

From: [Therrien, Perry J](#) TRAN:EX
To: [Dennis, Perry](#) TRAN:EX
Subject: RE: media inquiry - Global News Okanagan - Eckhardt Senior Service in Penticton
Date: Monday, December 12, 2016 8:48:44 AM

Perry,
s.13,s.15

P

From: Dennis, Perry TRAN:EX
Sent: Friday, December 9, 2016 1:42 PM
To: Therrien, Perry J TRAN:EX
Subject: FW: media inquiry - Global News Okanagan - Eckhardt Senior Service in Penticton

Hello Perry T,

Just an FYI at this point.

Thanks

Perry D

From: Rorison, Trish GCPE:EX
Sent: Friday, December 9, 2016 1:33 PM
To: Dennis, Perry TRAN:EX; Cousins, Cindy GCPE:EX
Cc: Vanderkuip, Kristin TRAN:EX
Subject: RE: media inquiry - Global News Okanagan - Eckhardt Senior Service in Penticton
OK to add the following:

- The company is part of an on-going investigation and has been ordered to cease and desist from providing any taxi like or curb to curb service but they are permitted under the exemption to provide transportation in the course of providing additional assistance that would not be provided by a taxi. (dressing people to go out, carrying belongings from inside the home or store, accompanying the individual inside a building)
 - We have followed up on all the complaints that we have received about this company and its practices. To date, we have been unable to substantiate the accusations. (The complaints are from s.15
 - We continue to investigate this company and any new complaints that are received by the Branch.
 - If the company is found to be operating illegally they will be issued a Violation Ticket and ordered to stop what they are doing.
-

From: Dennis, Perry TRAN:EX
Sent: Friday, December 9, 2016 1:32 PM
To: Rorison, Trish GCPE:EX; Cousins, Cindy GCPE:EX
Cc: Vanderkuip, Kristin TRAN:EX
Subject: RE: media inquiry - Global News Okanagan - Eckhardt Senior Service in Penticton
Hello,
s.13,s.15

Perry

From: Rorison, Trish GCPE:EX
Sent: Friday, December 9, 2016 1:30 PM
To: Dennis, Perry TRAN:EX; Cousins, Cindy GCPE:EX

Cc: Vanderkuip, Kristin TRAN:EX
Subject: RE: media inquiry - Global News Okanagan - Eckhardt Senior Service in Penticton
Thanks Perry – s.13

From: Dennis, Perry TRAN:EX
Sent: Friday, December 9, 2016 1:28 PM
To: Cousins, Cindy GCPE:EX; Rorison, Trish GCPE:EX
Cc: Vanderkuip, Kristin TRAN:EX
Subject: RE: media inquiry - Global News Okanagan - Eckhardt Senior Service in Penticton
Hello Trish,
This is what I sent Cindy.
Perry

From: Dennis, Perry TRAN:EX
Sent: Friday, December 9, 2016 1:20 PM
To: Cousins, Cindy GCPE:EX
Cc: Vanderkuip, Kristin TRAN:EX
Subject: RE: media inquiry - Global News Okanagan - Eckhardt Senior Service in Penticton
Hi Cindy,
Please see the following bullets:

- We have ordered the company to cease and desist from providing any taxi like or curb to curb service but they are permitted under the exemption to provide transportation in the course of providing additional assistance that would not be provided by a taxi. (dressing people to go out, carrying belongings from inside the home or store, accompanying the individual inside a building)
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- We continue to investigate this company and any new complaints that are received by the Branch.
- If the company is found to be operating illegally they will be issued a Violation Ticket and ordered to stop what they are doing.

Thanks
Perry

From: Cousins, Cindy GCPE:EX
Sent: Friday, December 9, 2016 12:41 PM
To: Dennis, Perry TRAN:EX
Cc: Vanderkuip, Kristin TRAN:EX
Subject: RE: media inquiry - Global News Okanagan - Eckhardt Senior Service in Penticton
s.13

From: Dennis, Perry TRAN:EX
Sent: Friday, December 9, 2016 12:39 PM
To: Cousins, Cindy GCPE:EX
Cc: Vanderkuip, Kristin TRAN:EX
Subject: Re: media inquiry - Global News Okanagan - Eckhardt Senior Service in Penticton
Hi Cindy,
s.13

Thanks

Perry

Sent from my iPhone

On Dec 9, 2016, at 12:25 PM, Cousins, Cindy GCPE:EX <Cindy.Cousins@gov.bc.ca> wrote:

Kristin, we have another media request about Eckhardt Senior Service in Penticton. The reporter is saying local cab companies are claiming Eckhardt Senior Services is operating contrary to what its Passenger Transportation Board license allows by charging a flat rate of \$5 for certain trips.

This is what we said in July to a different reporter – is there anything new to add? Or should we refer this request to the Board?

The Passenger Transportation Branch is continuing its investigation into this company.

Thanks,

Cindy

Minister Request Y/N: No. Information only.

Topic: Eckhardt Senior Service (Follow Up 2)

Reporter/ Contact: Joe Fries, 250-490-0880 ext. 304, joe.fries@pentictonherald.ca

Outlet: Penticton Herald

Date/ Time received: Thursday, July 21, 11:00am

Deadline: ASAP

Reporter's Request: Can you please confirm the investigation is still ongoing? If not, can you tell me the result?

Suggested response:

The Passenger Transportation Branch is continuing its investigation into this company.

BACKGROUND

(Below is what was previously sent to reporter)

1. Is the company licensed by PTSB, and if so, for how many vehicles?

Currently, the company does not have or is required to have a passenger transportation licence. When the company applied to the Passenger Transportation Board for a special authorization licence in February 2014, it described its service as a 'companion' service, with transportation as a secondary service. Because of that, the Board determined that it is exempt from requiring a passenger transportation license. Part 1, Section 5(o) of the Passenger Transportation Regulation

As it is classified as a companion service and not as a passenger service, this company is not licensed to operate as a passenger transportation service. Anyone wanting to lodge a complaint about the company's companion service can do so through the Better Business Bureau, Human Rights Tribunal or with police.

2. Can you tell me if the PTSB has received any complaints about Eckhardt Senior Service operating as a de facto taxi service in Penticton?

The Passenger Transportation Branch has received two complaints regarding this company and an active investigation is underway.

From: Neetu Garcha [<mailto:Neetu.Garcha@globalnews.ca>]
Sent: Friday, December 9, 2016 10:14 AM
To: Rorison, Trish GCPE:EX
Subject: media inquiry
Hello Trish

My name is Neetu Garcha, I'm a reporter at Global Okanagan News in Penticton.

I'm doing a story today in regards to a few local cab companies here that are claiming Eckhardt Senior Services (local company) is operating contrary to what its Passenger Transportation Board license allows by charging a flat rate of \$5 for certain trips.

I'm looking to get comment and information from someone with the board – but have been unable to reach anyone or find contact for media relations there, that's why I'm trying you to see if you're able to facilitate.

This story is for this evening's newscast and my deadline for comment would be 2 p.m. this afternoon!

I'm just looking for a phone call to get some info or even an email statement (let me know if that's possible and I'll send over questions).

My cell number is: 250-488-2686

I left you a voicemail also.

Thank you kindly,

****** please note new cell number ******

Neetu Garcha Video Journalist | Global Okanagan, News
Global News | Corus Entertainment
342 Leon Ave | Kelowna, BC V1Y 6J2
T: 250 861-8233 **C:** 250 488-2686
E: neetu.garcha@globalnews.ca **T:** @neetugarcha

This message is confidential and may contain privileged information. We ask that you not use or disclose this message other than with our consent.

If you are not an intended recipient, please immediately notify us and delete this message. Thank-you.

From: [Rorison, Trish GCPE:EX](#)
To: [Dennis, Perry TRAN:EX](#); [Cousins, Cindy GCPE:EX](#)
Cc: [Vanderkuip, Kristin TRAN:EX](#)
Subject: RE: media inquiry - Global News Okanagan - Eckhardt Senior Service in Penticton
Date: Friday, December 9, 2016 1:33:15 PM

OK to add the following:

- The company is part of an on-going investigation and has been ordered to cease and desist from providing any taxi like or curb to curb service but they are permitted under the exemption to provide transportation in the course of providing additional assistance that would not be provided by a taxi. (dressing people to go out, carrying belongings from inside the home or store, accompanying the individual inside a building)
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Hi Cindy,

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Thanks

Perry

Sent from my iPhone

On Dec 9, 2016, at 12:25 PM, Cousins, Cindy GCPE:EX <Cindy.Cousins@gov.bc.ca> wrote:

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The Passenger Transportation Branch is continuing its investigation into this company.
Thanks,
Cindy

Minister Request Y/N: No. Information only.

From: [Vanderkuip, Kristin](#) TRAN:EX
To: [Cousins, Cindy](#) GCPE:EX; [Dennis, Perry](#) TRAN:EX
Subject: FW: Passenger Transportation Licensing & Exemptions
Date: Friday, December 9, 2016 12:43:35 PM
Importance: High

Hi Cindy and Perry

I just got this from Jan.

Kristin Vanderkuip
Office 604 527-2201

From: Broocke, Jan TRAN:EX
Sent: Friday, December 9, 2016 12:42 PM
To: 'neetu.gaarcha@globalnews.ca'
Subject: Passenger Transportation Licensing & Exemptions
Hello Neetu:

In response to your phone call, I can advise you that the PT Board received an application from Kerry Delong Holdings Inc. dba Eckhardt Senior Service in January 2014. In March 2014, after reviewing the application materials, the Board determined that section 5(1)(o) of the Passenger Transportation Regulation applies to this service which is primarily a companion service, with transportation a secondary service. Therefore, the service is exempt from licensing.

Section 5(1)(o) states

The provisions of the Act and this regulation do not apply to a commercial passenger vehicle when

(i) the operator of the commercial passenger vehicle is operating the vehicle in the course of providing care, including hygiene, meal preparation, light housecleaning or shopping, to clients who require personal assistance with activities of daily living,

(ii) the arrangement or provision of that transportation is not a primary business of that operator, and

(iii) no compensation is directly charged or collected for the provision of the transportation portion of the service being provided to that client by the operator;

Enforcement and compliance of the Passenger Transportation Act & Regulations is the responsibility of the Ministry of Transportation and Infrastructure.

Regards,

Jan Broocke

Director

Passenger Transportation Board

250-953-3777

Jan.Broocke@gov.bc.ca

From: [Therrien, Perry J](#) TRAN:EX
To: [Dennis, Perry](#) TRAN:EX
Subject: RE: media inquiry - Global News Okanagan - Eckhardt Senior Service in Penticton
Date: Friday, December 9, 2016 1:58:16 PM

Thanks,
FYI - s.13
P

From: Dennis, Perry TRAN:EX
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Subject: RE: media inquiry - Global News Okanagan - Eckhardt Senior Service in Penticton
Hello,
s.13,s.15

Perry

From: Rorison, Trish GCPE:EX
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To: Dennis, Perry TRAN:EX; Cousins, Cindy GCPE:EX
Cc: Vanderkuip, Kristin TRAN:EX
Subject: RE: media inquiry - Global News Okanagan - Eckhardt Senior Service in Penticton

From: [Vanderkuip, Kristin TRAN:EX](#)
To: [Dennis, Perry TRAN:EX](#)
Subject: RE: media inquiry - Global News Okanagan - Eckhardt Senior Service in Penticton
Date: Friday, December 9, 2016 12:50:16 PM

Perry
s.13

Kristin Vanderkuip
Office 604 527-2201

From: Cousins, Cindy GCPE:EX
Sent: Friday, December 9, 2016 12:41 PM
To: Dennis, Perry TRAN:EX
Cc: Vanderkuip, Kristin TRAN:EX
Subject: RE: media inquiry - Global News Okanagan - Eckhardt Senior Service in Penticton
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Hi Cindy,
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Perry

Sent from my iPhone

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The Passenger Transportation Branch is continuing its investigation into this company.
Thanks,
Cindy

Minister Request Y/N: No. Information only.

Topic: Eckhardt Senior Service (Follow Up 2)

Reporter/ Contact: Joe Fries, 250-490-0880 ext. 304, joe.fries@pentictonherald.ca

Outlet: Penticton Herald

From: [Therrien, Perry J TRAN:EX](#)
To: [Dennis, Perry TRAN:EX](#)
Subject: RE: Eckhardt Senior Services
Date: Monday, November 28, 2016 4:26:04 PM

Hi Perry,

We found no evidence that they are operating outside of the exemption and I spot checked an Eckhardt senior services car, there were no meters present.

There should be some follow up emails in the file there somewhere from this complaint.

Thanks

P

From: Dennis, Perry TRAN:EX
Sent: Monday, November 28, 2016 3:20 PM
To: Therrien, Perry J TRAN:EX
Subject: FW: Eckhardt Senior Services
Importance: High

Hello Perry,

Please see the note attached. Have your staff had any further encounters with Eckhardt Senior Services and if so, are they operating within the exemption? Have you seen any meters in the vehicles as described by s.15 below?

Thanks

Perry

From: s.15
Sent: Monday, November 7, 2016 10:31 AM
To: Dennis, Perry TRAN:EX
Subject: Eckhardt Senior Services
Importance: High

Good Morning Mr. Dennis

At the instruction of the s.15 we are writing to ask what the status of the investigation into the operations of Eckhardt Senior Service is.

We have been advised that Mr. DeLong continues to operate all six (6) of his vehicles doing pick ups and drop offs around the City for all and various types of passengers, certainly not just passengers 65 or over or passengers with a disability.

As a matter of fact we occasionally get calls to our dispatch asking " ... is this the 5.00 taxi? ... ".

We have also been told that Mr. DeLong has recently made a change and is charging the flat fee of \$5.00 for the first ten (10) minutes of the trip and then anything further is then metered. Is he allowed to have meters in his cars? We also wanted

to ask if his drivers are required to have the Chauffeurs permits that our drivers are required have to purchase and have on display when driving. We have also been advised that Eckhardt Senior Services cars have been sitting at the Lakeside Resort and the Ramada

Inn and Resort picking up random customers as they exit the hotels. Mr. DeLong is also leaving business cards in local convenience stores and various businesses around Penticton where they are available for whomever needs a pick up.

We had a brief conversation with DoT Inspector Dave Sabyan, who was unaware of the Cease and Desist Order when we first contacted him, and he has since advised that this situation is no longer within his purview. We find this incredibly frustrating as we understood that his mandate was to monitor and police passenger transportation vehicles in Penticton and area.

At this point we are providing written notification that we are s.15

s.15 and cannot understand how Eckhardt

Senior Services continues to operate a passenger transportation company completely and totally outside the parameters of the rules and regulations that govern the taxi industry in this province. Eckhardt Senior Services is having a direct and definitive impact on our business and the other taxi company and we

cannot understand how the company is being allowed to continue operate with impunity.

We ask that you provide us with a report as to whether the Cease and Desist Order is going to be enforced and at what time that action is going to take place.

Thank you for your attention to this matter and we look forward to your reply.

s.15

From: [Therrien, Perry J](#) TRAN:EX
To: [Dennis, Perry](#) TRAN:EX
Cc: [Therrien, Perry J](#) TRAN:EX
Subject: FW: Eckhardt senior sevices
Date: Tuesday, September 13, 2016 10:25:29 AM

Perry, FYI –

An owner of Eckhart Senior Services “Kerry” called Dave as requested through the driver contact yesterday. Dave made himself available to answer any questions if needed.

Perry T

From: Sabyan, David TRAN:EX
Sent: Tuesday, September 13, 2016 10:10 AM
To: Therrien, Perry J TRAN:EX
Subject: Eckhardt senior sevices

I had a phone call from Kerry, owner of the business. I explained to him the requirements of the PT exemption, he was very professional and courteous on the call. I explained also that he can phone me if he has any questions. The 5 vehicles in use are Ford Cmax Hybrids.

From: [Therrien, Perry J TRAN:EX](#)
To: [Dennis, Perry TRAN:EX](#)
Cc: [Therrien, Perry J TRAN:EX](#); [Sabyan, David TRAN:EX](#)
Subject: FW: Eckhardt Senior Service
Date: Monday, September 12, 2016 5:02:19 PM

Perry,

Dave Sabyan went to the ^{s.22} today as he thought there might be a business card or some sort of local advertising he could find to make contact with Eckhardt Senior Services. Coincidentally he came upon and observed one of the Eckhardt Senior Service drivers providing their service.

Dave documented his observation (see below) and when I discussed it with him he felt the service provided by the driver in this case was over and above what a "normal" taxi service provides. We will continue to monitor the situation and address any safety concerns raised by the local Taxi industry as time and resources allow.

If you require anything further please let me know.

Yours Truly

Perry Therrien

Okanagan Shuswap District CVSE Manager

From: Sabyan, David TRAN:EX
Sent: Monday, September 12, 2016 4:35 PM
To: Therrien, Perry J TRAN:EX
Subject: Eckhardt Senior Service
Perry , today I was at the ^{s.22}

streets. I was inside in the reception area of the main floor office.

I witness the following at 15:37 today.

A man approached a elderly lady who was inside the office sitting on a bench near the receptionist. He told her, " your ride is here, I will be taking you home".

He then carried a bag of hers (like an oversized beach bag-purse), and she headed out the door with him. She used a walker to assist herself. He then placed the bag into the rear seat of the car, and then moved the car closer to the drop off area of the side walk near the handicap parking zone area. He did this so she would not have to step off the sidewalk drop, but rather use the area where the sidewalk is level with the pavement. He then assisted her into the front seat of the vehicle and placed her walker into the rear seat. This took a couple of minutes, my guess is she was close to ^{s.} years old. I then approached the driver, and gave him one of my business cards asking if he was the owner (he was not). He was concerned that I was going to tell him he couldn't park at the area that was marked handicap parking.

The vehicle was a newer model ford four door sedan (Fusion ?), light beige in colour. I did not record the plate number.

On the vehicle in letting was, Eckhardt Senior Service, 778-476-1948.

David Sabyan

From: [Dennis, Perry TRAN:EX](#)
To: s.15
Cc: [Lovell, Margaret G TRAN:EX](#); [Dennis, Perry TRAN:EX](#)
Subject: Eckhardt Senior Service Matter
Date: Monday, August 22, 2016 11:59:32 AM
Importance: High

Hello s.15

I asked Inspector Lovell to refer your note to me so that I could respond after discussing the issue with Mohan Kang. As discussed with Mr. Kang, the Passenger Transportation Board determined during Eckhardt's initial application in 2014, that as a companion service they are exempt from obtaining a licence under Section 5(1)(o) of the Passenger Transportation Act. A licence is not required providing no standalone transportation is offered. If there is no licence required, then there are no restriction on how many vehicles can be operated.

We are aware of the complaint that was lodged against Eckhardt Senior Service and the nature of that complaint. I can assure you that we continue to investigate these allegations, although we are not able to share information with regards to any ongoing investigation or the action that may result from an investigation. As Inspector Lovell has explained in her e-mail below, the branch has issued a Cease and Desist Order to Eckhardt Senior Service but again, we cannot share the content of that Order directly with you. If you are interested in receiving a copy of the Cease and Desist Order then I would suggest you make an [application](#) through our Freedom of Information and Privacy Branch.

Cease and Desist Orders are designed as early intervention, to advise a person of an issue that has come to the attention of the Passenger Transportation Branch and that may not be permitted. The order outlines the alleged activity and that, if continued may result in enforcement action being taken. Operating a service for which a Passenger Transportation Licence is required could result in a Violation Ticket and fine of \$1150 to \$5000.

I recommend you reach out to Mr. Kang to discuss this issue as he is familiar with the nuances of the Passenger Transportation Act and how it relates to this particular issue.

Thank you,

Perry Dennis

Deputy Director, Operations

Passenger Transportation Branch

From: s.15
Sent: Monday, August 22, 2016 8:42 AM
To: Lovell, Margaret G TRAN:EX
Subject: Fwd: Eckhardt Senior Service Matter
Importance: High
Good Morning Ms. Lovell

May we please have a reply to our attached email of August 16 please, (see below).

Mr. DeLong and Eckhardt Senior Service continue to operate with impunity. He has numerous vehicles on the road and continues to charge a flat fee of \$ 5.00 per trip. As stated in our email we called to book a trip and were not questioned about our circumstances and were told when we inquired that the cost would be \$5.00 for the trip.

Thank you for your attention to this matter and we look forward to your reply at your earliest convenience.

s.15

To: "Passenger Transportation Br, TRAN:EX"
<PassengerTransportationBr@gov.bc.ca>
Sent: Tuesday, August 16, 2016 9:22:11 AM
Subject: Re: Eckhardt Senior Service Matter

Good Morning Ms. Lovell

Thank you for your email of August 10, 2016.

We would like to ask what the next step the Branch will take when a "Cease & Desist Order" is issued. How does the Passenger Transportation Branch enforce such an Order? And what is the time frame under which the Order is enforced?

We ask because our drivers have noticed and logged that Mr. DeLong continues to drive all six (6) of his vehicles around Penticton and is continuing to pick up passengers at various locations. A couple of his vehicles have had the "Eckhardt Senior Services" decals removed from the sides of the cars but the vehicles are still out and about.

May we request a copy of the Order? If Mr. DeLong is allowed to continue to operate under the parameters of his special licence he is allowed to only operate one (1) vehicle, which he is not doing, and charge a minimum of no less than \$45.00 per hour. Considering the brevity of the trips in and around the City we suspect that he is continuing to charge a reduced rate for his services. We did make a call on Monday August 15th requesting a pick up and asked what the price would be and were told \$5.00 for in the City.

So can you please advise what steps will be taken to enforce the Cease & Desist Order and if there is anything further that we can do to assist.

Thank you for your attention to this matter and we look forward to your reply.

s.15

From: "Passenger Transportation Br, TRAN:EX"
<PassengerTransportationBr@gov.bc.ca>
To: s.15
Sent: Wednesday, August 10, 2016 3:12:54 PM
Subject: RE: Eckhardt Senior Service Matter

Hello . s.15

Thank you for your note and forwarding s.15

enquiry regarding Eckhardt Senior Service

to the Passenger Transportation Branch (the Branch).

We have concluded our investigation into the complaint and the Branch has issued a Cease and Desist order under Section 23(1) of the Passenger Transportation Act.

For your information, Eckhardt Senior Service made application for a Special Authorization Licence in 2014 and the Passenger Transportation Board (the Board) made a determination that they do not require a Passenger Transportation Licence (PT Licence), provided the service meets the requirements of the exemption described in Section 5(1)(o) of the Regulations, and that the service is one of a companion service and no compensation is directly charged for the transportation portion. In short, they cannot provide any stand-alone transportation services or any transportation services that would require a PT Licence.

Regards.

Margaret Lovell

Passenger Transportation Inspector

Passenger Transportation Branch
Ministry of Transportation & Infrastructure

Toll Free: (1-800-663-7867)

Direct: (604) 527-2200

Branch: (604) 527-2198

Facsimile: (604) 527-2205

Email: margaret.lovell@gov.bc.ca

Web Address: www.th.gov.bc.ca/rpt

This message, including any attachments, is confidential and may contain privileged information intended to be relied upon by the sender and/or the person(s) named above. If you are not the intended recipient or have received this message in error, immediately notify the sender by reply email, permanently delete the original transmission from the sender, including any attachments, without making a copy and confirm these actions in your reply email. Thank you.

From: s.15

Sent: Tuesday, August 9, 2016 9:13 AM

To: Passenger Transportation Br, TRAN:EX

Subject: Fwd: Eckhardt Senior Service Matter

Importance: High

Good Morning

s.15

, has asked me to inquire again as to the status of the investigation into Eckhardt Senior Services. To say that s.15 is frustrated regarding the fact that Eckhardt Senior Services is in blatant disregard of their PTB special approval is an understatement.

They were approved for the operation of one (1) vehicle and we have provided proof that the company is operating six (6) vehicles. We have provided proof that they continue to charge a flat fee of \$5.00 per trip for the entirety of Penticton, not the minimum \$45.00 per hour as approved for, and we have provided proof that they are not restricting their pick ups to passengers over 65 years of age, along with a companion, who are unable to drive or use public transit.

May we have an update please?

Thank you for your attention to this matter and we look forward to your reply.

s.15

From: s.15
To: [Dennis, Perry TRAN:EX](#)
Subject: Eckhardt Senior Service Matter
Date: Friday, September 9, 2016 12:18:05 PM
Importance: High

Good Afternoon Mr. Dennis

We are writing to request an update on the matter of Eckhardt Senior Services. Our drivers continue to see Mr. DeLong and his staff picking up any and all types of passengers around the City of Penticton. We have made a number calls to book a car and confirm the price, still \$5.00 per trip, and never has the caller been questioned about their circumstances.

Our understanding is that there is a Cease and Desist Order in place and yet Eckhardt Senior Services continues to do business with impunity.

We are very very frustrated with this situation and would appreciate some action on this matter.

Thank you and we look forward to your reply.

s.15

From: s.15
To: Dennis, Perry TRAN:EX
Subject: Eckhardt Senior Services
Date: Monday, November 28, 2016 2:54:01 PM
Importance: High

Good Afternoon

We are writing to inquire as to the status of the investigation into Eckhardt Senior Services and if and when the Cease and Desist Order will be enforced.

Our original complaint regarding Eckhardt was made in May of 2016 and to date nothing seems to have been addressed with reference to our complaint.

Eckhardt Senior Services continues to operate with impunity and well outside the parameters of their special licence.

s.15 and continues to receive calls daily
looking for the \$5.00 taxi company.

To say that we are frustrated with the situation is an understatement.

Thank you for your attention to this matter and we look forward to your reply.

s.15

From: [Dennis, Perry TRAN:EX](#)
To: s.15
Subject: RE: Eckhardt Senior Service Matter
Date: Tuesday, September 13, 2016 9:05:25 AM

Good Morning s.15

As I explained in my previous e-mail note, we are aware of the complaint and continue our investigation although I am unable to discuss the details of that investigation with you. Please be assured, we are aware of the allegations and continue to monitor the situation.

Thank you,

Perry Dennis

Deputy Director, Operations

From: s.15
Sent: Friday, September 9, 2016 12:18 PM
To: Dennis, Perry TRAN:EX
Subject: Eckhardt Senior Service Matter
Importance: High

Good Afternoon Mr. Dennis

We are writing to request an update on the matter of Eckhardt Senior Services. Our drivers continue to see Mr. DeLong and his staff picking up any and all types of passengers around the City of Penticton. We have made a number calls to book a car and confirm the price, still \$5.00 per trip, and never has the caller been questioned about their circumstances.

Our understanding is that there is a Cease and Desist Order in place and yet Eckhardt Senior Services continues to do business with impunity.

We are very very frustrated with this situation and would appreciate some action on this matter.

Thank you and we look forward to your reply.

s.15

(Need order)

Anywhere in Penticton!

\$5.00... available All day

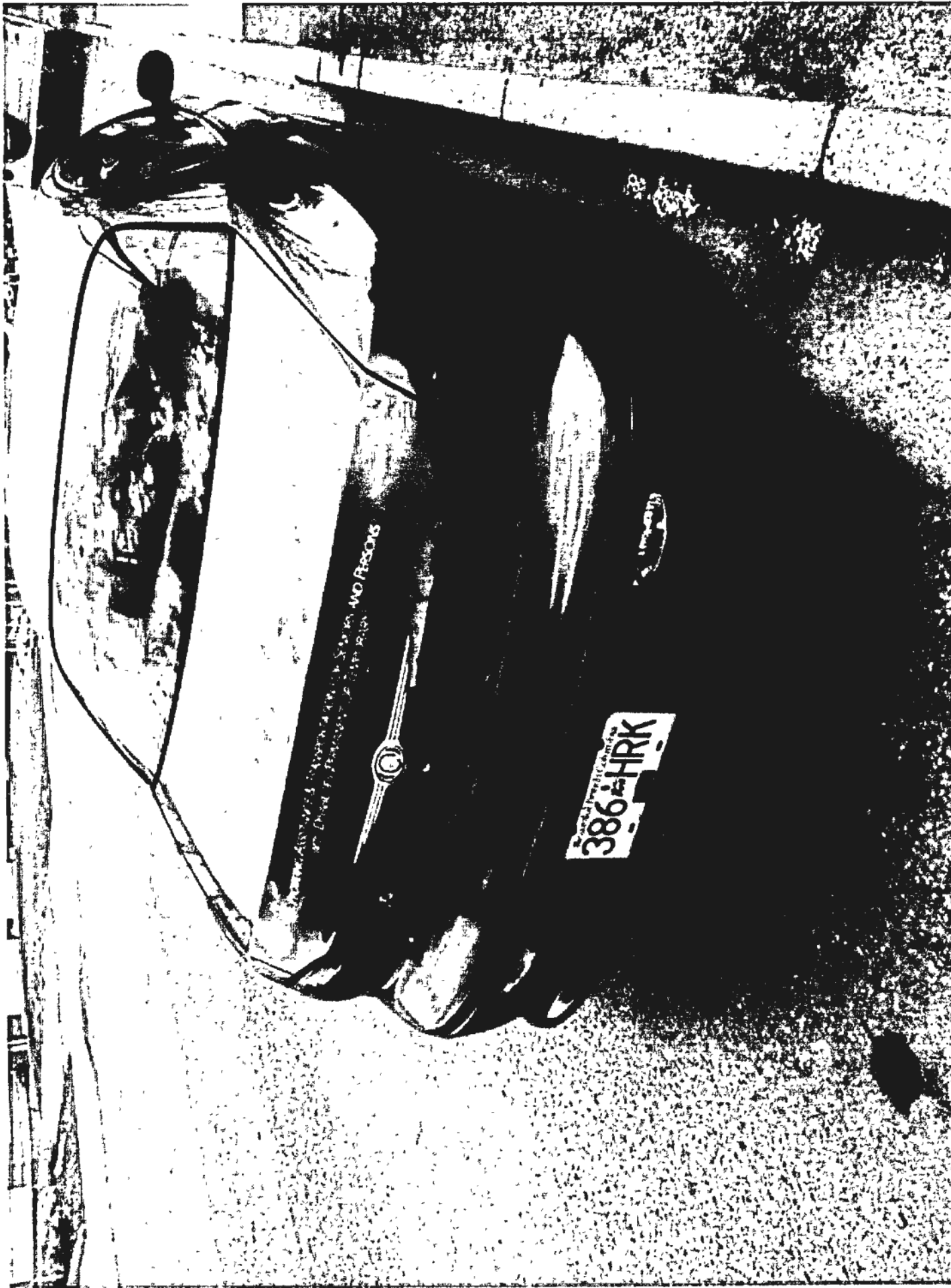
Weekends) (Weekdays 4:30pm-

9:30pm)

May 30/16
10:05 AM

778-931-0912 (text) or call

not related to Eckhardt anyone
Police told this individual to take it along.
We said it was along time ago







Sundquist, Doris TRAN:EX

From: Sundquist, Doris TRAN:EX
Sent: April-01-14 8:44 AM
To: TRAN ALL Passenger Transportation Registration Officers
Subject: Kerry Delong's (Eckhardt Senior Services) Application

Hi RO,

FYI regarding Kerry Delong's (Eckhardt Senior Services) application - an explanation from Jan.

Thanks, Doris

From: Broocke, Jan TRAN:EX
Sent: March-31-14 5:00 PM
To: Sundquist, Doris TRAN:EX
Cc: Mitten, Kathleen TRAN:EX
Subject: RE: Appln # 06-14 FW: Bulletin Etc.

The internal memo was the decision – like a summary dismissal. As the exemption applies, the Board has no jurisdiction. Under the Administrative Tribunals Act, the Board can summarily dismiss an application if the application is not within the jurisdiction of the Board. Should this case arise again, we could use more precise language. Cheers, JB

From: Sundquist, Doris TRAN:EX
Sent: Monday, March 31, 2014 4:20 PM
To: Broocke, Jan TRAN:EX
Subject: Appln # 06-14 FW: Bulletin Etc.

Hi Jan,

By chance, was there a Board decision report (e.g. three part test) on Application 06-14 -Kerry Delong Holdings Inc. or was the Board's internal memorandum to you from Brenda the decision.

Thanks, Doris

From: Mitten, Kathleen TRAN:EX
Sent: March-26-14 2:58 PM
To: TRAN ALL Passenger Transportation Staff
Cc: LeMoine, John TRAN:EX; Van Damme, John TRAN:EX
Subject: FW: Bulletin Etc.

The Weekly Bulletin and fuel surcharges are posted

<http://www.th.gov.bc.ca/ptb/bulletins.htm>

<http://www.th.gov.bc.ca/ptb/surcharges.htm>

POLICY:		REGISTRATION:		HIST:	
REQUESTED POLICY	s.15	ATTACHED VEHICLE	s.15		
ATTACHED TO VEHICLE	s.15	ATTACHED TO POL	s.15	SINCE 20JUN2015	
DATES:	STATUS IS ACTIVE	STATUS IS ACTIVE		SINCE 20JUN2015	
EFFECTIVE 30NOV2015	EXPIRY 29NOV2016	COLOR WHI	FUEL G	YEAR 2015	
ORIG EFF 30NOV2011	STATUS 30NOV2015	MAKE FORD	MODEL C-MAX	BODY HATBK	
TERMINATE	PNPEXP	VIC	s.15	VIN	s.15
LAST UPDT 30NOV2015	12 CRS 30NOV2011	VEH TYPE 1 RHD	NT WT 1710	GVW	
ATTACHED 20JUN2015	36 CRS 30NOV2011	DISPL	FEE CODE 109	COND	
COVERAGE: RGTY 1	CLRG 14	CMRG 15	SEAT CAP 000	STATUS	
TERR L RATE 027	BIPD 2M (06)	VALUE	PREV POL		
UMP Y PR VR B DSBL N	COLL 500 (06)	LAST BK# 617	NSC	PTA	
LOU	COMP 300 (05)	ORIG DOC# 4HCC4NA	LAST DOC# RA-TV4JTQF		
CRS RECD -43 (-20)	PLAN Y	NAME CDE DEL #OWNRS 1	LEASED	DIST 112	
PREV CRS	TERRS	AIRCARE ELIGIBLE: N			
FLEET	UNIT	AGENT 70121			
CRS: 30NOV2015	ELIG -43 (-20)	CLM	DELONG KERRY LEE		
MODL s.22			s.22		
MODL	DELONG KERRY L				
PREV VEH	10840896				
REPLACED BY	ON				
REPLACING	DX1465-X ON 25JUN2013				

s.22

drawn

POLICY:		REGISTRATION:		HIST:	
REQUESTED POLICY s.15		ATTACHED VEHICLE s.15			
ATTACHED TO VEHICLE s.15		ATTACHED TO POL s.15		SINCE 16JAN2016	
STATUS: STATUS IS ACTIVE		STATUS IS ACTIVE		SINCE 16JAN2016	
EFFECTIVE 16JAN2016 EXPIRY 15JAN2017		COLOR WHI	FUEL L	YEAR 2016	
ORIG EFF 16JAN2016 STATUS 16JAN2016		MAKE FORD	MODEL C-MAX	BODY HATBK	
TERMINATE PNPEXP		VIC s.15	VIN s.15		
LAST UPDT 18JAN2016 12 CRS 16JAN2016		VEH TYPE 1 RHD	NT WT 1710	GVW	
ATTACHED 16JAN2016 36 CRS 16JAN2016		DISPL	FEE CODE 109	COND	
COVERAGE: RGTYP 1 CLRG 16 CMRG 15		SEAT CAP 000	STATUS		
TERR L RATE 027 BIPD 3M (07)		VALUE	PREV POL		
UMP Y PR VR B DSBL N COLL 300 (05)		LAST BK# 617 NSC	PTA		
LOU NVR 1 COMP 300 (05)		ORIG DOC# 84PJ26A	LAST DOC# PA-84PJ26A		
		NAME CDE KER #OWNRS 1	LEASED	DIST 112	
CRS RECD -43 (-20) PLAN Y		AIRCARE ELIGIBLE: N			
PREV CRS TERRS		ANTITHEFT I	LOCATION ADDRESS: R		
LEET UNIT AGENT 70602					
RS: 16JAN2016 ELIG -43 (-20) CLM		KERRY DELONG HOLDINGS INC			
DDL		DBA ECKHARDT SENIOR SERVICE			
DDL s.22	- DELONG, KERRY LEE	s.22			
REV VEH					
REPLACED BY	ON				
REPLACING	ON				

Page: 1 Document Name: untitled

POLICY: CT636X REGISTRATION:

HIST:

* NO SUCH POLICY NUMBER EXISTS **

te: 2016-05-30 Time: 9:56:06 AM



Incident Detail

File Number 2016-00039
Requestor s.15
Location
Subject PDV Complaint

Request Type
Assigned Inspector
Received via

Record Other (Non-Taxi) Compl
312 Louise Swan
Email

Received Date May 27, 2016
Assigned Date May 27, 2016
Completion Date Sep 6, 2016

Requestor
s.15

Licensee
PT Number
License Type
ATTN Keery Lee & Ellen Elizabeth DeLong
Erckhardt Senior Services
s.22

Phone s.15
Cell
Email s.15

Fax

Vehicle
Reg/VIN
Plate #
Owner

Jurisdiction

Phone s.22
Fax
Email

Driver

License Num:
Driver Name:
Birthdate:

Class:
Expiry Date
Jurisdiction

Comments:

May 26/16 1:43 PM. (Letter imported to the correspondence tab.)
We could not print out the photographs in the format that they submitted them in. Asked them to re-send but did tell s.15 that s.22 did send photos of the vehicles.
Attention: Duty Officer

Please see our attached letter and accompanying photographs for your perusal.

Thank you for your attention to this matter and we look forward to your reply.

s.15

May 27/16 8 54 AM.
Good morning s.15

Further to our telephone conversation this morning I have provided you with the Passenger Transportation Board's decision on application 06-14 for your review.

http://www.th.gov.bc.ca/ptb/Bulletins/2014/140326_Bulletin.pdf

May 30/16 I contacted Kerry DeLong to let him know the PT Branch received two complaints allegeding they are providing a taxi service. The PT Board ruled the services they provide meet the exemption PTAR 5 (o). I asked Kerry DeLong to provide a detailed letter explaining the services they provided.

June 01, 2016 1:55 PM.

Last Updated By: mglovell

Last Updated Date: Sep 6, 20

Printed: Tuesday, September 6, 2016 - 11:16 54 am

Page 1 of



Incident Detail

File Number	2016-00039	Request Type	Record Other (Non-Taxi) Compl	Received Date	May 27, 2016
Requestor	s.15	Assigned Inspector	312 Louise Swan	Assigned Date	May 27, 2016
Location		Received via	Email	Completion Date	Sep 6, 2016
Subject	PDV Complaint				

Good Afternoon Louise

Please see attached the photos in jpeg format that you should be able to open

I have also included a scanned copy of two payment receipts that were provided to a s.22 who can be reached at s.22. He got the Eckhardt Senior Service phone number from a flyer at Penticton Regional Hospital. He was told that the fee for going anywhere in the City of Penticton was \$5 00, as you can see from the receipts. s.22 advised that his first driver was Kerry DeLong, though he did not put his name on the card.

Thank you for your attention to this matter and we look forward to your reply.

s.15

May 31/16 9 02 AM Letter of Kerry deLong of Eckhardt Senior Services detailing their services they provide under the exemption PTAR 5 (o).

June 03, 2016 9.43 AM.

Good morning Kerry and Ellen DeLong,

Thank you for your summary

We discussed your Summary of Operations at our Inspectors' meeting yesterday afternoon

The Passenger Transportation Branch was provided with two receipts for May 20, 2016 issued from Eckhardt Senior Service. Both receipts are for a total \$5 00 each.

In your summary you stated we pro-rate into 5 minute increments which totals \$3.75 tax included for each 5 minutes. The Registrar would like to know the following

- How was the \$5 00 charge determined (calculated)
- How is personal care and transportation being provided for \$5 00.
- How does this service meet the exemption PTAR 5 (o).

Exemptions

5 The provisions of the Act and this regulation do not apply to the following.

(o) a commercial passenger vehicle when

- (i) the operator of the commercial passenger vehicle is operating the vehicle in the course of providing care, including hygiene, meal preparation, light housecleaning or shopping, to clients who require personal assistance with activities of daily living,
- (ii) the arrangement or provision of that transportation is not a primary business of that operator, and
- (iii) no compensation is directly charged or collected for the provision of the transportation portion of the service being provided to that client by the operator;

Please provide your explanation to the Registrar by Tuesday, June 07, 2016.

June 06/16 4 07 PM

- How was the \$5 00 charge determined (calculated)

We follow a general guideline that when a task takes less than 10 mins, then the charge to that clients account is \$5.00 (our minimum charge). We have not yet had any tasks that take less than 7 mins

Last Updated By: mgioveill

Last Updated Date Sep 6, 2016

Printed Tuesday, September 6, 2016 - 11:16:54 am

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Incident Detail

File Number	2016-00039	Request Type	Record Other (Non-Taxi) Compl	Received Date	May 27, 2016
Requestor	s.15	Assigned Inspector	312. Louise Swan	Assigned Date	May 27, 2016
Location		Received via	Email	Completion Date	Sep 6, 2016
Subject	PDV Complaint				

- How is personal care and transportation being provided for \$5 00

This is solely due to the topography of the city of Penticton, and would apply only to movement along the main street, south main and skaha lake road corridors, as most of our local "through-the-door-services" complete in less than 10 minutes. Tasks taking more than 10 mins or longer are billed accordingly Once we head beyond to outlying areas the charge increases based on time only

Billing Examples Penticton into the Summerland clinic is approx. 27 mins and bills at \$20 00
 Penticton into the Kelowna Hospital is approx. 60 mins and bills at \$45 00
 Penticton into the Kelowna Airport is approx 83 mins and bills at \$65 00

An example of a simple task that would bill out at a minimum charge: approx. 7-8 mins

A senior, s.22 wants to go do some grocery shopping, and books our services for a pickup at 10 am on Tuesday She chooses to leave her walker at home and use the shopping cart as her walker this time as she only needs a few items. She Lives 's.22 of her nearest grocery store She knows it will take her about an hour so she also books a returning pickup at 11am .

Our task: To accompany s.22 at 10 am to the store As she doesn't have her walker today we know she will be waiting at the door. Where, when we arrive we will meet her at her door. And assist her into the awaiting vehicle, walking arm in arm for support. Once buckled in we drive the few minutes to the store Once there we fetch a grocery cart for her, once she has the cart in hand for stability she releases us from service.

During transit, we let s.22 know that if she gets tired or finishes earlier than our arranged time for pick up, that she can have the service desk at the store give us a call and we will collect her earlier

On our return trip home with s.22 the only change to the routine is the added groceries. As this was a light shop our attendant was able to carry the bags of groceries in one arm and walk arm in arm with the other Safely back thru her door And safely into her home with her groceries placed on her countertop. So the return trip also took less than 8 mins

Occasionally, s.22 wants to do a heavier grocery shop and requires our assistance to push the heavy buggy around She will use her walker Start to finish with her groceries landed on her kitchen counter or put away .. Whichever she wishes is billed solely dependent on time.

Another example of our typical client. s.22

s.22 is one of our s.22 clients who regularly visits the s.22 (much to her distaste) When s.22 they call us .. We head up to collect s.22 and drive her s.22 home, where we utilize our transport chair to get her safely into her home and comfortably into her living room chair, we usually then fetch her a glass of water or milk from the fridge and ensure she is comfortable before we lock up and leave . This task from beginning to end takes approx. 8 mins and we charge her account \$5 00

When s.22 needs to go to a doctor's appointment we again utilise our transport chair and attend with her through her appointment, assisting as required. The average length of this task is 1 25 hours and her account is billed accordingly

s.22 is our contact with regards to her account He resides in s.22
 I would like to Quote to you his note/card of thanks we received with his last billing

As follows:

Dear Ellen and Kerry

The simple words "thank you" seems hardly adequate to express our appreciation for the vehicle/companion service that Eckhardt Senior Service provides seniors, but we want to say them to you with the utmost sincerity

The hardest thing about living so far away is worrying about my mother s.22 falling or injuring herself while going to a medical appointment using public transit, taxi or attempting to walk without any assistance

The caring that you provide is the added value that we appreciate very much
 Goodwill is always rewarded, thank you.

Last Updated By mglovell

Printed Tuesday, September 6, 2016 - 11.16 55 am

Last Updated Date Sep 6, 2016

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Incident Detail

File Number	2016-00039	Request Type	Record Other (Non-Taxi) Compl	Received Date	May 27, 2016
Requestor	s.15	Assigned Inspector	312 Louise Swan	Assigned Date	May 27, 2016
Location		Received via	Email	Completion Date	Sep 6, 2016
Subject	PDV Complaint s.22				

It is letters like these that keep us going, we have even been honorably mentioned in our past clients obituaries. It makes us proud of the services and the vehicles that we provide to serve the local community

• How does this service meet the exemption PTAR 5 (o)

- i We are providing care and personal assistance to our senior and disabled clients
- ii Transportation is not our primary business. Care and Personal Assistance is
- iii. We do not have any charges related to the use of our vehicles.

Previously, when we originally applied for licencing with the Board, you determined that due to the nature of "what we are doing" and "how we are doing it" labeled us as a companion service and an exemption from licencing applied as our services met the criteria of Part 5 (o).

Over the past years of our growth it has been noted that as the majority of our clients reside in assisted living or community care facilities, that possibly the exemption of part 5 (i) may also apply to our services. As well in some cases Part 3 (2) (b) may be applied to our services.

The business model we have developed can go a long way to help solve some of the transportation issues facing senior citizens and handicapped / disabled persons living on fixed incomes. We need your support not your condemnation.

Our Vehicles and Office records pertaining to our operations will at all times be made available to your staff for further scrutiny should the need arise.

Notes

The local BC Transit / HandyDart service has been in touch with us with regards to handling some of the overflow transit needs of their passengers. Similar to the way they dispatch those trips out to the Taxi companies. I have told them that they would need to contact the City of Penticton and the Passenger Transportation Board and to consult Part 5 (c) of the act before we would be able to touch any of their clients or accept any handydart vouchers and have left it at that

As well, a few government sponsored programs have been in touch with us about hiring from their programs and offering to pay 1/2 wages for any employees we can hire

Since our inception some 3 years ago we have gone thru many growing pains, we started with a handful of clients and. If you recall some 2.5 years ago the taxi companies accused us of many infractions causing the Passenger Transportation Board to shut us down while we went through the process to become properly licenced/defined. Here we are 2 years later and we have grown to a base of 400 regular clients and are adding some 10 to 20 clients per week on a steady basis. By the end of this summer we calculate that we will have between 700 and 1000 regular users of our services here in Penticton

We have financial approval of up to 10 more new vehicles and some local seniors groups have offered to purchase 2 or 3 newer wheelchair capable vans so that we may assist those confined to wheelchairs.

Thank You
Kerry DeLong
kid

June 10, 2016 12 46 PM
Good afternoon, s.15

Just to let you know the Registrar will be sending the proposed services of Eckhardt Seniors Service to the Passenger Transportation Board in Victoria for a review to determine if all the services meet the exemption PTAR 5 (o).

June 16, 2016 9 23 AM

Last Updated By mglovell

Printed Tuesday, September 6, 2016 - 11:16 55 am

Last Updated Date

Sep 6, 2016

Page 4 of 4



Incident Detail

File Number 2016-00039
Requestor s.15
Location
Subject PDV Complaint

Request Type
Assigned Inspector 312: Louise Swan
Received via Email

Record Other (Non-Taxi) Compl
Received Date May 27, 2016
Assigned Date May 27, 2016
Completion Date Sep 6, 2016

Hello Cindy,

As per Perry Dennis' request I have provided you with the following information.

Kerry & Ellen DeLong dba Eckhardt Seniors Service (Eckhardt) Eckhardt made an application (06-14) to the Passenger Transportation Board (Board) for a Special Authorization licence in February 2014. The Board determined that section 5 (o) of the Passenger Transportation Regulation applies to this service which is primarily a companion service, with transportation a secondary service. Therefore, the service is exempt from licensing. (published in the weekly bulletin on March 26, 2014) http://www.th.gov.bc.ca/ptb/Applications/2014/140205/06-14_ApplicationSummary.pdf

http://www.th.gov.bc.ca/ptb/Bulletins/2014/140326_Bulletin.pdf

- On May 11, 2016 the Passenger Transportation Branch (Branch) received a complaint from s.15 providing rides to the public at \$5 00/ride anywhere in town
- On May 26, 2016 the Branch received a complaint from s.15 providing transportation for a flat fee rate of \$5 00 anywhere in Penticton and a flat fee rate of \$15 00 for out of town trips, for example to Kaleden and/or Naramata
- May 30, 2016 I telephoned Kerry DeLong and advised him the Branch has received complaints alleging they are providing a taxi service and requested a detailed letter explaining the services they are providing
- May 31, 2016 Branch received a summary of their operations from Kerry and Ellen DeLong
- June 01, 2016 e-mail from s.15 And a copy of 2 receipts allegedly issued by Eckhardt from the Penticton Hospital to 2 different drop off locations in Penticton.
- June 03, 2016 I sent an e-mail to Kerry and Ellen DeLong asking them to provide responses to 3 items detailed in their summary for the Registrars review
- June 06, 2016 responses received from Kerry & Ellen DeLong
- June 09, 2016 responses reviewed at Inspectors' meeting
- June 10, 2016 the complainants were advised via e-mail that the Registrar will be sending the file to the Board in Victoria for a review and to determine if all the services meet exemption PTAR 5 (o)

July 05, 2016 1 33 PM.

Good afternoon Kerry and Ellen DeLong,

Further to our telephone conversation on May 30, 2016 wherein I requested a detailed letter explaining the services you are currently providing to your client's because the Passenger Transportation Branch (Branch) had received complaints that Eckhardt Senior Service is allegedly providing a taxi service

The Branch reviewed your Summary of Operations and I sent you a subsequent e-mail on Friday, June 3, 2016 9 43 AM to provide your requested responses to the 3 bullets contained in the e-mail. Your response was received on Monday, June 6, 2016 4 07 PM. and has also been reviewed.

We've reviewed the original Passenger Transportation Board (Board) decision on your current operations and billing practices We have provided you with the following links to review the decision of the Board on Eckhardt Seniors Service application 06-14.

http://www.th.gov.bc.ca/ptb/Applications/2014/140205/06-14_ApplicationSummary.pdf

http://www.th.gov.bc.ca/ptb/Bulletins/2014/140326_Bulletin.pdf

Summary of Operations

2 Nature of business

"We will attend with our clients, or prearrange with the client their safe journey home afterwards when our onsite services are not required"

4 Client Costs/Billing

"Our rate is \$45 00 per hour (tax included) for our services We pro-rate into 5 minute increments which totals \$3 75 tax included for each 5 minutes Occasionally, subject to financial hardships and/or the fixed incomes of our clients we have adjusted that rate down to \$25 00 per hour depending on the nature of our clients specific needs".

You cannot provide unaccompanied transportation services under exemption 5 (o) All accompanied transportation services provided on behalf of your customers must be included in the same hourly rate charged (cannot pro rate in 5 minute increments) for providing care, including hygiene,

Last Updated By mglovell

Last Updated Date Sep 6, 2016

Printed: Tuesday, September 6, 2016 - 11:16 55 am

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Incident Detail

File Number	2016-00039	Request Type	Record Other (Non-Taxi) Compl	Received Date	May 27, 2016
Requestor	s.15	Assigned Inspector	312: Louise Swan	Assigned Date	May 27, 2016
Location		Received via	Email	Completion Date	Sep 6, 2016
Subject	PDV Complaint				

meal preparation, lights housecleaning or shopping. If you want to bill customers on a time basis or pro-rated charge you will require a Special Authorization licence. You can download the appropriate forms from the Guide at the following link: <http://www.th.gov.bc.ca/ptb/forms.htm> Guide 9 "I want to start a new PDV service".

You must immediately change your practices and bill your customers on an hourly basis and all transportation services provided to your customers must be accompanied. (start to end of services provided) Please refer to the determination by the Board and the Application Summary at the above links provided.

You may wish to review the following Passenger Directed Vehicle exclusion. If you feel your services meet the exclusion in its entirety then you could make application for a General Authorization licence.

3 (2) The following commercial passenger vehicles are excluded from the definition of "passenger directed vehicle":

(b) a commercial passenger vehicle that is used only to transfer

(i) persons who have a disability, either permanent or temporary, confirmed by a medical practitioner, that is sufficiently severe that the person is physically unable without assistance to use conventional transit service, and

(ii) any person accompanying a person referred to in subparagraph (i);

If you have any questions please contact me directly

August 9, 2016 - Kerry DeLong responded as follows:

Regarding your letter dated July 27, 2016

We (Eckhardt Senior Service, Kerry DeLong and Ellen DeLong) do acknowledge that we understand the issues raised in this letter and agree to appropriately revise our company's practices so that we are not supplying any services for which we require approval pursuant to the Passenger Transportation Act but for which we have not received the required authority.

Our intentions are that all our services provided meet with the exemption 5(o).

We have been pursuing our goals using as our guide the Form 9 and the Business Plan submitted with our original application.

With our latest growth spurt and conflicts with the taxi companies many of our clients are questioning and seeking answers to the nature of our given exemption. As I penned in an earlier correspondence, we are inquiring about exemption 5c with relation to assisting the handi-dart services as provided by BC Transit. The assisted living residences and community care facilities are inquiring about 5 (L) and to whether or not this exemption may also apply to our services. The Hospitals, Medical Clinics and Doctors all seem very happy with 5(o).

Our question is: Should we be recognized under these other exemptions? Or does 5(o) cover those bases? It was suggested that possibly 3.2(b) may be more suitable to our services. Which direction would you like to see us go?

We do seek your guidance in these matters as we strive to do the right thing.

August 9, 2016 - the following email was received from s.15

Good Morning

s.15

Senior Services To say that s.15

approval is an understatement.

is frustrated regarding the fact that Eckhardt Senior Services is in blatant disregard of their PTB special

They were approved for the operation of one (1) vehicle and we have provided proof that the company is operating six (6) vehicles. We have provided proof that they continue to charge a flat fee of \$5.00 per trip for the entirety of Penticton, not the minimum \$45.00 per hour as approved for, and we have provided proof that they are not restricting their pick ups to passengers over 65 years of age, along with a companion, who are unable to drive or use public transit.

Last Updated By: mglovell

Printed: Tuesday, September 6, 2016 - 11:16:55 am

Last Updated Date

Sep 6, 2016

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Incident Detail

File Number	2016-00039	Request Type	Record Other (Non-Taxi) Compl	Received Date	May 27, 2016
Requestor	s.15	Assigned Inspector	312 Louise Swan	Assigned Date	May 27, 2016
Location		Received via	Email	Completion Date	Sep 6, 2016
Subject	PDV Complaint				

May we have an update please?

Thank you for your attention to this matter and we look forward to your reply _____

August 10, 2016 - the following response was provided to s.15

Hello S.15

Thank you for your note and forwarding s.15 enquiry regarding Eckhardt Senior Service to the Passenger Transportation Branch (the Branch)

We have concluded our investigation into the complaint and the Branch has issued a Cease and Desist order under Section 23(1) of the Passenger Transportation Act

For your information, Eckhardt Senior Service made application for a Special Authorization Licence in 2014 and the Passenger Transportation Board (the Board) made a determination that they do not require a Passenger Transportation Licence (PT Licence), provided the service meets the requirements of the exemption described in Section 5(1)(o) of the Regulations, and that the service is one of a companion service and no compensation is directly charged for the transportation portion. In short, they cannot provide any stand-alone transportation services or any transportation services that would require a PT Licence

Regards. (mgf)

August 10, 2016 - an email was received from the DeLongs wherein they acknowledged that they do understand the issues raised and agree to appropriately revise their company's practices so that they are not supplying any services for which they require approval pursuant to the Passenger Transportation Act (mgf)

August 10, 2016 s.15 copied the Branch on an email addressed to Mohan Kang, President of BC Taxi Association (with attachments) The letter is housed under the correspondence tab

August 12, 2016 - response was provided by Perry Dennis, Deputy Director of Operations Branch, as follows,

Thank you for your response and acknowledgement of the Cease and Desist letter dated July 27, 2016. We appreciate your understanding and cooperation with this matter. Regarding your questions and the exemptions you have quoted, unfortunately they do not apply to the services you provide. The Passenger Transportation Board determined that the service you described in your 2014 application met the exemptions at 5(o) of the Passenger Transportation Act Regulation. What you are describing in your letter above dated August 9, 2016 seems to be a change in direction from the original proposal and more closely resembles transportation services for which a Passenger Transportation Licence may be required

We would be happy to forward any new application from you to the Passenger Transportation Board for a determination.

August 16, 2016 - the following email was received from s.15

Good Morning Ms. Lovell

Thank you for your email of August 10, 2016

We would like to ask what the next step the Branch will take when a "Cease & Desist Order" is issued. How does the Passenger Transportation Branch enforce such an Order? And what is the time frame under which the Order is enforced?

We ask because our drivers have noticed and logged that Mr. DeLong continues to drive all six (6) of his vehicles around Penticton and is

Last Updated By mglovell

Last Updated Date. Sep 6, 2016

Printed. Tuesday, September 6, 2016 - 11:16 55 am

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Incident Detail

File Number	2016-00039	Request Type	Record Other (Non-Taxi) Compl	Received Date	May 27, 2016
Requestor	s.15	Assigned Inspector	312- Louise Swan	Assigned Date	May 27, 2016
Location		Received via	Email	Completion Date	Sep 6, 2016
Subject	PDV Complaint				

continuing to pick up passengers at various locations. A couple of his vehicles have had the "Eckhardt Senior Services" decals removed from the sides of the cars but the vehicles are still out and about.

May we request a copy of the Order? If Mr. DeLong is allowed to continue to operate under the parameters of his special licence he is allowed to only operate one (1) vehicle, which he is not doing, and charge a minimum of no less than \$45.00 per hour. Considering the brevity of the trips in and around the City we suspect that he is continuing to charge a reduced rate for his services. We did make a call on Monday August 15th requesting a pick up and asked what the price would be and were told \$5.00 for in the City.

So can you please advise what steps will be taken to enforce the Cease & Desist Order and if there is anything further that we can do to assist.

Thank you for your attention to this matter and we look forward to your reply

August 16, 2016 - the following email was received from s.15

Good Morning Ms. Lovell

Thank you for your email of August 10, 2016.

We would like to ask what the next step the Branch will take when a "Cease & Desist Order" is issued. How does the Passenger Transportation Branch enforce such an Order? And what is the time frame under which the Order is enforced?

We ask because our drivers have noticed and logged that Mr. DeLong continues to drive all six (6) of his vehicles around Penticton and is continuing to pick up passengers at various locations. A couple of his vehicles have had the "Eckhardt Senior Services" decals removed from the sides of the cars but the vehicles are still out and about.

May we request a copy of the Order? If Mr. DeLong is allowed to continue to operate under the parameters of his special licence he is allowed to only operate one (1) vehicle, which he is not doing, and charge a minimum of no less than \$45.00 per hour. Considering the brevity of the trips in and around the City we suspect that he is continuing to charge a reduced rate for his services. We did make a call on Monday August 15th requesting a pick up and asked what the price would be and were told \$5.00 for in the City.

So can you please advise what steps will be taken to enforce the Cease & Desist Order and if there is anything further that we can do to assist.

Thank you for your attention to this matter and we look forward to your reply

August 18, 2016 - email from David Sabyan to Perry Thermen with copy of Inspector Lovell, as follows:

I received a complaint today from s.15

Apparently the owner (Kelly DeLong) of Eckhart Senior Services has received a cease and desist order from PTB. The complaint alleges that this company continues to operate with a fleet of 6 vehicles and offering rides for as little as \$5.00. Since I will be passing this along I have not seen the order I am passing this along.

s.15 may contact you as she has expressed concerns of the financial impact it has had s.15

David

August 18, 2016 - email from Perry Dennis to Perry Thermen, as follows:

Hello Perry,

We've been in communication with s.15 and she is not correct in her description of the alleged offence in that, Eckhardt Senior Services is not required a PT Licence because of an exemption as a companion service. They are not permitted to provide standalone transportation (taxi) services, which is what the allegation was that we received. They are not required a PT Licence, so there is no restriction on how many vehicles they can operate - provided they are operating them as per the exemption. I have spoken with Mohan Kahn of the Taxi

Last Updated By: mglovell

Last Updated Date Sep 6, 2016

Printed: Tuesday, September 6, 2016 - 11:16:55 am

Page 8 of 8



Incident Detail

File Number 2016-00039
Requestor s.15
Location
Subject PDV Complaint

Request Type
Assigned Inspector 312 Louise Swan
Received via Email

Record Other (Non-Taxi) Compl
Received Date May 27, 2016
Assigned Date May 27, 2016
Completion Date Sep 6, 2016

Association who said he would explain this to s.15 again today

Give me a call when you get a chance and we can talk more with regard to this. There was a Cease and Desist order written to Eckhardt and Kelly Delong, if you wish I'd be happy to provide you with a copy.

Thanks

August 22, 2016 - email from s.15

to Inspector Lovell, as follows

Good Morning Ms Lovell

May we please have a reply to our attached email of August 16 please, (see below)

Mr. DeLong and Eckhardt Senior Service continue to operate with impunity He has numerous vehicles on the road and continues to charge a flat fee of \$ 5 00 per trip As stated in our email we called to book a trip and were not questioned about our circumstances and were told when we inquired that the cost would be \$5 00 for the trip

Thank you for your attention to this matter and we look forward to your reply at your earliest convenience.

August 22, 2016 - email from Perry Dennis to s.15

as follows

Hello s.15

I asked Inspector Lovell to refer your note to me so that I could respond after discussing the issue with Mohan Kang As discussed with Mr. Kang, the Passenger Transportation Board determined during Eckhardt's initial application in 2014, that as a companion service they are exempt from obtaining a licence under Section 5(1)(o) of the Passenger Transportation Act. A licence is not required providing no standalone transportation is offered. If there is no licence required, then there are no restriction on how many vehicles can be operated.

We are aware of the complaint that was lodged against Eckhardt Senior Service and the nature of that complaint. I can assure you that we continue to investigate these allegations, although we are not able to share information with regards to any ongoing investigation or the action that may result from an investigation As Inspector Lovell has explained in her e-mail below, the branch has issued a Cease and Desist Order to Eckhardt Senior Service but again, we cannot share the content of that Order directly with you. If you are interested in receiving a copy of the Cease and Desist Order then I would suggest you make an application through our Freedom of Information and Privacy Branch

Cease and Desist Orders are designed as early intervention, to advise a person of an issue that has come to the attention of the Passenger Transportation Branch and that may not be permitted The order outlines the alleged activity and that, if continued may result in enforcement action being taken. Operating a service for which a Passenger Transportation Licence is required could result in a Violation Ticket and fine of \$1150 to \$5000.

I recommend you reach out to Mr Kang to discuss this issue as he is familiar with the nuances of the Passenger Transportation Act and how it relates to this particular issue.

Conclusion:

July 27, 2016 2 04 PM (conclusion of findings imported to the correspondence tab)
Good afternoon Kerry & Ellen Delong,

The Passenger Transportation Branch has concluded its investigation Please see attachment

If you have any questions please contact Perry Dennis, Deputy Director, Operations at 604-527-2198

August 22, 2016 - the investigation against Eckhardt Senior Service was concluded by Perry Dennis, wherein s.15 was advised that they reach out to Mohan Kang to discuss further issues as he is familiar with the nuances of the Passenger Transportation Act and how it relates to issues involving Cease & Desist Order and content.

Last Updated By. mglovell

Last Updated Date Sep 6, 2

Printed Tuesday, September 6, 2016 - 11:16 55 am

Page 9 o



Incident Detail

File Number 2016-00039
Requestor s.15
Location
Subject PDV Complaint

Request Type Record Other (Non-Taxi) Compl
Assigned Inspector 312. Louise Swan
Received via Email

Received Date May 27, 2016
Assigned Date May 27, 2016
Completion Date Sep 6, 2016

The investigation is now closed (mgl)

Swan, Louise M TRAN:EX

From: Dennis, Perry TRAN:EX
Sent: Tuesday, September 13, 2016 9:18 AM
To: Therrien, Perry J TRAN:EX
Cc: Sabyan, David TRAN:EX; Vanderkuip, Kristin TRAN:EX; Swan, Louise M TRAN:EX
Subject: RE: Eckhardt Senior Service

Hello,

Thanks for your assistance with this, please let me know if you come across any other issues or violations with this company.

Thanks again,
Perry D

From: Therrien, Perry J TRAN:EX
Sent: Monday, September 12, 2016 5:02 PM
To: Dennis, Perry TRAN:EX
Cc: Therrien, Perry J TRAN:EX; Sabyan, David TRAN:EX
Subject: FW: Eckhardt Senior Service

Perry,

Dave Sabyan went to the ^{s.22} today as he thought there might be a business card or some sort of local advertising he could find to make contact with Eckhardt Senior Services. Coincidentally he came upon and observed one of the Eckhardt Senior Service drivers providing their service.

Dave documented his observation (see below) and when I discussed it with him he felt the service provided by the driver in this case was over and above what a "normal" taxi service provides.

We will continue to monitor the situation and address any safety concerns raised by the local Taxi industry as time and resources allow.

If you require anything further please let me know.

Yours Truly

Perry Therrien
Okanagan Shuswap District CVSE Manager

From: Sabyan, David TRAN:EX
Sent: Monday, September 12, 2016 4:35 PM
To: Therrien, Perry J TRAN:EX
Subject: Eckhardt Senior Service

Perry, today I was at the ^{s.22} the reception area of the main floor office.

streets. I was inside

I witness the following at 15:37 today.

A man approached a elderly lady who was inside the office sitting on a bench near the receptionist. He told her, " your ride is here, I will be taking you home".

He then carried a bag of hers (like an oversized beach bag-purse), and she headed out the door with him. She used a walker to assist herself. He then placed the bag into the rear seat of the car, and then moved the car closer to the drop off area of the side walk near the handicap parking zone area. He did this so she would not have to step off the sidewalk drop, but rather use the area where the sidewalk is level with the pavement. He then assisted her into the front seat of the vehicle and placed her walker into the rear seat. This took a couple of minutes, my guess is she was close to 80 years old. I then approached the driver, and gave him one of my business cards asking if he was the owner (he was not). He was concerned that I was going to tell him he couldn't park at the area that was marked handicap parking.

The vehicle was a newer model ford four door sedan (Fusion ?), light beige in colour. I did not record the plate number.

On the vehicle in letting was, Eckhardt Senior Service, 778-476-1948.

David Sabyan

Lovell, Margaret G TRAN:EX

From: Dennis, Perry TRAN:EX
Sent: Thursday, August 18, 2016 4:01 PM
To: Therrien, Perry J TRAN:EX
Cc: Lovell, Margaret G TRAN:EX; Sabyan, David TRAN:EX
Subject: FW: Complaint

Hello Perry,

We've been in communication with s.15 in Penticton and she is not correct in her description of the alleged offence in that, Eckhardt Senior Services is not required a PT Licence because of an exemption as a companion service. They are not permitted to provide standalone transportation (taxi) services, which is what the allegation was that we received. They are not required a PT Licence, so there is no restriction on how many vehicles they can operate - provided they are operating them as per the exemption. I have spoken with Mohan Kahn of the Taxi Association who said he would explain this to Penticton Taxi again today.

Give me a call when you get a chance and we can talk more with regard to this. There was a Cease and Desist order written to Eckhardt and Kelly DeLong, if you wish I'd be happy to provide you with a copy.

Thanks
Perry

From: Sabyan, David TRAN:EX
Sent: Thursday, August 18, 2016 3:37 PM
To: Therrien, Perry J TRAN:EX
Cc: Lovell, Margaret G TRAN:EX
Subject: Complaint

I received a complaint today from s.15

Apparently the owner (Kelly DeLong) of Eckhart Senior Services has received a cease and desist order from PTB. The complaint alleges that this company continues to operate with a fleet of 6 vehicles and offering rides for as little as \$5.00. Since I will s.22 I have not seen the order I am passing this along.

s.15 may contact you as she has expressed concerns of the financial impact it has had Penticton Taxi.

David

Page 041 to/à Page 044

Withheld pursuant to/removed as

DUPLICATE

Lovell, Margaret G TRAN:EX

From: Dennis, Perry TRAN:EX
Sent: Friday, August 12, 2016 9:25 AM
To: s.22
Cc: Lovell, Margaret G TRAN:EX; Swan, Louise M TRAN:EX; Vanderkuip, Kristin TRAN:EX
Subject: eckhardt senior service
Attachments: PTB-Registrar-reply.docx

Hello Kerry,

Thank you for your response and acknowledgement of the Cease and Desist letter dated July 27, 2016. We appreciate your understanding and cooperation with this matter. Regarding your questions and the exemptions you have quoted, unfortunately they do not apply to the services you provide. The Passenger Transportation Board determined that the service you described in your 2014 application met the exemptions at 5(o) of the Passenger Transportation Act Regulation. What you are describing in your letter above dated August 9, 2016 seems to be a change in direction from the original proposal and more closely resembles transportation services for which a Passenger Transportation Licence may be required.

We would be happy to forward any new application from you to the Passenger Transportation Board for a determination.

Thanks,
Perry Dennis
Deputy Director, Operations
Passenger Transportation Branch

From: Kerry DeLong [mailto:s.22]
Sent: Wednesday, August 10, 2016 4:03 PM
To: Passenger Transportation Br, TRAN:EX
Subject: eckhardt senior service

Please find attached our letter of confirmation that we understand the issues raised and agree to revise our companies' practices.

Thank you
Kerry DeLong

August 9, 2016

*Dawn Major, Registrar and Director
Perry Dennis, Deputy Director, Operations
Louise Swan, Transportation Inspector
Passenger Transportation Branch
Ministry of Transportation and Infrastructure*

Regarding your letter dated July 27, 2016

We (Eckhardt Senior Service, Kerry DeLong and Ellen DeLong) do acknowledge that we understand the issues raised in this letter and agree to appropriately revise our company's practices so that we are not supplying any services for which we require approval pursuant to the Passenger Transportation Act but for which we have not received the required authority.

Our intentions are that all our services provided meet with the exemption 5(o).

We have been pursuing our goals using as our guide the Form 9 and the Business Plan submitted with our original application.

With our latest growth spurt and conflicts with the taxi companies many of our clients are questioning and seeking answers to the nature of our given exemption. As I penned in an earlier correspondence, we are inquiring about exemption 5c with relation to assisting the handi-dart services as provided by BC Transit. The assisted living residences and community care facilities are inquiring about 5 (L) and to whether or not this exemption may also apply to our services. The Hospitals, Medical Clinics and Doctors All seem very happy with 5(o).

Our question is. Should we be recognized under these other exemptions? Or does 5(o) cover those bases? It was suggested that possibly 3,2(b) may be more suitable to our services. Which direction would you like to see us go?

We do seek your guidance in these matters as we strive to do the right thing.

Thank You
Kerry DeLong
Ellen DeLong

Lovell, Margaret G TRAN:EX

From: s.15
Sent: Wednesday, August 10, 2016 2:19 PM
To: mohankang@shaw.ca
Cc: Passenger Transportation Br, TRAN:EX
Subject: Eckhardt Senior Services / Complaint
Attachments: Aug 10 ltr to BC Taxi Assoc.tiff; May 25 ltr to PT Branch re Eckhardt Senior Service.docx, PTB Application Summary & receipts.tiff; Eckhardt Senior Service # 1.jpg; Eckhardt Senior Service # 3.jpg; Eckhardt Senior Service # 4.jpg; Eckhardt Senior Service # 6.jpg; Eckhardt Senior Service # 7.jpg; Eckhardt Senior Service # 8.jpg

Dear Mr. Mohan

Please see our attached letter of today's date for your information and review.

I also include the link to the newspaper article written with regard to the issue of Eckhardt Senior services: http://www.pentictonherald.ca/news/article_bd5f5044-51f6-11e6-9a7b-ffac9123e787.html

Thank you for your assistance with this matter and we look forward to your reply.

s.15

August 10, 2016

Sent Via Email: mohankange@shaw.ca

BC Taxi Association
983 Leveret Place
Victoria, BC V8X 4L4

Attention: Mr. Mohan Kang, President

Dear Sir:

RE: Eckhardt Senior Services / Complaint to Passenger Transportation Branch

This is written permission for Mr. Mohan Kang to speak to the BC Passenger Transportation Branch, and any other entity or related organization, regarding the above captioned matter. We are a member in good standing of the BC Taxi Association and Mr. Kang has our permission to speak on our behalf.

Our original complaint regarding Eckhardt Senior Services was filed with the Passenger Transportation Branch on May 25 of 2016; see attached copy of our letter. At the request of the Passenger Transportation Branch we provided proof that Eckhardt Senior Services was operating six (6) vehicles, photos were provided, and that Eckhardt Senior Services was charging a flat fee of \$5.00 per trip, receipts were provided, for inside the City of Penticton proper and \$15.00 per trip outside the City of Penticton, for example Naramata and/or Summerland.

Please see the attached copy of Eckhardt Senior Service's special licence approval where it clearly states that the company is approved for the operation of one (1) vehicle and that the fee to be charged is a minimum of \$45.00 per hour for services provided.

Eckhardt Senior Service has been advertising around the City and we have noticed a significant drop in our business, particularly in the seniors' community. A number of our regular clients no longer call for our services. We have also received calls asking "is this the \$5.00 taxi company?"

Upon a number of follow up enquiries with the Passenger Transportation Branch we were advised that the Inspector could not discuss the investigation, understandable, but that both the Registrar and the Assistant Registrar were looking into Eckhardt Senior Services and that they were also waiting for a response from Mr. DeLong.

As a taxi business we are legislated to lease the taxi medallions, a specific and expensive type of auto insurance, along with a radio licence, along with a business licence, along with overhead, along with vehicle maintenance as well as the costs associated with payment of drivers and staff.

We are very frustrated by the apparent lack of action on the part of the BC Passenger Transportation Branch and the fact that Eckhardt Senior Services continues to do business in Penticton with impunity.

Please see the attached photos, letter of complaint, a link to a newspaper article, etc. for your perusal and information. Unfortunately, following the publication of the above mentioned article we noticed an additional drop in calls from the community for our services. So we have experienced an additional loss of revenue.

Thank you for your attention to this matter and we look forward to your reply.

Yours sincerely,

s.15

s.15

cc. BC Passenger Transportation Branch





Accompaniment Services
778-476-1948

PROVIDING ASSISTANCE & TRANSPORTATION
FOR SENIORS AND PERSONS
WITH DISABILITIES (PERMANENT OR TEMPORARY)

May 25, 2016

Sent Via Email: passengertransportationbr@gov.bc.ca

Ministry of Transportation and Infrastructure
Passenger Transportation Branch
Suite 313 – 1500 Woolridge Street
Coquitlam, BC V3K 0B8

Attention: Duty Officer

Dear Sir or Madam:

RE: Letter of Concern Regarding Eckhardt Senior Service of Penticton, BC

Further to my telephone conversation with the Duty Officer on May 16, 2016 regarding the company named Eckhardt Senior Service we are providing the information requested.

According to the PTB Application # 06-14 Eckhardt Senior Service are owners of one vehicle and to be charging an hourly rate of \$45.00 per hour to persons over the age of 65, and a companion, who are unable to drive or use public transportation or persons with a health condition who are also unable to drive or use public transportation due to health issues.

We have discovered that Mr. Kerry DeLong, owner/operator of Eckhardt Senior Service, is currently operating six vehicles with the company decal and contact information on each vehicle, please see attached photos. The vehicles are as follows:

1. Chrysler Concord, grey – Plate # - 386 HRK,
2. Ford Hatchback, white – Plate # - 609 PRX,
3. Ford Hatchback, white – Plate # - CMO 89N,
4. Ford Hatchback, white – Plate # - CB3 05F,
5. Ford Hatchback, white – Plate # - BR7 90R, and
6. Ford Hatchback, white – Plate # - CT6 36X

We have received numerous reports from the Penticton Regional Hospital, various hair salons, seniors' residences and doctors' offices that Mr. DeLong has approached them and told them that he is the only service in Penticton licensed to pick up seniors.

s.15

has spoken to staff at the Penticton Regional Hospital and they advised that Mr. DeLong had quoted them a flat fee rate of \$5.00 anywhere in Penticton and a flat fee rate of \$15.00 for out of town trips, for example to Kaleden and/or Naramata. s.22

s.22 formerly a driver with spoke to one of our drivers and confirmed that the above amounts were the rates that are being charged. She is currently employed by Eckhardt Senior Service as a driver.

s.15

has stated that he saw Eckhardt Senior Service loading a passenger, a young woman in her s.22 with no visible disability, at the local Safeway store with an abundance of groceries. We have several lists of pickups by numerous Eckhardt Senior Service vehicles witnessed by our drivers around the City and the passengers are obviously not the seniors that were approved in the PTB application.

We have also been advised that Mr. DeLong has been posting advertising signs at various retail locations around Penticton stating that he offers a transportation service around the City.

Also, please note that we have also advised Mr. Mohan Kang of the B.C. Taxi Association about the situation with Eckhardt Senior Service.

Thank you for your attention to this matter and we look forward to your reply.

Yours sincerely,

s.15

cc. Mohan Kang



McKhardtt
Senior
Service

Accompaniment Services
778-476-1948



Penticton Hospital
From ~~XXXXXXXXXX~~
s.22
To _____
Driver/Car # _____
Date May 20th / 2016
Amount \$ 25.00

s.22

(was
driver)

Penticton Hospital
From ~~XXXXXXXXXX~~
s.22
To _____
Driver/Car # _____
Date MAY 20/16
Amount \$ 25.00





Page 059

Withheld pursuant to/removed as

DUPLICATE

Lovell, Margaret G TRAN:EX

From: Passenger Transportation Br, TRAN:EX
Sent: Wednesday, August 10, 2016 3:13 PM
To: s.15
Subject: RE: Eckhardt Senior Service Matter

Hello s.15

Thank you for your note and forwarding s.15 enquiry regarding Eckhardt Senior Service to the Passenger Transportation Branch (the Branch).

We have concluded our investigation into the complaint and the Branch has issued a Cease and Desist order under Section 23(1) of the Passenger Transportation Act.

For your information, Eckhardt Senior Service made application for a Special Authorization Licence in 2014 and the Passenger Transportation Board (the Board) made a determination that they do not require a Passenger Transportation Licence (PT Licence), provided the service meets the requirements of the exemption described in Section 5(1)(o) of the Regulations, and that the service is one of a companion service and no compensation is directly charged for the transportation portion. In short, they cannot provide any stand-alone transportation services or any transportation services that would require a PT Licence.

Regards.

Margaret Lovell

Passenger Transportation Inspector
Passenger Transportation Branch
Ministry of Transportation & Infrastructure
Toll Free: (1-800-663-7867)
Direct: (604) 527-2200
Branch: (604) 527-2198
Facsimile: (604) 527-2205
Email: margaret.lovell@gov.bc.ca
Web Address: www.th.gov.bc.ca/rpt

This message, including any attachments, is confidential and may contain privileged information intended to be relied upon by the sender and/or the person(s) named above. If you are not the intended recipient or have received this message in error, immediately notify the sender by reply email, permanently delete the original transmission from the sender, including any attachments, without making a copy and confirm these actions in your reply email. Thank you.

From: s.15
Sent: Tuesday, August 9, 2016 9:13 AM
To: Passenger Transportation Br, TRAN:EX
Subject: Fwd: Eckhardt Senior Service Matter
Importance: High

Good Morning

s.15

has asked me to inquire again as to the status of the investigation into Eckhardt Senior Services. To say that s.15 is frustrated regarding the fact that Eckhardt Senior Services is in blatant disregard of their PTB special approval is an understatement.

They were approved for the operation of one (1) vehicle and we have provided proof that the company is operating six (6) vehicles. We have provided proof that they continue to charge a flat fee of \$5.00 per trip for the entirety of Penticton, not the minimum \$45.00 per hour as approved for, and we have provided proof that they are not restricting their pick ups to passengers over 65 years of age, along with a companion, who are unable to drive or use public transit.

May we have an update please?

Thank you for your attention to this matter and we look forward to your reply.

s.15

Swan, Louise M TRAN:EX

From: Swan, Louise M TRAN:EX
Sent: Wednesday, July 27, 2016 2:04 PM
To: 'Ellen DeLong'
Subject: FW: Eckhardt Senior Service
Attachments: Eckhardt Senior Service.pdf

Importance: High

Good afternoon Kerry & Ellen DeLong,

The Passenger Transportation Branch has concluded its investigation. Please see attachment.

If you have any questions please contact Perry Dennis, Deputy Director, Operations at 604-527-2198.

Regards,

Louise Swan

Passenger Transportation Inspector
Passenger Transportation Branch
Ministry of Transportation and Infrastructure
Suite 313 – 1500 Woolridge Street
Coquitlam, BC V3K 0B8
Direct Line: 604-527-2186 Fax: 604-527-2205
Main Telephone: 604-527-2198
e-mail: passengertransportationbr@gov.bc.ca
BC Residents can call toll free through Enquiry BC 1-800-663-7867
or 604-660-2421
Victoria: 250-387-6121
Elsewhere in BC: 1-800-663-7867

This message, including any attachments, is confidential and may contain privileged information intended to be relied upon by the sender and/or the person(s) named above. If you are not the intended recipient or have received this message in error, immediately notify the sender by reply e-mail, permanently delete the original transmission from the sender, including any attachments, without making a copy and confirm these actions in your reply e-mail.

Swan, Louise M TRAN:EX

From: Mail Delivery Subsystem <postmaster@gems9.gov.bc.ca>
To: s.22
Sent: Wednesday, July 27, 2016 2:04 PM
Subject: Relayed: Eckhardt Senior Service

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:

s.22

Subject: FW: Eckhardt Senior Service



July 27, 2016

File: 2016-00036

File: 2016-00039

Kerry & Ellen DeLong
dba Eckhardt Senior Service

s.22

Dear Kerry & Ellen DeLong:

It has come to the attention of the Passenger Transportation Branch (the Branch) that you may be operating a commercial passenger vehicle and providing transportation services without a Passenger Transportation Licence. This is contrary to the Passenger Transportation Act, Section 23(1), which reads in part:

"A person must not operate a motor vehicle as a type of commercial passenger vehicle unless (a) a valid license, issued in respect of the motor vehicle, authorizes the licensee to operate the motor vehicle as that type of Commercial Passenger Vehicle."

Further to the e-mail correspondence and our conversations, the Branch has concluded its investigation. Based on the correspondence and your response of July 13th, 2016, the Branch has reason to believe that Eckhardt Senior Service is providing transportation services for compensation.

Based on a proposal by Eckhardt Senior Service for a Special Authorization Licence, the Passenger Transportation Board (the Board) made a determination in February of 2014, in that;

Section 5(1)(o) of the Passenger Transportation Act Regulation applies to this service which is primarily a companion service, with transportation a secondary service. Therefore, the service is exempt from licensing.

In your original proposal to the Board, you described the service as one that: "may only be provided to passengers who are 65 years of age and older, and those persons who accompany a person 65 years of age or older or who has a health condition that makes him or her unable to drive or unable to use public transportation without assistance." In the proposal you said, clients would be billed on an hourly rate, taxes included with a one hour minimum charge for any use of your services for less than one hour.

Section 5(o) reads in part: The provision of the Act and this regulation do not apply to the following:

(o), a commercial passenger vehicle when:

- (i) *the operator of the commercial passenger vehicle is operating the vehicle in the course of providing care, including hygiene, meal preparation, light housecleaning or shopping, to clients who require personal assistance with activities of daily living,*
- (ii) *the arrangement or provision of that transportation is not a primary business of that operator, and*
- (iii) *no compensation is directly charged or collected for the provision of the transportation portion of the service being provided to that client by the operator;*

Ministry of
Transportation &
Infrastructure

Passenger Transportation Branch

Mailing Address:
Suite 313 – 1500 Woolridge Street
Coquitlam, B.C. V5K 0B8
Telephone: 604. 527-2198
Fax 604. 527-2205

Location:
Suite 313 – 1500 Woolridge Street
Coquitlam, B.C. V5K 0B8
www.th.gov.bc.ca/rpt/

Kerry & Ellen DeLong
dba Eckhardt Senior Service
July 27, 2016
Page 2

In order to meet the exemption 5(o) then no "stand alone" transportation services can be provided. The example task you provided for your client, s.22 (where she is left on her own at the grocery store and then billed for the ride) not only does not meet the intent of the exemption, it's clearly a passenger directed transportation service for compensation. s.22 and all of the Eckhardt Senior Service clients must be accompanied at all times for that business to be considered a "companion service" and meet the exemption noted above.

Section 57(2) and (3) reads in part: A person commits an offence who;

- (2) (a) Operates a motor vehicle as a type of commercial passenger vehicle without holding
 - (i) A valid licence, issued in respect of that motor vehicle that authorizes that operation.
- (3) A person who commits an offence under subsection (2)(a) is liable to a fine of at least \$1,000 and not more than \$5,000.

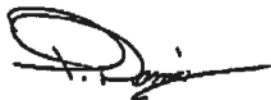
You are advised to CEASE AND DESIST immediately from providing any services which requires approval pursuant to the Passenger Transportation Act but for which you have not received the required authority.

All services provided by Eckhardt Senior Service must meet the exemption 5(o) or a Special Authorization (passenger directed service) licence will be required.

Please send written confirmation addressed to the Registrar by August 10, 2016 that you understand the issues raised in this letter and agree to appropriately revise your company's practices.

Failure to comply will result in enforcement action against you and or your company. If you require additional information, please do not hesitate to contact our office.

Sincerely,



Perry Dennis
Deputy Director, Operations
Passenger Transportation Branch

Swan, Louise M TRAN:EX

From: Kerry DeLong s.22
Sent: Wednesday, July 13, 2016 10:36 PM
To: Passenger Transportation Br, TRAN:EX
Subject: RE: Kerry DeLong Holdings Inc. dba Eckhardt Seniors Service

Sorry it has taken me so long to reply, we have been inundated with calls over the last few days.

From: Passenger Transportation Br, TRAN:EX [mailto:PassengerTransportationBr@gov.bc.ca]
Sent: Tuesday, July 5, 2016 1:33 PM
To: 'Ellen DeLong's.22
Subject: Kerry DeLong Holdings Inc. dba Eckhardt Seniors Service

Good afternoon Kerry and Ellen DeLong,

Further to our telephone conversation on May 30, 2016 wherein I requested a detailed letter explaining the services you are currently providing to your client's because the Passenger Transportation Branch (Branch) had received complaints that Eckhardt Senior Service is allegedly providing a taxi service.

The Branch reviewed your Summary of Operations and I sent you a subsequent e-mail on Friday, June 3, 2016 9:43 AM to provide your requested responses to the 3 bullets contained in the e-mail. Your response was received on Monday, June 6, 2016 4:07 PM. and has also been reviewed.

We've reviewed the original Passenger Transportation Board (Board) decision on your current operations and billing practices. We have provided you with the following links to review the decision of the Board on Eckhardt Seniors Service application 06-14.

http://www.th.gov.bc.ca/ptb/Applications/2014/140205/06-14_ApplicationSummary.pdf

http://www.th.gov.bc.ca/ptb/Bulletins/2014/140326_Bulletin.pdf

Summary of Operations

2. Nature of business

"We will attend with our clients, or prearrange with the client their safe journey home afterwards when our onsite services are not required".

4. Client Costs/Billing

"Our rate is \$45.00 per hour (tax included) for our services. We pro-rate into 5 minute increments which totals \$3.75 tax included for each 5 minutes. Occasionally, subject to financial hardships and/or the fixed incomes of our clients we have adjusted that rate down to \$25.00 per hour depending on the nature of our clients specific needs".

You cannot provide unaccompanied transportation services under exemption 5 (o). All accompanied transportation services provided on behalf of your customers must be included in the same hourly rate charged (cannot pro rate in 5 minute increments) for providing care, including hygiene, meal preparation, lights housecleaning or shopping. If you want to bill customers on a time basis or pro-rated charge you will require a Special Authorization licence. You can download the appropriate forms from the Guide at the following

link <http://www.th.gov.bc.ca/ptb/forms.htm>

Guide 9 "I want to start a new PDV service".

It is not our companies intent to supply "unaccompanied transportation". We are here to serve and assist the seniors and disabled of the community however we can, with an emphasis on their mobility issues. When transportation is involved it is our goal to see our clients safely thru the door of their intended destination. All of our "accompanied transportation" has always been included in our hourly rate.

As some of the tasks that we undertake only take a few minutes, I assumed that we could apply some form of pro rate billing. As this seems not to be the case we will make whatever changes necessary. Could we apply for a "rules" change or do we need to redo the Special Authorization licence application in its entirety?

You must immediately change your practices and bill your customers on an hourly basis and all transportation services provided to your customers must be accompanied. (start to end of services provided) Please refer to the determination by the Board and the Application Summary at the above links provided.

CHANGES. Are you referring to operational practices or billing practices or both? All transportation services provided to our customers are always accompanied from start to end of service provided. Billing changes. We have been in contact with a lot of our clients and they are willing to prepay for our services billed at an hourly rate and or to go on a monthly billing account. Their only concern and ours is how these billed hours will be measured in practice in the real world.

Example: Our client s.22

While she has the strength to walk over to shop she is usually too tired to make it home with her groceries unassisted. She is wondering that if she gets assistance from our staff and rides in one of our vehicles home, will she have to pay the minimum of 45 dollars? She also asked that if we used the transport chair instead and pushed her home would the charge be any different. I honestly did not know how to answer her. Her only other comment was that if it was raining and we used the transport chair we should bring an umbrella.

In a nutshell, I feel that we must be able to supply some sort of pro rate rules to help answer some of these questions in relation to vehicle usage. We are ready to make whatever changes we must so that we can continue offering our services.

You may wish to review the following Passenger Directed Vehicle exclusion. If you feel your services meet the exclusion in its entirety then you could make application for a General Authorization licence.

3 (2) The following commercial passenger vehicles are excluded from the definition of "passenger directed vehicle":

(b) a commercial passenger vehicle that is used only to transfer

(i) persons who have a disability, either permanent or temporary, confirmed by a medical practitioner, that is sufficiently severe that the person is physically unable without assistance to use conventional transit service, and

(ii) any person accompanying a person referred to in subparagraph (i);

I have readied the paperwork to make an application for a General Authorization licence as our services do seem to meet this exclusion in its entirety, However, I am not yet ready to submit the application as I need more time for further research to determine what impact these changes would or could imply to our operations.

Any advice or direction here would be of great use.

Thank You

Kerry

If you have any questions please contact me directly.

Regards,

Louise Swan

Passenger Transportation Inspector
Passenger Transportation Branch
Ministry of Transportation and Infrastructure
Suite 313 – 1500 Woolridge Street

Swan, Louise M TRAN:EX

From: s.15
Sent: Monday, July 25, 2016 9:50 AM
To: Swan, Louise M TRAN:EX
Subject: Eckhardt Senior Service

Good Morning Louise

I just wanted to give you the heads up that we received a call this morning at 9:14 from a s.22, at s.22 asking "Is this the \$5.00 taxi?". The call was documented by our dispatcher Kathy Shewchuk.

Also, I have attached the link to the article in the Penticton Herald regarding Eckhardt Senior Service for your information as well. Mr. DeLong states clearly that he is charging \$5.00 for services, though his approval states that his service is to be provided for a minimum charge of \$45.00 per hour.

http://www.pentictonherald.ca/news/article_bd5f5044-51f6-11e6-9a7b-ffac9123e787.html (you will have to copy & paste to view)

We are increasingly frustrated by his blatant disregard of the parameters of his PTB approval.

Thank you for your attention to this matter and we look forward to your reply.

s.15

Swan, Louise M TRAN:EX

From: Dennis, Perry TRAN:EX
Sent: Thursday, July 21, 2016 11:31 AM
To: Swan, Louise M TRAN:EX
Subject: FW: Media Request - Penticton Herald- Joe Fries- Eckhardt Senior Service (Follow Up 2)

FYI.

From: Cousins, Cindy GCPE:EX
Sent: Thursday, July 21, 2016 11:29 AM
To: Dennis, Perry TRAN:EX
Subject: RE: Media Request - Penticton Herald- Joe Fries- Eckhardt Senior Service (Follow Up 2)

Thanks, Perry.

From: Dennis, Perry TRAN:EX
Sent: Thursday, July 21, 2016 11:27 AM
To: Cousins, Cindy GCPE:EX
Cc: Vanderkuip, Kristin TRAN:EX
Subject: RE: Media Request - Penticton Herald- Joe Fries- Eckhardt Senior Service (Follow Up 2)

Hi Cindy,

We continue to investigate this company. We have no new information to share at this point.

Perry

From: Cousins, Cindy GCPE:EX
Sent: Thursday, July 21, 2016 11:22 AM
To: Dennis, Perry TRAN:EX
Cc: Vanderkuip, Kristin TRAN:EX
Subject: Media Request - Penticton Herald- Joe Fries- Eckhardt Senior Service (Follow Up 2)

Perry, the reporter is looking to confirm the branch's investigation into Eckhardt Senior Service is still ongoing.

Below is what we told him last month. Do we have anything new to tell him or should we just say "the investigation is ongoing."

Thanks,
Cindy

Minister Request Y/N: No. Information only.

Topic: Eckhardt Senior Service (Follow Up 2)

Reporter/ Contact: Joe Fries, 250-490-0880 ext. 304, joe.fries@pentictonherald.ca

Outlet: Penticton Herald

Date/ Time received: Thursday, July 21, 11:00am

Deadline: ASAP

Reporter's Request: Can you please confirm the investigation is still ongoing? If not, can you tell me the result?

BACKGROUND

(Below is what was previously sent to reporter)

- 1. Is the company licensed by PTSB, and if so, for how many vehicles?**

Currently, the company does not have or is required to have a passenger transportation licence. When, the company applied to the Passenger Transportation Board for a special authorization licence in February 2014, it described its service as a 'companion' service, with transportation as a secondary service. Because of that, the Board determined that it is exempt from requiring a passenger transportation license. Part 1, Section 5(o) of the Passenger Transportation Regulation

As it is classified as a companion service and not as a passenger service, this company is not licensed to operate as a passenger transportation service. Anyone wanting to lodge a complaint about the company's companion service can do so through the Better Business Bureau, Human Rights Tribunal or with police.

- 2. Can you tell me if the PTSB has received any complaints about Eckhardt Senior Service operating as a de facto taxi service in Penticton?**

The Passenger Transportation Branch has received two complaints regarding this company and an active investigation is underway.

Louise Swan

Passenger Transportation Inspector
Passenger Transportation Branch
Ministry of Transportation and Infrastructure
Suite 313 – 1500 Woolridge Street
Coquitlam, BC V3K 0B8
Direct Line: 604-527-2186 Fax: 604-527-2205
Main Telephone: 604-527-2198
e-mail: passengertransportationbr@gov.bc.ca
BC Residents can call toll free through Enquiry BC 1-800-663-7867
or 604-660-2421
Victoria: 250-387-6121
Elsewhere in BC: 1-800-663-7867

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From: Ellen DeLong [<mailto:s.22>]
Sent: Tuesday, May 31, 2016 9:02 AM
To: Passenger Transportation Br, TRAN:EX
Subject: Eckhardt Senior Service

Attn: Luise Swan , Please find attached a summary of our operations, please don't hesitate to contact us if there is anything further we can supply.

Thank you
Kerry DeLong

Swan, Louise M TRAN:EX

From: Swan, Louise M TRAN:EX
Sent: Friday, June 24, 2016 10:01 AM
To: Vanderkuip, Kristin TRAN:EX
Subject: FW: Kerry & Ellen DeLong dba Eckhardt Seniors Service - PTAR 5 (o)
Attachments: Eckhardt Senior Service2.pdf

Importance: High

Good morning Kristin,

Could you please let me know if you sent this to the Board for a determination? If not please let me know if you would like me to make changes before sending to the Board.

Thank you.

Louise Swan

Passenger Transportation Inspector
Passenger Transportation Branch
Ministry of Transportation and Infrastructure
Suite 313 – 1500 Woolridge Street
Coquitlam, BC V3K 0B8
Direct Line: 604-527-2186 Fax: 604-527-2205
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From: Swan, Louise M TRAN:EX
Sent: Thursday, June 9, 2016 11:48 AM
To: Vanderkuip, Kristin TRAN:EX
Subject: Kerry & Ellen DeLong dba Eckhardt Seniors Service - PTAR 5 (o)

Good morning Kristin,

Further to our Inspectors' meeting this morning I have provided an attachment and links in reference to Eckhardt Senior Services (Eckhardt). The Passenger Transportation Board (Board) made a determination that their services meets exemption PTR 5 (o). s.15
are alleging Eckhardt is providing services contrary to the exemption.

- On May 11, 2016 the Passenger Transportation Branch (Branch) received a complaint from s.15 alleging that Eckhardt is providing rides to the public at \$5.00/ride anywhere in town.
- On May 26, 2016 the Branch received a complaint from s.15 alleging Eckhardt is providing transportation for a flat fee rate of \$5.00 anywhere in Penticton and a flat fee rate of \$15.00 for out of town trips, for example to Kaleden and/or Naramata.
- May 30, 2016 I telephoned Kerry DeLong and advised him the Branch has received complaints alleging they are providing a taxi service and requested a detailed letter explaining the services they are providing.
- May 31, 2016 Branch received a summary of their operations from Kerry and Ellen DeLong.
- June 01, 2016 e-mail from s.15 and a copy of 2 receipts allegedly issued by Eckhardt from the Penticton Hospital to 2 different drop off locations in Penticton.
- June 03, 2016 I sent an e-mail to Kerry and Ellen DeLong asking them to provide responses to 3 items detailed in their summary for the Registrars review.
- June 06, 2016 responses received from Kerry & Ellen DeLong.

http://www.th.gov.bc.ca/ptb/Applications/2014/140205/06-14_ApplicationSummary.pdf

http://www.th.gov.bc.ca/ptb/Bulletins/2014/140326_Bulletin.pdf

Can we send the following information and attachments to the Board for review to see if the \$5.00 minimum charge meets the exemption.

Regards,

Louise Swan

Passenger Transportation Inspector
 Passenger Transportation Branch
 Ministry of Transportation and Infrastructure
 Suite 313 – 1500 Woolridge Street
 Coquitlam, BC V3K 0B8
 Direct Line: 604-527-2186 Fax: 604-527-2205
 Main Telephone: 604-527-2198
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From: Passenger Transportation Br, TRAN:EX
Sent: Thursday, June 30, 2016 9:23 AM
To: Ellen DeLong
Subject: Kerry DeLong Holdings Inc. dba Eckhardt Seniors Service

Good afternoon Kerry and Ellen DeLong,

Further to our telephone conversation on May 30, 2016 wherein I requested a detailed letter explaining the services you are currently providing to your client's because the Passenger Transportation Branch (Branch) had received complaints that Eckhardt Senior Service is allegedly providing a taxi service.

The Branch reviewed your Summary of Operations and I sent you a subsequent e-mail on Friday, June 3, 2016 9:43 AM to provide your requested responses to the 3 bullets contained in the e-mail. Your response was received on Monday, June 6, 2016 4:07 PM. and has also been reviewed.

WE'VE REVIEWED THE ORIGINAL *DECISION*
~~Yesterday the Branch contacted the Passenger Transportation Board (Board) to~~
~~discuss your current operations and billing practices.~~ We have provided you with the following links to review the decision of the Board on Eckhardt Seniors Service application 06-14.

http://www.th.gov.bc.ca/ptb/Applications/2014/140205/06-14_ApplicationSummary.pdf

http://www.th.gov.bc.ca/ptb/Bulletins/2014/140326_Bulletin.pdf

Summary of Operations

2. Nature of business

"We will attend with our clients, or prearrange with the client their safe journey home afterwards when our onsite services are not required".

4. Client Costs/Billing

"Our rate is \$45.00 per hour (tax included) for our services. We pro-rate into 5 minute increments which totals \$3.75 tax included for each 5 minutes.

Occasionally, subject to financial hardships and/or the fixed incomes of our clients we have adjusted that rate down to \$25.00 per hour depending on the nature of our clients specific needs".

You cannot provide unaccompanied transportation services under exemption 5 (o). All accompanied transportation services provided on behalf of your customers must be included in the same hourly rate charged (cannot pro rate in 5 minute increments) for providing care, including hygiene, meal preparation, lights housecleaning or shopping. If you want to bill customers on a time basis or pro-rated charge you will require a Special Authorization licence.

You must immediately change your practices and bill your customers on an hourly basis and all transportation services provided to your customers must ~~be~~ accompanied. (start to end of services provided) Please refer to the determination by the Board and the Application Summary at the above links provided.

If you have any questions please contact me directly.

Regards,

Louise Swan

Passenger Transportation Inspector
Passenger Transportation Branch
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*PPV
exclusion
you may to review*

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Page 077 to/à Page 081

Withheld pursuant to/removed as

DUPLICATE

Swan, Louise M TRAN:EX

From: Ellen DeLong s.22
Sent: Tuesday, May 31, 2016 9:02 AM
To: Passenger Transportation Br, TRAN:EX
Subject: Eckhardt Senior Service
Attachments: PTB ESS Summary.docx

Attn: Lulse Swan , Please find attached a summary of our operations, please don't hesitate to contact us if there is anything further we can supply.

Thank you
Kerry DeLong

Eckhardt Senior Service

Summary of Operations

1. General
2. Nature of business
3. How we operate
4. Client Costs/Billing
5. Origins of our "street given nickname"

1. General

Eckhardt Senior Service has been operating in the same manner and fashion as we originally described in our application for licencing some 2.5 years ago. At that time it was deemed that our operations where exempt from licencing and that we had no choice in the matter. Over the past few years the business has grown and expanded with the popularity and acceptance of the services we offer by the seniors population here within Penticton and the surrounding area.

Recently we have received calls from our clients and various seniors facilities questioning our validity. It seems that one of the local taxi company owners has been running around to all the business's locally and telling them that we are operating against the law and are not insured or licenced properly and demanding that they remove our business cards from their facilities. He even put a phone campaign in place calling all the business's here in Penticton and telling them that they could be arrested for using our services. We have never had such an interest in our services generated before.

Another possible reason for any animosities towards us is that our attendants/employees mostly come from the ranks of the cab drivers

community and until recently were in the employ of the taxi companies. They have however applied with us seeking employment as we provide a better working environment. We pay an hourly wage, supply a vehicle, insurance and fuel.

We have also had a rise in flat tires where we have found 6 inch spikes being placed in our tires. While we can only guess as to where they are coming from we will do our best to resolve this matter as we feel that this crosses a line and poses possible danger to our employees and clients.

2. Nature of business

Eckhardt Senior Service has been established to provide assistance and transportation for seniors and those with disabilities (permanent or temporary). We assist our clients with many of their daily activities. From grocery shopping, hairdresser appointments, doctors' appointments, visitations and other similar activities. We will attend with our clients, or prearrange with the client their safe journey home afterwards when our onsite services are not required. Very similar to the "better at home" program except we have replaced the volunteer with a paid employee.

Most of our business is generated through Interior Health and the Penticton Regional Hospital. Day Surgery, AmbiCare, and the Emergency Ward utilize our services to ensure their patients are delivered safely into their homes. As well we have quite a few renal patients as clients who have to go through dialysis 3 to 4 times weekly who appreciate the use of our transport chairs and assistance to and from the renal ward as the procedure can be quite tiresome.

3. How we operate

The majority of our client base pre-book our services well in advance as they know we are "subject to availability" however there are the daily callers who have a last minute chore to complete or a forgotten appointment they need to attend. For them we do the best we can to meet their needs and try to get them into the daily schedule.

4. Client Costs/Billing

Our rate is \$45.00 per hour (tax included) for our services. We pro-rate into 5 minute increments which totals \$3.75 tax included for each 5 minutes. Occasionally, subject to financial hardships and/or the fixed incomes of our clients we have adjusted that rate down to \$25.00 per hour depending on the nature of our clients specific needs.

We have 3 types of clients

Prepaid : Those who purchase our time in advance.

Monthly/Weekly Accounts : Regular users of our services who receive a detailed monthly/weekly invoice.

Pay as you go : Infrequent users who pay upon completion of our services.

We accept Cash or Cheques only.

Note: there is no fee associated with the use of our vehicles. Our clients are billed only for our time.

5. Origins of our "street given nickname"

Our more astute clients have figured out that as we pro-rate in 5 minute increments and as Penticton has a small geographical footprint making travel between any two points within the city attainable within 5 to 10 minutes, and as we provide a "thru the door service" which will get their groceries onto their kitchen counter tops, or their wheelchair up to the tellers wicket at the bank our "thru the door service" has become very popular with an average cost of 5 dollars per instance.

While we try to correct our clients at every possible opportunity we cannot control how our clients refer to us around the dinner table at the seniors homes. Some clients have begun to refer to us as "the 5 dollar guys", "the 5 dollar taxi" or "the 5 dollar cab". Most of our clients refer to us as ESS or Eckhardt.

Once upon a time, we distributed flyers and advertising materials around to the senior centers and assisted living facilities as well as doctors offices and various other professional buildings. We found this effort futile as these flyers were constantly being taken down or thrown away by other businesses who did not want our services known about. Since then we have only used "word of mouth" to increase our client base which has been growing quite rapidly.

Thank You

Kerry DeLong

.kld

Swan, Louise M TRAN:EX

From: s.15
Sent: Thursday, May 26, 2016 1:45 PM
To: Passenger Transportation Br, TRAN:EX
Cc: mohankang@shaw.ca
Subject: Eckhardt Senior Service, Email # 2
Attachments: Eckhardt # 6.html; Eckhardt # 7.html; Eckhardt # 8.html; Eckhardt # 9.html

Attention: Duty Officer

Please see our attached letter and accompanying photographs for your perusal.

Thank you for your attention to this matter and we look forward to your reply.

s.15

Page 088 to/à Page 089

Withheld pursuant to/removed as

DUPLICATE

Swan, Louise M TRAN:EX

From: s.15
Sent: Wednesday, May 11, 2016 1:49 PM
To: Passenger Transportation Br, TRAN:EX
Subject: Complaint for Eckhardt Services in Penticton

Hi

I would like to make a complaint for this service by the name of Eckhardt Services in Penticton Using the phone # 778-476-1948. He is putting his ads all over the place especially at the senior homes, clinics, Grocery stores and hospital etc. He is providing rides to the public at \$5.00/ride any where in town. We are getting a lot of resentment from our drivers that he is taking lot of business from us and affecting our business hugely. He is operating a car with a licence plate # 609 PRX.

Can you please do something about it. I am afraid to loose some drivers due to this, because they are not making any money and we are paying expensive insurances and maintaining our cars as per CVIP guidelines and this guy in his private car doing all this business for \$5.00/ride.

Thanks

s.15

d.

Sundquist, Doris TRAN:EX

From: Passenger Transportation Br, TRAN:EX
Sent: March-20-14 8:38 AM
To: TRAN ALL Passenger Transportation Clerks
Cc: TRAN ALL Passenger Transportation Registration Officers
Subject: FW: decision on your application
Attachments: Scan_MPS006520140319.pdf

From: Mitten, Kathleen TRAN:EX
Sent: March-20-14 7:57 AM
To: s.22
Cc: Passenger Transportation Br, TRAN:EX
Subject: decision on your application

Attached is the Board decision memo regarding your application. I will mail the original today and I am copying the Passenger Transportation Branch as well.

Kathy Mitten
Research and Admin. Coordinator
Passenger Transportation Board

Phone: 250-953-3777
Fax: 250-953-3788
Email: kathleen.mitten@gov.bc.ca



***ckhardt
enior
ervice***



778-476-1948

Accompaniment Services

Providing Care & Transportation for Seniors and Persons with Disabilities.

Eckhardt Senior Service can provide one-time service or regularly scheduled outings. We pay strict attention to details and to instructions given by caregivers, which allow peace of mind to both the caregiver and the client. The continuity of the same service provider allows your loved-ones a sense of familiarity and security. You, the caregiver, can put your trust and loved ones in our care.

We offer a wide variety of reliable and safe services and possess all the legislated automobile insurance and commercial general liability insurance as mandated in BC.

- We will take our clients to medical appointments, dialysis clinics, hospitals, eye clinics, cancer clinics and basically anywhere they need or want to go.
- We will accompany our clients into a medical examining room; take notes if needed and report details back to family members or legal guardians.
- We will take our clients to professional services appointments (lawyers, banks), assistance with documents, notes and follow ups.
- Routine Errands: Grocery/Personal Shopping; prescription pick up; dry cleaning drop offs and pick-ups, hair dresser appointments.
- We will accompany our clients on shopping trips and help them to their residence with groceries and assist in putting them away upon return to their home.
- We will accompany our clients to social functions and on vacations.
- Airport, Ferry, Cruise Ship Terminal, Bus Terminal Transfers: Accompaniment and assistance through the gate departures and arrivals.
- We will assist with luggage & medication packing and ensure proper documentation is in order for trips. We'll then assist clients to the terminal and help them obtain their boarding pass, escort them to the departure gate and leave them safely in the care of appropriate personnel.
- General Check-up visits on family members when you go on vacation.
- We are walker and wheelchair friendly (must be able to transfer).

Special Services for families with children: Accompaniment, assistance and transportation to and from schools, training programs, sport events.

Contact: Eckhardt Senior Service 778-476-1948

Servicing Penticton and Surrounding Areas.

Swan, Louise M TRAN:EX

From: Swan, Louise M TRAN:EX
Sent: Thursday, June 16, 2016 9:23 AM
To: Cousins, Cindy GCPE:EX
Cc: Dennis, Perry TRAN:EX; Vanderkuip, Kristin TRAN:EX
Subject: FW: comment on Penticton senior service

Hello Cindy,

As per Perry Dennis' request I have provided you with the following information.

Kerry & Ellen DeLong dba Eckhardt Seniors Service (Eckhardt)

Eckhardt made an application (06-14) to the Passenger Transportation Board (Board) for a Special Authorization licence in February 2014. The Board determined that section 5 (o) of the Passenger Transportation Regulation applies to this service which is primarily a companion service, with transportation a secondary service. Therefore, the service is exempt from licensing. (published in the weekly bulletin on March 26, 2014)

http://www.th.gov.bc.ca/ptb/Applications/2014/140205/06-14_ApplicationSummary.pdf

http://www.th.gov.bc.ca/ptb/Bulletins/2014/140326_Bulletin.pdf

- On May 11, 2016 the Passenger Transportation Branch (Branch) received a complaint from s.15 s.15 alleging that Eckhardt is providing rides to the public at \$5.00/ride anywhere in town.
- On May 26, 2016 the Branch received a complaint from s.15 s.15 alleging Eckhardt is providing transportation for a flat fee rate of \$5.00 anywhere in Penticton and a flat fee rate of \$15.00 for out of town trips, for example to Kaleden and/or Naramata.
- May 30, 2016 I telephoned Kerry DeLong and advised him the Branch has received complaints alleging they are providing a taxi service and requested a detailed letter explaining the services they are providing.
- May 31, 2016 Branch received a summary of their operations from Kerry and Ellen DeLong.
- June 01, 2016 e-mail from s.15 s.15 and a copy of 2 receipts allegedly issued by Eckhardt from the Penticton Hospital to 2 different drop off locations in Penticton.
- June 03, 2016 I sent an e-mail to Kerry and Ellen DeLong asking them to provide responses to 3 items detailed in their summary for the Registrars review.
- June 06, 2016 responses received from Kerry & Ellen DeLong.
- June 09, 2016 responses reviewed at Inspectors' meeting.
- June 10, 2016 the complainants were advised via e-mail that the Registrar will be sending the file to the Board in Victoria for a review and to determine if all the services meet exemption PTAR 5 (o).

Regards,

Louise Swan

Passenger Transportation Inspector
Passenger Transportation Branch
Ministry of Transportation and Infrastructure
Suite 313 – 1500 Woolridge Street
Coquitlam, BC V3K 0B8
Direct Line: 604-527-2186 Fax: 604-527-2205
Main Telephone: 604-527-2198

e-mail: passengertransportationbr@gov.bc.ca
BC Residents can call toll free through Enquiry BC 1-800-663-7867
or 604-660-2421
Victoria: 250-387-6121
Elsewhere in BC: 1-800-663-7867

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From: Cousins, Cindy GCPE:EX
Sent: Wednesday, June 15, 2016 12:16 PM
To: Dennis, Perry TRAN:EX
Subject: RE: comment on Penticton senior service

Perry, can you provide any information you have on this, in case I need to do an issues note?

Thanks,
Cindy

From: Dennis, Perry TRAN:EX
Sent: Tuesday, June 14, 2016 3:36 PM
To: Cousins, Cindy GCPE:EX
Cc: Lovell, Margaret G TRAN:EX; Swan, Louise M TRAN:EX; Vanderkuip, Kristin TRAN:EX
Subject: RE: comment on Penticton senior service

Hello,

Yes, I don't see any harm in saying we're conducting an investigation.

Perry

From: Cousins, Cindy GCPE:EX
Sent: Tuesday, June 14, 2016 3:25 PM
To: Dennis, Perry TRAN:EX
Cc: Lovell, Margaret G TRAN:EX; Swan, Louise M TRAN:EX; Vanderkuip, Kristin TRAN:EX
Subject: RE: comment on Penticton senior service

Thanks, Perry. We'll get in touch with the reporter. (can you direct any media enquiries to our media line at 250 356-8241 – then we'll route them back through you folks and Deborah)

Is this information okay to be released to the public?

Thanks,
Cindy

From: Dennis, Perry TRAN:EX
Sent: Tuesday, June 14, 2016 3:13 PM
To: Cousins, Cindy GCPE:EX

Cc: Lovell, Margaret G TRAN:EX; Swan, Louise M TRAN:EX; Vanderkulp, Kristin TRAN:EX; Dennis, Perry TRAN:EX
Subject: FW: comment on Penticton senior service

Hello Cindy,

We received this request through our branch email address from the Penticton Herald.

The answer to the question is: **Yes, we have received two complaints with regard to this company and an active investigation is underway.**

Thanks
Perry

From: Joe Fries [<mailto:joe.fries@pentictonherald.ca>]
Sent: Tuesday, June 14, 2016 12:12 PM
To: Passenger Transportation Br, TRAN:EX
Subject: comment on Penticton senior service

Hello:

Can you tell me if the PTSB has received any complaints about Eckhardt Senior Service operating as a de facto tax service in Penticton? Thanks. Joe

Joe Fries
Reporter, Penticton Herald
101-186 Nanaimo Ave. W.
Penticton, B.C.
V2A-1N4
T: 250-490-0880 ext. 304
F: 250-492-2403
@JoeFries

Thanks,
Cindy

From: Dennis, Perry TRAN:EX
Sent: Tuesday, June 14, 2016 3:13 PM
To: Cousins, Cindy GCPE:EX
Cc: Lovell, Margaret G TRAN:EX; Swan, Louise M TRAN:EX; Vanderkuip, Kristin TRAN:EX; Dennis, Perry TRAN:EX
Subject: FW: comment on Penticton senior service

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Joe Fries
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101-186 Nanaimo Ave. W.
Penticton, B.C.
V2A-1N4
T: 250-490-0880 ext. 304
F: 250-492-2403
@JoeFries

Swan, Louise M TRAN:EX

From: Dennis, Perry TRAN:EX
Sent: Wednesday, June 15, 2016 1:56 PM
To: Swan, Louise M TRAN:EX
Cc: Cousins, Cindy GCPE:EX; Vanderkuip, Kristin TRAN:EX
Subject: FW: comment on Penticton senior service

Hello Louise,

Can you please provide Cindy with information on this direct. A summary of the issue, some key points and just what the branch is doing in response.

Please copy both Kristin and I with the response and information.

Thanks
Perry

From: Cousins, Cindy GCPE:EX
Sent: Wednesday, June 15, 2016 12:16 PM
To: Dennis, Perry TRAN:EX
Subject: RE: comment on Penticton senior service

Perry, can you provide any information you have on this, in case I need to do an issues note?

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Subject: RE: comment on Penticton senior service

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To: Dennis, Perry TRAN:EX
Cc: Lovell, Margaret G TRAN:EX; Swan, Louise M TRAN:EX; Vanderkuip, Kristin TRAN:EX
Subject: RE: comment on Penticton senior service

Thanks, Perry. We'll get in touch with the reporter. (can you direct any media enquiries to our media line at 250 356-8241 – then we'll route them back through you folks and Deborah)

Is this information okay to be released to the public?

Page 098

Withheld pursuant to/removed as

DUPLICATE

Swan, Louise M TRAN:EX

From: Swan, Louise M TRAN:EX
Sent: Friday, June 10, 2016 2:31 PM
To: s.15
Subject: RE: Complaint for Eckhardt Services in Penticton

Yes the Passenger Transportation Board in Victoria.

Louise Swan

Passenger Transportation Inspector
Passenger Transportation Branch
Ministry of Transportation and Infrastructure
Suite 313 – 1500 Woolridge Street
Coquitlam, BC V3K 0B8
Direct Line: 604-527-2186 Fax: 604-527-2205
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From: s.15
Sent: Friday, June 10, 2016 1:33 PM
To: Swan, Louise M TRAN:EX
Subject: Re: Complaint for Eckhardt Services in Penticton

Good Afternoon Louise

Thank you for the update. We will look forward to hearing about a ruling from the Branch.
s.15

From: "Louise M TRAN Swan:EX" <Louise.Swan@gov.bc.ca>
To: s.15
Sent: Friday, June 10, 2016 12:46:06 PM
Subject: FW: Complaint for Eckhardt Services in Penticton

Good afternoon s.15

Just to let you know the Registrar will be sending the proposed services of Eckhardt Seniors Service to the Passenger Transportation Board in Victoria for a review to determine if all the services meet the exemption PTAR 5 (o).

Regards,

Louise Swan

Passenger Transportation Inspector
Passenger Transportation Branch
Ministry of Transportation and Infrastructure
Suite 313 – 1500 Woolridge Street
Coquitlam, BC V3K 0B8
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From: Swan, Louise M TRAN:EX
Sent: Friday, May 27, 2016 8:54 AM
To: s.15
Subject: Complaint for Eckhardt Services in Penticton

Good morning s.15

Further to our telephone conversation this morning I have provided you with the Passenger Transportation Board's decision on application 06-14 for your review.

http://www.th.gov.bc.ca/ptb/Bulletins/2014/140326_Bulletin.pdf

Regards,

Louise Swan

From: Ellen DeLong s.22
Sent: Monday, June 6, 2016 4:07 PM
To: Passenger Transportation Br, TRAN:EX
Subject: RE: Eckhardt Senior Service

- How was the \$5.00 charge determined (calculated)

We follow a general guideline that when a task takes less than 10 mins, then the charge to that clients account is \$5.00 (our minimum charge). We have not yet had any tasks that take less than 7 mins.

- How is personal care and transportation being provided for \$5.00.

This is solely due to the topography of the city of Penticton, and would apply only to movement along the main street, south main and skaha lake road corridors, as most of our local "through-the-door-services" complete in less than 10 minutes. Tasks taking more than 10 mins or longer are billed accordingly. Once we head beyond to outlying areas the charge increases based on time only.

Billing Examples: Penticton into the Summerland clinic is approx. 27 mins and bills at \$20.00
Penticton into the Kelowna Hospital is approx. 60 mins and bills at \$45.00
Penticton into the Kelowna Airport is approx. 83 mins and bills at \$65.00

An example of a simple task that would bill out at a minimum charge: approx. 7-8 mins

A senior, s.22 wants to go do some grocery shopping, and books our services for a pickup at 10 am on Tuesday. She chooses to leave her walker at home and use the shopping cart as her walker this time as she only needs a few items. She Lives s.22 of her nearest grocery store. She knows it will take her about an hour so she also books a returning pickup at 11am .

Our task: To accompany s.22 at 10 am to the store. As she doesn't have her walker today we know she will be waiting at the door. Where, when we arrive we will meet her at her door. And assist her into the awaiting vehicle, walking arm in arm for support. Once buckled in we drive the few minutes to the store. Once there we fetch a grocery cart for her, once she has the cart in hand for stability she releases us from service.

During transit, we let s.22 know that if she gets tired or finishes earlier than our arranged time for pick up, that she can have the service desk at the store give us a call and we will collect her earlier.

On our return trip home with s.22 the only change to the routine is the added groceries. As this was a light shop our attendant was able to carry the bags of groceries in one arm and walk arm in arm with the other. Safely back thru her door. And safely into her home with her groceries placed on her countertop. So the return trip also took less than 8 mins.

Occasionally, s.22 wants to do a heavier grocery shop and requires our assistance to push the heavy buggy around. She will use her walker. Start to finish with her groceries landed on her kitchen counter or put away .. whichever she wishes is billed solely dependent on time.

Another example of our typical client: s.22

s.22 is one of our s.22 : clients who regularly visits the s.22 (much to her distaste) When s.22 they call us .. we head up to collect s.22 and drive her s.22 to home, where we utilize our transport chair to get her safely into her home and comfortably into her living room chair, we usually then fetch her a glass of water or milk from the fridge and ensure she is comfortable before we lock up and leave . This task from beginning to end takes approx. 8 mins and we charge her account \$5.00

When s.22 needs to go to a doctor's appointment we again utilise our transport chair and attend with her through her appointment, assisting as required. The average length of this task is 1.25 hours and her account is billed accordingly.

s.22 is our contact with regards to her account. He resides in 's.22
I would like to Quote to you his note/card of thanks we received with his last billing.

As follows:

Dear Ellen and Kerry

The simple words "thank you" seems hardly adequate to express our appreciation for the vehicle/companion service that Eckhardt Senior Service provides seniors, but we want to say them to you with the utmost sincerity.

The hardest thing about living so far away is worrying about my mother s.22 falling or injuring herself while going to a medical appointment using public transit, taxi or attempting to walk without any assistance.

The caring that you provide is the added value that we appreciate very much.

Goodwill is always rewarded, thank you.

s.22

It is letters like these that keep us going, we have even been honorably mentioned in our past clients obituaries. It makes us proud of the services and the vehicles that we provide to serve the local community.

- How does this service meet the exemption PTAR 5 (o).
 - i. We are providing care and personal assistance to our senior and disabled clients
 - ii. Transportation is not our primary business. Care and Personal Assistance is.
 - iii. We do not have any charges related to the use of our vehicles.

Previously, when we originally applied for licencing with the Board , you determined that due to the nature of "what we are doing" and "how we are doing it" labeled us as a companion service and an exemption from licencing applied as our services met the criteria of Part 5 (o).

Over the past years of our growth it is has been noted that as the majority of our clients reside in assisted living or community care facilities, that possibly the exemption of part 5 (l) may also apply to our services. As well in some cases Part 3 (2) (b) may be applied to our services.

The business model we have developed can go a long way to help solve some of the transportation issues facing senior citizens and handicapped / disabled persons living on fixed incomes. We need your support not your condemnation.

Our Vehicles and Office records pertaining to our operations will at all times be made available to your staff for further scrutiny should the need arise.

Notes:

The local BC Transit / HandyDart service has been in touch with us with regards to handling some of the overflow transit needs of their passengers. Similar to the way they dispatch those trips out to the Taxi companies. I have told them that they would need to contact the City of Penticton and the Passenger Transportation Board and to consult Part 5 (c) of the act before we would be able to touch any of their clients or accept any handydart vouchers and have left it at that.

As well, a few government sponsored programs have been in touch with us about hiring from their programs and offering to pay 1/2 wages for any employees we can hire.

Since our inception some 3 years ago we have gone thru many growing pains, we started with a handful of clients and If you recall some 2.5 years ago the taxi companies accused us of many infractions causing the Passenger Transportation Board to shut us down while we went through the process to become properly licenced/defined. Here we are 2 years later and we have grown to a base of 400 regular clients and are adding some 10 to 20 clients per week on a steady basis. By the end of this summer we calculate that we will have between 700 and 1000 regular users of our services here in Penticton.

We have financial approval of up to 10 more new vehicles and some local seniors groups have offered to purchase 2 or 3 newer wheelchair capable vans so that we may assist those confined to wheelchairs.

Thank You
Kerry DeLong
.kld

From: Passenger Transportation Br, TRAN:EX [mailto:PassengerTransportationBr@gov.bc.ca]
Sent: June 3, 2016 9:43 AM
To: 'Ellen DeLong' s.22
Subject: RE: Eckhardt Senior Service
Importance: High

Good morning Kerry and Ellen DeLong,

Thank you for your summary.

We discussed your Summary of Operations at our Inspectors' meeting yesterday afternoon.

The Passenger Transportation Branch was provided with two receipts for May 20, 2016 issued from Eckhardt Senior Service. Both receipts are for a total \$5.00 each.

In your summary you stated we pro-rate into 5 minute increments which totals \$3.75 tax included for each 5 minutes. The Registrar would like to know the following:

- How was the \$5.00 charge determined (calculated)
- How is personal care and transportation being provided for \$5.00.
- How does this service meet the exemption PTAR 5 (o).

Exemptions

5 The provisions of the Act and this regulation do not apply to the following:

(o) a commercial passenger vehicle when

- (i) the operator of the commercial passenger vehicle is operating the vehicle in the course of providing care, including hygiene, meal preparation, light housecleaning or shopping, to clients who require personal assistance with activities of daily living,
- (ii) the arrangement or provision of that transportation is not a primary business of that operator, and
- (iii) no compensation is directly charged or collected for the provision of the transportation portion of the service being provided to that client by the operator;

Please provide your explanation to the Registrar by Tuesday, June 07, 2016.

Regards,

Louise Swan

Passenger Transportation Inspector
 Passenger Transportation Branch
 Ministry of Transportation and Infrastructure
 Suite 313 – 1500 Woolridge Street
 Coquitlam, BC V3K 0B8
 Direct Line: 604-527-2186 Fax: 604-527-2205
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Swan, Louise M TRAN:EX

From: Swan, Louise M TRAN.EX
Sent: Friday, May 27, 2016 8:54 AM
To: s.15
Subject: Complaint for Eckhardt Services in Penticton

Good morning s.15

Further to our telephone conversation this morning I have provided you with the Passenger Transportation Board's decision on application 06-14 for your review.

http://www.th.gov.bc.ca/ptb/Bulletins/2014/140326_Bulletin.pdf

Regards,

Louise Swan

Passenger Transportation Inspector
Passenger Transportation Branch
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Page 107 to/à Page 108

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DUPLICATE

Sundquist, Doris TRAN:EX

From: Passenger Transportation Br, TRAN:EX
Sent: March-20-14 8:38 AM
To: TRAN ALL Passenger Transportation Clerks
Cc: TRAN ALL Passenger Transportation Registration Officers
Subject: FW: decision on your application
Attachments: Scan_MPS006520140319.pdf

From: Mitten, Kathleen TRAN:EX
Sent: March-20-14 7:57 AM
To: s.22
Cc: Passenger Transportation Br, TRAN:EX
Subject: decision on your application

Attached is the Board decision memo regarding your application. I will mail the original today and I am copying the Passenger Transportation Branch as well.

Kathy Mitten
Research and Admin. Coordinator
Passenger Transportation Board

Phone: 250-953-3777
Fax: 250-953-3788
Email: kathleen.mitten@gov.bc.ca

Swan, Louise M TRAN:EX

From: s.15
Sent: Wednesday, June 1, 2016 1:55 PM
To: Passenger Transportation Br, TRAN.EX
Subject: ATTENTION: Louise Swan / Regarding: Eckhardt Senior Services
Attachments: Eckhardt Senior Service # 1.jpg; Eckhardt Senior Service # 2.jpg; Eckhardt Senior Service # 3.jpg; Eckhardt Senior Service # 4.jpg; Eckhardt Senior Service # 5.jpg; Eckhardt Senior Service # 6.jpg; Eckhardt Senior Service # 7.jpg; Eckhardt Senior Service # 8.jpg; Eckhardt Senior Service # 9.jpg; Eckhardt Senior Service receipts.jpeg

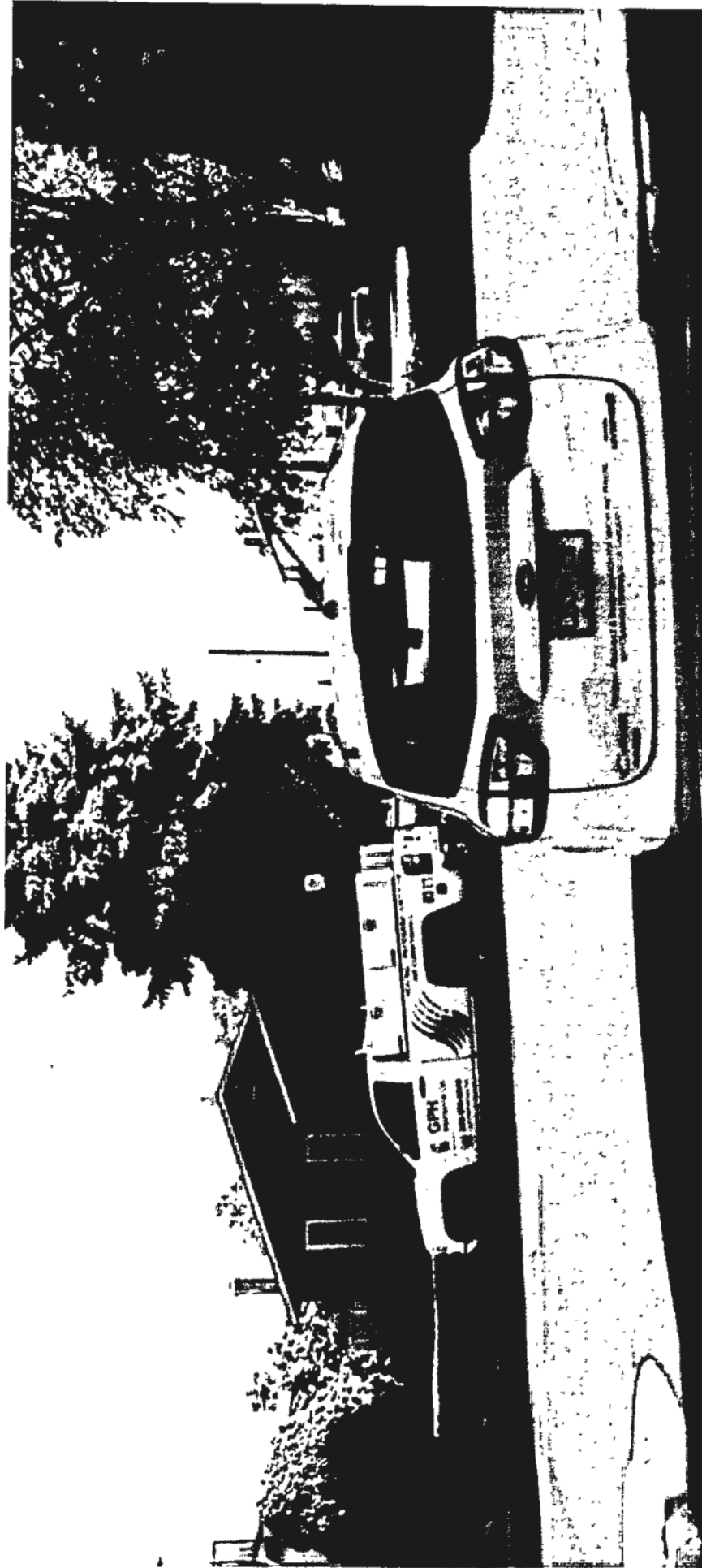
Good Afternoon Louise

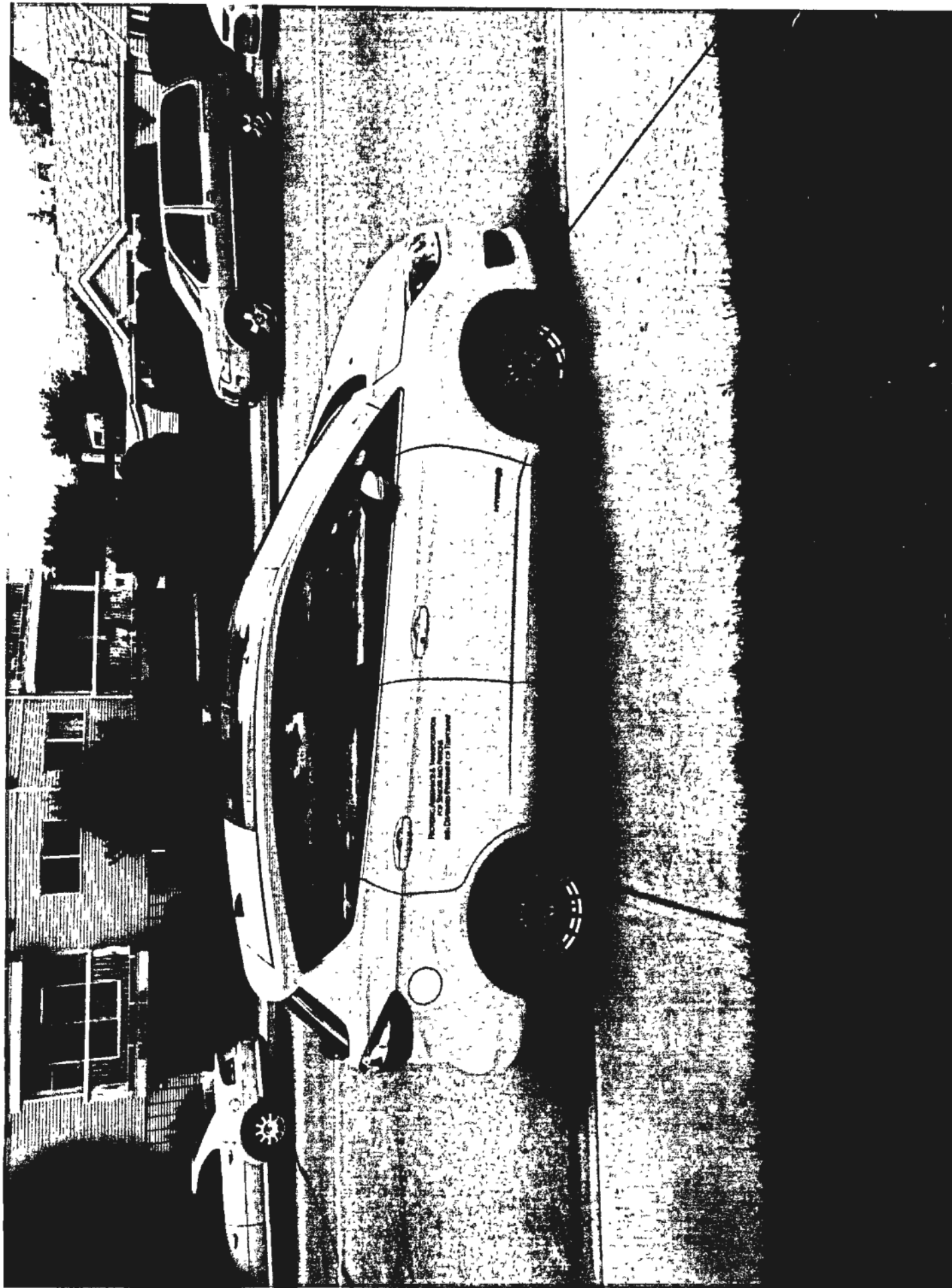
Please see attached the photos in jpeg format that you should be able to open.

I have also included a scanned copy of two payment receipts that were provided to a s.15 who can be reached at s.15. He got the Eckhardt Senior Service phone number from a flyer at Penticton Regional Hospital. He was told that the fee for going anywhere in the City of Penticton was \$5.00, as you can see from the receipts. s.15 advised that his first driver was Kerry DeLong, though he did not put his name on the card.

Thank you for your attention to this matter and we look forward to your reply.

s.15



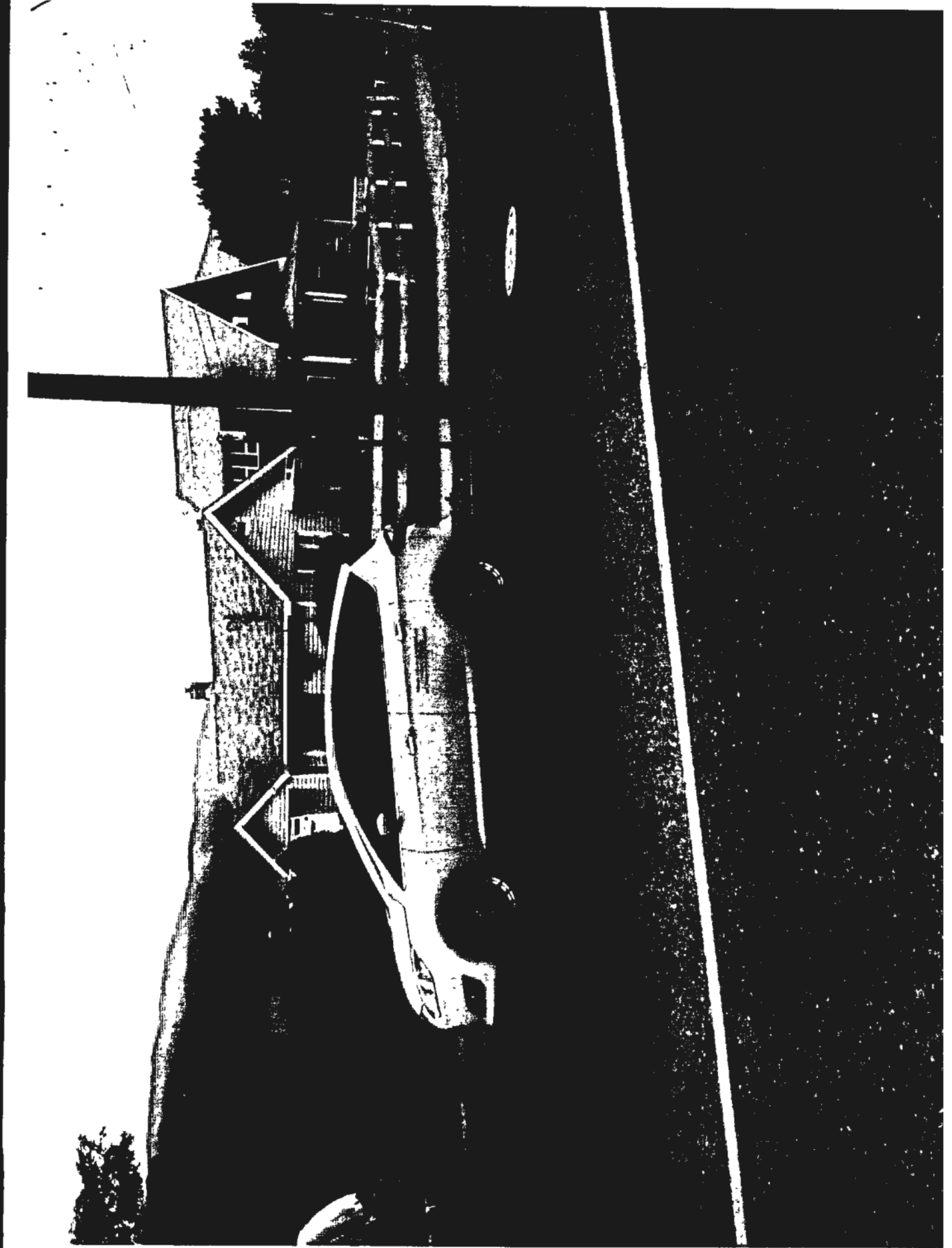




Starkhardt
Senior
Service

Accompaniment Services
778-476-1948





ckhardt
enior
ervice

Accompaniment Services

778-476-1948

PROVIDING ASSISTANCE & TRANSPORTATION
FOR SENIORS AND PERSONS
WITH DISABILITIES (PERMANENT OR TEMPORARY)

Refresh All Listboxes

View Signing Authority

Name KERRY DELONG HOLDINGS INC.

Client/NSC Num 202194420 [PTM >>](#)

Address

Addr Line 1 s.22

Addr Line 2

City

Prov

Web Addr

District District 4

Region Region 3

Contact Information

Name Kerry Lee DeLong

E-mail s.22

Phone 778-476-1948

Cell s.22

Fax

Agent

Name

[Copy Agent Name/Address](#)

[Compare Addr/Contact Info with Client](#)

[Clear Highlighting](#)

[Copy Licensee Name/Address](#)

[Copy Address Info from Client](#)

[Copy Address](#)

[Paste Address](#)

Last Updated

Jan 22, 2014 16:26

COL Generated Date

Page 118

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Sundquist, Doris TRAN:EX

From: Passenger Transportation Br, TRAN:EX
Sent: March-20-14 8:38 AM
To: TRAN ALL Passenger Transportation Clerks
Cc: TRAN ALL Passenger Transportation Registration Officers
Subject: FW: decision on your application
Attachments: Scan_MPS006520140319.pdf

From: Mitten, Kathleen TRAN:EX
Sent: March-20-14 7:57 AM
To: s.22
Cc: Passenger Transportation Br, TRAN:EX
Subject: decision on your application

Attached is the Board decision memo regarding your application. I will mail the original today and I am copying the Passenger Transportation Branch as well.

Kathy Mitten
Research and Admin. Coordinator
Passenger Transportation Board

Phone: 250-953-3777
Fax: 250-953-3788
Email: kathleen.mitten@gov.bc.ca



Incident Detail

File Number 2016-00091	Request Type	Record Other (Non-Taxi) Compl	Received Date Nov 29, 20
Requestor s.15	Assigned Inspector	311. Margaret Lovell	Assigned Date Nov 29, 20
Location Penticton	Received via	Email	Completion Date Nov 30, 20
Subject			
Requestor s.15		Licensee PT Number License Type ATTN: Kerry and Ellen Delong Kerry and Ellen Delong (dba Eckhardt Senior Service) s.22	
Phone s.15	Fax		
Cell			
Email			
Vehicle		Phone s.22	
Reg/VIN	Jurisdiction	Fax	
Plate #		Email s.22	
Owner			
		Driver License Num: Driver Name: Birthdate:	Class: Expiry Date: Jurisdiction

Comments:

November 24, 2016 - the following complaint was filed by s.15, against a driver of Eckhardt Senior Service, in the form of a Police Traffic Incident Report. The Report was also accompanied by a written statement from driver, s.22.

(Please note - the Police Report and Driver statement is housed under the correspondence tab of this file log) (mgf).

END _____

On November 30, 2016 - the following email was directed to s.15

Good Morning s.15

Thank you for directing the Police Incident Report which was accompanied by the statement of your driver s.22

Please be advised that our policy is to allow the RCMP to deal with matters which have been brought or directed to their attention for resolution. In this case your driver, s.22, has directed an incident report to the Penticton RCMP. He may wish to follow up with the RCMP with a view of ascertaining what action was taken.

As an aside - Matters involving the driving behaviours of Eckhardt Senior Service's drivers should be directed to the owners, or police. Any safety violations committed by drivers of Eckhardt must be considered a police matter.

As such, no action will be taken by the Passenger Transportation Branch in this matter.

Regards,

Conclusion:

The complaint was sourced s.15 was advised that the driver's complaint is a police matter, and that the the PT Branch will not be taking any action

The complaint is closed (mgf)

Last Updated By mglovell

Last Updated Date. Nov 30, 2016

Printed: Friday, January 27, 2017 - 08:45 08 am

Page 1

Lovell, Margaret G TRAN:EX

From: Passenger Transportation Br, TRAN:EX
Sent: Wednesday, November 30, 2016 12:40 PM
To: s.15
Subject: RE: Eckhardt Senior Services

Good Morning s.15

Thank you for directing the Police Incident Report which was accompanied by the statement of your driver s.22
s.22

Please be advised that our policy is to allow the RCMP to deal with matters which have been brought or directed to their attention for resolution. In this case your driver, s.22 has directed an incident report to the Penticton RCMP. He may wish to follow up with the RCMP with a view of ascertaining what action was taken.

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As such, no action will be taken by the Passenger Transportation Branch in this matter.

Regards.

Margaret Lovell

Passenger Transportation Inspector
Passenger Transportation Branch
Ministry of Transportation & Infrastructure
Toll Free: (1-800-663-7867)
Direct: (604) 527-2200
Branch: (604) 527-2198
Facsimile: (604) 527-2205
Email: margaret.lovell@gov.bc.ca
Web Address: www.th.gov.bc.ca/rpt

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From: s.15
Sent: Thursday, November 24, 2016 11:24 AM
To: Passenger Transportation Br, TRAN:EX
Subject: Fwd: Eckhardt Senior Services

Please see attached email for your information and review.

Thank you.

s.15

Office Manager

From: s.15

To: "Louise M TRAN Swan" <Louise.Swan@gov.bc.ca>

Sent: Thursday, November 24, 2016 10:25:07 AM

Subject: Eckhardt Senior Services

Good Morning Louise

Please see the attached RCMP incident report filed by our driver ^{s.22}
for your information and review.

regarding Eckhardt Senior Services

Thank you for your attention to this matter and we look forward to your reply.

s.15

ROYAL CANADIAN MOUNTED POLICE TRAFFIC INCIDENT REPORT

Date of Report:	Time: Approx 13:40	Police File No:
Location of Incident: E Bound Eckhardt and Penticton City Area		
Date of Incident: 11 15 16	Time: 12:07 pm →	
Describe the Weather Conditions: Cloudy / Just stopped raining		

Person Reporting

s.22

Other Witness:

Surname:	Given 1:	Given 2:
Home Address:		
Home Phone:		Other Phone:
DOB:	Sex:	Drivers Licence No: POI:

Suspect Vehicle

Licence Number: DR8 33N	Prov: BC	Licence Year: ?
Make:	Model:	Style: Year:
Top Colour: W.	Bottom Colour: W	No of Occupants: 1
Other Marks: (Was vehicle displaying a "N" or "L" sign): Eckhardt Senior Service		
Where was Vehicle last seen & Direction of Travel:		

Description of Driver

Sex: s.22	Approx. Age: s.22
Race:	Hair Colour:
Clothing Description: ?	
Did you have any contact with this Driver: No	

Use the back of this form to give a complete and precise explanation of the incident describing the driving action of the suspect.

gn ramp penticton 2002-05-12

Page 124 to/à Page 125

Withheld pursuant to/removed as

s.22

Copyright

Page 127 to/à Page 129

Withheld pursuant to/removed as

Copyright



Incident Detail

File Number 2016-00088	Request Type	Record Other (Non-Taxi) Compl	Received Date Nov 7, 2016
Requestor s.15	Assigned Inspector	311. Margaret Lovell	Assigned Date Nov 10, 201
Location	Received via	Email	Completion Date
Subject PDV Complaint			
Requestor		Licensee	
s.15		PT Number	
		License Type	
		ATTN: Kerry DeLong	
		Kerry and Ellen DeLong	
		(dba Eckhardt Senior Service)	
Phone s.15	Fax	s.22	
Cell			
Email			
Vehicle		Phone s.22	
Reg/VIN	Jurisdiction	Fax	
Plate #		Email	
Owner		Driver	
		License Num:	Class:
		Driver Name:	Expiry Date
		Birthdate:	Jurisdiction

Comments:

November 7, 2016 - the following complaint was submitted to the Branch:

Good Morning Mr. Dennis

At the instruction of the s.15 we are writing to ask what the status of the investigation into the operations of Eckhardt Senior Service is.

We have been advised that Mr. DeLong continues to operate all six (6) of his vehicles doing pick ups and drop offs around the City for all and various types of passengers, certainly not just passengers 65 or over or passengers with a disability. As a matter of fact we occasionally get calls to our dispatch asking " ... is this the 5 00 taxi? ... ".

We have also been told that Mr. DeLong has recently made a change and is charging the flat fee of \$5 00 for the first ten (10) minutes of the trip and then anything further is then metered. Is he allowed to have meters in his cars? We also wanted to ask if his drivers are required to have the Chauffeurs permits that our drivers are required have to purchase and have on display when driving. We have also been advised that Eckhardt Senior Services cars have been sitting at the Lakeside Resort and the Ramada Inn and Resort picking up random customers as they exit the hotels. Mr DeLong is also leaving business cards in local convenience stores and various businesses around Penticton where they are available for whomever needs a pick up.

We had a brief conversation with DoT Inspector Dave Sabyan, who was unaware of the Cease and Desist Order when we first contacted him, and he has since advised that this situation is no longer within his purview. We find this incredibly frustrating as we understood that his mandate was to monitor and police passenger transportation vehicles in Penticton and area

At this point we are providing written notification that we are s.15 and cannot understand how Eckhardt Senior Services continues to operate a passenger transportation company completely and totally outside the parameters of the rules and regulations that govern the taxi industry in this province. Eckhardt Senior Services is having a direct and definitive impact on our business and the other taxi company and we cannot understand how the company is being allowed to continue operate with impunity

We ask that you provide us with a report as to whether the Cease and Desist Order is going to be enforced and at what time that action is going to take place

Thank you for your attention to this matter and we look forward to your reply

Last Updated By: mglovell

Last Updated Date: Dec 9, 2

Printed: Friday, December 9, 2016 - 04 10 28 pm

Page 1



Incident Detail

File Number 2016-00088
Requestor s.15
Location
Subject PDV Complaint

Request Type
Assigned Inspector 311 Margaret Lovell
Received via Email

Record Other (Non-Taxi) Compl
Received Date Nov 7, 2016
Assigned Date Nov 10, 2016
Completion Date

s.15

END _____

December 9, 2016 - Acknowledgement letter directed (mgl)

Conclusion:

STATUS UNDER REVIEW BY THE DEPUTY REGISTRAR (MGL)

Last Updated By mglovell

Printed Friday, December 9, 2016 - 04 10 28 pm

Last Updated Date Dec 9, 2016

Page 2 of 2

Lovell, Margaret G TRAN:EX

From: Lovell, Margaret G TRAN:EX
Sent: Friday, December 9, 2016 4:08 PM
To: s.15
Subject: Complaint filed through Dennis Perry

File No: 2016-00088

Hello ,s.15

Our Acknowledgement letter is directed in response to the complaint you directed to Dennis Perry, as follows:

December 9, 2016

s.15

Dear s.15

**Re: Complaint filed against Eckhardt Senior Services addressed to
Dennis Perry copied to the Passenger Transportation Branch
on November 7, 2016.**

Thank you for taking the time to inform us of a situation you feel is unlawful. We have reviewed your complaint and are investigating this matter. We do not advise you of any punitive action taken.

We may contact you for further details to assist in the investigation of your complaint. However, you should be aware that if requested under the Freedom of Information and Protection of Privacy Act, the subject of your complaint could be made available to the requestor. Our normal practice is to withhold the identity of complainants. Should you require further information on the freedom of information process, please contact our Ministry's Information, Privacy and Records Branch at <http://www.gov.bc.ca/citz/iao/>.

Yours truly,

Margaret Lovell
Passenger Transportation Inspector
Passenger Transportation Branch

Lovell, Margaret G TRAN:EX

From: Calbick, Bruce W TRAN:EX
Sent: Monday, November 7, 2016 10:42 AM
To: Lovell, Margaret G TRAN:EX
Subject: FW: Eckhardt Senior Services

Have you seen this yet Margaret?

From: s.15
Sent: November-07-16 10:37 AM
To: Calbick, Bruce W TRAN:EX
Subject: Fwd: Eckhardt Senior Services

Please see the attached email.

Thank you for your assistance

s.15

From: s.15
To: "Perry TRAN Dennis:EX" <Perry.Dennis@gov.bc.ca>
Sent: Monday, November 7, 2016 10:30:37 AM
Subject: Eckhardt Senior Services

Good Morning Mr. Dennis

At the instruction of the s.15 we are writing to ask what the status of the investigation into the operations of Eckhardt Senior Service is.

We have been advised that Mr. DeLong continues to operate all six (6) of his vehicles doing pick ups and drop offs around the City for all and various types of passengers, certainly not just passengers 65 or over or passengers with a disability.

As a matter of fact we occasionally get calls to our dispatch asking " ... is this the 5.00 taxi? ... ".

We have also been told that Mr. DeLong has recently made a change and is charging the flat fee of \$5 00 for the first ten (10) minutes of the trip and then anything further is then metered. Is he allowed to have meters in his cars? We also wanted to ask if his drivers are required to have the Chauffeurs permits that our drivers are required have to purchase and have on display when driving We have also been advised that Eckhardt Senior Services cars have been sitting at the Lakeside Resort and the Ramada

Inn and Resort picking up random customers as they exit the hotels. Mr. DeLong is also leaving business cards in local convenience stores and various businesses around Penticton where they are available for whomever needs a pick up.

We had a brief conversation with DoT Inspector Dave Sabyan, who was unaware of the Cease and Desist Order when we first contacted him, and he has since advised that this situation is no longer within his purview. We find this incredibly frustrating as we understood that his mandate was to monitor and police passenger transportation vehicles in Penticton and area.

At this point we are providing written notification that we are s.15
s.15 and cannot understand how Eckhardt Senior Services continues to operate a passenger transportation company completely and totally outside the parameters of the rules and regulations that govern the taxi industry in this province. Eckhardt Senior Services is having a direct and definitive impact on our business and the other taxi company and we cannot understand how the company is being allowed to continue operate with impunity.

We ask that you provide us with a report as to whether the Cease and Desist Order is going to be enforced and at what time that action is going to take place.

Thank you for your attention to this matter and we look forward to your reply.

s.15



Incident Detail

File Number 2016-00084	Request Type	Record Other (Non-Taxi) Compl	Received Date Oct 25, 2016
Requestor s.15	Assigned Inspector 311. Margaret Lovell	Assigned Date Nov 2, 2016	
Location	Received via Email	Completion Date	
Subject PDV Complaint			
Requestor s.15	Licensee		
	PT Number		
	License Type		
	ATTN. Kerry DeLong		
	Kerry and Ellen DeLong		
	(Kerry DeLong Holdings Inc , dba Eckhardt Senior Service)		
	s.22		
Phone s.15	Fax		
Cell			
Email			
Vehicle	Phone s.22		
Reg/VIN	Fax		
Plate #	Email		
Owner	Driver		
	License Num:	Class:	
	Driver Name:	Expiry Date	
	Birthdate:	Jurisdiction	

Comments:

October 25, 2016 - the following complaint was directed to the Passenger Transportation Branch

"We complained about this service in the past but they are still operating with 5 Vehicles in town and killing the cab business completely. They are operating with \$5 rate anywhere in town and we can't compete working on metered rates and paying huge insurance/inspection and dispatch costs compared to him. As per his application, he is licensed to operate 1 vehicle, how come he is running 5 cars.

We heard he has installed meters now and he goes to the medical offices, retirement centres and hospitals to solicit clients to use his service on the basis of \$5/trip where he is supposed to charge Minimum \$45/hour as per his licence

He is not following the directions and board is not controlling him for doing illegal activities We are loosing drivers and our day business is almost shutdown due his flat fare deals

Please do some thing about it to Save the TAXI INDUSTRY in Penticton.

Thanks "

s.15

END _____

November 2, 2016 - the following email was directed to Perry Therrien

Hi Perry,

Inspector Margaret Lovell received the attached complaint from s.15 regarding the above mentioned company The allegations are Eckhardt has installed meters in their vehicles We discussed this file at our Inspectors' meeting this afternoon Perry Dennis A/Director, Operations asked me to contact you to see if your staff can stop a random sampling of Eckhardt's vehicles to see if there are in fact meters installed in their vehicles.

Please advise if you are able to assist in this matter.

Last Updated By: mglovell

Last Updated Date

Dec 9, 20

Printed Friday, December 9, 2016 - 04:14:15 pm

Page 1 c



Incident Detail

File Number 2016-00084
Requestor s.15
Location
Subject PDV Complaint

Request Type
Assigned Inspector
Received via
Record Other (Non-Taxi) Compl
311. Margaret Lovell
Email

Received Date Oct 25, 2016
Assigned Date Nov 2, 2016
Completion Date

Regards,

November 2, 2016 - Perry Therrien responded as follows

Hi Louise
We are not aware of any meters but I'm just curious, what would prohibit it ?

We will see what we can do to check it out

Perry T

November 2, 2016 - Louise Swan responded as follows:

Hi Perry,

If they have meters we would need to know what the meters are charging for Exemption 5(o) (iii) states in part (iii) no compensation is directly charged or collected for the provision of the transportation portion of the service being provided to that client by the operator;

Taxis are the only ones who use meters I have provided you with the following information.

http://www.th.gov.bc.ca/ptb/documents/ia_taximeterrequirements.pdf

http://www.th.gov.bc.ca/ptb/documents/rule_standard_rates.pdf

Eckhardt Senior Services must meet the following exemption in order to not require a Passenger Transportation licence.

Exemptions

5 The provisions of the Act and this regulation do not apply to the following:

(o) a commercial passenger vehicle when

- (i) the operator of the commercial passenger vehicle is operating the vehicle in the course of providing care, including hygiene, meal preparation, light housecleaning or shopping, to clients who require personal assistance with activities of daily living,
- (ii) the arrangement or provision of that transportation is not a primary business of that operator, and
- (iii) no compensation is directly charged or collected for the provision of the transportation portion of the service being provided to that client by the operator;

Thank you

November 2, 2016 - Perry Therrien provided his investigative findings.

I followed up on the complaint regarding Eckhardt Senior Services possibly having meters in their vehicles and operating more vehicles than licensed for. This operator is exempt from PTB licensing requirements according to the board so the number of vehicles in operation concern is not valid.

At 4:30pm Nov 2, 2016 I took the attached pictures of one of the 6 cars Eckhardt Senior Services is currently operating, apparently all 6 cars are new and the exact same. There was no evidence of any meter present at the time of inspection and the owner is aware he is not allowed to have meters or the PTB licensing exemption would not be valid. When I questioned the owner about the other 5 cars he replied that none have meters but indicated it could be the stock in-dash monitor with GPS that all of his vehicles are equipped with, possibly it could be mistaken for a meter/dispatch screen (see attached picture).

I indicated it was not a concern to me but was wondering what his fee structure was as I had heard it was \$5 a ride ?

Last Updated By mglovell

Last Updated Date: Dec 9, 2016

Printed: Friday, December 9, 2016 - 04:14:15 pm

Page 2 of 2



Incident Detail

File Number	2016-00084	Request Type	Record Other (Non-Taxi) Compl	Received Date	Oct 25, 2016
Requestor	s.15	Assigned Inspector	311 Margaret Lovell	Assigned Date	Nov 2, 2016
Location		Received via	Email	Completion Date	
Subject	PDV Complaint				

Mr DeLong replied that he charges \$55 an hour and provides full support from the door into the car, to shopping, doctors, etc and into the house upon return. The rate is actually prorated so if less than 10 minutes it could be \$5-\$10 a ride because Penticton is a small community with a large population of seniors living close to health services/shopping.

Currently we have expended a fair amount of resources following up on associated complaints from the local taxi industry without any of the allegations being substantiated. If possible, when taking these complaints can you please ask for car licence plate numbers, locations and time/date so there is more pertinent information to follow up on along with accountability. We would be happy to follow up again when necessary.

Yours truly

"I followed up on the complaint regarding Eckhardt Senior Services possibly having meters in their vehicles and operating more vehicles than licensed for. This operator is exempt from PTB licensing requirements according to the board so the number of vehicles in operation concern is not valid.

At 4:30pm Nov 2, 2016 I took the attached pictures of one of the 6 cars Eckhardt Senior Services is currently operating, apparently all 6 cars are new and the exact same. There was no evidence of any meter present at the time of inspection and the owner is aware he is not allowed to have meters or the PTB licensing exemption would not be valid. When I questioned the owner about the other 5 cars he replied that none have meters but indicated it could be the stock in-dash monitor with GPS that all of his vehicles are equipped with, possibly it could be mistaken for a meter/dispatch screen (see attached picture).

I indicated it was not a concern to me but was wondering what his fee structure was as I had heard it was \$5 a ride?

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Yours truly "

November 2, 2016 - Acknowledgement letter directed (mgl)

Conclusion:

STATUS - Allegations were brought forward at our Inspector's Meeting on November 2, 2016. It was suggested that a request be directed to Perry Therrien in getting his assistance to verify if indeed meters are installed in Eckhardt's vehicle.

Perry Therrien responded that there is no meter installed in the vehicle that was cited. There are six vehicles in the fleet of the same make. The owner confirmed that there are no meters in the vehicle, but rather could be mistaken for the "stock in-dash monitor with GPS" that all of his vehicles are equipped with the same.

Note: This matter has been on-going and in order to put it to bed - a detailed review is required to ascertain that Eckhardt Senior is following the letter of Exemption 5(o).

Awaiting Perry Therrien's findings - then the investigation will be continued. (mgl)

Last Updated By: mglovell

Printed Friday, December 9, 2016 - 04:14:15 pm

Last Updated Date:

Dec 9, 2016

Page 3



File No: 2016-00084

November 2, 2016

s.15

Attention: s.15

Dear s.15

Re: Complaint filed against Eckhardt Senior Service

Thank you for taking the time to inform us of a situation you feel is unlawful. We have reviewed your complaint and are investigating this matter. We do not advise you of any punitive action taken.

We may contact you for further details to assist in the investigation of your complaint. However, you should be aware that if requested under the Freedom of Information and Protection of Privacy Act, the subject of your complaint could be made available to the requestor. Our normal practice is to withhold the identity of complainants. Should you require further information on the freedom of information process, please contact our Ministry's Information, Privacy and Records Branch at <http://www.gov.bc.ca/citz/iao/>.

Yours truly,

Margaret Lovell

Passenger Transportation Inspector
Passenger Transportation Branch
Ministry of Transportation & Infrastructure
/mgl

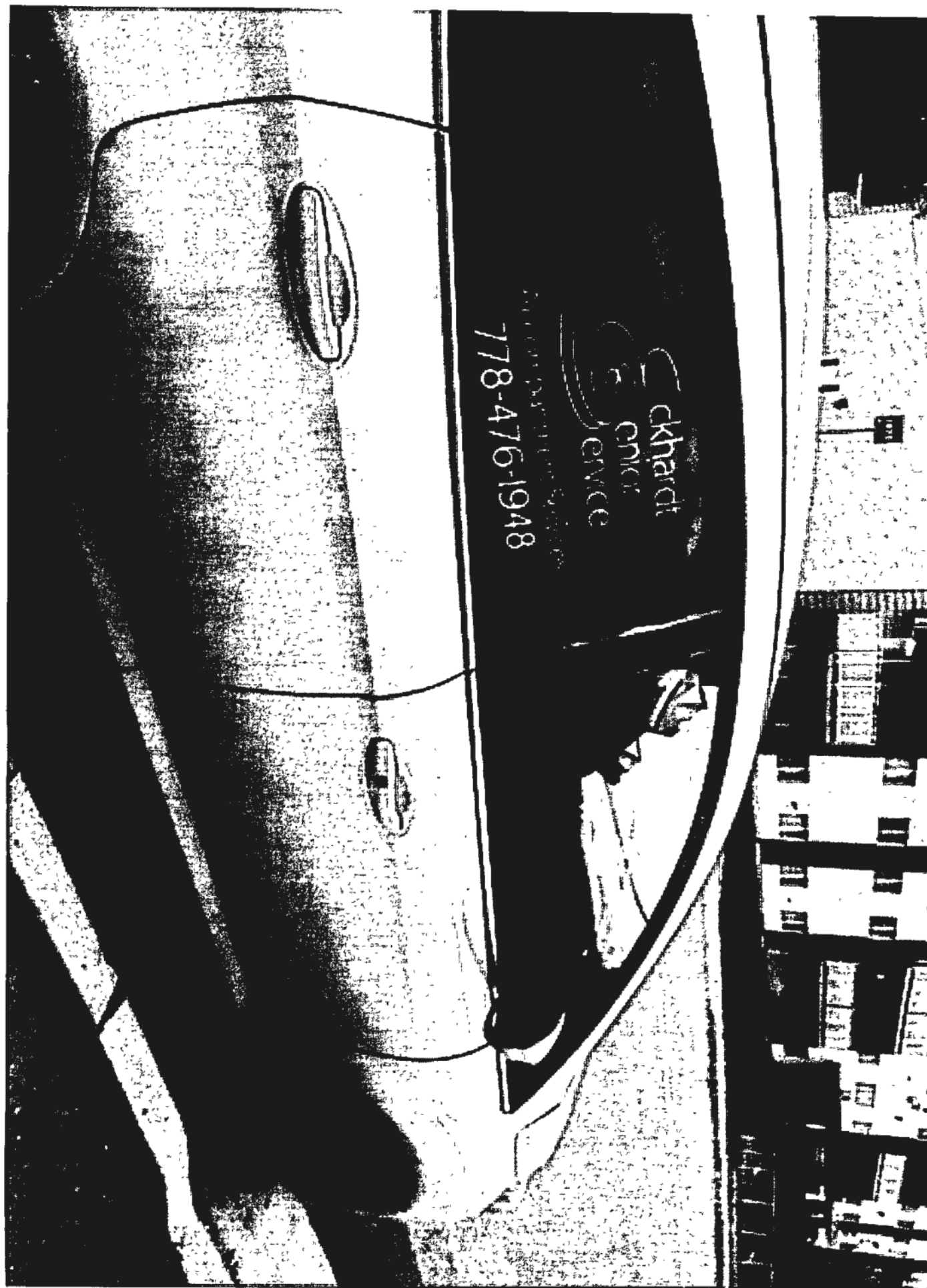
Ministry of
Transportation
and Infrastructure

Passenger Transportation
Branch

Suite 313 - 1500 Woolridge Street
Coquitlam, BC V3K 0B8

Telephone 604.527.2198
Fax: 604.527.2205
Web: www.th.gov.bc.ca/rpt/

E-mail
passengertransportationbr@gov.bc.ca





Swan, Louise M TRAN:EX

From: Therrien, Perry J TRAN:EX
Sent: Wednesday, November 2, 2016 6:27 PM
To: Swan, Louise M TRAN:EX
Cc: Therrien, Perry J TRAN:EX
Subject: RE: Eckhardt Senior Services
Attachments: Eckhardt Senior Services Car Exterior Nov 2 2016.jpg; Interior of Eckhardt Car Nov 2 2016.jpg

Louise,

I followed up on the complaint regarding Eckhardt Senior Services possibly having meters in their vehicles and operating more vehicles than licensed for. This operator is exempt from PTB licensing requirements according to the board so the number of vehicles in operation concern is not valid.

At 4:30pm Nov 2, 2016 I took the attached pictures of one of the 6 cars Eckhardt Senior Services is currently operating, apparently all 6 cars are new and the exact same. There was no evidence of any meter present at the time of inspection and the owner is aware he is not allowed to have meters or the PTB licensing exemption would not be valid. When I questioned the owner about the other 5 cars he replied that none have meters but indicated it could be the stock in-dash monitor with GPS that all of his vehicles are equipped with, possibly it could be mistaken for a meter/dispatch screen (see attached picture).

I indicated it was not a concern to me but was wondering what his fee structure was as I had heard it was \$5 a ride ?

Mr DeLong replied that he charges \$55 an hour and provides full support from the door into the car, to shopping, doctors, etc and into the house upon return. The rate is actually prorated so if less than 10 minutes it could be \$5-\$10 a ride because Penticton is a small community with a large population of seniors living close to health services/shopping.

Currently we have expended a fair amount of resources following up on associated complaints from the local taxi industry without any of the allegations being substantiated. If possible, when taking these complaints can you please ask for car licence plate numbers, locations and time/date so there is more pertinent information to follow up on along with accountability. We would be happy to follow up again when necessary.

Yours truly

Perry Therrien
Okanagan Shuswap District CVSE Manager

From: Swan, Louise M TRAN:EX
Sent: Wednesday, November 2, 2016 2:13 PM
To: Therrien, Perry J TRAN:EX
Subject: Eckhardt Senior Services

Hi Perry,

Inspector Margaret Lovell received the attached complaint from s.15 regarding the above mentioned company. The allegations are Eckhardt has installed meters in their vehicles. We discussed this file at our Inspectors' meeting this afternoon. Perry Dennis A/Director, Operations asked me to contact you to see if your staff can stop a random sampling of Eckhardt's vehicles to see if there are in fact meters installed in their vehicles.

Please advise if you are able to assist in this matter.

Regards,

Louise Swan

Passenger Transportation Inspector
Passenger Transportation Branch
Ministry of Transportation and Infrastructure
Suite 313 – 1500 Woolridge Street
Coquitlam, BC V3K 0B8
Direct Line: 604-527-2186 Fax: 604-527-2205
Main Telephone: 604-527-2198
e-mail: passengertransportationbr@gov.bc.ca
BC Residents can call toll free through Enquiry BC 1-800-663-7867
or 604-660-2421
Victoria: 250-387-6121
Elsewhere in BC: 1-800-663-7867

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Lovell, Margaret G TRAN:EX

From: Swan, Louise M TRAN:EX
Sent: Wednesday, November 2, 2016 3:05 PM
To: Lovell, Margaret G TRAN:EX
Subject: FW: Eckhardt Senior Services

fyi

Louise Swan

Passenger Transportation Inspector
Passenger Transportation Branch
Ministry of Transportation and Infrastructure
Suite 313 – 1500 Woolridge Street
Coquitlam, BC V3K 0B8
Direct Line: 604-527-2186 Fax: 604-527-2205
Main Telephone: 604-527-2198
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From: Swan, Louise M TRAN:EX
Sent: Wednesday, November 2, 2016 2:43 PM
To: Therrien, Perry J TRAN:EX
Subject: RE: Eckhardt Senior Services

Hi Perry,

If they have meters we would need to know what the meters are charging for. Exemption 5(o) (iii) states in part:

(iii) no compensation is directly charged or collected for the provision of the transportation portion of the service being provided to that client by the operator;

Taxis are the only ones who use meters. I have provided you with the following information.

http://www.th.gov.bc.ca/ptb/documents/ia_taximeterrequirements.pdf

http://www.th.gov.bc.ca/ptb/documents/rule_standard_rates.pdf

Eckhardt Senior Services must meet the following exemption in order to not require a Passenger Transportation licence.

Exemptions

5 The provisions of the Act and this regulation do not apply to the following:

- (o) a commercial passenger vehicle when
 - (i) the operator of the commercial passenger vehicle is operating the vehicle in the course of providing care, including hygiene, meal preparation, light housecleaning or shopping, to clients who require personal assistance with activities of daily living,
 - (ii) the arrangement or provision of that transportation is not a primary business of that operator, and
 - (iii) no compensation is directly charged or collected for the provision of the transportation portion of the service being provided to that client by the operator;

Thank you.

Louise Swan

Passenger Transportation Inspector
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From: Therrien, Perry J TRAN:EX
Sent: Wednesday, November 2, 2016 2:29 PM
To: Swan, Louise M TRAN:EX

Cc: Sabyan, David TRAN:EX
Subject: Re: Eckhardt Senior Services

Hi Louise

We are not aware of any meters but I'm just curious, what would prohibit it ?

We will see what we can do to check it out.

Perry T

On Nov 2, 2016, at 2:13 PM, Swan, Louise M TRAN:EX <Louise.Swan@gov.bc.ca> wrote:

Hi Perry,

Inspector Margaret Lovell received the attached complaint from s.15 regarding the above mentioned company. The allegations are Eckhardt has installed meters in their vehicles. We discussed this file at our Inspectors' meeting this afternoon. Perry Dennis A/Director, Operations asked me to contact you to see if your staff can stop a random sampling of Eckhardt's vehicles to see if there are in fact meters installed in their vehicles.

Please advise if you are able to assist in this matter.

Regards,

Louise Swan

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Passenger Transportation Branch
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<Scan_20161102.pdf>

Page 146

Withheld pursuant to/removed as

DUPLICATE

Lovell, Margaret G TRAN:EX

From: Passenger Transportation Br, TRAN.EX
Sent: Wednesday, November 2, 2016 3:00 PM
To: s.15
Subject: RE: Eckhardt Senior service

Hello s.15

Your complaint was received at the Passenger Transportation Branch. Our Acknowledgement letter is as follows:

File No: 2016-00084

November 2, 2016

s.15

Attention: s.15

Dear s.15

Re: Complaint filed against Eckhardt Senior Service]

Thank you for taking the time to inform us of a situation you feel is unlawful. We have reviewed your complaint and are investigating this matter. We do not advise you of any punitive action taken.

We may contact you for further details to assist in the investigation of your complaint. However, you should be aware that if requested under the Freedom of Information and Protection of Privacy Act the subject of your complaint could be made available to the requestor. Our normal practice is to withhold the identity of complainants. Should you require further information on the freedom of information process, please contact our Ministry's Information, Privacy and Records Branch at <http://www.gov.bc.ca/citz/jao/>.

Yours truly,

Margaret Lovell
Passenger Transportation Inspector
Passenger Transportation Branch
Ministry of Transportation & Infrastructure
Toll Free: (1-800-663-7867)
Direct: (604) 527-2200
Branch: (604) 527-2198



Incident Detail

File Number	2016-00036	Request Type	Record Other (Non-Taxi) Compl	Received Date	May 11, 2016
Requestor	s.15	Assigned Inspector	312 Louise Swan	Assigned Date	May 11, 2016
Location		Received via	Email	Completion Date	Sep 6, 2016
Subject	PDV Complaint				

Requestor
s.15

Licensee

PT Number

License Type

ATTN Kerry Lee & Ellen Elizabeth DeLong
Erckhardt Senior Serices
s.22

Phone s.15

Fax 778-476-0933

Cell

Email

Vehicle

Reg/VIN

Plate #

Owner

Jurisdiction

Phone s.22

Fax

Email

Driver

License Num:

Driver Name:

Birthdate:

Class:

Expiry Date:

Jurisdiction

Comments:

May 11/16 1 49 PM
Hi

I would like to make a complaint for this service by the name of Eckhardt Services in Penticton Using the phone # 778-476-1948. He is putting his ads all over the place especially at the senior homes, clinics, Grocery stores and hospital etc. He is providing rides to the public at \$5.00/ride any where in town.

We are getting a lot of resentment from our drivers that he is taking lot of business from us and affecting our business hugely. He is operating a car with a licence plate # 609 PRX

Can you please do something about it I am afraid to loose some drivers due to this, because they are not making any money and we are paying expensive insurances and maintaining our cars as per CVIP guidelines and this guy in his private car doing all this business for \$5 00/ride

Thanks

s.15

May 12/16 1 10 PM.
Good afternoon s.15

If possible could you provide a copy of the advertisements he is placing in the senior homes, clinics, grocery stores and hospital, etc.

Last Updated By: lmswan

Last Updated Date: Jan 26, 2017

Printed Thursday, January 26, 2017 - 01:18 33 pm

Page 1 of 8



Incident Detail

File Number 2016-00036	Request Type	Record Other (Non-Taxi) Compl	Received Date May 11, 2016
Requestor s.15	Assigned Inspector	312. Louise Swan	Assigned Date May 11, 2016
Location	Received via	Email	Completion Date Sep 6, 2016
Subject PDV Complaint			

May 16/16 8:51 PM. Photographs imported to the correspondence tab.
Hi

Please see the advertisement and he is running three cars, when I think he is licensed for 1. I am sending picture of his cars. He is getting all this business because he is running fares for \$5/ride. We s.15 due to his flat rates

Thanks

May 24/16 2:21 PM

Thanks for the photographs and advertisement

We will be discussing this file at our Inspectors' meeting this week.

I have provided you with the Passenger Transportation Board's decision on application 06-14 for your review

http://www.th.gov.bc.ca/ptb/Bulletins/2014/140326_Bulletin.pdf

May 30/16 I contact Kerry DeLong to let him know the PT Branch received two complaints alleging they are providing a taxi service. The PT Board ruled the services they provide meet the exemption PTAR 5 (o). I asked Kerry DeLong to provide a detailed letter explaining the services they provided.

May 31/16 9:02 AM. Letter of Kerry deLong of Eckhardt Senior Services detailing their services they provide under the exemption PTAR 5 (o)

June 03, 2016 9:43 AM.

Good morning Kerry and Ellen DeLong.

Thank you for your summary

We discussed your Summary of Operations at our Inspectors' meeting yesterday afternoon.

The Passenger Transportation Branch was provided with two receipts for May 20, 2016 issued from Eckhardt Senior Service. Both receipts are for a total \$5.00 each.

In your summary you stated we pro-rate into 5 minute increments which totals \$3.75 tax included for each 5 minutes. The Registrar would like to know the following:

- How was the \$5.00 charge determined (calculated)
- How is personal care and transportation being provided for \$5.00
- How does this service meet the exemption PTAR 5 (o)

Exemptions

5 The provisions of the Act and this regulation do not apply to the following.

(o) a commercial passenger vehicle when

- (i) the operator of the commercial passenger vehicle is operating the vehicle in the course of providing care, including hygiene, meal preparation, light housecleaning or shopping, to clients who require personal assistance with activities of daily living,
- (ii) the arrangement or provision of that transportation is not a primary business of that operator, and
- (iii) no compensation is directly charged or collected for the provision of the transportation portion of the service being provided to that client by the operator,

Please provide your explanation to the Registrar by Tuesday, June 07, 2016

June 06/16 4:07 PM

- How was the \$5.00 charge determined (calculated)

We follow a general guideline that when a task takes less than 10 mins, then the charge to that client's account is \$5.00 (our minimum charge). We have not yet had any tasks that take less than 7 mins.

Last Updated By: lmswan

Printed Thursday, January 26, 2017 - 01:18:33 pm

Last Updated Date Jan 26, 2017

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Incident Detail

File Number 2016-00036	Request Type	Record Other (Non-Taxi) Compl	Received Date May 11, 2016
Requestor s.15	Assigned Inspector 312 Louise Swan		Assigned Date May 11, 2016
Location	Received via	Email	Completion Date Sep 6, 2016
Subject PDV Complaint			

- How is personal care and transportation being provided for \$5 00

This is solely due to the topography of the city of Penticton, and would apply only to movement along the main street, south main and skaha lake road corridors, as most of our local "through-the-door-services" complete in less than 10 minutes. Tasks taking more than 10 mins or longer are billed accordingly. Once we head beyond to outlying areas the charge increases based on time only.

Billing Examples: Penticton into the Summerland clinic is approx. 27 mins and bills at \$20 00
Penticton into the Kelowna Hospital is approx 60 mins and bills at \$45 00
Penticton into the Kelowna Airport is approx 83 mins and bills at \$65 00

An example of a simple task that would bill out at a minimum charge approx. 7-8 mins

A senior, s.22 wants to go do some grocery shopping, and books our services for a pickup at 10 am on Tuesday. She chooses to leave her walker at home and use the shopping cart as her walker this time as she only needs a few items. She Lives s.22 of her nearest grocery store. She knows it will take her about an hour so she also books a returning pickup at 11 am.

Our task: To accompany s.22 at 10 am to the store. As she doesn't have her walker today we know she will be waiting at the door. Where, when we arrive we will meet her at her door. And assist her into the awaiting vehicle, walking arm in arm for support. Once buckled in we drive the few minutes to the store. Once there we fetch a grocery cart for her, once she has the cart in hand for stability she releases us from service.

During transit, we let s.22 know that if she gets tired or finishes earlier than our arranged time for pick up, that she can have the service desk at the store give us a call and we will collect her earlier.

On our return trip home with s.22 the only change to the routine is the added groceries. As this was a light shop our attendant was able to carry the bags of groceries in one arm and walk arm in arm with the other. Safely back thru her door. And safely into her home with her groceries placed on her countertop. So the return trip also took less than 8 mins.

Occasionally, s.22 wants to do a heavier grocery shop and requires our assistance to push the heavy buggy around. She will use her walker. Start to finish with her groceries landed on her kitchen counter or put away.. Whichever she wishes is billed solely dependent on time.

Another example of our typical client s.22

s.22 is one of our s.22 clients who regularly visits the s.22 (much to her distaste) When s.22 they call us. We head up to collect s.22 and drive her s.22 to home, where we utilize our transport chair to get her safely into her home and comfortably into her living room chair, we usually then fetch her a glass of water or milk from the fridge and ensure she is comfortable before we lock up and leave. This task from beginning to end takes approx 8 mins and we charge her account \$5 00

When s.22 needs to go to a doctor's appointment we again utilise our transport chair and attend with her through her appointment, assisting as required. The average length of this task is 1 25 hours and her account is billed accordingly.

s.22 is our contact with regards to her account. He resides ins.22
I would like to Quote to you his note/card of thanks we received with his last billing

As follows

Dear Ellen and Kerry

The simple words "thank you" seems hardly adequate to express our appreciation for the vehicle/companion service that Eckhardt Senior Service provides seniors, but we want to say them to you with the utmost sincerity.

The hardest thing about living so far away is worrying about my mother s.22 falling or injuring herself while going to a medical appointment using public transit, taxi or attempting to walk without any assistance.

The caring that you provide is the added value that we appreciate very much.
Goodwill is always rewarded, thank you

s.22

Last Updated By: lmswan

Last Updated Date: Jan 26, 2017

Printed: Thursday, January 26, 2017 - 01 18 34 pm

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Incident Detail

File Number	2016-00036	Request Type	Record Other (Non-Taxi) Compl	Received Date	May 11, 2016
Requestor	s.15	Assigned Inspector	312: Louise Swan	Assigned Date	May 11, 2016
Location		Received via	Email	Completion Date	Sep 6, 2016
Subject	PDV Complaint				

It is letters like these that keep us going, we have even been honorably mentioned in our past clients obituaries. It makes us proud of the services and the vehicles that we provide to serve the local community

- How does this service meet the exemption PTAR 5 (o).
 - i. We are providing care and personal assistance to our senior and disabled clients
 - ii. Transportation is not our primary business Care and Personal Assistance is.
 - iii. We do not have any charges related to the use of our vehicles

Previously, when we originally applied for licencing with the Board , you determined that due to the nature of "what we are doing" and "how we are doing it" labeled us as a companion service and an exemption from licencing applied as our services met the criteria of Part 5 (o)

Over the past years of our growth it is has been noted that as the majority of our clients reside in assisted living or community care facilities, that possibly the exemption of part 5 (i) may also apply to our services. As well in some cases Part 3 (2) (b) may be applied to our services

The business model we have developed can go a long way to help solve some of the transportation issues facing senior citizens and handicapped / disabled persons living on fixed incomes We need your support not your condemnation

Our Vehicles and Office records pertaining to our operations will at all times be made available to your staff for further scrutiny should the need arise.

Notes:

The local BC Transit / HandyDart service has been in touch with us with regards to handling some of the overflow transit needs of their passengers Similar to the way they dispatch those trips out to the Taxi companies I have told them that they would need to contact the City of Penticton and the Passenger Transportation Board and to consult Part 5 (c) of the act before we would be able to touch any of their clients or accept any handydart vouchers and have left it at that.

As well, a few government sponsored programs have been in touch with us about hiring from their programs and offering to pay 1/2 wages for any employees we can hire.

Since our inception some 3 years ago we have gone thru many growing pains, we started with a handful of clients and If you recall some 2.5 years ago the taxi companies accused us of many infractions causing the Passenger Transportation Board to shut us down while we went through the process to become properly licenced/defined Here we are 2 years later and we have grown to a base of 400 regular clients and are adding some 10 to 20 clients per week on a steady basis. By the end of this summer we calculate that we will have between 700 and 1000 regular users of our services here in Penticton

We have financial approval of up to 10 more new vehicles and some local seniors groups have offered to purchase 2 or 3 newer wheelchair capable vans so that we may assist those confined to wheelchairs

Thank You
Kerry DeLong
kld

June 10, 2016 12:44 PM.
Good afternoon s.15

Just to let you know the Registrar will be sending the proposed services of Eckhardt Seniors Service to the Passenger Transportation Board in Victoria for a review to determine if all the services meet the exemption PTAR 5 (o)

June 10/16 12:53 PM
Hi

Last Updated By: lmswan

Last Updated Date Jan 26, 2017

Printed: Thursday, January 26, 2017 - 01:18:34 pm

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Incident Detail

File Number 2016-00036	Request Type	Record Other (Non-Taxi) Compl	Received Date May 11, 2016
Requestor s.15	Assigned Inspector 312. Louise Swan		Assigned Date May 11, 2016
Location	Received via Email		Completion Date Sep 6, 2016
Subject PDV Complaint			

Can we place our objection to this service. He is charging only \$5 to anywhere in town, whereas his tariff rate is \$45/hour. He has 3 vehicles in service and s.15 3-4 times busier than cabs. No body wants to call for a cab when he can provide the service for \$5. We are paying huge amount of insurance and vehicle inspection and maintaining our fleets at such a higher cost. It is very frustrating for us and our drivers to do business in such an environment. Please let us know, what are our options here.

Thanks

June 10, 2016 1:04 PM

No, s.15 there is no submission process (objection) for a review on an exemption. The Registrar is asking the Board in Victoria for a review to see if all the services they are providing fall under the exemption. If the Board determines they require a PT licence then a submission process would apply and the application would be published in the weekly bulletin by the Board.

June 16, 2016 9:23 AM

Hello Cindy,

As per Perry Dennis' request I have provided you with the following information

Kerry & Ellen DeLong dba Eckhardt Seniors Service (Eckhardt) Eckhardt made an application (06-14) to the Passenger Transportation Board (Board) for a Special Authorization licence in February 2014. The Board determined that section 5 (o) of the Passenger Transportation Regulation applies to this service which is primarily a companion service, with transportation a secondary service. Therefore, the service is exempt from licensing (published in the weekly bulletin on March 26, 2014) http://www.th.gov.bc.ca/ptb/Applications/2014/140205/06-14_ApplicationSummary.pdf

http://www.th.gov.bc.ca/ptb/Bulletins/2014/140326_Bulletin.pdf

- On May 11, 2016 the Passenger Transportation Branch (Branch) received a complaint from s.15 .Alleging that Eckhardt is providing rides to the public at \$5 00/ride anywhere in town
- On May 26, 2016 the Branch received a complaint from S.15 Alleging Eckhardt is providing transportation for a flat fee rate of \$5 00 anywhere in Penticton and a flat fee rate of \$15 00 for out of town trips, for example to Kaleden and/or Naramata
- May 30, 2016 I telephoned Kerry DeLong and advised him the Branch has received complaints alleging they are providing a taxi service and requested a detailed letter explaining the services they are providing
- May 31, 2016 Branch received a summary of their operations from Kerry and Ellen DeLong.
- June 01, 2016 e-mail from s.15 And a copy of 2 receipts allegedly issued by Eckhardt from the Penticton Hospital to 2 different drop off locations in Penticton
- June 03, 2016 I sent an e-mail to Kerry and Ellen DeLong asking them to provide responses to 3 items detailed in their summary for the Registrars review
- June 06, 2016 responses received from Kerry & Ellen DeLong
- June 09, 2016 responses reviewed at Inspectors' meeting
- June 10, 2016 the complainants were advised via e-mail that the Registrar will be sending the file to the Board in Victoria for a review and to determine if all the services meet exemption PTAR 5 (o)

July 05, 2016 1:33 PM

Good afternoon Kerry and Ellen DeLong,

Further to our telephone conversation on May 30, 2016 wherein I requested a detailed letter explaining the services you are currently providing to your client's because the Passenger Transportation Branch (Branch) had received complaints that Eckhardt Senior Service is allegedly providing a taxi service

The Branch reviewed your Summary of Operations and I sent you a subsequent e-mail on Friday, June 3, 2016 9:43 AM to provide your requested responses to the 3 bullets contained in the e-mail. Your response was received on Monday, June 6, 2016 4:07 PM and has also been reviewed.

We've reviewed the original Passenger Transportation Board (Board) decision on your current operations and billing practices. We have provided you with the following links to review the decision of the Board on Eckhardt Seniors Service application 06-14.

http://www.th.gov.bc.ca/ptb/Applications/2014/140205/06-14_ApplicationSummary.pdf

http://www.th.gov.bc.ca/ptb/Bulletins/2014/140326_Bulletin.pdf

Last Updated By: lmswan

Last Updated Date: Jan 26, 2017

Printed Thursday, January 26, 2017 - 01:18:34 pm

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Incident Detail

File Number 2016-00036	Request Type	Record Other (Non-Taxi) Compl	Received Date May 11, 2016
Requestor s.15	Assigned Inspector 312' Louise Swan		Assigned Date May 11, 2016
Location	Received via Email		Completion Date Sep 6, 2016
Subject PDV Complaint			

Summary of Operations

2 Nature of business

"We will attend with our clients, or prearrange with the client their safe journey home afterwards when our onsite services are not required".

4 Client Costs/Billing

"Our rate is \$45 00 per hour (tax included) for our services. We pro-rate into 5 minute increments which totals \$3.75 tax included for each 5 minutes. Occasionally, subject to financial hardships and/or the fixed incomes of our clients we have adjusted that rate down to \$25 00 per hour depending on the nature of our clients specific needs".

You cannot provide unaccompanied transportation services under exemption 5 (c) All accompanied transportation services provided on behalf of your customers must be included in the same hourly rate charged (cannot pro rate in 5 minute increments) for providing care, including hygiene, meal preparation, lights housecleaning or shopping. If you want to bill customers on a time basis or pro-rated charge you will require a Special Authorization licence. You can download the appropriate forms from the Guide at the following link <http://www.th.gov.bc.ca/ptb/forms.htm> Guide 9 "I want to start a new PDV service".

You must immediately change your practices and bill your customers on an hourly basis and all transportation services provided to your customers must be accompanied (start to end of services provided) Please refer to the determination by the Board and the Application Summary at the above links provided.

You may wish to review the following Passenger Directed Vehicle exclusion If you feel your services meet the exclusion in its entirety then you could make application for a General Authorization licence.

3 (2) The following commercial passenger vehicles are excluded from the definition of "passenger directed vehicle".

(b) a commercial passenger vehicle that is used only to transfer

(i) persons who have a disability, either permanent or temporary, confirmed by a medical practitioner, that is sufficiently severe that the person is physically unable without assistance to use conventional transit service, and

(ii) any person accompanying a person referred to in subparagraph (i),

If you have any questions please contact me directly

August 10, 2016 - an email was received from the Delongs wherein they acknowledged that they do understand the issues raised and agree to appropriately revise their company's practices so that they are not supplying any services for which they require approval pursuant to the Passenger Transportation Act. (mgl)

Conclusion:

July 27, 2016 2 04 PM (conclusion of findings imported to the correspondence tab)

Good afternoon Kerry & Ellen Delong,

The Passenger Transportation Branch has concluded its investigation Please see attachment.

If you have any questions please contact Perry Dennis, Deputy Director, Operations at 604-527-2198

September 6, 2016 - This investigation is closed, as the Delongs have acknowledged that they do understand the issues raised in the Cease & Desist letter directed to them (mgl)

Sept 13/16 9 05 AM

Good Morning s.15

As I explained in my previous e-mail note, we are aware of the complaint and continue our investigation although I am unable to discuss the details of that investigation with you Please be assured, we are aware of the allegations and continue to monitor the situation.

Thank you,
Perry Dennis
Deputy Director, Operations

Last Updated By: lmswan

Printed Thursday, January 26, 2017 - 01:18 34 pm

Last Updated Date Jan 26, 2017

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Incident Detail

File Number 2016-00036	Request Type	Record Other (Non-Taxi) Compl	Received Date May 11, 2016
Requestor s.15	Assigned Inspector	312. Louise Swan	Assigned Date May 11, 2016
Location	Received via	Email	Completion Date Sep 6, 2016
Subject PDV Complaint			

Nov 02/16 6 27 PM
Louise,

I followed up on the complaint regarding Eckhardt Senior Services possibly having meters in their vehicles and operating more vehicles than licensed for. This operator is exempt from PTB licensing requirements according to the board so the number of vehicles in operation concern is not valid.

At 4 30pm Nov 2, 2016 I took the attached pictures of one of the 6 cars Eckhardt Senior Services is currently operating, apparently all 6 cars are new and the exact same. There was no evidence of any meter present at the time of inspection and the owner is aware he is not allowed to have meters or the PTB licensing exemption would not be valid. When I questioned the owner about the other 5 cars he replied that none have meters but indicated it could be the stock in-dash monitor with GPS that all of his vehicles are equipped with, possibly it could be mistaken for a meter/dispatch screen (see attached picture).

I indicated it was not a concern to me but was wondering what his fee structure was as I had heard it was \$5 a ride?

Mr DeLong replied that he charges \$55 an hour and provides full support from the door into the car, to shopping, doctors, etc and into the house upon return. The rate is actually prorated so if less than 10 minutes it could be \$5-\$10 a ride because Penticton is a small community with a large population of seniors living close to health services/shopping.

Currently we have expended a fair amount of resources following up on associated complaints from the local taxi industry without any of the allegations being substantiated. If possible, when taking these complaints can you please ask for car licence plate numbers, locations and time/date so there is more pertinent information to follow up on along with accountability. We would be happy to follow up again when necessary.

Yours truly

Perry Thermen
Okanagan Shuswap District CVSE Manager

From: Thermen, Perry J TRAN EX
Sent: January-20-17 12:45 PM
To: Calbick, Bruce W TRAN EX
Cc: Thermen, Perry J TRAN EX
Subject: FW: Eckhardt Services - Follow up

Bruce,

s.15

The conversation is documented below, at this time there is no evidence that Eckhardt Services is providing other than a door to door Companion Service.

Perry Thermen
CVSE Manager, Okanagan Shuswap District

From: Budd, Floyd H TRAN EX
Sent: Friday, January 20, 2017 12:25 PM
To: Thermen, Perry J TRAN EX
Cc: Taylor, Timothy O TRAN EX
Subject: Eckhardt Services

s.15

Last Updated By: lmswan

Printed: Thursday, January 26, 2017 - 01:18:34 pm

Last Updated Date: Jan 26, 2017

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Incident Detail

File Number 2016-00036
Requestor s.15
Location
Subject PDV Complaint

Request Type
Assigned Inspector 312 Louise Swan
Received via Email

Record Other (Non-Taxi) Compl
Received Date May 11, 2016
Assigned Date May 11, 2016
Completion Date Sep 6, 2016

F Budd, CTEO Kaleden

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Withheld pursuant to/removed as

DUPLICATE

Coleman, Tammy L TRAN:EX

From: Swan, Louise M TRAN:EX
Sent: Wednesday, February 22, 2017 4:08 PM
To: Coleman, Tammy L TRAN:EX
Subject: FW: Eckhardt (Interior Law & Peach City Cabs Ltd)

Tammy not sure if this e-mail would be on the file.

Louise Swan

Passenger Transportation Inspector
Passenger Transportation Branch
Ministry of Transportation and Infrastructure
Suite 313 – 1500 Woolridge Street
Coquitlam, BC V3K 0B8
Direct Line: 604-527-2186 Fax: 604-527-2205
Main Telephone: 604-527-2198
e-mail: passengertransportationbr@gov.bc.ca
BC Residents can call toll free through Enquiry BC 1-800-663-7867
or 604-660-2421
Victoria: 250-387-6121
Elsewhere in BC: 1-800-663-7867

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From: Calbick, Bruce W TRAN:EX
Sent: Friday, January 27, 2017 1:53 PM
To: Lovell, Margaret G TRAN:EX; Swan, Louise M TRAN:EX
Subject: Eckhardt (Interior Law & Peach City Cabs Ltd)

Hi Louise and Margaret,

For the file records, I tried calling s.15 at approximately 1:15 pm today. Due to his unavailability
I had to leave a voicemail requesting a call back on Monday, Jan 30, 2017.
s.15 is representing s.15 in their claim that Eckhardt Senior Services is violating the Passenger Transportation Act/Regulations.

Thank-you,

Bruce

Coleman, Tammy L TRAN:EX

From: Swan, Louise M TRAN:EX
Sent: Wednesday, February 22, 2017 4:10 PM
To: Coleman, Tammy L TRAN:EX
Subject: FW: Eckhardt Senior Services

Tammy this e-mail should be on the file too.

Louise Swan

Passenger Transportation Inspector
Passenger Transportation Branch
Ministry of Transportation and Infrastructure
Suite 313 – 1500 Woolridge Street
Coquitlam, BC V3K 0B8
Direct Line: 604-527-2186 Fax: 604-527-2205
Main Telephone: 604-527-2198
e-mail: passengertransportationbr@gov.bc.ca
BC Residents can call toll free through Enquiry BC 1-800-663-7867
or 604-660-2421
Victoria: 250-387-6121
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From: s.15
Sent: Wednesday, December 7, 2016 9:32 AM
To: Swan, Louise M TRAN:EX
Subject: Eckhardt Senior Services

Good Morning Louise

Please see the attached link to an article on Penticton InfoNews.ca for your information and review. In the article Mr. DeLong clearly states that he is prorating his fees and that he is operating six vehicles in clear violation of his special licence.

<http://infotel.ca/newsitem/new-competition-for-penticton-taxi-companies-coming-from-all-sides/it37101>

Thank you for your attention to this matter.

s.15



Incident Detail

File Number	2016-00036	Request Type	Record Other (Non-Taxi) Compl	Received Date	May 11, 2016
Requestor	s.15	Assigned Inspector	312: Louise Swan	Assigned Date	May 11, 2016
Location		Received via	Email	Completion Date	Sep 6, 2016
Subject	PDV Complaint				

Requestor
Penticton Klassic Kabs Ltd
484 Main Street
Penticton BC

Licensee
PT Number
License Type
ATTN Kerry Lee & Ellen Elizabeth DeLong
Eckhardt Senior Services
s.22

Phone s.15
Cell
Email

Fax 778-476-0933

Vehicle
Reg/VIN
Plate #
Owner

Jurisdiction

Phone s.22
Fax
Email

Driver	
License Num:	Class:
Driver Name:	Expiry Date
Birthdate:	Jurisdiction

Comments:

May 11/16 1:49 PM.
Hi

I would like to make a complaint for this service by the name of Eckhardt Services in Penticton Using the phone # 778-476-1948 He is putting his ads all over the place especially at the senior homes, clinics, Grocery stores and hospital etc He is providing rides to the public at \$5 00/ride any where in town.

We are getting a lot of resentment from our drivers that he is taking lot of business from us and affecting our business hugely. He is operating a car with a licence plate # 609 PRX

Can you please do something about it. I am afraid to loose some drivers due to this, because they are not making any money and we are paying expensive insurances and maintaining our cars as per CVIP guidelines and this guy in his private car doing all this business for \$5 00/ride

Thanks

s.15

May 12/16 1:10 PM
Good afternoon s.15

If possible could you provide a copy of the advertisements he is placing in the senior homes, clinics, grocery stores and hospital, etc.

Last Updated By: mglovell

Last Updated Date Sep 6, 2016

Printed: Tuesday, September 6, 2016 - 11:26:26 am

Page 1 of 1

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Withheld pursuant to/removed as

DUPLICATE

From: Swan, Louise M TRAN:EX on behalf of Passenger Transportation Br, TRAN:EX
Sent: Tuesday, July 5, 2016 1:33 PM
To: 'Ellen DeLong'
Subject: Kerry DeLong Holdings Inc. dba Eckhardt Seniors Service

Good afternoon Kerry and Ellen DeLong,

Further to our telephone conversation on May 30, 2016 wherein I requested a detailed letter explaining the services you are currently providing to your client's because the Passenger Transportation Branch (Branch) had received complaints that Eckhardt Senior Service is allegedly providing a taxi service.

The Branch reviewed your Summary of Operations and I sent you a subsequent e-mail on Friday, June 3, 2016 9:43 AM to provide your requested responses to the 3 bullets contained in the e-mail. Your response was received on Monday, June 6, 2016 4:07 PM. and has also been reviewed.

We've reviewed the original Passenger Transportation Board (Board) decision on your current operations and billing practices. We have provided you with the following links to review the decision of the Board on Eckhardt Seniors Service application 06-14.

http://www.th.gov.bc.ca/ptb/Applications/2014/140205/06-14_ApplicationSummary.pdf

http://www.th.gov.bc.ca/ptb/Bulletins/2014/140326_Bulletin.pdf

Summary of Operations

2. Nature of business

" We will attend with our clients, or prearrange with the client their safe journey home afterwards when our onsite services are not required".

4. Client Costs/Billing

"Our rate is \$45.00 per hour (tax included) for our services. We pro-rate into 5 minute increments which totals \$3.75 tax included for each 5

Swan, Louise M TRAN:EX

From: Swan, Louise M TRAN:EX
Sent: Friday, June 24, 2016 10:01 AM
To: Vanderkuip, Kristin TRAN:EX
Subject: FW: Kerry & Ellen DeLong dba Eckhardt Seniors Service - PTAR 5 (o)
Attachments: Eckhardt Senior Service2.pdf

Importance: High

Good morning Kristin,

Could you please let me know if you sent this to the Board for a determination? If not please let me know if you would like me to make changes before sending to the Board.

Thank you.

Louise Swan

Passenger Transportation Inspector
Passenger Transportation Branch
Ministry of Transportation and Infrastructure
Suite 313 – 1500 Woolridge Street
Coquitlam, BC V3K 0B8
Direct Line: 604-527-2186 Fax: 604-527-2205
Main Telephone: 604-527-2198
e-mail: passengertransportationbr@gov.bc.ca
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From: Swan, Louise M TRAN:EX
Sent: Thursday, June 9, 2016 11:48 AM
To: Vanderkuip, Kristin TRAN:EX
Subject: Kerry & Ellen DeLong dba Eckhardt Seniors Service - PTAR 5 (o)

Good morning Kristin,

Further to our Inspectors' meeting this morning I have provided an attachment and links in reference to Eckhardt Senior Services (Eckhardt). The Passenger Transportation Board (Board) made a determination that their services meets exemption PTR 5 (o). s.15 are alleging Eckhardt is providing services contrary to the exemption.

- On May 11, 2016 the Passenger Transportation Branch (Branch) received a complaint from s.15 alleging that Eckhardt is providing rides to the public at \$5.00/ride anywhere in town.
- On May 26, 2016 the Branch received a complaint from s.15 alleging Eckhardt is providing transportation for a flat fee rate of \$5.00 anywhere in Penticton and a flat fee rate of \$15.00 for out of town trips, for example to Kaleden and/or Naramata.
- May 30, 2016 I telephoned Kerry DeLong and advised him the Branch has received complaints alleging they are providing a taxi service and requested a detailed letter explaining the services they are providing.
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- June 06, 2016 responses received from Kerry & Ellen DeLong.

http://www.th.gov.bc.ca/ptb/Applications/2014/140205/06-14_ApplicationSummary.pdf

http://www.th.gov.bc.ca/ptb/Bulletins/2014/140326_Bulletin.pdf

Can we send the following information and attachments to the Board for review to see if the \$5.00 minimum charge meets the exemption.

Regards,

Louise Swan

Passenger Transportation Inspector
 Passenger Transportation Branch
 Ministry of Transportation and Infrastructure
 Suite 313 – 1500 Woolridge Street
 Coquitlam, BC V3K 0B8
 Direct Line: 604-527-2186 Fax: 604-527-2205
 Main Telephone: 604-527-2198
 e-mail: passengertransportationbr@gov.bc.ca
 BC Residents can call toll free through Enquiry BC 1-800-663-7867
 or 604-660-2421
 Victoria: 250-387-6121
 Elsewhere in BC: 1-800-663-7867

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Thanks,
Cindy

From: Dennis, Perry TRAN:EX
Sent: Tuesday, June 14, 2016 3:13 PM
To: Cousins, Cindy GCPE:EX
Cc: Lovell, Margaret G TRAN:EX; Swan, Louise M TRAN:EX; Vanderkuip, Kristin TRAN:EX; Dennis, Perry TRAN:EX
Subject: FW: comment on Penticton senior service

Hello Cindy,

We received this request through our branch email address from the Penticton Herald.

The answer to the question is: **Yes, we have received two complaints with regard to this company and an active investigation is underway.**

Thanks
Perry

From: Joe Fries [<mailto:joe.fries@pentictonherald.ca>]
Sent: Tuesday, June 14, 2016 12:12 PM
To: Passenger Transportation Br, TRAN:EX
Subject: comment on Penticton senior service

Hello:

Can you tell me if the PTSB has received any complaints about Eckhardt Senior Service operating as a de facto tax service in Penticton? Thanks. Joe

Joe Fries
Reporter, Penticton Herald
101-186 Nanaimo Ave. W.
Penticton, B.C.
V2A-1N4
T: 250-490-0880 ext. 304
F: 250-492-2403
@JoeFries

Thanks

On Fri, Jun 10, 2016 at 12:43 PM, Swan, Louise M TRAN:EX <Louise.Swan@gov.bc.ca> wrote:

Good afternoon s.15

Just to let you know the Registrar will be sending the proposed services of Eckhardt Seniors Service to the Passenger Transportation Board in Victoria for a review to determine if all the services meet the exemption PTAR 5 (o).

Regards,

Louise Swan

Passenger Transportation Inspector

Passenger Transportation Branch

Ministry of Transportation and Infrastructure

Suite 313 – 1500 Woolridge Street

Coquitlam, BC V3K 0B8

Direct Line: 604-527-2186 Fax: 604-527-2205

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transmission from the sender, including any attachments, without making a copy and confirm these actions in your reply e-mail.

From: Swan, Louise M TRAN:EX **On Behalf Of** Passenger Transportation Br, TRAN:EX
Sent: Tuesday, May 24, 2016 2:21 PM
To: s.15
Subject: RE: Complaint for Eckhardt Services in Penticton

Thanks for the photographs and advertisement.

We will be discussing this file at our Inspectors' meeting this week.

I have provided you with the Passenger Transportation Board's decision on application 06-14 for your review.

http://www.th.gov.bc.ca/ptb/Bulletins/2014/140326_Bulletin.pdf

Regards,

Louise Swan

Passenger Transportation Inspector

Passenger Transportation Branch

Ministry of Transportation and Infrastructure

Suite 313 – 1500 Woolridge Street

Coquitlam, BC V3K 0B8

Direct Line: 604-527-2186 Fax: 604-527-2205

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From: s.15

Sent: Monday, May 16, 2016 8:54 PM

To: Passenger Transportation Br, TRAN:EX

Subject: Re: Complaint for Eckhardt Services in Penticton

On Thursday, 12 May 2016, Passenger Transportation Br, TRAN:EX <PassengerTransportationBr@gov.bc.ca> wrote:

Good afternoon s.15

If possible could you provide a copy of the advertisements he is placing in the senior homes, clinics, grocery stores and hospital, etc.

Regards,

Louise Swan

Passenger Transportation Inspector

Passenger Transportation Branch

Lovell, Margaret G TRAN:EX

From: Passenger Transportation Br, TRAN:EX
Sent: Friday, May 20, 2016 3:12 PM
To: Swan, Louise M TRAN:EX
Subject: FW: Complaint for Eckhardt Services in Penticton

Hi Louise:

It appears that you were dealing with this complainant. I left the paperwork on your desk. Thanks.

Margaret Lovell

Passenger Transportation Inspector

Passenger Transportation Branch
Ministry of Transportation & Infrastructure
Toll Free: (1-800-663-7867)
Direct: (604) 527-2200
Branch: (604) 527-2198
Facsimile: (604) 527-2205
Email: margaret.lovell@gov.bc.ca
Web Address: www.th.gov.bc.ca/rpt

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From: s.15
Sent: Monday, May 16, 2016 8:51 PM
To: Passenger Transportation Br, TRAN:EX
Subject: Re: Complaint for Eckhardt Services in Penticton

Hi

Please see the advertisement and he is running three cars, when I think he is licensed for 1. I am sending picture of his cars. He is getting all this business because he is running fares for \$5/ ride. s.15
s.15 due to his flat rates.

Thanks

On Thursday, 12 May 2016, Passenger Transportation Br, TRAN:EX <PassengerTransportationBr@gov.bc.ca> wrote:

Good afternoon s.15

If possible could you provide a copy of the advertisements he is placing in the senior homes, clinics, grocery stores and hospital, etc.

Calbick, Bruce W TRAN:EX

From: Vanderkuip, Kristin TRAN:EX
Sent: January-23-17 5:08 PM
To: Calbick, Bruce W TRAN:EX
Subject: RE: Message Received from s.15 on 1/13/2017 at 3:48:26 PM.

s.13,s.15

Kristin Vanderkuip
Mobile: 604 992-9140

From: Calbick, Bruce W TRAN:EX
Sent: Monday, January 23, 2017 4:17 PM
To: Vanderkuip, Kristin TRAN:EX
Subject: FW: Message Received from 2507707877 on 1/13/2017 at 3:48:26 PM.

s.15

From: PTBranch, 604-527-2205 TRAN:EX
Sent: January-23-17 3:13 PM
To: Calbick, Bruce W TRAN:EX
Cc: Vanderkuip, Kristin TRAN:EX
Subject: FW: Message Received from s.15 on 1/13/2017 at 3:48:26 PM.

From: s.15
Sent: Friday, January 13, 2017 3:49 PM
To: PTBranch, 604-527-2205 TRAN:EX
Subject: Message Received from s.15 on 1/13/2017 at 3:48:26 PM.

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Your entry number in AccuRoute Fax was JobID: 1081516

TO: Ministry of Transportation
ATTENTION: Passenger Transportation Branch
FAX: 1 (604) 527-2205
FROM: s.15
DATE: January 13, 2017
NUMBER OF PAGES
INCLUDING THIS ONE: 16

Re: *Eckhardt Senior Services*

Please see attached letter dated January 13, 2017.

Ministry of Transportation & Infrastructure
Passenger Transportation Branch
Suite 313 – 1500 Woolridge Street
Coquitlam, B.C. V3K 0B8

VIA FAX NO. 1 (604) 527-2205

Dear Sir/Madam:

Re: Eckhardt Senior Services

May we please have a response to our letter dated January 13, 2017, a copy of which is enclosed for your easy reference?

We look forward to hearing from you in the near future.

Yours truly,

TO: Ministry of Transportation
ATTENTION: Passenger Transportation Branch
FAX: 1 (604) 527-2205
FROM: s.15
DATE: January 24, 2017
NUMBER OF PAGES
INCLUDING THIS ONE: 5

Re: *Eckhardt Senior Services*

Please see attached letter dated January 24, 2017.

Ministry of Transportation & Infrastructure
Passenger Transportation Branch
Suite 313 – 1500 Woolridge Street
Coquitlam, B.C. V3K 0B8

VIA FAX NO. 1 (604) 527-2205

Dear Sir/Madam:

Re: Eckhardt Senior Services

Please be advised we represent ^{s.15}
noted matter.

with respect to the above-

We are inquiring on behalf of our clients into the Passenger Transportation Board's investigation regarding complaints that an operation known as Eckhardt Senior Service is operating an unlicensed passenger transportation service.

We are advised that, as reported in the Passenger Transportation Board's Weekly Bulletin dated March 26, 2014, Eckhardt Senior Service has been given an exemption pursuant to s. 5(o) of the *Passenger Transportation Regulation*, as the board has determined the service is "primarily a companion service" with transportation a secondary service. We are further advised that, as reported in the Passenger Transportation Board's Weekly Bulletin dated February 5, 2014, Eckhardt Senior Service initially applied for a licence for a single vehicle, and under the service limitation to provide services only to those passengers who are 65 years of age or older, or for passengers who have health conditions that make them unable to drive, or for passengers unable to use public transportation without assistance.

We direct your attention to a July 25, 2016 article in the Penticton Herald, which we have enclosed for your convenience, in which the operator of Eckhardt Senior Service, Kerry DeLong, identified his company services 30 to 40 clients per day, "the majority of whom are wheeled out of medical appointments in a special chair, driven back home, and safely left inside." He does not identify what, if any, companion services are engaged in the provision of the majority of their services, nor does he identify whether those services are provided specifically to persons over the age of 65 and how his employees verify their clients' ages and medical needs. DeLong further identified that his "business has opened up a whole new market for folks who can't afford taxis" and that he charges \$5 per trip when the trip involves the transportation of clients from medical appointments to their home.

We further direct your attention to several letters to the editor, also enclosed, in which Eckhardt Senior Service is described as primarily a taxi service and doing a business that competes directly with traditional, licenced taxi services. For these customers, at least, Eckhardt Senior Service is primarily a transportation service.

As you are aware, s. 5(o) of the *Passenger Transportation Regulation* provides an exemption from licensing in the following circumstances:

- (i) the operator of the commercial passenger vehicle is operating the vehicle in the course of providing care, including hygiene, meal preparation, light housecleaning or shopping, to clients who require personal assistance with activities of daily living, and
- (ii) the arrangement or provision of that transportation is not a primary business of that operator, and
- (iii) no compensation is directly charged or collected for the provision of the transportation portion of the service being provided to that client by the operator. (Emphasis added.)

We submit that, as the majority of the clients of Eckhardt Senior Service are transported in the manner De Long described, then for those clients the provision of care is secondary to the transportation, in violation of s.5(o)(i) of the Regulations. We further submit that, as described by DeLong, the provision of transportation is the primary business of Eckhardt Senior Service, in violation of s.5(o)(ii) of the Regulations. We further submit that, as Eckhardt Senior Service charges \$5 for the transportation portion of the service, then they are in direct violation of s.5(o)(iii) of the Regulations.

Our clients are concerned that Eckhardt Senior Service has misrepresented its operations to the Passenger Transportation Board and continues to do so. Further, we have been advised there are reports that Eckhardt Senior Service has been blatantly and falsely advising staff at Penticton Regional Hospital that the taxi operations in Penticton do not have the licensing required to transport patients from the hospital. This kind of misrepresentation denigrates not only taxi companies but also the work of the Passenger Transportation Board and the Ministry of Transportation by calling into question their abilities to regulate the passenger directed transportation industry. This misrepresentation also calls into question their business model of serving a separate and distinct clientele by suggesting Eckhardt Senior Service is directly competing with the taxi industry.

s.15

As the media has reported the Passenger Transportation Board has confirmed it was, as of July 25, 2016, investigating Eckhardt Senior Service, our clients are requesting an update on the investigation be made public. Further, our clients are requesting the Passenger Transportation Board provide a determination of how it interprets s. 5(o) of the Regulations as, if Eckhardt Senior

Service qualifies for an exemption from licensing, by offering the same services as ^{s.15}
^{s.15}, then perhaps ^{s.15} should also qualify for an exemption. Finally, our clients
request confirmation that, if the Passenger Transportation Board determines Eckhardt Senior
Service is operating outside the terms of its exemption, that the board will require the appropriate
licensing and fees be paid retroactive to the date it began operations.

Our clients are concerned that the Passenger Transportation Board is allowing an unlicensed
operator to operate without the oversight or licensing it requires from all other passenger
transportation services, thus conferring an unfair advantage to a private enterprise.

Please confirm receipt of this correspondence. Any questions or comments regarding this
correspondence can be directed to the undersigned.

Yours truly,

PENTICTON HERALD

Not exactly a taxi; Cabbies irked about Eckhardt Senior Service, but owner insists it's a different business model

Penticton Herald
Mon Jul 25 2016
Page: A1 / Front
Section: Okanagan
Byline: Joe Fries
Dateline: Penticton Herald
Source: Penticton Herald

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PENTICTON HERALD

From Social Media

Penticton Herald
Wed Jul 27 2016
Page: A7
Section: Opinion
Source: Penticton Herald

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PENTICTON HERALD

There is far too much legislation

Penticton Herald
Tue Jul 26 2016
Page: A7
Section: Opinion
Byline: Harry G. Kapekias
Dateline: Penticton
Source: Penticton Herald

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PENTICTON HERALD

Eckhardt has the kindest drivers

Penticton Herald
Tue Jul 26 2016
Page: A7
Section: Opinion
Dateline: Penticton
Source: Penticton Herald

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PENTICTON HERALD

Bouquets for community

Penticton Herald
Fri Jun 10 2016
Page: A11
Section: Letters
Byline: Joar Robertson
Dateline: Penticton
Source: Penticton Herald

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Calbick, Bruce W TRAN:EX

From: PTBranch, 604-527-2205 TRAN:EX
Sent: January-23-17 3:13 PM
To: Calbick, Bruce W TRAN:EX
Cc: Vanderkuip, Kristin TRAN:EX
Subject: FW: Message Received from s.15 on 1/13/2017 at 3:48:26 PM.
Attachments: Fax-Jan-13-2017-15-48-26-3557.pdf

From: s.15
Sent: Friday, January 13, 2017 3:49 PM
To: PTBranch, 604-527-2205 TRAN:EX
Subject: Message Received from 2507707877 on 1/13/2017 at 3:48:26 PM.

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