



Court File No:

**ONTARIO
SUPERIOR COURT OF JUSTICE**

BETWEEN:

BECK TAXI LTD.

Plaintiff

and

CITY OF TORONTO

Defendant

NOTICE OF ACTION

TO THE DEFENDANT

A LEGAL PROCEEDING HAS BEEN COMMENCED AGAINST YOU by the Plaintiff. The Claim made against you is set out in the following pages.

IF YOU WISH TO DEFEND THIS PROCEEDING, you or an Ontario lawyer acting for you must prepare a Statement of Defence in Form 18A prescribed by the Rules of Civil Procedure, serve it on the Plaintiff's lawyer or, where the Plaintiff does not have a lawyer, serve it on the Plaintiff, and file it, with proof of service, in this court office, WITHIN TWENTY DAYS after this Statement of Claim is served on you, if you are served in Ontario.

If you are served in another province or territory of Canada or in the United States of America, the period for serving and filing your Statement of Defence is forty days. If you are served outside Canada and the United States of America, the period is sixty days.

Instead of serving and filing a Statement of Defence, you may serve and file a Notice of Intent to Defend in Form 18B prescribed by the Rules of Civil Procedure. This will entitle you to ten more days within which to serve and file your Statement of Defence.

IF YOU FAIL TO DEFEND THIS PROCEEDING, JUDGMENT MAY BE GIVEN AGAINST YOU IN YOUR ABSENCE AND WITHOUT FURTHER NOTICE TO YOU. IF YOU WISH TO DEFEND THIS PROCEEDING BUT ARE UNABLE TO PAY LEGAL FEES, LEGAL AID MAY BE AVAILABLE TO YOU BY CONTACTING A LOCAL LEGAL AID OFFICE.

IF YOU PAY THE PLAINTIFF'S CLAIM, and \$3,500 for costs, within the time for serving and filing your Statement of Defence you may move to have this proceeding dismissed by

the Court. If you believe the amount claimed for costs is excessive, you may pay the Plaintiff's claim and \$400 for costs and have the costs assessed by the Court.

TAKE NOTICE: THIS ACTION WILL AUTOMATICALLY BE DISMISSED if it has not been set down for trial or terminated by any means within five years after the action was commenced unless otherwise ordered by the court.

Date: November 30, 2022

Issued by: _____
Local Registrar

Address of court office:

Ontario Superior Court of Justice
393 University Avenue
Toronto, Ontario
M5G 1E6

TO: City of Toronto
100 Queen St. W.
Toronto, ON
M5H 2N2

CLAIM

1. The Plaintiff claims against the Defendant:
 - (i) damages in the amount of \$50,000 for failing to adequately enforce City By-law 1516-2019;
 - (ii) a mandatory injunction compelling the City of Toronto to enforce City By-law 1517-2019 and revoking the licenses of vehicle-for-hire drivers and owners who obtained the same without having completed accredited vehicle-for-hire training;
 - (iii) pre- and post-judgment interest in accordance with the provisions of the *Courts of Justice Act*, R.S.O. 1990, c. C. 43, as amended;
 - (iv) costs of this action on a substantial, or in the alternative, a partial indemnity basis; and
 - (v) such further and other relief as this Honourable Court may deem just.

THE PARTIES

2. The Plaintiff, Beck Taxi Inc. (“Beck”) is a corporation incorporated pursuant to the laws of the Province of Ontario.
3. The Defendant, the Corporation of the City of Toronto (the “City”) is a municipal corporation responsible for the enactment and administration of City By-law 1517-2019.

THE FACTS

4. Prior to 2016, taxicab operators in the City were required to receive extensive and recurring vehicle-for-hire training as a condition of licensing (the “Vehicle-for-Hire Training”). The Vehicle-for-Hire Training consisted of 17 days of in-class training that covered geography, safety,

customer service, business acumen, and accessibility. Every four years, taxicab drivers and owners were required to complete additional in-class training (the “Refresher Training”). Taxicab drivers were also required to demonstrate certification in CPR and First Aid.

5. In 2016, all of the requirements of the Vehicle-for-Hire Training were eliminated. The City explained that this was done because the imposition of mandatory training for taxicab drivers and owners presented a regulatory barrier to entry that may negatively impact the viability of the taxicab industry by lessening the availability of taxicab drivers. The City also stated that the consideration to cancel the Vehicle-for-Hire Training was considered against any potential impacts to public safety.

6. Efforts by some City Councillors to reinstate elements of the Vehicle-for-Hire training began shortly after, but were marked by delays, by-law violations, and the dilution of training standards proposed by City Council, the particulars of which are described in detail below.

a) In November 2017, the City’s Department of Public Works and Infrastructure sought to reduce cyclist doorings by increasing training and requiring rear view passenger door mirrors on vehicle-for-hire vehicles;

b) After the tragic death of a passenger which resulted from an untrained driver in March 2018, in June 2018, the City’s Department of Municipal Licensing and Standards (“MLS”) was asked to review all measures to increase public safety and the training requirements of Private Transportation Companies (“PTCs”) and other vehicles-for-hire; and

c) On December 4, 2018, City Council adopted a members’ motion which requested staff to include recommendations to increase public safety and training requirements of all vehicles-for-hire.

7. In 2019, City Council passed By-law 1517-2019, which reinstated mandatory Vehicle-for-Hire Training as a condition for obtaining or renewing a vehicle-for-hire license, beginning on June 1, 2020, as well as other public safety measures. City Council's General Government and Licensing Committee (the "Committee") directed the Executive Director of MLS to also consider programs with an in-car and/or in-class component, a defensive driving training component, and accessibility, diversity, and sensitivity training (the "2019 Public Safety and Training Measures").

8. Repeated attempts to ensure that the above-noted elements were included in City accredited Vehicle-for-Hire Training programs have been frustrated by Ms. Tracey Cook, Interim Manager at the City, who oversees and is responsible for the Directors of MLS, with support from the City's Mayor, Mr. John Tory ("Mayor Tory").

9. In March 2020, Uber requested that the City Vehicle-for-Hire Training accreditation framework be delayed by a year despite the deadline of June 1, 2020, as set by the City By-law

10. In October 2021, the Committee noted that City Staff had still not set up an accreditation program for Vehicle-for-Hire Training as of that date. Despite this, the City continued to issue new vehicle-for-hire licenses and renew existing licenses in clear violation of the City's By-law. This resulted in up to several thousand new untrained vehicle-for-hire drivers being added to the City's roads.

11. On November 9, 2021, which was one day prior to the November City Council Meeting, City Staff reissued a Request for Proposal ("RFP") for Vehicle-for-Hire Training programs. The RFP omitted most of the 2019 Public Safety and Training Measures from the requirements. Notably, the in-care and/or in-class component and the defensive driving component were omitted. The RFP was set to close on December 10, 2021, which was only days prior to the December City

Council meeting. MLS Staff admitted in the November City Council Meeting that there was insufficient time to amend the RFP with the omitted content.

12. On November 10, 2021, City Council ordered MLS Staff to pause new vehicle-for-hire licensing until the City By-law regarding Vehicle-for-Hire Training could be followed.

13. On November 30, 2021, the Committee received a report from MLS Staff regarding outstanding vehicle-for-hire directives. The report failed to respond to many of the 2019 Public Safety and Training Measures. The Committee then passed a number of resolutions to ensure follow-up on the 2019 Public Safety and Training Measures.

14. On December 17, 2021, Mayor Tory introduced amended versions of several motions put forward by the Committee as well as subsequent amendments moved by Councillor Kristyn Wong-Tam. On the floor of Council, Mayor Tory characterized the Committee's efforts to implement the 2019 Public Safety and Training Measures as an attempt to "invent policy on the fly...without any input from staff." Mayor Tory then asked City Council to affirm the accreditation program as contained in the RFP. This resulted in the abandonment of a resolution to reinstate the in car/in class component as advised by the 2019 Public Safety and Training Measures.

15. As of June 2022, the City has accredited an online only vehicle-for-hire driver training course that:

- a) can be completed within hours;
- b) has no provisions to identify whether the test-taker is the same person seeking a license;
- c) has questions that can be repeated indefinitely until they are answered correctly; and
- d) has material that can be captured and shared.

16. This Program was suspended after it was audited. However, thousands of vehicle-for-hire drivers obtained licenses from this Program. The City has now reinstated basic driver training with six “accredited” providers, however, this training suffers from most of the same deficiencies and flaws outlined above.

17. Beck has been deeply concerned that the public interest has not been served and public safety has been put at risk by the actions of the City described above. Consequently, Beck has worked with Centennial College to design and implement a driver training program that includes the foregoing primary training requirements in order to ensure that public safety is protected. As a result, Beck has incurred expenses that are now sought to be reimbursed.

18. There are now also thousands of drivers on the streets of Toronto who clearly have inadequate training. As a result, Beck also seeks the revocation of these licenses.

19. It is also evident that proper driver training is necessary. As a result, Beck seeks an order directing that the City to comply with its By-law requiring mandatory basic training for drivers.

20. Beck requests that this action be tried in the City of Toronto, in the Province of Ontario.

Date of Issue:

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Lawyers for the Plaintiff

Court File No.

BECK TAXI LTD.

Plaintiff

CITY OF TORONTO

Defendant

**ONTARIO
SUPERIOR COURT OF JUSTICE**

Proceeding Commenced at Toronto

NOTICE OF ACTION

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