KV	DM:	JD

Ministry of Community, Sport and Cultural Development
BRIEFING NOTE FOR MINISTER

Ref #: 166619

FOR MEETING

Date: April 16, 2016

Title: Ministers meeting with DDS Wireless International, April 18th

Issue: DDS International wishes to discuss the future of the taxi industry and opportunities associated with its province-wide booking app.

Background: The Minister will be meeting with Sunil Ghai, Jon Bracken and Steve Merdicoff from DDS International.

DDS Wireless International provides wireless mobile solutions for a variety of fleet applications including taxi dispatching, fleet management, booking and payment solutions, and mobile data terminals. DDS headquarters are located in Richmond, BC. 24 different taxi operators in BC use DDS dispatching software and hardware in their fleets.

DDS has indicated that they wish to discuss their new booking app 'Zoro' and its applications in the taxi industry They also wish to discuss the eCab service and opportunities to work with taxi operators and local governments to advance a province wide app.

Mandate Considerations: N/A
Liquefied Natural Gas Considerations: N/A
Fiscal Considerations: N/A
First Nations Considerations: N/A
Communications: N/A

Discussion: DDS International has developed the "Zoro" app that allows customers to book a taxi from their mobile devices. The app is linked into 10 taxi company dispatches across the region, including Vancouver. The app estimates the fare, maps the taxi location while the customer is waiting, and maintains a record of your trips. The app is also available on Vancouver Island and other locations in Canada and the United States.

The Zoro app is different from the eCab app. The eCab app was created by the four Vancouver taxi companies and can only be used in the City of Vancouver. The eCab app allows users to pre-book a cab, track it in real time, pay with their phone, and rate their driver.

s.13

DDS will also be interested in the Minister's views on the potential introduction of Uber and other transportation network companies (TNC) in British Columbia. As DDS provides dispatching software to taxi companies, the company has an interest in the continued success and investment in the taxi industry. s.13

Recommended Response:

s.13

Contact: Jessica Brooks
Telephone: 250-952-6596

i:\executive\administration\cls_admin\280 cliff\166619 tl taxi dds wireless\166619 bn 1272082.docx \
Cliff #166619
Last update:03/10/2016 - Brooks, Jessica TRAN:EX

From:	Phillips, Linda M CSCD:EX on behalf of Minister, CSCD CSCD:EX
To:	s.22
Cc:	Transportation, Minister TRAN:EX
Subject:	Ref. 167187: Uber and Transportation Network Companies
Date:	Wednesday, April 27, 2016 1:40:00 PM

Thank you for your email regarding Uber and transportation network companies.

The Province of British Columbia recognizes that consumers have a strong interest in seeing greater choice in the availability and provision of passenger transportation. Transportation network companies such as Uber, Lyft, car2go and others present real opportunities in this regard, and have the potential to meet changing public expectations.

Consideration of any new service must be carefully assessed against the safety of the travelling public. Passenger safety is a priority of this government and transportation services within the province must be able to provide individuals with the confidence that they are accessing services that are safe, reliable and properly insured.

Thought must also be given as to how any new services are regulated, recognizing the need to be respectful of existing industry participants and at the same time be fair and equitable to any new entrants in this sector.

The *Passenger Transportation Act* requires a licence for any vehicle operated by a person who charges or collects remuneration for transporting passengers. In order to obtain a licence to operate in British Columbia, passenger-directed services, such as taxis and commercial ridesharing, must be approved by the Passenger Transportation Board, an independent tribunal. The operating area, fleet size, vehicle type and rates charged are determined by the Board and smart phone apps, used by any company, must reflect the terms and conditions of the licence assigned by the Board. The Passenger Transportation Registrar is responsible for compliance and enforcement activities in the industry and the Ministry of Transportation and Infrastructure's Commercial Vehicle Safety and Enforcement Branch and local police are also able to enforce the Act.

Over the coming months, it is my intention to meet with a wide array of stakeholders, including representatives from the taxi industry, transportation network companies and locally elected officials. This process will allow me to hear a diverse range of perspectives and to ensure that those with an interest in this dialogue are heard and included as part of government's exploration and careful study of this topic. It is important that any decisions are made with the best possible information.

As you are likely aware, other jurisdictions across Canada, North America and around the world are, like British Columbia, working to provide safe, accessible and sustainable passenger transportation options. We will continue to monitor their progress as part of our work to

provide consumers with convenience and choice, while recognizing the role of existing operators in the industry and the importance of keeping the travelling public safe.

Thank you again for writing.

Sincerely,

Peter Fassbender

Minister of Community, Sport and Cultural Development

and Minister Responsible for TransLink

cc: Minister.Transportation@gov.bc.ca

-----Original Message-----

From: s.22

Sent: April 27, 2016 12:05 PM

To: Fassbender.MLA, Peter <Peter.Fassbender.MLA@leg.bc.ca>

Subject: Uber Update?

Dear Minister - can you let me know when you are expecting to make a province wide decision on this open issue?

I do hope it is positive (in favour) of Uber as the cab pricing in here Kelowna are VERY high & both my wife and friends have used the Uber service very successfully in the US and look forward to BC adoption of this service.

Thank you in advance!

s.22

From:	Phillips, Linda M CSCD:EX on behalf of Minister, CSCD CSCD:EX
To:	"BCLimoAssociation@gmail.com"
Cc:	Transportation, Minister TRAN:EX
Subject:	Ref. 166855: Uber and Transportation Network Companies
Date:	Thursday, May 5, 2016 1:13:00 PM

Ref: 166855
Sarb Nagra
Director
BC Limousine Association
Email: BCLimoAssociation@gmail.com
cc: Minister.Transportation@gov.bc.ca
Dear Sarb Nagra:
Thank you for your emails regarding the sharing economy and opportunities to provide input into provincial considerations in relation to transportation network companies.
Consideration of any new service must be carefully assessed against the safety of the travelling public. Passenger safety is a priority of this government and transportation services within the province must be able to provide individuals with the confidence that they are accessing services that are safe, reliable and properly insured.
Thought must also be given as to how any new services are regulated, recognizing the need to be respectful of existing industry participants and at the same time be fair and equitable to any new entrants in this sector.
Over the coming months, it is my intention to continue to meet with a wide array of stakeholders, including representatives from the limousine and taxi industries, transportation network companies and locally elected officials. This process allows me to hear a diverse range of perspectives and to ensure that those with an interest in this dialogue are heard and included as part of government's exploration and careful study of this topic. It is important that any decisions are made with the best possible information.
It is my hope that I will be able to engage with stakeholders such as the BC Limousine Association in person. Additionally, I would also value the opportunity to review your thoughts on this matter via any written submission you may care to provide to me, and I encourage you to consider sending your thoughts to me directly by email at: CSCD.Minister@gov.bc.ca
Your perspectives could include ideas on how new and existing service providers of passenger transportation services economies could be integrated, on perceived challenges and opportunities, and on provincial and local government roles in regulating and facilitating any changes we might contemplate.
Thank you again for writing.
Sincerely,
Peter Fassbender
Minister of Community, Sport and Cultural Development
Minister Responsible for TransLink
From: Sarb Nagra [mailto:bclimoassociation@gmail.com]
Sent: Thursday, March 31, 2016 12:56 PM
To: Fassbender.MLA, Peter LASS:EX
Subject: Discussion regarding UBER
Hello,
My name is Sarb Nagra and I am one of the director for BC Limousine Association.

There is lot going on regarding Sharing Economy (UBER) as per our concern. We as limousine industry wondering why we are not invited to any discussion. We have about 350 limousines and sedan cars in Vancouver and have lot to lose. Please let us know, if you will be seeking any input from us or you will impose new rules us. Thanks

--

BC Limousine Association
bclimoassociation@gmail.com
http://www.bclimoassociation.ca/

Approvals:	ED:	JB	EL:	KV	DM:	JD

Ministry of Community, Sport and Cultural Development
BRIEFING NOTE FOR MINISTER

Ref #: 166437

FOR MEETING

Date: May 18, 2016

Title: Ride-Sourcing Consultation s.13

Issue: Meeting with Opinder Singh and other representatives of the Taxi Drivers Association of Southern BC (Association) on May 24, 2016. The purpose of the meeting is to discuss the Minister's consultation on ride-sourcing and s.13

Background: Ride-sourcing (app based taxi services) is established in many jurisdictions around the world - valued at more than $3.76 billion and operating in hundreds of cities worldwide. Within Canada, city councils in Ottawa, Toronto have recently voted to allow regulated ride-sourcing.

In 2016 the largest ride-sourcing company (Uber) gave notice that it would begin operations in BC. It has held information meetings in communities in BC and begun soliciting drivers to drive for Uber. Uber has also initiated conversations with the Minister and provided data to lobby government about the benefits of ride-sourcing to the provincial ground transportation industry.

In January 2016 Premier Clark appointed Minister Fassbender to engage in a comprehensive consultation process about ride-sourcing with the public, local governments and other stakeholders including the taxi industry. The Minister has consistently and publically stated that government will not make any decisions on the future of ride-sourcing in the province until consultations are completed and government has a clear plan that considers the challenges and opportunities that ride-sourcing offers to the public and the road transportation industry.

Mandate Considerations: Government directed CSCD to consult with stakeholders from around the province about ride-sourcing.
Liquefied Natural Gas Considerations: N/A
Fiscal Considerations: N/A
First Nations Considerations: N/A
Communications: N/A

Discussion:
Media reports on the Taxi Drivers Association of Southern BC suggest that the non-profit was established with the objective of representing the interests of Metro Vancouver taxi drivers. Detailed information on the Association is not available, s.13

s.13

Within B.C. the taxi industry is publically and strongly opposed to ride-sourcing unless it is subject to the same regulatory framework and rules as the taxi industry. The industry has also expressed concerns that the possibility of ride-sourcing entering the BC market is already causing issues including lowering the value of BC taxi licenses. A news article by the Vancouver Sun reported that the value of taxi licences in Vancouver, once worth up to $1 million, has dropped drastically. The article also reported that currently there are more than 100 licences for sale because of market uncertainty.

Metro Vancouver is the largest metropolitan area in North America without ride-sourcing. Additionally Metro Vancouver has the lowest number of taxies per capita of any major Canadian city coupled with some of the highest fares. s.13

s.13

s.16

s.12,s.13

Recommended Response:

- The taxi industry is a valuable part of BC's hospitality and transportation economy providing jobs and making valuable contributions to the province.
- Before we make any decisions on ride sourcing in BC I will engage in a province-wide, comprehensive consultation process with the public and stakeholders, including the taxi industry, who have an interest in the future of our taxi industry.
- In addition I will be speaking with local governments, Boards of trade, Chambers of Commerce and organizations and businesses that have a vested interest in any potential changes to the ground transportation industry.
- We are not rushing this process. No decisions have been made yet. We are going to take the time to find a "made in BC" solution.
- At the end of the day, the path our government takes will balance the interests of all stakeholders, protect passenger and consumer safety, and address the public's desire for more choice, convenience and competition.

Contact: Kevin Volk
Telephone: 250-387-3860

i:\dep_min\briefing notes\2016 briefing notes\2016-05-18_166437_min mbn_taxi drivers association.docx \ Cliff #166437
Last update:18/05/2016 - Garriock, Tamara CSCD:EX

Approvals:	Dir:		ED:	JB	EL:	KV	DM:	JD

Ministry of Community, Sport and Cultural Development
BRIEFING NOTE FOR MINISTER

Ref #:167519

FOR MEETING

Date: May 24, 2016

Title: Ripe Rides (RR), a ride sourcing app-based B.C. company

Issue: Meeting with RR (Otis Perrick, Co-Founder & President and other team members) on May 31, 2016, to introduce its business model and discuss ride sourcing consultations.

Background:
RR is a new technology-based transportation company that was awarded 20 licences by the BC Passenger Transportation Board (PTB) in April 2015. RR has also received approval from the city of Vancouver and it is now operating in the Greater Vancouver area.

RR offers fully insured vehicles (20 car fleet of 2016 Cadillac XTs), a regulated rate system with class 4 licensed and trained drivers who hold City of Vancouver chauffeur permits. Drivers are employees of RR and must successfully complete a criminal record check and take special training to assist passengers with disabilities. The company pays for gas, maintenance and insurance.

RR has built an app through which clients can call drivers, monitor their location and pay for services (cashless). The app also offers options for grading drivers and calculating the cost of the ride.

Otis Perrick's biography:
Perrick was born and raised in North Vancouver and is the founder and owner of Disruptive Media Publishers which makes original and licenced content that allows users to personalize and showcase their online personas (i.e. PlayStation, Xbox). Disruptive holds licences with major games makers and sports franchises such as the NHL, NBA, NFL and Warner Brothers. In 2013 the company was reported to have reached $34 million in gross revenue.

Mandate Considerations: Premier Clark has directed the Minister to engage in province-wide consultations regarding ride-sourcing
Liquefied Natural Gas Considerations: N/A
Fiscal Considerations: N/A
First Nations Considerations: N/A
Communications:s.13 s.13

Discussion:
RR claims that it fulfills a gap in the vehicle-for-hire market; Vancouver does not have a black car luxury point-to-point service like other global cities. Perrick has claimed that RR is not taking fares away from taxis or limousines but that its clientele is derived from a niche market that targets business, high tech

industry and the late-night entertainment sector who are seeking a higher end service with rates that are lower than those for limousines.

RR trips start at a $20 base rate with a scaled fee per- kilometre thereafter. In comparison, limousine services charge a flat rate of $75 per hour and taxis charge metered rates that vary across BC. RR claims its costs are about 25% more than taxis and 25% less than limos. In keeping with its image of an upscale experience for its passenger RR offers bottled water, leather interiors, and cellphone charging stations.

Recommended Response:

- Companies such as yours make important and valuable contributions to BC's hospitality and transportation economy
- Before we make any decisions on changes to our vehicle for hire framework in BC I will engage in a comprehensive, province-wide, consultation process with the public and stakeholders who have an interest in the future of our passenger transportation industry.
- In addition I will be speaking with taxi and limousine companies, local governments, Boards of trade, Chambers of Commerce and organizations and businesses that have a vested interest in any potential changes to the ground transportation industry.
- We are not rushing this process. No decisions have been made yet. We are going to take the time to find a "made in BC" solution.
- At the end of the day, the path our government takes will balance the interests of all stakeholders, protect passenger and consumer safety, and address the public's desire for more choice, convenience and competition.
- I hope that you will be part of these consultations and look forward to receiving your feedback

Contact: Kevin Volk
Telephone: 250-893-9249

TOURISM VANCOUVER

The Metro Vancouver Convention & Visitors Bureau

Suite 210 - 200 Burrard Street
Vancouver, BC Canada V6C 3L6
P 604.682.2222
tourismvancouver.com

167416

MINISTRY OF COMMUNITY, SPORT AND CULTURAL DEVELOPMENT
MINISTER'S OFFICE
RECEIVED
MAY 11 2016
ROUTE TO:
CC:
DRAFT REPLY ☒ DM ☐ FYI/FILE ☒
REPLY DIRECT ☐ FNA ☐

May 4, 2016

Hon. Peter Fassbender
Minister of Community, Sport and Cultural Development
PO Box 9056, STN PROV GOVT.
Victoria, BC
V8W 9E2

Dear Minister Fassbender:

Tourism Vancouver, on behalf of its 1000 members, serves as the official tourism organization for the promotion of Vancouver to visitors from around the world. In this capacity, we support hundreds of businesses, thousands of tourism related jobs and a $4 billion dollar industry for our city and metro region. We further play an integral role, as the lead gateway for British Columbia, in driving the overall visitor economy for the province.

Fundamental to our sustained success as an industry is the quality of the visitor experience in our city. The visitor experience, more than anything else, is the critical success factor on which we are judged. And or course, we aspire to be judged very well as having delivered a superlative visitor experience for our guests.

It is with the visitor experience in mind that I write to you in relation to transport issues facing our city. Specifically, I write in relation to issues related to the Taxi industry, and also to Ride Sharing. As you assess the current state of the Taxi industry and Ride Sharing, and consider potential changes for the future, Tourism Vancouver respectfully asks that our views below be taken into account:

1. Overall, the Vancouver taxi service for visitors is generally delivered to a quality standard. However, our supply is too constrained. This specifically relates to the overall volume of taxis, and also the restrictive nature of the regulations they must adhere to. These cause negative visitor experiences when taxis cannot be found, or when seemingly available taxis do not pick up passengers. We hear this feedback from visitors often, and it does not reflect well on our city.

2. The above supply issue is compounded during peak periods. Events -- whether sports, culture, conferences, music or others - are fundamental to our current and future tourism success. The current taxi supply is insufficient during these peak periods and thus measures to increase supply would, overall, be highly likely to improve the visitor experience and contribute to our economy.

. . . 2

TOURISM
VANCOUVER

3. Considering increases in supply should naturally consider the Ride Sharing industry as well as the current Taxi industry. As is being evidenced around the world, Ride Sharing will become a fundamental piece of the transport puzzle and thus it needs to be brought formally into the transportation mix in British Columbia. We note that there are complicated issues in relation to passenger security, insurance, and appropriate consideration for those with special needs. But nonetheless, we feel these can and should be addressed and that Ride Sharing should be legitimized within an appropriate regulatory framework, one that is designed for this new entrant into the transport mix.

4. In providing the above comments, we further note that the recommendations in the recent Greater Vancouver Board of Trade paper (*Innovative Transportation Options for Metro Vancouver*) are well aligned with our views, and are likely to improve the visitor experience.

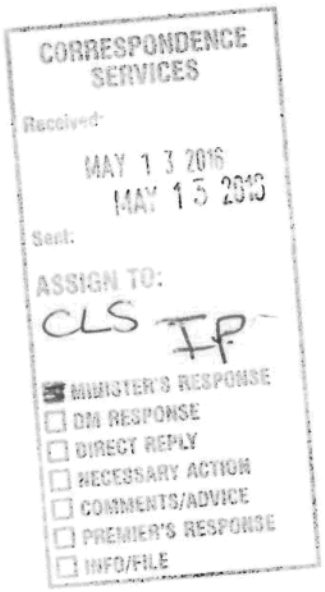
5. Finally, we note the pilot project, *Forward Together (March 16, 2016)* being proposed by the Vancouver Taxi Association. We feel this contains a number of productive recommendations that align with our views as outlined above. We thus are supportive of this project generally. However, we would propose that the process of review, analysis and decision making on key transport changes (e.g. Ride Sharing, or Taxi regulation changes to increase supply) not be deferred until the end of the project timeframe, but rather considered in parallel where appropriate.

Minister Fassbender, we appreciate you taking the time to consider the views expressed in this letter. We are available to work with you and your team at any time to review these issues and develop opportunities to ensure we can deliver a superior visitor experience in Vancouver through enhanced, modern and customer focused transport options.

With best regards,

Ty Speer
President & CEO
Tourism Vancouver

RUSH!


CORRESPONDENCE SERVICES
Received:
MAY 13 2016
MAY 15 2016
Sent:
ASSIGN TO:
CLS
IP
MINISTER'S RESPONSE
DM RESPONSE
DIRECT REPLY
NECESSARY ACTION
COMMENTS/ADVICE
PREMIER'S RESPONSE
INFO/FILE

BRITISH COLUMBIA

May 31, 2016

Ref: 167416

Mr. Ty Speer
President and Chief Executive Officer
Tourism Vancouver
210 - 200 Burrard Street
Vancouver, BC V6C 3L6

Dear Mr. Speer:

Thank you for your letter of May 4, 2016, sharing your views on ride sourcing and its connection to tourism and visitor experience. I was interested to read your thoughts, and appreciate your input on this matter.

Consideration of any new service must be carefully assessed against the safety of the travelling public. Passenger safety is a priority of this government and transportation services within the province must be able to provide individuals with the confidence that they are accessing services that are safe, reliable and properly insured.

Thought must also be given as to how any new services are regulated, recognizing the need to be respectful of existing industry participants and at the same time be fair and equitable to any new entrants in this sector.

Over the coming months, it is my intention to continue to meet with a wide array of stakeholders, including representatives from the limousine and taxi industries, transportation network companies and locally elected officials. This process allows me to hear a diverse range of perspectives and to ensure that those with an interest in this dialogue are heard and included as part of government's exploration and careful study of this topic. It is important that any decisions are made with the best possible information.

It is my hope that I will be able to engage with stakeholders such as Tourism Vancouver in person to further explore the issues you have raised. In the interim, and should we not have an opportunity to meet directly, I appreciate your having provided your perspective in writing.

.../2

Ministry of Community, Sport and Cultural Development and Minister Responsible for TransLink

Office of the Minister

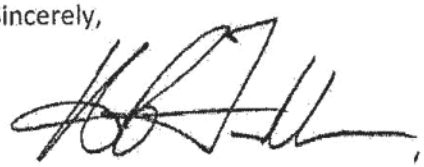
Mailing Address:
PO Box 9056 Stn Prov Govt
Victoria BC V8W 9E2
Phone: 250 387-2283
Fax: 250 387-4312

Location:
Room 310
Parliament Buildings
Victoria BC

www.gov.bc.ca/cscd

Thank you again for writing.

Sincerely,



Peter Fassbender
Minister

BRITISH COLUMBIA

June 14, 2016

Ref: 167499

His Worship Mayor Mike Richman
Village of Pemberton
7400 Prospect Street
PO Box 100
Pemberton, BC V0N 2L0

Dear Mayor Richman:

Thank you for your letter of May 3, 2016, regarding consultations on the sharing economy.

I read both your letter and the included Report to Council with interest, and can appreciate the concerns that you have identified with respect to the impact of short-term vacation rentals on village infrastructure, long-term housing availability, neighbourhood livability and the local accommodation sector. I was also interested to note your observations with respect to the benefits of these rentals on local tourism and marketing.

As you are aware, the authority for short-term rentals and enforcement of any applicable bylaws resides with local government. Government has an ongoing interest in monitoring and understanding this issue. To this end, I have copied my colleague, the Honourable Shirley Bond, Minister of Jobs, Tourism and Skills Training, so that she will be aware of your concerns.

As I mentioned in my April 8, 2016 letter, I have also been meeting with an array of stakeholders to gain a better understanding of the dynamics of British Columbia's taxi and ride sourcing sectors. This process is allowing me to hear a diverse range of perspectives and to ensure that those with an interest in this dialogue are heard and included as part of government's exploration and careful study of this topic. I would value the opportunity to review your thoughts on this matter via any written submission you may care to provide to me, and I encourage you to consider sending your thoughts to me directly by email at: CSCD.Minister@gov.bc.ca.

Thank you again for writing.

Sincerely,

Peter Fassbender
Minister

.../2

Ministry of Community, Sport and Cultural Development and Minister Responsible for TransLink

Office of the Minister

Mailing Address:
PO Box 9056 Stn Prov Govt
Victoria BC V8W 9E2
Phone: 250 387-2283
Fax: 250 387-4312

Location:
Room 310
Parliament Buildings
Victoria BC

www.gov.bc.ca/cscd

pc: The Honourable Shirley Bond
Minister of Jobs, Tourism and Skills Training

Ms. Nikki Gilmore
Chief Executive Officer
Village of Pemberton

167499

MINISTRY OF COMMUNITY,
SPORT AND CULTURAL DEVELOPMENT
MINISTER'S OFFICE
RECEIVED
MAY 17 2016
ROUTE TO: [redacted] Joan
CC:
DRAFT REPLY ☒ DM ☐ FYI/FILE ☐
REPLY DIRECT ☐ FNA ☐

Village of PEMBERTON

PO Box 100
7400 Prospect St.
Pemberton
British Columbia
CANADA
V0N2L0

P. 604.894.6135
F. 604.894.6136

www.pemberton.ca

May 3, 2016

The Honourable Peter Fassbender,
Ministry of Community, Sport and Cultural Development,
PO Box 9506, Stn Prov Govt,
Victoria, British ColumbiaV8W 9E2

Re: The Sharing Economy

Dear Minister Fassbender,

Thank you for your letter concerning the challenges, opportunities and integration of the new sharing economy. The Village of Pemberton is very eager to participate in the conversation on this prominent topic in the hope of developing a common resolution for communities across British Columbia.

The main challenge for our community lies with short term/nightly rental properties being advertised through websites such as AirBnB.ca, craigslist.ca and VRBO.com. A report produced by Village staff was brought to Council in February 2016 which identified the number of residences in the community operating unlicensed as short term/nightly rental accommodation. The report also touched on the existing zoning and business licencing bylaws. A copy of this report is attached for your information.

As a small community located in close proximity to a major ski resort there are concerns related to the impacts of short term rentals on the community and the Village's infrastructure, the reduction of long term accommodation available for residents as homeowners choose this new approach, protection of the desirability and livability of neighbourhoods and of course the increased unregistered competition with relatively small hotels and bed and breakfasts already operating legally in the area. Alongside these challenges the Village does recognise that there are also benefits to the community as short-term rentals also result in increased tourism and promotion of the Village. The larger challenge is how to balance the two.

It is of great priority to the Village to develop a method to fairly integrate the sharing economy in such a means which will benefit the community. I look forward to taking part in any conversation around the sharing economy in the coming months.

Sincerely,
VILLAGE OF PEMBERTON

Mayor Mike Richman

Enclosure: Village of Pemberton Report to Council dated February 2, 2016
Cc: Nikki Gilmore, Chief Administrative Officer

Village of PEMBERTON

Report to Council

Date: February 2, 2016

To: Nikki Gilmore, Chief Administrative Officer

From: Tim Harris, Manager of Operations and Development Services
Sheena Fraser, Manager of Corporate & Legislative Services

Subject: Short Term Vacation Rentals - Update

PURPOSE

The purpose of this report is to provide an update to Council with respect to enforcement of the Zoning Bylaw regarding Short Term Vacation Rentals.

BACKGROUND

At the Regular Council Meeting No. 1413, held December 1st, 2015, Councillor Craddock made a Notice of Motion regarding Zoning Contraventions related to short term vacation rentals. The Motion was brought forward for consideration at the Regular Council Meeting No. 1414, held Tuesday, December 15, 2015, at which the following resolution was passed:

> *Moved/Seconded*
> ***THAT*** *Council direct administration to have Bylaw Enforcement attend to the residences in the Village of Pemberton operating as private short term rentals to explain and educate that they are operating in contravention of our Zoning bylaws and must cease operating immediately.*
> ***CARRIED***

DISCUSSION & COMMENTS

As a result of the direction provided by Council, Staff monitored AirBnB.ca and VRBO.com. These two websites both facilitate short term vacation rentals.

Through a review of both sites, Staff identified thirteen (13) homes within the Village of Pemberton boundaries that were listed. Eight (8) of the thirteen (13) homes listed were located within Strata properties of which three (3) of the Strata properties are zoned RT-1 and one (1) is zoned RS-1. A listing of the properties is as follows:

Strata Property	# of Units	Zoning	Website Listing
The Peaks	1	RT-1	VRBO.com
Pioneer Junction	3	RT-1	VRBO.com & AirBnB.ca
Mountain Trails	1	CD-2	AirBnB.ca
Pemberton Plateau	3*	RS-1	AirBnB.ca

*Of the three listings at the Plateau one was a single family home and two were accessory suites in a single family home.

There were five (5) homes within the RS-1 Zone listed for short term rental. Two of the listings identified that it was the accessory suite available and two of the listings indicated that the single family accommodation was available while one home had several rooms available. A listing of the properties is below:

Location/Street	# of Properties	Zoning	Website Listing
Aspen Fields/Willow Drive	2*	RS-1	AirBnB.ca & VRBO.com
The Glen/Hemlock	1	RS-1	AirBnB.ca
The Glen/Laburnum	1**	RS-1	AirBnB.ca
Downtown Core/Cedar Lane	1	RS-1	AirBnB.ca

*One of the properties on Willow Drive has both the main house and the accessory suite listed. The property owner does live in the residence so it is presumed that depending on which unit is rented the family moves to the other space for the duration of the renters stay.

**This property has four separate listings showing different rooms within the home available for nightly rental.

It should be noted that the Log House Inn & B &B and the Greenwood Country Inn both have listings on AirBnB.ca. However, as both properties are zoned for a Bed and Breakfast and the owners hold valid business licences there was no requirement to seek compliance as they meet with the regulations as established in the Zoning and Business Licence Bylaws.

Correspondence was prepared in which property owners were advised that the Village has been monitoring the above noted websites and that the Village of Pemberton Zoning Bylaw No. 466, 2001 does not allow for nightly rentals within these zones. The property owners were further advised that short term rental is considered to be a commercial enterprise and therefore non-compliant with the Zoning bylaw. Property owners were requested to cease this activity immediately.

The Village's Bylaw Enforcement Officer either hand delivered or left the letter on the front door of the single family home/properties that Village Staff was able to identify by address. The same letter was also sent by Registered Mail to ensure receipt of the letter in the event that the property owner was either not at home or the property was being rented to someone other than the owner. In the case of those properties located within Strata, as it was difficult to identify the address of each unit listed, the correspondence was sent to the Strata Council with a request to advise the property owner of the zoning regulations.

At this time, Village Staff have received responses from six (6) property owners and fielded a number of questions that include how compliance could be achieved. Property owners were advised that if they intend on continuing to provide short term accommodations, the only section in the Zoning Bylaw that can accommodate nightly rental is an ancillary use as a Bed and Breakfast. In this regard, it was recommended that application be made for a Bed and Breakfast Business License which would require appropriate inspections to ensure the use meets with the intent of the Zoning Bylaw.

It should be noted that the Village of Pemberton's Zoning Bylaw No 466, 2001 includes *bed and breakfast* as a permitted use in RS-1 zone only. Airbnb/VRBO postings/rentals are not in compliance with the Zoning Bylaw, as in some circumstances entire homes/apartments are being offered for short term rental and as such are not auxiliary uses; although there are *bed and breakfast* provisions that the principal use of the dwelling unit may have two (2) bedrooms used for *bed and breakfast* accommodation provided the dwelling is owner/resident occupied.

Section 224 of the Zoning Bylaw No 466, 2001 states:

224 • Bed and Breakfast

(1) The principal use of the Dwelling Unit which may have bedrooms used for bed and breakfast accommodation shall remain a family residence;

(2) That family, or a member of it, shall alone be engaged in the operation of the bed and breakfast business, but the operator or operators may hire employees to work on the premises;

(3) Not more than two (2) bedrooms in the Dwelling Unit shall be used for bed and breakfast accommodation within the RS-1 zone;

(4) One off-street parking space shall be provided for each bedroom used as bed and breakfast; and

(5) Signage shall be limited to an area not to exceed 0.4 m^2 for bed and breakfast within the RS-1 zone;

(6) Notwithstanding the maximum number of bedrooms permitted in Section 224(3), bed and breakfast operations that existed at the time of the adoption of this Bylaw may have up to three (3) bedrooms in a Dwelling Unit that is used for bed and breakfast accommodation.

There are also safety requirements set out in the *BC Building Code*, which are addressed through the building permit process for dwellings utilized as a *bed and breakfast*. This is important, as the *BC Building Code* requires that all suites in residential occupancies shall be separated from adjacent rooms and suites by a fire separation having a fire-resistance rating of not less than 45 minutes, visible exit plans and fire extinguishers, if required by the fire inspector though a business licence application process.

At this time, the Village has received one application for a *bed and breakfast* business license for a property which is located within a strata development that is within the RS-1 zone.. This application is currently under review. Another application is anticipated but it is understood that the property owner, whose property is also in the same strata noted above, is awaiting the outcome of the application that is currently in-house before pursuing this option.

Another property owner within the RS-1 zone has advised Staff that they have blocked out all available dates on the listing; however this cannot be confirmed as AirBnB requires you to contact the owner directly once you have selected your dates at which time you are advised if the property is booked. A review of the AirBnB website and this listing indicates that the property owner continues to operate based on review comments by guests as recent as this month.

Two property owners of homes located within the RS-1 zone advised that they would consider the Bed and Breakfast option and make application for a business licence. One of the properties owners has listed an accessory suite for rental and the other lists several rooms within the main house. As of the preparation of this report neither property owner has made application for a business licence and a review of the website indicates the property owners may have removed their listing or they may be booked so the listing no longer shows availability.

The Village did receive a response from the property owners of a unit in The Peaks which is attached as Appendix A for information. Since the time of this initiative another property owner believed to be within The Peaks has now listed a room within their two bedroom unit for nightly rental.

The Village has received no response from the remaining seven property owners who were provided notice either directly or through their Strata Councils. One registered letter was returned unopened. A review of both AirBnB.ca and VRBO.com indicate that four of the properties the Village had no response from appear to be no longer listed but may also be booked and therefore do not show for the dates selected and three of the listings are still active. This review also resulted in finding a new listing for an accessory suite within The Glen; however, Staff has been unable to determine the address or owner of the property as this information is not provided and the photographs of the suite give no clue as to the location within The Glen. As a result of the work on this initiative it has been determined that many of those properties listed on these two sites are also listed on companion sites such as Pemberton Rentals, Craigslist, tripping.ca, homeaway.com, Kijiji.ca, ownerdirect.com, propertytrovit.com, vacationrental.com, rentbyowner.com, EMRvacationrentals.com, stayvacationrentals.com. Village Staff has not done any further investigation or monitoring of these other sites at this time.

Zoning Enforcement:

The Village's Zoning Bylaw is silent on provisions that would restrict short term or vacation in the RS-1, RT-1 and CD-1 zones; and short term or vacations rentals are not expressly permitted in any other zone, including the Residential Country Inn (RC-1) Zone or Tourist Commercial (C-2) Zone. Furthermore, there is no definition of short term or vacation rental in the Definitions (Section 104) or regulations related to the duration of stay applicable to the tourist accommodation uses that are permitted. It can be argued that the fact that short term or vacation rentals are not listed as a permitted use in any zone, is that the intent of the Bylaw currently does not permit these uses anywhere within the Village boundaries.

However, as is noted in the correspondence from Ms. Maconachie and Mr. Sullivan, the Bylaw as it is currently written can be broadly interpreted. As a result, if there is a desire to address the legitimacy of short term or nightly rentals in the Village's Zoning Bylaw, it is recommended that this be incorporated as a component for inclusion as part of the Zoning Bylaw Review and Update that is on the work plan for 2016.

COMMUNICATIONS

There was no communications element required as part of this initiative; however, there was an article in The Pique Newsmagazine on December 10, 2015 which is attached as Appendix B for information.

LEGAL CONSIDERATIONS

Should it be determined that the Village continue with pursuing compliance it will have to do so through legal channels which may include court proceedings against non-compliant property owners; however, as identified above, it can be argued that the bylaw could be broadly interpreted. Further work would be required to understand if there is legal precedent that could be followed.

IMPACT ON BUDGET & STAFFING

At this time, approximately thirty-five (35) hours of staff time has been allocated to this initiative which includes research, investigation and monitoring of the websites, identification of properties, preparation and delivery of the correspondence, follow up to all enquiries, meetings with property owners and the preparation of this report.

INTERDEPARTMENTAL IMPACT & APPROVAL

This initiative was facilitated by Corporate & Legislative Services and Operations & Development Services.

IMPACT ON THE REGION OR NEIGHBOURING JURISDICTIONS

This initiative has no impact on the region or neighbouring jurisdictions, although as a note the SLRD Planning staff presented a report on this topic at the SLRD Board meeting, held Wednesday, January 27, 2016, outlining how other jurisdictions are addressing or attempting to address the issue of short term/vacation rentals. The report is attached for information as Appendix C. The SLRD Board resolved to refer the Airbnb staff report to the Electoral Area Directors Committee meeting in February.

ALTERNATIVE OPTIONS

There are no alternative options for consideration at this time.

POTENTIAL GOVERNANCE CONSIDERATIONS

Undertaking review of the Village's Zoning Bylaw and monitoring compliance with the regulations as established meets with Strategic Priority No. Two: Good Governance.

RECOMMENDATIONS

THAT Council provide direction with respect to ongoing monitoring of short term vacation rentals;

THAT Council direct staff to consider the issue of short term/nightly rentals as part of the Zoning Bylaw review and update, proposed in the 2016 budget.

Attachments:

Appendix A: Correspondence from Heather Maconachie and John Sullivan, dated January 5, 2016.

Appendix B: Pique Newsmagazine Article, December 10, 2015.

Appendix C: SLRD Information Report – AirBnB Issues and Approaches, dated January 27, 2106.

Tim Harris
Manager of Operations & Development Services

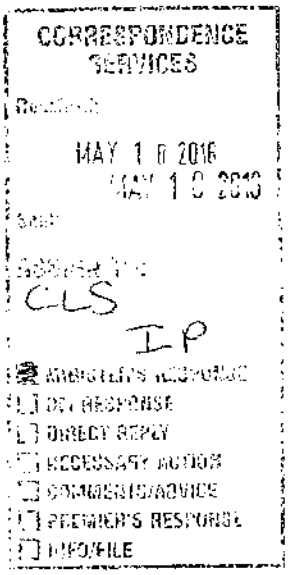
Sheena Fraser

Sheena Fraser
Manager of Corporate & Legislative Services

CHIEF ADMINISTRATIVE OFFICER REVIEW

Nikki Gilmore

Nikki Gilmore
Chief Administrative Officer



Approvals:	ED:	JB	ADM:	KV	DM:	JD

Ministry of Community, Sport and Cultural Development

BRIEFING NOTE FOR MINISTER

Ref #:167784

FOR MEETING

Date: June 23, 2016

Title: BC Chamber of Commerce (Chamber).

Issue: Meeting with Dan Baxter (Director of Policy Development, Government and Stakeholder Relations) and Maureen Kirkbride (interim CEO) regarding mobility pricing in urban centres, sharing economy (Uber and Airbnb) and if time permits, Regional District Accountability on June 29, 2016.

Background:
The Chamber is the largest business organization in BC, representing 125 Chambers of Commerce and Boards of Trade and 36,000 businesses. The Chamber has a mandate to advocate for business policy on behalf of its members. Policy positions are developed and then debated by the members at the Chamber's Annual General Meeting (AGM). Resolutions that receive at least two-thirds of the delegates' votes become Chamber policies for that year and are included in the Chamber's Policy and Position's Manual. These policies provide the blueprint for the BC Chamber's advocacy efforts the following year.

On May 29th and 30th the Chamber held its AGM and Conference in Kelowna. The introduction of mobility pricing in urban centres, the sharing economy, including ride sharing (sourcing) and short term vacation rentals (Airbnb), and regional district accountability were all included in the 2016-2017 Policy and Positions Manual. The Chamber has indicated that it hopes to be able to provide a finalized version of the policy resolutions to the Minister in advance of June 29th.

Mandate Considerations: N/A	**Liquefied Natural Gas Considerations**: N/A
Fiscal Considerations: N/A	**First Nations Considerations:** N/A
Communications: These issues have all been picked up by media and Minister Fassbender has been consistent in his response; these are complex issues that need discussion.	

Discussion: ***Mobility Pricing in Urban Centres***

- Mobility pricing is a method of charging direct levies for the use of roads and other transportation infrastructure to manage demand, reduce congestion, and generate revenues for transportation infrastructure (repayment or expansion)
- Flowing from the Mayor's Council proposal to implement time and distance based mobility pricing, public dialogue on this issue has begun to increase.
- In the past, the Chamber supported a recommendation to revisit the provincial tolling policy and implement different tolling / pricing policies in Metro Vancouver.
- The Chamber's membership is also considering supporting the replacement of gas taxes with mobility pricing in urban areas, and broad stakeholder engagement in the development of a pricing strategy.

Sharing Economy (ride sourcing, short term vacation rentals)

- *Ride sourcing:* the Chamber's Policy and Positions Manual supports ride sourcing. The draft policy recommends that the Province introduce regulatory changes that establish province-wide rules for safety and consumer protection, and evaluate and remove red tape on existing transportation service providers.
- *Vacation rentals:* Airbnb entities do not currently fall under any of the regulatory, legal, taxation, health and safety or insurance laws of traditional accommodation providers.
- The Chamber's draft policy on short term vacation rentals recommends that the province ensures that Provincial Sales Tax and Municipal and Regional Destination Tax (MRDT) be collected and remitted by operators and/or booking agents on short term residential rental units (such as Airbnb), and that operators, managers and/or booking agents of 4 or more rooms be subject to collection and remission of PST and applicable MRDT taxes.
- The Chamber estimates annual lost taxation revenue of $16 million in general taxes and upwards of $3 million in MRDT from unregulated rental units.

Regional District (RD) Accountability

- The Chamber notes that there has not been a comprehensive review of RDs in more than 15 years, that the role and scope of RDs is constantly changing, and that there is currently a lack of direct accountability to the electorate.
- The Chamber has previously adopted resolutions recommending the modernization of regional district legislation, the elimination of the conflict of interest between municipal governments and regional districts, the assigning of specific service provision responsibilities and a study into the best practices for urban and rural regional districts.
- The policy recommends that the Province establish a task force to review the scope of RDs, establish guidelines for regional governance, and ensure adequate authority (such as a commission) to enforce guidelines. Inclusion of a broad group of stakeholders in this process is also recommended.

Recommended Response:

- Thank you for taking the time to meet with me.
- I appreciate the work and research that the members of the Chamber have undertaken in proposing these policies.
- These are all very complex topics and any movement on them will require engagement and discussion with multiple levels of government and stakeholders, including the public.
- As you may know, I am currently in the process of gathering feedback on ride sourcing and I thank the Chamber for providing me with its submission and ideas.
- I look forward to future conversations on these topics.

If required for Regional District Accountability:

- In 2008, the Province supported the Union of British Columbia Municipalities' (UBCM) creation of the Regional District Task Force (RDTF) to provide an open forum to focus the UBCM's regional discussion (RD) on tangible and practical issues and solutions.
- Similar to previous studies, the RDTF concluded that the RD system worked well and that major modifications were not necessary.
- The RDTF's recommendations led to a Ministry program of both legislative and non-legislative incremental change focused on practical problems.

- For example, in the past number of years, legislative amendments have included:
    - timelines for service reviews;
    - streamlining land use bylaw approvals;
    - allowing regional districts to borrow from their own reserve funds;
    - enabling regional districts to seek elector opinion on an issue of regional interest; and
    - enabling regional districts to set their own oath of office.
- Recently, in December 2015, the *Local Government Act* (LGA) was revised. One of the outcomes of the revision is that RD provisions were re-organized into a coherent and logical framework. While there were no legislative amendments (i.e. no substantive changes), the revision will address concerns regarding clarity and the usability of the LGA when compared to the *Community Charter*.

Contact: Jessica Brooks
Telephone: 250-952-6596

i:\dep_min\0280-executive services-general\0280-20 briefing notes\2016 briefing notes\2016-06-23_167784_min ibn_bc chamber of commerce.docx \ Cliff #167784
Last update:23/06/2016 - Sall, Sabba CSCD:EX

Thomas, Marilyn CSCD:EX

168181

From: Barb Dionne <BDionne@nelson.ca>
Sent: Wednesday, June 29, 2016 03:55 PM
To: Minister, CSCD CSCD:EX
Subject: 1681181 - Regulation of the sharing ecnomy and short term rental accommodations
Attachments: Fassbender Short Term Rentals June 28, 2016.doc

Follow Up Flag: Follow up
Flag Status: Completed

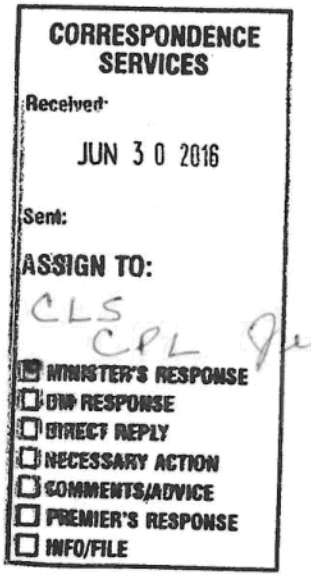
Categories: Minister's Response

Attached please find letter from Mayor Kozak, City of Nelson, in regards to Regulation of the sharing economy and short-term rental (STR) accommodations.

Regards,

Barb Dionne
Executive Assistant
CITY OF NELSON
101-310 Ward Street
Nelson, BC V1L 5S4
Phone: 250-352-8263 Fax: 250-352-2131
email: bdionne@nelson.ca website: www.nelson.ca





CITY OF NELSON

June 28, 2016

Honourable Peter Fassbender
Minister of Community, Sport and Cultural Development
PO Box 9058 Stn. Prov. Gov't
Victoria, BC V8W 9E2

CSCD.Minister@gov.bc.ca

Re: Regulation of the sharing economy and short-term rental (STR) accommodations

Dear Minister Fassbender,

It is excellent news that you are personally seeking municipal input and dialogue on the sharing economy. While we in Nelson have not been talking about Uber in a community of our size, short-term rentals represent a heated debate that has been making headlines in our local media. With Vancouver, Victoria, Whistler, Revelstoke, Tofino, and ourselves all taking a second-look at tourist accommodation regulations, this is an excellent opportunity for the Province to be doing the same.

Following a number of letters from citizens and tourism stakeholders, the City of Nelson hired a graduate student this summer to conduct research, manage consultations, and develop policy options. Staff, Council, and our community have taken an active interest in learning about the issue and what other jurisdictions have implemented. Staff and I have been in contact with numerous municipalities learning about the successes and shortcomings of their experience. Although we can licence and zone, like many other BC municipalities have already found, it has become blatantly clear not only that the demands of our residents and even Airbnb hosts require Provincial action (e.g. levying an accommodation tax on STRs). Effective, meaningful, and fair regulation requires cooperation between municipalities and the Province.

There has been no call to ban STRs in Nelson. Even our hoteliers recognize the need for vacation rentals, and as such what they are asking for is simply a fair playing field for fair competition to take place. With respect to STRs, government is falling short on its obligation to ensure regulatory fairness. We of course sympathize with homeowners' need to supplement their income and the genuine desire of many to host guests and make use of underutilized space in their home. Some have told us, "the city should not have a say in what I do with my own house", but we cannot forget the precedence that government regulates home-based businesses and taxes resulting income. STR is no different. Like other home businesses, numerous benefits are generated for the community, but no regulation or taxation would bring about unintended consequences: commercial residential districts, dead commercial districts, and a lack of funding to keep up with the burden that significant increases in tourism brings on our local infrastructure.

Short-term rentals are less and less genuine "home-sharing" and more and more pseudo-businesses. A recent report found that the vast majority of revenue that comes through Airbnb in Vancouver lands in the pockets of commercial "hosts", those who operate multiple listings and do not live in any of them. (It even found that Airbnb tends to 'push' such listings to the first results pages, contradicting its assertion that it values its "occasional home-sharers" most.[1]) In other words, "sharing economy" hoteliers are getting away with tax avoidance and non-compliance with zoning and other laws. That report, as well as LAANE's report (the Los Angeles Alliance for a New Economy)[2], are highly recommended.

We are fortunate in Nelson that our STR economy, although still unlicensed and illegally zoned, has not yet become dominated by full-time business people, but I would not like us to get to that stage. We are also fortunate that most of our STR operators want us to regulate; they want to buy a business licence, pay taxes, and pay a lodging tax. A number have been pleading with us to find a way to collect up to $1,000 a year from them to contribute to affordable housing *and* to levy the MRDT to contribute to local tourism marketing. The newly-formed Nelson Short Term Rental Owners Association is asking government to:

1. "Legalize VR [vacation rentals] so that operators can be transparent, taxable, and accountable
2. "Charge VR operators a $500 - $1,000 per year licence fee to use to subsidize/promote rental housing development
3. "Allow VR operators to collect and remit the Hotel Room Tax to fund [Nelson Kootenay Lake Tourism]
4. "Promote Nelson as a destination for these new types of VR travellers".

Staff and I recently hosted a Town Hall on Short-Term Rentals, which was an overwhelming success. It established much consensus in our community about what the future of accommodations should look like; this would not have been possible without finally getting hoteliers, bed and breakfast hosts, and Airbnb hosts in the same room to dispel myths about what others thought. But again: a number of the policy tools that our residents, hoteliers, and Airbnb hosts are asking us to deploy are not within ours, but your government's jurisdiction.

One issue that Nelson residents and business associations have been pushing us on is the long-term rental market. Our local hoteliers, as well as Nelson Business Association members, are telling us: 'we can't retain employees because there is no local housing'. Through extensive online and in-person consultation with our local Airbnb hosts, it has become resoundingly clear that most are former landlords who became frustrated with tenancy, the lack of rights they had as landlords, and tenancy dispute resolution. Nelson's autumn CMHC-measured vacancy rate recently been 0.05%. As much money can be made on Airbnb within a week as long-term tenants pay in a month, but this means that at least some rooms and h*ousin*g units sit empty much of the time. Accommodations alone do not create a complete and attractive tourism destination: with nowhere for our workers to live, our tourism, retail, and services sectors suffer. BC cannot afford to lose any more landlords to short-term rentals.

---

[1] http://www.theglobeandmail.com/news/british-columbia/vancouvers-top-airbnb-earners-are-commercial-hosts-research/article30324477/ and https://affordablevancouver.wordpress.com/2016/06/01/airbnbs-impacts-on-housing-affordability-in-vancouver/

[2] http://www.laane.org/wp-content/uploads/2015/03/AirBnB-Final.pdf

A great amount of media coverage has been generated around STR and I trust that much if not all of it has come across your desk, but I would like to suggest two readings that you may not have seen, both of which are attached. The first report is the Ontario Chamber of Commerce's recommendations to the Government of Ontario regarding the sharing economy. A particularly important consideration is what provinces need to do about insurance, which we have learned is very complex and varies from broker to broker. While Nelson does not officially endorse their recommendations, they do come across as responsible, open-minded steps for a government that embraces the future. The second attachment is a short American Planning Association article that discusses a planner's perspective on STR.

I also encourage you to take a close look at Québec's provincial regulations of STRs, including a 3.5% lodging tax – although Airbnb and some other services collect lodging taxes in at least 17 American jurisdictions, they do not collect on hosts' behalf in Québec. Encouragingly, Airbnb is fairly satisfied with Québec's approach, acknowledging that "to be regulated is to be accepted".[3]

City of Nelson staff continue to consult our community and work on developing policy recommendations for Council. Staff's report on short-term rentals is anticipated in August. In the meantime, we would like to be part of this province-wide discussion as it moves forward. Information on our ongoing policy project, as well as staff research into best practices and results of the 350 survey responses we received, can be found at http://str.nelson.ca. Thank you once again for making this a priority.

Yours truly,

Mayor Deb Kozak

cc: UBCM, AKBLG, MLA Michelle Mungall, Nelson-Creston,
Nelson Kootenay Lake Tourism, Nelson & District Chamber of Commerce

Attachments: (Double-click on the images below to open)
- Ontario Chamber of Commerce (2015). "Harnessing the Power of the Sharing Economy: Next Steps for Ontario"
- Jeffrey Goodman (2016). "Could You Bnb My Neighbor?"





[3] http://www.theglobeandmail.com/news/national/airbnb-says-new-quebec-law-wont-be-only-model-regulating-home-sharing-service/article30170705/

BRITISH COLUMBIA

July 27, 2016

Ref: 168181

Her Worship Mayor Deb Kozak
City of Nelson
101 - 310 Ward Street
Nelson, BC V1L 5S4

Dear Mayor Kozak:

Thank you for your letter of June 28, 2016, discussing the proactive approach that the City of Nelson is taking to consider methods for responding to short-term rental accommodations. It is clear that you and your staff have worked hard to engage with your community to better understand the issues and opportunities associated with short term rentals (STRs).

The Government of British Columbia recognizes that British Columbians are interested in seeing greater choice, convenience and competition in the availability and provision of accommodation and other sharing economy services. I also recognize both the benefits and the challenges that these types of services can bring to local communities.

With respect to your referral of the Nelson Short Term Rental Owners Association recommendations for new provincial legislation requiring STRs to pay a licensing fee and the Hotel Room tax, these are not approaches that are currently being considered. I have, however, taken the liberty of forwarding your letter and my response to The Honorable Michael de Jong, Minister of Finance, who is in charge of tax policy for the province.

While Government has an ongoing interest in monitoring and understanding the issues and opportunities that STR services provide, the authority for business licenses and enforcement of any applicable bylaws resides with local governments.

I understand that you are engaged in a community consultation that is exploring policy options for regulation of STRs, for consideration by the City of Nelson. This is important work and I would be interested in being kept apprised of your progress.

I wish you every success in the work you are undertaking in your community and look forward to future updates. I would also like to thank you for providing a link to your Short Term Rental Project site, and the content on how other jurisdictions are managing STRs. I have reviewed this material with interest and appreciate you sharing them with me.

.../2

Ministry of Community, Sport and Cultural Development and Minister Responsible for TransLink

Office of the Minister

Mailing Address:
PO Box 9056 Stn Prov Govt
Victoria BC V8W 9E2
Phone: 250 387-2283
Fax: 250 387-4312

Location:
Room 310
Parliament Buildings
Victoria BC

www.gov.bc.ca/cscd

Thank you again for writing.

Sincerely,



Peter Fassbender
Minister

pc: The Honorable Michael de Jong
Minister of Finance

Mr. Al Richmond
Chair
Union of British Columbia Municipalities

Approvals:	Mgr:	SS	ED:	JB	EL:	JB *for*	DM:	KV *for*

Ministry of Community, Sport and Cultural Development
BRIEFING NOTE FOR MINISTER

Ref #: 167993

FOR MEETING

Date: July 4, 2016

Title: Tourism Industry Association of BC (TIABC)

Issue: Meeting on July 11, 2016 with Walt Judas (CEO), Bruce Okabe (Policy Committee Chair), Paul Nursey (Policy Committee Vice-Chair) of the TIABC to discuss the sharing economy and challenges and opportunities related to short-term rentals (STRs) and ride sourcing.

Background:
TIABC is a non-profit association that advocates on behalf of B.C.'s tourism economy. TIABC works with its members (e.g. private sector tourism businesses, industry associations and destination marketing organizations) to ensure the best working environment for the tourism industry. The organization is overseen by a Board of Directors and has a policy committee that develops and updates policies that communicate the industry's current concerns and are used as the basis for advocacy positions. TIABC has a rolling three-year strategic plan that outlines priority areas to guide the organization.

TIABC evaluates and tracks a range of issues that impact the B.C. visitor economy to determine its advocacy approach and involvement. One of TIABC's priorities is introducing a regulatory framework for STRs to address tax and compliance issues. The organization has worked across the province with communities, associations and destination marketing organizations to determine the extent of the issue and preferred way forward. TIABC also has an established position on ride sourcing services such as Uber.

Discussion:
- TIABC believes the sharing economy is here to stay but that new entrants should contribute to the economy the same way that current industry participants do.
- The organization has been vocal in the media about its position on the sharing economy, advocating for the implementation of regulations for the sharing economy sector.

Ride Sourcing
- TIABC sent a letter to Minister Stone in February 2016 on behalf of the BC Taxi Association outlining concerns over ride sourcing activities. The organization also sent a letter to Minister Fassbender in April, 2016 s.13,s.17
s.13,s.17

-

Short-Term Rentals

- s.13,s.17

- A recent editorial featuring Walk Judas (CEO) speaking on STRs claimed that two issues which can arise from the use of STRs are a loss of long term rental housing and dissolution of tourism tax dollars.

Recommended Response:

- Thank you for taking the time to meet with me to discuss your recommendations.
- These are important issues and I appreciate the work and research that the members of the TIABC have undertaken in looking into the sharing economy and its impacts on B.C.'s tourism sector.
- The sharing economy is a complex topic that requires engagement with multiple levels of government and stakeholders, including the public.
- I am currently engaged in consultations with stakeholders, local governments and the public on ride sourcing in order to gauge the impacts and opportunities that ride sourcing offers to consumers and I appreciate your valuable feedback on this subject.
- I would also welcome the opportunity to review your thoughts on this matter via any written submission you may care to provide to me.
- I look forward to future conversations on these topics.

Contact: Jessica Brooks
Telephone: 250-952-6596

i:\dep_min\0280-executive services-general\0280-20 briefing notes\2016 briefing notes\2016-07-07_167993_min ibn_tourism industry association of bc tiabc_final.docx \ Cliff #167993

BRITISH COLUMBIA

July 11, 2016

Ref: 167922

Mr. Joginder S. Wahlla
Garden City Cabs of Richmond Ltd.
148 - 2633 Viking Way
Richmond, BC V6V 3B6

Dear Mr. Wahlla:

Thank you for your letter of June 10, 2016, regarding the potential introduction of ride sourcing into British Columbia. I appreciate the perspectives you have shared and understand that you would like to see ride sourcing companies such as Uber be required to adhere to current provincial regulations including those pertaining to passenger safety, insurance and vehicle inspections.

To the points that you have raised, consideration of any new service must be carefully assessed against the safety of the travelling public. Passenger safety is a priority of this government and transportation services within the province must be able to provide individuals with the confidence that they are accessing services that are safe, reliable and properly insured. Thought must also be given as to how any new services are regulated, recognizing the need to be respectful of existing industry participants while at the same time being fair and equitable to any new entrants to the sector.

As you may be aware, over the past months I have been meeting with interested stakeholders, including representatives from the limousine and taxi industry, transportation network companies and local governments. This process has allowed me to hear a diverse range of perspectives and to ensure that those with an interest in this dialogue are included as part of government's consideration and careful study of ride sourcing. I look forward to continuing these conversations over the course of the summer.

I appreciate the feedback that you have provided, and it will be considered as part of government's considerations on passenger transportation services in British Columbia. Should you have any further thoughts that you wish to share, I encourage you to consider sending them to me directly by email at: CSCD.Minister@gov.bc.ca.

.../2

Ministry of Community, Sport and Cultural Development and Minister Responsible for TransLink

Office of the Minister

Mailing Address:
PO Box 9056 Stn Prov Govt
Victoria BC V8W 9E2
Phone: 250 387-2283
Fax: 250 387-4312

Location:
Room 310
Parliament Buildings
Victoria BC

www.gov.bc.ca/cscd

Thank you again for your comments and thoughts on this important issue.

Sincerely,

Peter Fassbender
Minister

Tubman, Tammy CSCD:EX

From: Fassbender.MLA, Peter <Peter.Fassbender.MLA@leg.bc.ca>
Sent: Tuesday, June 14, 2016 11:21 AM
To: Minister, CSCD CSCD:EX
Subject: 167922 - FW: Uber in the Lower Mainland
Attachments: scan0254.pdf

Follow Up Flag: Follow up
Flag Status: Completed

Categories: Meeting Request, Minister's Response

-----Original Message-----
From: General Manager [mailto:gm@gardencitycabsrichmond.com]
Sent: June 14, 2016 10:47 AM
To: Fassbender.MLA, Peter <Peter.Fassbender.MLA@leg.bc.ca>
Subject: Uber in the Lower Mainland

Hello,

My name is Charles Duncan and I am the General Manger for Garden City Cabs Richmond Ltd.

I am sending this letter to the Hon. Peter Fassbender on behalf of my owner, Mr. Joginder S. Wahlla.

Thank you for your time.

--
Charles Duncan
General Manager
Garden City Cabs Richmond
(Direct) 604 214 5618
(Cell) 604 644 0214
(Fax) 604 247 4002
Mobile App available for
Android and IPhone

167922

CORRESPONDENCE SERVICES
Received:
JUN 14 2016
Sent: JUN 14 2016
ASSIGN TO:
CLS-CPL
☒ MINISTER'S RESPONSE
☐ DM RESPONSE
☐ DIRECT REPLY
☐ NECESSARY ACTION
☐ COMMENTS/ADVICE
☐ PREMIER'S RESPONSE
☐ INFO/FILE

Garden City Cabs of Richmond Ltd.
#148-2633 Viking Way, Richmond, BC V6V 3B6
Office: 604-279-1111 • Fax: 604-247-4002

June 10, 2016.

Hon. Peter Fassbender, BC MLA
15930 Fraser Hwy
Surrey, BC
V4N 0X8

Mr. Fassbender,

My name is Joginder S. Wahlla and I represent the taxi companies of Duncan Taxi Ltd, Garden City Cabs of Richmond Ltd, Sunshine Coast Taxi Ltd and Yellow Cab of Nanaimo.
These companies are not represented by any of the existing Taxi Associations in the Province of British Columbia and I feel it is important for you to hear from all concerned voices when it comes to the possible introduction of Uber to the Province of British Columbia.

It is paramount that any new passenger transportation service that wishes to enter into the Province, to adhere to the current regulations set out by the governing body: The Passenger Transportation Board. This includes but not limited to compliance with National Safety Code, the proper Commercial Vehicle Insurance and regular vehicle safety inspections. These have been in place for some time now to ensure the public safety and that safety must remain the top priority for all public transportation carriers.

All drivers have to attend the mandatory Taxi Host course in order to qualify for their chauffeurs permit. It would reasonable to require the same for any new company starting operations in the Province. Through background checks are done at this level to again ensure the public safety. To allow just anyone to become a "driver" and pick up members of the public would just be irresponsible.

This Province has done a good job so far to ensure the public has safe and reliable means of transportation. To allow Uber in, a company who have clearly has demonstrated their unwillingness to comply with regulations in other jurisdictions, would be to undermine the high standards of public safety that we enjoy. I would also suggest that any future discussions on this matter should include all stakeholders and interested parties be present at the same time.

I thank you for your time and attention to this matter and I look forward to hearing and possibly discussing further with you in the future.

Yours Sincerely,

Joginder S. Wahlla.

E-mail: gardencitycabs@yahoo.com Web-site: www.gardencitycabs.ca

Approvals:	Dir:		ED:	GP	ADM:	TF	DM:	JD

Ministry of Community, Sport and Cultural Development
and Responsible for TransLink

BRIEFING NOTE FOR MINISTER

Ref #: 168095

FOR MEETING

Date: July 12, 2016

Title: UBCM Executive Meeting

Issue: Meeting with UBCM Executive and Gary MacIsaac, Executive Director, on July 15, 2016.

		Page
1. WELCOME AND OPENING REMARKS		2
2. FEDERAL INFRASTRUCTURE FUNDING UPDATE (CWWF, CULTURAL SPACES, ETC.)	*Minister/President*	3
3. FIRE SAFETY (SERVICES) ACT	*President/Minister*	7
4. RIDE SOURCING UPDATE	*Minister/President*	9
5. COMMUNICATIONS PROTOCOLS	*Minister/President*	11
6. ALTERNATE ELECTORAL AREA DIRECTORS	*President/Minister*	12
7. CLIMATE LEADERSHIP UPDATE	*Minister/President*	13

FOR MINISTER'S INFORMATION ONLY

APPENDIX 1 OTHER MINISTRY INITIATIVES	17
E-911 UPDATE	17
ELECTRONIC TICKETING UPDATE	17
APPENDIX 2 UBCM EXECUTIVE MEMBERS 2015-2016	18

Contact: Tara Faganello, Assistant Deputy Minister, Local Government Division
Telephone: 250-356-6575

1. WELCOME AND OPENING REMARKS

Speaking Points:

- **Good Morning. It's a pleasure to join you again.**
- **I can't believe that it's been almost a year since I was appointed Minister of Community, Sport and Cultural Development and looking ahead to my second Convention as the Minister responsible for local government.**
- **And I'm proud of our work over the past year including delivering our 4th consecutive balanced budget, our continued strong job creation track record and completing legislation enabling campaign expense limits.**
- **In 10 weeks, we'll all be at Convention again. I look forward to welcoming everyone to Victoria and am heartened by this year's theme of Stronger Together.**
- **I've heard it said that time flies when you're having fun. I'd like to add that it flies even faster when one has the honour to work with others who are also committed to serving their communities and our province.**
- **That doesn't say we agree all the time. After all, we're human and part of that is having different opinions and viewpoints. That's what democracy – and we're – all about. What is important is that we are all engaged and want to make positive contributions.**
- **And that's why I always appreciate meeting with the UBCM Executive. We want to make sure we're heading in the right direction, talking to the right people and working towards consensus – from determining what a problem might be through to a workable and positive solution.**
- **Some of the topics on today's agenda reflect our differing opinions, but I am confident we can work together on even those matters as we all work toward our shared interest in providing the best we can for all British Columbians.**
- **In this light, we're continuing to work hard with our federal counterparts on the Infrastructure Program. From my perspective as Minister responsible for local government and TransLink, I have continued to meet with Minister Sohi.**
- **BC was the first province to sign a bilateral agreement under the federal Bilateral Infrastructure Fund. This agreement provides Metro Vancouver and BC Transit with over $308 million in provincial funding and $460 million in federal funding. This funding is for both the Lower Mainland and transit across the province. And our work with partners will continue on Phase 2 funding.**
- **On housing, the Province is undertaking a cross-government approach – almost a full court press – with work to include:**

- **Regulation of the real estate industry including a new dedicated Superintendent of Real Estate and a reconstituted Real Estate Council;**
- **Citizenship disclosure requirements;**
- **Property purchase tax and Home Owner Grant changes;**
- **Enabling the City of Vancouver to realize its objective of instituting a new Vacancy Tax; and**
- **Social housing.**

- **. . . But we can't do it alone. Each level of government has a role. Local government can create the conditions that lead to increased affordable housing. Ensuring buyers are properly informed when purchasing a home is important, including the knowledge of fees, charges and timelines.**

- **Getting new supply to the market is critically important in communities where the housing supply is low. Local governments can help here through their management of the timelines around development and permit approval processes.**

- **The Province is keenly interested in refreshing actions under the Climate Action Charter. I have directed staff to work collaboratively with UBCM to develop a framework to refresh actions under the Charter, and to continue to make progress on carbon neutrality as well as on complete, compact and energy efficient communities.**

- **I know that the fall – particularly September – is a busy time for everyone what with Convention and already starting to plan for the New Year.**

- **That said, there's a full agenda today and other topics that we may want to discuss so let's get started. Thank you.**

2. FEDERAL INFRASTRUCTURE FUNDING UPDATE (CWWF, CULTURAL SPACES, ETC.)

Speaking Points:

- **This Ministry, and the Government as a whole, is committed to strengthening the collaborative approach taken with UBCM in the development and implementation of infrastructure programs.**

- **I understand that staff have built and maintain a strong working relationship in the development and implementation of infrastructure programs, and now there is an even stronger bridge at the executive level.**

- **It is important that funding programs administered by our two organizations align to provide local governments with consecutive opportunities to seek funding.**

- **I believe we are working towards similar goals and objectives to help ensure the citizens of this province are provided the necessary services to lead a prosperous and vibrant life – to achieve**

that end, it is vital that core public infrastructure is developed and sustainably maintained. I recognize that local governments play a critical role in sustainable service delivery.

- **Ministry staff are working closely with their provincial colleagues on internal direction and with federal colleagues on potential provincial participation in the Clean Water and Wastewater Fund, as well as looking at how we might be able to participate in the new criteria under the Small Communities Fund.**

- **As I mentioned, on June 16, 2016, the Province signed the Public Transit Infrastructure Fund bilateral agreement. BC was the first province to sign the agreement with the federal government.**

- **Ministry staff are also working closely with their provincial colleagues on internal direction and with federal colleagues for the Canada 150 and the Canada Cultural Spaces Fund.**

- **Finally, I was pleased to see the additional seven projects approved and announced through the Gas Tax Strategic Priorities Fund. These large scale projects will have positive impacts in their regions.**

- **In conclusion at this point in time, my Assistant Deputy Minister, Tara Faganello will be organizing a joint consultation meeting with ministry and UBCM staff so that we hear your interests and feedback around the infrastructure funding phase 1 and 2 as proposed by the Federal Government. That will be organized this month.**

Background:

- On March 22, 2016, the federal budget provided preliminary details on the increased infrastructure spending including ($60 billion more in public transit, social, and green infrastructure over the next 10 years):
    - $5 billion over three years for investments in water, wastewater and green infrastructure.
        - $2 billion of the $5 billion will support the newly announced Clean Water and Wastewater Fund. Approved projects will be eligible for up to 50 per cent federal funding. The Province's share was identified as $225.07 million.
        - The Federation of Canadian Municipalities will receive $250 million to administer local government projects through the existing Green Municipal Fund, as well as an asset management focused fund and climate change fund.
    - $3.4 billion over five years for investments to improve and upgrade public transit. The Province's share was identified as $490.49 million based on National Public Transit Ridership.
    - $3.4 billion over five years for investments for social infrastructure, which includes $168.2 million of the Canada Cultural Spaces Fund (BC eligible for up to $23.5m) and $150 million increase to the Canada 150 Community Infrastructure Program (Western provinces allocated a combined $46m).

  - A $212 million commitment to upgrade the Metro Vancouver Lions Gate Wastewater Treatment Plant.

- The Ministry of Transportation and Infrastructure (MOTI) is the lead with the federal government on the New Building Canada Fund. MOTI collaborates with the Ministry of Community, Sport and Cultural Development (CSCD) on development of infrastructure programs with community components, such as the Small Communities Fund, that support local government infrastructure.

Clean Water and Wastewater Fund (CWWF):

- BC's allocation through INFC is $225.07 million derived from a base plus per capita calculation.
- BC (CSCD is lead) currently seeking TB approval for a mandate to negotiate a provincial contribution level and direction on the cost sharing percentage.
- Program is focused on rehabilitation work to improve reliability of local government drinking water, wastewater and storm water systems and planning for future upgrades required to meet regulations.
- CSCD working to coordinate funding between CWWF and NBCF to maximize effectiveness of the programs.
- Federal cost share of approved projects will be at 50 per cent.

Public Transit Infrastructure Fund (PTIF):

- $900 million program for public transit projects to shorten commute times, cut air pollution and strengthen communities.
- BC contributed $308 million, INFC contributed $460 million, the remainder will come through TransLink and BC Transit.
- Signed by Ministers Fassbender and Stone on June 16, 2016, with 100 per cent committed to projects.

New Building Canada Fund (NBCF):

- The NBCF supports investments in a wide range of infrastructure projects of national, regional and local significance.
- The Provincial Territorial Infrastructure Component (PTIC) funding is allocated across P/Ts with each receiving a $250 million base amount plus a per capita allocation. BC's allocation is approximately $1.09 billion over 10 years. Ten per cent of this is reserved for the Small Communities Fund ($109 million). This is less than previous BCF allocations as it is spread over ten years instead of seven years.
- Negotiations with the federal government concluded in January 2015, and the New Building Canada-Small Communities Fund (SCF) agreement was signed on March 12, 2015. The SCF was launched on October 16, 2014.
- UBCM accepted the invitation to participate on the SCF Oversight Committee, as they have in the past.

- The first intake for applications was October 22, 2014 to February 18, 2015. The Oversight Committee recommended 55 projects for approval in May and June 2015, committing $128 million in combined federal/provincial funding to local government projects.
- At the 2015 UBCM Convention, Premier Christy Clark announced the second intake to allocate $90 million of combined funding. The intake closed April 28, 2016. Application reviews are under way. Oversight Committee funding recommendations are to be made late in 2016 with announcements in early 2017.
- On April 22, 2016, INFC Minister Sohi announced additional categories to the NBCF program. Five new categories: Recreation, Culture, Tourism, Civic Assets and Municipal Buildings, and Passenger Ferries Services Infrastructure. In addition, the Highways and Major Roads category was modified to remove the minimum traffic volume thresholds.
- BC is discussing the timing and opening of a third intake to accommodate applications to the new categories.

Gas Tax Agreement (GTA):

- CSCD (provincial negotiator) negotiations with partners (UBCM and Canada) on the BC GTA concluded in early 2014. The agreement was signed on May 22, 2014. The Renewed Gas Tax Agreement took effect as of April 1, 2014.
- Local governments continue to receive Gas Tax Community Works Funds.
- The application-based pooled funding program, Strategic Priorities Fund (SPF), was announced on December 10, 2014 and the intake closed April 15, 2014.
- CSCD staff provides technical support to UBCM in the review and assessment of applications, as well as with the development of contracts for complex projects along with assistance with complex scope change requests.
- The GTF Management Committee met January 18, 2016 to discuss project approvals of the Strategic Priorities Fund. Twenty-eight capital and 30 capacity projects were approved for $75.4 million. Fifty-seven of these approved projects were announced on February 12, 2016.
- The GTF Management Committee met May 6, 2016 to discuss and approve an additional seven capital projects for $39 million. An eighth project received conditional approval ($6m) pending securing provincial funding. The approved projects were announced the first week of July 2016.

Provincial Objective:

- The NBCF, CWWF and GTA align with strategic provincial priorities around:
    - Providing stable long-term, continuous federal infrastructure funding;
    - Providing a mixture of program instruments such as per jurisdiction, per capita and merit based funding; and
    - Including sufficient flexibility to be able to respond to emerging priorities and legislative change.

3. FIRE SAFETY (SERVICES) ACT

Speaking Points:

- **I'm pleased to provide you with a status report on the issue raised by regional districts about the requirement in the new *Fire Safety Act* for regional districts to appoint fire inspectors and investigators despite there being no requirement for regional districts to provide risk-based compliance monitoring (for fire safety) outside of municipal areas.**

- **I recognize the importance of this issue to regional districts and my staff have raised the issue of this ambiguity with the Office of the Fire Commissioner.**

- **It is my understanding that the Fire Commissioner is aware of regional district concerns and has engaged with UBCM officials as well as directly with a number of RD Fire Managers at a recent Fire Chiefs Association of BC (FCABC) meeting.**

- **Ministry staff are working with the Fire Commissioner and his legal advisors to more fully understand the interpretation of the new Act's fire inspection and fire investigation requirements, and to consider whether the effect of the new Act is to impose a positive obligation on regional districts to provide fire inspection or investigation services, where previously there was no such obligation.**

- **I recognize that this would be problematic for some regional districts that do not have an existing fire inspection or fire investigation service, especially given the service establishment bylaw rules for regional district services.**

- **The new *Fire Safety Act* is not yet in force, and when it comes into force there is a transitional section to allow up to one year for the inspection and investigation provisions to be implemented. It would seem that there is time for this issue to be further considered and changes considered if deemed necessary.**

- **I would encourage UBCM to continue discussions with the Office of the Fire Commissioner and I wish to assure you that my staff are aware of the concern and implications, and are actively working with the Fire Commissioner and their counterparts at the Ministry of Transportation to support a resolution to this matter.**

Background:

- A new *Fire Safety Act* was passed in spring 2016 to replace the *Fire Services Act*. This new legislation is not yet in force.
- Under the current *Fire Services Act*, regional districts are not required to provide regular fire inspections of public buildings outside of municipal areas. The new *Fire Safety Act* sets up a scheme of compliance monitoring for fire inspections, and after consultation with UBCM, it was agreed that this should only be required of municipalities. Accordingly, regional districts are not required to establish a system of compliance monitoring for fire safety in public buildings in non-municipal areas.

- However, the new *Fire Safety Act* does require regional districts to appoint both qualified fire inspectors and fire investigators, and to provide fire inspections (of public buildings) where there has been a request, a complaint or in the opinion of the inspector, a fire inspection is warranted.
- A public building is broadly defined as a building that is not a dwelling house or a unit of a building used as a dwelling house. Buildings such as hotels would be considered public buildings.

s.14

- Email correspondence between the Office of the Fire Commissioner (OFC) and UBCM indicates that the OFC is of the view that while regional districts are required to appoint a fire inspector, they are not required to conduct fire inspections as set out in section 9 (i.e. on request, complaint or where considered advisable by the inspector). The difference of opinion is that the OFC considers that section 9 does not impose a requirement on regional districts to create an inspection service to respond to requests, complaints or situations where the fire inspector might have considered an inspection advisable.
- In response to the OFC's position, regional districts have raised concerns that the requirement for the appointment of an inspector (even without the mandatory requirement to inspect) may give rise to common law duty of care that would obligate the RD to provide an inspection service (despite the OFC's interpretation that the *Fire Safety Act* does not require mandatory inspections).
- In contrast, UBCM's legal advice is that the scheme of the Act is to require local authorities, including regional districts, to provide an inspection service as described above, but that only municipalities are required to institute a system of risk based compliance monitoring for fire safety of public buildings.
- UBCM has been in touch with the OFC and has written to Minister Yamamoto to express their concerns over the ambiguity remaining in the *Fire Safety Act*. UBCM has also recently shared its legal opinion containing the implications outlined above. The OFC is currently reviewing that opinion with its legal advisors and will be considering its response over the next few weeks. A response from Minister Yamamoto has also been prepared by staff at the OFC. CSCD staff have requested an update on the status of the OFC's position following consideration of UBCM's legal advice.
- A final complicating factor is the nature of regional district service provision. Regional districts are required to obtain elector approval of service bylaws authorizing regional district service delivery. This process may conflict with the mandatory nature of the inspection and investigation requirements of the new *Fire Safety Act*, where there is currently no existing regional district service. This issue is particularly pronounced regarding fire investigations which have been carried out to date by the OFC at the provincial level through a system of Local Assistants to the Fire Commissioner (LAFC). The *Fire Safety Act* does away with the LAFC model, replacing it with the mandatory appointment of fire investigators.

Provincial Objective:

- The Ministry has heard the concerns of regional districts and the UBCM about the impact of changes in the new *Fire Safety Act* and is actively involved in discussions to determine the intent of the new

Act and whether the Act reflects that intent. The Ministry will also work with the OFC and the Ministry of Transportation to ensure UBCM's views are heard and understood and to consider any steps to be taken to respond to the ambiguity.

4. RIDE SOURCING UPDATE

Speaking Points:

- **The world is changing rapidly as new technologies, new industries, innovative ways of thinking and business delivery models evolve to meet emerging needs.**
- **New app-based technologies are changing our day-to-day lives and way that we access services and are providing British Columbians with additional choice, convenience and competition.**
- **New and emerging ride sourcing technologies such as eCab, Uber and Lyft present real opportunities to provide improved service to consumers.**
- **As a government, we encourage innovation and the free market.**
- **However, the safety of the travelling public has been, and will remain, our number one priority.**
- **It is important that Government understands the impacts and results on consumers, local governments and existing service providers that ride sourcing could have for BC.**
- **As you may be aware, this past spring I sent letters out to local governments requesting feedback on challenges and opportunities associated with the shared economy.**
- **Since that time, my discussions have focussed more specifically on ride sourcing, and I have been conducting face to face meetings with the industry and stakeholders, including local governments on this matter.**
- **I have received valuable and well-thought out submissions from several local governments on ride sourcing and look forward to hearing from other key partners including UBCM Executive.**
- **While these conversations are still underway, some themes have begun to emerge. These include:**
    - **The safety of the travelling public;**
    - **A level playing field for all sector participants;**
    - **Overlap in the regulatory framework between local governments and the Province; and**
    - **The potential impact of changes to the sector on the existing taxi industry, which has made significant investments and valuable contributions to the BC economy.**

- **I hope to continue my consultation over the summer to continue to grow my understanding of the impacts and opportunities that ride sourcing may provide for citizens and communities in BC.**

- **We will be using the feedback that I receive to develop a discussion paper – I look forward to sharing this with you and discussing it at UBCM in the fall.**

Background:

- The largest car-for-hire ride sourcing app-based company in the world (Uber) recently announced its intention to enter the BC ground transportation vehicle-for-hire industry.
- Ride sourcing companies are operating all over the world—Uber is operating in more than 70 countries (more than 450 cities) with more than a million riders every day.
- Ride sourcing connects passengers to vehicles-for-hire through the use of a mobile smartphone app.
- Passengers who wish to hail a ride-sourcing vehicle must have an app, such as Uber or Lyft downloaded on their smart phone and a credit card on file; no cash exchanges hands.
- Using GPS technology (Global Positioning System), the passenger's location is catalogued when the passenger requests a ride through the app and the nearest driver is matched with the passenger.
- The app also offers options to grade drivers and calculate the cost of the ride.
- Ride sourcing drivers are typically non-professional drivers who use their own personal vehicle for ride sourcing; most drivers only drive five to 10 hours a week.
- The Minister has been consulting with stakeholders and the public on opportunities and challenges associated with ride sourcing since January 2016.
- The Minister has held face-to-face meetings with the industry and stakeholders.
- He has also sent letters to UBCM Executive and local governments to seek feedback on the sharing economy.
- The Minister's consultations are focussed on ride sourcing, and have not been seeking feedback on Airbnb.
- To date UBCM Executive has not articulated a position on ride sourcing, but a few local governments have submitted submissions and feedback on ride sourcing.
- The Minister intends to continue consultations on ride sourcing throughout the summer, leading to the release of a discussion paper in the fall.

Other Jurisdictions:

- The issues that other Canadian jurisdictions (and the world) have faced regarding ride sourcing are remarkably similar. They include:

s.13,s.16

  - Designing safety standards for all vehicles for hire that ensure passenger safety (including inspections for vehicles and background checks on drivers);
  - Addressing and developing consistent accessibility standards for people with disabilities; and
  - Insurance and licensing considerations.

- Edmonton became the first Canadian jurisdiction to approve ride sourcing and it set up a regulatory framework to allow ride sourcing and the taxi industry to co-exist; however, it put a temporary halt on allowing ride sourcing until viable liability insurance services had been put in place. This new insurance scheme came into effect on July 1, 2016.
- Ottawa, Toronto and Quebec have approved ride sourcing and are in the process of developing regulations to modernize their vehicle-for-hire industry; each jurisdiction has attempted to develop a regulatory model that meets the need of its citizens.
- Calgary has approved ride sourcing, but its requirements are stringent enough that Uber has ceased operations in that jurisdiction.

5. COMMUNICATIONS PROTOCOLS

Speaking Points:

- **The *Community Charter* sets out the principle of mutual consultation between local governments and the Province.**
- **As well, the *Community Charter* mandates that the Province consult with UBCM on changes to local government legislation and local government grants.**
- **I have always believed in the importance of building relationships whether in business or in government or between governments, whether it is legislated or not.**
- **When I took responsibility for this Ministry close to a year ago, I did it with the understanding that a critical role for this Ministry is to act as the "medium of communication" between the Province and local governments.**
- **Over the past year, I have worked hard to build relationships with the UBCM and individual local governments. At the same time, I have realized that almost every ministry in government impacts on local governments in some way or other. It could be policing, roads, schools or health care facilities. We are inter-connected in serving our communities and regions.**
- **I have worked hard with my Cabinet Colleagues to increase their understanding of the practical benefits of communication with local governments and to encourage them to engage with you, in particular when they are undertaking a new initiative.**
- **This outreach on my part has been paralleled by efforts from the Ministry executive leadership team reaching out to their colleagues in other ministries on issues that resonate with local governments including road safety, federal legalization of marijuana, emergency communications and rural development.**

Background:

- Section 2(c) of the *Community Charter* establishes the principle of consultation. Specifically, it states that "consultation is needed on matters of mutual interest, including consultation by the Provincial government on
    - (i) proposed changes to local government legislation,
    - (ii) proposed changes to revenue transfers to municipalities, and
    - (iii) proposed changes to Provincial programs that will have a significant impact in relation to matters that are within municipal authority."
- Section 276 of the *Community Charter* indicates that "The minister responsible must consult with representatives of the Union of British Columbia Municipalities before the Provincial government
    - (a) reduces the amount of revenue transfers under the *Local Government Grants Act,*
    - (b) proposes the amendment or repeal of the *Community Charter* Act, the *Local Government Act*, the *Local Elections Campaign Financing Act* or the *Local Government Grants Act* and a range of provincial regulations under those acts including a regulation made pursuant to the *Local Government Grants Act*.
- The *Community Charter* also provides for Consultation Agreements. In May of 2004, the Minister and the President of the UBCM entered into a Consultation Agreement on required consultation under the *Community Charter*.
- This agreement has guided the relationship with the UBCM over the past 12 years.

Provincial Objective:

- The Province is interested in a strong, collaborative relationship with UBCM based on principles, legislative requirements, and practical necessities.

6. ALTERNATE ELECTORAL AREA DIRECTORS

Speaking Points:

- **The Ministry of Community, Sport and Cultural Development is interested in ensuring that the regional district legislative framework is democratic and works effectively. We are committed to working with those in the regional district system to improve board governance.**
- **The Ministry is open to hearing about specific challenges regional districts have experienced with alternate directors, and working with those regional districts to assist them in determining how they might choose to address these matters.**
- **As well, if the UBCM membership is interested, we could jointly re-explore the single EA director model. This exploration could include the possible appointment of alternate directors. Building consensus with the UBCM membership (and EA directors specifically) that this is a priority issue that needs further exploration, would be a first step that UBCM would need to take.**

Background:

- Under the *Local Government Act* (LGA), alternate directors are appointed by the Electoral Area (EA) director to act in place of the EA director during their absence; alternate directors have all the authority of the EA director including full participation in discussions and voting at the board table. Alternates appointed must have the qualifications necessary to be nominated as an EA director for the area.
- Appointing alternate directors in rural or unincorporated areas was intended to ensure that an area has ongoing representation at the regional district board during an EA director's absence. The issue of alternate director appointments is linked to single EA director representation, in any EA, there is only one EA director who in turn appoints one alternate; by contrast, in a municipality there are a number of councillors who are available to be appointed to the board as alternate municipal directors.
- The topics of alternate directors and single EA director representation were discussed during the 2010 Regional District Task Force (Task Force) process. The Task Force was created by UBCM (with municipal and EA representation) and the Ministry to consider issues facing regional districts and to identify strategies to address challenges; it included electoral area and municipal directors. Although many Task Force recommendations were implemented, consensus could not be reached on an approach to improving the process for choosing EA alternates. Options explored included electing alternates, and reviewing the single EA director model.
- The recent interest of alternates is largely a result of two cases of extended EA director absences due to illness over the last five years. As a result of one extended absence in 2014 of an EA director in the Kootenay Boundary Regional District, the RD subsequently forwarded a resolution to UBCM that was endorsed to provide clearer legislation that establishes respectful, reasonable and responsible guidance as to how Electoral Area Directors and regional districts are to manage extended absences by Electoral Area Directors due to illness or injury.
- In the second case, the Powell River Regional District, Chair Brabazon proposed a legislative amendment to the *Local Government Act*, providing regional district boards with the authority to disqualify directors for prolonged absence due to illness.

Provincial Objective:

- Strengthening and improving the resilience of the RD system through reforms that include a more democratic system of rural governance, is a laudable goal. However, to further explore these alternatives, there needs to be broad-based support from EA directors that they are willing to explore and implement reforms that could dilute the concentration of decision making away from a single EA director. Any consideration of replacing the alternate directors system needs to be done in concert with the broader discussion of single EA director representation.

7. CLIMATE LEADERSHIP UPDATE

Speaking Points:

- **I want to acknowledge the significant contributions that local governments have made in reducing GHG emissions across the Province.**

- **Local governments are key partners in helping to address climate change. Almost all local governments have signed the BC Climate Action Charter, demonstrating leadership and a willingness to work with the Province to take action on climate.**

- **Through our collaborative efforts we have made significant advances on this important issue.**

- **The Climate Leadership Plan will be unveiled in the coming weeks, and will include new climate actions to drive down emissions while supporting a growing economy.**

- **We've previously laid out, and followed, a planned, year-long schedule to ensure the province's new Climate Leadership Plan was well-informed by all British Columbians.**

- **Last spring we announced the Climate Leadership Team who, last fall, provided us advice and recommendations for a new plan. The Climate Leadership Team included three local government elected officials from Surrey, Comox and Burns Lake**

- **And last summer we conducted our first public engagement, the results of which helped the team do their work.**

- **Respondent priorities from the 2015 discussion paper survey (6,000 responses) – From the "The Way We Live" section were;**

    - Regulations and incentives for greener buildings
    - Support for local food and low-carbon business
    - Less travel and energy use a priority for community planning

- **We shared the Climate Leadership Team's recommendations and launched a second public engagement to further refine proposed elements of a new climate plan.**

- **Initially we thought a draft plan could be in place in December. However, we needed to take the necessary time to properly review and consider the very detailed and thoughtful recommendations we've received from the team.**

- **We also conducted the Climate Leadership Webinars early this year, from which we received feedback from 99 local governments.**

- **In addition, since the federal election we've had an entirely new climate action landscape in Canada.**

- **This includes the Vancouver Declaration, signed in March, which is leading work towards a pan-Canadian approach to climate action.**

- **We are ensuring the actions we take in B.C. support a national climate vision.**

- **Our CLP is being designed to not only move us to a track where we can achieve our long term GHG reduction goals, but also allow us to grow our economy.**

- **The Climate Action Charter is our framework for working with communities, and we acknowledge the climate leadership you have shown and continue to show.**

- **We have also already committed $8.7 billion to a 10-year transportation plan that will: invest in infrastructure to reduce congestion; shift more public transit to low carbon fuels; and create new rapid transit lines.**

- **The CLP will be ready for release in the next few weeks, will be updated over the coming year as the Pan-Canadian national climate framework takes shape, and then revisited every 5 years to ensure we achieve our 2050 target.**

- **The UBCM pre-conference session "Climate Action: Responsibilities, Opportunities and Solutions" will be your opportunity to discuss our new plan and I look forward to hearing the results of that discussion and your new ideas of what we can accomplish with the Climate Action Charter in the future.**

- **We look forward to working with UBCM and local governments to expand progress made to date on reducing GHG emissions and to explore together how best to implement actions in support of the Plan.**

- **I anticipate that the plan will be released in advance of UBCM Convention.**

- **I look forward to sharing more about the plan with you then and to discussing ways that we can continue our successful UBCM-Provincial collaboration on climate action.**

Background:

- The BC Climate Action Charter, established in 2007 is the foundation for joint Provincial-local government action on climate change.
- The Charter established a joint Provincial-UBCM Green Communities Committee to assist local governments in achieving their Charter commitments.
- In May 2015, the Premier announced that the development a new Climate Leadership Plan to Province on track towards meeting legislated GHG emission reduction targets for 2020 and 2050.
- Local governments provided submission to the two rounds of public consultation on the CLP and participated on the Climate Leadership Team (CLT).
- In March 2016, CSCD hosted a series of six webinars with local government Mayors, Chairs and staff to review the CLT's recommendations and discuss the impact of the Climate Action Charter.
- Almost 100 local governments across all regions of the Province participated in the webinars.
- The CLP has not been released at time of writing, but based on the confidential draft reviewed, the CLP could the include the following key directions :

  - Work with local governments to refresh actions under the Climate Action Charter, rather than updating the Charter agreement itself.
  - Implement actions to:
    - focus more growth near transit;
    - improve data and information; and
    - build capacity in climate change adaptation.

- UBCM has not had an opportunity to review the plan and assess the implications and opportunities for local governments. As a result they are reticent at this time to indicate their level of support for collaborating with the Province on further local government action under the CLP.
- Federal-Provincial-Territorial working groups have been convened under the pan-Canadian Climate Change Framework to advise First Ministers on options for action in four areas: clean technology, innovation and jobs; carbon pricing mechanisms; specific mitigation opportunities; and adaptation and climate resilience. The Climate Action Secretariat is leading provincial involvement in these FPT working groups and monitoring linkages with the CLP.

Provincial Objective:

- To work with UBCM to refresh actions under the Climate Action Charter and expand the progress on reducing GHG emissions.

APPENDIX 1

OTHER MINISTRY INITIATIVES

Not for Circulation - Background Information for Minister Fassbender July 15, 2016

The following topics were discussed at the November 27, 2015, January 22 and April 13, 2016 UBCM Executive meetings. Updates were provided by the ministries responsible as follows:

E-911 UPDATE

- Staff continue to work on the business case and consultation and analysis is ongoing. The E911 working group is grateful to local governments that have provided material.

ELECTRONIC TICKETING UPDATE

- The Ministry of Community, Sport and Cultural Development and the Ministry of Public Safety and Solicitor General (PSSG) remain committed to providing UBCM with information on the proposed initiative. I have requested that PSSG engage UBCM and local governments with a full consultation plan.

- PSSG staff will seek opportunities to brief UBCM staff over the summer months to identify future opportunities for engagement, and have submitted an application to host a Road Safety Initiative clinic at the next UBCM Convention.

APPENDIX 2

UBCM EXECUTIVE MEMBERS 2015-2016

President	Chair Al Richmond	Cariboo RD
First Vice-President	Councillor Murry Krause	City of Prince George
Second Vice-President	Director Wendy Booth	RD of East Kootenay
Third Vice-President	Councillor Arjun Singh	City of Kamloops
Past President	Councillor Sav Dhaliwal	City of Burnaby
Vancouver Representative	Councillor Kerry Jang	City of Vancouver
Metro Vancouver/ GVRD Representative	Mayor Wayne Baldwin	City of White Rock
Small Community Representative	Mayor Galina Durant	District of Stewart
Electoral Area Representative	Chair Art Kaehn	Fraser-Fort George RD
Vancouver Metro Area Representatives	Councillor Bruce Hayne Councillor Alison Morse	City of Surrey Bowen Island Municipality
AKBLG Representative	Mayor Debra Kozak	City of Nelson
AVICC Representative	Councillor Barbara Price	Town of Comox
LMLGA Representative	Councillor Corisa Bell	City of Maple Ridge
NCLGA Representative	Councillor Brian Frenkel	District of Vanderhoof
SILGA Representative	Councillor Chad Eliason	City of Salmon Arm
Directors at Large	Director Jim Abram Councillor Phil Brienesse Director Alison Sayers Councillor Cheryl Shuman Mayor Gerry Taft	Strathcona RD Town of Smithers Central Coast RD City of Dawson Creek Town of Invermere

Approvals:	Dir:		ED:	JB	EL:	KV	DM:	JD

Ministry of Community, Sport and Cultural Development

BRIEFING NOTE FOR MINISTER

Ref #: 167908

FOR MEETING

Date: July 13, 2016

Title: AeroCar Services

Issue: Meeting with AeroCar CEO and Director of Operations Liam Singh and a group of affiliated operators on July 19, 2016, to discuss the BC Limousine business and provide thoughts and concerns on ride sourcing. Other meeting participants will include: Geoff Johnson; Michael Lee; Michael Stephenson; Valeri Trenton; Duc Ng; Major Dosangh; Fazil Abraham; JJ Singh; Melanie Vesand; Binder Mangit; and Tara Gill.

Background:

AeroCar Services has one of the largest fleets of executive vehicles in the Lower Mainland with more than 50 vehicles. It holds an exclusive contract to operate a curb walk-out car service at YVR with no reservation required. The company also offers reservation- based meet and greet services for clients. In addition to serving YVR, AeroCar services the Tsawwassen and Horseshoe Bay ferry terminal, all train stations in the Lower Mainland and offers flat rates to destinations across the border including the Seattle Airport.

AeroCar is a member of the National Limousine Association, Tourism BC, Tourism Richmond, Tourism Vancouver, Tourism Whistler, the Vancouver Board of Trade, the Vancouver International Airport and Vancouver's North Shore Tourism Association. It has an extensive community relations presence and supports a number of charities in the Lower Mainland (Loki's Christmas Wish, Children's Hospital, Vancouver Aboriginal Child and Family Services Society, etc.)

AeroCar maintains a fleet of late model sedans, sport utility vehicles, stretch limousines, luxury limo buses and passenger vans. In accordance with the National Safety Council, its fleet is serviced on a strict maintenance schedule to ensure reliability and passenger safety. AeroCar uses state-of-the-art transportation technologies including;

- Digital Dispatch System
- GPS tracking
- Flight tracking
- Online reservations (coming soon)

Discussion:

- The province has been consistent in communicating its interest in modernizing BC's passenger transportation industry.
- As part of government's work in this area, the Minister of Community, Sport and Cultural Development has been undertaking comprehensive consultations with the public and stakeholders including taxi and limousine companies, local governments and transportation organizations.
- Preliminary themes arising from the consultations to date include the need to:

s.13

s.13

- Ensure passenger safety and protection of consumers

Recommended Response:

- Thank you for taking the time to meet with me to discuss your operations and share your thoughts on ride sourcing
- I have received feedback on ride-sourcing from a variety of stakeholders including the taxi industry, ride sourcing companies, tourism and business associations, local governments and the public.

s.13

- The industry has said that clear and balanced regulations are necessary in the BC passenger transportation framework and I can tell you that government has the same goal.
- But I am interested in your insights on what else is needed.
- I am sure that that you are familiar with the approaches that Edmonton, Toronto and Quebec have put in place to regulate their vehicle-for-hire industries.
- I would value the opportunity to review your thoughts on this matter through any written submissions that you can provide to me

Contact: Kevin Volk
Telephone: 250 387-3860

i:\dep_min\0280-executive services-general\0280-20 briefing notes\2016 briefing notes\2016-07-13_167908_min mbn_aerocar.docx \ Cliff #167908
Last update:13/07/2016 - Sall, Sabba CSCD:EX

Appendix A - Face to Face consultations			
Categories	**Completed Consultations**	**Potential Additional Stakeholders**	**Considerations**
Taxi Companies	• Kelowna Cabs • Checkmate Cabs (Kelowna) • Yellow Cabs (AGM)	s.13,s.16	s.13,s.16
Taxi Associations	• BC Taxi Association • Vancouver Taxi Association • Victoria Taxi Association • Kelowna Airport Taxi Drivers • Vancouver Airport Taxi Drivers		s.13,s.16
Local Governments	• UBCM Executive • Metro Vancouver	s.13,s.16	A letter was sent out to local governments and UBCM Executive on April 8th requesting their perspectives on the sharing economy. Responses to date have been limited
Technology Sector	• DDS Wireless	s.13,s.16 (TBD)	
Ride Sourcing Companies	• Uber • Ripe Rides	• Lyft	s.13,s.16
Airports	• Vancouver Airport Authority • Kelowna Airport Authority	s.13,s.16	
Business Associations	• Vancouver Board of Trade • Surrey Board of Trade • Canadian Finance and Leasing Association	s.13,s.16	s.13,s.16
Transportation Organizations	• TransLink (Board meeting)	s.13,s.16	s.13,s.16
Other	• Maple Leaf Strategies • UBC Alma Matter • SFU Rethinking the Region Forum	s.13,s.16	s.13,s.16

Appendix B:Stakeholder Written Submissions	
Representative Group	Summary of feedback:
Canadian Finance& Leasing Association	• s.13 •
Tourism Vancouver	• Taxi supply is inadequate. Industry regulations should be modernized to allow for better consumer services. • Ride sourcing needs to be an option in BC but issues such as insurance, passenger safety and accessibility must be considered.
Vancouver Board of Trade	• Vancouver needs new and innovative road transportation options to support economic growth. • BC should introduce a regulatory framework that allows ride sourcing while modernizing current regulations to remove red tape for the taxi industry. • An appropriate insurance structure is necessary for ride sourcing and taxis to ensure passenger safety.
Yellow Cabs (Kamloops)	• Ride sourcing will reduce taxi industry wages and remove money from BC `s economy. • Ride sourcing raises safety concerns. • Allowing ride sourcing would cause the value of taxi licenses to drop.
BC Chamber of Commerce	• BC taxi industry is subject to significant red tape, which contributes to reduced transportation affordability and flexibility • BC needs to introduce ride sourcing legislation while ensuring public safety and consumer protection.
Uber	• Comparison of Ottawa and Toronto ride sourcing regulations, with recommendations and policy rationales for implementing similar regulations in BC
Ripe Rides	• ICBC rate classes should be amended to allow for alternative modes of transportation. • Application processes for new companies entering the market should be streamlined by allocating more Passenger Transportation Board resources to decision making and • PTB final decisions should be issued in summary form with comprehensive reasons to follow.
BC Limousine Association	• Ride sourcing companies should have the same rules and regulations as the current vehicle-for-hire industries. • Chauffer permits and vehicle-for-hire regulations need to be updated.

Approvals:	ED: JB	EL: KV	DM: JD

Ministry of Community, Sport and Cultural Development

BRIEFING NOTE FOR MINISTER

Ref #: 168184

FOR MEETING

Date: July 13, 2016

Title: Uber

Issue: Meeting with Michael van Hemmen, Public Policy Manager for Uber on July 19, 2016. Michael is seeking an update on the Minister's consultations on ride sourcing and what policy issues have been raised. He also wishes to provide details on regulatory models that have been put in place in other jurisdictions that have approved ride sourcing.

Background:

Uber is the largest ride sourcing app based company in the world—operating in 449 cities in 66 countries. Uber does not currently operate in B.C. However, it has announced its intention to enter the province's vehicle-for-hire industry. To date, the company has been proactive in signing up potential drivers, offering demonstration rides to allow people to experience Uber and setting up a petition to lobby government to enable ride sourcing in B.C. Uber has also provided written feedback to the Minister outlining policy rationales for its entry into the Province (See Appendix A).

s.13

s.13 Mr. van Hemmen has indicated that he is interested in better understanding the policy challenges government is considering, so that Uber is better positioned to provide input into the consultation process.

Mandate Considerations: The Premier has directed the Minister to consult on ride sourcing.
Liquefied Natural Gas Considerations: N/A
Fiscal Considerations: N/A
First Nations Considerations: N/A
Communications: Ride sourcing has been an issue of ongoing interest to the media

Discussion:

- The province has been consistent in communicating its interest in modernizing BC's passenger transportation industry.
- As part of government's work in this area, the Minister of Community, Sport and Cultural Development has been undertaking comprehensive consultations with the public and stakeholders including taxi companies, local governments and transportation organizations.
- Preliminary themes arising from the consultations to date include the need to:

s.13

  - Ensure passenger safety and protection of consumers

Other jurisdictions:

- Edmonton became the first city in Canada to legalize ride sourcing when city council passed a vehicle-for-hire bylaw in January 2016. Subsequently, it put the bylaw on hold until proper insurance for ride-sourcing could be put in place; as of July 1, 2016 an insurance scheme is in place for ride sourcing.
- After extensive consultations with the public and stakeholders Toronto and Ottawa passed proposals in early 2016 to allow regulated Transportation Network Companies (TNC) and are in the process of implementing regulatory frameworks.
- In June 2016 Quebec passed a bill which would effectively level the playing field between taxi industry and ride sourcing by requiring ride sourcing drivers to buy or rent taxi permits and adhere to the vehicle-for-hire regulations currently in place.
- Calgary has allowed ride sourcing but made the requirements stringent enough that companies say they cannot operate within the regulatory framework and have ceased operations.

Recommended Response:

- I appreciate your taking the time to share your thoughts with me.
- The Premier has asked me to engage all British Columbians including stakeholders in a comprehensive consultation process to seek feedback about the issues, impacts and benefits of ride sourcing—I have almost completed that process.
- I have received feedback from a variety of stakeholders including the taxi industry, ride sourcing companies, tourism and business associations, local governments and the public.
- I have been also heard what Uber has been saying.
- I am pleased that passenger safety is Uber's priority because government is also committed to ensuring the safety of the traveling public.
- Uber has also said that it believes clear regulations are a necessary part of any passenger transportation framework—and government has the same goal.
- I am confident that Uber is familiar with the legislative and regulatory amendments that Edmonton, Toronto and Quebec have put in place to regulate their vehicle-for-hire industries.

s.13

- Thank you again for your participation as we seek to create a BC-tailored solution to enhance our passenger transportation regime.

Contact: Kevin Volk
Telephone: 250-387-3860

i:\dep_min\0280-executive services-general\0280-20 briefing notes\2016 briefing notes\2016-07-13_168184_min mbn_uber.docx \ Cliff #168184
Last update:13/07/2016 - Sall, Sabba CSCD:EX

Appendix A – Uber Submission, April 18, 2016			
Component	**Ottawa & Toronto**	**Implication for BC**	**Policy Rationale/Additional Comments**
Unified Ridesharing License	Required. Uber will be licensed and required to only allow drivers and vehicles onto the platform that meet specific requirements. Drivers and vehicles are not individually licensed. The regulator maintains strong oversight and enforcement powers to ensure the ridesharing company is complying with the bylaw.	Same requirement is appropriate.	A unified licensing structure ensures strict requirements can be digitally tracked and removes red tape that is unnecessary for safety. It is the standard regime for ridesharing regulations around the world.
Driver Screening	Required. Toronto has taken the transparent approach to specifically outline in the bylaw what types of criminal behaviour prevent a driver from participating.	Similar requirement is appropriate.	Searches of RCMP and local police databases are completed on behalf of the ridesharing company. Specifically outlining the prohibited offences ensures consistency and transparency and certainty for the public.
Driver's Abstract Check	Required. Toronto has specified less than 9 demerit points allowed on a driver's record	Similar requirement is appropriate	A potential driver-partner's driving history is extremely relevant information in determining if someone is responsible enough to provide transportation to others.

Component	Ottawa & Toronto	Implication for BC	Policy Rationale/Additional Comments
Vehicle Age & Inspections	Ottawa: Maximum 10 years old. Annual inspections if Toronto: Maximum proposed age 7 years old. Annual inspections.	10 year limit (as approved by Ottawa and Edmonton) and annual inspections similar to Edmonton are appropriate.	Ridesharing relies upon personal vehicles that are already being used to transport families and friends. The vast majority of these vehicles are used only a few extra hours a week for ridesharing services. Moreover, with ridesharing's rating & feedback system, every trip is an inspection of sorts. As such vehicles up to ten years old that have undergone an appropriate annual vehicle inspection can be safely used. With annual inspections and real time feedback, restricting vehicle age to less than 10 years simply prevents those with lower incomes from participating in ridesharing while not enhancing safety.
Supply Caps	None	Same requirement is appropriate	Ridesharing partners are independent contractors determining when and where they offer transportation services. In Canada, almost 60% of our partners use the platform less than 10 hours a week. Moreover, as we've grown, we've found that our partners grow the transportation pie, serving areas of a city traditionally underserved by public transit and taxi. Finally, flexible supply means that there are more partners offering rides when people need them the most and there are not adequate options available (e.g. when bars are closing). With that, supply caps are impractical. No jurisdiction that has regulated ridesharing has imposed caps.

Component	Ottawa & Toronto	Implication for BC	Policy Rationale/Additional Comments
Price regulation	No fare restrictions, must display rates to be charged.	Same requirement is appropriate	Dynamic pricing is an important means for ridesharing companies to incent partners to provide transportation services when people need them the most, but when partners may otherwise choose not to drive at regular rates (i.e. New Year's Eve). No jurisdiction has instituted maximum rates for ridesharing operations during regular time periods. The Competition Bureau of Canada has put out a white paper that extols the benefits of price flexibility and recommends that all industry participants be free to set their fares independently.
Data sharing	Required, to confirm regulatory compliance	Similar requirement is appropriate	We would like to open a dialogue on how we can be an effective partner with BC on data sharing.
Fees	Flat fee for Ridesharing company plus per trip fee Toronto includes a nominal, provisional fee per driver.	The province can use a fee structure that is required to be shared with municipalities as means of sharing the compensation to cover enforcement of a provincial framework.	We would like to open a dialogue on the best fee structure that would work for BC. Fee structures based on a driver registration system can be prohibitive and a significant barrier to driver participation thereby hindering ridesharing.
Street Hails/Taxi stands/Cash fares	Exclusive to taxi	Same requirement is appropriate	In recognition of the differences of the two industries it is appropriate to continue to leave such rides solely for taxi

Component	Ottawa & Toronto	Implication for BC	Policy Rationale/Additional Comments
Insurance	Required. Minimum of $2 million third-party liability insurance.	An insurance solution that enables the ridesharing company to purchase the commercial insurance, which is in place during the trip as per what has been announced by Alberta and is being worked on by Ontario	Insurance purchased by the ridesharing company provides the following benefits: -Consistent coverage for all rides. It's not dependent on the vehicle owner's coverage. -Commercial coverage is only in place during commercial activity. Standard personal coverage remains in place for personal use.
Driver's Licensing	Standard license class (G, which is equivalent to class 5) is sufficient for taxi and ridesharing	Allow class 1-5 license	The average ridesharing driver utilizes their personal vehicles that they are using to drive around their family and carpool. There is no real difference in traffic safety from a driver charging $0.50/km (carpooling) or $1.00/km when they are using the same vehicle. As opposed to relying upon a onetime drivers test, with ridesharing's rating system and real time feedback, the ridesharing company is quickly made aware of any poor driving habits and can quickly take corrective action. Moreover advances in technology such as telematics, which Uber is now piloting, could allow for additional proactive safety improvements.
Vehicle Registration	Personal registration is sufficient	Same requirement as Alberta and Ontario. (Personal registration is sufficient)	Same point as vehicle inspections.

Component	Ottawa & Toronto	Implication for BC	Policy Rationale/Additional Comments
Driver Training	None required	Same requirement is appropriate	Driver's are driving personal vehicles, navigating by GPS and have quality controlled via ratings & written feedback. An independent Study commissioned by the City of Ottawa found riders had a higher level of satisfaction with ridesharing drivers.

Tubman, Tammy CSCD:EX

167846

CORRESPONDENCE SERVICES
Received:
JUN - 9 2016
Sent: JUN - 9 2016
ASSIGN TO:
CLS - CPL (Jessica)
☒ MINISTER'S RESPONSE
☐ DM RESPONSE
☐ DIRECT REPLY
☐ NECESSARY ACTION
☐ COMMENTS/ADVICE
☐ PREMIER'S RESPONSE
☐ INFO/FILE

From: Manhas, Mandeep <MManhas@surrey.ca>
Sent: Wednesday, June 8, 2016 3:54 PM
To: Minister, CSCD CSCD:EX
Subject: 167846 - Uber, Lyft and Airbnb Services in the City of Surrey

Follow Up Flag: Follow up
Flag Status: Completed

Categories: Minister's Response

Honorable Minister Fassbender,

x Ref: 166815

Ref: 166815

Thank you for your letter to the Mayor in regards to the availability and provision of transportation and accommodation services in the Province of British Columbia. Mayor Hepner has personally asked that the Bylaw Enforcement & Licensing Division follow-up with you directly.

Upon initial review of this matter, we have come up with the following comments/questions as they pertain to Uber, Lyft and Airbnb services being offered in the City of Surrey:

Uber/Lyft:

Currently, there are no reports of Uber and/or Lyft operating with the City of Surrey and current Taxi Licenses do provide an adequate service for residents in Surrey; however, we do often hear concerns from residents regarding the difficulty of getting a Taxi back to Surrey from Downtown Vancouver.

Question: Will the Province give consideration to ensuring vehicles/drivers potentially operated by Uber and/or Lyft are required to be in compliance with all regulatory requirements that are currently in place?

Airbnb:

We have been made aware that there are advertisements for Surrey locations being offered by Airbnb; however, we have not received any complaints from the public as a result. Having said that, we have had issues and complaints regarding homes that have been rented for parties/weddings etc.

Question: Would the Province consider regulations to ensure potential Airbnb locations are to comply with all municipal Bylaws?

Thank you for the opportunity to provide comments with respect to these initiatives.

Best Regards,
Mandeep Manhas, on behalf of:

Jas Rehal, CPA, CMA | Manager, Bylaw Enforcement & Licensing Services

CITY OF SURREY
the future lives here.

CITY OF SURREY
By-Laws & Licensing Services
111-10277 City Parkway , Surrey, BC, Canada V3T 4C5
T 604.591-4013 | F 604.591.4465 www.surrey.ca



Connect, Share and Engage with your City

IMPORTANT NOTICE:
This email and any attachments are confidential, may be legally privileged, and/or subject to the Freedom of Information and Protection of Privacy Act, and are for the use of the intended recipient only. Access, disclosure, copying, distribution, or reliance on any of it by anyone else is prohibited and may be a criminal offence. Please delete if received or obtained in error and email confirmation to the sender.

From:	Nicholls, Barrie CSCD:EX on behalf of Minister, CSCD CSCD:EX
To:	"MManhas@surrey.ca"
Cc:	"Mayor@surrey.ca"; "JRehal@surrey.ca"
Subject:	167846: Uber, Lyft and Airbnb Services in the City of Surrey
Date:	Wednesday, July 20, 2016 11:44:00 AM
Attachments:	image001.png image002.png image003.png image004.png image005.png image006.png image007.png

---

Ref: 167846

Mandeep Manhas
Bylaw Enforcement & Licensing Services
City of Surrey
111 - 10277 City Parkway
Surrey, BC V3T 4C5
Email: MManhas@surrey.ca
cc: Mayor@surrey.ca
JRehal@surrey.ca

Dear Mandeep Manhas:

Thank you for your email sent on behalf of Jas Rehal, Manager, Bylaw Enforcement and Licensing Services, on June 8, 2016, regarding the possibility of new regulatory requirements for ride sourcing companies and Airbnb. I note that Mayor Linda Hepner requested that you follow up with me on these issues, and I appreciate your feedback and thoughts.

With respect to your question about the potential for new Provincial regulations to require adherence to local government bylaws for vacation rental properties, this is not an approach that is currently being considered. While government has an ongoing interest in monitoring and understanding the issues and opportunities that Airbnb and other sharing economy services provide, the authority for short-term rentals and enforcement of any applicable bylaws resides with local governments.

The Province of British Columbia recognizes that British Columbians have expressed an interest in seeing greater choice, convenience and competition in the availability and provision of transportation and accommodation services. Therefore, companies such as Uber, Lyft and Airbnb may present opportunities to meet changing public expectations.

However, consideration of any new service must be carefully assessed against the safety of the travelling public. Passenger safety is a priority of this Government and transportation services within the province must be able to provide individuals with the confidence that they are accessing services that are safe, reliable and properly insured.

Thought must also be given as to how any new services are regulated, while also recognizing the need to be respectful of existing industry participants and at the same time be fair and equitable to any new entrants in this sector.

To this end, over the past months, I have been meeting with a wide array of stakeholders, including representatives from the limousine and taxi industry, ride sourcing companies and local governments. These consultations have allowed me to hear a diverse range of perspectives and to ensure that those with an interest in this dialogue are heard and included as part of our Government's exploration and careful study of this topic.

We will be reporting out on the feedback I have received through this process, and I look forward to sharing this information with local governments in the fall.
Thank you again for your comments and your questions. I hope that this letter has been helpful in addressing your question on Airbnb and as an update on ride sourcing.
Sincerely,
Peter Fassbender
Minister of Community, Sport and Cultural Development
Minister Responsible for TransLink

From: Manhas, Mandeep [mailto:MManhas@surrey.ca]
Sent: Wednesday, June 8, 2016 3:54 PM
To: Minister, CSCD CSCD:EX
Subject: 167846 - Uber, Lyft and Airbnb Services in the City of Surrey

Honorable Minister Fassbender,
Ref: 166815
Thank you for your letter to the Mayor in regards to the availability and provision of transportation and accommodation services in the Province of British Columbia. Mayor Hepner has personally asked that the Bylaw Enforcement & Licensing Division follow-up with you directly.
Upon initial review of this matter, we have come up with the following comments/questions as they pertain to Uber, Lyft and Airbnb services being offered in the City of Surrey:
Uber/Lyft:
Currently, there are no reports of Uber and/or Lyft operating with the City of Surrey and current Taxi Licenses do provide an adequate service for residents in Surrey; however, we do often hear concerns from residents regarding the difficulty of getting a Taxi back to Surrey from Downtown Vancouver.
Question: Will the Province give consideration to ensuring vehicles/drivers potentially operated by Uber and/or Lyft are required to be in compliance with all regulatory requirements that are currently in place?
Airbnb:
We have been made aware that there are advertisements for Surrey locations being offered by Airbnb; however, we have not received any complaints from the public as a result. Having said that, we have had issues and complaints regarding homes that have been rented for parties/weddings etc.
Question: Would the Province consider regulations to ensure potential Airbnb locations are to comply with all municipal Bylaws?
Thank you for the opportunity to provide comments with respect to these initiatives.
Best Regards,
Mandeep Manhas, on behalf of:

Jas Rehal, CPA, CMA | Manager, Bylaw Enforcement & Licensing Services

COS_Tag_pp_cmyk-200

CITY OF SURREY
By-Laws & Licensing Services
111-10277 City Parkway , Surrey, BC, Canada V3T 4C5

T 604.591-4013 | F 604.591.4465 www.surrey.ca



Connect, Share and Engage with your City

IMPORTANT NOTICE:
This email and any attachments are confidential, may be legally privileged, and/or subject to the Freedom of Information and Protection of Privacy Act, and are for the use of the intended recipient only. Access, disclosure, copying, distribution, or reliance on any of it by anyone else is prohibited and may be a criminal offence. Please delete if received or obtained in error and email confirmation to the sender.

Page 142

Withheld pursuant to/removed as

s.13

Approvals:	ED: JB	EL: KV	DM: *KV for*

Ministry of Community, Sport and Cultural Development
BRIEFING NOTE FOR MINISTER

Ref #:168277

FOR INFORMATION

Date: August 22, 2016

Title: Ride Sourcing Stakeholder Engagement Summary Report and UBCM Workshop

Issue: The structure and distribution of a summary report on ride sourcing consultations as directed by the Priorities and Planning Committee.

Background: In January 2016 the Minister initiated consultations with stakeholders on ride sourcing. Face-to face meetings have been held with targeted stakeholders and letters have been sent to local governments requesting written feedback on concerns and opportunities associated with ride sourcing. The consultations will soon be complete; feedback has been received from a wide variety of stakeholders.

The Minister has committed to developing and circulating a report in the fall of 2016, summarizing consultation outcomes and providing information on the current regulatory framework that the BC passenger transportation sector operates in.

Mandate Considerations: The Minister has been mandated to conduct consultations on ride sourcing
Liquefied Natural Gas Considerations: N/A
Fiscal Considerations: N/A
First Nations Considerations: N/A
Communications: Ride sourcing has been an issue of ongoing interest to the media

Discussion:

Consultation Report

s.13

s.13 The Committee provided direction to position the report out as a summary of the feedback provided by respondents on ride sourcing. A draft Table of Contents is included in appendix A.

The consultation report-out will be provided to all stakeholders who provided input to the Minister and posted on the ministry website; a link to the report would also be placed on MOTI's website.

UBCM Workshop

UBCM will be hosting a 1.5 hour workshop on ride sourcing as part of the organization's Convention, on Tuesday, September 27. The panel proposes to bring a number of sector participants together to discuss the models of ride sourcing businesses like Uber, and associated considerations for local governments, including regulation, public safety, and potential fiscal implications.

Provincial (Minister) and local government representatives have been invited to participate on the panel along with other stakeholders. Confirmed participants include: the BC Taxi Association (President), the Passenger Transportation Board (Chair), the City of Vancouver (Councillor) and the District of Saanich (Councillor). Uber has also been invited to participate, although confirmation is pending.

The Minister has tentatively confirmed provincial participation at the Ministerial level, to be confirmed with UBCM in early September.

The consultation summary paper could provide the basis for provincial participation on the UBCM panel.

Peter Fassbender, Minister



Date:

Sept. 1, 2016

Contact: Kevin Volk, Executive Lead, Community and Legislative Services – 250 387-3860

Page 145

Withheld pursuant to/removed as

s.13

Approvals:	ED:	JB	ADM:	KV	DM:	KV for

Ministry of Community, Sport and Cultural Development
BRIEFING NOTE FOR MINISTER

Ref #: 168322

FOR MEETING

Date: August 23, 2016

Title: Consumer Protection BC

Issue: Meeting with Rob Gialloreto, CEO and President of Consumer Protection BC (CP) and Doug Enns, Board Chair, on September 7, 2016, to discuss the organization and its research on the sharing economy.

Background: CP is a not-for-profit corporation which was established to strengthen consumer protection in BC and promote a fair marketplace for BC consumers and businesses. CP operates at arm's length from government and is responsible for a range of licensing, inspection, investigation and enforcement activities, overseeing functions that used to be carried out by the Consumer Services Division of the Ministry of Public Safety and Solicitor General.

CP is responsible for regulating the following businesses and occupations: travel agencies; wholesalers and accommodation providers; telemarketers; debt collection agencies; cemetery and funeral service providers; motion picture retailers; home inspectors; and payday lenders.

CP's mandate is to deliver consumer protection services, promote fairness and understanding in the market place and enforce B.C.'s consumer protection laws. Specific activities include:

- Responding to inquiries and complaints from consumers and businesses;
- Educating consumers and businesses about their rights and responsibilities;
- Licensing specific industries and inspecting them to ensure they are complying with consumer protection laws;
- Investigating alleged violations of consumer protection laws and following up with progressive enforcement actions;
- Informing the public and making recommendations to the provincial government.

CP is overseen by a Board of Directors which is responsible for strategic direction and governance.

Discussion:

- CP often supports government priorities and initiatives on province-wide issues and opportunities that could affect the broad public in the area of consumer choices and protection.
- For example, the Ministry of Transportation is working with Consumer Protection BC to provide telephone and web-based services for consumers to direct comments and concerns regarding Metro Vancouver taxi services.
- Consumer Protection BC's role with respect to taxi service inquiries and complaints is to receive, respond to, track and refer them.
- The fast-growing sharing economy model is leading to the creation of new online and app-based business models.

s.13

s.13

Recommended Response:

- Thank you for taking the time to meet with me to discuss your organization and share your perspective on ride sourcing and the sharing economy.
- New and emerging sharing economy technologies such as Uber present real opportunities to provide improved service to consumers.
- However, the safety and protection of consumers has been, and will remain, a concern of government.
- Clearly, CP's mandate reflects this same priority.
- As you may be aware, I have been consulting broadly across the province with stakeholders to request feedback on challenges and opportunities associated with ride sourcing.
- I would be pleased to receive any additional feedback you have with respect to ride sourcing as a written submission.
  The feedback I have received is being used to develop a report out that we will be circulating in the fall.

Contact: Kevin Volk
Telephone: 250 387-3860

i:\dep_min\0280-executive services-general\0280-20 briefing notes\2016 briefing notes\2016-08-23_168322_min mbn_consumer protection bc.docx \ Cliff #168322
Last update:23/08/2016 - Garriock, Tamara CSCD:EX

aerocar
SERVICE

Operated by HighEnd Limousine Services Ltd.

#102 – 8360 Bridgeport Road
Richmond BC V6X 3C7
Telephone: 604-298-1000
Fax: 604-821-1061
www.aerocar.ca

The Honourable Minister Fassbender
740 - 999 Canada Place
Vancouver, British Columbia
V6C 3E1

August 2, 2016

Re: Highend Limousine Ltd. d.b.a. Aerocar Service ("Aerocar")
Written Submissions to the Honourable Peter Fassbender
Re: Modernization of the Passenger Transportation Act

Company Background

Aerocar is the largest limousine company in the Province of British Columbia. Since 2009, Aerocar has been the exclusive supplier to the Vancouver International Airport ("YVR") for curbside town car and limousine service. s.21
s.21

s.21 In addition to a strong presence at YVR, s.21
s.21

s.21 The company is a model corporate citizen. It provides livelihood for s.21 and has been recognized by the past Premier of British Columbia for its strong commitment to charitable giving.

Aerocar's Special Status With The Passenger Transportation Branch

For at least the past 35 years, the Passenger Transportation Branch has recognized the holder of the YVR limousine contract (previously Limo Jet Gold and now Aerocar) as having special
s.21

Aerocar's Views As To Legislative Reform

Aerocar understands that the Passenger Transportation Act has not had a meaningful reconsideration for decades. Aerocar does not object to legislative reform in principal. It applauds a candid review of as the Act as it applies to all forms of transportation in the Province. However Aerocar is unaware of any systemic or chronic issue in the British Columbia limousine sub market of the transportation industry and none were raised in our meeting on July 19, 2016 with Minister Fassbender. Accordingly, Aerocar supports reforming transportation legislation where appropriate for the sake of the consumer but not necessarily for the sake of the system itself as it does not view it as broken. Each sub market of transportation is unique. Aerocar recognizes the importance of service, safety, choice and accessible pricing as fundamental issues raised by British Columbians with respect to taxis but we have not heard this concern in the provision of limousine services which are a wholly distinct market from taxi services. Aerocar is working hard to give consumers more and more choice. It has been a leader in the evolution of the limousine industry. It understands the limousine consumer is evolving and it is responsibly working to take measures that meet their evolved consumers' choice including transparent price information on a smart phone application, instant driver feedback comments, and training drivers to ensure our drivers know the roads and that they have the etiquette demanded of a black car service.

Aerocar recognizes the possibility that Minister Fassbender may recommend to Minister Stone some form of regulatory change to accommodate ride sharing. Aerocar's position is that the operator of the YVR contract must have a special exemption carved out in any amended legislation so as to ensure that YVR has regular town car and limousine service access for a fixed price as it is set today by the Passenger Transportation Branch rather than the market based on supply and demand.
As to ride sharing generally, Aerocar's position is that there is no basis for introduction in the limousine sub market. However if it is being considered, all ride sharing market participants must be subject and adhere to the stringent standards to which Aerocar is subject and to which it routinely exceeds. This includes, but is not limited to, the following: criminal background checks, drug and alcohol checks, mandatory corporate training, provision of late model vehicles, national safety code certification per vehicle, Class 4 unrestricted drivers license, ten million liability coverage per vehicle, operating licenses for each vehicle in each jurisdiction, vehicles with documented service history and which are inspected, increased fines for errant operators, GPS tracking, investments in the local economy and keeping profits in British Columbia.

Conclusion

Aerocar does not see the need for reform in the limousine sub market of the passenger transportation industry. While Aerocar believes that a Ministerial review of the Act is welcome, it is concerned that in meaning well by seeking to improve the panacea of transportation options for British Columbians, the Minister may be driven to change the entire transportation market without sufficient consideration of each sub-market. In the limousine market, Aerocar does not see the basis for structural reform. If the Minister of Transportation does believe reform is necessary notwithstanding Aerocar's input as the largest constituent of this market in British Columbia, we ask that any potential changes have due regard to safety, security, and the multimillion dollar investments which the company has made to achieve success in the Province of British Columbia where it is based and where it pays taxes and creates jobs.

We look forward to being a part of the discussion in the coming months as Minister Fassbender concludes his input. If we may clarify anything discussed either in our July 19, 2016 meeting or in this letter, please do not hesitate to contact us.

Yours Truly,



Geoff Johnson

From:	David Powell
To:	Volk, Kevin CSCD:EX
Cc:	Thomson, Lia CSCD:EX; Zalesky, Paul; Mackay, Brian; Matthew Poirier; Dick, Joan L CSCD:EX
Subject:	RE: CFLA: Uber consultation ~ Examples of standard lease contract language stipulating the prohibited uses of a vehicle leased for personal use
Date:	Monday, May 30, 2016 12:50:12 PM
Attachments:	image001.png image002.jpg

s.21

Kevin

The Ontario Ministry of Finance requested examples of standard lease contract language stipulating the prohibited uses of a vehicle leased for personal use.

I thought that this information might interest you and your colleagues as well.

For your confidential use, I attach two examples of standard contract language: s.21

s.21

s.21

Many thanks. Regards,

David Powell
President & Chief Executive Officer/ Président et Directeur général
Canadian Finance & Leasing Association
Association canadienne de financement et de location

15, rue Toronto Street, Suite 301, Toronto (Ontario) M5C 2E3, Canada
416.860.1133 x24 | Toll Free/Sans frais: 877.213.7373 x24 | Fax: 416.860.1140
david.powell@cfla-acfl.ca | W: www.cfla-acfl.ca



From: David Powell
Sent: May-25-16 11:20 AM
To: 'Volk, Kevin CSCD:EX'
Cc: 'Robbins, Lia CSCD:EX'; 'Zalesky, Paul'; 'Mackay, Brian'; Matthew Poirier; 'Dick, Joan L CSCD:EX'
Subject: RE: CFLA: Uber consultation ~ Ride sharing's negative impact on the automotive finance industry ~ Uber Canada v. the Quebec Revenue Agency

Toyota, Uber join forces to expand auto-leasing program

Good morning Kevin

You may have seen the Reuters article in today's Globe and Mail about Toyota Motor Corp. making a "strategic investment" in Uber Technologies (copy attached). According to the report, the "companies will work together on offering auto leases to Uber drivers." This appears to be a global agreement and the special circumstances of lessor vicarious liability in Ontario are not mentioned.

s.21

Many thanks. Regards,

David Powell
President & Chief Executive Officer/ Président et Directeur général
Canadian Finance & Leasing Association
Association canadienne de financement et de location

15, rue Toronto Street, Suite 301, Toronto (Ontario) M5C 2E3, Canada
416.860.1133 x24 | Toll Free/Sans frais: 877.213.7373 x24 | Fax: 416.860.1140
david.powell@cfla-acfl.ca | W: www.cfla-acfl.ca



From: Volk, Kevin CSCD:EX [mailto:Kevin.Volk@gov.bc.ca]
Sent: May-24-16 12:08 AM
To: David Powell
Subject: RE: CFLA: Uber consultation ~ Ride sharing's negative impact on the automotive finance industry ~ Uber

Canada v. the Quebec Revenue Agency

Thanks David.

From: David Powell
Sent: May-20-16 5:36 PM
To: 'Volk, Kevin CSCD:EX'
Cc: Robbins, Lia CSCD:EX; Zalesky, Paul; Mackay, Brian; Matthew Poirier; Dick, Joan L CSCD:EX
Subject: CFLA: Uber consultation ~ Ride sharing's negative impact on the automotive finance industry ~ Uber Canada v. the Quebec Revenue Agency

CFLA: Uber consultation ~ Ride sharing's negative impact on the automotive finance industry ~ Uber Canada v. the Quebec Revenue Agency

Hi Kevin

Don't know if the BC edition of today's Globe and Mail carried the article by a columnist from Montreal's La Presse newspaper: Uber in Quebec: Innovation is not an excuse to escape the law
http://www.theglobeandmail.com/opinion/uber-in-quebec-innovation-is-no-excuse-to-escape-the-law/article30099161/

As you know, last week, the Quebec government introduced Bill 100 to oblige ride-sharing companies to operate like regular taxis, with all the licencing and costs that entails. Different from the rest of the country, taxi licencing is done by a provincial authority, not municipalities. This was established over almost two decades ago to clear up the mess of the taxi industry. At the time, municipalities were not willing or able to break the taxi cartel.

Bill 100 is reportedly expected to be adopted before the summer break of the provincial legislature.

There is an interesting reference in the Globe article to a court judgement reportedly rendered the day before Bill 100 was introduced. Contrary to today's Globe story ("Quebec tax investigators alleged that data was destroyed remotely from the company's headquarters in San Francisco during the search"), reading the actual judgement makes clear that the financial data in Uber's Montreal offices was remotely rebooted and encrypted by Uber's HQ, not destroyed.

I attach the judgement the 55-page Quebec judgement rendered by Mr. Justice Guy Cournoyer of the Quebec Superior Court on May 11, 2016 in Uber Canada vs. L'Agence du revenu du Québec et al (2016 QCCS 2158 - attachment #1). It is in French. The judge has helpfully provided a summary overview in French at paragraphs 1-16. I attach my translation of those paragraphs (attachment #2).

In brief : l'Agence du revenu du Québec (the Quebec Revenue Agency - "ARQ") acts for both the Quebec revenue ministry and the CRA in the province. The ARQ obtained search warrants for Uber's Montreal offices alleging that Uber was not collecting GST & QST from its UberX drivers and remitting the amounts collected to the ARQ. The decision is all about whether or not the search warrants were valid; in other words, did the lower court judge have information sufficient to justify the issue of the warrants.

The trial judge decided that the lower court judge did have information sufficient to justify the issue of the warrants. UberX drivers are not exempt from GST & QST.

The summary notes that the next day when ARQ investigators came to execute the search warrants in Uber's offices, they discovered that all computers, smartphones and tablets found on the premises had been rebooted and encrypted remotely by engineers at Uber HQ in San Francisco.

The judgement was rendered on May 11, 2016. Don't know if Uber has appealed this judgement or de-encrypted its data for the ARQ investigators.

Your legal counsel can find the judgement online at:
http://www.canlii.org/fr/qc/qccs/doc/2016/2016qccs2158/2016qccs2158.html?searchUrlHash=AAAAAAAAAAEAFDIwMTYgUUNDQSAxIChDYW5MSUkpAAAAAQAKLzIwMTZxY2NhMQE&resultIndex=1

Regards,

David Powell
President & Chief Executive Officer/ Président et Directeur général
Canadian Finance & Leasing Association
Association canadienne de financement et de location

15, rue Toronto Street, Suite 301, Toronto (Ontario) M5C 2E3, Canada

416.860.1133 x24 | Toll Free/Sans frais: 877.213.7373 x24 | Fax: 416.860.1140
david.powell@cfla-acfl.ca | W: www.cfla-acfl.ca

From: Volk, Kevin CSCD:EX [mailto:Kevin.Volk@gov.bc.ca]
Sent: April-20-16 6:40 PM
To: David Powell; Minister, CSCD CSCD:EX
Cc: Robbins, Lia CSCD:EX; Zalesky, Paul; Mackay, Brian; Matthew Poirier; Dick, Joan L CSCD:EX
Subject: RE: CFLA: Uber consultation ~ Ride sharing's negative impact on the automotive finance industry

Thank you David. I'll make sure this gets distributed to the relevant staff.
Kevin

From: David Powell [mailto:david.powell@cfla-acfl.ca]
Sent: Wednesday, April 20, 2016 2:21 PM
To: Minister, CSCD CSCD:EX
Cc: Volk, Kevin CSCD:EX; Robbins, Lia CSCD:EX; Zalesky, Paul; Mackay, Brian; Matthew Poirier
Subject: CFLA: Uber consultation ~ Ride sharing's negative impact on the automotive finance industry

CFLA: Uber consultation ~ Ride sharing's negative impact on the automotive finance industry

Minister

As discussed, I attach an electronic version of the document we submitted to you and your officials during our meeting on April 18, 2016.

To convert the binder document to the attached electronic version, we have had to make a few adjustments.

First, the document submitted to you was organized by binder index tabs. That is not very convenient electronically. So all pages are now paginated, with the page numbering set out in a Table of Contents on page 2.

Second, you mentioned during our meeting that you would be sharing this file with Minister Stone at some point in the future. As we had sent an initial letter to him as well as to yourself, we have included a copy of the CFLA letter to Minister Stone (at pages 6&7).

Two other points.

(1) **Courts of Appeal Judgements**

On April 18th, we discussed in passing that the vicarious liability amendments in effect from November 2007 had been challenged before the Court of Appeal in *Stroszyn v. Mitsui Sumitomo Insurance Company Limited* 2014 BCCA 431 released on November 6, 2014. The Court upheld the legislation.
http://www.courts.gov.bc.ca/jdb-txt/CA/14/04/2014BCCA0431.htm

Coincidentally that same month (November 2014), the Ontario Court of Appeal considered and upheld similar lessor vicarious liability provisions in *Xu v. Mitsui Sumitomo Insurance Company Limited* [2014 ONCA 805]. http://www.ontariocourts.ca/decisions/2014/2014ONCA0805.htm

(2) Launch of Turo "Peer-to-Peer" Vehicle Rentals

The media has just announced the launch of Turo (also dba RelayRides), self-described as AirBnB for vehicles, in Alberta, Ontario and Quebec. It appears to enable individuals to rent their personal vehicles to others short-term. This concept will raise significant insurance issues.
http://www.cbc.ca/news/business/turo-car-rentals-sharing-economy-1.3541343
and
http://www.nytimes.com/2012/04/14/your-money/relayrides-accident-raises-questions-on-liabilities-of-car-sharing.html?_r=2

Thank you again for meeting with us on April 18. Neither you nor your officials should hesitate in contacting us if there are any questions.

David Powell



President & CEO/Président et Directeur général
Canadian Finance & Leasing Association

Association canadienne de financement et de location
15 Toronto Street, Suite 301
Toronto, Ontario, Canada M5C 2E3
(416) 860-1133, ext 24
Toll-free/Sans-frais 1+(877) 213-7373, ext 24
david.powell@cfla-acfl.ca
www.cfla-acfl.ca

From: David Powell
Sent: April-19-16 12:33 PM
To: 'CSCD.Minister@gov.bc.ca'
Cc: 'Kevin.Volk@gov.bc.ca'; 'Lia.Robbins@gov.bc.ca'; Zalesky, Paul; Mackay, Brian; Poirier, Matthew
Subject: CFLA: Uber consultation ~ Ride sharing's negative impact on the automotive finance industry

CFLA: Uber consultation ~ Ride sharing's negative impact on the automotive finance industry

Dear Minister

Thank you for the opportunity to meet with you and your officials yesterday to discuss the serious issues for the auto finance sector raised by ride-sharing for hire. My colleagues, Brian MacKay and Paul Zalesky, and I welcome any questions or suggestions that you or your officials might have. Please do not hesitate to contact us on these matters.

During our discussion, I referenced Ontario Bill 131 (short title: Opportunity in the Sharing Economy Act, 2015). This Private Member's Bill was introduced in the Ontario Legislature by Tim Hudak, MPP, the former Leader of the PC party in the province. Bill 131 was carried at First Reading on October 27, 2015 and referred to the Standing Committee on Finance and Economic Affairs of the provincial Legislature two days later. It remains in Committee and our understanding is that the government has preferred to work on its own legislative proposals.

Bill 131 can be found online at http://www.ontla.on.ca/web/bills/bills_detail.do?locale=en&BillID=3534&detailPage=bills_detail_the_bill

As its full title suggests ("An Act to enact two new Acts and to amend other Acts to regulate transportation network vehicles, to provide freedom for individual residential property owners to share their property for consideration with others and to deal with the expenses of public sector employees and contractors in that connection"), Bill 131 is intended to cover the "sharing economy" generally, not just ride-sharing for hire.

Bearing the title "Transportation Network Vehicles Act, 2015", the proposed detailed ride-sharing for hire provisions appear in Schedule 3 of Bill 131.

As promised, I will be following up with an electronic version of our presentation binder.

Thank you again.

David Powell



President & CEO/Président et Directeur général
Canadian Finance & Leasing Association
Association canadienne de financement et de location
15 Toronto Street, Suite 301
Toronto, Ontario, Canada M5C 2E3
(416) 860-1133, ext 24
Toll-free/Sans-frais 1+(877) 213-7373, ext 24
david.powell@cfla-acfl.ca
www.cfla-acfl.ca

From: David Powell
Sent: February-24-16 5:04 PM
To: 'CSCD.Minister@gov.bc.ca'

Subject: CFLA: Uber consultation ~ Ride sharing's impact on the automotive finance industry

The Hon. Peter Fassbender
Minister of Community, Sport and Cultural Development
Minister Responsible for TransLink
Government of British Columbia
Victoria, British Columbia

Ride Sharing's Impact on the Automotive Finance Industry

Dear Minister,

We understand that you are undertaking a consultation with municipalities and other stakeholders over how to address the issues raised by ride-sharing services for a fee, such as Uber.

The purpose of the letter is to bring to your attention the serious issues affecting the automotive finance sector raised by ride sharing companies and to request your assistance in resolving critical legislative problems.

The ride-sharing concept, exemplified by Uber, represents an unparalleled challenge to the existing framework of legislation in the province governing the use of vehicles generally, and of "taxis" and "limousines" in particular. The current liability faced by the auto finance sector is an unintended consequence of existing legislation undercut by unanticipated technological and social change. We stress that we have no objection to the introduction of innovative ideas but the framework of legislation – both at the provincial and municipal levels – must ***first*** be adapted to the new circumstances.

Should the government decide to approve the entry of Uber, the resulting liability facing the auto finance sector *cannot* be resolved through any private sector solution. It can only be addressed through amendments to the *Insurance (Vehicle) Act* and to its regulations.

Our industry wants to work with the government to develop solutions to the serious issues currently confronting our industry. We would be happy to meet with you and/or your staff to go over the concerns outlined above or to answer any questions you may have. We look forward to your reply and thank you for your consideration of these matters.

Yours very truly,



David Powell
President & CEO
Canadian Finance & Leasing Association
Association canadienne de financement et de location
15 Toronto Street, Suite 301
Toronto, Ontario, Canada M5C 2E3
(416) 860-1133, ext 24
Toll-free 1+(877) 213-7373, ext 24
david.powell@cfla-acfl.ca
www.cfla-acfl.ca

From:	David Powell
To:	Minister, CSCD CSCD:EX
Cc:	Volk, Kevin CSCD:EX; Thomson, Lia CSCD:EX; Zalesky, Paul; Mackay, Brian; Matthew Poirier
Subject:	CFLA: Uber consultation ~ Ride sharing's negative impact on the automotive finance industry
Date:	Tuesday, April 19, 2016 9:33:15 AM
Attachments:	image001.jpg

CFLA: Uber consultation ~ Ride sharing's negative impact on the automotive finance industry

Dear Minister

Thank you for the opportunity to meet with you and your officials yesterday to discuss the serious issues for the auto finance sector raised by ride-sharing for hire. My colleagues, Brian MacKay and Paul Zalesky, and I welcome any questions or suggestions that you or your officials might have. Please do not hesitate to contact us on these matters.

During our discussion, I referenced Ontario Bill 131 (short title: Opportunity in the Sharing Economy Act, 2015). This Private Member's Bill was introduced in the Ontario Legislature by Tim Hudak, MPP, the former Leader of the PC party in the province. Bill 131 was carried at First Reading on October 27, 2015 and referred to the Standing Committee on Finance and Economic Affairs of the provincial Legislature two days later. It remains in Committee and our understanding is that the government has preferred to work on its own legislative proposals.

Bill 131 can be found online at http://www.ontla.on.ca/web/bills/bills_detail.do?locale=en&BillID=3534&detailPage=bills_detail_the_bill

As its full title suggests ("An Act to enact two new Acts and to amend other Acts to regulate transportation network vehicles, to provide freedom for individual residential property owners to share their property for consideration with others and to deal with the expenses of public sector employees and contractors in that connection"), Bill 131 is intended to cover the "sharing economy" generally, not just ride-sharing for hire.

Bearing the title "Transportation Network Vehicles Act, 2015", the proposed detailed ride-sharing for hire provisions appear in Schedule 3 of Bill 131.

As promised, I will be following up with an electronic version of our presentation binder.

Thank you again.

David Powell

President & CEO/Président et Directeur général
Canadian Finance & Leasing Association
Association canadienne de financement et de location
15 Toronto Street, Suite 301
Toronto, Ontario, Canada M5C 2E3
(416) 860-1133, ext 24
Toll-free/Sans-frais 1+(877) 213-7373, ext 24
david.powell@cfla-acfl.ca
www.cfla-acfl.ca

From: David Powell
Sent: February-24-16 5:04 PM
To: 'CSCD.Minister@gov.bc.ca'
Subject: CFLA: Uber consultation ~ Ride sharing's impact on the automotive finance industry

The Hon. Peter Fassbender
Minister of Community, Sport and Cultural Development
Minister Responsible for TransLink

Government of British Columbia
Victoria, British Columbia

Ride Sharing's Impact on the Automotive Finance Industry

Dear Minister,

We understand that you are undertaking a consultation with municipalities and other stakeholders over how to address the issues raised by ride-sharing services for a fee, such as Uber.

The purpose of the letter is to bring to your attention the serious issues affecting the automotive finance sector raised by ride sharing companies and to request your assistance in resolving critical legislative problems.

The ride-sharing concept, exemplified by Uber, represents an unparalleled challenge to the existing framework of legislation in the province governing the use of vehicles generally, and of "taxis" and "limousines" in particular. The current liability faced by the auto finance sector is an unintended consequence of existing legislation undercut by unanticipated technological and social change. We stress that we have no objection to the introduction of innovative ideas but the framework of legislation – both at the provincial and municipal levels – must ***first*** be adapted to the new circumstances.

Should the government decide to approve the entry of Uber, the resulting liability facing the auto finance sector *cannot* be resolved through any private sector solution. It can only be addressed through amendments to the *Insurance (Vehicle) Act* and to its regulations.

Our industry wants to work with the government to develop solutions to the serious issues currently confronting our industry. We would be happy to meet with you and/or your staff to go over the concerns outlined above or to answer any questions you may have. We look forward to your reply and thank you for your consideration of these matters.

Yours very truly,



David Powell
President & CEO
Canadian Finance & Leasing Association
Association canadienne de financement et de location
15 Toronto Street, Suite 301
Toronto, Ontario, Canada M5C 2E3
(416) 860-1133, ext 24
Toll-free 1+(877) 213-7373, ext 24
david.powell@cfla-acfl.ca
www.cfla-acfl.ca

COUR SUPÉRIEURE

2016 QCCS 2158 (CanLII)

CANADA
PROVINCE DE QUEBEC
DISTRICT DE MONTRÉAL

No: 500-36-007668-158

DATE: 11 MAI 2016

SOUS LA PRÉSIDENCE DE : L'HONORABLE GUY COURNOYER, J.C.S.

UBER CANADA INC.
Requérante
c.
AGENCE DU REVENU DU QUÉBEC
et
CLAUDINE DUVAL
et
MAXIME ÉTHIER, SYLVIE ROBICHAUD, SYLVAIN BRASSARD, RENÉ LEVESQUE, ADIL CHENNAOUI, CONRAD CANIZALEZ, CLAUDE HÉBERT, ALEXANDRA-MAUDE VALADE ET MARC ANDRÉ PELLETIER
et
HONORABLE JEAN-PAUL BRAUN, J.C.Q.
Intimés

JUGEMENT

Table des matières

Page

I - Aperçu 4

JC00B1

II - Le cadre du débat: la contestation d'un mandat de perquisition 6
A - Introduction 6
B - Les obligations de l'enquêteur 7
C- Le rôle du juge réviseur 8
D - La contestation de l'exécution du mandat de perquisition 9
III - Les infractions alléguées 10
IV - La position des parties 11
A - Uber Canada 11
1) La première infraction alléguée 11
2) La deuxième infraction alléguée 11
B - L'Agence du revenu du Québec 12
1) La première infraction alléguée 12
2) La deuxième infraction alléguée 12
V - Les dispositions législatives pertinentes 13
A - L'autorisation d'une perquisition 13
B - Le transport rémunéré de personnes par automobile 14
C - La perception et le versement des taxes payables dans l'industrie du taxi 16
D - Les infractions fiscales alléguées 16
VI - La demande de mandat de perquisition: les faits établis et les conclusions qu'on peut en tirer 17
A - Introduction 17
B - Un résumé des faits contenus dans les dénonciations 18
1) L'infraction d'aide à éluder la perception de la TPS et de la TVQ 18
2) L'infraction au sujet des déclarations de taxes 25
C- Conclusions de l'enquêteuse 25
VII - Les objections formulées par Uber 27
A - Introduction 27
B - L'omission de décrire le régime fiscal applicable aux chauffeurs UberX 30
1) Les obligations de perception de la TPS et de la TVQ et leur remise aux autorités fiscales 33
2) Les déclarations fiscales d'Uber 37
3) Conclusion 38

2016 QCCS 2158 (CanLII)

C - Les mandats de perquisitions avaient-ils une portée excessive?.....38

1) Introduction 38

2) La protection de l'article 8 de la *Charte* et les ordinateurs ou autres appareils numériques 40

3) Les difficultés posées par les fouilles d'un ordinateur ou d'un appareil numérique 44

4) L'arrêt *Vu* et les protocoles de perquisition 48

2016 QCCS 2158 (CanLII)

2016 QCCS 2158 (CanLII)

I - Aperçu

[1] L'Agence du revenu du Québec (« ARQ ») allègue qu'Uber Canada (« Uber ») aide les chauffeurs qui participent à son service UberX à éluder le paiement de la TPS et de la TVQ[1]. Uber utiliserait un subterfuge qui consiste à décrire les services qu'elle offre comme un système de covoiturage citoyen alors qu'il s'agit dans les faits de transport rémunéré de personnes par automobile tel que défini par la *Loi concernant les services de transport par taxi*[2].

[2] L'ARQ soutient aussi qu'Uber effectue une fourniture taxable auprès des chauffeurs UberX. En effet, Uber conserve une commission de 20 % pour chaque course effectuée. Selon l'ARQ, cette fourniture ayant lieu au Québec, Uber avait l'obligation de percevoir les taxes applicables et de remettre la taxe nette à l'État.

[3] Le 13 mai 2015, un juge délivre deux mandats de perquisition et une ordonnance de communication[3].

[4] Le lendemain, durant l'exécution d'un mandat de perquisition chez Uber, les enquêteurs de l'ARQ constatent que les ordinateurs, les téléphones intelligents et les tablettes ont été redémarrés à distance. Ils sont informés que les données ont fait l'objet d'un encryptage à distance par les ingénieurs d'Uber Technologie-San Francisco.

[5] L'enquêteuse se présente alors à nouveau devant le même juge et lui demande que les choses saisies sans mandat la veille soient apportées au bureau de l'ARQ[4].

[6] Le juge délivre d'autres mandats de perquisition[5].

[7] Uber conteste la légalité de ces autorisations.

[8] La question qui se pose est de savoir si l'information contenue dans les demandes de mandat de perquisition était suffisante pour justifier l'autorisation des perquisitions.

[9] Il importe de préciser que la question de la légalité du service UberX n'est pas directement en cause dans la présente affaire.

[10] Cependant, dans la mesure où la pierre d'assise de la mise en œuvre du régime de perceptions de la TPS et de la TVQ dans l'industrie du taxi est précisément fondée sur la définition du transport par taxi, c'est-à-dire le transport rémunéré de personnes à

---

1 En conformité avec le *Protocole d'entente fédéral-provincial sur l'administration de la taxe sur les produits et services par le Québec*, le Canada et le Québec ont conclu, le 26 avril 1991, l'*Entente relative à l'administration par le Québec de la partie IX de la Loi sur la taxe d'accise concernant la taxe sur les produits et services*. En vertu de cette entente, le Québec a la responsabilité d'administrer toutes matières concernant la TPS prévue par l'entente: voir les paragraphes 5 et 6 des dénonciations.

2 RLRQ, c. S-6.01.

3 500-26-089313-153 (ordonnance de communication); 500-26-089314-151; 500-26-089315-158.

4 Le premier mandat de perquisition autorisait l'obtention de copies miroirs du matériel informatique, mais il n'autorisait pas le déplacement de ce matériel hors des lieux perquisitionnés.

5 500-26-089372-159; 500-26-089373-157; 500-26-089374-155.

l'aide d'une automobile, cette question devient incontournable et cela, de l'aveu même d'Uber[6].

[11] La présente affaire soulève aussi des questions nouvelles et délicates au sujet de la fouille d'appareils numériques, y compris les ordinateurs, tant à l'égard des conditions qui l'encadre que des contraintes qui entourent leur exécution.

[12] De plus, fait aussi l'objet du débat, la question de la protection des informations personnelles qui peuvent se trouver sur ces appareils numériques qui sont utilisés dans le contexte du travail ou de l'exploitation d'une entreprise[7].

[13] Les décisions judiciaires canadiennes n'apportent pas, jusqu'à maintenant, une réponse complète et définitive à ces questions[8].

[14] Au sujet de la principale question en litige, soit celle qui concerne la validité des perquisitions autorisées, le Tribunal, pour les motifs qui suivent, est d'avis que, selon le droit présentement en vigueur, l'information présentée au juge qui a autorisé les perquisitions était suffisante pour établir qu'Uber ne respecte pas les lois fiscales québécoise et canadienne, ce qui justifiait les perquisitions autorisées.

[15] La preuve présentée au juge qui a délivré les mandats lui permettait de conclure qu'Uber n'a pas perçu les taxes applicables à la commission qu'elle prélève des chauffeurs UberX et que celles-ci n'ont pas été remises aux autorités fiscales.

[16] De plus, la preuve justifiait la conclusion qu'Uber aide les chauffeurs UberX utilisant l'application Uber à éluder l'observation d'une loi fiscale, notamment le paiement, la remise ou un versement requis relatif à la TPS et la TVQ.

---

6 *Litigation plan, Will-Say, Notes and Authorities*, 14 août 2015, voir les paragraphes 71 à 96.

7 La Cour d'appel a ordonné la mise sous scellé des choses saisies lors de l'exécution des mandats de perquisition en raison de la nécessité de protéger les attentes de vie privée de particuliers: *Uber Canada inc. c. Agence du revenu du Québec*, 2016 QCCA 1.

8 *R. c. Morelli*, 2010 CSC 8, [2010] 1 R.C.S. 253; *R. c. Cole*, 2012 CSC 53, [2012] 3 R.C.S. 34; *R. c. Vu*, 2013 CSC 60, [2013] 3 R.C.S. 657, *R. c. Fearon*, 2014 CSC 77, [2014] 3 R.C.S. 621; *R. c. Spencer*, 2014 CSC 43, [2014] 2 R.C.S. 212. Voir par exemple: G. Chan, "Life after *Vu*: Manner of Computer Searches and Search Protocols" (2014), 67 *S.C.L.R.* (2d) 433; S. Penney, "The Digitization of Section 8 of the *Charter*: Reform or Revolution?" (2014), 67 *S.C.L.R.* (2d) 505; J. Williamson et K. L. Sitar, "Placing Proper Restraints on the General Warrant -- Searching of Data Storage Devices Following Lawful Seizure" (2014), 18 *Can. Crim. L. Rev.* 57; R. M. Pomerance, "Flirting with Frankenstein: The Battle between Privacy and Our Technological Monsters" (2016), 20 *Can. Crim. L. Rev.* 149; C. Fehr et J. Biden, "Divorced from (Technological) Reality: A Response to the Supreme Court of Canada's Reasons in *R. v. Fearon*" (2016), 20 *Can. Crim. L. Rev.* 93; T. Quigley, "*R. v. Fearon*: A Problematic Decision" (2015), 15 C.R. (7th) 281; P.-C. Collins Hoffman, G. Pinsonnault et J. Chad, "Warrantless searches of cell phones upon arrest are lawful in Canada: but strict safeguards apply" (2015), 12 *Can. Privacy L. Rev.* 25; G. Mayeda, "My Neighbour's Kid Just Bought a Drone ... New Paradigms for Privacy Law in Canada" (2015), *35 Nat'l J. Const. L.* 59; J. Fine, "Leaving Dumb Phones Behind: A Commentary on the Warrantless Searches of Smartphone Data Granted in *R. v. Fearon"* (2015), 13 *Can. J. L. & Tech.* 171. Voir aussi l'article récent de O. Kerr, "Executing Warrants For Digital Evidence: The Case For Use Restrictions On Nonresponsive Data" (2015), 48 *Texas Tech L. Rev.* 1.

2016 QCCS 2158 (CanLII)

2016 QCCS 2158 (CanLII)

[17] Dans ce jugement, le Tribunal aborde son analyse dans l'ordre suivant.

[18] Le Tribunal décrit d'abord les principes entourant la contestation d'un mandat de perquisition.

[19] Il identifie ensuite les infractions qui auraient été commises par Uber Canada selon l'ARQ et il expose la position des parties à l'égard des questions en litige.

[20] Après avoir reproduit les dispositions législatives pertinentes, le Tribunal résume les faits présentés dans les dénonciations et les conclusions qu'on peut en tirer.

[21] Le Tribunal examine ensuite l'ensemble des motifs de contestation présentés par Uber.

[22] Finalement, le Tribunal aborde la question de la portée excessive des mandats de perquisition.

II - Le cadre du débat: la contestation d'un mandat de perquisition

A - Introduction

[23] Des règles bien définies encadrent la contestation d'un mandat de perquisition.

[24] Un mandat de perquisition constitue une autorisation judiciaire[9].

[25] Cette autorisation est délivrée par un juge qui signe le mandat après avoir évalué si la demande présentée par un enquêteur contient des informations suffisantes pour la justifier. Pour se conformer à l'art. 8 de la *Charte canadienne des droits et libertés*, un enquêteur doit, avant d'effectuer une perquisition, fournir des motifs raisonnables et probables de croire qu'une infraction a été commise et que des éléments de preuve se trouvent à l'endroit de la perquisition[10]. L'existence de ces motifs est établie sous serment.

[26] Normalement, le juge qui délivre un mandat de perquisition ne rend aucun motif pour expliquer sa décision, bien qu'il puisse le faire[11].

[27] En l'absence d'un jugement formel expliquant les raisons justifiant la délivrance du mandat de perquisition, le juge saisi de la demande de révision doit vérifier si l'information présentée au juge qui a accordé le mandat de perquisition permettait de l'accorder. Ainsi, le juge réviseur évalue notamment les inférences raisonnables que le juge qui a accordé le mandat pouvait tirer de l'information présentée dans la demande de mandat de perquisition[12].

[28] À cet égard, le rôle du juge réviseur s'apparente, en partie, à celui d'une Cour d'appel confrontée à une motivation insuffisante de la part d'un juge d'instance[13].

---

9 *A.G. (Nova Scotia) c. MacIntyre*, [1982] 1 R.C.S. 175, à la p. 179; *Hunter c. Southam Inc.*, [1984] 2 R.C.S. 145, aux pp. 160-161.

10 *R. c. Campbell*, 2011 CSC 32, [2011] 2 R.C.S. 549, par. 14.

11 *Criminal Code (Re)*, [1997] O.J. No. 4393, par. 13; S. Hutchison, *Hutchison's Search Warrant Manual 2015*, Carswell, 2014, aux pp. 85-91.

12 *R. c. Vu*, 2013 CSC 60, [2013] 3 R.C.S. 657, par. 16.

13 *R. c. Sheppard*, 2002 CSC 26, [2002] 1 R.C.S. 869, par. 55.

[29] Dans son jugement, le juge réviseur explique à la partie qui conteste le mandat de perquisition les raisons pour lesquelles le juge qui l'a délivré pouvait le faire.

B - Les obligations de l'enquêteur

[30] L'enquêteur qui demande un mandat de perquisition doit présenter les faits d'une manière complète, sincère, claire et concise[14].

[31] Il doit rédiger sa demande avec soin. Elle doit être lisible et compréhensible pour le juge à qui elle est présentée. Elle doit être organisée logiquement pour en favoriser la lecture[15]. Elle peut comprendre une table des matières, une introduction ou un aperçu qui trace un portrait général de la demande présentée, des rubriques ou des sous-rubriques, une ou plusieurs conclusions[16].

[32] La demande pour obtenir un mandat de perquisition constitue un document qui décrit les informations qui sont en possession de l'enquêteur, la manière dont il les a obtenues et leur importance[17].

[33] Les faits doivent être décrits d'une manière objective[18] qui permet au juge d'en faire une évaluation indépendante[19]. Le juge doit connaître tous les faits nécessaires pour rendre une décision éclairée. L'enquêteur peut néanmoins décrire les conclusions ou les inférences qu'il tire des informations qu'il possède[20]. La demande énonce les infractions qui font l'objet de l'enquête, les choses recherchées et le lieu où on pense les trouver[21].

[34] L'enquêteur ne doit pas chercher à tromper le juge en utilisant un libellé qui peut amener celui-ci à penser que la demande a un sens qu'elle n'a pas ou tenter d'induire le juge en erreur en utilisant certaines formules génériques ou en omettant stratégiquement certains éléments pertinents[22].

---

14 *R. c. Araujo*, [2000] 2 R.C.S. 992, par. 46.

15 *Criminal Code (Re)*, [1997] O.J. No. 4393, par. 13; *Demande visant l'interception de communications privées présentée en vertu de la partie VI du Code criminel et d'une demande en vertu du paragraphe 487.01(4) du Code criminel (Re)*, 2010 QCCQ 4570; S. Hutchison, *Hutchison's Search Warrant Manual 2015*, Carswell, 2014, à la p. 75.

16 S. Hutchison, *Hutchison's Search Warrant Manual 2015*, Carswell, 2014, aux pp. 85-91; *R. c. Sanchez* (1994), 93 C.C.C. (3d) 357 (C.J. Ont. Div. Gén.).

17 S. Hutchison, *Hutchison's Search Warrant Manual 2015*, Carswell, 2014, aux pp. 86-87.

18 *CanadianOxy Chemicals Ltd. c. Canada (Procureur général)*, [1999] 1 R.C.S. 743, les paragraphes 20 à 25.

19 S. Hutchison, *Hutchison's Search Warrant Manual 2015*, Carswell, 2014, à la p. 52; *Restaurant Le Clémenceau Inc. c. Drouin*, [1987] 1 R.C.S. 706, aux p. 709-710; *Construction T.G. Beco ltée c. Québec (Sous-ministre du Revenu)*, 2009 QCCS 5271, par. 44-48.

20 S. Hutchison, *Hutchison's Search Warrant Manual 2015*, Carswell, 2014, à la p. 88.

21 *R. c. Campbell*, 2011 CSC 32, [2011] 2 R.C.S. 549, par. 14.

22 *R. c. Araujo*, [2000] 2 R.C.S. 992, par. 47.

2016 QCCS 2158 (CanLII)

2016 QCCS 2158 (CanLII)

C- Le rôle du juge réviseur

[35] Pour déterminer s'il existait des renseignements fiables à partir desquels il pouvait accorder l'autorisation, le juge réviseur doit simplement se demander s'il y avait au moins quelque élément de preuve auquel auquel il pouvait raisonnablement ajouter foi pour faire droit à la demande[23].

[36] Il s'agit d'évaluer la validité apparente de l'autorisation[24]: est-ce que les faits énoncés dans la demande suffisaient pour en justifier l'octroi?[25]

[37] À cet égard, le juge réviseur doit se rappeler que le juge saisi de la demande d'autorisation peut tirer des inférences raisonnables de la preuve présentée dans la demande, mais l'enquêteur n'est pas tenu de souligner à grands traits ce qui est, par ailleurs, évident[26].

[38] Lors de la contestation, le juge considère l'autorisation comme apparemment valide et il appartient au requérant en révision d'anéantir cette apparence[27]. Si cette tentative échoue, l'autorisation sera confirmée[28].

[39] La demande d'autorisation doit être évaluée selon le bon sens, globalement et non d'une manière parcellaire, microscopique, compartimentée ou tatillonne[29].

[40] Le juge siégeant en révision ne se substitue pas au juge saisi de la demande d'autorisation. Il ne procède pas à une nouvelle audition de la demande[30].

[41] Le juge siégeant en révision n'a pas à se demander s'il aurait lui-même délivré le mandat, mais s'il existait suffisamment d'éléments de preuve crédibles et fiables pour permettre au juge de le délivrer[31]. Si le juge siégeant en révision conclut que le juge qui a accordé l'autorisation pouvait le faire, il ne doit pas intervenir[32].

[42] Si l'enquêteur présente des faits inexacts ou erronés ou qu'il omet des informations pertinentes, le juge qui révise doit faire abstraction des renseignements erronés et déterminer si l'autorisation pouvait être accordée même en l'absence d'un fait important.

---

23 *R. c. Araujo*, [2000] 2 R.C.S. 992, par. 52; *R. c. Vu*, 2013 CSC 60, [2013] 3 R.C.S. 657, par. 16.

24 *Ibid.*, *Araujo*, par. 19, 44; *R. c. Crevier*, 2015 ONCA 619, 330 C.C.C. (3d) 305 (C.A. Ont.), par. 73.

25 *R. c. Araujo*, [2000] 2 R.C.S. 992, par. 40.

26 *R. c. Vu*, 2013 CSC 60, [2013] 3 R.C.S. 657, par. 16.

27 *R. c. Campbell*, 2011 CSC 32, [2011] 2 R.C.S. 549, par. 14; *R. v. Sadikov*, (2014), 305 C.C.C. (3d) 421 (C.A. Ont.), par. 83.

28 *Québec (Procureur général) c. Laroche*, 2002 CSC 72, [2002] 3 R.C.S. 708, par. 68; *R. c. Carrier*, 2015 QCCA 2076, par. 6; *R. c. Crevier*, 2015 ONCA 619, 330 C.C.C. (3d) 305 (C.A. Ont.), par. 73.

29 *R. v. Sadikov* (2014), 305 C.C.C. (3d) 421 (Ont. C.A.), par. 82; *R. v. Wilson* (2011), 272 C.C.C. (3d) 269 (C.A. C.-B.), par. 52; *R. c. Cossette*, 2011 QCCA 2368, par. 23; *Amyot c. Cour du Québec*, 2012 QCCS 4186, par. 20; *R. v. N.N.M.* (2007), 223 C.C.C. (3d) 417 (Ont. S.C.J.), par. 316; *R. v. Ford* (2008), 229 C.C.C. (3d) 443, par. 38 (C.A. C.-B.); Voir aussi S. Hutchison, *Hutchison's Search Warrant Manual 2015*, Carswell, 2014, aux pp. 28-29.

30 *R. c. Araujo*, [2000] 2 R.C.S. 992, par. 51.

31 *R. c. Campbell*, 2011 CSC 32, [2011] 2 R.C.S. 549, par. 14.

32 *R. c. Garofoli*, [1990] 2 R.C.S. 1421, à la p. 1452; *R. c. Pires; R. c. Lising*, 2005 CSC 66, [2005] 3 R.C.S. 343, par. 8.

[43] Afin de protéger l'intégrité du processus d'autorisation, le juge qui révise peut annuler le mandat de perquisition si l'enquêteur a tenté délibérément d'induire en erreur le juge qui a accordé l'autorisation, même si les faits sont fiables et suffisants[33].

[44] Il est important de souligner que la véracité des allégations relatives aux éléments essentiels de l'infraction contenues dans la demande pour obtenir un mandat de perquisition reste à être prouvée par la poursuite lors du procès si des accusations sont déposées[34].

[45] Pour cette raison, bien que la demande doive alléguer la commission d'une infraction connue en droit[35], le juge n'a pas à résoudre, à cette étape, la question de savoir si les faits présentés dans la demande constituent une infraction criminelle.

[46] Cette question n'est pas pertinente, elle le sera lors du procès, le cas échéant. Elle ne peut être tranchée tant que la poursuite n'a pas rassemblé ces éléments de preuve et qu'elle n'est pas en mesure d'engager des poursuites[36].

D - La contestation de l'exécution du mandat de perquisition

[47] Une fouille ou une perquisition n'est pas abusive au sens de l'art. 8 de la *Charte*, si elle est autorisée par la loi, si la loi elle-même n'est pas abusive, et si la fouille ou perquisition n'a pas été effectuée d'une manière abusive[37].

[48] L'exigence selon laquelle la perquisition ne doit pas être effectuée d'une manière abusive vise à éviter que la perquisition revête un caractère plus envahissant que ce qui est raisonnablement nécessaire pour atteindre ses objectifs[38].

[49] Toutefois, lors de la contestation d'un mandat de perquisition par le biais d'un recours en contrôle judiciaire[39], la manière d'effectuer une fouille ou une perquisition n'est pas en cause, car le pouvoir d'intervention de la Cour supérieure se limite à la délivrance du mandat et non à l'exécution de celui-ci[40].

[50] Pour cette raison, la preuve relative à l'exécution de la perquisition présentée par celui qui conteste l'autorisation est sans pertinence lors de la contestation. Le juge réviseur évalue uniquement la validité de l'autorisation à la lumière des motifs

---

33 *R. c. Colbourne* (2001), 157 C.C.C. (3d) 273 (C.A. Ont.), par. 40; *R. c. Araujo*, [2000] 2 R.C.S. 992, par. 54; *R. c. Guimont*, 2015 QCCS 4028, par. 27.

34 *Groupe de la Banque mondiale c. Wallace*, 2016 CSC 15, par. 119; *R. c. Pires; R. c. Lising*, 2005 CSC 66, [2005] 3 R.C.S. 343, par. 30.

35 *R. v. Branton* (2001), 154 C.C.C. (3d) 139 (C.A. Ont.), par. 16.

36 *CanadianOxy Chemicals Ltd. c. Canada (Procureur général)*, [1999] 1 R.C.S. 743, par. 22. La Cour suprême adopte à cet égard la position formulée par la Cour d'appel de l'Ontario dans *Re Church of Scientology and the Queen (No. 6)* (1987), 31 C.C.C. (3d) 449, à la p. 475.

37 *Wakeling c. États-Unis d'Amérique*, 2014 CSC 72, [2014] 3 R.C.S. 549, par. 41; *R. c. Fearon*, 2014 CSC 77, [2014] 3 R.C.S. 621, par. 12.

38 *R. c. Vu*, 2013 CSC 60, [2013] 3 R.C.S. 657, par. 22.

39 Art. 265 *C.p.p.*; Voir les articles 529 à 531 *C.p.c.*

40 *Cohen c. Québec (Procureure générale)*, 2015 QCCA 122, par. 7; *St-Pierre c. Sûreté du Québec*, 2014 QCCA 2378, par. 24; *R. c. Vu*, 2013 CSC 60, [2013] 3 R.C.S. 657, par. 55.

2016 QCCS 2158 (CanLII)

raisonnables contenus dans la dénonciation présentée au juge qui a accordé le mandat de perquisition[41] et non à la lumière d'informations qui ne s'y trouvent pas.

III - Les infractions alléguées

[51] Dans ses demandes pour obtenir un mandat de perquisition, l'ARQ allègue la commission de deux infractions par Uber: 1) la production de déclarations fausses ou trompeuses dans ses propres déclarations de taxes; 2) le fait d'aider les chauffeurs utilisant l'application Uber à éluder l'observation d'une loi fiscale, notamment le paiement, la remise ou un versement requis relatif à la TPS et la TVQ.

[52] Voici le texte des infractions alléguées:

> À Montréal, district de Montréal et ailleurs au Québec, pour les périodes de déclaration comprises entre le 1er janvier 2014 et le 31 mars 2015, Uber Canada inc. a participé, consenti ou acquiescé à la production de déclarations fausses ou trompeuses, dans des déclarations, rapports, certificats, états, réponses, demandes de remboursement ou autres documents produits ou faits en vertu de la *Loi sur la taxe de vente au Québec* (RLRQ, c. T-0.1) ou d'un règlement adopté en vertu de cette loi, à savoir des déclarations de taxe ou taxe nette, produites en vertu de l'article 422 de cette loi, pour un montant indéterminé, commettant ainsi l'infraction prévue au paragraphe a) de l'article 62 de la *Loi sur l'administration fiscale* (RLRQ, c. A-6.002).
>
> À Montréal, district judiciaire de Montréal ou ailleurs au Québec, a accompli ou omis d'accomplir, quelque chose en vue d'aider les chauffeurs utilisant l'application Uber à commettre l'infraction suivante : À Montréal, district judiciaire de Montréal et ailleurs au Québec, pour les périodes de déclaration comprises entre le 1er janvier 2014 et le 31 mars 2015, a volontairement ou de quelque manière que ce soit, éludé ou tenté d'éluder l'observation d'une loi fiscale ou le paiement, la remise ou le versement d'un droit établi en vertu de la *Loi sur la taxe de vente du Québec* (RLRQ, c. T-0.1) commettant ainsi l'infraction prévue au paragraphe d) de l'article 62 de la *Loi sur l'administration fiscale* (RLRQ, c. A-6.002). Uber Canada inc., étant partie à l'infraction en vertu de l'article 68.0.1 de la *Loi sur l'administration fiscale* (RLRQ, c. A-6.002).

[53] Ayant à l'esprit la nature des infractions alléguées par l'ARQ, il convient maintenant de présenter la position des parties.

[54] Il sera ainsi plus facile de comprendre les motifs de contestation des mandats de perquisition que présente Uber.

---

[41] *R. c. Morelli*, 2010 CSC 8, [2010] 1 R.C.S. 253, par. 43.

2016 QCCS 2158 (CanLII)

IV - La position des parties

[55] Voici le résumé de la position respective des parties[42].

A - Uber Canada

1) La première infraction alléguée

[56] Uber soutient que la première infraction alléguée indique qu'Uber Canada Inc. aurait participé, consenti ou acquiescé à des déclarations fausses ou trompeuses produites en vertu de l'article 422 de *la Loi sur la taxe de vente au Québec* (« *LTVQ* »).

[57] Or, ajoute-t-elle, cet article ne prévoit pas la production de déclarations de taxes. Il traite seulement de perception.

[58] L'infraction alléguée n'existe donc pas en droit.

[59] L'omission du mot « fait » dans le texte de l'infraction alléguée implique que celle-ci vise les déclarations des chauffeurs : Uber aurait « fait » ses propres déclarations et aurait « participé, consenti ou acquiescé » aux déclarations des chauffeurs. D'ailleurs, un tableau produit par l'ARQ lors de l'audition de la contestation fait état d'« infraction » des chauffeurs et de « complicité » d'Uber. Or, la dénonciation n'identifie pas : (1) de déclarations produites par les chauffeurs; (2) de motifs raisonnables de croire que de telles déclarations seraient fausses ou trompeuses - la dénonciation traite seulement des factures, sans distinguer la règle des 30,000 $; et surtout (3) de motifs raisonnables de croire qu'Uber aurait participé, consenti ou acquiescé à de telles déclarations, et de quelle façon.

[60] Quant aux déclarations faites par Uber, aucune TVQ n'a été perçue durant la période visée.

[61] On ne peut pas logiquement en tirer l'inférence de déclarations fausses ou trompeuses puisque la dénonciation: (1) n'indique pas que la « technologie Uber » serait offerte par Uber Canada Inc. – au contraire, elle a plutôt été développée par Uber Technologies Inc.; (2) ne contient pas de motifs raisonnables de croire que les 20% seraient la contrepartie de fournitures taxables effectuées par Uber - au contraire, la dénonciation fait état d'« un compte bancaire non-identifié » par Revenu Québec; et surtout (3) ne contient aucun indice d'intention coupable d'Uber, tel que l'impose la loi et la jurisprudence.

2) La deuxième infraction alléguée

[62] À l'égard de la deuxième infraction alléguée, Uber soutient que la dénonciation ne contient aucun motif raisonnable de croire que : (1) les chauffeurs avaient l'obligation de remettre la TVQ, à la lumière du régime fiscal applicable; (2) les chauffeurs auraient volontairement éludé cette obligation; (3) Uber aurait participé de quelque manière à cette évasion; et surtout (4) Uber avait la connaissance de cette évasion et l'intention d'aider les chauffeurs à la commettre.

---

[42] Les parties ont préparé un résumé de leur position à la demande du Tribunal. Elles sont incorporées au présent jugement.

2016 QCCS 2158 (CanLII)

[63] Selon Uber, la dénonciation est incomplète.

[64] Enfin, Uber prétend que les mandats doivent être annulés pour trois autres motifs: 1) la dénonciation n'était pas complète et sincère car elle taisait le régime fiscal applicable. Si le juge autorisateur l'avait connu, il aurait refusé d'émettre les mandats puisque la dénonciation ne contenait aucun motif de croire que les chauffeurs utilisant UberX avaient excédé le seuil de 30,000 $; 2) ils autorisaient la saisie de documents imprimés alors que la dénonciation ne fait état d'aucun motif de croire qu'ils pouvaient faire la preuve des infractions alléguées; et 3) leur portée était excessive en autorisant la saisie de tout le contenu de tous les ordinateurs et téléphones d'Uber Canada Inc., ce qui excédait nécessairement les seules choses pouvant faire la preuve des infractions alléguées.

2016 QCCS 2158 (CanLII)

B – L'Agence du revenu du Québec

[65] Selon l'ARQ, les dénonciations présentées contiennent des motifs raisonnables de croire que les infractions alléguées ont été commises. Dans ce contexte, le juge pouvait délivrer les mandats et le juge réviseur ne devrait pas intervenir.

1) La première infraction alléguée

[66] À l'égard de la première infraction, l'ARQ fait valoir qu'Uber, étant inscrite auprès des autorités fiscales, a produit à l'ARQ des déclarations de taxes pour les périodes sous enquête.

[67] Ces déclarations démontrent cependant qu'Uber prétend n'avoir perçu aucune taxe de vente du Québec (TVQ) durant ces périodes.

[68] Or, puisque l'ARQ n'est qu'à l'étape de l'enquête, la dénonciation établit des motifs raisonnables qu'Uber effectuait une fourniture taxable auprès des chauffeurs UberX.

[69] Uber conserve une commission de 20 % pour chaque course effectuée. Cette fourniture étant effectuée au Québec, Uber devait percevoir les taxes applicables et remettre la taxe nette à l'État.

2) La deuxième infraction alléguée

[70] Quant à la deuxième infraction, l'ARQ estime avoir des motifs raisonnables de croire que les chauffeurs éludent ou tentent d'éluder l'observation d'une loi fiscale ou le paiement, la remise ou le versement d'un droit établi en vertu de la *LTVQ*. La dénonciation au soutien des mandats de perquisition attaqués démontre qu'un chauffeur UberX ne s'est pas inscrit à la TVQ et à la TPS.

[71] Le défaut d'inscription permet aux chauffeurs de dissimuler leurs fournitures taxables et l'existence d'activités commerciales aux autorités fiscales ce qui rend toute vérification ou enquête quasi impossible. Sans inscription, les chauffeurs demeurent invisibles aux yeux des autorités fiscales. Ce manquement donne des motifs raisonnables de croire qu'il ne s'agit pas d'une simple inobservance de la loi de leur part mais plutôt d'une volonté d'éluder ou de tenter d'éluder l'application de la *LTVQ* et la remise des taxes qu'ils ont à verser.

2016 QCCS 2158 (CanLII)

[72] L'ARQ estime avoir des motifs raisonnables de croire qu'Uber a accompli des gestes en vue d'aider les chauffeurs à éluder le paiement des taxes.

[73] Uber fournit l'application mobile nécessaire au transport, elle gère le paiement des courses et émet des factures qui ne mentionnent aucun numéro de taxe ni même le montant des taxes.

[74] Uber possède la connaissance que les chauffeurs avec qui elle fait affaires ne sont pas inscrits aux registres de la TPS et de la TVQ.

[75] Également, elle ne demande pas les numéros de taxes des futurs chauffeurs lors de l'inscription de ces derniers. Connaissant le défaut d'inscription des chauffeurs et en ne leur fournissant pas les outils nécessaires pour se conformer à leurs obligations fiscales, Uber a volontairement ignoré ou ne s'est pas souciée de la commission de l'infraction par les chauffeurs.

V - Les dispositions législatives pertinentes

[76] La nature des questions en litige requiert la reproduction des dispositions législatives pertinentes.

[77] Celles-ci concernent les dispositions pertinentes relatives aux sujets suivants: 1) l'autorisation d'une perquisition; 2) le transport rémunéré de personnes par automobile; 3) la perception et le versement des taxes payables dans l'industrie du taxi; 4) le texte des infractions alléguées.

A - L'autorisation d'une perquisition

[78] Les articles 40 et 40.1.3 de la *Loi sur l'administration fiscale*[43] prévoient:

> **40**. Un juge de la Cour du Québec peut, sur demande ex parte à la suite d'une dénonciation faite par écrit et sous serment par un employé de l'Agence, pour toutes fins relatives à l'application d'une loi fiscale, autoriser par écrit tout employé de l'Agence, ou toute autre personne qu'il désigne, à s'introduire et à perquisitionner, par la force au besoin, dans un endroit pour y rechercher toutes choses pouvant servir de preuve d'une infraction à une loi fiscale ou à un règlement pris par le gouvernement pour son application ou qui sont ou ont été utilisées pour sa perpétration, à saisir et emporter ces choses; l'employé ou la personne ainsi autorisé peut se faire assister par un agent de la paix.
>
> L'employé qui fait la dénonciation doit avoir des motifs raisonnables de croire que ladite infraction est ou a été commise et qu'il y a dans cet endroit des choses pouvant servir de preuve de l'infraction ou qui sont ou ont été utilisées pour sa perpétration.
>
> Le juge peut accorder son autorisation aux conditions qu'il indique, s'il est convaincu qu'il existe des motifs raisonnables de croire que telle infraction est ou a été commise et que de telles choses pouvant servir de preuve de l'infraction ou qui sont ou ont été utilisées pour sa perpétration se trouvent dans cet endroit.

---

[43] RLRQ, c. A-6.002.

2016 QCCS 2158 (CanLII)

La perquisition ne peut être commencée avant 7 h ni après 20 h, non plus qu'un jour férié, si ce n'est en vertu d'une autorisation écrite du juge qui l'a autorisée. Elle ne peut non plus être commencée plus de 15 jours après avoir été autorisée.

40.1.3. Lors d'une enquête relative à une infraction à une loi fiscale ou à un règlement pris par le gouvernement pour son application, un juge de la Cour du Québec peut, sur demande ex parte à la suite d'une dénonciation faite par écrit et sous serment d'un employé de l'Agence, ordonner à une personne, à l'exception de la personne faisant l'objet de l'enquête:

a) de communiquer des documents originaux ou des copies certifiées conformes par déclaration sous serment ou des renseignements;

b) de préparer un document à partir de documents ou renseignements existants et de le communiquer.

L'ordonnance précise le lieu, la forme de la communication, le nom de l'employé à qui elle est effectuée ainsi que le délai dans lequel elle doit être effectuée.

Le juge peut rendre cette ordonnance s'il est convaincu qu'il existe des motifs raisonnables de croire, à la fois:

a) qu'une infraction à une loi fiscale ou à un règlement pris par le gouvernement pour son application est ou a été commise;

b) que les documents ou renseignements fourniront une preuve touchant la perpétration de l'infraction;

c) que les documents ou renseignements sont en la possession de la personne en cause ou à sa disposition.

L'ordonnance peut être assortie des modalités que le juge estime appropriées, notamment pour protéger le secret professionnel de l'avocat ou du notaire.

Le juge qui rend l'ordonnance ou un juge compétent pour rendre une telle ordonnance peut la modifier, la révoquer ou accorder un nouveau délai qu'il fixe, s'il est convaincu, sur demande ex parte à la suite d'une déclaration sous serment d'un employé de l'Agence appuyant la demande, que les intérêts de la justice le justifient.

La copie d'un document communiquée en vertu du présent article est, à la condition d'être certifiée conforme à l'original par déclaration sous serment, admissible en preuve dans toute procédure et a la même valeur probante que l'original aurait eue s'il avait été déposé en preuve de façon normale.

B - Le transport rémunéré de personnes par automobile

[79] La *Loi concernant les services de transport par taxi*[44] définit comme suit les règles applicables au transport rémunéré de personnes par automobile:

1. La présente loi établit les règles applicables au transport rémunéré de personnes par automobile et encadre plus particulièrement les services de transport par taxi, y compris ceux de limousine et de limousine de grand luxe, afin d'accroître la sécurité des usagers, d'améliorer la qualité des services offerts et d'établir certaines règles

[44] RLRQ, c. S-6.01.

particulières applicables aux activités des intermédiaires en services de transport par taxi.

2. Pour l'application de la présente loi, on entend par:

1° «automobile», tout véhicule automobile au sens du Code de la sécurité routière (chapitre C-24.2), à l'exception d'un autobus ou d'un minibus

[…]

4. Pour offrir ou effectuer un transport rémunéré de personnes à l'aide d'une automobile, une personne doit y être autorisée par un permis de propriétaire de taxi.

4.1. Tout titulaire de permis de propriétaire de taxi est réputé exercer une activité économique organisée de prestation de services à caractère commercial. Sont du capital affecté à l'exploitation de son entreprise, son permis de propriétaire de taxi et l'automobile qui y est attachée.

5. Un permis de propriétaire de taxi autorise son titulaire à posséder un seul taxi, une seule limousine ou une seule limousine de grand luxe et, soit à exploiter personnellement cette automobile, s'il est par ailleurs titulaire d'un permis de chauffeur de taxi, soit à en confier l'exploitation ou la garde à un titulaire de permis de chauffeur de taxi par suite d'un contrat de location ou d'un contrat de travail prévoyant une rémunération par salaire ou par commission.

Une même personne ne peut être directement ou indirectement titulaire de plus de permis de propriétaire de taxi que le nombre autorisé par règlement.

Le permis de propriétaire de taxi n'autorise que le transport privé des personnes sauf dans la mesure prévue à l'article 7. Par «transport privé», on entend un transport dont l'exclusivité de la course est réservée à un client et aux personnes qu'il désigne.

Un permis ne peut être délivré ou maintenu si un taxi, une limousine ou une limousine de grand luxe n'y est attaché. Le titulaire d'un permis de propriétaire de taxi qui remplace son automobile doit faire enregistrer cette substitution à la Commission des transports du Québec avant d'utiliser l'automobile en vertu de son permis.

[Le soulignement est ajouté]

2016 QCCS 2158 (CanLII)

2016 QCCS 2158 (CanLII)

C - La perception et le versement des taxes payables dans l'industrie du taxi

[80] La *Loi sur la taxe de vente*[45] définit l'entreprise de taxi en ces termes à son article 1 :

> « entreprise de taxis » signifie une entreprise exploitée au Québec qui consiste à transporter des passagers par taxi à des prix réglementés par la *Loi concernant les services de transport par taxi* (chapitre S-6.01);

[81] Les articles 407 et 407.1 de cette loi prévoient:

> **407**. Toute personne qui effectue une fourniture taxable au Québec dans le cadre d'une activité commerciale qu'elle exerce au Québec est tenue d'être inscrite sauf dans le cas où, selon le cas:
>
> 1° la personne est un petit fournisseur;
>
> 2° la seule activité commerciale de la personne consiste à effectuer la fourniture d'un immeuble par vente, autrement que dans le cadre d'une entreprise;
>
> 3° la personne ne réside pas au Québec et n'y exploite pas d'entreprise;
>
> 4° *(paragraphe abrogé)*.
>
> **407.1**. Malgré l'article 407, le petit fournisseur qui exploite une entreprise de taxis est tenu d'être inscrit à l'égard de cette entreprise.
>
> [Le soulignement est ajouté]

D – Les infractions fiscales alléguées

[82] Les infractions alléguées par l'ARQ sont les suivantes: l'art. 422 *LTVQ* et les articles 62 et 68.01.01 de la *Loi sur l'administration fiscale*[46]

> ***Loi sur la taxe de vente du Québec*, RLRQ c. T-0.1**
>
> **422**. Toute personne qui effectue une fourniture taxable doit, à titre de mandataire du ministre, percevoir la taxe payable par l'acquéreur en vertu de l'article 16 à l'égard de cette fourniture.
>
> Le présent article ne s'applique pas dans le cas où:
>
> 1° la fourniture est visée à l'article 20.1;
>
> 2° la personne est un petit fournisseur qui n'est pas un inscrit et qui effectue, dans le cadre d'une activité commerciale, la fourniture d'un véhicule routier qui doit être immatriculé en vertu du Code de la sécurité routière (chapitre C-24.2) à la suite d'une demande de son acquéreur;
>
> 3° la fourniture constitue une fourniture par vente au détail d'un véhicule automobile autre que celle effectuée par suite de l'exercice par l'acquéreur d'un droit d'acquérir celui-ci qui lui est conféré en vertu d'une convention écrite de louage du véhicule qu'il a conclue avec le fournisseur.

---

[45] RLRQ, c. T-0.1.
[46] LRQ, c. A-6.002.

***Loi sur l'administration fiscale*, LRQ c. A-6.002**

62. Commet une infraction et, en outre de toute pénalité prévue par ailleurs, est passible d'une amende d'au moins 2 000 $ et d'au plus 1 000 000 $ ou, malgré les articles 231 et 348 du Code de procédure pénale (chapitre C-25.1), à la fois de cette amende et d'un emprisonnement d'au plus cinq ans moins un jour, toute personne qui:

a) fait des déclarations fausses ou trompeuses, ou participe, consent ou acquiesce à leur énonciation dans une déclaration, rapport, certificat, état, réponse, demande de remboursement ou autre document produits ou faits en vertu d'une loi fiscale ou d'un règlement adopté en vertu d'une telle loi;

[...]

d) volontairement, de quelque manière, élude ou tente d'éluder l'observation d'une loi fiscale ou le paiement, la remise ou le versement d'un droit établi en vertu d'une telle loi;

[…]

f) de quelque manière, sachant qu'elle ou une autre personne n'y a pas droit, obtient ou tente d'obtenir un remboursement ou un crédit en vertu d'une loi fiscale; ou

g) conspire avec une personne pour commettre une infraction visée aux paragraphes a, d ou f.

Le présent article ne s'applique pas à l'égard du chapitre III.1 de la Loi sur les normes du travail (chapitre N-1.1) ni de la section II du chapitre II de la Loi favorisant le développement et la reconnaissance des compétences de la main-d'œuvre (chapitre D-8.3).

68.0.1. Toute personne qui accomplit ou omet d'accomplir quelque chose en vue d'aider quelqu'un à commettre une infraction à une loi fiscale ou à un règlement adopté en vertu d'une telle loi est partie à l'infraction et est passible de la peine prévue pour cette infraction que la personne qui a reçu l'aide ait été ou non poursuivie ou déclarée coupable.

[83] Le Tribunal doit maintenant évaluer l'information contenue dans les dénonciations présentées au juge qui a accordé les mandats de perquisition.

[84] Le Tribunal procèdera dans un premier temps à cette évaluation et il expliquera ensuite pourquoi les objections formulées par Uber sont sans fondement.

VI – La demande de mandat de perquisition: les faits établis et les conclusions qu'on peut en tirer

A - Introduction

[85] Les demandes de mandat de perquisition sont appuyées par les dénonciations de Mme Claudine Duval, une employée de l'ARQ.

[86] Les dénonciations de Mme Duval fournissent les informations suivantes: l'origine du dossier; les renseignements fichiers et documents consultés; une description de l'application mobile Uber; un portrait de la société Uber Canada et de son directeur général à Montréal, M. Jean-Nicolas Guillemette; les résultats d'une vérification fiscale effectuée par l'Agence du Revenu du Canada visant Uber Canada; les vérifications en

2016 QCCS 2158 (CanLII)

cours à l'ARQ; l'information recueillie et les filatures effectuées; l'information recueillie auprès de sources publiques d'informations: reportages télé diffusés; les vérifications d'adresses.

[87] À la fin des dénonciations, on trouve un résumé utile des motifs raisonnables de croire qu'une infraction a été commise[47].

[88] Il est important de souligner que la lecture des dénonciations de Mme Duval n'est pas toujours facile.

[89] Le choix de présenter de manière chronologique et parfois répétitive certaines informations n'en favorise pas toujours la lecture. Les motifs appuyant la demande de mandat de perquisition ne sont pas exposés avec la clarté souhaitée[48].

[90] Ce manque de clarté fonde l'observation suivante d'Uber au sujet de l'intelligibilité des dénonciations :

> The sworn information is an investigative narrative and a hodgepodge of disjointed tax and non-tax material. It contains nothing to properly support the alleged offences. By its lack of organization, its lack of reasonable grounds properly related to the alleged offences and its lack of facts and evidence of such grounds, if any, the sworn information falls short of the minimum constitutional standard.
>
> [Le soulignement est ajouté]

[91] L'ARQ reconnait en partie l'existence d'un problème d'intelligibilité de la portée des dénonciations, car elle présente à l'audience, lors de la contestation, un tableau qui vise à en simplifier la lecture.

[92] Pour l'essentiel toutefois, quelles que soient les déficiences ou insuffisances rédactionnelles des dénonciations présentées, ce qui importe c'est la suffisance des motifs présentés et non la manière dont ils sont présentés.

[93] Or, le Tribunal estime que malgré toutes les carences rédactionnelles, les faits révélés justifient l'autorisation des perquisitions.

[94] Voici un résumé de l'essentiel des faits contenus dans les dénonciations présentées par Mme Duval.

B - Un résumé des faits contenus dans les dénonciations

1) L'infraction d'aide à éluder la perception de la TPS et de la TVQ

[95] Uber est une application mobile qui a vu le jour en 2009.

[96] Elle met en relation les utilisateurs et les chauffeurs inscrits à Uber dans le but d'effectuer un transport de passager. L'application Uber est utilisée dans plus de 200 villes et 54 pays.

---

[47] Annexe IV, les paragraphes 25 à 28.

[48] Voir *Demande visant l'interception de communications privées présentée en vertu de la partie VI du Code criminel et d'une demande en vertu du paragraphe 487.01(4) du Code criminel (Re)*, 2010 QCCQ 4570.

2016 QCCS 2158 (CanLII)

[97] Elle a été développée par Uber Technologies inc. dont le cofondateur et président-directeur général est monsieur Travis Kalanick.

[98] Au Canada, Uber Canada inc. est présente dans les villes suivantes : Vancouver, Edmonton, Toronto, Ottawa, Gatineau, Montréal, Québec et Halifax.

[99] Le fonctionnement général de l'application d'Uber peut s'expliquer ainsi.

[100] L'utilisateur des services d'Uber installe l'application sur son téléphone intelligent.

[101] Parallèlement, après avoir complété l'approbation préalable ainsi que tous les formulaires et démarches nécessaires, le chauffeur d'Uber installe l'application Uber sur son téléphone intelligent.

[102] En ouvrant l'application, le client peut voir les voitures (chauffeurs) à proximité ainsi que le délai d'attente pour chacune d'entre elles, grâce au système de géolocalisation des téléphones cellulaires respectifs des clients et des chauffeurs.

[103] Il choisit une voiture avec l'application Uber et inscrit sa destination qui sera donc déjà connue du chauffeur.

[104] Quatre types de services sont offerts au Québec à l'aide de l'application Uber soit UberX, UberXL, UberSelect et UberTaxi.

UberX

[105] Le tarif de base est de 2,75 $ plus 0,25 $ par minute plus 0,90 $ par kilomètre parcouru. La course minimum est de 3,75 $ et des frais d'annulation de 5,00 $ seront facturés si le client annule son service de transport. On retrouve dans cette catégorie des véhicules tels : Mazda 3, Volkswagen Jetta ou Dodge Caravan. Ils peuvent être conduits par un particulier âgé de 21 ans ou plus, titulaire d'un permis de conduire et d'une assurance personnelle pour un véhicule. Le véhicule doit être une voiture de quatre portes de moins de 10 ans, en excellent état.

UberXL

[106] Le tarif de base est de 5,00 $ plus 0,35 $ par minute plus 1,45 $ par kilomètre parcouru. La course minimum est de 6,00 $ et des frais d'annulation de 5,00 $ seront facturés si le client annule son service de transport. On retrouve dans cette catégorie des véhicules plus luxueux tels : Dodge Caravan, Toyota Sienna ou Mitsubishi Outlander. Ils peuvent être conduits par un particulier âgé de 21 ans ou plus, titulaire d'un permis de conduire et d'une assurance personnelle pour un véhicule. Le véhicule doit être une voiture de quatre portes de moins de 10 ans, en excellent état.

UberSelect

[107] Le tarif de base est de 5,00 $ plus 0,40 $ par minute plus 2,40 $ par kilomètre parcouru. La course minimum est de 6,00 $ et des frais d'annulation de 5,00 $ seront chargés si le client annule son service de transport. On retrouve dans cette catégorie des véhicules de grand luxe tels : Mercedes, BMW ou Audi. Ils peuvent être conduits par un particulier âgé de 21 ans ou plus, titulaire d'un permis de conduire et d'une

2016 QCCS 2158 (CanLII)

assurance personnelle pour un véhicule. Le véhicule doit être une voiture de quatre portes de moins de 10 ans, en excellent état.

UberTaxi

[108] Les tarifs sont les mêmes que ceux d'un taxi donc le tarif de base est de 3,45 $[49] plus 0,63 $ par minute plus 1,70 $ par kilomètre parcouru. Le véhicule peut seulement être conduit par un chauffeur de taxi détenteur d'un permis. Le service d'UberTaxi est basé sur un taximètre dont les prix sont les mêmes que ceux de l'industrie du taxi.

[109] Grâce à l'application Uber, le client possède le nom du chauffeur, sa photo, son évaluation générale en tant que chauffeur, ainsi que le modèle de la voiture. Il peut suivre en temps réel le déplacement de la voiture et sera avisé par messagerie texte de l'arrivée de la voiture pour éviter l'attente à l'extérieur;

[110] À destination, le montant est automatiquement débité sur la carte de crédit qui a été inscrite dans le compte du client pour être encaissé par un tiers non identifiable qui agit à titre d'entreprise de paiement. Il n'y a donc aucun échange d'espèces entre le client et le chauffeur.

[111] Les clients peuvent évaluer le chauffeur sur un système de pointage à cinq étoiles lors de leur arrivée à destination. Le chauffeur doit maintenir une certaine cote pour pouvoir continuer à être « partenaire d'Uber ».

[112] Un reçu électronique est envoyé directement au client lors du paiement à l'adresse de courriel enregistrée en lien avec la carte de crédit. Le client peut consulter ce reçu via le site internet d'Uber.

[113] L'argent prélevé par le tiers à titre d'entreprise de paiement pour la course effectuée sur le territoire québécois est ensuite versé par paiement électronique à raison de 80 % du montant facturé au client pour les chauffeurs et la différence, soit les 20 %, est retenue à titre de commission.

[114] Les chauffeurs sont rémunérés une fois par semaine par dépôt direct dans leur compte bancaire.

[115] Les services rendus en utilisant la technologie Uber au Québec constituent des services taxables.

[116] Les enquêteurs effectuent une visite afin d'identifier la place d'affaires d'Uber. Ils se présentent au 303-368 Notre-Dame ouest en prétendant vouloir s'inscrire comme chauffeurs. Ils sont alors informés qu'il s'agit des bureaux administratifs d'Uber mais qu'ils doivent se rendre au 1751, rue Richardson, bureau 6.118 pour s'inscrire.

[117] Ils obtiennent néanmoins les informations suivantes.

---

[49] Les tarifs applicables sont établis par le *Recueil des tarifs du transport privé par taxi*, RLRQ, c. S-6.01, r.6. Ces tarifs prévoient le prix de base, le montant de la TPS et celui de la TVQ.

2016 QCCS 2158 (CanLII)

[118] Pour être chauffeur UberX[50], il faut compléter un processus d'inscription ainsi qu'un profil en ligne. Il est toutefois possible de le faire sur place avec l'assistance d'une personne-ressource.

[119] L'approbation d'un chauffeur UberX est assujettie aux conditions suivantes: 1) détenir un permis de conduire valide pour être chauffeur; 2) avoir commis moins de deux infractions au Code de la route dans les deux dernières années; 3) ne pas avoir de dossier criminel; 4) utiliser une voiture dont l'année de fabrication la plus récente est 2005; 5) présenter une confirmation que le véhicule est assuré; 6) fournir trois photos établissant le bon état des véhicules (max. 2).

[120] Lorsque l'inscription est complétée et les documents fournis, le dossier est analysé et si tout est conforme, le compte est activé dans un délai d'une semaine. Dès cette activation, le chauffeur peut commencer à effectuer le transport de passagers.

[121] Le paiement ne s'effectue pas en argent comptant. Les clients doivent payer avec une carte de crédit seulement. L'installation de l'application électronique « Uber » sur un téléphone intelligent est nécessaire puisque toutes les transactions sont effectuées au moyen de cette application.

[122] UberX jumèle un conducteur avec des clients via cette application. Une connexion internet est nécessaire au fonctionnement de l'application « Uber ».

[123] Uber Canada inc. loue un téléphone intelligent à certains chauffeurs pour une somme de 10 $ par semaine.

[124] Sur les montants facturés, Uber retient 20 % à titre de commissions tandis que 80 % sont remis aux chauffeurs. Les chauffeurs sont payés une fois par semaine par dépôt bancaire. Uber considère que les chauffeurs sont des travailleurs autonomes. Selon Uber, il appartient aux chauffeurs d'effectuer les déclarations requises auprès des autorités fiscales.

[125] Une visite subséquente au 1751 Richardson permet aux enquêteurs, qui camouflent leur identité et se présentent alors comme des comptables dont certains clients sont des chauffeurs Uber, de faire certaines observations.

[126] Les équipements informatiques suivants sont utilisés par des personnes qui se trouvent sur les lieux: ordinateurs de marque Apple Thunderbolt; quatre tablettes iPad mises à la disposition des personnes qui se présentent pour s'enregistrer à titre de chauffeurs; une trentaine de cellulaires de marque iPhone noirs se trouvent dans un panier sur le bureau de la réception; des ordinateurs portables de type MacBook.

[127] Lors de cette visite, Uber est décrite aux enquêteurs d'une manière qui corrobore les informations obtenues antérieurement.

---

[50] Tel que le note Uber, la rédaction des dénonciations rend parfois difficile de déterminer si l'enquêteuse résume des faits concernant les chauffeurs UberTaxi ou UberX. Cependant, lorsqu'on lit les dénonciations d'une manière globale, il est alors possible de déterminer les faits qui se rattachent à l'un ou l'autre de ces catégories de chauffeurs.

2016 QCCS 2158 (CanLII)

[128] L'application Uber s'installe sur des téléphones intelligents et jumèle des chauffeurs avec des personnes qui cherchent du transport.

[129] Les chauffeurs sont des « independent workers » (travailleurs autonomes) qui utilisent l'application d'Uber pour générer des revenus.

[130] Il n'y a pas de transfert d'espèces entre les chauffeurs et les clients après la course. Toutes les ventes effectuées avec l'application Uber sont payées par carte de crédit et prélevées directement sur la carte des clients après la course.

[131] Les chauffeurs reçoivent uniquement ce qui leur est dû par un versement hebdomadaire directement dans leur compte bancaire.

[132] Des vérifications sont faites avant le versement aux chauffeurs pour s'assurer qu'aucune fraude n'est commise.

[133] Bien que les chauffeurs de taxi se doivent d'être inscrits aux taxes pour remplir leurs obligations fiscales, Uber n'exige pas que les chauffeurs présentent des numéros de taxes valides lors de leur inscription.

[134] Les chauffeurs peuvent consulter l'état des services rendus (de leurs ventes) en se connectant à leur profil sur un site Internet.

[135] Toutes les questions concernant Uber doivent s'effectuer par courriel. Uber n'a pas de service à la clientèle téléphonique.

[136] Par ailleurs, durant leur enquête, les enquêteurs font appel aux services d'Uber ce qui leur permet d'obtenir les informations suivantes du chauffeur qui répond à leur appel.

[137] Ce dernier utilise son automobile personnelle. Il est chauffeur pour UberX depuis un mois. Il affirme qu'il souhaitait acheter une licence de taxi, mais que c'était trop dispendieux. Il loue des voitures de taxi avec licence.

[138] Il affirme qu'il est plus payant de conduire une voiture taxi plutôt que de conduire pour Uber. Selon son calcul, pour un même trajet, UberX chargerait 20 à 30 % de moins qu'une voiture de taxi et en plus, Uber conserve 20 % des revenus en commission.

[139] Les informations fiscales de ce chauffeur sont vérifiées par les enquêteurs.

[140] À la suite de ce transport, un enquêteur fait une demande d'information à l'adresse courriel support@uber.com au sujet de la facture reçue.

[141] Il obtient la réponse suivante:

> **Joel (Uber)**
>
> 11 mars à 13h43
>
> Bonjour Luc,
>
> Merci pour votre message. Vous avez effectué le trajet en UberX, et nous ne délivrons pas de facture pour ces trajets.

2016 QCCS 2158 (CanLII)

> En effet, UberX est une solution de transport entre particuliers, d'où son coût attractif. Le conducteur qui vous a rendu ce service est un particulier, conducteur occasionnel, qui donc ne dispose pas de numéro de TPS ou de TVQ. La prestation vous est facturée en son nom, et Uber n'agit que comme plateforme d'intermédiation, prélevant une commission sur la somme reversée au conducteur.
>
> Comme vous l'indiquez, nous délivrons néanmoins un reçu par email, sur lequel figurent toutes les mentions nécessaires. Vous pouvez retrouver ce reçu dans votre espace personnel sur http://rider.uber.com et vous le faire réexpédier. Ce reçu peut être utilisé pour des remboursements et pour une comptabilité interne.
>
> Si vous désirez une facture pro forma pour chaque trajet il vous faut utiliser les services uberTaxi.
>
> Je suis à votre disposition pour toute question complémentaire.
>
> Bien à vous,
>
> Joel
>
> Uber Canada

[142] Mme Duval en tire la conclusion qu'il n'est pas possible d'avoir le détail des taxes sur une facture générée par l'utilisation des services d'UberX.

[143] Des enquêteurs obtiennent d'autres informations au sujet du service UberX de chauffeurs qui conduisent pour le service UberTaxi. Selon ces derniers, les chauffeurs d'UberX sont des chauffeurs illégaux. Une facture détaillée peut être transmise par Uber.

[144] Le relevé de carte de crédit de l'enquêteur ayant payé ces courses révèlent que le tout a été payé à Uber – support.uber.NL. Selon l'enquêteur, NL identifie les Pays-Bas.

[145] Les enquêteurs effectuent aussi un processus d'inscription pour le service UberX sans le compléter.

[146] Ils constatent qu'Uber n'exige pas les numéros de TPS/TVQ durant le processus d'inscription.

[147] Deux reportages diffusés par Radio-Canada sont résumés dans les dénonciations de Mme Duval.

[148] L'un de ces reportages confirme la présence d'ordinateurs dans le local où est effectué le reportage. De plus, le directeur-général d'Uber, M. Guillemette, y affirme que plusieurs dizaines de milliers de Montréalais utilisent UberX et que plusieurs centaines de conducteurs se transforme en taxi quand bon leur semble.

[149] Lors de la saisie des automobiles de deux chauffeurs d'Uber, les amendes ont été payées par Uber qui a fourni une voiture de location aux chauffeurs.

[150] Le deuxième reportage est une entrevue de M. Guillemette avec le journaliste Gérald Fillion lors d'un reportage intitulé « La désobéissance civile d'UberX ».

2016 QCCS 2158 (CanLII)

[151] Voici l'extrait pertinent de la dénonciation de Mme Duval:

17.1 Concernant le service d'UberX :

M. Fillion : « UberX c'est du transport? »

M. Guillemette : « En effet! »

M. Fillion : « C'est une auto. Rémunérées, les personnes sont rémunérées? »

M. Guillemette : « D'une certaine façon oui »

M. Filion : « Bien, oui, ils sont payés. Je veux dire, les personnes qui transportent une personne avec UberX sont rémunérées par le client qui est assis dans l'automobile? »

M. Guillemette : « En effet! »

M. Fillion : « Transport rémunéré de personne à l'aide d'une automobile, il y a une loi, il y a une loi pour ça. ».

17.2 Concernant le service offert :

M. Fillion : « On fonce dans le cadre légal et on verra ce que ça va donner. Est ce que c'est normal de faire ça? »

M. Guillemette : « La réponse que je vous donne est il y a des dizaines de milliers de montréalais qui utilisent notre service à toutes les semaines. Il y a plus de 15 000 personnes qui ont signé la pétition qu'on a mise en ligne. Et la raison est fort simple, les gens veulent plus d'options dans les transports. Si on n'amenait pas quelque chose de nouveau, les gens n'utiliseraient pas notre service. Les gens l'utilisent parce qu'on amène quelque chose et qu'on comble un besoin qui est présent. ».

17.3 De plus, monsieur Guillemette a rajouté lors de cette entrevue que :

17.3.1 « Ce que la population désire c'est plus d'options dans les transports et pour ça, il faut quelque chose, non mais il faut faire quelque chose, faut faire quelque chose de différent. C'est nouveau. La loi dans l'industrie du taxi date d'il y a 10 ans…

La règlementation suit rarement la technologie et c'est ce qu'on affirme. Nous, on n'est pas ici pour dire on veut opérer n'importe comment! Créez un nouveau cadre règlementaire pour encadrer les services qu'on offre…

Nous on dit créer une nouvelle règlementation qui va encadrer un nouveau service qui n'existait pas et que personne ne connaissait… »

17.3.2 « Nous c'est ce que l'on cherche à combattre. Les gens qui le matin se lèvent et prennent leur auto personnelle parce qu'on offre un service fiable, sécuritaire et abordable. »;

17.3.3 « Nous ce que l'on dit c'est qu'on offre un nouveau service à la population. On peut continuer de regarder ce qui se passe dans l'industrie du taxi ou on peut se retrouver à se dire pourquoi il y a des dizaines de milliers de personnes qui utilisent notre service. C'est parce que l'on comble un besoin… ».

2016 QCCS 2158 (CanLII)

2016 QCCS 2158 (CanLII)

2) L'infraction au sujet des déclarations de taxes

[152] L'information au sujet de cette infraction peut être résumée succinctement. Uber ne déclare aucune fourniture taxable au Québec et elle ne perçoit pas la TVQ[51] bien qu'elle perçoive une commission de 20% sur les montants facturés pour le service UberX, dont les chauffeurs fournissent des services de transport au Québec.

[153] De l'avis de l'enquêteuse, les services rendus au Québec par Uber Canada sont des fournitures taxables au Québec[52].

C- Conclusions de l'enquêteuse

[154] De l'ensemble des faits présentés dans ses dénonciations, Mme Duval affirme avoir des motifs raisonnables pour justifier une demande de mandat de perquisition et tire les conclusions suivantes[53] :

> - Les services de transport rendus par des chauffeurs utilisant l'application Uber sont sur le territoire québécois;
>
> - L'application Uber permet de mettre en contact des utilisateurs et des chauffeurs;
>
> - L'application mobile fonctionne grâce à un système de géolocalisation pour mettre en contact direct chauffeurs et utilisateurs sans l'aide d'un intermédiaire. Un téléphone intelligent est nécessaire pour son fonctionnement. Uber Canada inc. fait la location de téléphone aux chauffeurs pour 10 $ par semaine;
>
> - Dans le cas d'UberTaxi, chaque chauffeur doit fournir une série de documents : permis de conduire, licence de taxi, convention de garde, immatriculation du véhicule, assurances du véhicule, et spécimen de chèque pour le dépôt direct. Pour les autres services, les numéros de TPS et TVQ ne sont pas exigés;
>
> - Ces documents sont numérisés et transmis électroniquement ou remis en personne au local situé au 1751, rue Richardson;
>
> - La lecture de différents documents disponibles sur Internet permet de croire qu'Uber utilise aussi un serveur à l'extérieur de Montréal afin de conserver toutes les données relatives aux transactions d'utilisation de l'application Uber;
>
> - Uber ne s'adjoint pas que des chauffeurs dûment autorisés par le Bureau du taxi de Montréal pour le service UberTaxi;
>
> - Toute personne âgée de 21 ans et plus, possédant un permis de conduire valide, une voiture répondant aux critères d'Uber et une assurance personnelle pour le véhicule, peut conduire une voiture pour Uber pour le service UberX après avoir rempli les formalités requises;

---

[51] Voir les paragraphes 8 et 10 en général, mais plus particulièrement les paragraphes 8.1.2 et 10.2.18.
[52] Les paragraphes 9.11 et 25.11.
[53] Les paragraphes 25 à 28.

2016 QCCS 2158 (CanLII)

- À la fin de la course, la carte de crédit de l'utilisateur est automatiquement facturée;

- L'argent est déposé dans un compte non identifié. Les chauffeurs reçoivent 80 % du montant facturé au client et Uber conserve 20 % du montant à titre de commission selon le type de services rendus.

- Les chauffeurs sont rémunérés une fois par semaine par dépôt direct dans leur compte bancaire;

- Un reçu détaillé de la course est également envoyé par courriel, mais ce reçu ne contient aucun détail sur les taxes;

- Uber Canada inc. s'occupe autant de l'aspect administratif que de l'aspect conformité de ses chauffeurs qui comprend:

  - une vérification des dossiers criminels pour ses futurs partenaires;
  - un accompagnement aux chauffeurs lors de leur inscription;
  - la fourniture de téléphones intelligents aux chauffeurs sur demande;
  - le représentant officiel d'Uber fait référence aux chauffeurs d'Uber comme étant « ses partenaires » et voire même, les qualifie de « nos chauffeurs »;
  - lors de la saisie des véhicules, Uber paie les amendes et fournit aussi un véhicule de location;
  - des inspections des véhicules obligatoires effectuées par des garagistes dûment autorisés par Uber pour son service UberX.

- Uber n'agit donc pas uniquement à titre d'intermédiaire entre le chauffeur et le client;

- L'Agence du revenu du Canada considère qu'Uber Canada inc. effectue des fournitures taxables pour l'ensemble de ses services dans l'ensemble du Canada (principalement à Toronto avec un taux de taxation de 13 % à titre de TVH). L'ARC a donc cotisé un montant supplémentaire de fournitures qu'Uber n'avait pas déclarées comme telles;

- Compte tenu de l'utilisation d'une plateforme unique au Canada, les services rendus au Québec par Uber Canada inc. constituent des fournitures taxables au Québec;

- Les éléments de preuve recherchés se trouvent sur un ou des supports informatiques, tels que cellulaire, tablette et ordinateur, aux endroits visés par les mandats de perquisition et une fouille de leur contenu sera nécessaire pour la saisie des données qu'ils contiennent;

- Les documents ou renseignements énumérés sont nécessaires pour prouver, hors de tout doute raisonnable, les infractions alléguées dans la dénonciation;

> - Une ordonnance de communication aux termes de l'article 40.1.3 de la *Loi sur l'administration fiscale* doit être accordée afin d'obtenir les documents ou renseignements recherchés.

[155] De l'avis du Tribunal, ces faits étaient suffisants pour justifier les mandats de perquisitions qui ont été délivrés.

[156] Une lecture globale et non parcellaire de l'ensemble de ces informations supporte la conclusion selon laquelle il existait quelque élément de preuve auquel le juge pouvait raisonnablement ajouter foi pour faire droit aux demandes de mandat de perquisition qui lui était présentées.

VII - Les objections formulées par Uber

A - Introduction

[157] Il convient maintenant d'examiner les objections formulées par Uber.

[158] Il importe tout d'abord de préciser que la contestation d'Uber souffre d'un problème d'approche dans la manière d'aborder les questions soulevées.

[159] Le premier problème est qu'Uber aborde la contestation des mandats de perquisition comme s'il s'agissait d'une défense présentée lors d'un procès pénal au fond.

[160] Ceci entraîne plusieurs conséquences dans l'analyse qu'elle propose.

[161] D'une part, Uber adopte une perspective d'analyse microscopique alors que la jurisprudence établit clairement que l'évaluation du juge à qui on demande de délivrer un mandat de perquisition doit, certes déterminer si les exigences spécifiques de la loi et de la *Charte* sont respectées, mais il doit procéder à cette évaluation en considérant l'ensemble de l'information qui est présentée dans la dénonciation[54].

[162] D'autre part, il faut avoir à l'esprit ce que faisait observer le juge Major dans *CanadianOxy Chemicals Ltd. c. Canada (Procureur général)*[55]. Un mandat de perquisition est un outil d'enquête et il faut rejeter toute interprétation restrictive de ces pouvoirs.

[163] Il écrit ce qui suit :

> Le *Code criminel*, et les dispositions pénales en général, visent principalement, mais non exclusivement, à favoriser une société pacifique et intègre qui soit sûre. En vue de réaliser cet objectif, des lignes directrices interdisent les agissements inacceptables et prescrivent la poursuite et le châtiment justes de ceux qui transgressent ces normes. S'il y a possibilité d'infraction, une enquête prompte et approfondie est essentielle pour atteindre ce but. L'enquête vise à rassembler tous les éléments de preuve pertinents de

---

[54] *R. v. Sadikov* (2014), 305 C.C.C. (3d) 421 (Ont. C.A.), par. 82; *R. v. Wilson* (2011), 272 C.C.C. (3d) 269 (C.A. C.-B.), par. 52; *R. v. N.N.M.* (2007), 223 C.C.C. (3d) 417 (Ont. S.C.J.), par. 316; *Amyot c. Cour du Québec*, 2012 QCCS 4186, par. 20; S. Hutchison, *Hutchison's Search Warrant Manual 2015*, Carswell, 2014, aux pp. 28-29; *R. v. Ford* (2008), 229 C.C.C. (3d) 443, par. 38 (C.A. C.-B.); *R. c. Cossette*, 2011 QCCA 2368, par. 23.

[55] [1999] 1 R.C.S. 743.

2016 QCCS 2158 (CanLII)

2016 QCCS 2158 (CanLII)

manière à permettre une prise de décision judicieuse et éclairée sur l'opportunité de porter des accusations.

Au stade de l'enquête, il incombe aux autorités de trancher les points suivants: Que s'est-il passé? Qui est responsable? La conduite reprochée est-elle un comportement susceptible d'engager la responsabilité criminelle? Le mandat de perquisition est un instrument d'enquête de base qui permet de répondre à ces questions, et la disposition qui en autorise la délivrance doit être interprétée sous cet angle.

Le paragraphe 487(1) vise à permettre aux enquêteurs de découvrir et de conserver le plus d'éléments de preuve pertinents possible. Pour être en mesure d'exercer convenablement les fonctions qui leur ont été confiées, les autorités doivent pouvoir découvrir, examiner et conserver tous les éléments de preuve se rapportant à des événements susceptibles de donner lieu à une responsabilité criminelle. Il n'appartient pas aux policiers de mener une enquête pour décider si les éléments essentiels d'une infraction sont établis – cette décision relève des tribunaux. Le rôle des policiers et autres agents de la paix consiste à enquêter sur des incidents qui pourraient être criminels, à prendre une décision consciencieuse et éclairée sur l'opportunité de porter des accusations, puis à soumettre l'ensemble des faits sans les dénaturer aux autorités chargées des poursuites. À cette fin, une interprétation du par. 487(1) qui est restrictive et qui ne s'impose pas va à l'encontre du but recherché. Voir *Re Church of Scientology and the Queen (No. 6)* (1987), 31 C.C.C. (3d) 449, à la p. 475:

> [TRADUCTION] Le travail des policiers ne devrait pas être gêné par l'examen minutieux des faits et du droit, exercice qui est pertinent dans le cadre d'un procès [. . .] La question de savoir si les faits déclarés constituent une infraction criminelle peut soulever d'importantes questions de droit [. . .] Toutefois, ces questions ne peuvent guère être tranchées tant que le ministère public n'a pas rassemblé ses éléments de preuve et qu'il n'est pas en mesure d'engager des poursuites.

[Le soulignement est ajouté]

[164] Le juge Lamer soulignait déjà cette caractéristique du mandat de perquisition dans l'arrêt *Descôteaux c. Mierzwinski*[56]. Voici ce qu'il écrit:

> [L]a perquisition, tout en étant un véhicule de preuve, est aussi un instrument d'enquête. Il sera souvent difficile de déterminer péremptoirement la valeur probante d'une chose avant la fin de l'enquête policière[57].

[165] Lors de la contestation d'un mandat de perquisition, le juge réviseur ne doit donc pas évaluer si la preuve présentée justifie une déclaration de culpabilité mais bien si l'État a démontré « la supériorité de son droit par rapport à celui du particulier »[58] en présentant une preuve qui respecte « la norme de la « probabilité fondée sur la crédibilité »[59] ce qui justifie, le cas échéant, l'octroi d'un mandat de perquisition.

---

56 [1982] 1 RCS 860.
57 *Ibid.*, à la p. 889.
58 *Hunter c. Southam*, [1984] 2 RCS 145, à la p. 160.
59 *Baron c. Canada*, [1993] 1 R.C.S. 416, à la p. 420.

[166] Ainsi, lorsqu'une telle preuve est présentée « le droit d'un particulier à la protection de sa vie privée est subordonné aux besoins en matière d'application de la loi »[60].

[167] À cet égard, l'exigence que l'on trouve à l'article 40.1 la *Loi sur l'administration fiscale*[61] qui autorise la recherche de toutes choses *pouvant servir de preuve d'une infraction* à une loi fiscale, « reflète simplement l'une des réalités élémentaires de la procédure d'enquête relative aux infractions. Il est impossible de savoir avec certitude au début d'une enquête quels articles particuliers constitueront des éléments de preuve lors d'un procès »[62].

[168] Par ailleurs, à plusieurs reprises lors de leurs observations, les avocats d'Uber évoquent le fait que la présente affaire concerne le domaine de la fiscalité.

[169] Le Tribunal retient de ces observations qu'ils lui suggèrent d'aborder la contestation des mandats de perquisition et l'interprétation des dispositions fiscales en cause à l'aide d'une approche littérale et restrictive et d'adopter ainsi l'interprétation qui soit la plus favorable à Uber.

[170] Or, dans *Placer Dome Canada Ltd. c. Ontario (Ministre des Finances),* la Cour suprême a confirmé le rejet de l'approche restrictive en matière d'interprétation des lois fiscales. Le juge LeBel écrit:

> 21 Dans l'arrêt *Stubart Investments Ltd. c. La Reine*, [1984] 1 R.C.S. 536, notre Cour a rejeté l'approche restrictive en matière d'interprétation des lois fiscales et a statué que la méthode d'interprétation moderne s'applique autant à ces lois qu'aux autres lois. En d'autres termes, « il faut lire les termes d'une loi dans leur contexte global en suivant le sens ordinaire et grammatical qui s'harmonise avec l'esprit de la loi, l'objet de la loi et l'intention du législateur » (p. 578) : voir l'arrêt *65302 British Columbia Ltd. c. Canada*, [1999] 3 R.C.S. 804, par. 50. Toutefois, le caractère détaillé et précis de nombreuses dispositions fiscales a souvent incité à mettre davantage l'accent sur l'interprétation textuelle : *Hypothèques Trustco Canada c. Canada*, [2005] 2 R.C.S. 601, 2005 CSC 54, par. 11. Les contribuables ont le droit de s'en remettre au sens clair des dispositions fiscales pour organiser leurs affaires. Lorsqu'il est précis et non équivoque, le texte d'une loi joue un rôle primordial dans le processus d'interprétation.[63]

[171] Comme on le verra plus loin, à l'étape de l'octroi des mandats de perquisition, le juge qui les a délivrés pouvait conclure que le droit était clair et que les textes de lois pertinents ne souffraient d'aucune ambiguïté.

---

60 *Baron c. Canada*, [1993] 1 R.C.S. 416, à la p. 420.
61 RLRQ, c. A-6.002.
62 *Baron c. Canada*, [1993] 1 R.C.S. 416, à la p. 420, le soulignement est celui du juge Sopinka.
63 [2006] 1 R.C.S. 715, par. 21-24; voir l'arrêt récent de la Cour d'appel dans *Agence du revenu du Québec c. Larocque*, 2016 QCCA 556.

2016 QCCS 2158 (CanLII)

2016 QCCS 2158 (CanLII)

B - L'omission de décrire le régime fiscal applicable aux chauffeurs UberX

[172] Uber formule un reproche général à l'endroit des dénonciations présentées.

[173] Elle affirme que l'ARQ a omis délibérément de décrire d'une manière objective le régime fiscal applicable aux chauffeurs UberX qui, à son avis, est différent de celui applicable aux chauffeurs de taxi.

[174] De l'avis d'Uber, les dénonciations ne précisent pas que la règle d'exception « des petits fournisseurs », c'est-à-dire ceux dont les fournitures taxables ne dépassent pas 30 000 $ sur une période de douze mois, s'applique aux chauffeurs UberX et non aux chauffeurs de taxi qui eux doivent être inscrits aux fins de la perception et de la remise de la TPS et de la TVQ.

[175] Voici comment Uber énonce son argumentation:

> 70. Strategic and material non-disclosure of important information and facts will invalidate warrants. Here, in addition to being insufficient, the sworn information was misleading in a matter of such significance that the issuing judge was unable to properly exercise his role.
>
> *(i) The Non-Disclosure of the "Small Suppliers' Exemption"*
>
> 71. The alleged offences do not distinguish between the drivers using uberX and those using uberTAXI. This is plainly wrong. The legislation is clear: drivers using uberTAXI were liable to be registered for QST, to charge, collect and remit QST, to file QST returns and to issue QST-compliant invoices. Drivers using uberX were not.
>
> 72. The liability of drivers for QST will be central to the outcome of this case on the merits, if and when the Applicant is charged. This is a motion in certiorari. The issue is not whether the drivers using uberX were liable for QST or not. It is whether Revenu Québec has failed its duty of full and frank disclosure by not informing the issuing judge of the "small suppliers' exemption", of the QST regime applicable to taxi and non-taxi transportation businesses and, ultimately, that drivers using uberX and not receiving consideration in excess of $30,000 were not subject to the *QSTA*.
>
> 73. This is not a case of alleged unreported cash transactions, unsupported deductions or fake invoices. The purported offenses are technical. Understanding them requires a solid command of the *QSTA*, the *TAA*, as well as of a number of specific legislative provisions about transportation services. Revenu Québec's chose to leave the issuing judge in the dark.
>
> […]
>
> 90. By omitting any information or explanation on the "small suppliers' exemption", the sworn information was unquestionably incomplete. It risked misleading the issuing judge into thinking that drivers using uberX were not complying with their obligations under the QSTA when, in fact, they were exempt from any such obligations by effect of the law.
>
> [...]

> 95. In short, in light of the technical interpretation as well as paragraph 20 of the sworn information, it is clear that Revenu Québec knew that uberX drivers were not subject to the *QSTA* if they remained below the $30,000 threshold. That conclusion is inescapable.
>
> 96. A question remains: why was that crucial information not disclosed to the issuing judge? The most likely answer is also the most troubling. Revenu Québec did not have any information to claim that uberX drivers had exceeded the $30,000 threshold. There is nothing about it in the sworn information. Revenu Québec's case was missing its lynchpin. Without solid data about the amounts received by the drivers, any reference to the potential application of the "small suppliers' exemption" to drivers using uberX would have significantly undermined Revenu Québec's case: the issuing judge would have known that drivers using uberX were not automatically subject to the *QSTA*. In that context, Revenu Québec decided to hide its wobbly wheel.

[176] Afin d'étayer sa proposition selon laquelle la dénonciation devait décrire le régime fiscal applicable aux chauffeurs UberX par opposition aux chauffeurs de taxi, Uber se fonde sur la décision de la Cour d'appel de l'Ontario dans *R. v. Branton*[64].

[177] Dans cette affaire, le policier avait omis d'informer le juge auquel il demandait un mandat de perquisition que la jurisprudence était contradictoire au sujet de l'interprétation de l'infraction à l'égard de laquelle il sollicitait un mandat de perquisition.

[178] On comprend sans mal, dans une telle circonstance, que la Cour d'appel de l'Ontario ait confirmé la décision du juge réviseur qui avait conclu que l'enquêteur avait omis de divulguer des informations pertinentes, à savoir l'existence d'une controverse jurisprudentielle au sujet de la question juridique en litige.

[179] Cependant, l'arrêt *Branton* ne justifie pas la conclusion qu'un enquêteur a toujours l'obligation de décrire le régime légal applicable à la perquisition qu'il souhaite effectuer ou que l'omission de le faire constitue nécessairement une violation de son obligation juridique d'exposer les faits d'une manière complète et sincère[65].

[180] La thèse développée par Uber exige inévitablement l'analyse de l'interaction entre la *Loi concernant les services de transport par taxi* et la législation fiscale applicable.

[181] Il faut d'abord tenir compte du fait qu'un juge est censé connaître le droit[66]. Ce principe s'applique au juge qui octroi un mandat de perquisition.

[182] Certes, il est vrai, comme l'explique la juge Arbour dans l'arrêt *Ruby c. Canada (Solliciteur général)*[67], que « la partie qui plaide *ex parte* devant un tribunal », comme un dénonciateur, « a l'obligation de présenter ses arguments avec la bonne foi la plus

---

64 (2001), 154 C.C.C. (3d) 139 (C.A. Ont.).
65 *R. c. Araujo*, [2000] 2 R.C.S. 992, par. 47.
66 *R. c. Sheppard*, 2002 CSC 26, [2002] 1 R.C.S. 869, par. 55; *R. c. Teskey*, [2007] 2 R.C.S. 267, 2007 CSC 25, par. 33; *F.H. c. McDougall*, 2008 CSC 53, [2008] 3 R.C.S. 41, par. 54;
67 [2002] 4 R.C.S. 3.

2016 QCCS 2158 (CanLII)

absolue. Elle doit offrir une preuve complète et détaillée, et n'omettre aucune donnée pertinente qui soit défavorable à son intérêt »[68].

[183] Cela dit, la question consiste à savoir si l'omission de décrire le régime fiscal applicable est une omission fautive dans les circonstances de la présente affaire. De l'avis d'Uber, il s'agissait ici d'une tentative délibérée d'induire le juge en erreur au sujet de l'existence d'une infraction.

[184] Or, le moins que l'on puisse dire est que l'interprétation proposée[69] par Uber selon laquelle les chauffeurs UberX sont soumis à la règle des petits fournisseurs contrairement aux chauffeurs de taxi, s'avère difficile à retenir en raison du texte clair de la loi[70] qui prévoit que le transport rémunéré de personnes par automobile exige un permis de taxi.

[185] Voici à nouveau, les articles pertinents: les articles 4 et 4.1 de la *Loi concernant les services de transport par taxi* et l'article 407.1 de la *Loi sur la taxe de vente*:

> ***Loi concernant les services de transport par taxi***
>
> **4.** Pour offrir ou effectuer un transport rémunéré de personnes à l'aide d'une automobile, une personne doit y être autorisée par un permis de propriétaire de taxi.
>
> **4.1.** Tout titulaire de permis de propriétaire de taxi est réputé exercer une activité économique organisée de prestation de services à caractère commercial. Sont du capital affecté à l'exploitation de son entreprise, son permis de propriétaire de taxi et l'automobile qui y est attachée.
>
> **Loi sur la taxe de vente**
>
> **407.1**. Malgré l'article 407, le petit fournisseur qui exploite une entreprise de taxis est tenu d'être inscrit à l'égard de cette entreprise.

[186] À la lumière de ces définitions, il est, à tout le moins, raisonnable de penser que le juge qui a accordé les mandats de perquisitions pouvait tirer la conclusion que les chauffeurs UberX doivent être inscrits auprès des autorités fiscales, percevoir la TPS et la TVQ et les remettre à celles-ci.

[187] Il pouvait aussi conclure de la conduite d'Uber, qui ne demandait pas à ses chauffeurs offrant son service UberX de lui fournir les numéros de TPS et de TVQ, qu'elle est pleinement consciente que cela aide ses chauffeurs UberX à éluder le paiement de ces taxes. De la même manière, le fait que le tarif établi pour le service UberX ne prévoit pas les montants de la TPS et de la TVQ justifie la même conclusion.

[188] L'enquêteuse n'avait pas à expliquer de manière détaillée le régime fiscal applicable et l'omission de le faire n'a pas induit le juge en erreur.

[189] L'eut-elle fait que les infractions fiscales alléguées contre Uber n'en auraient été que plus clairement établies, car les chauffeurs UberX se livrent à du transport

---

68 [2002] 4 R.C.S. 3, par. 27.
69 *Litigation plan, Will-Say, Notes and Authorities*, 14 août 2015, les paragraphes 71 à 96.
70 *R. c. McIntosh*, [1995] 1 R.C.S. 686, par. 18.

2016 QCCS 2158 (CanLII)

rémunéré de personnes par automobile ce qui exige à la fois un permis de taxi et leur inscription selon les lois fiscales en vigueur.

[190] Voici pourquoi.

1) Les obligations de perception de la TPS et de la TVQ et leur remise aux autorités fiscales

[191] La perception des taxes et des impôts est fondée sur un régime d'auto-déclaration et d'autocotisation qui s'appuie sur l'honnêteté et l'intégrité des contribuables[71]. En général, toute personne ou entreprise qui se livre à une activité commerciale doit percevoir la TPS et la TVQ.

[192] Dans le domaine de l'industrie du taxi, la perception et le versement de la TPS et de la TVQ est mise en œuvre par un arrimage entre la *Loi concernant les services de transport par taxi* et les lois fiscales pertinentes.

[193] La personne qui souhaite offrir ou effectuer du transport rémunéré de personnes à l'aide d'une automobile doit y être autorisée par un permis de taxi[72]. Le titulaire d'un tel permis est réputé exercer une activité économique organisée de prestation de services à caractère commercial[73].

[194] Ainsi, le titulaire d'un permis de taxi est tenu de s'inscrire aux fins de la TPS et de la TVQ, car il offre une prestation de services à caractère commercial ce qui est considéré comme une fourniture taxable au sens des lois fiscales québécoise et canadienne[74].

[195] La personne qui offre un transport rémunéré de personnes à l'aide d'une automobile sans posséder un permis de taxi est donc en mesure de contourner plus facilement l'obligation d'inscription aux fins de la TPS et de la TVQ tout en évitant de percevoir ces taxes. De plus, elle peut éviter ainsi les obligations contenues à la *Loi concernant les services de transport par taxi*[75], tout en offrant illégalement un service de transport dont l'exercice est encadré par la loi.

[196] Uber fait valoir que les chauffeurs UberX ne sont pas des fournisseurs qui exploitent une entreprise de taxis selon la définition de l'article 1 de *la Loi sur la taxe de vente* qui prévoit :

---

71 *R. c. McKinlay Transport Ltd.*, [1990] 1 R.C.S. 627, aux pages 636-637.

72 Article 4 de la *Loi concernant les services de transport par taxi*.

73 Article 4.1 de la *Loi*.

74 David M. Sherman, *The lawyer's guide to income tax and GST/HST*, 2015 ed., Toronto, Carswell, 2015, §7.6.1, aux p. 177-178, §13.2.4, aux p. 301-302 et §13.4.5 aux p. 314-315; Jacques Roberge et Peter Tomlinson, *A practical guide to the GST/HST*, 7th ed., Toronto, Wolters Kluwer, 2015, ¶2040, aux p. 15-17; Ryan Ulc, *Value-Added Taxation in Canada: GST,HST, and QST*, 3rd ed., Toronto, CCH Wolters Kluwer, 2009, ¶2060, aux p. 40-41, ¶2095, à la p. 47 et ¶2115, à la p. 49. Voir les articles les articles 1, 294(1) et 407, 407.1 de la *Loi sur la taxe de vente du Québec*, L.R.Q., c. T-0-1 et les articles 123(1), 148(1) et 240(1) de la *Loi sur la taxe d'accise*, LRC (1985) ch. E-15.

75 Voir le paragraphe 19 des dénonciations.

2016 QCCS 2158 (CanLII)

> « entreprise de taxis » signifie une entreprise exploitée au Québec qui consiste à transporter des passagers par taxi à des prix réglementés par la *Loi concernant les services de transport par taxi* (chapitre S-6.01);

[197] Selon Uber, cette définition comporte deux éléments: 1) le transport de passagers par taxi et 2) à des prix règlementés par la *Loi concernant les services de transport par taxi*.

[198] La *Loi concernant les services de transport par taxi* ou la *Loi sur la taxe de vente au Québec* ne définit pas le terme « taxi » mais le *Code de la sécurité routière* le fait à son article 4:

> « taxi »: un véhicule automobile exploité en vertu d'un permis délivré en application de la *Loi concernant les services de transport par taxi* (chapitre S-6.01);

[199] Uber plaide que, puisque les chauffeurs UberX n'exploitent pas leur véhicule automobile en vertu d'un tel permis, ces véhicules ne constituent pas des taxis. De plus, les tarifs des chauffeurs UberX ne sont pas établis selon les prix réglementés par la *Loi concernant les services de transport par taxi*.

[200] Ces arguments sont erronés et le juge qui a accordé les mandats de perquisition pouvait conclure qu'Uber voulait aider les chauffeurs UberX à éviter de percevoir et de remettre les taxes conformément à la loi.

[201] En effet, la *Loi concernant les services de transport par taxi* définit clairement le transport par taxi lorsqu'elle prévoit que *le transport rémunéré de personnes à l'aide d'une automobile* doit être autorisée par un permis.

[202] Nul ne peut offrir un service de transport rémunéré de personnes à l'aide d'une automobile sans détenir un permis de taxi.

[203] L'argument d'Uber est circulaire lorsqu'elle prétend que, puisque les chauffeurs UberX transportent des personnes à l'aide d'une automobile sans détenir de permis de taxi, ils n'opèrent pas une entreprise de taxi.

[204] Or, l'activité qui requiert la détention d'un permis de taxi est le *transport rémunéré de personnes à l'aide d'une automobile*. On ne peut prétendre que l'activité à laquelle on se livre échappe à l'application de la loi parce qu'on ne respecte pas les termes clairs et non ambigus de cette loi.

[205] Il en va de même des obligations fiscales.

[206] Les chauffeurs UberX ne peuvent être considérés comme des petits fournisseurs qui n'ont pas l'obligation de s'inscrire pour les fins de la perception et de la remise des taxes en considérant qu'ils n'exploitent pas une entreprise de taxi, car ils contreviennent à la *Loi* en ne détenant pas de permis de taxi.

[207] On ne peut affirmer que l'on échappe à l'application d'une loi en se fondant sur sa propre délinquance.

[208] Uber affirme que les obligations de respecter les lois fiscales incombent aux chauffeurs UberX et non pas à elle.

2016 QCCS 2158 (CanLII)

[209] La mise en œuvre du service de transport rendu accessible par l'application Uber fait en sorte qu'Uber ne peut être considérée comme le tiers et l'intermédiaire neutre qu'elle prétend être, car elle assure la gestion et le contrôle du service. Sans l'intervention d'Uber et son application, les chauffeurs ne peuvent offrir le service UberX.

[210] Selon les faits révélés par les dénonciations, Uber agit comme « intermédiaire en services de transport par taxi » sans détenir un tel permis.

[211] En effet, elle fournit notamment aux chauffeurs UberX un service de répartition d'appels ou d'autres services de même nature, comme la centralisation du paiement des services de transport selon la définition contenue dans la *Loi concernant les services de transport par taxi* (« la *Loi* »)[76].

[212] L'application Uber se révèle être la version moderne et technologiquement avancée d'un service de répartition d'appels. Uber n'agit pas comme un intermédiaire neutre et passif. Son intervention met en cause sa responsabilité pénale potentielle.

[213] Selon l'article 117 de la *Loi*, la personne qui offre ou effectue un transport rémunéré de personnes à l'aide d'une automobile sans être titulaire d'un permis de propriétaire de taxi commet une infraction.

[214] De plus, l'article 120 de la *Loi* prévoit ce qui suit:

> 120. Une personne qui accomplit ou omet d'accomplir quelque chose en vue d'aider une personne à commettre une infraction à la présente loi ou à l'un de ses règlements, ou qui conseille à une personne de la commettre, l'y encourage ou l'y incite est partie à l'infraction et est passible de la peine prévue pour cette infraction.

[215] La responsabilité pénale secondaire d'Uber à l'égard de la commission d'une infraction à l'article 117 de la *Loi* par les chauffeurs UberX est une conclusion que pouvait tirer le juge ayant octroyé les mandats de perquisition. Il pouvait aussi conclure que les dénonciations établissaient une preuve suffisante de la complicité d'Uber aux infractions fiscales de ses chauffeurs UberX.

[216] Comme l'établit clairement la Cour suprême du Canada dans l'arrêt *R. c. Fitzpatrick*[77], une entité réglementée est présumée accepter les conditions qui encadrent le secteur d'activités dans lequel elle choisit d'œuvrer:

> [I]l faut présumer que les personnes assujetties à [une] réglementation, lorsqu'elles se lancent dans un secteur assujetti à l'obtention de permis, connaissent et ont accepté les modalités pertinentes du domaine d'activité réglementé, et qu'elles doivent donc être tenues responsables de toute violation de ces modalités »[78].

[217] Il s'agit là de l'une des conclusions cruciales que pouvait tirer le juge ayant délivré les mandats de perquisition.

---

[76] Voir les articles 2, 34, 50, 113 et 118 de la *Loi*.
[77] [1995] 4 R.C.S. 154.
[78] *Ibid.*, à la p. 176.

2016 QCCS 2158 (CanLII)

[218] Uber ne peut prétendre ignorer les modalités applicables au transport rémunéré de personnes à l'aide d'une automobile au Québec et les responsabilités fiscales qui en découlent, car l'un des services qu'elle offre est UberTaxi.

[219] Pour le service UberTaxi, Uber exige que lui soit communiqué les numéros de TPS et de TVQ de ses chauffeurs. L'omission de ne pas poser la même exigence pour les chauffeurs UberX n'est pas sans conséquence.

[220] À cet égard, Uber fait valoir que les dénonciations ne révèlent que seulement un seul chauffeur UberX n'est pas inscrit auprès des autorités fiscales. Cependant, l'ARQ n'est pas en mesure à cette étape de son enquête d'identifier les chauffeurs québécois UberX faisant affaire avec Uber, d'où la nécessité de procéder aux perquisitions.

[221] De plus, les faits présentés au juge ayant délivré les mandats pouvait lui permette de conclure que la nature même du service de transport de personnes UberX et son succès commercial repose notamment sur le fait que ce service ne respecte pas les exigences posées par la *Loi*[79] et sur l'avantage potentiellement concurrentiel que procure la non perception de la TPS et de la TVQ[80]. Cela découle logiquement des faits contenus dans les dénonciations[81].

[222] L'entrevue du directeur général d'Uber, M. Guillemette, avec Gérald Fillion de Radio-Canada qui est résumée dans les dénonciations est d'ailleurs très révélatrice.

[223] La lecture des extraits contenus dans les dénonciations de Mme Duval pouvait certainement amener le juge qui a accordé les mandats de perquisition à la conclusion que M. Guillemette, l'une des âmes dirigeantes d'Uber[82], est parfaitement conscient de l'illégalité du service UberX et qu'Uber fait preuve d'ignorance volontaire dans le seul but de susciter l'établissement d'un nouveau cadre règlementaire, car la réglementation suit rarement la technologie[83].

[224] Il faut rappeler que le droit reconnaît l'existence d'une déduction conforme au bon sens suivant laquelle une personne ou une entité corporative a voulu les conséquences naturelles et probables de ses actes[84].

[225] De l'avis du Tribunal, ce principe s'applique à l'évaluation des motifs présentés au juge qui a accordé les mandats de perquisitions.

[226] Non seulement Uber est-elle une entité règlementée qui est présumée accepter les conditions qui encadrent l'activité à laquelle elle choisit de se livrer, mais il était loisible au juge ayant délivré les mandats de perquisition de déduire qu'Uber voulait les conséquences naturelles et probables de son intervention, c'est-à-dire, que la TPS et la

---

79 Voir le paragraphe 19 des dénonciations.

80 Le Tribunal a déjà analysé ces questions dans un autre contexte dans le jugement rendu dans *R. c. Perrier*, 2013 QCCS 1658, par. 9.

81 *R. c. Vu*, 2013 CSC 60, [2013] 3 R.C.S. 657, par. 13.

82 *R. c. Canadian Dredge & Dock Co.*, [1985] 1 R.C.S. 662.

83 Voir le paragraphe 151 du présent jugement.

84 *Henry c. Colombie-Britannique (Procureur général)*, 2015 CSC 24, [2015] 2 R.C.S. 214, par. 86 ; *R. c. Tatton*, 2015 CSC 33, [2015] 2 R.C.S. 574, par. 27

2016 QCCS 2158 (CanLII)

TVQ ne soit pas perçu ou remise aux autorités fiscales, en raison de l'avantage que cela procure au service UberX.

[227] Enfin, le Tribunal partage l'observation suivante de l'ARQ:

> Le défaut d'inscription permet aux chauffeurs de dissimuler leurs fournitures taxables et l'existence d'activités commerciales aux autorités fiscales ce qui rend toute vérification ou enquête quasi impossible. Sans inscription, les chauffeurs demeurent invisibles aux yeux des autorités fiscales[85].

[228] Par ailleurs, le redémarrage à distance des ordinateurs pendant l'exécution des mandats de perquisition constitue un facteur non négligeable. Lors de la délivrance des nouveaux mandats de perquisition, cette conduite, qui revêt toutes les caractéristiques d'une tentative d'entrave à la justice, permettait au juge émetteur de conclure qu'Uber voulait soustraire la preuve de sa conduite illégale à l'attention des autorités fiscales[86].

[229] Qu'Uber mette en doute ou non cette information est sans importance à l'étape de la contestation des mandats de perquisition, car il s'agit de l'information qui a été présentée au juge autorisateur.

[230] La nature du service UberX offert de même que le contrôle exercé par Uber est tel qu'il n'était pas déraisonnable, pour le juge qui a accordé les mandats de perquisition, de penser qu'Uber est pleinement consciente qu'elle aide les chauffeurs UberX à éluder le paiement de la TPS et de la TVQ et qu'elle se soustrait à ses propres obligations fiscales à l'égard de la commission perçue des chauffeurs UberX.

2) Les déclarations fiscales d'Uber

[231] Un dernier mot au sujet des multiples objections qu'Uber présente à l'égard de l'infraction alléguée au sujet de ses propres fournitures taxables (voir les paragraphes 56 à 61 du présent jugement).

[232] De l'avis du Tribunal, les dénonciations contenaient des informations visant les déclarations fausses et trompeuses d'Uber et non celles de ses chauffeurs UberX.

[233] Ces déclarations concernent la commission perçue par Uber des chauffeurs UberX à l'égard du service de transport de personnes offert au Québec. La commission étant un accessoire à cette fourniture taxable des chauffeurs UberX, elle devait donner lieu à une perception fiscale ce qui, selon les dénonciations, n'a pas été le cas.

[234] Toutes les questions concernant l'identité de différentes entités corporatives d'Uber et leur rôle à l'égard de la commission perçue et des services offerts aux chauffeurs UberX devront être résolues à la lumière de l'enquête. Cependant, il suffit qu'il y ait un « lien réel et important » entre les infractions alléguées et le Québec pour que la compétence des tribunaux québécois soit établie[87].

---

85 Voir le paragraphe 71 du présent jugement.

86 David Watt, *Watt's Manual of Criminal Evidence*, Scarborough (Ontario), Carswell, 2015, §9.05, à la p. 66.

87 *Libman c. La Reine*, [1985] 2 R.C.S. 178; *R. c. Larche*, [2006] 2 R.C.S. 762, par. 59.

2016 QCCS 2158 (CanLII)

2016 QCCS 2158 (CanLII)

[235] Cela dit, pour les fins de l'octroi des mandats de perquisition, les motifs présentés à l'égard de l'infraction d'Uber aux dispositions de l'article 62 de la *Loi sur l'administration fiscale* étaient suffisants pour justifier la conclusion qu'Uber a fait une déclaration fausse et trompeuse en ne révélant pas les fournitures taxables, soit la commission prélevée de 20%.

3) Conclusion

[236] De l'ensemble des faits qui lui étaient présentés le juge ayant délivré les mandats de perquisition pouvait donc conclure qu'il existait des éléments de preuve pouvant justifier la conclusion qu'Uber avait commis les infractions fiscales alléguées.

[237] Il ne s'agit pas de déterminer si Uber a commis les infractions alléguées mais si les informations présentées étaient suffisantes pour justifier la délivrance des mandats de perquisition et permettre ainsi la poursuite de l'enquête afin de déterminer si les infractions fiscales ont été commises.

[238] Il va sans dire que le Tribunal n'affirme pas que les dénonciations étaient un modèle de rédaction ou qu'elles n'auraient pas pu être plus précises, mais la question est celle de leur suffisance.

[239] À la lumière du principe selon lequel on considère les mandats de perquisition comme « apparemment valide »[88] et du corridor restreint justifiant l'intervention du juge réviseur, le Tribunal estime qu'il ne doit pas annuler les mandats de perquisition en raison de l'insuffisance des motifs présentés.

[240] Ainsi, la seule question qui demeure est celle de la portée excessive des mandats de perquisition.

C - Les mandats de perquisitions avaient-ils une portée excessive?

1) Introduction

[241] Uber fait valoir que les perquisitions avaient une portée excessive et que le juge qui a octroyé les mandats devait imposer des conditions préalables entourant leur exécution tel un protocole de perquisition, selon l'expression consacrée par la jurisprudence, notamment pour protéger les informations personnelles par opposition aux informations de nature commerciale.

[242] Uber formule sa position de la manière suivante:

> 101. In the present instance, Revenu Québec has not only seized relevant tax and commercial documents. On the basis of the warrants, Revenu Québec has seized personal information of the Applicant's employees, including Mr. Guillemette, as well as other information that could not afford evidence of the alleged offences because of its:
>
> a) Nature (for example, pictures, music, "Internet favorites" and browsing history, social media postings, etc.);

---

[88] *Québec (Procureur général) c. Laroche*, 2002 CSC 72, [2002] 3 R.C.S. 708, par. 68; *R. c. Carrier*, 2015 QCCA 2076, par. 6; *R. c. Crevier*, 2015 ONCA 619, 330 C.C.C. (3d) 305 (C.A. Ont.), par. 73.

b) Contents (for example, non-tax documents or information or, more specifically, all documents or information outside the scope of “Schedule II” of the warrants); or

c) Date of creation (all the information or documents created outside the time period of the alleged infractions, which started on January 1st, 2014 and ended on March 31st, 2015).

102. Thus, the warrants were intrinsically incoherent. A valid search warrant cannot authorize, on the one hand, the making of “mirror images” or the taking of computers and smartphones in order to, on the other hand, seize only information that may afford evidence of technical tax offences.

103. In other words, by authorizing Revenu Québec to take the Applicant’s computers and smartphone without contents limitations, the warrants simply disregarded the constitutional requirement to authorize only the seizures of things that may afford evidence of alleged offences.

104. In the physical world, warrants allowing the seizure of things that cannot afford evidence would never be authorized. In this instance, the warrants did not allow Revenu Québec to seize all of the Applicant’s printed documents. Revenu Québec could only take those containing relevant information. The rules are the same in the digital world.

105. Computer forensics technologies provide investigators with a range of effective methods for targeting their search for electronic evidence and protecting private information, such as by limiting searches by date ranges, file types and sizes, keywords, phrases and expressions, etc.

106. In order to avoid authorizing a sweeping search including a wide array of irrelevant information and becoming, in effect, a digital fishing expedition, the warrants should have included a computer search protocol, proposed by Revenu Québec and assessed and sanctioned by the issuing judge.

107. For example, the alleged offences would have been committed between March 31st, 2014 and January 1st, 2015. Accordingly, the search protocol could have excluded all files created after that later date. Similarly, the search protocol could have identified certain file types and certain words or expressions in the files, including: tax, *taxes*, TPS, TVQ, GST, QST, reçus, receipts, factures, invoices, bills, Revenu Québec, Revenu Canada, Agence du Revenu du Canada, ARC, CRA, RQ, ARQ, QRA, etc.

108. This is not to say that computer search protocols will, as a general rule, always be required. In the present instance, however, imposing a computer search protocol was the only way to strike a proper balance between Revenu Québec’s alleged interests and the constitutionally-protected privacy rights at play.

[243] Les observations d'Uber soulèvent clairement les défis que pose la fouille d'un ordinateur ou d'un appareil numérique comme un téléphone intelligent, car les fichiers

2016 QCCS 2158 (CanLII)

numériques que ces appareils contiennent peuvent être accidentellement mal désignés, intentionnellement camouflés ou encore tout simplement cachés[89].

[244] Avant d'aborder la question de savoir si le juge devait imposer des conditions encadrant l'exécution des mandats de perquisition, il est essentiel de décrire la protection qu'offre l'article 8 de la *Charte* et tout aussi important de comprendre les défis créés lors de l'exécution des mandats de perquisitions qui visent la saisie d'ordinateurs et d'autres appareils numériques comme les téléphones intelligents.

2016 QCCS 2158 (CanLII)

2) La protection de l'article 8 de la *Charte* et les ordinateurs ou autres appareils numériques

[245] Nul ne doute que la *Charte* protège les informations personnelles sauvegardées sur un ordinateur ou tout autre appareil numérique.

[246] Les décisions de la Cour suprême dans les affaires *R. c. Cole*[90], *R. c. Vu*[91] et *R. c. Fearon*[92] l'établissent clairement.

[247] Le juge Fish en note toute l'importance dans l'arrêt *R. c. Cole* où la Cour suprême aborde la question de la protection des renseignements personnels sur un ordinateur de travail :

> [1] Dans l'arrêt *R. c. Morelli*, 2010 CSC 8, [2010] 1 R.C.S. 253, la Cour n'a laissé aucun doute que les Canadiens peuvent raisonnablement s'attendre à la protection de leur vie privée à l'égard des renseignements contenus dans leurs propres ordinateurs *personnels*. À mon avis, le même principe s'applique aux renseignements contenus dans les ordinateurs de *travail*, du moins lorsque leur utilisation à des fins personnelles est permise ou raisonnablement prévue.
>
> [2] Les ordinateurs qui sont utilisés d'une manière raisonnable à des fins personnelles — qu'ils se trouvent au travail ou à la maison — contiennent des renseignements qui sont significatifs, intimes et qui ont trait à l'ensemble des renseignements biographiques de l'utilisateur. Au Canada, la Constitution accorde à chaque personne le droit de s'attendre à ce que l'État respecte sa vie privée à l'égard des renseignements personnels de ce genre.
>
> [47] Les ordinateurs qui sont utilisés à des fins personnelles, indépendamment de l'endroit où ils se trouvent ou de la personne à qui ils appartiennent, « renferment les détails de notre situation financière, médicale et personnelle » (*Morelli*, par. 105). Cela est particulièrement vrai lorsque, comme en l'espèce, l'ordinateur sert à naviguer sur le Web. Les appareils connectés à Internet « révèlent [. . .] nos intérêts particuliers, préférences et propensions, enregistrant dans l'historique et la mémoire cache tout ce que nous recherchons, lisons, regardons ou écoutons dans l'Internet » (*ibid.*).
>
> [48] Les renseignements personnels de ce genre se situent au cœur même de l'« ensemble de renseignements biographiques » protégés par l'art. 8 de la *Charte*.
>
> […]

---

89 *R. c. Vu*, 2013 CSC 60, [2013] 3 R.C.S. 657, par. 58.
90 2012 CSC 53, [2012] 3 R.C.S. 34.
91 2013 CSC 60, [2013] 3 R.C.S. 657.
92 2014 CSC 77, [2014] 3 R.C.S. 621.

2016 QCCS 2158 (CanLII)

> [54] En l'espèce, les réalités opérationnelles du milieu de travail de M. Cole militent à la fois pour et contre l'existence d'une attente raisonnable en matière de respect de la vie privée. *Pour*, car les politiques écrites et la pratique proprement dite permettaient à M. Cole d'utiliser à des fins personnelles l'ordinateur portatif fourni pour son travail. *Contre*, car les politiques et la réalité technologique l'empêchaient d'exercer un contrôle exclusif sur les renseignements personnels qu'il choisissait d'y enregistrer, et sur l'accès à ceux-ci.
>
> [58] La nature des renseignements en cause favorise nettement la reconnaissance d'un droit au respect de la vie privée protégé par la Constitution. L'utilisation à des fins personnelles par M. Cole de l'ordinateur portatif fourni pour son travail engendrait des renseignements qui sont significatifs, intimes et reliés organiquement à l'ensemble de ses renseignements biographiques. Bien entendu, à l'opposé on trouve le droit de propriété sur l'ordinateur portatif détenu par le conseil scolaire, les politiques et les pratiques en vigueur dans le milieu de travail, ainsi que la technologie en place à l'école. Ces considérations réduisaient le droit de M. Cole au respect de sa vie privée à l'égard de son ordinateur portatif, du moins par comparaison avec l'ordinateur personnel en cause dans l'arrêt *Morelli*, mais elles ne l'éliminaient pas complètement.

[248] Dans l'affaire *R. c. Vu*[93], la Cour suprême devait décider si la fouille d'un ordinateur devait faire l'objet d'une autorisation expresse préalable. La Cour estime que c'est le cas.

[249] Le juge Cromwell décrit ainsi les attentes de vie privée d'une personne à l'égard de son ordinateur personnel:

> [40] Il est difficile d'imaginer une atteinte plus grave à la vie privée d'une personne que la fouille de son ordinateur personnel : *Morelli*, par. 105; *R. c. Cole*, 2012 CSC 53, [2012] 3 R.C.S. 34, par. 3. L'ordinateur constitue [traduction] « un instrument aux multiples facettes sans précédent dans notre société » : A. D. Gold, « Applying Section 8 in the Digital World : Seizures and Searches », document préparé pour le 7th Annual Six-Minute Criminal Defence Lawyer (9 juin 2007), par. 3 (je souligne). Considérons maintenant certaines des distinctions qui existent entre les ordinateurs et les autres contenants.
>
> [41] Premièrement, les ordinateurs stockent d'immenses quantités de données, dont certaines, dans le cas des ordinateurs personnels, touchent à l'« ensemble de renseignements biographiques d'ordre personnel » qu'a mentionné notre Cour dans *R. c. Plant*, [1993] 3 R.C.S. 281, p. 293. L'ampleur et la variété de cette information rendent irréalistes les comparaisons avec les contenants traditionnels de stockage. On nous dit que, en avril 2009, les lecteurs de disque dur commerciaux dotés de la plus importante capacité de mémoire pouvaient stocker deux téraoctets de données. Or, un seul téraoctet peut contenir à peu près 1 000 000 de livres de 500 pages chacun, 1 000 heures de vidéo ou 250 000 chansons de quatre minutes. Même le disque dur de 80 gigaoctets d'un ordinateur de bureau peut stocker l'équivalent de 40 millions de pages de texte : L. R. Robinton, « Courting Chaos : Conflicting Guidance from Courts Highlights the Need for Clearer Rules to Govern the Search and Seizure of Digital Evidence » (2010), 12 *Yale J.L. & Tech.* 311, p. 321-322. Compte tenu de cette capacité phénoménale de stockage, la Cour d'appel de l'Ontario a certainement eu raison de

[93] 2013 CSC 60, [2013] 3 R.C.S. 657.

2016 QCCS 2158 (CanLII)

> conclure qu'il existe une différence importante entre la fouille d'un ordinateur et celle d'une mallette trouvée au même endroit. Comme l'a exprimé la Cour d'appel, un ordinateur [traduction] « peut abriter un univers presque illimité d'informations » : *R. c. Mohamad* (2004), 69 O.R. (3d) 481, par. 43.

[250] Finalement, dans l'arrêt *R. c. Fearon*[94], la Cour suprême doit déterminer le droit applicable aux fouilles accessoires à l'arrestation à l'égard des téléphones cellulaires.

[251] Dans ce contexte, le juge Cromwell met de nouveau en relief l'importance de la protection des informations de nature personnelle :

> [51] Il est bien établi que la fouille de téléphones cellulaires, comme la fouille d'ordinateurs, met en cause d'importants intérêts en matière de vie privée qui sont différents, de par leur nature et leur étendue, de ceux en cause lors de la fouille d'autres « lieux » : *R. c. Vu*, 2013 CSC 60, [2013] 3 R.C.S. 657, par. 38 et 40-45. Il n'est pas réaliste d'assimiler un téléphone cellulaire à une mallette ou à un document trouvé en la possession du suspect au moment de l'arrestation. Comme on l'a indiqué dans l'arrêt *Vu*, les ordinateurs — et j'ajouterais les téléphones cellulaires — peuvent avoir une immense capacité de stockage, peuvent générer des données concernant la vie intime de l'utilisateur, comme ses intérêts, ses habitudes et son identité; ils peuvent conserver à l'insu de l'utilisateur ou sans son intention des données même lorsque l'utilisateur croit les avoir supprimées, et peuvent donner accès à des renseignements qui ne se trouvent pas concrètement « à l'endroit » où la fouille est effectuée : par. 41-44.
>
> [52] Au moment d'établir le cadre général du pouvoir de procéder à une fouille, il ne faut pas distinguer différents appareils cellulaires en fonction de leurs capacités particulières. Ainsi, par exemple, le même cadre général permettant de déterminer la légalité de la fouille accessoire à l'arrestation devrait s'appliquer au téléphone cellulaire relativement peu sophistiqué en cause en l'espèce comme il devrait s'appliquer aux autres appareils assimilables à des ordinateurs : voir *Vu*, par. 38.

[252] Ces préoccupations au sujet de la protection de la vie privée sont d'ailleurs au cœur de la décision de la Cour d'appel[95] dans la présente affaire qui ordonne la mise sous scellé des choses saisies lors de l'exécution des mandats pendant leur contestation devant la Cour supérieure.

[253] La Cour d'appel écrit :

> [33] La requérante plaide, à bon droit, qu'il serait impossible de la remettre dans la situation où elle aurait été si les intimés ne s'étaient pas vu accorder l'accès aux choses et aux documents saisis. L'atteinte à la vie privée, s'il en est une, serait ainsi irréversible, rendant du coup en grande partie inefficace la demande de *certiorari* : « Once lost », dit la requérante dans sa requête pour permission, « privacy cannot be regained ». Le refus de la mise sous scellés des objets saisis est un obstacle à la protection des droits de la requérante ainsi que de ceux des tiers concernés. On peut estimer que l'article 29 *C.p.c.* est ainsi satisfait.
>
> […]
>
> [42] En l'espèce, selon la preuve produite, plusieurs éléments visés par la saisie,

---

94 2014 CSC 77, [2014] 3 R.C.S. 621.

95 *Uber Canada inc. c. Agence du revenu du Québec*, 2016 QCCA 1.

comme les ordinateurs et les téléphones portables « intelligents », risquent fortement de contenir des informations autres que strictement commerciales, auxquelles l'intimée pourrait ne pas avoir droit en vertu des mandats : historique de recherche, contacts de messagerie, documents en dehors de la période couverte par les infractions et autres. Dans *Louisbourg*, l'attente en matière de vie privée était relativement faible en raison de l'activité commerciale réglementée dont il était question. Or, le juge a eu tort de ne pas noter que le même cadre d'analyse ne pouvait s'appliquer ici, notamment en raison de la portée de la saisie et de l'emplacement visé par les perquisitions.

[43] En l'espèce, le juge a considéré « [qu']aucun préjudice spécifique autre que la prise de connaissance par l'ARQ du contenu des données et des documents saisis » n'avait été démontré (paragr. [21]). Par contre, la requête en entiercement de la requérante énonce clairement un préjudice spécifique affectant non seulement la requérante, mais aussi des tiers, dont le juge n'a vraisemblablement pas tenu compte :

> 27. The following things were seized by Revenu Québec […] : approximately 74 phones, including iPhones, cellphones and cellphones with a note indicating "BAD"; 14 computers; 2014 invoices; a number of "partnership" agreements; a list of individuals with phones and emails; information as to payments to drivers; SAAQ information on drivers; MS-Excel spreadsheets; image of contents of a USB key; a number of vehicle inspection forms, as well as other various paperwork.
>
> 28. Revenu Québec seized the personal computer of a student working for the Applicant. Despite repeated requests, Revenu Québec refused to make a mirror copy of the contents of that student's computer instead of seizing it. Revenu Québec accepted to copy certain files on a USB key for the student. […]
>
> 86.1 The electronic equipment seized by Revenu Québec also contains significant personal information of the Applicant's employees, including their personal pictures, their Internet browsing history, their contacts and all the other personal files that are commonly found on one's laptop. […]
>
> 86.4 The harm that would be suffered by the Applicant if Revenu Québec was granted access to the seized intangible and things is irreparable by nature and, as such, cannot be remedied if the eventual decisions of this Court on the quashing of the warrants does not accord with the result of this motion. Again, information cannot be unlearned and documents cannot be unread.
>
> […]
>
> 87. If privacy is to be safeguarded by the protection against unreasonable searches and seizures, it cannot be vindicated after it has been violated. Without an order from this Court impounding the seized intangibles and things, the serious grounds alleged by the Applicant in support of their attack on the searches and seizures will become academic, as Revenu Québec will have the time to review the information before this Court can rule on the serious legal grounds raised by the Applicant.
>
> [Soulignements ajoutés.]

[44] De l'avis de la Cour, ces allégations précises, lues en conjonction avec les procès-verbaux de saisie, suffisaient à démontrer l'existence d'un préjudice irréparable au sens de l'arrêt *Tabah*.

[45] Le juge s'est donc mépris dans son appréciation du critère du préjudice irréparable et n'a pas exercé sa discrétion de manière judiciaire.

[46] Qu'en est-il maintenant de la prépondérance des inconvénients?

2016 QCCS 2158 (CanLII)

2016 QCCS 2158 (CanLII)

> [47] Notons d'abord que le juge a raison de souligner l'importance de l'intérêt public dans l'évaluation des inconvénients, et notamment de considérer « le droit des contribuables au respect des lois fiscales » comme facteur qui milite en faveur du point de vue des intimés (voir le paragr. [24] du jugement).
>
> [48] Toutefois, l'erreur du juge dans l'évaluation des considérations relatives à la protection de la vie privée l'a amené à banaliser le tort que causerait le refus du redressement demandé. Il est certes possible que le remède de l'exclusion de la preuve pourrait effectivement servir à protéger la requérante de l'utilisation par les autorités d'éléments obtenus illégalement, dans l'éventualité où des accusations seraient portées contre elle – ce qui n'est pas encore le cas ici. Cependant, cette « réparation » ne pourrait être qu'imparfaite puisque, pour reprendre les mots de la requérante « [i]nformation cannot be unlearned and documents cannot be unread ». Ainsi, pour qu'une protection du droit à la vie privée soit efficace, et qu'elle ne soit pas vidée de son sens, il faut envisager une mise en œuvre préventive, et non strictement réactive. Comme l'a écrit le juge Baudouin dans *R. c. Zeppetelli*[: « l'entiercement est une mesure préventive inhérente à la protection constitutionnelle de la vie privée à l'encontre d'une saisie qui pourrait être éventuellement déclarée abusive ».

[254] La manière d'éviter la consultation de renseignements personnels qui ne sont pas visés par un mandat de perquisition lors de l'exécution d'une fouille numérique requiert une analyse sensible de la protection qui doit être accordée à ce type d'informations.

3) Les difficultés posées par les fouilles d'un ordinateur ou d'un appareil numérique

[255] Dans la présente affaire, il ne fait aucun doute, compte tenu des observations des enquêteurs durant leur enquête, qu'il était raisonnable de croire que l'information pouvant servir de preuve d'une infraction à une loi fiscale serait découverte sur des ordinateurs ou un autre support numérique.

[256] Compte tenu de l'organisation du service de transport UberX et des modalités de sa mise en œuvre, cette conclusion était tout à fait raisonnable et conforme aux observations du juge Cromwell dans l'arrêt *Vu*: « [à] quel autre endroit pourrait-on s'attendre à trouver de tels documents »[96]?

[257] Dans son article *Executing Warrants for Digital Evidence: The Case for Use Restrictions on Nonresponsive Data*, le professeur américain Kerr compare les défis posés par la fouille d'un ordinateur ou d'autre appareil numérique à la recherche d'une aiguille dans une botte de foin:

> The relevant technological facts are easy to grasp. A typical person today owns many electronic storage devices. Each device can store hundreds of thousands or even millions of pages worth of information. It is impossible to know if specific information is contained on a device without searching it. And behind the scenes, it turns out that electronic information can be stored anywhere on a device. Putting these facts together, a law enforcement search for digital evidence requires searching for a needle in an enormous electronic haystack. And because computers get better and better every year,

---

[96] 2013 CSC 60, [2013] 3 R.C.S. 657, par. 17.

> storing more and more information, the haystack is becoming exponentially larger over time[97].

[258] L'information contenue dans un ordinateur ou un téléphone intelligent est si vaste que l'identification des informations visées par un mandat de perquisition ne peut se faire qu'en procédant à une fouille minutieuse a posteriori.

[259] Dans l'article intitulé *Placing Proper Restraints on the General Warrant — Searching of Data Storage Devices Following Lawful Seizure*[98], les auteurs décrivent le type de fouilles d'appareils numériques qui peuvent être accomplies lors de l'exécution d'un mandat de perquisition visant un ordinateur ou un appareil numérique:

> In a forensic search, investigators from specialized police departments make an exact copy, called an "image" or "mirror image," of the entire DSD[99] and conduct all subsequent analysis based on that image utilizing specialized software programs.
>
> Searching a DSD with the assistance of software can occur at different levels. Professor Kerr, an American scholar who researches computer crime, has noted, "digital evidence searches generally occur both at a 'logical' or "virtual' level and a 'physical' level." The distinction between physical searches and a logical search is fundamental because a physical search requires an officer to look at each and every file on the system. This physical search has a significant impact on the plain view doctrine. A logical search is based on the file systems found on the hard drive as presented by the operating system. A physical search identifies and recovers data across the entire physical drive without regard to the file system. A logical search may begin when an investigator searches for a photograph or image. He or she could direct the forensic examination software to search for files with an extension known to be used for images such as ".jpg" or ".gif". EnCase has a feature called "Gallery View"; this feature can perform the search described above with a single command. As such, this type of search can occur quickly.
>
> As it is easy to hide an image by simply changing its extension, a physical level search is often required. This entails using software to locate an image by searching file headers. A file header is a segment of data that informs the operating system about the associated file. This header does not change even if the extension placed on the file does. Additionally, file header characteristics can be located in slack space or in partially deleted files.
>
> Searching for text files typically involves a similar search process for image files. Professor Kerr states, "A search for text files resembles a search for image files. The basic idea is to use any known characteristics of the file to search for data on the hard drive that matches those characteristics, and to conduct the search both at the logical and physical level."
>
> Much like a crime scene investigation where ultraviolet lights and chemicals may be used to search for invisible evidence such as blood and bodily fluids, in searching a DSD the forensic software acts as an assisting agent to uncover evidence not otherwise visible to the naked eye. Notwithstanding the use of devices and technology to assist in

---

97 (2015), *48 Texas Tech L. Rev. 1*, à la p. 3.

98 J. Williamson et K. L. Sitar, "Placing Proper Restraints on the General Warrant - Searching of Data Storage Devices Following Lawful Seizure", (2014), *18 Can. Crim. L. Rev.* 57.

99 Data Storage Device.

2016 QCCS 2158 (CanLII)

2016 QCCS 2158 (CanLII)

> the search, the nature of the search remains the same. Just as a standard search uses external devices to facilitate the search, a forensic examination relies on other devices and should be viewed as a standard search, and not as a special or unique type of investigative technique necessitating a general warrant[100].
>
> [Le soulignement est ajouté et les appels de notes sont omis]

[260] Le droit américain autorise les policiers à saisir les ordinateurs et à les retirer du lieu où la perquisition a été effectuée afin de procéder à la fouille numérique de ceux-ci.

[261] Selon le professeur Kerr, les tribunaux américains font preuve de déférence à l'égard des fouilles numériques qui visent à identifier les choses visées par un mandat de perquisition:

> Current law on the physical search stage is simple and deferential to law enforcement. When officers execute a warrant for digital evidence, courts have held that the officers can remove any computers that might contain the digital evidence described in the warrant. They can then take the computers off site for a subsequent search. Rule 41 of the Federal Rules of Criminal Procedure now expressly recognizes the need for two-step computer seizures. The Committee Notes to the 2009 rule change state:
>
> > Computers and other electronic storage media commonly contain such large amounts of information that it is often impractical for law enforcement to review all of the information during execution of the warrant at the search location. This rule acknowledges the need for a two-step process: officers may seize or copy the entire storage medium and review it later to determine what electronically stored information falls within the scope of the warrant.
>
> The execution of warrants for digital evidence ordinarily divides into two stages. First, during the physical search stage, agents search for and seize electronic storage devices such as computers and any storage disks that may contain the evidence sought. Second, during the electronic search stage, agents make copies of the data contained in the seized storage devices and then use forensic software to search the copied data for the evidence described in the warrant[101].

[262] La saisie d'un ordinateur et la fouille électronique ou numérique qui en découle sont ainsi décrites par le professeur Kerr:

> The next step is the electronic search stage. In the typical case, agents will bring the devices off site and make a perfect electronic copy of the device. The perfect copy, known as an "image," exactly replicates what is on the original. Agents will then run forensic software on the image in a search for digital evidence. The goal of the electronic search is to identify the data that is responsive to the warrant — that is, the data that falls within the particular description of the property to be seized. The responsive data can then be separated out from the nonresponsive data outside the scope of the warrant.
>
> Courts are generally deferential in allowing agents the discretion to find adequate ways

---

[100] J. Williamson et K. L. Sitar, "Placing Proper Restraints on the General Warrant - Searching of Data Storage Devices Following Lawful Seizure", (2014), *18 Can. Crim. L. Rev.* 57, aux pp. 59-60.

[101] O. Kerr, "Executing Warrants for Digital Evidence: The Case for Use Restrictions on Nonresponsive Data", (2015), *48 Texas Tech L. Rev. 1*, à la p. 3.

2016 QCCS 2158 (CanLII)

> to identify the responsive data. As long as agents search in a reasonable fashion, most courts say the search is proper. There is no clear case law, at least yet, on the outer bounds of when a search for responsive data at the electronic search stage becomes "unreasonable." Some courts have indicated that a search becomes unreasonable when an agent subjectively ceases to look for the responsive data and instead begins looking for other data. But other courts reject the subjective approach, instead finding searches reasonable even if they may result in highly invasive forensic searches through the hard drive for evidence outside the scope of the warrant[102].

[263] Bien entendu, la portée excessive d'une fouille numérique soulève la question de l'encadrement qui devrait être mis en place avant leur exécution.

[264] Dans son ouvrage *Hutchison's Search Warrant Manual 2015*, l'auteur Hutchison décrit la problématique de la portée excessive d'un mandat de perquisition ainsi :

> One challenge peculiar to electronic media is that of overseizure. A warrant authorizes the seizure of certain identifiable things. The seizure of those things is justified by the grounds in the Information to Obtain. The warrant will he properly challenged if it authorizes the seizure of things beyond those justified by the grounds.
>
> Computers, however, condense onto a single physical medium a wide range of information about a person. A warrant to seize a computer hard drive authorizes the seizure of a mass of information about the target. For example, a perfectly valid warrant might authorize the seizure of a hard drive of a child pornographer to permit the police to have the best evidence for court and to ensure that the contraband images are not left with the accused (for to do so would be to permit a continuing offence). However, that hard drive may well have on it other information not related to the accused's pornographic effort, but related to, for example, a credit card fraud otherwise unknown to the police.
>
> In *R. v. Jones*, the Ontario Court of Appeal held that a warrant to search a computer did not include an open ended search of *every* file for *any* offence. The grounds and offences under investigation implicitly limit the scope of the search and any review of material outside the original investigation would be subject to judicial review later[103].
>
> [Le soulignement est ajouté]

[265] Le professeur Kerr admet que l'absence de conditions à l'étape de la délivrance d'un mandat de perquisition permet dans les faits une fouille d'une portée excessive, car la saisie d'un ordinateur ou d'un téléphone intelligent comprendra nécessairement des informations qui ne sont pas visées par le mandat.

[266] Cependant, il exprime l'avis qu'il s'agit de la solution qui est préférable :

> First, courts should not impose limits at the physical search stage. It is true that allowing a full seizure at the physical search stage technically permits an overseizure. The government seizes not just the evidence described in the warrant, for which a judge found probable cause, but also the nonresponsive data that happens to be stored

---

[102] O. Kerr, "Executing Warrants for Digital Evidence: The Case for Use Restrictions on Nonresponsive Data", (2015), *48 Texas Tech L. Rev. 1*, aux pp. 7-8.

[103] S. Hutchison, *Hutchison's Search Warrant Manual 2015*, Carswell, 2014, à la p. 123.

> alongside it and any physical devices that might contain it. But there is no reasonable alternative given the time-consuming nature of electronic searches.
>
> The massive storage capacity of computers, combined with the ease of hiding evidence inside them, ensures that computer searches usually take a lot of time. If the government must find a needle in the haystack, and searching the haystack may take weeks or longer, the government must choose among three unhappy choices. First, they can seize the entire haystack for subsequent searching off-site. Second, they can bring a few officers to the haystack and have them stay there for a few weeks as they search through it. Or third, they can simply accept that haystack warrants cannot be executed because haystack searches are too time-consuming. Among these three choices, the first is the least bad option[104].
>
> [Le soulignement est ajouté]

[267] Selon le professeur Kerr, la solution au problème inévitable de la portée excessive réside dans l'adoption d'une règle qui interdit l'utilisation de la preuve qui n'est pas visée par les termes d'un mandat de perquisition[105]:

> On the other hand, to make sure computer warrants do not resemble general warrants in their execution, the agents should only be allowed to use the evidence that is actually described in the warrant. Nonresponsive data found in the course of the search for responsive data should generally be walled off from further use[106].

[268] Cette question déborde le cadre de la présente contestation et il ne convient pas d'y répondre[107]. Cela dit, cette problématique illustre la complexité de l'exécution des fouilles numériques.

4) L'arrêt *Vu* et les protocoles de perquisition

[269] Les difficultés que posent les fouilles numériques étant mieux circonscrites, il faut maintenant examiner les conclusions de la Cour suprême dans l'arrêt *Vu* afin de déterminer si les conditions exigées par Uber devaient être imposées par le juge ayant octroyé les mandats de perquisition afin d'éviter que la fouille des ordinateurs et autres appareils numériques ne devienne abusive en raison de leur portée excessive.

[270] Dans l'arrêt *R. c. Vu*[108], la Cour suprême a conclu que la fouille d'un ordinateur exige une autorisation préalable expresse, mais que les protocoles de perquisition ne sont pas, en règle générale, requis par la *Charte*.

[271] Le juge Cromwell formule plusieurs observations au sujet des exigences posées par l'article 8 de la *Charte* dans ce contexte. Elles peuvent être ainsi résumées:

- Les « conditions préalables » ou « protocoles de perquisition » ne sont pas,

---

104 O. Kerr, "Executing Warrants for Digital Evidence: The Case for Use Restrictions on Nonresponsive Data", (2015), *48 Texas Tech L. Rev.* 1, à la p. 11 et p. 26.
105 *Ibid.*, aux pp. 26-27.
106 *Ibid.*, à la p. 18.
107 *Phillips c. Nouvelle-Écosse (Commission d'enquête sur la tragédie de la mine Westray)*, [1995] 2 R.C.S. 97, par. 9.
108 *R. c. Vu*, 2013 CSC 60, [2013] 3 R.C.S. 657.

2016 QCCS 2158 (CanLII)

en règle générale, requis par la Constitution[109];

- L'art. 8 de la *Charte* ne requiert pas que la manière de fouiller un ordinateur soit toujours précisée à l'avance[110];
- La manière dont la perquisition a été exécutée fait généralement l'objet d'un contrôle a posteriori[111];
- Le contrôle minutieux a posteriori, où les deux parties présentent des éléments de preuve et des arguments, est plus propice à l'élaboration de nouvelles règles sur la façon d'effectuer les fouilles que ne l'est la procédure *ex parte* de délivrance des mandats[112];
- Le fait d'exiger que soient, en règle générale, imposés des protocoles de perquisition avant l'exécution de la fouille rendrait vraisemblablement l'étape de l'autorisation beaucoup plus complexe, en plus de créer des difficultés d'ordre pratique, car, à cette étape le juge de paix saisi de la demande d'autorisation n'est probablement pas capable de prédire le genre de techniques d'enquête que les policiers pourront et devront utiliser dans le cadre d'une perquisition donnée, ou encore de prévoir les défis qui surgiront une fois que les policiers commenceront leur perquisition[113];
- Il est souvent difficile de prédire l'endroit où les policiers devront fouiller pour trouver la preuve recherchée[114] et où les dossiers pertinents peuvent se trouver dans un ordinateur[115];
- Les tentatives en vue d'imposer des protocoles de perquisition à l'étape de l'autorisation risquent de créer des angles morts dans une enquête et de contrecarrer les objectifs légitimes de l'application de la loi dont tient compte le processus d'autorisation préalable[116];
- Toutefois, les policiers ne sont pas autorisés à passer sans discernement les appareils au peigne fin. La manière de procéder à la perquisition ne doit pas être abusive et doit être en lien avec les motifs au soutien de la dénonciation[117].

[272] La Cour d'appel a suivi les enseignements de l'arrêt *Vu* dans l'affaire *Cohen c. Québec (Procureur générale)*[118] au sujet de la mise en place d'un protocole de fouille préalable.

---

109 *R. c. Vu*, 2013 CSC 60, [2013] 3 R.C.S. 657, par. 53.
110 *Ibid.*, par. 54.
111 *Ibid.*, par. 55.
112 *Ibid.*
113 *Ibid.*, par. 57.
114 *Ibid.*
115 *Ibid.*, par. 58.
116 *Ibid.*, par. 57.
117 *Ibid.*, par. 61.
118 2015 QCCA 122.

2016 QCCS 2158 (CanLII)

2016 QCCS 2158 (CanLII)

[273] La Cour écrit:

> [17] Le mandat autorise la recherche et la saisie de "toute preuve, fichiers images, écrits et vidéos concernant la possession de pornographie juvénile". Cette description est suffisante dans les circonstances.
>
> [18] Dans *R. c. Jones*, 2011 ONCA 632, le mandat prévoyait la recherche de "data relating to certain e-mail transactions, images relating to counterfeit items, and "[a]ny electronic data processing and storage devices, personal computer and computer systems". Le juge Blair écrit que les termes du mandat ne sont pas vagues ou trop larges ("too broad") :
>
> > [33] [...] it permits a search in the respondent's residence for, and the seizure of: (i) any personal computers and related equipment or devices ("the computers"), (ii) data stored within a computer system relating to email transmissions between the respondent and the seller of the motorcycle, and (iii) any documents, images or digital representations of counterfeit tokens of value including, but not limited to, counterfeit Western Union money orders. In effect, the warrant contemplated a two-staged search: first, for the computer and related devices, and secondly a search of the contents of the computer for evidence relating to the email transmissions and the counterfeit images in question. This is not too broad.
> >
> > [43] Here, that focus has been accomplished not by limiting access to the contents of the computer but - as described above - by framing the type of evidence that may be sought (evidence relating to the email transmissions and to counterfeit images) and the crimes to which that evidence relates (possession of stolen property and forgery). The focus on the type of evidence being sought, as opposed to the type of files that may be examined is helpful, it seems to me, particularly in cases where it may be necessary for the police to do a wide-ranging inspection of the contents of the computer in order to ensure that evidence has not been concealed or its resting place in the bowels of the computer cleverly camouflaged.
>
> [19] En l'espèce, la précision selon laquelle les éléments recherchés concernent la possession de pornographie juvénile suffit pour limiter légalement la recherche. Autrement dit, si, en cours de fouille, les policiers constatent que le fichier qu'ils comptent ouvrir, ou qu'ils ont ouvert, tout comme tout autre document auxquels ils ont accès, n'est pas en lien avec de la pornographie juvénile, ils doivent cesser immédiatement de l'examiner et le refermer aussitôt, ce qui suffit, étant donné la nature des éléments de preuve recherchés. Cela permet de conclure que le mandat était suffisamment précis, à tout le moins en rapport avec un recours en *certiorari*.
>
> [20] Par ailleurs, l'appelant reconnaît que des conditions d'exécution (des "directives spéciales", comme l'écrit le juge Cromwell dans *R. c. Vu*, [2013] 3 R.C.S. 657) ne sont pas obligatoires. Il n'y a pas ici excès de compétence ou erreur de droit à la lecture du dossier uniquement parce que le juge de paix n'a pas émis de telles directives[119].

[274] Pour les mêmes motifs, le Tribunal estime que les mandats de perquisition en l'espèce ne doivent pas être annulés. Dans la présente affaire, la description des choses visées est suffisante pour circonscrire adéquatement la portée de la

---

[119] 2015 QCCA 122, par. 17-20.

perquisition[120]. De plus, il ne s'agit pas ici « de renseignements concernant des droits de propriété intellectuelle confidentiels ou encore des renseignements susceptibles d'être protégés par un privilège »[121].

[275] Les faits colligés par l'enquêteuse ne permettaient pas de croire que les ordinateurs ou autres appareils numériques saisis contenaient des informations personnelles à moins d'en présumer leur présence en tout temps.

[276] Or, dans l'arrêt *Vu*, le juge Cromwell évoque ce problème lorsqu'il souligne que les policiers savent rarement à l'avance si un ordinateur contiendra des renseignements personnels.

[277] Il écrit :

> [64] Bien que la portée des présents motifs se limite aux perquisitions visant un lieu et autorisées par un mandat, les motifs s'appliquent également à tous les ordinateurs découverts dans le lieu à l'égard duquel un mandat de perquisition a été décerné. Autrement dit, chaque fois que les policiers ont l'intention de fouiller les données stockées dans un ordinateur découvert dans le lieu où une perquisition a été autorisée, ils ont besoin d'une autorisation expresse pour le faire. Je ne vois aucune raison, pour les besoins du processus d'autorisation préalable, de traiter les ordinateurs différemment les uns des autres selon l'utilisation particulière qui est faite de chacun. Par exemple, relativement à la délivrance de l'autorisation préalable, je ne fais aucune distinction en l'espèce entre l'ordinateur « personnel » et l'ordinateur de « sécurité », puisque les deux permettaient de stocker des renseignements personnels. Les ordinateurs ne distinguent pas les données qui sont personnelles de celles qui ne le sont pas; si des renseignements peuvent être réduits à une série de un et de zéros, ils peuvent être stockés dans n'importe quel ordinateur. Qui plus est, la décision de fouiller ou non les données se trouvant dans un appareil est nécessairement prise avant que les policiers sachent exactement ce que contient celui-ci. Il arrive rarement que les policiers sachent, à l'étape de l'autorisation précédant la fouille d'un ordinateur, si cet appareil est utilisé à des fins personnelles ou non. Par conséquent, pour ce qui concerne l'autorisation, je traiterais tous les ordinateurs de la même façon.

[278] Un dernier commentaire s'impose au sujet de la nature de la fouille numérique à laquelle les enquêteurs de l'ARQ se proposent de procéder.

[279] Dans l'affaire *Vu*, le juge Cromwell note que les policiers ne voulaient pas utiliser des techniques d'investigation criminalistique perfectionnées pour passer l'appareil saisi au peigne fin:

> [60] En l'espèce, la fouille des ordinateurs visait des éléments de preuve confirmant l'identité des propriétaires et occupants d'une habitation. Il n'y a rien au dossier qui puisse nous aider à formuler un protocole de perquisition qui soit à la fois pratique et approprié, et qui aurait pu être imposé dans la présente affaire. Selon la façon dont les ordinateurs étaient utilisés — facteur que les policiers ne pouvaient connaître avant d'examiner les appareils — la preuve recherchée aurait pu être découverte à peu près

---

120 Voir l'annexe I du présent jugement.

121 *R. c. Vu*, 2013 CSC 60, [2013] 3 R.C.S. 657, par. 62; G. Chan, "Life after *Vu*: Manner of Computer Searches and Search Protocols" (2014), 67 S.C.L.R. (2d) 433, à la p. 452.

2016 QCCS 2158 (CanLII)

> n'importe où dans ceux-ci. Par exemple, l'adresse de l'occupant ou une photo de celui-ci aurait pu figurer dans un document Word, un fichier Excel, un logiciel de production de déclarations de revenus, des fichiers images ou vidéos, divers comptes en ligne, etc. En outre, la fouille de l'un ou l'autre de ces types de logiciels ou de fichiers n'aurait pas nécessairement permis de trouver l'information recherchée. Enfin, les policiers n'avaient d'aucune façon indiqué qu'ils entendaient recourir à des techniques d'investigation criminalistique perfectionnées pour passer l'appareil au peigne fin, et ils n'ont d'ailleurs fait aucune tentative de la sorte. À mon avis, aucune circonstance ne tendait à indiquer qu'il était nécessaire d'inclure un protocole de perquisition dans un mandat autorisant la fouille d'ordinateurs, au cas où de tels appareils seraient découverts dans la résidence.
>
> [Le soulignement est ajouté]

[280] On peut imaginer sans difficulté dans le présent dossier que la situation est différente.

[281] En effet, il est raisonnable de penser que les enquêteurs de l'ARQ devront se livrer à une fouille numérique minutieuse des choses saisies en utilisant des techniques perfectionnées de fouille.

[282] Cela dit, le Tribunal partage l'analyse du professeur Kerr qu'il n'existe aucune alternative réaliste à la saisie complète des supports numériques et à leur fouille subséquente ce qui entraînera inévitablement l'accès à des informations qui ne sont pas visées par un mandat de perquisition.

[283] Dans l'arrêt *Vu*, la Cour suprême paraît avoir reconnu cette conséquence inévitable d'une fouille numérique lorsque le juge Cromwell réfère au droit américain:

> [58] Aux États-Unis, les tribunaux ont reconnu la difficulté de prédire où les dossiers pertinents peuvent se trouver dans un ordinateur. Bien que la Tenth Circuit Court ait déjà suggéré que les policiers ne devraient être autorisés à fouiller les ordinateurs que par types de fichier, par titres ou par mots clés (voir *United States c. Carey*, 172 F.3d 1268 (10th Cir. 1999), p. 1276), des décisions postérieures se sont éloignées de cette approche : W. R. LaFave, *Search and Seizure : A Treatise on the Fourth Amendment* (5e éd. 2012), vol. 2, p. 968-969. À titre d'exemple, dans *United States c. Burgess*, 576 F.3d 1078 (10th Cir. 2009), affaire décidée 10 ans après *Carey*, le même tribunal a tiré la conclusion qu'[TRADUCTION] « [i]l est irréaliste de s'attendre à ce qu'un mandat limite de façon prospective l'étendue d'une fouille par répertoires, noms de fichier ou extensions, ou tente de structurer des méthodes de fouille [. . .] [D]e telles limites restreindraient indûment les objectifs légitimes des fouilles » (p. 1093-1094). Plus récemment, dans *United States c. Christie*, 717 F.3d 1156 (10th Cir. 2013), la Tenth Circuit Court a conclu qu'[TRADUCTION] « [i]l peut arriver que des fichiers informatiques soient accidentellement mal désignés, intentionnellement camouflés ou encore tout simplement cachés, autant de situations qui empêchent les enquêteurs de savoir d'avance quel genre de fouille leur permettra de dénicher les preuves qu'ils recherchent légitimement » : p. 1166; voir, en général, O. S. Kerr, « Ex Ante Regulation of Computer Search and Seizure » (2010), 96 *Va. L. Rev.* 1241, p. 1277.

[284] Il est bien possible que la seule solution à ce problème soit la création d'une règle qui interdit l'utilisation de la preuve qui n'est pas visée par un mandat de

2016 QCCS 2158 (CanLII)

perquisition, car cette utilisation serait susceptible de rendre la manière d'effectuer la fouille abusive.

[285] Cette question ne se pose pas en l'espèce, car la contestation d'un mandat ne concerne que la délivrance de l'autorisation et non son exécution[122].

[286] Il semble approprié de souligner qu'il est toujours possible qu'une personne demande la remise d'une chose saisie selon l'article 138 du *Code de procédure pénale.*

[287] Puisque l'enquêteuse ne pouvait pas savoir que les ordinateurs ou téléphones numériques pouvaient contenir des informations personnelles, il n'était pas justifié d'imposer une condition préalable à cet égard.

[288] Par ailleurs, le Tribunal rappelle en conclusion, l'observation suivante du juge Cromwell dans l'arrêt *Vu*:

> [61] Il est sans doute évident, à ce point-ci, que ma conclusion selon laquelle aucun protocole de perquisition n'était requis par la Constitution en l'espèce ne signifie pas que, une fois munis d'un mandat, les policiers étaient pour autant autorisés à passer sans discernement les appareils au peigne fin. En effet, ils demeuraient quand même tenus de se conformer à la règle requérant que la manière de procéder à la perquisition ne soit pas abusive. Par conséquent, s'ils s'étaient rendu compte durant la perquisition qu'il n'existait en fait aucune raison de fouiller un logiciel ou un fichier spécifique dans l'appareil, le droit relatif aux fouilles, perquisitions et saisies exigeait qu'ils s'abstiennent de le faire.

[289] L'ARQ devra avoir à l'esprit ces commentaires afin d'éviter que l'exécution des fouilles numériques ne soit abusive.

[290] **POUR CES MOTIFS, LE TRIBUNAL**:

[291] **REJETTE** la demande de contrôle judiciaire;

[292] **ORDONNE** que les choses saisies soient remises à l'Agence du Revenu du Québec;

[293] **AVEC FRAIS DE JUSTICE**.

_____
GUY COURNOYER, J.C.S.

[122] *Cohen c. Québec (Procureure générale)*, 2015 QCCA 122, par. 7; *St-Pierre c. Sûreté du Québec*, 2014 QCCA 2378, par. 24; *R. c. Vu*, 2013 CSC 60, [2013] 3 R.C.S. 657, par. 55.

2016 QCCS 2158 (CanLII)

Me Nicolas Cloutier
Me Nicolas Chaput
Procureurs pour la requérante

Me Éric Bernatchez
Me Valérie Ouellet
Procureurs pour l'Agence du revenu du Québec

Date d'audience : 30 novembre 2015

2016 QCCS 2158 (CanLII)

ANNEXE (Annexe II de la dénonciation)

Description des choses qui pourront servir de preuve de l'infraction décrite à l'annexe III ou qui sont ou ont été utilisées pour sa perpétration

Toutes les choses et tous les documents énumérés ci-après concernant Uber Canada inc.

Pour la période du 1er janvier 2014 au 31 mars 2015 :

1 Tous les livres et registres comptables démontrant les revenus, encaissements, achats, dépenses, déboursés, salaires, la perception et la remise des taxes;

2 Toutes les pièces justificatives à l'appui des revenus, encaissements, achats dépenses, déboursés, de la perception et de la remise des taxes;

3 Le registre des procès-verbaux ainsi que tous les documents y afférents,

4 Tous les documents bancaires incluant les relevés de banque, chèques, talons de chèque et bordereaux de dépôt;

5 Tout autre document contenant des informations sur l'identification, les affaires, les communications et l'administration de la société;

6 Toutes les pièces justificatives contenant des informations sur les chauffeurs, fiches d'identification, relevés de paiement, chèques, talons de chèques, communications ou tout autre document y afférent;

7 Toute autre chose pouvant démontrer la commission des infractions décrites à l'annexe III;

8 Tout ordinateur et tout type de support de données, y compris disques, disquettes, clés USB, cartes mémoire, disques amovibles, téléphones intelligents et tablettes PC, pouvant contenir des données informatiques concernant les éléments mentionnés aux points 1 à 6, y compris les données qu'ils contiennent;

9 Tout type de support pouvant contenir les logiciels d'exploitation et d'application, ta documentation afférente qui en explique le fonctionnement, y compris la documentation des programmes et des systèmes, les manuels, les instructions d'exploitation, requis pour exploiter, pour reproduire les données contenues sur les supports de données mentionnées au paragraphe précédent et pour s'assurer de leur intégralité.

2016 QCCS 2158 (CanLII)

Decision

Uber Canada inc. c. Revenu Québec **2016 QCCS 2158**

SUPERIOR COURT

CANADA

MONTREAL

500-36-007668-158

11 MAI 2016

IN THE CHAIR: HONOURABLE

pplicant

and

and

MAXIME ÉTHIER, SYLVIE ROBICHAUD, SYLVAIN BRASSARD, RENE LEVESQUE, ADIL Chennaoui, CONRAD Canizalez, CLAUDE HEBERT, ALEXANDRA-VALADE MAUDE AND MARC ANDRE PELLETIER

and

respondents

I - Overview

[1] L'Agence du revenu du Québec (the Quebec Revenue Agency - "ARQ") alleges that Uber Canada ("Uber") assists drivers involved in its UberX service to evade payment of GST and QST [1]. Uber uses a ploy in describing the services it offers as a citizen carpool system while it is in fact paid transportation by automobile as defined by *the Act respecting transportation services by taxi* [2] .

[2] The ARQ also argues that Uber makes a taxable supply to the UberX drivers. In effect, Uber retains a 20% commission for each completed trip. According to the ARQ, as this supply takes place in Quebec, Uber had the obligation to collect applicable taxes and remit the net tax to the government.

[3] On May 13, 2015, a judge issued two search warrants and production orders [3] .

[4] The next day, during the execution of a search warrant at Uber's offices, the ARQ investigators found that computers, smart phones and tablets had been rebooted remotely. They were informed that engineers at Uber Technology-San Francisco had remotely encrypted the data.

[5] The investigators then appeared before the same judge and ask that the items seized without warrant the day before be moved to the ARQ offices [4] .

[6] The judge issued additional search warrants [5] .

[7] Uber challenged the legality of the search warrants.

[8] The question before the court is whether the information contained in the applications for the search warrants was sufficient to justify the authorization of the searches.

[9] It should be noted that the question of the legality of UberX service is not directly at issue in this case.

[10] However, insofar as the foundation for the collection of GST and QST in the taxi industry is based strictly on the definition of transport by taxi, that is, the paid transport of persons by way of an automobile, this question becomes unavoidable, as Uber has admitted [6] .

[11] This case also raises new and difficult questions about the search of digital devices, including computers, both in how to go about such searches as well as the constraints in the execution of such searches.

[12] Furthermore, questions also arise over the protection of personal information that can be found on these digital devices when used in the workplace or in the operation of a business [7] .

[13] Canadian court decisions have not yet provided complete and definitive answers to these questions [8] .

[14] On the main issue before the court, namely concerning the validity of authorized searches, the Court, for the reasons that follow, believes that, as the law currently stands, the information presented to the judge who authorized the searches was sufficient to establish that Uber does not respect Quebec and Canadian tax laws, and so the searches authoized were justified.

[15] The evidence before the judge who issued the warrants allowed him to conclude that Uber has not collected the applicable taxes from UberX drivers and that such taxes were not submitted to the tax authorities.

[16] Moreover, the evidence supported the finding that Uber assists UberX drivers using the Uber app to evade compliance with tax law, notably in the required payments and remittances for GST and QST.

Page 216 to/à Page 220

Withheld pursuant to/removed as

DUPLICATE

From:	Sall, Sabba CSCD:EX
To:	Volk, Kevin CSCD:EX
Subject:	consultation list including municipalities
Date:	Thursday, September 22, 2016 11:10:01 AM
Attachments:	Consultation List.docx
Importance:	High

This was the list sent to the MO for approval,.

Sabba Sall - A/Manager, Legislation
Community Services & Legislation Division
Ministry of Community, Sport and Cultural Development
800 Johnson Street - 6th Floor , Victoria BC

List of Consultations

Stakeholder	Face-to-face Meeting	Written Submission
Translink	✓	
BC Taxi Association	✓	
Vancouver Taxi Association	✓	
Victoria Taxi Association	✓	
Uber	✓	✓
Vancouver Board of Trade	✓	✓
Yellow Cabs	✓	
Surrey Board of Trade	✓	
Victoria Airport Taxi Drivers	✓	
Maple Leaf Strategies	✓	
Canadian Finance and Leasing Association	✓	✓
DDS Wireless	✓	
Vancouver Airport Taxi Drivers	✓	
Checkmate Cabs (Kelowna)	✓	✓
Kelowna Airport Taxi Drivers	✓	
Vancouver Airport Authority	✓	
Kelowna Airport Authority	✓	✓
AeroCar	✓	✓
Tourism Vancouver	✓	✓
BC Chamber of Commerce	✓	✓
Kamloops Taxi Association		✓
Ripe Rides		✓
Harbour Air		✓
BC Limousine Association		✓
Garden City Cabs (Richmond)		✓
Harbour Air Group		✓
Tourism Association of BC		(sent to Minister Stone)
Taxi Drivers Association of Southern BC		(sent to Minister Stone)
Consumer Protection BC	✓	
Disability Alliance BC	✓	
Council of Senior Citizens Organizations	✓	
City of Vancouver Persons w/Disabilities Advisory Committee		✓
Local Governments	**Face-to-face Meeting**	**Written Submission**
Metro Vancouver	✓	
UBCM Executive	✓	
Esquimalt		✓
New Westminster		✓
Port Moody		✓
Vanderhoof		✓
Port Coquitlam		✓
Langley		✓
Coquitlam		✓
Clearwater		✓
Metchosin		✓

List of Consultations

Sun Peaks		✓
Vancouver		✓

Page 224 to/à Page 243

Withheld pursuant to/removed as

s.13

FINAL
August 12, 2016

Meeting Date August 8, 2016
Participants:
Jane Dyson—Executive Director, Disability Alliance BC (DABC)
Lorraine Logan—President, Council of Senior Citizens Organizations (COSCO)
Jessica Brooks—Executive Director CSCD, Community and Legislative Services

Background Context
Disability Alliance B.C.
Since 1977, Disability Alliance BC (formerly BC Coalition of People with Disabilities) has been a provincial, cross-disability voice in British Columbia. It supports people, with all disabilities, to live with dignity, independence and as equal and full participants in the community. DABC champions issues impacting the lives of people with disabilities through direct services, community partnerships, advocacy, research and publications.

Council of Senior Citizens Organizations of British Columbia
COSCO has been non-profit advocacy organization since 1950. COSCO is an umbrella organization formed from affiliated member groups that represents over 100,000 seniors in this province. All of the COSCO Board is made up of volunteers, with no paid staff or actual office. It advocates on systemic issues and concerns that affect all older adults in B.C. COSCO is non-partisan. COSCO also has a Wellness Institute Charitable side where it has developed and facilitated 43 workshops on health and wellness. All of these workshops are delivered at no fee and are facilitated by senior volunteers around the province. Membership in the organization is not required to apply for a workshop.

Notes
- People with disabilities (PWD) and seniors in BC rely on taxis to:
    - maintain independence
    - enable spontaneous trips
    - provide options in terms of trip length, range of trips and ease of access
        - Note: Many people's health conditions limit them from using shared ride services because of trip length; for example conditions causing bowel and bladder issues.
- Training for taxi drivers is provided by the Justice Institute. This training is not ideal; for example, it provides for a greater level of information than may be practically required by taxi drivers
- The Vancouver Taxi Association has been working with DABC and COSCO to develop training programs for its drivers (2 years). A significant amount of work has been undertaken in this area, and the results have been practical and well received.
- The VTA has offered to provide the training products to BC Taxi Association members at a cost of $35 / person, however, the BCTA has not utilized this offer.
- Overall however, there are reasonably well trained drivers throughout the system, and drivers are being treated as professionals.

- Serious concerns were expressed that there would be a deterioration of the quality of services provided by taxis with the introduction of Uber. For example, professionally trained drivers will be competing against Uber drivers, who are subject to significantly fewer quality controls or training or service standards.
- TransLink's TaxiSaver program allows PWD to buy TaxiSaver coupons by mail or through the TransLink FareDealer office to save 50 per cent on the cost of taxi fares. Looking ahead, it is unclear whether this program would apply to Transportation Network Companies (TNC).

- Uber has approached DABC and COSCO. Concerns were expressed over the potential entry of Uber into the market include:
    - Niche market - many seniors do not use app based products; this would limit access to passenger transportation vehicles for a segment of society
    - The variable rates (surge pricing) employed by Uber are of concern
    - Uber drivers use their own vehicles—this is expected to result in few accessible vehicles on road, and is an issue of significant concern.
    - Uber drivers are not trained to work with the people with disabilities. This could raise safety concerns for passengers.
    - It is unclear what recourse is available to Uber passengers who may experience poor service
    - Unlike taxis, Uber cars are not clearly identified. This may increase safety concerns for passengers.
    - It is unclear how people who use support dogs will be accommodated in Uber vehicles
    - Unlike the taxi sector, there is no customer bill of rights
    - There does not appear to be any monitoring of Uber driver profiles

- Overall recommendations include:
    - Increasing the number of taxis on the road, particularly wheelchair accessible vehicles
    - Participants in the passenger transportation sector should be treated equally, particularly with respect to regulation and licensing

Comments on the Passenger Transportation Board

s.13

Page 246 to/à Page 252

Withheld pursuant to/removed as

s.13

Page 253 to/à Page 255

Withheld pursuant to/removed as

s.16

From:	Volk, Kevin CSCD:EX
To:	Brooks, Jessica CSCD:EX; Sall, Sabba CSCD:EX
Cc:	Ryan, Louise CSCD:EX
Subject:	FW: City of Vancouver Persons with Disabilities Advisory Committee letter re: ride-sourcing
Date:	Friday, September 2, 2016 3:36:19 PM
Attachments:	Uber Letter to Premier Clark.pdf

FYI – Please read and review whether we need to add anything else to the consultation report.

From: Whitelock, Riley CSCD:EX
Sent: Friday, September 2, 2016 2:29 PM
To: Volk, Kevin CSCD:EX
Subject: FYI: City of Vancouver Persons with Disabilities Advisory Committee letter re: ride-sourcing

Hi Kevin,

Ensuring you see receive this for purposes of collection of ride-sourcing feedback, discussion paper, etc.

Thanks, -Riley.

Riley Whitelock
Executive Assistant to the Honourable Peter Fassbender
Minister of Community, Sport and Cultural Development
Minister Responsible for TransLink
Tel: (250) 387-2283

From: OfficeofthePremier, Office PREM:EX
Sent: Friday, September 2, 2016 12:31 PM
To: 'Hildebrandt, Tina'
Cc: Transportation, Minister TRAN:EX; Minister, CSCD CSCD:EX
Subject: RE: Taxi Services and other vehicle for hire systems

Thank you very much. We will ensure the contents are read and discussed; we will also be sharing the information with our Minister of Social Development and Innovation, our Minister of Transportation and Infrastructure, and our Minister responsible for TransLink.
We do appreciate receiving the motions and resolutions.

From: Hildebrandt, Tina [mailto:tina.hildebrandt@vancouver.ca]
Sent: Friday, September 2, 2016 10:04 AM
To: OfficeofthePremier, Office PREM:EX
Subject: Taxi Services and other vehicle for hire systems

Good morning –
Attached is a letter addressed to Premier Christy Clark from the City of Vancouver's Persons with Disabilities Advisory Committee regarding the above-noted matter:
Please confirm receipt. A paper copy of this letter is forthcoming via Canada Post.
Thank you

Tina Hildebrandt | Meeting Coordinator
CITY OF VANCOUVER | City Clerk's Office
604.873.7268 | tina.hildebrandt@vancouver.ca

From:	Dick, Joan L CSCD:EX
To:	Brooks, Jessica CSCD:EX
Cc:	Volk, Kevin CSCD:EX; Dawes, Jacquie CSCD:EX
Subject:	FW: UK Study on the Sharing Economy
Date:	Wednesday, August 3, 2016 5:11:17 PM

Jessica:

Here is the paper Bruce Okabe was talking about in today's meeting with the TIABC.

J.

From: s.22
Sent: Wednesday, August 3, 2016 4:49 PM
To: Dick, Joan L CSCD:EX
Cc: Walt Judas; Paul Nursey; Jim Humphrey; s.22
Subject: UK Study on the Sharing Economy

Hi Joan,

Many thanks for arranging the meeting with Minister Fassbender today. As requested, here's the paper I referred to.....

https://www.gov.uk/government/publications/unlocking-the-sharing-economy-independent-review/unlocking-the-sharing-economy-independent-review

Cheers,

Bruce Okabe

From:	Fassbender, Peter CSCD:EX
To:	Volk, Kevin CSCD:EX; Dawes, Jacquie CSCD:EX; Dick, Joan L CSCD:EX
Cc:	Sandur, Parveen CSCD:EX; Whitelock, Riley CSCD:EX
Subject:	Fwd: Ontario is moving forward with ridesharing regulations
Date:	Monday, April 18, 2016 5:12:16 PM

FYI and our files

MPF

Begin forwarded message:

From: Michael van Hemmen <mvh@uber.com>
Date: April 18, 2016 at 8:44:18 AM PDT
To: peter.fassbender@gov.bc.ca
Subject: Ontario is moving forward with ridesharing regulations

Dear Minister Fassbender,

I wanted to pass along some encouraging news. On Wednesday, Ottawa City Council voted 23-1 in favour of new ridesharing rules to regulate businesses like Uber. In addition, the City of Toronto has released its proposed regulatory framework which embraces ridesharing. It has the full support of Mayor Tory because of the benefits ridesharing provides his city.

These regulations were largely developed based upon two comprehensive, third party reports completed by KPMG (commissioned by the City of Ottawa) and MaRS (an Ontario think tank commissioned by the Province of Ontario). Below I have outlined the policies from these two cities, how they could be translated into BC's context, and the policy rationale.

This is a high level summary, and I would be happy to discuss these items with you or your officials in more detail. It's worth noting that while I only discuss ridesharing below, the two reports include additional recommendations regarding taxi such as removing fare restrictions for taxi trips except for street hails and at taxi stands.

Component	Ottawa & Toronto	Implication for BC	Policy Rationale/Additional Comments
Unified Ridesharing License	Required. Uber will be licensed and required to only allow drivers and vehicles onto the platform that meet specific requirements.	Same requirement is appropriate.	A unified licensing structure ensures strict requirements can be digitally tracked and removes red tape that is unnecessary for safety. It is the standard regime

	Drivers and vehicles are not individually licensed. The regulator maintains strong oversight and enforcement powers to ensure the ridesharing company is complying with the bylaw.		for ridesharing regulations around the world.
Driver Screening	Required. Toronto has taken the transparent approach to specifically outline in the bylaw what types of criminal behaviour prevent a driver from participating.	Similar requirement is appropriate.	Searches of RCMP and local police databases are completed on behalf of the ridesharing company. Specifically outlining the prohibited offences ensures consistency and transparency and certainty for the public.
Driver's Abstract Check	Required. Toronto has specified less than 9 demerit points allowed on a driver's record	Similar requirement is appropriate	A potential driver-partner's driving history is extremely relevant information in determining if someone is responsible enough to provide transportation to others.
Vehicle Age & Inspections	Ottawa: Maximum 10 years old. Annual inspections if <5 years, Biannual if 6-10years old. Toronto: Maximum proposed age 7 years old. Annual inspections.	10 year limit (as approved by Ottawa and Edmonton) and annual inspections similar to Edmonton are appropriate.	Ridesharing relies upon personal vehicles that are already being used to transport families and friends. The vast majority of these vehicles are used only a few extra hours a week for ridesharing services. Moreover, with ridesharing's rating & feedback system, every trip is an inspection of sorts. As such vehicles up to ten years old that have undergone an appropriate annual vehicle inspection can be safely used. With annual inspections

			and real time feedback, restricting vehicle age to less than 10 years simply prevents those with lower incomes from participating in ridesharing while not enhancing safety.
Supply Caps	None	Same requirement is appropriate	Ridesharing partners are independent contractors determining when and where they offer transportation services. In Canada, almost 60% of our partners use the platform less than 10 hours a week. Moreover, as we've grown, we've found that our partners grow the transportation pie, serving areas of a city traditionally underserved by public transit and taxi. Finally, flexible supply means that there are more partners offering rides when people need them the most and there are not adequate options available (e.g. when bars are closing). With that, supply caps are impractical. No jurisdiction that has regulated ridesharing has imposed caps.
Price regulation	No fare restrictions, must display rates to be charged.	Same requirement is appropriate	Dynamic pricing is an important means for ridesharing companies to incent partners to provide transportation services when people need them the most, but when partners may otherwise choose not to drive at regular rates (i.e. New Year's Eve). No jurisdiction has instituted maximum rates for ridesharing operations during regular time periods.

			The Competition Bureau of Canada has put out a white paper that extols the benefits of price flexibility and recommends that all industry participants be free to set their fares independently.
Data sharing	Required, to confirm regulatory compliance	Similar requirement is appropriate	We would like to open a dialogue on how we can be an effective partner with BC on data sharing.
Fees	Flat fee for Ridesharing company plus per trip fee Toronto includes a nominal, provisional fee per driver.	The province can use a fee structure that is required to be shared with municipalities as means of sharing the compensation to cover enforcement of a provincial framework.	We would like to open a dialogue on the best fee structure that would work for BC. Fee structures based on a driver registration system can be prohibitive and a significant barrier to driver participation thereby hindering ridesharing.
Street Hails/Taxi stands/Cash fares	Exclusive to taxi	Same requirement is appropriate	In recognition of the differences of the two industries (i.e. ridesharing ride requests can only be made and paid for through the app), it is appropriate to continue to leave such rides solely for taxi
Insurance	Required. Minimum of $2 million third-party liability insurance.	An insurance solution that enables the ridesharing company to purchase the commercial insurance, which is in place during the trip as per what has been announced by Alberta and is being worked on by Ontario	Insurance purchased by the ridesharing company provides the following benefits: -Consistent coverage for all rides. It's not dependent on the vehicle owner's coverage. -Commercial coverage is only in place during commercial activity. Standard personal coverage remains in place for personal use.
Driver's	Standard license	Allow class 1-5	The average ridesharing

Licensing	class (G, which is equivalent to class 5) is sufficient for taxi and ridesharing	license	driver utilizes their personal vehicles that they are using to drive around their family and carpool. There is no real difference in traffic safety from a driver charging $0.50/km (carpooling) or $1.00/km when they are using the same vehicle. As opposed to relying upon a one time drivers test, with ridesharing's rating system and real time feedback, the ridesharing company is quickly made aware of any poor driving habits and can quickly take corrective action. Moreover advances in technology such as telematics, which Uber is now piloting, could allow for additional proactive safety improvements.
Vehicle Registration	Personal registration is sufficient	Same requirement as Alberta and Ontario. (Personal registration is sufficient)	Same point as vehicle inspections.
Driver Training	None required	Same requirement is appropriate	Driver's are driving personal vehicles, navigating by GPS and have quality controlled via ratings & written feedback. An independent Study commissioned by the City of Ottawa found riders had a higher level of satisfaction with ridesharing drivers.

We hope that the provincial government can learn from these examples, and move quickly to embrace more transportation options for British Columbians.

Best regards,

Michael

--



Michael van Hemmen
UBER Canada
s.22 | mvh@uber.com | uber.com

Presentation for:

Honorable Minister

Peter Fassbender

Yellow Cabs (Kamloops) Ltd.

Presentation by:

Abdul Rasheed

President

Yellow Cabs (Kamloops) Ltd

YELLOW CABS (KAMLOOPS) LTD.

1100 Ord Road, Kamloops, BC, V2B 7V4 :: **Office**: 250-554-0570 :: **Fax**: 250-554-7791
Email: yellowcabs@shaw.ca :: **Web**: www.yellowcabskamloops.com

May 27, 2016

To,

The Honourable Minister Peter Fassbender

Re: Uber in BC

Honourable Minister: The Taxis in BC, Quebec and Manitoba are regulated provincially while those in Ontario and Alberta are regulated at the municipal level. Indeed taxi markets in Quebec and BC are of similar proportion, are organized very similarly and follow very similar provincial and municipal regulations. As such, for today's letter I have chosen Quebec which is facing similar dilemmas and challenges as we are facing in BC.

Recently, Quebec has introduced Bill 100 to deal with Uber issues, Uber in response has offered Quebec CAD 3.2 million annually based on $0.35 per ride. This figure gives us first glimpse into Uber's financial exploitation in Montreal and how their drivers may be rewarded.

My analysis of that is as follows:

Uber has offered Quebec $0.35 a ride, approximately generating more than three million. Based on those figures it will take 9.142 million rides to generate that figure. The average cab ride in Montreal is around $12.00. As such, those 9.142 million rides will generate about a little over 110 million in revenue.

On average, Uber has been taking 37% of the revenue generated by the drivers for its operations. From this it approximately spends 2% on its management staff in Quebec. With that in view, it is left with CAD 38.5 million in revenue which is Uber's profit from Montreal alone.

This CAD 38.5 million is straight away siphoned to California, US. Unfortunately nothing of this comes back to Canadian economy or the communities. Also, we doubt that Uber has been paying any taxes to any of Canada's provincial or federal government for the profits made out of Canadian communities.

Even if it had to pay Cad 3.2 million out of that slush fund to Quebec, it would still be taking more that CAD 35 million out of Montreal alone. That makes me wonder, does Uber really want to leave Quebec and that kind of fund? I doubt it!

Next in light is - Uber drivers remuneration. In regular taxi business in Montreal, average Cab driver takes approximately 25 trips during thier shift. It will take 365,680 shifts to cover 9.142

million rides and will require on regular at least 1400 full time cab drivers. However, as Uber serves much larger territory than a regular taxi cab company, it will require double the regular number of drivers to cover that many rides. Indeed Uber has mentioned that it has more than 4000 drivers in Montreal. From that we can assume that most will be part timers, moon lighters and foreign students with insufficient work permits who may be working as and needed. However, for my analysis I have taken equivalent of cab drivers shifts and cab drivers ratio.

According to that ratio Uber will be using at least equivalent of 2100 cab drivers in Montreal. This has resulted in 30% increase in taxis in Montreal, causing one-third drop in cab drivers earnings since the arrival of Uber's in Montreal. This is every much in line with what the cabbies in Montreal are reporting that their earnings are going down 1/3than earlier earnings. Before Uber's arrival they were comfortably making minimum wages and sustaining their families with liveable earnings. Now With the drop of 1/3 in their earnings, most will not be making minimum wages. Situation will be similar in BC if Uber arrives. It will negatively impact the economic viability of the Taxi Industry and Taxi operators.

As far as Uber drivers are concerned, out of the revenue generated by the drivers, according to Uber it gives them 63% of that. In dollar terms it amounts to CAD 69.3 million. This amount divided over 2100 drivers comes to CAD 33,000 per driver annually. Out of which Uber drivers have to pay Car loan payments of minimum $400.00 for car payments, gas of $600.00, at least another $300.00 for insurance and maintenance. Hence, the monthly operating cost for a Uber driver totals to $1300.00/month which amounts to $15,600.00 a year. As such, a Uber driver is left with CAD 17,400 for the whole year. On daily earning it will translate to $59.00 a day, and considering that drivers work 10 hours a day, it will be $5.50/hr which is way under minimum wages. This is why it is not surprising that only retirees, moon-lighters, and foreign students are the main components of Uber drivers.

The main attraction for foreign students to get attracted in Canada is because they are allowed by law 20 hours of work in a week. Meanwhile in Uber there are no records as to how many hours they worked so they can work as much as they want, even if it pays only 5 dollars an hour. Also, added benefits to working for Uber would mean that no direct control, working for $55.00/day plus tips etc which made it lucrative for students and moon lighters.

Another big attraction to work for Uber is that, there is no control as to who drives for Uber. Uber is an app and is based in California. Anybody can login with names and passwords which can be their or of their friends. In our system, a driver comes to the office talks to the supervisors and dispatchers and then gets the key off the dispatcher for their shift. A dispatcher can return a driver off of work it he/she deems unfit for work that day. This is not an option in Uber. It can be fairly questioned that what vetting and verification can Uber do? Even if they have all the drivers background check done, there is no way they can ensure that the login person is their verified driver. Any pedophile criminal, sex offender can log onto their app system and roam around. There are numerous instances where this has happen. No wonder city of Oshawa and Mississauga has banned Uber last week. Other cities are also grappling with the same problem

and has to enforce more by-law officers just to control the growing crime rate within their territories.

Allowing Uber will compromise public safety and there is no way .to control that, no matter how intensive regulations are make there will be always gaps to the system.

Lastly, allowing Uber basically means de-regulating taxi industry. Public transportation throughout North America has been regulated. Even in the citadel of capitalism and free enterprise in New York city, public transportation and taxis were always there. Only Uber operates outside the regulations. It will be following similar model throughout Canada.

Uber is an app, it is a piece of technology. We have very similar apps like Uber - but the difference is that it is used under supervision. Uber tech works without human supervision. It is true that human supervision costs money but it is of immeasurable value.

Technology without human supervision is devoid of humanity and human values and that is what Uber is. This makes me wonder why do we need to allow a foreign corporation which only benefits a handful people like retirees or foreign students or moon-lighters over the hard working class Canadian people. What benefit will it have for Canada or Canadians! All it will do is destroy an industry which supports more than 100,000 Canadian families with liveable earnings.

Also the Cab operators do not have anything other than the value of their shares in Taxis, and in case of Montreal - taxi permits. Uber operation in its present form will deplete the value of their assets and make their retirement miserably difficult.

Your honour, my plea to you on behalf of all of us in the taxi industryis that please do not let that happen.

Yours Sincerely,

Abdul Rasheed
President
Yellow Cabs (Kamloops) Ltd
P. (250) 572-1532
F. (250) 554-7791

NATIONAL ASSEMBLY

FIRST SESSION FORTY-FIRST LEGISLATURE

Bill 100

An Act to amend various legislative provisions respecting mainly transportation services by taxi

Introduction

Introduced by
Mr. Jacques Daoust
Minister of Transport, Sustainable Mobility and Transport Electrification

Québec Official Publisher
2016

EXPLANATORY NOTES

This bill modifies the framework for regulating transportation services by taxi in Québec but maintains the principle of a single legal regime for such services.

The bill specifies the remunerated passenger transportation services that are not taxi transportation services subject to the Act respecting transportation services by taxi.

The Government is granted the power to determine the number of servicing areas and the territory of each one, as well as the maximum number of taxi owner's permits that the Commission des transports du Québec may issue in each area. The Government may also set the additional annual duties payable to obtain, maintain or renew the taxi owner's permits it specifies. The amount of those duties are paid into the Land Transportation Network Fund and are allocated to financing the modernization of transportation services by taxi.

Holders of a taxi transportation service intermediary's permit have new obligations. They must, at all times, provide taxi transportation service request distribution services throughout the territory of each servicing area they serve. They must also provide all persons having requested a trip with a means enabling them to assess the quality of the services rendered by the taxi driver's permit holder. Lastly, the holder must make a by-law on the standards of conduct and ethics which the holder must uphold and with which the holders of a taxi owner's permit and holders of a taxi driver's permit to whom the holder provides services must also comply.

The Commission des transports du Québec is required to set the basic rate structure that applies for all servicing areas and is given the power to set special rates which may vary depending on the servicing area and the categories of transportation services. The rate structure set by the Commission may also vary based on the day or time of day when the transportation service is provided. In addition, a fare may differ from the rates set by the Commission according to the technological means used to request the taxi transportation service, to the extent and on the conditions prescribed by government regulation.

The bill grants new inspection and inquiry powers to persons responsible for ascertaining compliance with the Act and the regulations. Provision is also made for new penal and administrative penalties for non-compliance with the Act, such as suspending the driver's licence of a person providing taxi transportation services without holding the appropriate licence or permit, and seizing the automobile the person is driving.

The Taxi Industry Advisory Panel is abolished.

The bill also contains safety measures for cyclists. The Highway Safety Code is amended to increase fines for dooring, and the minimum distance that a motor vehicle must keep when passing a bicycle is specified.

Lastly, consequential amendments and transitional measures are made.

LEGISLATION AMENDED BY THIS BILL:

– Highway Safety Code (chapter C-24.2);

– Act respecting the Ministère des Transports (chapter M-28);

– Act respecting transportation services by taxi (chapter S-6.01);

– Transport Act (chapter T-12).

REGULATION AMENDED BY THIS BILL:

– Regulation respecting safety standards for road vehicles (chapter C-24.2, r. 32).

Bill 100

AN ACT TO AMEND VARIOUS LEGISLATIVE PROVISIONS RESPECTING MAINLY TRANSPORTATION SERVICES BY TAXI

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

ACT RESPECTING TRANSPORTATION SERVICES BY TAXI

1. Section 1 of the Act respecting transportation services by taxi (chapter S-6.01) is amended

(1) by replacing "to passenger transportation, for remuneration, by automobile and more particularly establishes a framework for" by "to";

(2) by inserting ", ensure supply management of taxi transportation services that takes into consideration the public's needs" after "services offered".

2. Section 2 of the Act is amended by replacing paragraph 2 by the following:

"(2) "taxi transportation service intermediary" means any person who provides, by any means, publicity, taxi transportation service request distribution or other similar services to holders of a taxi owner's permit or holders of a taxi driver's permit;

"(3) "transportation services by taxi" or "taxi transportation services" means any passenger transportation service by automobile, for remuneration, except

(*a*) carpooling provided on a portion or all of a same route, provided that

i. the automobile used is a passenger vehicle within the meaning of section 4 of the Highway Safety Code (chapter C-24.2),

ii. the driver decides on the final destination, and taking passengers on board is incidental to the driver's reason for making the trip, and

iii. the transportation is offered for a financial contribution limited, regardless of the number of passengers on board, to the expenses incurred in using the automobile, the total amount of which may not exceed the allowance granted to an employee of a department or body whose personnel is appointed in accordance with the Public Service Act (chapter F-3.1.1) for use of the employee's personal vehicle;

(*b*) school transportation provided for in the Education Act (chapter I-13.3), the Education Act for Cree, Inuit and Naskapi Native Persons (chapter I-14), the Act respecting private education (chapter E-9.1) or the General and Vocational Colleges Act (chapter C-29) and transportation of students of an institution whose instructional program is the subject of an international agreement within the meaning of the Act respecting the Ministère des Relations internationales (chapter M-25.1.1);

(*c*) transportation provided by a volunteer driver under the control of a humanitarian organization recognized by the Ministère de la Santé et des Services sociaux as part of one of its support or assistance programs, provided that

i. the transportation is offered for a financial contribution limited, regardless of the number of passengers on board, to the expenses incurred in using the automobile set by the organization's board of directors, the total amount of which may not exceed the allowance granted to an employee of a department or body whose personnel is appointed in accordance with the Public Service Act for use of the employee's personal vehicle, and

ii. the organization keeps a permanent register of trips which, for each trip provided, identifies the driver, the client and any accompanying person, and indicates the date, the pick-up point, the distance travelled and the destination;

(*d*) transportation provided by a social economy enterprise funded by a government program to offer assistance services to clients such as seniors, persons who are handicapped or ill or persons with decreasing independence, provided that the enterprise keeps a permanent register of trips which, for each trip provided, identifies the driver, the client and any accompanying person, and indicates the date, the pick-up point, the distance travelled and the destination;

(*e*) transportation provided to an impaired person by a volunteer driver under the control of a non-profit organization or legal person or by a driver remunerated by an enterprise, provided that

i. the impaired person's automobile is also driven to the destination,

ii. the transportation is provided by the volunteer driver without any intent of deriving pecuniary gain, and

iii. the non-profit legal person, organization or enterprise concerned keeps a permanent register of trips which, for each trip provided, identifies the driver, the customer and the accompanying person, and indicates the date, the pick-up point, the distance travelled and the destination;

(*f*) courtesy transportation provided by a driver remunerated by an enterprise, and offered free of charge to its customers;

(*g*) transportation provided for the purpose of community assistance to help or accompany a person, provided that the transportation is offered for a financial contribution limited, regardless of the number of passengers on board, to the expenses incurred in using the automobile, the total amount of which may not exceed the allowance granted to an employee of a department or body whose personnel is appointed in accordance with the Public Service Act for use of the employee's personal vehicle;

(*h*) passenger transportation for baptisms, weddings or funerals or passenger transportation in antique automobiles over 30 years old; and

(*i*) transportation by ambulance or hearse.

The Minister shall publish on the department's website the amount of the allowance granted to an employee of a department or body whose personnel is appointed in accordance with the Public Service Act for use of the employee's personal vehicle."

3. Section 3 of the Act is repealed.

4. Section 4 of the Act is amended by replacing ", for remuneration, passenger transportation by automobile," by "taxi transportation services".

5. Section 5 of the Act is amended

(1) by striking out the second paragraph;

(2) by inserting ", or two or more customers in accordance with section 6.1," after "that customer" in the third paragraph;

(3) by adding the following paragraph at the end:

"Despite the first paragraph, if the automobile used for taxi transportation is completely electrically powered, the Commission des transports du Québec may authorize the holder of the taxi owner's permit to own the number of additional automobiles completely electrically powered that the Commission determines to ensure that the permit holder can continue to offer services while the batteries are being recharged."

6. The Act is amended by inserting the following section after section 5:

"**5.1.** The Government shall determine the number of servicing areas and the territory of each one.

The Minister shall publish the decision on the department's website."

7. Section 6 of the Act is amended by replacing "delimited by the Commission" in the first paragraph by "determined by the Government".

8. The Act is amended by inserting the following section after section 6:

"**6.1.** The holder of a taxi owner's permit may offer to transport two or more passengers who have separately requested a trip to the same destination or to several destinations on the same route, provided that the trip was requested by a technological means allowing each customer to agree in advance to share the cost of the trip."

9. Section 10 of the Act is amended by replacing "that may be issued under section 10.1" in the first paragraph by "set under section 10.1".

10. Section 10.1 of the Act is replaced by the following section:

"**10.1.** The Government may, for each servicing area it specifies, set the maximum number of taxi owner's permits that may be issued by the Commission according to any categories of services the Government identifies and on any conditions it determines."

11. Section 32 of the Act is amended by replacing "order" in the first and second paragraphs by "ministerial order".

12. Section 34 of the Act is amended by replacing the first paragraph by the following paragraph:

"Only a holder of a taxi transportation service intermediary's permit may, by any means, provide holders of a taxi owner's permit and holders of a taxi driver's permit with publicity, taxi transportation service request distribution or other similar services in a servicing area covered by a ministerial order made under section 32."

13. Section 34.1 of the Act is replaced by the following section:

"**34.1.** The holder of a taxi transportation service intermediary's permit must, within six months after the date the permit is issued, make a by-law on the standards of conduct and ethics which the holder must uphold and with which the holders of a taxi owner's permit and holders of a taxi driver's permit to whom the holder provides services must also comply. The by-law must include the minimum standards prescribed by government regulation.

If the Government makes amendments to its regulation, the holder of a taxi transportation service intermediary's permit must, within six months after those amendments come into force, make any necessary amendments to the by-law.

The holder of a taxi transportation service intermediary's permit must publish the by-law on the holder's website and transmit a copy to the Commission without delay. The same applies for any amendment to the by-law."

14. Section 34.2 of the Act is amended, in the second paragraph,

(1) by replacing subparagraph 2 by the following subparagraphs:

"(2) fails to make the by-law referred to in section 34.1 or the necessary amendments to it, to publish the by-law or any such amendments on the intermediary's website or to transmit the by-law or any such amendments to the Commission within the prescribed time;

"(2.1) fails to apply the by-law the intermediary made under section 34.1;";

(2) by replacing "data collection and conservation" in subparagraph 3 by "the collection, keeping and transmission of information" and by striking out ", conduct and ethics," in that subparagraph.

15. Section 50 of the Act is amended by replacing "call" by "taxi transportation service request".

16. Section 55 of the Act is amended by replacing "an inspector appointed under section 66" by "a person authorized to act as an inspector or investigator".

17. The Act is amended by inserting the following sections after section 59:

"**59.1.** The holder of a taxi transportation service intermediary's permit must, at all times, provide taxi transportation service request distribution services throughout the territory of any servicing area served by the holder.

"**59.2.** The holder of a taxi transportation service intermediary's permit is required, on the conditions prescribed by regulation, to collect and keep information on the hours of work performed by the holders of a taxi driver's permit to whom the holder provides services, the type, number, duration and distance of trips, the zones served and taxi stands, and any other similar matter determined by regulation.

The holder must, at the Commission's request, transmit the data to the Commission.

"**59.3.** The holder of a taxi transportation service intermediary's permit is required to provide all persons having requested a trip with a means enabling them to assess the quality of the services rendered by the holder of a taxi driver's permit."

18. Section 60 of the Act is amended

(1) by replacing the first paragraph by the following paragraphs:

"The Commission shall set the applicable rates for transportation services by taxi after a public hearing.

The Commission shall set the basic rate structure that applies for all servicing areas. It may also set special rates, which may vary from one area to another or according to the category of services provided.

Any rate structure referred to in the second paragraph may vary according to the day or time of day when the service is provided.

After a special hearing, the Commission may also set, for specialized transportation services by taxi, rates that may vary according to requests made by certain holders of taxi owner's permits providing specialized services.";

(2) by inserting "and on the Commission's website" at the end of the second paragraph.

19. Section 62 of the Act is amended

(1) by striking out the first paragraph;

(2) by replacing "A fare agreed upon with a customer, even if it differs from the rates fixed by the Commission, shall not be regarded as a discount" in the second paragraph by "A fare may be agreed upon, even if it differs from the rates set by the Commission";

(3) by adding the following paragraph at the end:

"A fare may also differ from the rates set by the Commission according to the technological means used to make the taxi transportation service request, to the extent and on the conditions determined by government regulation."

20. The heading of Chapter VIII of the Act is replaced by the following heading:

"INSPECTION, INQUIRY, SEIZURE AND SUSPENSION".

21. Section 66 of the Act is amended by replacing "and any employee of a municipal or supramunicipal authority responsible for" by "or any employee authorized by a municipal or supramunicipal authority entrusted with".

22. Section 67 of the Act is amended, in the first paragraph,

(1) by striking out ", any person specially authorized by the Minister and any peace officer" in the introductory clause;

(2) by replacing "of a non-profit organization or legal person that transports persons who are intoxicated or of a humanitarian organization organizing volunteer passenger transportation by automobile," in subparagraph 1 by " of an organization, of a non-profit legal person or of an enterprise referred to in section 2";

(3) by replacing "and providing" in subparagraph 3 by "if the person has reasonable grounds to believe that the automobile is being used to provide".

23. The Act is amended by inserting the following sections after section 67:

"**67.1.** Any peace officer, any person specially authorized by the Minister or any employee authorized by a municipal or supramunicipal authority entrusted with the administration of this Act may act as an investigator for the purposes of this Act and the regulations.

"**67.2.** Any person authorized to act as an inspector or investigator may not be prosecuted for acts in good faith in the exercise of inspection or inquiry functions."

24. Section 71 of the Act is amended

(1) by replacing "Any peace officer may, in the course of an inspection under section 67, immediately seize an automobile if the peace officer" in the introductory clause of the first paragraph by "Any person authorized to act as an inspector or investigator, as the case may be, may immediately seize an automobile if the person";

(2) by replacing "paragraph 1" in subparagraph 1 of the first paragraph by "paragraph 1 or 2";

(3) by replacing "A peace officer" in the second paragraph by "A person";

(4) by replacing "paragraph 1" and "minimum period of 60 days" in the third paragraph by "paragraph 1 or 2" and "period of 30 days for a second offence and 90 days for a subsequent offence", respectively.

25. The Act is amended by inserting the following sections after section 71:

"**71.1.** A peace officer or an employee authorized for that purpose by a municipal or supramunicipal authority entrusted with the administration of this Act who has reasonable grounds to believe that a person is contravening paragraph 2 of section 117 shall immediately suspend, on behalf of the Société, for a period of seven days, the licence issued to the person under section 61 of the Highway Safety Code (chapter C-24.2) authorizing him or her to drive an automobile.

If the person does not hold a licence authorizing him or her to drive an automobile or holds a licence issued by another administrative authority, the peace officer or the authorized employee shall immediately suspend, on behalf of the Société, for a period of seven days, the person's right to obtain a learner's licence, a probationary licence or a driver's licence.

The suspension period is increased to 30 days for a second offence and 90 days for a subsequent offence in the case of a person who was convicted of an

offence under paragraph 2 of section 117 during the 10 years before the suspension.

"**71.2.** A person whose licence or right to obtain a licence has been suspended in accordance with section 71.1 may have the suspension lifted by a judge of the Court of Québec acting in chambers in civil matters after the person establishes that he or she did not contravene paragraph 2 of section 117.

"**71.3.** Sections 202.6.1 and 202.7, the second paragraph of section 209.11 and section 209.12 of the Highway Safety Code (chapter C-24.2) apply in the case of a licence suspension under section 71.1, with the necessary modifications.

"**71.4.** In the case of a person whose licence or right to obtain a licence has been suspended in accordance with section 71.1, the peace officer or authorized employee shall immediately seize the automobile and impound it on behalf of the Société and at the owner's expense for a period equivalent to the period of the licence suspension.

"**71.5.** Sections 209.3 and 209.10 of the Highway Safety Code (chapter C-24.2) apply to the seizure, with the necessary modifications.

"**71.6.** The owner of the seized automobile may, on the authorization of a judge of the Court of Québec acting in chambers in civil matters, recover the automobile

(1) if the owner was not the driver of the automobile and could not reasonably have foreseen that the driver of the automobile would contravene paragraph 2 of section 117; or

(2) if the owner was the driver of the automobile and establishes that he or she did not contravene paragraph 2 of section 117.

If the person concerned in subparagraph 2 of the first paragraph obtains release from seizure, the Société shall lift the suspension of the licence or of the right to obtain a licence imposed under section 71.1.

The second paragraph of section 209.11 and sections 209.11.1 to 209.17 of the Highway Safety Code (chapter C-24.2) apply with the necessary modifications."

26. Chapter IX of the Act is repealed.

27. Section 79 of the Act is amended, in the first paragraph,

(1) by striking out subparagraph 4;

(2) by replacing "delimited under subparagraph 4" in subparagraph 8 by "determined under section 5.1".

28. Section 80 of the Act is amended by striking out "4 or" in the first paragraph.

29. Section 82 of the Act is amended by adding the following paragraph at the end:

"The Commission may, on its own initiative or on request, order the Société to withdraw from a person who has offered or provided a taxi transportation service without holding the permit or licence required under this Act the right to maintain in operation the automobile used for that purpose. The procedure established under section 35 of the Transport Act applies."

30. The Act is amended by inserting the following section after section 83:

"**83.1.** The Société and any municipal or supramunicipal authority entrusted with the administration of this Act shall make available to the Commission any information the Commission requires in order to make a decision in a matter that is before the Commission or that is referred to the Commission under this Act."

31. Section 88 of the Act is amended, in the first paragraph,

(1) by striking out subparagraph 1;

(2) by inserting the following subparagraph after subparagraph 1:

"(1.1) setting, for each servicing area the regulation specifies, the maximum number of permits that may be issued by the Commission, identifying categories of services and prescribing conditions;";

(3) by adding ", including the obligation for the holder of a taxi driver's permit to comply with the conduct review measures prescribed by regulation" at the end of subparagraph 2;

(4) by striking out subparagraph 2.1;

(5) by inserting the following subparagraphs after subparagraph 2.1:

"(2.2) fixing, for any period the Government determines, the additional annual duties payable to obtain, maintain or renew the taxi owner's permits it specifies, the amount of which may vary according to the servicing area, the categories of services identified and the conditions prescribed under subparagraph 1.1 or the number of permits held by a same holder;

"(2.3) prescribing conditions relating to the collection, keeping and transmission of data under section 59.2 and conditions relating to the making of internal by-laws as well as standards for services rendered to handicapped persons;";

(6) by replacing subparagraph 15 by the following subparagraphs:

"(15) determining the conditions that a permit holder must comply with when entering into a contract that is referred to in the first paragraph of section 62 and that allows the holder to disregard the rates set by the Commission;

"(15.1) prescribing in which cases and on what conditions a fare may differ from the rate structure set by the Commission according to the technological means used to request taxi transportation services;";

(7) by inserting the following subparagraph after subparagraph 16:

"(16.1) determining the cases in which the holder of a taxi owner's permit must equip the holder's automobile with an electronic payment terminal, for debit or credit cards, which issues a transaction receipt and prescribing the obligations of the holder and of holders of a taxi driver's permit with respect to the use of such a terminal;".

32. Section 89 of the Act is amended by replacing "15 to 17" in the first paragraph by "15, 16 and 17".

33. Section 89.1 of the Act is amended by striking out the third paragraph.

34. Section 107 of the Act is amended by striking out "the second paragraph of" in paragraph 2.

35. Section 112 of the Act is amended by adding the following paragraph at the end:

"(3) fails to collect or keep information as required under section 59.2 or to transmit such information to the Commission at the Commission's request."

36. The Act is amended by inserting the following section after section 112:

"**112.1.** Every holder of a taxi transportation service intermediary's permit is guilty of an offence and liable to a fine of $500 to $1,500 who

(1) fails to provide, at all times, taxi transportation service request distribution services throughout the territory of each servicing area the holder serves;

(2) fails to provide all persons having requested a trip with a means enabling them to assess the quality of the services rendered by the taxi driver's permit holder."

37. Section 117 of the Act is replaced by the following section:

"**117.** The following are guilty of an offence and liable to a fine of $2,500 to $25,000 in the case of a natural person and $5,000 to $50,000 in other cases:

(1) anyone who offers taxi transportation services without holding a taxi owner's permit;

(2) anyone who provides taxi transportation services without holding a driver's licence of the appropriate class and a taxi driver's permit;

(3) anyone who offers to lease an automobile with the services of a driver who does not hold a taxi driver's permit; and

(4) anyone who fails to return the taxi driver's permit to the Société or the municipal or supramunicipal authority that issued it, or refuses to immediately hand over the permit to a peace officer who demands it, when the permit has been suspended or revoked."

38. Section 118 of the Act is replaced by the following sections:

"**118.** Anyone who, without holding a taxi transportation service intermediary's permit, provides publicity, taxi transportation service request distribution or other similar services in a servicing area covered by an order made under section 32 is guilty of an offence and liable to a fine of $5,000 to $50,000 in the case of a natural person and $10,000 to $100,000 in other cases.

"**118.1.** For the purposes of sections 117 and 118, when determining the amount of the fine, the judge shall take into consideration such factors as

(1) the seriousness of the harm or the risk of harm to human safety;

(2) the duration of the offence;

(3) the repetitive nature of the offence;

(4) the foreseeable character of the offence or the failure to follow recommendations or warnings to prevent it;

(5) whether the offender acted intentionally or was reckless or negligent;

(6) the revenues and other benefits derived by the offender from the offence; and

(7) the offender's past conduct.

A judge who, despite the presence of an aggravating factor, decides to impose the minimum fine must give reasons for the decision.

"**118.2.** Division III of Chapter XIII of the Code of Penal Procedure (chapter C-25.1) applies, with the necessary modifications, to the recovery of an amount payable by a person found guilty of an offence under section 117 or 118."

39. The Act is amended by inserting the following section after section 120:

"**120.1.** The minimum and maximum amounts of fines under Chapter XIII are doubled for a second offence and tripled for any subsequent offence."

40. The Act is amended by inserting the following after section 127:

"**CHAPTER XIII.1**

"GENERAL PROVISION

"**127.1.** The Commission shall pay the additional annual duties referred to in subparagraph 2.2 of the first paragraph of section 88 into the Land Transportation Network Fund established under paragraph 1 of section 12.30 of the Act respecting the Ministère des Transports (chapter M-28)."

AMENDING PROVISIONS

HIGHWAY SAFETY CODE

41. Section 189 of the Highway Safety Code (chapter C-24.2) is amended by replacing subparagraph 1 of the first paragraph by the following subparagraph:

"(1) the Commission des transports du Québec, pursuant to section 35 or 40 of the Transport Act (chapter T-12) or the second or fifth paragraph of section 82 of the Act respecting transportation services by taxi (chapter S-6.01), orders the Société to withdraw a person's right to maintain a motor vehicle in operation;".

42. Section 341 of the Code is replaced by the following section:

"**341.** No driver of a road vehicle may pass a bicycle within the same traffic lane unless the driver may do so safely, after reducing the vehicle's speed and ensuring that a reasonable distance can be kept between the vehicle and the bicycle during the manœuvre.

A reasonable distance is 1.5 metres on a road where the maximum authorized speed limit is more than 50 km/h or 1 metre on a road where the maximum authorized speed limit is 50 km/h or less."

43. Section 506 of the Code is amended by replacing "428 to 432" by "428, 429, 431, 432".

44. Section 510 of the Code is amended by inserting "430," after "427," in the first paragraph.

ACT RESPECTING THE MINISTÈRE DES TRANSPORTS

45. Section 12.30 of the Act respecting the Ministère des Transports (chapter M-28) is amended by adding the following subparagraph after subparagraph *h* of paragraph 1:

"(*i*) the modernization of transportation services by taxi;".

46. Section 12.32 of the Act is amended by inserting the following paragraph after paragraph 2.11:

"(2.12) the sums paid by the Commission des transports du Québec under section 127.1 of the Act respecting transportation services by taxi (chapter S-6.01);".

47. Section 12.32.1 of the Act is amended

(1) by inserting the following paragraph after the fourth paragraph:

"The sums referred to in paragraph 2.12 of section 12.32 are allocated to financing the modernization of transportation services by taxi referred to in subparagraph *i* of paragraph 1 of section 12.30.";

(2) by replacing "third and fourth" in the fifth paragraph by "third, fourth and fifth".

TRANSPORT ACT

48. Section 36 of the Transport Act (chapter T-12) is amended by replacing the third paragraph by the following paragraph:

"Nor does the first paragraph apply to a person who provides carpooling within the meaning of subparagraph *a* of paragraph 3 of section 2 of the Act respecting transportation services by taxi (chapter S-6.01)."

REGULATION RESPECTING SAFETY STANDARDS FOR ROAD VEHICLES

49. Section 6 of the Regulation respecting safety standards for road vehicles (chapter C-24.2, r. 32) is amended by adding the following paragraph at the end:

"(5) taxis."

50. Section 7 of the Regulation is amended by striking out "taxis," in paragraph 2.

TRANSITIONAL AND FINAL PROVISIONS

51. The servicing areas delimited by the Commission des transports du Québec under section 6 of the Act respecting transportation services by taxi (chapter S-6.01), as it read on (*insert the date preceding the date of assent to this Act*), are deemed to be determined by the Government under section 5.1 of that Act, enacted by section 6 of this Act.

52. The territories determined by the Government for issuing taxi transportation service intermediary's permits under section 32 of the Act respecting transportation services by taxi, as it read on (*insert the date preceding the date of assent to this Act*), are deemed to be determined by the Minister under section 32 of that Act, as amended by section 11 of this Act.

53. The holder of a taxi transportation service intermediary's permit on the date preceding the date of coming into force of section 13 of this Act must, 180 days after that date, meet the obligation under section 34.1 of the Act respecting transportation services by taxi, enacted by section 13 of this Act.

54. The Regulation respecting the maximum number of taxi owner's permits per taxi servicing area and certain conditions of operation (chapter S-6.01, r. 2) is deemed to be a regulation made by the Government under section 10.1 of the Act respecting transportation services by taxi, enacted by section 10 of this Act.

55. The first regulation made by the Government under section 10.1 of the Act respecting transportation services by taxi, enacted by section 10 of this Act, is not subject to the publication requirement or to the date of coming into force set out in sections 8 and 17 of the Regulations Act (chapter R-18.1).

56. The Government may, by regulation, prescribe any measure to give permanent scope to the Pilot project to promote taxi transportation services using electric taxis (chapter S-6.01, r. 2.1), including any necessary amendment to the Act respecting transportation services by taxi.

57. This Act comes into force on (*insert the date of assent to this Act*), except section 13, paragraph 1 of section 14, section 17 to the extent that it concerns section 59.3 of the Act respecting transportation services by taxi, and section 36 to the extent that it concerns paragraph 2 of section 112.1 of that Act, which come into force on the date or dates to be set by the Government.

Page 285 to/à Page 298

Withheld pursuant to/removed as

Copyright

Page 299 to/à Page 300

Withheld pursuant to/removed as

DUPLICATE

From:	TasteFull Excursions
To:	Brooks, Jessica CSCD:EX
Subject:	RE: Passenger Transportation Issues
Date:	Thursday, August 18, 2016 1:54:58 PM
Attachments:	image002.jpg image003.jpg

Much appreciated.
Regards,

Maatje (Maacha) Stamp-Vincent
President, Tour and Transportation Director
TasteFullExcursionsLogo

Specializing in Wine Tasting Tours
And All Season Premium Transportation Services

TasteFull Excursions Inc.

Contact us for tour or shuttle bookings & information:
Toll Free: 1.844.314.4555
Kamloops Office: 250.314.4555
Fax: 250.851.0534
Cell: 250.819.2435
Email: maatje@tastefullexcursions.ca
Website: www.tastefullexcursions.ca
BC Passenger Transportation Authority Licence # 72016

From: Brooks, Jessica CSCD:EX [mailto:Jessica.Brooks@gov.bc.ca]
Sent: Thursday, August 18, 2016 1:23 PM
To: 'TasteFull Excursions'
Subject: RE: Passenger Transportation Issues

Dear Maatje Stamp-Vincent:
Thank you for your email response. Further to your request, we would be pleased to provide you with any updates respecting the Minister's consultation as they become available.
Regards,

Jessica Brooks | Executive Director, Community Policy and Legislation
Community and Legislative Services | Ministry of Community, Sport and Cultural Development
please consider the environment before printing this e-mail

From: TasteFull Excursions [mailto:maatje@tastefullexcursions.ca]
Sent: Wednesday, August 17, 2016 11:41 AM
To: Brooks, Jessica CSCD:EX
Subject: RE: Passenger Transportation Issues

Ms. Brooks
Thank you for your reply. What I have learned in the time that I have owned and operated this business is that the public understanding of the reasons for the regulatory framework, risks and liability issues is very minimal and therefore of great concern when we have vehicle rental agencies, ICBC insurance agents, the travelling public and start up tour operators who have zero

understanding of legal requirements and what the consequences are when and if an accident occurs.
If that is not addressed along with the potential entry of Uber – the result will be that there will be even more people jumping in and acting outslde of the law and an inability to enforce even a reduced number of regulatory restrictions. From my perspective, the taxi industry does need to make changes that address public concerns and the PTA needs to assist with that. Uber on the other hand wants little or no regulation, no responsibility, and no tax collection/remittance to hinder their "business model". To me, that is unacceptable and the risk to passenger safety is also unacceptable.
I would very much like to be kept in the loop as to whether any of the concerns I raised will be taken into consideration as Minister Fassbender continues to assess passenger transportation issues.
Regards,

Maatje (Maacha) Stamp-Vincent
President, Tour and Transportation Director
TasteFullExcursionsLogo
Specializing in Wine Tasting Tours
And All Season Premium Transportation Services
TasteFull Excursions Inc.
Contact us for tour or shuttle bookings & information:
Toll Free: 1.844.314.4555
Kamloops Office: 250.314.4555
Fax: 250.851.0534
Cell: 250.819.2435
Email: maatje@tastefullexcursions.ca
Website: www.tastefullexcursions.ca
BC Passenger Transportation Authority Licence # 72016

From: Brooks, Jessica CSCD:EX [mailto:Jessica.Brooks@gov.bc.ca]
Sent: Wednesday, August 17, 2016 11:08 AM
To: 'maatje@tastefullexcursions.ca' <maatje@tastefullexcursions.ca>
Subject: Re: Passenger Transportation Issues

Dear Maatje Stamp-Vincent:

Thank you for your emails of July 5th and July 13th, 2016 to Minister Fassbender regarding passenger transportation in British Columbia. Your correspondence has been referred to my office and I am pleased to respond on behalf of the Minister.
I understand that you have a number of concerns about ride sourcing companies such as Uber and about the vehicle-for-hire industry more generally. I appreciate you sharing your thoughts on this matter with the Ministry.
The Province of British Columbia recognizes that consumers have a strong interest in seeing greater choice in the availability and provision of passenger transportation. Transportation network companies such as Uber and others present real opportunities in this regard, and have the potential to meet changing public expectations.
However, consideration of any new service must be carefully assessed against the safety of the travelling public. Passenger safety is a priority of government and transportation services within the province must be able to provide individuals with the confidence that they are accessing services

that are safe, reliable and properly insured.

To this end, the Honourable Peter Fassbender, Minister of Community, Sport and Cultural Development has been consulting on ride sourcing with a wide array of stakeholders. I appreciate your sharing your thoughts and your contributions to this process.

I note that you have also provided suggestions on opportunities to enhance the Passenger Transportation Board (PTB) licensing process. Should you wish to discuss these in more detail, you may wish to contact Ms. Jan Broocke, Director with the PTB. Ms. Broocke can be reached by phone at 250-953-3777 or through email at ptboard@gov.bc.ca.

Thank you again for writing. I appreciate the time that you have taken to provide your perspective on ride sourcing in B. C.

Sincerely,

Jessica Brooks | Executive Director, Community Policy and Legislation

Community and Legislative Services | Ministry of Community, Sport and Cultural Development

please consider the environment before printing this e-mail

Mayor summary of concerns re Ride Sourcing.

Local Governments Themes/Feedback:

s.16 ___ Support for sharing economy, concerns for regulating public safety and security while not fettering market opportunities

s.16 : Opposition to ride sourcing unless Province clarifies the current laws and regulations with respect to taxi services and their applicability to ride sourcing services.

s.16 : Supportive of introducing ride sourcing if they can meet all applicable laws and regulations, especially regarding passenger safety, operator safety and insurance, while also being fair to existing "traditional" cab companies.

s.16 . Would be eager to use ride sourcing services but due to location and size. Transportation is a major challenge in . especially for senior citizens as its only taxi license is not being utilized.

s.16 : Government should adopt a regulatory framework that embraces ride sourcing which ensures public safety and meets the needs of residents.

s.16 : Same as above s.16

s.16 . Province should take the lead in developing a comprehensive regulatory framework for ride sourcing that embraces public safety and accessibility.

s.16 : Supports the research being done for the provision of ride sourcing.

s.16 : Will provide comments in the near future.

s.13

s.16 Put in place regulation which enable ride sourcing that is fair for all service providers and addresses insurance, driver training, accessibility for people with disabilities and meets environmental standard.

From:	Volk, Kevin CSCD:EX
To:	Sall, Sabba CSCD:EX; Brooks, Jessica CSCD:EX
Subject:	FW: Meeting with Minister Fassbender - Kelowna Cabs follow-up memo
Date:	Friday, August 19, 2016 2:16:28 PM
Importance:	High

From: Whitelock, Riley CSCD:EX
Sent: Tuesday, August 16, 2016 9:10 AM
To: Volk, Kevin CSCD:EX
Subject: FW: Meeting with Minister Fassbender - Kelowna Cabs follow-up memo
Importance: High

Hi Kevin,

I understand you are collecting feedback regarding ride sourcing for the discussion paper that will be developed for the fall. I'm passing along the e-mail below that I received. This is from when MPF met with Kelowna Cabs in April.

Thanks, -Riley.

Riley Whitelock

Executive Assistant to the Honourable Peter Fassbender
Minister of Community, Sport and Cultural Development
Minister Responsible for TransLink
Tel: (250) 387-2283

From: supervisor [mailto:supervisor@kelownacabs.ca]
Sent: Monday, August 15, 2016 2:24 PM
To: Whitelock, Riley CSCD:EX
Cc: President
Subject: Meeting with Minister Fassbender - Kelowna Cabs follow-up memo
Importance: High

Hello Riley,

Kelowna Cabs appreciated the time you and Minister Fassbender took to talk with the Directors in April.

We hear from other companies that he has been talking with them as well. His efforts to make procedures more streamlined and equal for all cab companies is greatly anticipated.

Below please find a few points we wanted to bring to the Minister's attention.

Best Regards,

Christine Schober

Supervisor,
Kelowna Cabs (1981) Ltd.
5- 3312 Appaloosa Road
Kelowna, BC V1V 2W5
Direct: 250-491-7809 / 1-800-375-9848
Fax: 250-491-5277
M-F 10-6pm or contact Dispatch 762-2222

Minister Fassbender,

Here is a list of topics for your consideration:

1. Owners have invested a lot over the years, should get rebate if Uber does not need to pay all the licensing/insurance fees.
2. Application process for more licenses is so involved, with business plan, previous years comparison, financial records, lawyer's fees.

3. Uber should have to fill out logsheets, maintenance reports, trip sheets, etc. just like we do.
4. Insurance premiums for a public transportation vehicle and inspections should apply to everyone.
5. Driver screening and identification should be the same, with someone to contact about misbehavior/safety issue of driver.
6. Requests from downtown business owners, RCMP, airport for our company to provide more vehicles should be considered.
7. We support Handidart in transporting all the elderly and handicapped people in the city, needing more licenses to keep up with demand for wheelchair vans.
8. We have contracts to transport 3 airlines, Over 30 trips a day) whose crews would not get to the flights on time without us having different size vehicles and needing more license for vans.
9. Uber does not transport all of these hospital, airline crews, WCB, handicapped, ICBC, elderly passengers on contract. City would be crippled without us.
10. Safety ratings should deal with drivers and car owners individually, not audit the entire company, as cars are independently owned and operated.
11. Full time owners/operators rely on this as their sole income providing for their families, not a sideline hobby like Uber.
12. Rates must be set by PTB and Uber should not be allowed to drastically increase rate in busy times, charging whatever they like.
13. Who monitors how many hours an Uber driver is on the road?
14. Who records their tickets, accidents, insurance abstract?
15. Who inspects their vehicles on a regular basis?
16. Where do lost and found items go and how do people get them back?
17. What proof is there that if Uber is ordered, that the driver shows up in the proper vehicle if they are not marked?
18. Airline crews, single females, elderly do not trust getting into unmarked cars for safety reasons.
19. Do the Uber drivers know the city and take the fastest routes or show people the landmarks?
20. How secure is it when a credit card is given for payment?

Page 307 to/à Page 308

Withheld pursuant to/removed as

s.16;s.13

From:	Sall, Sabba CSCD:EX
To:	Volk, Kevin CSCD:EX; Ryan, Louise CSCD:EX
Cc:	Carvalho, Christine CSCD:EX; Brooks, Jessica CSCD:EX
Subject:	RE: Minister"s Meeting with Kamloops Taxi Companies
Date:	Friday, June 3, 2016 11:14:25 AM

Interesting, thanks Kevin.
Louise, the Sharepoint site for ride sourcing project is open (both you and Kevin have access) and Christine is just getting some training from our IT folks on loading documents etc. this morning. She will manage the site and will keep you and us in the loop on process.
Thx
Sabba Sall - A/Manager, Legislation
Community Services & Legislation Division
Ministry of Community, Sport and Cultural Development
800 Johnson Street - 6th Floor , Victoria BC

From: Volk, Kevin CSCD:EX
Sent: Friday, June 3, 2016 10:27 AM
To: Ryan, Louise CSCD:EX; Sall, Sabba CSCD:EX
Subject: FW: Minister's Meeting with Kamloops Taxi Companies
Over to you!

From: Brown, Taylor CSCD:EX
Sent: Friday, June 3, 2016 10:16 AM
To: Volk, Kevin CSCD:EX
Cc: Dick, Joan L CSCD:EX
Subject: Minister's Meeting with Kamloops Taxi Companies
Hi Kevin,
Here is a scanned copy of the materials given to MPF by Kamloops taxi companies at their meeting on May 27th; the original will be sent over this afternoon.
Thanks,
Taylor Brown | Administrative Assistant
Minister's Office of Community Sport & Cultural Development
Minister Responsible for Translink
Room 310 – Parliament Buildings
Tel: 250 387-2283
Website: www.gov.cscd.bc.ca
From: TABROWN [mailto:Taylor.Brown@gov.bc.ca]
Sent: Friday, June 3, 2016 9:43 AM
To: Brown, Taylor CSCD:EX
Subject: Scan From

From:	Michael van Hemmen
To:	Volk, Kevin CSCD:EX
Subject:	Ontario is moving forward with ridesharing regulations
Date:	Monday, April 18, 2016 8:57:49 AM

Kevin,

I wanted to pass along some encouraging news. On Wednesday, Ottawa City Council voted 23-1 in favour of new ridesharing rules to regulate businesses like Uber. In addition, the City of Toronto has released its proposed regulatory framework which embraces ridesharing. It has the full support of Mayor Tory because of the benefits ridesharing provides his city.

These regulations were largely developed based upon two comprehensive, third party reports completed by KPMG (commissioned by the City of Ottawa) and MaRS (an Ontario think tank commissioned by the Province of Ontario). Below I have outlined the policies from these two cities, how they could be translated into BC's context, and the policy rationale.

This is a high level summary, and I would be happy to discuss these items with government officials in more detail. It's worth noting that while I only discuss ridesharing below, the two reports include additional recommendations regarding taxi such as removing fare restrictions for taxi trips except for street hails and at taxi stands.

Component	**Ottawa & Toronto**	**Implication for BC**	**Policy Rationale/Additional Comments**
Unified Ridesharing License	Required. Uber will be licensed and required to only allow drivers and vehicles onto the platform that meet specific requirements. Drivers and vehicles are not individually licensed. The regulator maintains strong oversight and enforcement powers to ensure the ridesharing company is complying with the bylaw.	Same requirement is appropriate.	A unified licensing structure ensures strict requirements can be digitally tracked and removes red tape that is unnecessary for safety. It is the standard regime for ridesharing regulations around the world.
Driver Screening	Required. Toronto has taken the transparent approach to specifically outline in the bylaw what types of criminal behaviour prevent a driver from participating.	Similar requirement is appropriate.	Searches of RCMP and local police databases are completed on behalf of the ridesharing company. Specifically outlining the prohibited offences ensures consistency and transparency and certainty

			for the public.
Driver's Abstract Check	Required. Toronto has specified less than 9 demerit points allowed on a driver's record	Similar requirement is appropriate	A potential driver-partner's driving history is extremely relevant information in determining if someone is responsible enough to provide transportation to others.
Vehicle Age & Inspections	Ottawa: Maximum 10 years old. Annual inspections if <5 years, Biannual if 6-10years old. Toronto: Maximum proposed age 7 years old. Annual inspections.	10 year limit (as approved by Ottawa and Edmonton) and annual inspections similar to Edmonton are appropriate.	Ridesharing relies upon personal vehicles that are already being used to transport families and friends. The vast majority of these vehicles are used only a few extra hours a week for ridesharing services. Moreover, with ridesharing's rating & feedback system, every trip is an inspection of sorts. As such vehicles up to ten years old that have undergone an appropriate annual vehicle inspection can be safely used. With annual inspections and real time feedback, restricting vehicle age to less than 10 years simply prevents those with lower incomes from participating in ridesharing while not enhancing safety.
Supply Caps	None	Same requirement is appropriate	Ridesharing partners are independent contractors determining when and where they offer transportation services. In Canada, almost 60% of our partners use the platform less than 10 hours a week. Moreover, as we've grown, we've found that our partners grow the transportation pie, serving areas of a city traditionally underserved by public transit and taxi. Finally, flexible supply means that there are more partners offering rides when people need them the most and there are not adequate

			options available (e.g. when bars are closing). With that, supply caps are impractical. No jurisdiction that has regulated ridesharing has imposed caps.
Price regulation	No fare restrictions, must display rates to be charged.	Same requirement is appropriate	Dynamic pricing is an important means for ridesharing companies to incent partners to provide transportation services when people need them the most, but when partners may otherwise choose not to drive at regular rates (i.e. New Year's Eve). No jurisdiction has instituted maximum rates for ridesharing operations during regular time periods. The Competition Bureau of Canada has put out a white paper that extols the benefits of price flexibility and recommends that all industry participants be free to set their fares independently.
Data sharing	Required, to confirm regulatory compliance	Similar requirement is appropriate	We would like to open a dialogue on how we can be an effective partner with BC on data sharing.
Fees	Flat fee for Ridesharing company plus per trip fee Toronto includes a nominal, provisional fee per driver.	The province can use a fee structure that is required to be shared with municipalities as means of sharing the compensation to cover enforcement of a provincial framework.	We would like to open a dialogue on the best fee structure that would work for BC. Fee structures based on a driver registration system can be prohibitive and a significant barrier to driver participation thereby hindering ridesharing.
Street Hails/Taxi stands/Cash fares	Exclusive to taxi	Same requirement is appropriate	In recognition of the differences of the two industries (i.e. ridesharing ride requests can only be made and paid for through the app), it is appropriate to continue to leave such rides solely for taxi

Insurance	Required. Minimum of $2 million third-party liability insurance.	An insurance solution that enables the ridesharing company to purchase the commercial insurance, which is in place during the trip as per what has been announced by Alberta and is being worked on by Ontario	Insurance purchased by the ridesharing company provides the following benefits: -Consistent coverage for all rides. It's not dependent on the vehicle owner's coverage. -Commercial coverage is only in place during commercial activity. Standard personal coverage remains in place for personal use.
Driver's Licensing	Standard license class (G, which is equivalent to class 5) is sufficient for taxi and ridesharing	Allow class 1-5 license	The average ridesharing driver utilizes their personal vehicles that they are using to drive around their family and carpool. There is no real difference in traffic safety from a driver charging $0.50/km (carpooling) or $1.00/km when they are using the same vehicle. As opposed to relying upon a one time drivers test, with ridesharing's rating system and real time feedback, the ridesharing company is quickly made aware of any poor driving habits and can quickly take corrective action. Moreover advances in technology such as telematics, which Uber is now piloting, could allow for additional proactive safety improvements.
Vehicle Registration	Personal registration is sufficient	Same requirement as Alberta and Ontario. (Personal registration is sufficient)	Same point as vehicle inspections.
Driver Training	None required	Same requirement is appropriate	Driver's are driving personal vehicles, navigating by GPS and have quality controlled via ratings & written feedback. An independent Study commissioned by the City of Ottawa found riders had a higher level of satisfaction with ridesharing drivers.

We hope that the provincial government can gain insight from these changes, and move quickly to embrace more transportation options for British Columbians.

Best regards,

Michael

--

Michael van Hemmen
UBER Canada
s.22 | mvh@uber.com | uber.com

From:	Michael van Hemmen
To:	Volk, Kevin CSCD:EX
Subject:	Phase 2: Improving Accessible Transportation in Metro Vancouver
Date:	Monday, August 22, 2016 2:48:22 PM
Attachments:	0.png

Hi Kevin,

We hope you are enjoying your summer!

We are pleased to invite you to the second phase of the Cross-Disability Forum on "Improving Accessible Transportation in Metro Vancouver" co-hosted by SCI BC and Uber.

This Forum will take place on **on Wednesday, October 26 from 5pm-8:30pm @ Blusson Spinal Cord Centre**, 818 West 10th Avenue, Vancouver, BC, Canada V5Z 1M9.

During phase one we had an opportunity to gain a better understanding around some of the accessible transportation challenges you were facing in Metro Vancouver, specifically with regards to private transportation, public/private partnership, and accountability.

During phase two, we hope to provide Uber with the opportunity to respond to those challenges while forming a collaborative discussion around the following additional questions:

- Uber is trialing a variety of wheelchair accessible programs in Canada, the US, and overseas (e.g. vehicle rental, vehicle financing, private partnerships, taxi conversion). Could one of these models improve accessibility outcomes in Vancouver? What other models could a private company like Uber employ to creatively build a wheelchair accessible fleet?
- How should the province be engaged to ensure that there aren't unnecessary barriers to the private sector providing more accessible transportation options? How could the private sector best augment the public accessible transportation system?
- How can private companies like Uber gain trust in the accessibility community and generate meaningful traction / awareness in the market?
- Others generated from your session pre-work and Forum discussion

Please let us know if you If you wish to attend this event by RSVP'ing using the following form: t.uber.com/vatf2-rsvp

Didn't attend the first Forum or want a refresher on what was discussed? Check out the notes that were taken here: t.uber.com/vatf1-notes

If you have any questions or have friends or colleagues that wish to attend, please let us know by emailing accessibletransportationforum@gmail.com.

Thanks,

--
Michael van Hemmen



m: s.22

From: Fassbender, Peter CSCD:EX
To: Michael van Hemmen
Cc: Dick, Joan L CSCD:EX; Dawes, Jacquie CSCD:EX; Volk, Kevin CSCD:EX
Subject: Re: Progress Update
Date: Thursday, July 28, 2016 11:39:56 AM

Thank you Michael.

MPF

Sent from my BlackBerry 10 smartphone on the TELUS network.

From: Michael van Hemmen
Sent: Thursday, July 28, 2016 11:18 AM
To: Fassbender, Peter CSCD:EX
Subject: Progress Update

Minister Fassbender,

I wanted to send you a quick update on progress that regulators have been making on ridesharing rules and insurance across Canada. In the past month, Alberta and Ontario have both approved new ridesharing insurance products and Toronto's ridesharing regulations came into force.

All of this action elsewhere has led international news organizations such as **Bloomberg to question**:

"Vancouver Is Silicon Valley North. So Why Doesn't It Have Uber?
With spotty public transportation and a dearth of taxis, Canada's third-largest city seemed built for ride-sharing. Regulators didn't see it that way."

The benefits of ridesharing for British Columbia would be substantial.

- More affordable, reliable transportation at the push of a button
- More income opportunities
- Less congestion through products like uberPOOL
- Less impaired driving

Moreover people want these benefits! Over 6,000 people have written personal notes to Premier Clark asking her to take action on ridesharing rules.

A tourist from New Hampshire wrote to the Premier in July,

> "Uber makes for an easy and safe way for vacationers and tourists to get around the city in places that SkyTrain doesn't service, or bus routes make for a long and unpleasant trip (this especially would apply for people landing at YVR with a fair amount of luggage.) This would also be a great way for folks to get around while spending time in the city while docked on cruise ships.
>
> When I'm visiting a city I'm unfamiliar with, I prefer the safety and convenience of Uber for rides around the city."

A South Surrey resident wrote to the Premier in June,

> "Having recently used Uber in New York City and Washington DC for the first time, I can honestly say that it's a great service. Drivers were pleasant, vehicles were clean and costs were reasonable and upfront - I knew the cost before I got into the car.
>
> I live in South Surrey where public transit is limited and non existent in my neighbourhood...
>
> BC residents need transportation options and Uber can fulfil that need.We also need more employment opportunities which Uber can provide."

A BC resident who wants to drive as an Uber partner wrote to the Premier last week,

"They are running successfully and we are confident. Support them to be here. I want to be the first partner for them in BC."

We are committed to finding a solution here in BC. Don't hesitate to reach out with any suggestions about how we can work together to ensure that BC is viewed as a tech friendly, progressive province.

All the best,

Michael


Michael van Hemmen
UBER Canada
s.22 | mvh@uber.com | uber.com

Bloomberg -Vancouver Is Silicon Valley North. So Why Doesn't It Have Uber?

Copyright

Page 319 to/à Page 321

Withheld pursuant to/removed as

Copyright

From:	Sall, Sabba CSCD:EX
To:	Volk, Kevin CSCD:EX
Cc:	Brooks, Jessica CSCD:EX; ryan.louise@gpv.bc.ca
Subject:	Re: 167519 Ripe Rides MPF Meeting May 31 PPT presentation
Date:	Wednesday, June 1, 2016 1:22:38 PM

Yes a SharePoint site is being set up ...stay tuned.

Sent from my iPhone

> On Jun 1, 2016, at 12:57 PM, Volk, Kevin CSCD:EX <Kevin.Volk@gov.bc.ca> wrote:
>
> Please find attached pdf of the Ripe Rides Powerpoint Presentation from MPF Meeting 20160531.
>
> Is there thought of having a private Sharepoint site that I can upload any and all docs to for Ridesourcing portfolio/project?
>
>
> Regards,
>
> Louise Ryan
> Administrative Coordinator, Community & Legislation Services
> Ministry of Community, Sport and Cultural Development
> Louise.Ryan@gov.bc.ca<mailto:Louise.Ryan@gov.bc.ca>
> 250-387-4042
>
> <Ripe Rides - Minister Fassbender Meeting 20160531.pdf>

From:	Gedney, Vanessa R CSCD:EX
To:	FOI Economy Sector CSCD:EX
Cc:	Langton, Heather CSCD:EX; Ryan, Louise CSCD:EX
Subject:	RE: New FOI Request: CSC-2016-63784 (Ride Sourcing in BC Stakeholder Engagement Summary) Pls respond by October 4, 2016 - Call for Records
Date:	Monday, September 26, 2016 12:20:24 PM
Attachments:	2016-08-22_168277_MIN DBN_Ride Sourcing Stakeholder Engagement Summary Report and UBCM Workshop_SIGNED.pdf 2016-04-13_166217_MIN MBN_Canadian Finance & Leasing_Ride Sharing.pdf

---

We had a decision briefing note on this topic (attached - 168277) and a meeting information note with Canadian Finance & Leasing (166217); Louise, will need to gather any other material related for this request.

From: FOI Economy Sector CSCD:EX
Sent: Monday, September 26, 2016 12:15 PM
To: Sandur, Parveen CSCD:EX; Gedney, Vanessa R CSCD:EX; McAleese, Amy CSCD:EX; Carvalho, Christine CSCD:EX
Cc: FOI Economy Sector CSCD:EX; Langton, Heather CSCD:EX; Dick, Joan L CSCD:EX
Subject: New FOI Request: CSC-2016-63784 (Ride Sourcing in BC Stakeholder Engagement Summary) Pls respond by October 4, 2016 - Call for Records

The Ministry of Community, Sport, and Cultural Development (CSCD) has received the following new request (applicant type: Law Firm):

All documents in possession of the Ministry in respect of the consultations leading up to the document, Ride Sourcing in BC – Stakeholder Engagement Summary, published in September 2016 by Peter Fassbender.

**This request was also opened with the Ministry of Transportation and Infrastructure.*

Please note:

- A copy of the 'Original Request' received by government through Central Intake has been attached for your reference.
- If you believe this Call for Records should be directed to someone other than those it has been addressed, please advise.
- If you expect this search for records to take more than 3 hours, please do not proceed. Contact our office immediately.

Please forward the responsive records to our team FOI inbox at FOI.Inbox@gov.bc.ca

Response is requested by: **Tuesday, October 4, 2016.**

Thank you,

Jennifer Mah-Finnegan, MA, CIAPP-C
Senior Analyst, Information Management & Strategic Initiatives | Management Services Division
T. (250) 387-4484 | E: Jennifer.Mah-Finnegan@gov.bc.ca
Providing Services to:
Ministry of Community, Sport, Cultural Development and Minister Responsible for Translink;
Ministry of International Trade and Minister Responsible for the Asia Pacific Strategy and Multiculturalism;
Ministry of Jobs, Tourism and Skills Training and Minister Responsible for Labour;
Ministry of Small Business, Red-Tape Reduction and Minister Responsible for the Liquor Distribution Branch.

From:	Dick, Joan L CSCD:EX
To:	"consulting@aerocar.ca"
Cc:	Volk, Kevin CSCD:EX
Subject:	RE: AeroCar Service / The Honourable Peter Fassbender
Date:	Wednesday, August 3, 2016 4:52:12 PM

Geoff:

My apologies for taking all day to acknowledge your email. I can confirm that it was received and that I gave a copy of your submission to Minister Fassbender. He asked me to convey to you his appreciation for the submission.

Regards,

Joan

Joan Dick
Chief of Staff to the Honourable Peter Fassbender
Ministry of Community, Sport and Cultural Development
Office: (250) 387-2283 Facsimile: (250) 387-4312

From: consulting@aerocar.ca [mailto:consulting@aerocar.ca]
Sent: Tuesday, August 2, 2016 11:19 PM
To: Dick, Joan L CSCD:EX
Cc: Volk, Kevin CSCD:EX
Subject: AeroCar Service / The Honourable Peter Fassbender
Importance: High

Hello Joan , Kevin
Attached is a letter going over our discussion pionts from our meeting on July.19/16 with Minister Fassbender.
On behalf of AeroCar Service we would like to thank you both and Minister Fassbender for your time.
AeroCar Service

From:	consulting@aerocar.ca
To:	Dick, Joan L CSCD:EX
Cc:	Volk, Kevin CSCD:EX
Subject:	AeroCar Service / The Honourable Peter Fassbender
Date:	Tuesday, August 2, 2016 11:19:10 PM
Attachments:	The Honourable Minister Fassbender.pdf
Importance:	High

Hello Joan , Kevin

Attached is a letter going over our discussion pionts from our meeting on July.19/16 with Minister Fassbender.

On behalf of AeroCar Service we would like to thank you both and Minister Fassbender for your time.

AeroCar Service

From:	Dick, Joan L CSCD:EX
To:	Liam
Cc:	Robbins, Lia CSCD:EX
Subject:	Re: Schedule Meeting / AeroCar Service
Date:	Wednesday, June 1, 2016 2:56:54 PM

Liam:
Thank you for the request. As it happens, the minister will be reviewing requests tomorrow and I will make sure he sees this. Not sure about numbers for the meeting rooms we have available for use by members of Cabinet but we can sort that out.
Lia Robbins, Minister's Administrative Coordinator (copied here) will be in touch with you.
Regards,
Joan

Sent from my BlackBerry 10 smartphone on the TELUS network.

From: Liam
Sent: Wednesday, June 1, 2016 2:40 PM
To: Dick, Joan L CSCD:EX
Subject: Schedule Meeting / AeroCar Service

Good afternoon Ms. Dick,

I am sending this email to request a meeting with Minister Fassbender. As CEO and Director of Operations for Aerocar Service of Vancouver we are responsible for the Limousine business at the Vancouver International Airport and have over 50 independent operators working with us. As I understand Minister Fassbender is charged with the Task of looking into a "home grown" solution for the Passenger Transportation Industry of British Columbia.

I would like to have a group of no more than 20 people (all working with Aerocar) to meet with the Minster to allow for our thoughts and concerns regarding" Ride Sourcing" in British Columbia. To be heard.

Thanking you in advance Ms. Dick for your assistance.

Liam Singh
Director of Operations
604.374.8000

AeroCar Services

102 - 8360 Bridgeport Road
Richmond, BC
V6X 3C7

Office : 604.298.1000
1.888.821.0021
www.aerocar.ca

Using Big Data to Estimate Consumer Surplus: The Case of Uber

Peter Cohen, Robert Hahn, Jonathan Hall,
Steven Levitt, and Robert Metcalfe[1]

August 30, 2016

Copyright

Page 329 to/à Page 369

Withheld pursuant to/removed as

Copyright

From:	Michael van Hemmen
To:	Fassbender, Peter CSCD:EX; Stone, Todd TRAN:EX
Cc:	Dick, Joan L CSCD:EX; Bell, Jordan TRAN:EX; Volk, Kevin CSCD:EX; Dawes, Jacquie CSCD:EX; Bowman, Deborah TRAN:EX
Subject:	Ridesharing"s massive economic social surplus
Date:	Tuesday, September 13, 2016 9:26:41 AM
Attachments:	ConsumersurplusatUber_PR.pdf

Ministers,

I wanted to pass along new academic research (attached) from Steven Levitt at the University of Chicago (Freakonomics fame) and researchers from Oxford and Uber shows that ridesharing in the United States provides a massive consumer surplus.

Levitt describes what a consumer surplus is in his Freakonomics podcast on the study:

> "Let's say you go to the grocery store or the farmer's market to buy some apples. You happen to want four apples, and you'd be willing to pay $1 each. Four dollars total. But the apples only cost 50 cents each. So the four apples cost you $2 instead of $4. The $2 that you saved from what you would have been willing to pay? That is consumer surplus.
>
> And consumer surplus is one of the most important things in economics. One of the incredible beauties of the market system is that for so much of what we buy, we would have been willing to pay way more for it than we actually have to. A great example is water. How much do we pay for water each month? I don't know what your water bill is. Mine is maybe $40. But think about how much we'd be willing to pay for water. Water is — I mean we'd be willing to pay almost anything for water, but it's really, really cheap. So in that way, the modern economy has arranged things so that we get things we need — like water and food — much more cheaply than we'd be willing to pay. And that is really important. That is really the magic of the market...
>
> **So for every dollar people spent on Uber, they got about $1.50 worth of extra joy that they would have been willing to pay on average above and beyond what they did pay.**"

There has been lots of research about the transportation benefits of ridesharing: less impaired driving, economic growth, more transportation in underserved areas, increasing income opportunities. Now the excess benefit for consumers has been quantified.

Levitt also goes on to discuss the impact on drivers:

> "Many people have looked at the drivers, the taxi cab drivers, and felt that they were losing a lot. But in actuality, I think that's probably not true. One of my economist friends Judd Cramer has written a paper, and using pretty simple economics, his conclusion is that the taxi cab drivers really haven't been helped or hurt very much, which makes a lot of sense because essentially, there's always been free entry to be a taxi cab driver. And with Uber, now there is another option for a taxicab driver. That if they have their own car or want to rent a car, they can drive Uber."

Riders and drivers both benefit from ridesharing with Uber. We hope to collaborate with the

government on regulations that embrace those benefits.

Don't hesitate to reach out with questions,

Michael

--



Michael van Hemmen
UBER Canada
s.22 | mvh@uber.com | uber.com

From:	Dick, Joan L CSCD:EX
To:	Volk, Kevin CSCD:EX
Cc:	Brooks, Jessica CSCD:EX
Subject:	Ridesourcing engagement by MPF since January 21 assignment
Date:	Wednesday, May 11, 2016 4:06:10 PM
Attachments:	Minister Fassbender's meetings on Ride-sourcing summary 10 V 16.docx

Kevin:

Here is the list you are looking for. I will provide you by separate email, the documents that were provided by the organizations prior to, during or post meetings where applicable. I hope to have that material assembled such that I can scan and email to you s.22 . If possible, could we have a chat tomorrow as regards the content (beyond the materials I will send you) for each of these meetings? I am available tomorrow 8:30-10:30 am and 2:30-3:30 pm.

Joan

Page 373 to/à Page 389

Withheld pursuant to/removed as

Copyright

From:	Nitesh Mistry
To:	Dick, Joan L CSCD:EX; Volk, Kevin CSCD:EX
Cc:	"Otis ? Perrick"; "Ricky Goraya"
Subject:	Ripe Rides - Ride Sharing (Sourcing) Positioning Paper
Date:	Friday, June 10, 2016 2:34:42 PM
Attachments:	Ripe Rides - Ride Sharing (Sourcing) Positioning Paper - June 10, 2016.pdf

Hi Joan/ Kevin,

Was great to you meet yourselves and of course Minister Fassbender last Tuesday (5/31) and we hope this finds you all well.

First off, thank you again for the accepting our request to participate in the consultation process for the ride sharing (sourcing) economy in BC. We really appreciated the opportunity to not only introduce Ripe Rides and our made in BC technology, but moving forward having a voice and active involvement in the potential solution that shapes the future of BC Transportation.

As requested, please find attached our Ride Sharing (Sourcing) Positioning Paper. We've attempted to cover off a wide gambit of topics including:

- Background on ourselves and the process and timeline of receiving our licenses
- The current landscape of ride sharing (sourcing) in Metro Vancouver
- Potential changes and/or improvements to existing policies and processes
- How we see Ripe Rides playing a complementary role in the ride sharing (sourcing) solution

Upon review if there are any questions, points of clarification, or additional content/context you would like to see, please don't hesitate to reach out.

We look forward to hearing more from yourselves and Minister Fassbender on this topic in the coming weeks/ months and are also looking forward to you trying out Ripe Rides!

Thank you,

Nitesh, Otis, & Ricky

Nitesh Mistry
Director of Business Operations
Ripe Rides
nitesh@riperides.ca
Office: 604-971-6200
Mobile: 604-764-9966
www.riperides.ca

Page 391 to/à Page 408

Withheld pursuant to/removed as

Copyright

RIDE SOURCING UPDATE

Speaking Points:

- **The world is changing rapidly as new technologies, new industries, innovative ways of thinking and business delivery models evolve to meet emerging needs.**
- **New app-based technologies are changing our day-to-day lives and way that we access services and are providing British Columbians with additional choice, convenience and competition.**
- **New and emerging ride sourcing technologies such as eCab, Uber and Lyft present real opportunities to provide improved service to consumers.**
- **As a government, we encourage innovation and the free market.**
- **However, the safety of the travelling public has been, and will remain, our number one priority.**
- **It is important that Government understands the impacts and results on consumers, local governments and existing service providers that ride sourcing could have for BC.**
- **As you may be aware, this past spring I sent letters out to local governments requesting feedback on challenges and opportunities associated with the shared economy.**
- **Since that time, my discussions have focussed more specifically on ride sourcing, and I have been conducting face to face meetings with stakeholders, including local governments on this matter.**
- **I have received valuable and well-thought out submissions from several local governments on ride sourcing and look forward to hearing from other key partners including UBCM Executive.**
- **While these conversations are still underway, some themes have begun to emerge. These include:**
    - **The safety of the travelling public;**
    - **A level playing field for all sector participants;**
    - **Overlap in the regulatory framework between local governments and the Province; and**
    - **The potential impact of changes to the sector on the existing taxi industry, which has made significant investments and valuable contributions to the BC economy.**
- **I hope to continue my consultation over the summer to continue to grow my understanding of the impacts and opportunities that ride sourcing may provide for citizens and communities in BC.**
- **We will be using the feedback that I receive to develop a discussion paper – I look forward to sharing this with you in the fall.**

Background:

- The largest car-for-hire ride sourcing app-based company in the world (Uber) recently announced its intention to enter the BC ground transportation vehicle-for-hire industry.

- Ride sourcing companies are operating all over the world—Uber is operating in more than 70 countries (more than 450 cities) with more than a million riders every day.
- Ride sourcing connects passengers to vehicles-for-hire through the use of a mobile smartphone app.
- Passengers who wish to hail a ride-sourcing vehicle must have an app, such as Uber or Lyft downloaded on their smart phone and a credit card on file; no cash exchanges hands.
- Using GPS technology (Global Positioning System), the passenger's location is catalogued when the passenger requests a ride through the app and the nearest driver is matched with the passenger.
- The app also offers options to grade drivers and calculate the cost of the ride.
- Ride sourcing drivers are typically non-professional drivers who use their own personal vehicle for ride sourcing; most drivers only drive five to 10 hours a week.
- The Minister has been consulting with stakeholders and the public on opportunities and challenges associated with ride sourcing since January 2016.
- The Minister has held face-to-face meetings with stakeholders.
- He has also sent letters to UBCM Executive and local governments to seek feedback on the sharing economy.
- The Minister's consultations are focussed on ride sourcing, and have not been seeking feedback on Airbnb.
- To date UBCM Executive has not articulated a position on ride sourcing, but a few local governments have submitted submissions and feedback on ride sourcing.
- The Minister intends to continue consultations on ride sourcing throughout the summer, leading to the release of a discussion paper in the fall.

Other Jurisdictions:

- The issues that other Canadian jurisdictions (and the world) have faced regarding ride sourcing are remarkably similar. They include:
    - Creating regulatory models (balanced between Province and local government) on how the existing taxi industry could co-exist with ride sourcing to enable both to flourish;
    - Designing safety standards for all vehicles for hire that ensure passenger safety (including inspections for vehicles and background checks on drivers);
    - Addressing and developing consistent accessibility standards for people with disabilities; and
    - Insurance and licensing considerations.
- Edmonton became the first Canadian jurisdiction to approve ride sourcing and it set up a regulatory framework to allow ride sourcing and the taxi industry to co-exist; however, it put a temporary halt on allowing ride sourcing until viable liability insurance services had been put in place. This new insurance scheme came into effect on July 1, 2016.
- Ottawa, Toronto and Quebec have approved ride sourcing and are in the process of developing regulations to modernize their vehicle-for-hire industry; each jurisdiction has attempted to develop a regulatory model that meets the need of its citizens.
- Calgary has approved ride sourcing, but its requirements are stringent enough that Uber has ceased operations in that jurisdiction.

RIDE SOURCING STAKEHOLDER CONSULTATIONS

Stakeholder Group	# consulted with	Consultation Information	Considerations	Consult with more?
Taxi companies	Three	• Two taxi companies from Kelowna and Taxi drivers for the three main airports.	s.13	Companies in the mainland, interior and on the Island.
Taxi Associations	Three	• All three main taxi associations were consulted with multiple times: Vancouver, Victoria and BC		TBD
Local Governments	Two	• Metro Vancouver and UBCM Executive	• UBCM Executive and Local Governments were sent a letter on April 8th regarding their thoughts and views on the sharing economy.	Yes. Rural and urban local governments
Technology sector	One	• DDS Wireless		Yes
Ride sourcing companies	One	• Uber consulted with twice	s.13	Yes
Airports	Two	• Vancouver and Kelowna Airport Authority		TBD
Business Associations	Three	• Surrey Board of Trade Twice, Canadian Finance and Leasing Association and Vancouver Board of Trade		TBD
Accessibility Associations	4-6 provincial organizations	Task orgs. to gather feedback and then set up meeting (group?) to gather feedback from members.	• The Premier has committed to making BC the most progressive jurisdiction in Canada" in the area of access for people with disabilities in all facets (Accessibility 2024).	Yes
Transportation Organizations	Two	• Were included as part of workshops put on by Board of Trade	s.13	Yes
Other	Three	• Speech from UBC Alma Mater Society of Students • SFU Rethink the Region Forum		TBD

s.13

Actions to date:

- Meetings between the Minister and different stakeholder groups regarding ride sourcing initiated in January, 2016 (refer to Appendix for list of consultations)
- Local governments and UBCM Executive sent letters in April, 2016 soliciting their input on the **sharing economy**; no responses have been received on ride sourcing.
- Some stakeholders (see Appendix for emerging themes) have provided written feedback.
- Preliminary analysis of feedback (i.e. identifying emerging themes) is being conducted and will continue through all phases.

Next steps—direction needed:

s.13

s.13 Submissions can be submitted by mail or through the ride sourcing email: ridesouring@gov.bc.ca

Appendix

SUMMARY: Minister's stakeholder meetings on ride sourcing (2016)

January 21	TransLink Board Meeting
January 22	UBCM Executive
January 26	BC Taxi Assoc., Vancouver Taxi Assoc., Victoria Taxi Assoc., Carolyn Bauer
February 5	Michael van Hemmen (Uber)
February 10	BC Taxi Assoc., Vancouver Taxi Assoc., Victoria Taxi Assoc., Carolyn Bauer
February 16	Mayor Greg Moore, Board Chair Metro Vancouver
February 25	Iain Black, Vancouver Board of Trade
February 28	Yellow Cabs AGM
March 1	Paul Gill, BC Taxi Association
March 11	Surrey Board of Trade Transportation Panel – Speech
March 11	Board of Metro Vancouver/Intelligent Transportation Systems Workshop – Speech
March 16	Vancouver Taxi Association and Victoria Taxi Association
March 16	BC Taxi Association
March 22	Victoria Airport Taxi Drivers
March 23	Surrey Board of Trade, Transportation Sub-committee
March 24	Maple Leaf Strategies
March 29	Iain Black, Vancouver Board of Trade
March 31	UBC Alma Mater Society students – Speech
April 1	Board of Metro Vancouver
April 4	Vancouver Taxi Association
April 5	Michael van Hemmen (Uber)
April 18	Canadian Finance and Leasing Association
April 18	DDS Wireless (Zoro App)
April 21	Vancouver Airport Taxi Drivers
April 21	Checkmate Cabs, Kelowna
April 21	Kelowna Cabs, Kelowna
April 22	Kelowna Airport Taxi Drivers
April 30	SFU Rethinking the Region Forum – Speech
May 5	Craig Richmond, Vancouver Airport Authority
May 7	BC Taxi Association AGM
May 19	Shayne Dyrdal and Sam Samaddar, Kelowna Airport Authority

SUMMARY: Stakeholder Submissions on ride sourcing

February 15	Vancouver Board of Trade
April 18	Canadian Finance & Leasing Association
May 4	Tourism Vancouver
May 27	Yellow Cabs Kamloops
May 31	Ripe Rides

Preliminary analysis—consistent themes from stakeholders (written submissions).

- Adequate insurance for the passenger, driver and third parties.
- Public safety – vehicle inspections etc.
- Payment of taxes by ride sourcing companies
- Current Supply of Taxis (insufficient in Vancouver)
- Modernize vehicle-for-hire regulations

.Ride Sourcing—Stakeholder Consultations

Actions to Date and Proposed Next Steps

Overview of Actions to Date:

The minister has been consulting with selected stakeholders on opportunities and challenges associated with ride sourcing since January, 2016. While the scope of consulted stakeholders has been broad, s.13

s.13

s.12,s.13

Should the Minister wish to continue his consultations, the following approach is proposed:

s.13,s.16

From:	Brooks, Jessica CSCD:EX
To:	"Jane Dyson"
Cc:	"Lorraine Logan"
Subject:	RE: Aug 8 Meeting Notes - for review
Date:	Thursday, August 11, 2016 3:45:00 PM
Attachments:	Disability Alliance BC meeting notes Aug 8 2016.docx image001.jpg

Hello Jane,

Thank you very much for your comments; the attached notes have been updated to reflect your feedback. We will wait to hear back from Lorraine prior to considering these as final – in the interim, please just let me know should you have any additional feedback or amendments.

Best,

Jessica

From: Jane Dyson [mailto:jwd@disabilityalliancebc.org]
Sent: Thursday, August 11, 2016 9:45 AM
To: Brooks, Jessica CSCD:EX
Cc: Lorraine Logan
Subject: FW: Aug 8 Meeting Notes - for review

Hi Jessica,

Thanks very much for forwarding me the notes from our meeting. I think you have done an excellent job in capturing what we discussed and I think this format is fine. I would like to suggest the following edits. Once Lorraine has signed off on this (copied), we'll be good to go:

s.13

Thanks again Jessica, very good notes!

Jane
Executive Director, Disability Alliance BC
#204 - 456 West Broadway
Vancouver, BC V5Y 1R3
Ph: 604-875-0188
E: jwd@disabilityalliancebc.org
W: www.disabilityalliancebc.org
Twitter: https://twitter.com/DisabAllianceBC
Facebook: www.facebook.com/DisabilityAllianceBC/



Our goal is for people with all disabilities to live with dignity and independence in the community. All donations, however small, really help us. To donate please go to:
www.disabilityalliancebc.org/supportadvertise.htm

This message may contain confidential or privileged information which is exempt from disclosure under applicable law. Any use, dissemination, distribution or copying of this information by anyone other than the intended recipient is prohibited. If you are not the intended recipient, or have received this message in error, please immediately reply to or telephone the sender at (604) 875-0188, permanently destroy any hard copies and delete this information from your computer. Thank you.

From: Brooks, Jessica CSCD:EX [mailto:Jessica.Brooks@gov.bc.ca]
Sent: Wednesday, August 10, 2016 6:20 PM
To: 'jwd@disabilityalliancebc.org' <jwd@disabilityalliancebc.org>
Subject: Aug 8 Meeting Notes - for review

Dear Ms. Dyson,

Thank you to yourself and Ms. Logan for taking the time to meet with me earlier this week. It was a pleasure to meet you and I appreciated your thoughts and comments.

As we discussed, I have attached for your review a bullet-based summary of the notes that I took during our discussion. I would be pleased to restructure this as a narrative format if you would prefer. Any comments or additions / edits that you may have would be welcome.

Should you wish to discuss this material in more detail please do not hesitate to call me. I can be reached on my direct line at: 250.952.6596

Thank you again,

Jessica

Jessica Brooks | Executive Director, Community Policy and Legislation
Community and Legislative Services | Ministry of Community, Sport and Cultural Development
Office: 250.952.6596

please consider the environment before printing this e-mail

Ride Sourcing Face-to-Face Stakeholder Consultations

Categories	Completed Consultations	Potential Additional Stakeholders	Considerations
Taxi Companies	• Kelowna Cabs • Checkmate Cabs (Kelowna) • Yellow Cabs (AGM)	s.13,s.16	
Taxi Associations	• BC Taxi Association • Vancouver Taxi Association • Victoria Taxi Association • Kelowna Airport Taxi Drivers • Vancouver Airport Taxi Drivers		s.13,s.16
Local Governments	• UBCM Executive • Metro Vancouver	s.13,s.16	A letter was sent out to local governments and UBCM Executive on April 8th requesting their perspectives on the sharing economy. Responses to date have been limited
Technology Sector	• DDS Wireless	(TBD)	
Ride Sourcing Companies	• Uber • Ripe Rides	• Lyft	s.13,s.16
Airports	• Vancouver Airport Authority • Kelowna Airport Authority	s.13,s.16	
Business Associations	• Vancouver Board of Trade • Surrey Board of Trade • Canadian Finance and Leasing Association		s.13,s.16
Transportation Organizations	• Translink (Board meeting)		
Other	• Maple Leaf Strategies • UBC Alma Matter • SFU Rethinking the Region Forum		
Accessibility Organizations		• Disability Alliance BC s.13,s.16	
Hospitality Industry			
Insurance Companies			

The Chamber's perspective is:

- The taxi industry is overregulated—too much red tape limits affordability and flexibility;
- Ride sourcing provides a number of opportunities such as: increasing supply, decreasing impaired driving, reducing car ownership and pollution, and complementing existing public transit services;
- That ride sourcing companies must obtain a provincial license, pay fees and drivers must have a valid driver's license; and
- BC should introduce ride sourcing regulations that establish province-wide rules for safety and consumer protection and remove unnecessary red tape on existing transportation providers.

The Association's perspective is:

- BC should continue to regulate the vehicle-for-hire industry;
- Ride sourcing companies should have the same rules and regulations as the current vehicle-for-hire industry;
- Ride sourcing companies should be required to obtain business numbers and GST numbers as required for the current taxi and limousine industry;
- Limousine services could be used to address peak hour need if standby areas were created; and
- Chauffer permits and vehicle-for-hire regulations need to be updated.

The Canadian Finance and Leasing Association's perspective is:

s.13

Ripe Ride's perspective is:

- ICBC rate classes should be amended to allow for alternative modes of transportation;
- BC should streamline the application process for new companies entering the market by allocating more Passenger Transportation Board resources to increase the pace of decision making and allow for the issuance of final decisions in summary form with comprehensive reasons to follow; and
- It does not wish to be competition with Vancouver's existing service providers, but complement it by expanding the market of riders.

Tourism Vancouver's perspective is:

- Vancouver taxi service is generally delivered to a quality standard—however the number of taxis is too low, especially during peak periods and events;
- Measures to increase supply would improve visitor experience and contribute to the economy;
- Ride sourcing needs to be an option in BC but issues such as insurance, passenger safety and accessibility must be considered; and
- Tourism Vancouver's views are aligned with the recommendations included in the Greater Vancouver Board of Trade paper

Uber's perspective is:

- It is time to introduce ride sourcing in BC;
- BC should consider Ottawa's support for and approach to rise sourcing
- Uber has provided a range of policy rationales that address the implications and the benefits of ride sourcing for BC (including more efficient service and increased consumer choices)

The Vancouver Board of Trade's perspective is:

- High fare prices, poor customer service and long wait times have led to growing public demand for passenger transportation alternatives;
- Taxi companies face burdensome regulations which hamper their ability to increase efficiency and innovation—BC should review and update taxi regulations to allow the industry to effectively compete against new services and reduce red tape;
- BC should establish a regulatory framework which introduces safe and reliable ride sourcing; and
- BC should direct ICBC to consult with stakeholders in developing an insurance product that is suitable for ride sourcing.

Using Quebec as a case study, Yellow Cabs Kamloops's perspective is:

- Profits from ride sourcing will be removed from the BC economy and directed to the headquarters of ride sourcing companies in America;
- The use of ride sourcing could cause a drop in wages for cab drivers by approximately one third from current levels;
- Allowing ride sourcing could compromise public safety because it is difficult to properly verify drivers and ensure that they are fit to drive on any given day; and
- Allowing ride sourcing would require de-regulating the taxi industry, which would impact the livelihood of current taxi drivers who depend on the value of their shares.

SUMMARY OF STAKEHOLDER FEEDBACK RE RIDE SOURCING (FORMAL SUBMISSIONS):

Tourism Vancouver:

- Taxi supply is inadequate and industry regulations are too rigid and need to be modernized to allow better service for consumers.
- Ride sourcing needs to be an option in BC but issues such as insurance, passenger safety and accessibility must be considered.

The Vancouver Board of Trade:

- Vancouver needs new and innovative road transportation options to support economic growth.
- BC should introduce a regulatory framework that allows ride sourcing while modernizing current regulations to remove red tape for the taxi industry.
- The proper insurance structure is necessary for ride sourcing and taxis to ensure passenger safety.

Canadian Finance & Leasing Association:

s.13

BC Chamber of Commerce

- BC taxi industry has too much red tape that stifles transportation affordability and flexibility/choices; BC needs to introduce ride sourcing legislation while ensuring public safety and consumer protection.

Kamloops Taxi Association:

- Using Quebec as a case study, the Association is concerned that ride sourcing will reduce taxi industry wages and siphon money from BC into ride sourcing companies located outside Canada.
- It raises safety issues and suggests that the value of taxi licenses would drop for current holders.

Uber:

- Compares the Ottawa and Toronto ride sourcing regulations recently put in place to allow companies like Uber to operate and makes suggestions how similar regulation could be put in place in the BC context; provide policy rationale for each suggestion (driver screening etc.).

Ripe Rides:

- BC should alter the ICBC rate class to allow for alternative modes of transportation.
- BC should streamline the application process for new companies entering the market by allocating more Passenger Transportation Board resources for quicker decision making.

Stakeholder Submissions	
Representative Group	**Summary of feedback:**
Canadian Finance& Leasing Association	s.13
Tourism Vancouver	• Taxi supply is inadequate. Industry regulations should be modernized to allow for better consumer services. • Ride sourcing needs to be an option in BC but issues such as insurance, passenger safety and accessibility must be considered.
Vancouver Board of Trade	• Vancouver needs new and innovative road transportation options to support economic growth. • BC should introduce a regulatory framework that allows ride sourcing while modernizing current regulations to remove red tape for the taxi industry. • An appropriate insurance structure is necessary for ride sourcing and taxis to ensure passenger safety.
Yellow Cabs (Kamloops)	• Ride sourcing will reduce taxi industry wages and remove money from BC `s economy. • Ride sourcing raises safety concerns. • Allowing ride sourcing would cause the value of taxi licenses to drop.
BC Chamber of Commerce	• BC taxi industry is subject to significant red tape, which contributes to reduced transportation affordability and flexibility • BC needs to introduce ride sourcing legislation while ensuring public safety and consumer protection.
Uber	• Comparison of Ottawa and Toronto ride sourcing regulations, with recommendations and policy rationales for implementing similar regulations in BC
Ripe Rides	• ICBC rate classes should be amended to allow for alternative modes of transportation. • Application processes for new companies entering the market should be streamlined by allocating more Passenger Transportation Board resources to decision making and • PTB final decisions should be issued in summary form with comprehensive reasons to follow.
BC Limousine Association	• Ride sourcing companies should have the same rules and regulations as the current vehicle-for-hire industries. • Chauffer permits and vehicle-for-hire regulations need to be updated.

RIDE SOURCING CONSULTATION BINDER

TABLE OF CONTENTS

1. **Stakeholder Consultations Documents**

s.13

- Overview table of face-to-face ride sourcing consultations

2. **Stakeholder written submissions overview**

3. **Stakeholder submissions (with summary)**
   a) Canadian Finance & Leasing Association
   b) Uber
   c) Kamloops Taxi Association
   d) BC Chamber of Commerce
   e) Ripe Rides
   f) Tourism Vancouver
   g) Vancouver Board of Trade
   h) BC Limousine Association

Please note that a few local governments have also sent in submissions (i.e. Vancouver, Port Moody) and their feedback and concerns mirror the feedback above. These are not included in the submissions above.

Page 430 to/à Page 435

Withheld pursuant to/removed as

s.13

Page 436 to/à Page 584

Withheld pursuant to/removed as

Copyright

Page 585 to/à Page 589

Withheld pursuant to/removed as

DUPLICATE

The Globe and Mail
May 25, 2016

Toyota, Uber join forces to expand auto-leasing program

ERIC NEWCOMER AND DAVID WELCH
Reuters

Copyright

Overview:

On May 4, 2016, the Toronto City Council passed a proposal (27 to 15) to regulate ride sharing services in the city. The new regulatory regime will be implemented through a by-law that will create a separate regulatory category for a new class of vehicle-for-hire called Private Transportation Companies (PTCs). New rules will also ease rules on fares and more rigorous training requirements for traditional taxi brokers, drivers and limousine drivers.

The intention of the new by-law is to balance consumer protection, public safety, the economic welfare of the city and requests from consumers for more choices in ground transportation.

Uber is the largest PTC operating in Toronto (since 2012, mostly illegally). Uber claims to have 15,000 drivers in Toronto with 45,000 trips daily. Uber drivers typically work 5 to 10 hours a week. In comparison, the taxi industry has about 6,000 full time taxis and makes 65,000 trips daily.

Next Steps:

The new PTC regulations Bill is expected to be introduced in Toronto Council on June 10-11, 2016. The City's authority to turn by-laws into laws is contained in the *City of Toronto Act* 2006. Council has directed that the City's Municipal Licensing & Standards department monitor the application of the new rules, and report back in one year on any recommended changes (for example, should PTCs be required to put cameras in their vehicles)

Regulatory Rules Approved by Council:

Significant measures approved by Council include the following (see appendix B for additional details):

- Allow PTCs to operate in Toronto, booked only through a smartphone app, with a $3.25 minimum fare, no maximum fares and "surge" peak-time pricing (higher fares charged during peak times of the day).
- Allow standard taxis to adopt "surge" peak-time pricing for rides booked via smartphone apps and to discount pricing as long as drivers aren't forced to pay the cost of the discount.
- Maintain requirements for taxis to have cameras, and flashing emergency lights, but not require these for PTCs
- Ensure PTCs and taxis have insurance of at least $2 million on all drivers for bodily injury, death and damages to people or property.
- Undo 2014 reforms that would have phased out ownership of "standard" plates as a commodity and ensure all cabs are disabled-accessible by 2024.

Reaction from stakeholders & public to Council decision:

Taxi Industry

The taxi industry had been very vocal in their opposition to most of the reforms citing extra and unnecessary cost to the industry and the creation of a "two-tier" system. The industry is concerns that the proposed regulations will have significant and negative economic impacts for taxi drivers and will put passenger safety at risk. Industry representatives continue to lobby the Toronto Council to defeat the Bill.

Uber
Uber has stated that they are satisfied with the Council decision and that they intend to abide by the rules set out in the by-laws even though some restrictions (inspections, etc.) may be difficult to implement.

Public
The public appears to generally support the Council decision. Media reports suggest that concerns respecting the adequacy of regulatory controls and insurance have been addressed and that consumers will be provided with more affordable service and increased flexibility of choice.

Appendix A: Background to Council Decision

In September 2015, Council directed city staff to consult stakeholders and others to develop recommendations and options on a regulatory regime vehicle-for-hire industry (including PTCs). City staff spent more than 18 months consulting stakeholders resulting in more than 100 recommendations on vehicle-for-hire industry regulatory schemes.

An extensive jurisdictional scan, comprehensive research and consultations were conducted as part of the proposed regulation. The consultations included:

- Meetings with taxicab and limousine industry
- Ipsos Reid research—statistically valid population surveys, focus groups and interviews with industry stakeholders
- More than 73,000 responses to online general population survey and 6,300 responses to industry survey

Appendix B: Taxi and PTC Requirement Comparison (additional to note)

Comparison of PTC and Taxi Requirements under New Proposed Regulations	
Taxicabs	Uber
Licensing Fees: application and annual renewal fee $290. Reduction of 17% on renewal fee and training cost eliminated.	Licensing Fees: $20,000 one-time fee for company registration. Drivers would pay a $10 annual fee and $0.20 per trip originating in Toronto. This adds up to about $3.4 million per year to Toronto (minus the trips not originating in Toronto).
Inspections: require twice-yearly at a city garage.	Inspections: Require yearly & a Ministry of Transportation safety standards certificate.
Police background check: Still required to complete.	Police background check: Uber drivers would submit their checks to the company, subject to presentation upon demand by city.
Hailing a cab: still accessible by the public.	Hailing an Uber: Smart phone app connects passenger to driver (only allowed to book trips through app). Tips are not mandatory or required.
Safety Training: CPR and first aid training needs to be in place.	Safety Training: Eliminated CPR and first aid training for Uber

From:	Volk, Kevin CSCD:EX
To:	Brooks, Jessica CSCD:EX; Dong, Jodi CSCD:EX; Sall, Sabba CSCD:EX
Cc:	Ryan, Louise CSCD:EX
Subject:	Ride Sourcing
Date:	Wednesday, July 27, 2016 12:26:39 PM

Update from Minister's Council today:

- MPF did approach Jane Dyson and she promised to send in a stakeholder submission on ride sourcing. Joan will follow up (we should check in next week with her to see if she heard back)

s.13

- Would be 5 to 10 pages with some graphics

Jacquie is still reviewing the outline we shared with her.

Kevin Volk, P.Eng.
Executive Lead, Community and Legislative Services
Ministry of Community, Sport and Cultural Development
250 387 3860

Ride Sourcing Updates – September 8, 2016
Quebec & Bill 100

- On June 10, 2016 Quebec passed Bill 100 to regulate ride sourcing services in the province.
- The new law requires "remunerated passenger transportation services" to buy a taxi permit or pay significant fines.
- A taxi permit in Quebec can cost up to $200,000.
- Anyone offering taxi transportation services without a permit would face fines of $2,500 to $25k and a ride sourcing company could be fined up to $50k.

Response from Uber:

- Uber has claimed that the bill would end the company's operations in Quebec.
- It proposed a pilot project to government that would see ride souring companies:
  - buy a $100,000 operating permit each year;
  - pay a tax of 35 cents per trip;
  - pay a tax of seven cents per trip to Quebec's automobile insurance program; and
  - pay GST and PST after the first dollar of every ride and provide the government with income summary for every driver every three months.

Update—September 8, 2016:

- In June 2016 the government agreed to amend bill 100 to delay implementation of certain clauses by 90 days, to allow Uber and the government to work out details of a pilot project. The pilot was intended to test options for the ride sourcing industry to conform to Quebec taxi laws.
- On September 8, 2016 Uber and Quebec reached an agreement-in-principle on a one year pilot project beginning Sept. 28, 2016. Some of the details of the pilot project were released including:
  - Uber will operate throughout the province with no territorial operating limits and set its own fares according to customer traffic (surge pricing);
  - Uber drivers will require a specific licence for taxis (no details provided on a type of intermediary licence driver can share), undergo criminal checks, customer service training and have special plates or vignettes (identification) on their cars;
  - Uber drivers hours will be limited and Uber will pay a penalty if it goes over a certain number of rides per week; and
  - The company will collect and pay taxes (believed to be the first time in the Uber business model).
- Further details of the agreement are expected to be announced at a later date.
- Uber has stated that its willingness to make changes to its business model demonstrates its ability to work within regulatory frameworks.
- The taxi industry in Quebec is upset by the agreement with Uber, claiming it creates two sets of rules for the passenger transportation sector; protests are underway, taxis are threatening to block the Quebec bridge and cut off services to transportation hubs.

Potential Implications/Considerations for BC:

s.13

Ottawa—Taxi Industry vs the City of Ottawa on August 12, 2016

Background:

Plaintiffs Metro Taxi Ltd. & Marc Andre Way (taxi company) filed a class action claim in the Ontario Superior Court of Justice against the City of Ottawa.

The Plaintiffs, acting as the representatives of the Ottawa taxi industry state that:

- Uber has been operating a taxicab service in Ottawa since 2014.
- The taxi industry is regulated by a city Taxi by-law that sets out requirements for the taxi industry to:
  - Operate taxicab services
  - Allow only taxicab brokers to dispatch taxis with Plates
  - Purchase and lease Plates to operate taxicab services
  - Pay for a license to operate a taxi and a license to operate as a taxicab broker.
  - Abide by the fare structure for taxi services and the number of taxi plates that are allowed by the City (cap established)
- The city collects fees from the taxi industry to pay for license renewals, processing fees, mandatory inspections fee, license transfer fees and HST.
- The city has a history of enforcing the taxi industry regulatory scheme under the *Municipal Act*, the *Provincial Offences Act* and the Taxi By-law.
- The city also has a history of consulting with industry when making changes to its Taxi by-law.
- The city approved amendments on April 13, 2016 to the Taxi by-law to allow private transportation companies to operate in the city.

Statement of Claim:

- The city unlawfully failed to enforce the Taxi by-law against Uber since 2014.
- The city unlawfully made amendments to the Taxi by-law on April 13, 2016 by creating a separate new class of licence for private transportation companies.
- The amendments to the by-law are ultra vires of the city (out of scope or beyond the authority of the city).

- The fees and taxes collected from the taxi industry are also ultra vires.
- As a result of the city's unwillingness to enforce the regulatory scheme for the taxi industry in the city, the Plaintiff has suffered damages (i.e. loss of taxi plate value, loss of income earned from plates etc.).

Damages requested:

- That owners and brokers are entitled to $215 million in damages resulting from the city's actions mentioned above because:
  - The City owed duty of care to plate owners and brokers (who purchased taxi plates and licences in good faith that the regulatory scheme would be enforced against all entrants to the taxi industry) and did not take reasonable steps to protect the interests of the class members.
  - The City is also providing Uber with unfair advantages (i.e. do not requires them to abide by the same requirements as imposed on the taxicab industry) and did not give the plaintiffs enough time to adjust to the new regulatory changes (established historical record of duty to consult).
- The city has also been unlawfully collecting fees and taxes from plaintiffs and the plaintiffs are entitled to a restitution of illegal taxes.

Potential Implications/Considerations for BC:

s.13,s.17

From:	Dawes, Jacquie CSCD:EX
To:	Volk, Kevin CSCD:EX; Brooks, Jessica CSCD:EX
Cc:	Sandur, Parveen CSCD:EX; Whitelock, Riley CSCD:EX; Gedney, Vanessa R CSCD:EX
Subject:	FW: Vehicle for hire regulations - record check requirements
Date:	Wednesday, September 21, 2016 11:35:56 AM
Attachments:	2016-09-21 Record checks for vehicles for hire.pdf ATT00001.htm

Fyi

May need to be treated as incoming corresp as well?

From: Peter Fassbender [mailto:s.22
Sent: Wednesday, September 21, 2016 11:01 AM
To: Whitelock, Riley CSCD:EX; Sandur, Parveen CSCD:EX; Dawes, Jacquie CSCD:EX
Subject: Fwd: Vehicle for hire regulations - record check requirements

Can we share this with Kevin Volk please!

MPF

P Fassbender's iPhone!

Begin forwarded message:

> **From:** "Fassbender.MLA, Peter" <Peter.Fassbender.MLA@leg.bc.ca>
> **Date:** September 21, 2016 at 10:26:04 AM PDT
> **To:** "Minister, CSCD CSCD:EX" <CSCD.minister@gov.bc.ca>
> **Subject: FW: Vehicle for hire regulations - record check requirements**
>
> ---
>
> **From:** Abby Deshman [mailto:ADeshman@ccla.org]
> **Sent:** September 21, 2016 8:18 AM
> **To:** Fassbender.MLA, Peter <Peter.Fassbender.MLA@leg.bc.ca>; Stone.MLA, Todd <Todd.Stone.MLA@leg.bc.ca>
> **Cc:** Main, Grant TRAN:EX <Grant.Main@gov.bc.ca>
> **Subject:** Vehicle for hire regulations - record check requirements
>
> Dear Minister Fassbender and Minister Stone,
>
> Please find attached a letter from the Canadian Civil Liberties Association with regard to your government's exploration of regulatory requirements for ride-sharing companies. In particular, the letter outlines some considerations you may wish to take into account when determining the appropriate record check policy for this sector.
>
> Please do not hesitate to contact me if you have any questions.
>
> Sincerely,
>
> Abby
>
> Abby Deshman
> Canadian Civil Liberties Association | Association canadienne de libertés civiles
> 90 Eglinton E, Suite 900 | Toronto ON M4P 2Y3
> T 416-363-0321 x 223 | E adeshman@ccla.org