



# PROCEDURE

---

**PROCEDURE NO:** 804•1

**PAGE:** 1 of 4

**TITLE:** Complaint Investigation and Enforcement  
regarding Vehicle for Hire, Chauffeurs  
and Dispatch Licensees

**APPROVAL DATE:** November 28, 2006

**POLICY:** 804, Vehicle for Hire Licence and Permitting

**REVISION DATE:** May 1, 2021

**SECTION:** Protective Services

**RESPONSIBLE**

**DEPARTMENT:** Enforcement Services

---

## **INVESTIGATION AND COMPLAINT PROCESS**

1. Upon receipt of a written or verbal complaint by a member of the public against a vehicle for hire, chauffeur permit or dispatch licensee, administration shall:
  - a) document the name and contact information of the complainant;
  - b) in the case of a verbal complaint, document the complaint in written form;
  - c) forward the complaint to the Enforcement Services Program Manager (“Manager”) or their designate who in their sole discretion may cause the matter to be further investigated by an authorized bylaw enforcement officer (“Investigator”) as authorized by the Manager.
2. Each step of any complaint investigation will be documented by the Investigator.
3. The Investigator shall conduct preliminary enquiries to ensure that there is sufficient substantiation of the complaint received.
4. If, in the opinion of the Investigator, a complaint is unsubstantiated or unfounded, such information will be provided to the Manager and, at the discretion of the Manager, the matter will not be pursued further.
5. Substantiated complaints falling outside the scope of the authority of the Investigator and/or Manager which raise concerns with respect to alleged breaches of legislation will be forwarded to the appropriate agency for further investigation:
  - a) matters involving traffic violations, bylaw violations, or breaches of provincial statute within their scope will be forwarded to Enforcement Services; and
  - b) criminal matters or matters outside the jurisdiction of Enforcement Services will be forwarded to the RCMP.

6. If, in the opinion of the Investigator, a complaint is substantiated, they shall prepare a written report and forward it to the Manager for further investigation and/or necessary enforcement.
7. Enforcement decisions undertaken by the Manager must be consistent, balanced, fair and relate to common standards which ensure the public is adequately protected. In determining the appropriate enforcement measure the Manager shall consider the following criteria:
  - a) seriousness of the alleged offence;
  - b) driver or operator's past history;
  - c) the consequence of non-compliance;
  - d) the likely effectiveness of the various enforcement options; and
  - e) the danger to the public.
8. Having considered all relevant information and evidence, the choices for action, in the sole discretion of the Manager, are as follows:
  - a) take no action;
  - b) take informal action;
  - c) meet with the owners of the company for which the vehicle for hire or chauffeur works for;
  - d) use formal warnings;
  - e) suspend a license or permit for a term that is consistent with the degree of the offence;  
or
  - f) revoke a license or permit.

### **INFORMAL ACTION**

9. Informal action to secure compliance with the bylaws includes offering advice, verbal warnings, requests for action and the use of letters. It also includes requiring the production of documents to the Manager if requested.
10. Such informal enforcement action may be appropriate in any of the following circumstances:
  - a) the act or omission is not serious enough to warrant more formal action;
  - b) from the individual driver or operator's past history it can be reasonably expected that informal action will achieve compliance;
  - c) confidence in the operator's management is high; or
  - d) the consequences of non-compliance will not pose a significant risk to the safety of the public.

**APPEARANCE BEFORE ENFORCEMENT SERVICES PROGRAM MANAGER**

11. An alleged offending individual or company may be requested to attend before and/or meet with the Manager to answer any allegation of breach of relevant bylaws or a condition attached to a license or permit.
12. The Manager may decide to take one or more of the following actions following receipt of a written report from an Investigator if circumstances warrant:
  - a) no action;
  - b) written warning;
  - c) require the production of driving licenses or other specified documentation on an intermittent basis as specified by the Manager;
  - d) suspension of a license or permit; or
  - e) revocation of a license or permit.
13. The suspension or revocation of a license or permit shall comply with and be in accordance with the provisions of the [Vehicle for Hire Bylaw C-1394](#), (“Bylaw”). Should this Policy and the Bylaw conflict the provisions of the Bylaw shall prevail.
14. The suspension or revocation of a license or permit shall be consistent with the gravity of the circumstances raised in the complaint(s).
15. Before suspending or revoking a chauffeur’s permit, vehicle permit or dispatch license the Manager must be satisfied that a complaint is substantiated and that a breach has been committed by an identifiable person or company.
16. Notice of suspension or revocation of a chauffeur’s permit, vehicle permit or dispatch license shall be served personally or by registered mail upon the person or company named on the affected permit or license. When the notice is directed towards an individual, a copy shall also be served on the owner of the company that employs the individual. Service by mail will be sent to the last known address as identified on the chauffeur’s permit, vehicle permit or dispatch license.

**APPEALS**

17. Any and all persons who are affected by a decision of the Manager, acting as chief license inspector, can appeal the decision pursuant to the provisions of the [Vehicle for Hire Bylaw C-1394](#) to the appropriate Standing Committee established by the [Procedure Bylaw C-1299, Schedule “B”](#).
18. The right to appeal only applies to decisions made under the [Vehicle for Hire Bylaw C-1394](#) and does not apply to decisions to issue a violation ticket or lay a charge with respect to complaints outside the provisions of the [Vehicle for Hire Bylaw C-1394](#).

19. Any notification of enforcement action will include written information on how to appeal. The information will explain how, where and within what period an appeal may be brought. The provisions of the [Vehicle for Hire Bylaw C-1394](#) outlines an appeal process. A notice of appeal must be sent to the City Clerk within fourteen (14) days of a decision of a license inspector. The City Clerk will arrange for the matter to be heard by the appropriate Standing Committee established by the [Procedure Bylaw C-1299, Schedule "B"](#). More information on the appeal process is contained in the [Vehicle for Hire Bylaw C-1394](#).

### **TRANSPARENCY**

20. Following the completion of an investigation into a complaint or any enforcement activity, the license or permit holder will be informed of the action intended to be taken as soon as practicable.
21. Following the receipt of a notification of an adverse vehicle inspection, the licensee or permit holder, will be informed of the action intended to be taken as soon as practicable.
22. Any written documentation issued or sent will:
- a) contain all the information necessary to understand the offence and what needs to be done to rectify it. Where work is required, the time allowed for work to be completed will be indicated; and
  - b) indicate the Bylaw provision or license conditions contravened and measures which will enable compliance with the legal requirements.
23. The Manager and Investigator shall comply with all applicable privacy legislation.